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SENATE—Tuesday, July 25, 1989

(Legislative day of Tuesday, January 3, 1989)

S63The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

This morning we remember Myron Fleming, one of our Doorkeepers, in the hospital.

We know that in everything God works for good with those who love Him, who are called according to his purpose.—Romans 8:28 RSV.

Eternal God, sovereign Lord of history, we thank Thee for this encouraging Word from the Bible—the assurance that You work through circumstances, whatever they be, to bring good to pass.

As we recycle junk for useful purposes, You transform tragedy into triumph, weakness into strength, failure into wisdom, by Your love. Thank Thee for all we learn through failure which goes to our heart and save us from the pride which comes through success and goes to our head.

We are grateful for the words of the late Winston Churchill, who said, "Failure is not final, failure is not fatal, courage makes the difference." Teach us to trust Thee, Lord, to learn to live in confidence in Your Word and Your faithfulness. We pray in His name who perfectly trusted His Heavenly Father. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 25, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning following the time reserved for the two leaders, there will be a period for morning business until 10 a.m. with Senators permitted to speak therein for up to 5 minutes each. At 10 o'clock the Senate will resume consideration of S. 1352, the Department of Defense authorization bill. I expect votes throughout today's session in relation to the DOD bill.

The Senate will recess from 12:30 to 2:15 today to accommodate the party conference luncheons.

Mr. President, I reserve the remainder of my leader time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the Republican leader is recognized.

DISASTER RELIEF BILL

Mr. DOLE. Mr. President, we have just concluded a meeting of the Committee on Agriculture, where on a straight party line vote we reported out a disaster relief bill. I would like to comment on just precisely what that program does and what I believe, as I look at it, is a program lacking in equity and fairness.

I think in the last few days it was hoped there might be some bipartisan agreement on the disaster relief bill to ensure quick action by the Senate, but I guess, when it is 10 to 9 on the Agriculture Committee there is not going to be very quick action by the Senate. Of course there was the hope that we could finalize action, have a conference with the House, and complete everything between now and the time the Senate adjourns for the August recess. I am not certain that can happen now because, along with the disaster bill, there is also a bill the chairman insists on passing called the rural development bill on which there were never any actual hearings on the bill and there may be a number of amendments to that. We are still waiting for the administration to respond. That may be controversial, as well as the so-called disaster bill.

The bill being reported is sort of a socialistic approach to disaster problems. Because what it says, in effect, is there should be little, if any, distinction between program and nonprogram crops whether you are in a farm program or not if you farm corn, soybeans, wheat, cotton, rice, peanuts, tobacco—those are program crops—to participate in the program you have to make certain sacrifices as a producer to receive the benefits of any farm program. You have to set aside acres. You have to deal with conserving use acres. You have to deal with the ASCS office on a routine basis. There are a lot of things farmers have to give up to participate in the farm program.

So, for policy reasons, particularly in this year when we do not have the

money we had last year—last year we had enough money I guess to spread around to everybody—it was the hope of some of us that those of us who live in program crop States, which includes most of us, that we would first deal with program crops. But I must say, with some regret, that the bill reported out by the Democratic majority treats program crops and nonprogram crops almost the same.

I am not certain the wheat producer in, say, Kansas or Oklahoma or the corn producer in Nebraska or Iowa or the cotton producer in Mississippi, or the soybean producer, really understand what we have done to them. What we have said, in effect, is: Well, it does not make any difference. If you raise blueberries, we will take care of the blueberries if you have a loss. If you raise cucumbers, we will take care of the cucumbers. If you raise pumpkins, we will take care of the pumpkins.

And the only difference between program crop producers and soybeans and nonprogram crops, under the Democratic proposal is for program crops there is a 40-percent loss requirement. Last year it was 35 percent.

Under the other category, which includes nonprogram crops, there is a 45-percent loss requirement. The payment is the same, 65 percent up to 75 percent loss.

So for all practical purposes, the programs are the same. A lot of my colleagues on both sides of the aisle have poked fun at the House bill because it covered everything. I asked a question in the committee this morning: Name one crop in America not covered by the Democratic plan in the Senate bill, and nobody responded because it covers everything. Program, nonprogram, you name it; if you raise it and you have a loss out there, the corn producers are going to pay for it along with the wheat producers, cotton producers, and soybean producers.

Our producers are very generous except they had a big disaster. They are not quite ready for the United Way. They have not heard the appeal from the cucumber growers, asparagus growers, and others who may have losses, and maybe we ought to deal with those losses. Let us not take it out of the corn pile, the wheat pile, and the soybean pile where we may have had the losses.

What does the alternative plan do, which I still believe has bipartisan support, or I think will eventually? We decided that last year 65-35 was what it ought to be for all those who suffered major disasters; 35 percent loss requirement and 65 percent payment, up to 75 percent loss. The other alternative, called the Republican plan, we had a 90-percent payment if you had over 75 percent loss. The Democratic

plan is only 80 percent payment for losses over 75 percent.

In any event, we have to figure out some way to bring these two together. There may not be a disaster bill, if we don't control the cost. The President said we are going to spend \$870 million. We do not care if you put it in fiscal year 1989 or 1990, it is going to be \$870 million. We would not be discussing drought legislation had it not been for the drought in winter wheat States—Kansas, Oklahoma, Texas, Colorado, Nebraska, South Dakota and maybe a bit in one or two other States.

It is pretty hard for us to stand up here with a straight face and criticize the House bill if we cover every crop they cover, except get a little smaller payment. We are going to do everything the House did except you do not get as much. If we want to cover 640 crops, as we did in 1988, then let us find some way to do it that does not take it out of the savings that come from winter wheat producers and cotton producers.

I want to congratulate my colleagues on both sides of the aisle. I think there were efforts to put together a program, but the one effort was to try to satisfy everybody regardless of policy. In my view, policy is important. Why should a farmer participate in a program, suffer a disaster, and not get priority over a person who never was in a program? Why should he set aside acres? Why should he care about conserving acres if we are going to pay the blueberry producers based on the formula we pay the corn producers? I do not think it is fair. I think it is a matter of policy.

What we are saying to the American producer, whether it is corn, soybeans, rice, cotton, or whatever program crop; you are a sucker to be in the program. If you have any weather problem, we are going to pay you anyway.

I just hope we understand precisely what we have done. I want to give a couple of examples of what it does to wheat producers and corn producers, because I know some may have an interest in the farmer. Let me give you the average winter wheat producer in any State: 1,000-acre farm, 35-bushel-per-acre program yield, 31,500 bushels normal production with a 10-percent ARP, target price \$4.10; 1989 production of 3,150 bushels, loss of 28,350 bushels, and a lot of farmers had that much of a loss.

I will print all this in the RECORD. But under the proposal reported out this morning, the total payments to that farmer would be \$45,849 and under the alternative plan—which was defeated by one vote—offered by Senator LUGAR, total payments to the wheat producers would be \$51,014.

So if you go the Democratic plan, you are saying that is fine; I want to put 18 cents per bushel of everything I

lost into this pot so we can pay the blueberry growers or the pickle growers or somebody else in America who has never been in a program.

Let us take corn, a very important crop in some States. That wheat farmer in the example had a 90-percent loss; the corn farmer has a 50-percent loss. There is a 104-bushel-per-acre program yield; 18,720-bushel normal production with a 10-percent ARP; target price \$2.84, and you had a production loss of 50 percent.

Under the plan reported out this morning by a straight party-line vote, that corn farmer with a 50-percent loss would receive \$3,456. Under the Lugar plan, the alternative plan, the corn farmer would receive \$5,184. So it averages out to 18.5 cents per bushel of loss with the plan that has been reported to the Senate. We are suggesting to all the corn producers and wheat producers and others, well, you ought to take less because we have to pay the blueberries and the peaches, and other crops.

If we want to pay those people, that is fine with me. Let us find some other way to make the savings when we do reconciliation, or let us wait until October and reestimate what is happening out there. There may be some other losses in cotton or other program crops somewhere to provide enough money to take care of those crops.

So the point I would make is this: I do not think my wheat farmers know what has been done to them this morning. It may take a while for them to get the message. We are going to try to deliver the message. I do not think the corn producers in Iowa know what we did to them this morning. It may take a while, but they will get the message. Maybe they will all write back and say, "Bob, I think you are right; we ought to give up 18-27 cents a bushel to take care of somebody else's loss where there has not even been a loss." The only demonstrated loss in America, as far as I know, so far, demonstrated loss, has been in winter wheat. And cotton will suffer due to prevent planting and flooding. That is it.

They have had good rains all over the Midwest and the Great Plains area. We are not going to know what is going to happen to some of the spring crops for a while. We may have good crops. I hope we do. I think farmers may want a good crop rather than a disaster check.

I wanted to set forth some of these facts. We can drag out a chart and look at all these nonparticipants we left out. First, you have to look at the number of acres covered. A lot of people do not participate in farm programs because they do not want to. It is philosophical. A lot of big farmers do not participate in farm programs

because they do not want any part of the program. They will take their chance on the marketplace, and they know if you get enough people in the program they will probably get more benefits by staying out. A lot of them do not have any base acreage in corn or wheat.

A lot of small farmers do not bother with the program. But in most cases, 70, 75 percent of the total acreage is covered, and those who participate in the program ought to have priority over those who do not participate in the program. They have a right to go in the program. They say, "I do not want to go in the program, but I want all the benefits if I do not go into the program." You cannot have it both ways. Farmers understand that.

So it seems to me as we address this problem in depth on the Senate floor that there is still some hope that we might be able to resolve some of the differences.

Keep in mind that under our proposal, the Lugar proposal, a 35-percent loss qualifies for a 65-percent payment rate. Under the proposal reported out on a straight party line vote a 40-percent loss qualifies for a 65-percent payment rate. Then you look at how they treat nonprogram crops—almost the same.

I would like somebody to explain that to me in a 500-word essay, why you see any equity there. Why not go into reconciliation and find some savings for nonprogram crops if that is such an issue with some people?

So I suggest that there are some options if we want to work this program out. But if it is just a question of rolling the Republican leader, which is what it came down to I think in the committee, and rolling the Republicans who had a good idea, then we will have that battle right here on the Senate floor sometime but it may not be before the recess.

I say again, we would not even be talking about drought legislation if it were not for the winter wheat producer and the disaster suffered in winter wheat States. Someone said that we cannot have a program if it only covers five or six States. Why not if that is where the loss was? So we are prepared to work with our colleagues on the other side but we are not prepared to cover every crop in America, through a significant cut to program crops to do it. If those on the other side want to try to reach some savings, I am willing to make some tough votes to accommodate the nonprogram crops. But it would seem to me that we have a lot of work to do.

Mr. President, I ask unanimous consent that the two examples I gave with reference to a corn farm with a 50-percent loss and a winter wheat farm with a 90-percent loss be included in the RECORD so that Members will know when they vote on these plans, if it

comes to that soon, what is happening in their States.

There being no objection, the comparisons were ordered to be printed in the RECORD, as follows:

COMPARISON OF DISASTER PROPOSALS FOR A CORN FARM WITH A 50% LOSS

200-acre farm.
104-bu/acre program yield.
18,720 bu normal production (10% ARP).
Target price \$2.84.
1989 production of 9,360 bu = Loss of 9,360 bu.

35/65/90	40/65/85
35 percent of normal unpaid—6,552 bu.	40 percent of normal unpaid—7,488 bu.
35-75 percent of normal at 65 percent 2,808 bu paid at \$5.184.	40-75 percent of normal at 65 percent 1,872 bu paid at \$3.456.
Total payments \$5,184.	Total payments \$3,456.
Difference—\$1,728 or 18.5 cents per bu. of loss.	

COMPARISON OF DISASTER BILLS FOR A WINTER WHEAT FARM WITH A 90% LOSS

1,000-acre farm.
35-bu/acre program yield.
31,500 bu normal production (10% ARP).
Target price \$4.10.
1989 production of 3,150 bu = loss of 38,350 bu.

35/65/90	40/65/85
35 percent of normal unpaid—11,025 bu.	40 percent of normal unpaid—12,660 bu.
35-75 percent of normal at 65 percent 12,660 bu paid at \$33,579.	40-75 percent of normal at 65 percent 11,025 bu paid at \$29,382.
75 percent + of normal at 90 percent 4,725 bu paid at \$17,435.	75 percent + of normal at 85 percent 4,725 bu paid at 16,467.
Total payments \$51,014.	Total payments \$45,849.
Difference—\$5,165 or 18 cents per bu. of loss.	

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

DROUGHT RELIEF

Mr. DASCHLE. Mr. President, I have not had the opportunity to hear all of the remarks made by the distinguished Republican leader, but I think I probably heard them before. Certainly I heard them in the Agriculture Committee markup this morning and over the last couple of days in our negotiations, and our discussions. There is no one more persistent, more determined, and in some ways more effective in articulating his position than the Republican leader.

And so it is with due respect that I rise in strong opposition to his characterization of the bill that was just passed in the Senate Agriculture Committee moments ago. The fact is—and the Republican leader will attest to this—we have tried for weeks, virtually months, to arrive at a consensus on what we should do in disaster legisla-

tion this year. Time after time we met with the Republican leadership and time after time we failed to arrive at that consensus, as close as we were on a number of opportunities. Today's markup was our best shot at consensus in the realization that the drought continues and worsens in some cases. We also recognized that we are now bumping up against the August recess, implying that we could do nothing else but pass out a bill, and that we did this morning.

This bill really does three things. First of all, it recognizes that the drought does not just affect those who signed up for the program. It affects everybody. Our Republican Secretary of Agriculture in South Dakota has made a number of very eloquent statements with regard to the need to cover all crops and to be sure that we do it effectively. This bill does that.

The second thing this bill does very effectively is come within the guidelines, the bounds, that we face budgetarily. We have to respond to the budgetary problems as well as the critical agricultural problems as we deal with drought and other diseases and this bill does so.

The third and perhaps in some ways the most effective argument in this compromise proposal is that it is fair. Not only does it deal with program and nonprogram crops, understandably, with some differential, but it deals with the broader situation at hand. It recognizes that under the Republican proposal, farmers are going to be required to pay back deficiency payments in December. I would call it the "Grinch Bill" if I wanted to characterize it in a negative way, but I am not going to do that.

The fact is the Lugar-Dole bill would require farmers, for reasons inexplicable, to pay back their advance deficiency payments at the same time they are buying Christmas presents. I cannot figure that out.

Perhaps most importantly in dealing with fairness, the compromise bill recognizes, that it is wrong for us to pit farmers against farmers. It is a mistake we make in the Senate and Congress time and time again. We cannot do that, and this compromise bill recognizes the importance of ensuring that all farmers are covered.

In contrast, the Lugar-Dole bill would exclude 780,000 corn farms, 698,000 wheat farms from receiving disaster assistance, simply because they did not participate in the crop programs this year. In the State of Kansas alone, 9,000 corn farms and 41,000 wheat farms would be excluded under the Lugar-Dole bill. In my own State of South Dakota, 10,000 corn farms, 24 percent of the total, and 11,000 wheat farms, 35 percent of the total, would be excluded.

We have to be fair about this. We have to recognize the need for budget constraints, and we certainly have to respond to the drought promptly. This compromise bill, that was passed out of committee does this. It deserves our support.

Mr. President, I ask unanimous consent to have printed in the RECORD the summary of the compromise proposal as well as a chart delineating the farms that would be omitted under the Lugar-Dole proposal. I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FARMS AND ACREAGE PLANTED ¹ NOT COVERED FOR
DISASTER ASSISTANCE UNDER LUGAR-DOLE PROPOSAL

	Acres not covered (thousand acres)	Percent of planted acreage	Farms not covered	Percent of total farms not covered
Corn:				
Indiana.....	1,225	22.3	56,916	51.3
Iowa.....	1,170	9.2	39,497	25.5
Missouri.....	799	33.3	30,454	51.0
Nebraska.....	765	10.2	15,090	21.2
Minnesota.....	698	11.3	38,369	39.5
Kentucky.....	639	48.0	42,725	70.9
Georgia.....	247	40.5	24,016	67.1
South Dakota.....	236	6.9	10,292	24.1
Kansas.....	146	11.1	9,929	38.0
Total United States.....	16,700	22.9	780,275	52.5
Wheat:				
Oklahoma.....	2,607	35.7	24,499	43.1
Kansas.....	2,500	20.2	41,653	35.9
Montana.....	1,613	25.4	7,324	37.4
North Dakota.....	836	7.7	11,523	20.1
Nebraska.....	395	15.5	22,025	45.8
South Dakota.....	381	9.7	11,562	35.9
Minnesota.....	345	12.5	30,786	63.5
Total United States.....	22,780	29.6	698,686	61.6
Cotton:				
California.....	495	47.1	2,843	53.7
Mississippi.....	133	12.1	3,785	27.5
Georgia.....	79	26.3	2,456	39.5
Arkansas.....	74	12.5	1,325	16.8
Alabama.....	57	15.8	2,950	34.8
Oklahoma.....	16	4.3	3,087	34.7
Total United States.....	1,504	14.3	43,734	30.2

¹ USDA news release 651-89, May 24, 1989, USDA announces preliminary results of 1989 farm program sign-up.

COMPROMISE PROPOSAL

Item	Fiscal year—	
	1989 cost	1990 cost
1. Program crops participants (40 percent loss requirement, 65 percent payment up to 75 percent loss, 80 percent payment over 75 percent loss):		
Wheat.....	\$85	\$253
Other.....		355
Peanuts, sugar, etc.....		4
2. Advance disaster payments (included above):		
3. Nonparticipants, soybeans, and nonprogram crops (45 percent loss requirement, 65 percent payment up to 75 percent loss, 80 percent payment over 75 percent loss):		
Wheat.....		45
Other.....		43
Soybeans.....		124
Other nonprogram crops.....		183
4. Drop damaged fruit provision.....		(50)
5. No double payments on replanted acreage.....		(20)
6. FCIC nonduplication: Same provision as last year.....		(10)
7. Payment limit: Same provision as last year.....		(50)
8. Deferral of 1988 Adv. Def. Payments: Deferral of 1988 adv. def. until July 31, 1990.....		None
9. Canola.....		(10)
10. Peanut shrinkage.....		None
11. Freeze damage to orchards.....		3
12. Disaster credit and forbearance.....		
13. Rural businesses.....		

COMPROMISE PROPOSAL—Continued

Item	Fiscal year—	
	1989 cost	1990 cost
14. Community water assistance.....		
15. Emer. Cons. Prog., deepening of wells.....		
16. Livestock feed assistance—on-farm stored grain.....		
17. Watershed assistance.....		
Total.....	85	870
Baseline changes (CCC, FCIC, ACIF), January–July.....	300	870
Net savings from baseline.....	215	

Mr. CONRAD. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DROUGHT RELIEF

Mr. CONRAD. Mr. President, I just listened to Senator DOLE's eloquent commentary on the disaster relief bill we in the Agriculture Committee just reported, but I must take sharp exception to his conclusions. It is important I think to get the other side of the story if people are to appropriately evaluate the differences between the disaster relief bill we just reported from the Senate Agriculture Committee and the substitute that was offered by Senator DOLE and Senator LUGAR.

The disaster bill we just reported is very close to the disaster bill we passed last year. Senator DOLE criticizes what we just did and says we covered all crops. Absolutely we covered all crops, Mr. President, because the drought does not differentiate between a program crop and a nonprogram crop. Everybody gets hurt. Everybody gets hit. Everybody suffers, and everybody deserves help. The Senator from Kansas says, "Just take care of the program crops."

Earlier he just wanted to take care of winter wheat and forget about everybody else. Take care of the first people that suffer. To those who suffer later, he says good luck. That was his earlier proposal. Now he retreats a bit and says, well, we will take care of the program crops, but we will let the nonprogram crops hang. That is not fair.

It is fascinating the difference a year makes. One year ago we passed a disaster relief bill and we covered all crops. And you know what, the Senator from Kansas supported that bill. In fact, I have in my hand the speech he gave on the floor of the Senate 1 year ago. Then he said, "The bill achieves our general goals of providing assistance to all producers in a fair and equitable manner."

Last year it was fair to take care of everyone who was hurt. This year somehow it has changed. This year somehow we are just supposed to take care of the program crops and forget the nonprogram.

Let me just say what that would mean in my State. In my State one-third of the value of our crops is non-program crops. We would be saying to those who produce sunflowers, "You are out of luck." We would be saying to those who produce the bean crops in our State, "You are out of luck." We would be saying to the sugar beet producers and the potato producers and those who have hay crops, "You are out of luck."

The Senator from Kansas says there is only one demonstrated loss, and that is winter wheat. Nonsense. In my State as of today we have \$661 million of crop losses, \$661 million. That is a loss as of today. That is an estimate of the State university. That translates into an economic loss in my State of \$1.8 billion.

Mr. President, these are not fantasies. I just covered the western part of my State over the last weekend. There is a disaster in the making that is of enormous proportions.

Last year my State was hurt greater than any other State. We lost 49 percent of the net farm income in North Dakota. Kansas lost 10 percent. Now we have been hit for the second year in a row.

Mr. President, it is time to be fair with everyone. The way to do that is to do what we did last year. Mr. President, the real difference between the proposal advocated by that side and the proposal advocated by our side is an unwillingness on the part of the Republicans to use the savings that are available in fiscal year 1989.

The administration came before the committee and said there is \$870 million of savings in fiscal year 1990. You can use that for disaster relief. When we pointed out there was also \$300 million of savings in fiscal 1989 that could be used so that we would take care of both the program crops and the nonprogram, all of a sudden, oh, no, we cannot do that; we cannot use those fiscal year 1989 savings even though the winter wheat crop disaster occurred in fiscal 1989. Much of it could be paid in 1989. But we cannot use the money.

Mr. President, it does not add up. It is not fair. It is not consistent with what we did last year. And to tell those who have advanced deficiencies that are due on December 31, you have to pay up, we cannot defer it until July 31, which would have no effect in the fiscal year 1990, but it would give farmers a chance to actually harvest a crop before having to pay back advanced deficiencies. The Lugar-Dole bill says pay up on December 31. The Grinch that stole Christmas; they will be there with their hands out on Christmas eve asking the farm families to pay back those advanced deficiencies. That is not right.

In our proposal, we move that payback to July 31.

Mr. President, the disaster bill we just passed is close to last year's, not quite as generous because we are working within budget constraints. But to characterize this bill as the Senator from Kansas has done is really a disservice to our colleagues. For that purpose, I have come to the floor to give the other side of the story.

With that, I thank the Chair and yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER (Mr. WIRTH). Is there objection? Hearing none, the Senator from Nebraska is recognized.

Mr. KERREY. Mr. President, the Senator from North Dakota has expressed extremely well a sense, I believe, not just of the majority in the Agriculture Committee but many members of the Republican Party as well. The Senator from South Dakota responded, and I think adequately as well, with facts as to what it is that this particular piece of legislation would attempt to do.

I rise simply to assert that the difference in fact between the Republicans and Democrats on this committee are relatively small. I rise to object to the representation of this as being Democrats versus Republicans. It simply is not so.

Obviously, the distinguished Republican leader feels very strongly, and we saw much anger in his presentation. That anger, Mr. President, is based upon the fact that there is a proven loss in winter wheat. And in much of what the Senator from Kansas says, the premise of what he says I agree with. Winter wheat has a proven loss. But the misrepresentation that occurs when the distinguished Republican leader speaks is to try to draw a dividing line between program and nonprogram. That is not where the dividing line occurs.

We already begin to acknowledge that we must address all of agriculture when we move beyond winter wheat and move from winter wheat into spring planted crops such as corn and soybeans.

Mr. President, once we have made that move we said that agriculture is united. Agriculture must stay together if we are able to put together not just a drought package but a farm bill itself.

That is what agriculture has always done, stood together and saw itself as a unit, not as one divided against the other.

What the Senator from Kansas, the distinguished Republican leader, unfortunately in a moment of anger I be-

lieve has done is attempted to drive wedges and divide. The real division between the Republicans and Democrats on the Agriculture Committee is almost, without I think misrepresenting it, indistinguishable.

There is less than \$70 million to \$80 million worth of differences. Both the Republicans and the Democrats on the Agriculture Committee recognize that we are within, at the moment, difficult budget times; and that we are not able to pass a bill that is essentially a Christmas tree bill trying to take care of all sorts of things. The compromise that was finally enacted in the past in the Agriculture Committee was \$270 million short of what the House itself has passed.

We attempted to come as close as possible to the mark laid down by the administration. Mr. President, this Agriculture Committee I believe has already borne its fair share of deficit reductions. In budget reconciliation, we will be taking \$600 million out of farm income by reducing program payments for 1990 and 1991. Program costs notwithstanding some statements that have been made by the Secretary of Agriculture have been coming down since 1986: 1986, 1987, 1988, 1989, and 1990 have been coming down, and coming down substantially. Agriculture is working its way out of a significant depression that occurred in the early and middle part of the 1980's. This particular piece of drought legislation will enable that recovery to continue.

It is a recognition that agriculture must stay together, and as I say the distinguished Republican leader misrepresents the division in this committee. It is nowhere near as large as was asserted. It is relatively minor and moreover, Mr. President, I would finally point out that the proposal that was offered by the Democratic majority permits, I believe, some inequalities that would occur under the Republican package not in fact to occur.

So I believe that the package that was reported this morning by the Agriculture Committee is reasonable, it is fair, and it deserves passage by the Senate.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I do not mean to step in, but I ask unanimous consent that I be allowed to continue as though in morning business.

The PRESIDING OFFICER. Is there objection? Hearing none, the Senator from Vermont is recognized.

Mr. CONRAD. Mr. President, if I might ask the Senator, if he is going to make a statement—if I might ask the Senator from Nebraska before he leaves the floor a couple of questions so that we might have the record com-

plete before we end this part of the presentation.

Would the Senator be willing to yield?

Mr. LEAHY. Of course. The Senator from North Dakota and the Senator from Nebraska have been probably doing—along with the Senator from South Dakota and others—as much educating on this subject as anybody. I will be happy to yield for that purpose.

Mr. CONRAD. I would like to put the question to the Senator from Nebraska. He is quite right in dollar terms, that there is not a great difference between the proposal advanced by Senator LUGAR and Senator DOLE and the proposal that we just reported. I think a difference of about \$85 million.

The difference is our willingness to use some of the 1989 savings versus their absolute unwillingness to use some of the 1989 savings. By our using part of those savings that were developed in fiscal year 1989, we are able to cover nonprogram crops as well as program crops.

In the view of the Senator from Nebraska, does not the failure to cover nonprogram crops discourage diversification; that is, we have people out there who plant sunflowers instead of program crops, we have people out there who plant a hay crop instead of a program crop. If we are to say to them, "You get no coverage in a disaster," are we not going to encourage them to be planning program crops, which hurts the program producers?

Mr. KERREY. The Senator from North Dakota is absolutely correct that all politicians that approach rural America talk about the need to diversify that agricultural base. In fact, the Senate should be aware that included in the Lugar-Dole proposal, that the distinguished Republican leader felt was so meritorious, was a provision that provided for sunflowers, a non-program crop. So it was not as if, as I represented in my remarks, the division exists between those that are program and those that are nonprogram.

There is, it seems to me, a considerable amount of tension that exists between the committee and the administration over this advancing the payment back into 1989. In fact, the distinguished Republican leader approached the Secretary of Agriculture last week, got a signoff that it was possible for us to do exactly what our compromised bill did.

The Office of Management and Budget said, "No, we cannot do that," after 10 days ago permitting Secretary Cheney to advance back 2 weeks in salaries for people in the Department of Defense so as to provide an additional \$2.85 billion.

It seems to me that the administration is trying to use their own count-

ing devices when it serves their purpose and then saying to us, standing on principle of purity, that they will not permit us to do something that is not only reasonable, but given the part that agriculture played in the 1980's, I think entirely is fair and justified.

Mr. CONRAD. Before the Senator yields, if I might just ask one other question so the record is complete: The Senator from Kansas stood on the floor and indicated that the corn farmer and wheat farmer are better

off under their proposal than under the proposal reported by the majority in the Agriculture Committee just moments ago. That is a very selective use of statistics by the Senator from Kansas, I might say, because what he has done is he has made a set of assumptions that do not reflect reality.

The reality is, people just do not plant corn, they do not just plant wheat. They also have nonprogram crops. When you figure in the nonprogram crops, as was indicated during

the debate, you put in some beans, you put in some hay; then all of a sudden, what you find is our proposal is superior in terms of what the farmer receives; and for the purposes of the RECORD, I ask unanimous consent that this chart be printed in the RECORD at this time.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

REPRESENTATIVE FARM

(Gross returns for 100 acres corn, 50 acres beans, 25 acres hay)

Percent crop loss	50			75			100		
	Leahy	Dole-Lugar	Option	Leahy	Dole-Lugar	Option	Leahy	Dole-Lugar	Option
Program parameters:									
Wheat/Corn (percent)	40/65	35/65		40/65	35/65		40/65	35/65	
Soy (percent)	45/65	35/46		45/65	35/46		45/65	35/46	
Corn:									
Market revenue	\$11,500	\$11,500		\$5,750	\$5,750		\$0	\$0	
Disaster assistance	1,015	1,984		6,323	7,292		12,748	14,463	
Gross revenue	12,515	13,484		12,073	13,042		12,748	14,463	
Soybeans:									
Market revenue	5,558	5,558		2,779	2,779		0	0	
Disaster assistance	361	769		2,167	2,052		4,390	3,827	
Gross revenue	5,919	6,327		4,946	4,831		4,390	3,827	
Hay:									
Market revenue	164	164		82	82		0	0	
Disaster assistance	547	0		1,460	0		2,723	0	
Gross revenue	711	164		1,542	82		2,723	0	
Total:									
Market revenue	17,222	17,222		8,611	8,611		0	0	
Disaster assistance	1,924	2,754		9,950	9,344		19,861	18,290	
Gross revenue	19,145	19,975		18,560	17,954		19,861	18,290	
	(830)			606			1,571		

Mr. CONRAD. I would ask the Senator from Nebraska, if when we calculate how the farmer comes out, should we not be using reality, should we not be looking at a farmer who is a diversified producer?

Mr. KERREY. We should indeed, Senator. In fact, one of the things I would do would be to ask the distinguished chairman of the Agriculture Committee, when we turn it back over to him, to make certain that into the RECORD is submitted the staff document that shows what happens under the Lugar-Dole proposal.

I am going to be careful how I say this because I know there are an awful lot of Republican members of the Agriculture Committee that understand the formula that was reported. The formula that was agreed to is fair and reasonable and ought to be adopted. What they are concerned about is whether or not we ought to spend the additional \$70 million. I believe it is possible, if we need to, to find an additional \$70 million. It is the formula that we are using that must be used.

The document the chairman should be able to submit into the RECORD will show to wheat farmers in Kansas what happens to nonparticipants, to a wheat farmer in Kansas; and I do not know the percentage in Kansas, but it

is a large percentage of the wheat farmers in Kansas that are nonparticipants in the program. They may get nothing in this disaster program. They may get nothing under the Lugar-Dole proposal.

If there is no money available on October 1, under their proposal, there will be no additional benefits that go out. Nonparticipants in the program for winter wheat—which I agree with the distinguished Republican leader, should be given first priority—will suffer under their proposal. I would ask wheat farmers in Kansas to take a close look, those that did not participate in the program, and write to the distinguished Republican leader. As long as they are going to be writing about their objections to pickle producers, write as well and indicate whether or not they think they are going to get a fair share under the Lugar-Dole proposal. I suggest they will not under that proposal.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I first wish to respond to a comment made by the distinguished Senator from Kansas. He implied that the Rural Partnerships Act of 1989, S. 1036, was reported out of the Agriculture Com-

mittee without any hearings. That, of course, is not so. The 39 cosponsors of the bill, both Democrats and Republicans, know of the numerous field hearings held on this bill.

The distinguished Presiding Officer had a representative of his office at one of our field hearings. The distinguished Senator from Alabama [Mr. HEFLIN] was a participant in a hearing in his State as was a Member of the House of Representatives from Alabama. I would not want anybody to think, on the question of the rural development bill—which incidentally was reported out of Senate Agriculture Committee on a unanimous vote—that there had not been hearings.

Mr. President, I now wish to comment on the disaster relief package that was today reported out of the Agriculture Committee.

When this process started, I set out three goals for disaster relief legislation. I am pleased to say that the bill reported out of the Agriculture Committee today met all three goals.

First, the bill provides equitable relief to farmers who need help.

Second, the bill treats all farmers fairly, whether they grow program crops or nonprogram crops; whether they grow soybeans, corn, wheat or

hay. In reporting this bill, the committee did not unfairly pit the interests of farmers in one State against those of other States.

Third, the legislation is fiscally sound and budget neutral. In fact, the committee bill costs nearly \$400 million—or about 29 percent—less than the House bill.

I am pleased by the efforts of the committee in reporting this bill. I also appreciate Senator LUGAR's assistance in developing this package. While we did not always agree on the appropriate levels of relief, both he and his staff made every effort to develop a committee package.

Despite this progress, there are some who continue to press for treating nonprogram crops substantially different than program crops and for treating participants in Federal farm programs substantially different than non-participants. I am troubled by these efforts.

The committee debated a proposal offered by Senators LUGAR and DOLE which would have provided the bulk of the assistance to growers of program crops and soybeans. The problem with this proposal was that it is unfair.

It is unfair because it would penalize those who farm nonprogram crops other than soybeans. It is also unfair because it penalizes those who chose not to participate in Federal commodities programs.

Not only is this approach unfair, but it discourages agricultural diversity and encourages continued reliance on governmental support. This differential treatment simply penalizes those who want to practice free market farming.

There are others—including the National Farmers Union and the American Farm Bureau Federation—who agree with me. These two national farm organizations, which often differ on important farm policy, support a relief package similar to one which we are considering today.

At this committee's July 13 hearing, Mississippi Farm Bureau President Don Waller testified that:

As a matter of equity and in fairness to all agricultural producers, such a [disaster assistance] program cannot arbitrarily exclude large segments of agriculture that have been seriously affected by this year's weather * * *.

Supporters of the proposal by Senators DOLE and LUGAR contend that benefits for corn, wheat and other program crop producers should not be reduced to help blueberry growers, to name but one often-cited example. I disagree with this approach.

We should treat fairly and equitably all farmers who have suffered a loss from the disastrous weather. It should not matter if they grow corn, wheat, hay, or soybeans. The money being paid out for disaster assistance does not belong to any one commodity—it

belongs to the taxpayers. And I believe that taxpayers want their money distributed fairly and equitably.

Some contend that only winter wheat has suffered a loss. I disagree.

Ask Senator BREAU if the 50 inches of rain in Louisiana in 1 week—70 inches in a month—did not damage his State's crops.

Ask Senator BUMPERS about the flooding in Arkansas and the early freeze that destroyed his State's vegetable production.

We have heard the Senator from Nebraska speak here today, the Senator from North Dakota, and the Senator from South Dakota. They, as well as the Senator from Oklahoma and the Senator from Iowa and the Senator from Montana and all other States, were willing to work closely together, each one trying to move toward a middle position.

Now, every Senator has to decide how he or she best represents their State. I do not want to suggest to the distinguished Republican leader how he should represent his State anymore than I would expect him to tell me how to represent mine. But I do know that when we pass a piece of legislation involving disaster relief, we almost never pass a piece of legislation that is aimed primarily at just one State or possibly two States. Certainly we are not going to do it with farm legislation. We never have before. We are not going to do it now.

The fact is that a disaster is a disaster. This bill will offer partial recompense to those who need relief. It will not go to those in States, like my own, where our crops have been good. We in Vermont have been blessed with abundant sun and rain and all the growing conditions that we need. It will not go to us. It will not go to some of the other States that have had good growing conditions. Relief will only go to those and those producers who have faced a real disaster.

But I would remind Senators that those who do not have a disaster this year may have one next year and vice versa.

Any one Senator of either party could stop this or any piece of legislation in the few days remaining before the August recess. Any one Senator could stop the defense authorization bill if he or she really wanted to. Any one Senator could stop virtually anything except, I suppose, a motion to adjourn for the August recess.

But I hope that no Senator would succumb to that temptation, in effect cutting off their "State" to spite their face, if I might mix the metaphor just a tad.

This legislation will pass if we work together and hold hands. If we work together, there will be enough time to move disaster assistance through the Senate, probably immediately after rural development. There will be

enough time to move through a conference committee and there will be enough time to get disaster assistance on the President's desk. There will be enough time also for the Department of Agriculture to make changes in their regulations so that those who need assistance, may start receiving real assistance.

But the farmers and producers of this country should know one thing: If they do not get relief—if they do not get help—do not look to the Senate Agriculture Committee to blame. The Senate Agriculture Committee reported legislation today that will provide the needed help and assistance.

I am prepared to go forward with this bill at any time on the floor of the Senate. I am prepared to go to conference with it at any time. So if farmers do not get that relief, if farmers do not get the assistance, do not blame the Senate Agriculture Committee.

Mr. President, I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Is there objection? Hearing none, the Republican leader is recognized.

Mr. DOLE. Mr. President, first I want to apologize to my colleagues for having to leave the floor, because I was announcing, with Senator KERRY of Massachusetts, a new division on little league baseball for handicapped children, which is very important, and that took awhile. So I did not leave the floor because of comments being made. I do not know what has been said, but I understand that we have debated the drought bill to some extent and certain points have been made.

I would only sort of restate what I said earlier. I have been around here long enough to know that you have to compromise. But I have never heard that you just had to give away the store; that it had become so partisan that you have to agree to everything the other side wanted to do to get a bill.

Now, we have heard a lot about bipartisanship from the President and some of the leadership. We did not have any of that in the Agriculture Committee. We had not several meetings, we had one 15-minute meeting and one 5-minute meeting, as far as I know, in addition to the formal meetings. And that is all right. We know where the numbers are.

But I did not get elected to come to the Senate to sell my wheat farmers down the river or to figure out some kind of scheme where everybody got something. And that is how you get votes, I guess: figure out some scheme where everybody gets something.

There are ways, as I have said, to take care of those nonprogram crops and nonparticipants. Let us just find some other way to save the money. What is wrong with making some hard choices?

The American farmer does not expect us just to shovel money out every time something happens. He knows there are limits to what we can do, whether they live in my State or any other State.

Let's face it. There are some of these producers who are going to get a pretty good deal, whatever happens. I read a story, I will not put it in the RECORD, but I read a story in the Fargo Forum about how some farmers planted late deliberately so they could get benefits from a program, a couple of hundred dollars per acre. So we can make charges and countercharges forever.

I notice the Senator from Nebraska [Mr. KERREY] said I felt strongly about this; he said anger. There was no anger in my presentation. I would say again that we would not be standing on this floor now, if we had not had a winter wheat problem, and probably some of us would wish we would all get off so we can argue about the B-2 bomber and the Defense bill, and I am perfectly willing to do that. But I am not just going to absent myself while others are on the attack.

Some think every program and non-program crop ought to be treated equally, which is pretty much what happens in the proposal we reported out this morning. I guess that is a judgment that can be made. I do not think it is an appropriate judgment. Senator KERREY of Nebraska, says he agrees with me there is only one proven loss and that is in winter wheat. That is why we started the hearings.

Then everybody said, oh, boy, we have something now, everybody ought to get on board. So now everybody is on board. We started out with one crop and we have run it up to 600 or so crops because we have covered everything. The Department told us that last year 640 crops were covered. We started off with one crop that had a proven loss: One.

Then we have the temerity to say oh, ours is different from the House bill. How? Cost? I do not know whether it costs any less or not. It is more than the administration says it will spend.

But I would say I feel strongly about this. I believe the American farmer will have an opportunity to understand it. They did not all come to the committee room this morning. I doubt if there was a real farmer in the crowd.

The Senator from North Dakota wants to cover everything. He never saw a crop yet he did not want to

cover. Maybe that is the way we ought to go.

Mr. CONRAD. Will the Senator yield?

Mr. DOLE. No. I will make my statement. I was not here when my colleague made his.

I think there is a difference between program and nonprogram crops. Ask the corn producer in my State or any other corn State, or ask the person in a program in my State or any other State, if they ought to be treated the same as those people who are not even in a program or those who did not want to participate. It is voluntary. They can participate or not. It is not a mandatory program.

I think we have a good farm bill and I can remember how tough it was to pass it on this Senate floor and how long it took some of us to get it done. But we did not give up because some did not want it. We think we have a good bill.

So, I do not think we should just suggest: well, it is over. We are not going to make any changes. We are going to treat program crops and nonprograms essentially the same with only 5 percent different there on the loss.

The Senator from North Dakota quotes a speech I made last year. Last year we had a lot of money. This year I am willing to cover nonprogram crops if you can find some money for it. Let us do it in reconciliation. Let us face up to some of these tough issues. Let us quit ducking it.

There is a feeling out there the American farmer is irresponsible. He does not believe we have money problems.

He knows we have money problems. He wants us to make savings. He knows we cannot pay everybody for every loss.

Mr. CONRAD. Will the Senator yield?

Mr. DOLE. I think there is some false perception here that the American farmer is sort of out of it—that he is just standing around with his hand out waiting for us to fill it up. That is not the case. Farmers do not want disaster relief. They want a crop. And they want to sell it in the marketplace and they want to make a profit.

Somehow, we have gone from one crop to 640 in 2 weeks.

So we added the other program crops in Senator LUGER's alternative plan. We said, if we want to find some savings we will cover nonprogram crops in reconciliation. We have said, well, we will reestimate in October. There may be some savings. Based on a lot of statements coming from the other side there are going to be a big pile of savings. We will use that for nonprogram crops.

So, it seems to this Senator that we have made a good case. We have not really had that much discussion in the

committee. We have had two meetings. We have had little discussion, very brief hearings. And, had we moved on winter wheat when we should have moved on winter wheat, it would have been passed. But the House took the easy way out. They put in everything. It has been estimated their program is going to cost \$1.5 billion. Does the Senate want to do the same thing except say we are going to cut it down to \$1.1 billion but everything is covered? I do not think so.

If I heard the chairman correctly he does not like the House bill. He says it is too expensive. I think it is a matter of policy as well as dollars. It is the policy that is wrong.

Can some Senator stand up on this floor when we get to this bill and answer one question: Is there a single crop in America we left out? Or a single peril that we did not cover? Because I keep hearing this difference in the two bills, the House and the Senate bill. There is not a single crop that was left out or a single peril that was left out that this Senator knows about. Maybe I do not understand it.

And where does the money come from? It comes, essentially, from program crops.

So we will have plenty of time to debate this.

I again apologize for not being on the floor when other Members were speaking but we intend to make our case and I would hope we would have some converts. I hope when it is all settled it is going to be bipartisan. It is hard enough to pass a farm bill, as I learned trying to pass the 1985 farm bill, when we have people on both sides who are for it.

The President said he will veto this bill if it is over \$870 million and we cannot play games and shift some into 1989 and some into 1990 and say, oh, that does not count. Because they are counting every dollar we spend.

I am still prepared to sit down in a bipartisan basis. We have not done that yet. We have had a few meetings with Republicans and Democrats in the room but we have not talked about how we can work it out on a nonpartisan basis.

I am willing to sit down with any Senator, anytime, anywhere, to see if this can be done. In my view normally it can be. Maybe it cannot be. Maybe we have to just fight it out and see what happens and see what happens if a bill ever goes to conference.

Mr. President, I would be prepared to debate this at length but I know we are holding up important legislation, so I yield the floor.

The PRESIDING OFFICER (Mr. BAUCUS). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I feel constrained to, once again, rise to

answer my colleague from Kansas. I respect him. He certainly makes an eloquent case for his side of the story. But there are two sides to the story, and both sides deserve to be heard.

Over and over we hear the Senator from Kansas say: All of a sudden we have gone from 1 crop to 500 crops.

Mr. President, Mother Nature has visited a disaster on all of the crops. Mother Nature did not make a distinction between the program crops and the nonprogram crops. And, Mr. President, last year we passed a disaster bill that said, as an essential element: We are going to take care of those and help those who suffer a disaster.

Senator Dole favored that approach last year. I read from his speech last year. Last year he said: Fairness dictates that you treat them both in a disaster.

Now this year all of a sudden there is a dramatic change. Why? He suggests it is a matter of money. He says there is less savings available, and that is true. It is also true that the cost of the disaster is less this year. The principle of how we treat a disaster is the same. That is the question.

Interestingly enough, I had a conversation with my colleague on the floor last week on Thursday evening in which we talked about providing assistance to both the program and the nonprogram crops, but to provide a differential between the program and nonprogram because there are differences in the final result. There are differences in yields, differences in the program crops having a setback. That would argue for a differential in treatment. And, Mr. President, that is exactly what the Democratic package did.

It provided for a differential between program and nonprogram crops. The Senator from Kansas has just been on the floor suggesting we treat them all exactly alike. That is not true.

We did say that disaster for both ought to be addressed, but we recognize the differences between the two. We provide a different level of coverage for the two. We understand that the program crops are going to be paid on a target-price basis. The nonprogram crops are going to be treated on a market-price basis because there is a difference between the two. We provided 40 percent loss requirement on program crops, but 45 percent on nonprogram to recognize the differences. That is fair.

What is not fair is to go out to farmers across this country and say, "If you have a program crop, we'll help you when you have a disaster. If you have a nonprogram crop, you're out of luck." That is not fair. That does not make sense and, by the way, it will hurt the program crops if we do it because we will discourage diversification; we will discourage people from

going out there and planting sunflowers instead of wheat. Do you know who that will hurt? That will hurt the wheat producer.

Mr. President, we have heard over and over from the Senator from Kansas there is only one proven loss. That is just not true. In my State, there are \$661 million of proven losses by the State University. That is there. I was just in my State. I have seen the loss: Wheat that is 6 inches high and headed out. There is not going to be a harvest. That is a loss.

Last year we treated everybody alike. Senator Dole and Senator Lugar supported that. All of a sudden, this year it is a different story. I simply ask why?

Mr. President, it is time to bring the two sides together. We have attempted to compromise. We brought down the total cost of the bill dramatically from what was over on the House side. That is compromise. We have not seen the other side budge 1 inch. They said there is \$870 million in savings in fiscal 1990, and when it was pointed out to them there is also \$300 million of savings in fiscal 1989, they said, "Well, that does not matter. You just have to use the savings that are in fiscal 1990."

Mr. President, that misses the point. The winter wheat loss occurred in fiscal 1989. We are still in fiscal 1989 and we should be able to use the savings in 1989. The Senator from Kansas more than once during these negotiations has indicated his willingness to do so. In fact, if I am not mistaken, he even went to the head of the Agriculture Committee and the Director of OMB and sought their concurrence. The head of OMB absolutely refused. No basis for it. He just refused. That is not good enough.

Mr. President, we have an obligation here to help those who suffered a disaster. Mr. President, in my home State, when your neighbor's barn burns down, the neighbors go to help out. When a neighbor is sick and cannot bring in the crop, the neighbors come to help out. That is the American way. This year some of our neighbors have suffered a disaster. In one-quarter of my State, they have lost 60 to 80 percent of the crop already. That is a disaster. The American way is that we go to help out when our friends and neighbors suffer a disaster and we will do that again this year. With that, I yield the floor.

SMALL BANKS AND THE S&L BAILOUT

Mr. GRASSLEY. Mr. President, the conference committee on the savings and loan bailout legislation has been meeting throughout last week and this week. Soon it will make its report to the other body and to this body.

Adoption of the conference committee report will dramatically change the environment in which financial institutions do business. The regulatory environment, the competitive environment, the consumer environment, and the deposit insurance environment, will all be considerably different.

The conference report will entail comprehensive policies. At this time, however, I wish to address just one of its provisions—the 18-month Treasury study on the topic of deposit insurance for financial institutions.

I believe that this study is critical. It will provide the basis of prospective legislation to reform the way in which financial institutions contribute to and are covered by deposit insurance.

Deposit insurance, Mr. President, is the principal feature of financial institutions which generates consumer confidence. The perceived failure of the deposit insurance system poses the biggest threat to that same consumer confidence.

With this in mind, it is critical that the makeup and agenda of the study are conducive for a thorough review process. I was concerned, then, when it was brought to my attention that the official at the Department of the Treasury who will essentially lead the study may have a biased perspective.

Mr. Robert R. Glauber, as Under Secretary for Domestic Finance, is Treasury's top banking policymaker. In that position, he will lead the Department's initiatives in the examination of deposit insurance.

Mr. Glauber formerly served as a professor of finance at the Harvard Business School. While serving in that capacity, he also served as a consultant for sizable financial interests.

According to the financial disclosure, Mr. Glauber provided the Senate Banking and Finance Committees for his confirmation, he was paid \$874,445 in 1988 for salaries, consulting fees, directorships, and royalties. His 1988 income included a \$300,000 consulting contract with Morgan Guaranty Trust Co.

I am sure that Mr. Glauber is an honorable man. High salaries do not necessarily compromise one's integrity. His background, however, is dominated with the business of big regional and international financial interests.

I know that successful businessmen in the world of high finance are always well paid, as they should be. Public and private interests have sought Mr. Glauber's experience and expertise.

Secretary Brady, for example, sought his expertise for the Brady Commission study of the 1987 Wall Street crash.

I am sure the Department of the Treasury is fortunate to have the benefit of Mr. Glauber's experience, espe-

cially for the comparatively modest salary of \$82,500.

I just hope that the members of the Banking Committee will ensure that the deposit insurance study will not suffer from direct or indirect bias from the persons administering the study.

Bias in favor of big banks would be devastating to community banks, which have more at stake.

Big money center banks, with their vast resources, already have an advantage in influencing legislation. They sure exercised that influence during Senate debate of the thrift bailout bill to defeat the Nickles-Grassley amendment to assess foreign deposits.

Let me explain. Federal regulators have a philosophy of "too big to fail." Depositors of money center banks essentially incur no risk, because Federal regulators will not allow big banks to fail.

FDIC Chairman William Seidman has repeatedly stated that the "too big to fail" philosophy is here to stay. In a statement last November before the Garn Institute Insurance Forum, he laid out his position. And I quote:

Allowing a major bank to default could destabilize the total financial system. . . . If the U.S. became the only industrialized nation to allow depositors and creditors of a major bank to suffer, that would undermine the international financial system, to say nothing of the competitive position of U.S. banks. . . . The bottom line in this discussion is that nobody really knows what might happen if a major bank is allowed to default. . . . Combining cost factors with unacceptable risks likely are going to be handled in a manner that protects all depositors and other general creditors.

Well, I do know what happens when a community bank fails. I regret to report to this body, Mr. President, that 40 times over the last decade I have been reminded of what happens to Iowa communities when their banks fail.

It is not the purpose of this statement to argue about the "too big to fail" philosophy. I simply urge my Senate colleagues to be sensitive to its impact when examining deposit insurance.

Because the "too big to fail" philosophy dominates the mindset of Federal regulators, deposit insurance is nearly a moot point for big banks. Federal regulators will not allow them to fail, so they do not have to cash in on their deposit insurance.

That same protection is not available to small banks, many of which have been closed across the rural countryside. I trust the study will analyze the deposit insurance issue from the vantage point of how it will affect all banks, not just the 25 largest banks.

I hope that Mr. Glauber's association with Citibank and Morgan do not overly influence his judgment. I hope that the potential to capitalize on his Treasury experience, when he returns

to Harvard, will not shade his vision of the entire banking community.

Mr. President, I also hope the Senate Banking Committee will insist that these concerns will be appropriately addressed. I urge the conferees to include language in their conference report which directs the study to include an analysis of the recommendations' impact on all banks. I have written to the Senate Banking Committee members of the conference committee to make this request.

I ask unanimous consent that a copy of my letter to Senator RIEGLE, the committee's chairman, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 20, 1989.

HON. DONALD RIEGLE, JR.,
Chairman, Senate Committee on Banking,
Housing, and Urban Affairs, Washing-
ton, DC.

DEAR DON: I recognize and appreciate the supreme effort of the Senate members of the Conference Committee on S. 774 and H.R. 1278, the Financial Institutions Reform, Recovery, and Enforcement Act. I don't envy your responsibilities for their level of complexity, severity, and controversy. The impact of this legislation, no doubt, will change the environment in which financial institutions do business for decades to come.

I request that you turn your attention to a seemingly small issue, in context of the legislation in its entirety. That issue is the eighteen-month study by the Department of the Treasury on federal deposit insurance. While some might consider it "just a study," I believe that its findings and analyses will provide the base for prospective legislation to reform federal deposit insurance. Such insurance is possibly the most significant attribute for consumer confidence in financial institutions.

Deposit insurance policy, however, does not affect all banks equally. Smaller community banks, represented by virtually every bank in Iowa, have much more at stake. Americans witnessed hundreds of community banks close in the last decade. Depositors who held deposits in excess of \$100,000 were forced to take a personal loss. Yet, because the Federal Deposit Insurance Corporation exercises a policy of "too big to fail," depositors of large banks have been protected from loss, regardless of the size of their accounts.

It is not my intent to debate the merits of a "too big to fail" policy. It is my desire, instead, to raise the issue that deposit insurance policies have a different impact on community banks than they do on large regional banks. I request that the conference committee specify in its report that the Treasury study must include analysis on the impact on banks for each of its recommendations, categorized according to size of institution and nature of asset and liability base. I expect the Banking Committee would greatly benefit from this information when it begins to develop legislation to reform deposit insurance.

Thank you for your consideration in this matter.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senator.

DEPARTMENT OF DEFENSE AUTHORIZATION

Mr. BINGAMAN. Mr. President, I am pleased to rise today in support of S. 1352, which is the Defense Authorization Act for fiscal years 1990 and 1991. I want to begin by commending the chairman of the committee, Senator NUNN, and the ranking member, Senator WARNER, for their able leadership throughout the entire process of preparing this bill for floor debate.

The Presidential transition and President Bush's decision to cut the defense budget by \$10 billion below the level proposed by his predecessor undoubtedly slowed the authorization process this year. The committee did not receive the details of the President's recommendations in this area until early May, which compressed the time that the committee and its subcommittees had available to act in preparing the bill. Nevertheless, I believe that the committee has placed before the Senate a very well-considered bill; a bill that is responsive to the problems and issues facing our Nation in these times of change and also responsive to the opportunities that we face at home and abroad.

As chairman of the Subcommittee on Defense Industry and Technology, I want to highlight a few of the actions taken by the committee within the jurisdiction of my subcommittee. I would like to first thank Senator WALLOP, who is the ranking member of the subcommittee for the support he provided to the subcommittee's work over the past several months. This is his first year on the committee, and he has made many significant contributions. I appreciate his advice, as always his candor, and the good work he does in many of these areas.

Over the past several months, we have had the opportunity to discuss the key issues of maintaining the Nation's technological superiority and the defense industrial base capability with a variety of our Nation's experts. We have also made a special effort to review and understand recent studies that address the problem. Senator MCCAIN and I also cochaired a study conducted by the Center for Strategic and International Studies on the defense industrial base issues.

Finally, the Defense Industry and Technology Subcommittee held eight hearings this spring that addressed a variety of research and technology, industrial base, defense trade, and acquisition issues. The subcommittee received testimony from a number of expert witnesses on this wide variety of issues.

Last year, Mr. President, the committee and the Congress directed the Department of Defense and Energy together to submit a plan to develop the 20 technologies which they consider to be the most important to maintain the

United States qualitative edge in weapons systems development in the future. We received that plan this last March.

In addition to our own review, we asked the opinion of over 50 other knowledgeable individuals and organizations. Based on that review, this year we have put several provisions in the act to improve our planning capability in the future. First, we recommended that a national critical technologies report be prepared which would address both national security and the economic competitiveness issues faced by the country. We have requested that this report be done by the Office of Science and Technology Policy. The plan would provide a national context needed to assess the defense-critical technologies that we are pursuing. It would help us to understand the inner relationship between the defense and the civilian sectors and especially the growing phenomenon of what has been referred to as spin-on from civilian dual-use technologies to the defense sector.

We have also put in language to strengthen the reporting capability of the Department of Defense as to defense-related critical technologies. Mr. President, we have several other very important provisions in our act that relate to acquisition. We tried to improve the acquisition and procurement system by which we spend large sums in our defense budget each year. We have several provisions to help improve the work force and our ability to manage the work force in the defense area. I understand that there may be amendments urging changes in some of those provisions which I will, of course, resist.

Mr. President, based on a broad assessment, I think it is fair to say that the United States maintains a technology and industrial base second to none in its ability to fulfill defense requirements. But there are important areas, especially in dual-use technology, where we have lost our lead, not to the Soviets, but to our allies. For example, in 6 of the 22 critical technologies identified in March by the Departments of Defense and Energy as crucial to our long-term security, Japan holds significant leads. Especially in manufacturing technology we risk being left behind in critical industries, such as machine tools and semiconductors. Luckily, it is our allies who are competing with us, not our foes. In a sense, this competition is a triumph of U.S. post-World War II policy to help our allies build strong pillars of democracy in Europe and Asia.

The question for us is how to respond to the challenge. Restoring the across-the-board preeminence in science and technology we once enjoyed is not an option. But competing with our allies for preeminence in the technologies and industries we deem criti-

cal to our long-term national security should be possible for the world's largest economy. We should not become totally dependent on anyone, even an ally, in critical areas. That is one reason why we have asked the Defense Department to focus on its critical long-run needs.

The testimony we have received, confirmed in individual meetings I have held with experts in and out of Government, supports my belief that the Department of Defense has a better appreciation of the importance of science and technology and the need for improvements to the technical and industrial base now than at any time in this decade. Nevertheless, I must report that the Department's technology and industrial base programs continue to lack clear priorities, place too little emphasis on long-term planning, and apportion inadequate resources to these vital areas.

Last year's Defense Authorization Act directed the Departments of Defense and Energy to submit a plan for developing the 20 technologies which they consider most important to maintain the United States qualitative edge in weapon systems in the future. We received that plan in March of this year. In addition to our own review, we asked the opinion of over 50 other knowledgeable individuals and organizations. Based on our review, this year's act includes provisions for a number of improvements to future plans.

First, we are recommending that a national critical technologies report, addressing both national security and economic competitiveness issues, be prepared by the Office of Science and Technology Policy. This plan will provide the national context needed to assess the defense critical technologies. It will help us understand the interrelationship between the defense and civilian sectors, and especially the growing phenomenon of spin-on from civilian dual-use technologies to the defense sector.

Second, building on our review of the Department's first plan, this year's legislation includes a better description of what the defense critical technologies plan should include. To complement the defense critical technologies plan, we also have requested a critical industries plan to identify and examine those industries essential to exploiting the critical technologies.

The Department's amended budget request included insufficient funding for many of the critical technologies that the Department itself elected to include in their critical technologies plan. We have addressed this lack of funding and are recommending modest increases in several of the Department's key programs including advanced neural networks, digital gallium arsenide technology, software producibility, advanced ceramics inser-

tion techniques, high temperature superconductivity, high performance computing and x-ray lithography. It is my personal view that we have only minimally addressed these funding needs this year. I hope that the Department will give this area higher priority in future requests. I should note that Senators WIRTH, GORE, and BYRD have all made important contributions to pointing out resource deficiencies in critical technologies.

Mr. President, I believe that an organized top down assessment of the Nation's technology base, and the industries that use its products, is absolutely essential if we are to achieve the focus, establish the priorities and support the key activities needed to retain our technological superiority. Such an assessment is even more essential in an era of constrained budgets if we are to retain our long-term technological superiority in deployed weaponry.

Closely related to the development of critical technologies is the Balanced Technology Initiative Program. The BTI program, as it is called, was created as a result of legislation introduced in the Armed Services Committee 3 years ago by Senators NUNN and COHEN. The Department has subsequently initiated a number of worthwhile projects and has achieved noteworthy progress on many of them. Several of these projects are now at the point where it is clear that they can make a substantial contribution to our warfighting ability but will require funding increases in the near term to properly advance.

The committee recently held a hearing on the BTI Program to review its progress. We were particularly concerned that the administration, in its amended budget request, reduced BTI funding from the previous year and, further, that the requested amount was significantly less than that included in the BTI plans previously submitted to the Congress. When the \$100 million of fiscal year 1988 funds that only became available to the program in 1989 is considered, the administration's BTI funding request for 1990 is \$130 million less than the amount available in the previous year. While we cannot compensate entirely for this funding cut, we recommend increasing BTI funding by \$90 million above the level requested by the administration. We also understand that the Director of Defense Research and Engineering is taking a hard, top down, look at the entire BTI Program that may result in terminating the less promising projects currently supported. Our recommended funding should provide adequate support for the important projects that continue.

Based on our review of the BTI Program, we believe that the Defense Department has not yet structured the program to meet the goals envi-

sioned when the program was created. The BTI Program represent our best opportunity to use our superiority in research and technology to exploit competitive advantages in all areas of defense. It must assess the full spectrum of conventional warfighting and be prepared to take advantage of any technological or employment advantage that is detected. To accomplish this, it must be managed at the highest levels of the Defense Department to achieve the cohesion and coordination needed. In order to get this program back on track, the authorization act includes specific steps to improve the management of the program and direct it back to its original goals.

The committee continues to support a number of potentially high payoff activities being conducted by the Defense Advanced Research Projects Agency including its participation in the Sematech Consortium and its support of high resolution television display technologies. In the course of our hearings the committee became aware that DARPA, unlike any other element of the Defense Department, lacks the authority to enter into cooperative agreements with organizations and individuals outside the government. The Defense Authorization Act corrects this deficiency and further permits DARPA to enter into other types of transactions which will provide them with the flexibility they need to deal with the unique situations they often encounter in fostering technologies, particularly dual-use technologies. I appreciate the important contributions Senators NUNN and WARNER made to developing this provision.

We have also included a provision I authored which is designed to enhance technology transfer from the Energy Department's defense program laboratories to the private sector. I think this is a very important provision and in many ways parallels the authority we have proposed for DARPA to enter into cooperative agreements and other types of transactions.

The bill before us also amends a provision included in last year's bill concerning use of competitive procedures for contracts and grants to universities and colleges. That provision, authored by Senator NUNN, was designed to prevent "pork barrel science," congressional earmarking of funds for favored university projects. I have worked closely with Senator NUNN on resolving a few issues raised by last year's provision and appreciate the assistance he has provided. While we continue to strongly oppose the practice of congressional earmarking of university funds in any instance, we recommend the Department be permitted to use other existing exceptions included in the Competition in Contracting Act for noncompetitive contracts in appropriate circumstances. To discourage

any inappropriate use of these exceptions, the legislation includes a provision requiring the Department to report on a semiannual basis on sole source contracts awarded to universities and colleges.

The problems that exist in our ability to manufacture weapon systems can be difficult and complex as those associated with developing the underlying product technologies. Yet, both DOD and industry have traditionally neglected process or manufacturing technologies, compared to product technologies. If we wish to maintain our position as leader in the free world, that cannot continue. We have addressed some of the more critical problems in DOD's industrial base programs in this year's Defense Authorization Act and we are working with the Defense Department to find broader answers in the future. In particular, we have added \$60 million for various manufacturing technology programs in DARPA and the Services. Senator BYRD and Senator LOTT have been effective advocates for a greater focus on manufacturing technology, and I appreciate their contributions. We recognize that the Defense Department is a major customer for U.S. industry accounting for over 10 percent of the Nation's manufacturing gross national product. It is closely intertwined with the commercial industrial base and is becoming ever more dependent upon it. In addition, the major dual-use industries of the world are becoming more globally oriented and the issue of the appropriate degree of foreign dependency must become an integral part of our considerations.

Last year's Defense Authorization Act established a new framework for the role of defense trade and cooperation in strengthening the competitiveness of our industrial base. We believe that the administration's implementation of this framework has been slow and uncertain, especially for those matters requiring coordination between Federal agencies. For example, almost no progress has been made toward establishing a policy and initiating international agreements on limiting the adverse effects of offset arrangements in defense exports. Our proposed legislation includes provisions on the Commerce Department's role in negotiation and implementation of cooperative agreements, on offsets, and on reciprocity in research contracting, all intended to move the Department into implementing this framework for industrial competitiveness and defense trade policies which we have established. Senators BYRD and DANFORTH have contributed greatly to the committee's product in this area and I appreciate their contributions.

Last year's National Defense Authorization Act contained a number of provisions to improve the efficiency of

the defense acquisition process. This year we received disturbing testimony in our hearings from the General Accounting Office, the DOD inspector general, and industry concerning a lack of progress by the Department in implementing both recent legislation and the 1986 recommendations of the Packard Commission. The deficiencies have been particularly acute in terms of streamlining the acquisition process, making better use of commercial products and the use of commercial-style buying practices, improving the responsiveness of the regulatory reform process, and developing a comprehensive policy on contract financing issues.

While we believe that the system must be allowed to fully digest recent legislative and administrative changes before undertaking major new initiatives, we have included several provisions in this year's bill to enhance the efficiency of the acquisition process. Our goal has been to reduce unnecessary paperwork and reporting levels while ensuring appropriate attention to matters directly related to the integrity of the process.

In addition to the important contributions made by all members of our subcommittee to this bill, I would also like to express my gratitude to Senator LEVIN for his leadership in developing the proposals on commercial product acquisition, uniform regulation of source selection information, and impartiality of contractor participation in operational test and evaluation activities. Likewise, I am grateful for Senator ROTHE's thoughtful recommendations in the operational test and evaluation area concerning low rate initial production and early operational assessments. In addition, we received helpful comments from Senators GLENN and COHEN in the development of our acquisition policy initiatives. As a member of both the Armed Services and Governmental Affairs Committees, I appreciate their input, and will continue to look for ways to promote a productive interchange of ideas between the two committees.

Secretary Cheney recently released a report entitled *Defense Management: Report to the President*, which sets forth a blueprint for implementing the Packard Commission recommendations, the Goldwater-Nichols Department of Defense Reorganization Act, other recent legislation, and Secretary Cheney's own initiatives. As we noted in the committee's report, the management review contains the potential for significant reform, but the proposals therein—like the proposals of the Packard Commission—consist primarily of broad principles which can be furthered—or frustrated—in the implementation process.

The new senior management team in the Department must significantly in-

crease the emphasis on acquisition reform. In the past, the Department simply has not demonstrated the necessary level of commitment. An example of past problems is illustrated by the Department's response to section 809 of last year's authorization act. There we invited the Department to advise us on the status of acquisition reform proposals and to propose specific legislation that could be used to streamline the process. We found the Department's response incomplete and lacking in substance. I believe this is another indication that in the past the Department's senior management has not paid close enough attention to the details of acquisition reform.

I am hopeful that matters will be different under Secretary Cheney's and Deputy Secretary Atwood's leadership. When an Under Secretary of Defense for Acquisition is confirmed and permanent service acquisition executives are appointed, the Subcommittee on Defense Industry and Technology will conduct detailed oversight hearings to foster the necessary dialog with the new management team to ensure that acquisition reform receives the attention necessary to restore public confidence in the Department's acquisition system.

There is one area where we have not waited and that is the acquisition work force. This is the major unacted upon legislative recommendation of the 1986 Packard Commission.

Witnesses appearing before our subcommittee consistently emphasized the urgent need to fix problems existing with the acquisition work force. We have been hearing similar testimony for years. Most of you are aware that former Senator QUAYLE and I have been working with David Packard on this issue since 1985. In 1986 we tried to include a provision to fully implement the Packard Commission personnel recommendations in the authorization bill. That provision was deleted by a close vote on the Senate floor after several Senators argued a comprehensive Governmentwide approach was needed.

In the last Congress the Senate did pass a Governmentwide personnel reform which I authored and Senator QUAYLE and others cosponsored. Unfortunately, despite strong support from DOD, NASA, and the Office of Personnel Management, the House never acted on the bill.

The civilian personnel provisions in the bill before us would authorize the Department to permit a limited number of retired military professionals to receive full civil service compensation, would increase the pay of 500 defense scientists and engineers up to 150 percent of the executive level II salary, comparable to the pay in the DOE national laboratories and other FFRDC's, would require the Department to issue rules dealing with the

problems created by vagueness in revolving door legislation, and would authorize the Department to conduct four demonstration programs waiving most civil service rules on pay and promotions. We have also included authority for the Department of Energy to conduct one such demonstration for its defense programs.

Our personnel provisions have been endorsed by David Packard, Harold Brown, Frank Carlucci, Jim Woolsey, J. Ronald Fox, Jack Gansler, Phil Odeen, John Rittenhouse, Don White, and others familiar with DOD's personnel problems. While they do not go as far as Secretary Cheney called for in his recent management review, they are an important first step. I personally appreciate Senator WALLOP's strong support for these reforms. I should also note that I would like to see broader civil service reform and will continue to support such government-wide reforms. The DOD and DOE programs initiated by the proposed bill provisions could easily be incorporated in any broader reforms Congress might later pass.

Mr. President, this is a brief overview of the issues that we have addressed in this year's authorization bill. I believe that the recommendations we have made in this area will allow us to make significant progress in dealing with very real and very significant problems. But there is much that remains to be addressed. We live in a very dynamic world, a world where yesterday's advantage can quickly disappear and tomorrow's opportunity must be recognized and embraced before it becomes too late. It is important that the administration and the Congress work together to strengthen our technology and industrial base and to ensure we get the greatest value for the dollars invested in acquisition of defense goods and services. Our committee is committed to these goals.

Overall, I am very pleased with the work of our subcommittee, very pleased with the work of the full committee this year. I think we have reported to the Senate a very good bill.

Before concluding, I would again like to express my appreciation to the members of the subcommittee for the cooperation and assistance they have provided. I believe all members made significant contributions to the proposed legislation.

I also want to recognize the contribution of the Armed Services Committee staff who have been so essential in taking the ideas of individual subcommittee members and transferring those into substance that is included in this legislation: Andy Effron, Jon Etherton, Bill Smith, Geary Burton, Rick Fynn, Judy Freedman, Rick Debobes, and Sherri Goodman have all joined in this effort and made very

substantial contributions. I appreciate their dedication and their hard work.

I also want to thank Missy Ramsey and Barb Braucht, who are the committee staff assistants who did such an outstanding job supporting the subcommittee's hearings and markup of the bill.

Several of my own staff people, Ed McGaffigan, Lisa Davis, Patrick Von Bargen, and Ken Jarboe, also made significant contributions.

Mr. President, I again want to express my appreciation to the chairman and ranking member of the committee for the excellent work that has gone into the legislation. I look forward to the debate during the rest of this week and next week, and hope that the final product that we sent from the Senate will be legislation we will all be proud of.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. I thank the Chair.

(The remarks of Mr. REID pertaining to the introduction of S. 1393 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

ATANASOFF: THE FATHER OF THE COMPUTER

Mr. GRASSLEY. Mr. President, I wish to inform my colleagues of a deep concern shared by myself, a number of people in the computer field, and should be a concern of all historians and scholars who believe that truth and accuracy are absolute, essential ingredients in the writing of history.

My colleagues in Congress should also be very concerned as well. What is at stake here is the position of the United States in the history of the development of the computer.

What I am asking my colleagues to do is to assure that the Smithsonian Institution's National Museum of American History does not misrepresent the true historical development of the electronic digital computer during its upcoming exhibition.

The National Museum of American History, in its quarterly bulletin of the spring of 1988, announced its plans to display a computer called the ENIAC. The bulletin described the ENIAC as "the first electronic digital computer."

Mr. President, this simply is not the truth. And it is not acceptable that the Smithsonian Institution, which was established "for the increase and infusion of knowledge among men" perpetuate such a falsehood which was exposed and resolved by the conclusion of a multiyear court battle in 1973.

On October 19, 1973, U.S. District Court Judge Earl Larson of Minneapolis announced his decision in the Honeywell Inc. versus Sperry Rand Corp., et al. case which consumed over 135

days, and included 25,286 exhibits and testimony from 157 witnesses. At stake were the patent rights derived from the ENIAC, which stands for electronic numerical integrator and computer.

Sperry Rand was attempting to establish the validity of patent rights it had purchased from a Dr. John Mauchly and J. Presper Eckert. These rights included those relating to the ENIAC. Both Mauchly and Eckert had been honored as the coinventors of the first electronic digital computer.

Judge Larson, however, invalidated the ENIAC patents. The Judge further stated:

Eckert and Mauchly did not themselves first invent the automatic electronic digital computer, but instead derived that subject matter from one Dr. John Vincent Atanasoff.

Dr. Atanasoff, a professor of physics and mathematics at Iowa State University at Ames, IA, with the help of Dr. Clifford E. Berry, who was then a graduate student, built the first automatic electronic digital computer which was called the "Atanasoff-Berry Computer," or ABC for short. This work took place between 1937 and 1941.

The ENIAC, however, was developed in late 1945 and 1946. The significance of the dates is the fact that England developed an electronic computer, called the Colossus, in 1944.

Therefore, if we allow the Smithsonian Institution to proceed with its plans for the March, 1990 exhibit entitled "Information Age: People, Information, and Technology" that presents the ENIAC as the first electronic digital computer, then we forfeit the rightful claim of the United States as the first in the world in developing the electronic digital computer.

Clark Mollenhoff, a native of Iowa and a Pulitzer Prize-winning reporter, now a professor of journalism at Washington and Lee University, recently wrote a comprehensive examination of the controversy that pitted the ABC and the ENIAC. His book is entitled, "Atanasoff, Forgotten Father of the Computer," and I would strongly recommend it to my colleagues for further details of this most unfortunate story of how the inventor of the electronic digital computer, which has had a tremendous impact on our civilization, was for years deprived of his rightful recognition and honor because his ideas have been stolen, or as Judge Larson characterized, "devalued" by others.

The court case should have settled this matter once and for all. I agree with Mr. Mollenhoff's statement in his book that "I could understand how computer textbook authors and computer historians could have been confused on the issue of the inventor of the first electronic digital computer prior 19 October 1973—the date of the decision by U.S. District Judge Earl R.

Larson of Minneapolis. However, I could not understand how any computer historians or textbook authors could examine the trial record and continue to have any doubts that Atanasoff and Cliff Berry had constructed the first electronic computer at Iowa State."

Surely, we can expect the Smithsonian Institution to get the story right.

I have written to the Director of the National Museum of American History to ask that corrective action be taken. I am hopeful that a satisfactory resolution of this problem will be forthcoming. In the event, however, that such a resolution is not offered, I will be returning to this subject at a later date.

REPORT ON AFGHAN REFUGEES

Mr. KENNEDY. Mr. President, in April of last year the Subcommittee on Immigration and Refugee Affairs sent a study mission to Pakistan to examine the problems faced by nearly three million refugees in that country.

The study mission visited that region just as agreement was achieved in Geneva for a complete withdrawal of Soviet forces. So the study mission focused its efforts on the prospect of the return of the refugees to their homes in Afghanistan and the efforts needed to facilitate their reintegration.

However, the study mission warned of the difficulty of the task ahead—of the prospect that the Kabul government of Najibullah would be able to hold on even without Soviet troops and the likelihood that mujahidin rebel factions would revert to internecine fighting once the war with the Soviets ended.

Unfortunately, what our study mission predicted has largely come true today. The wait for repatriation, which so many refugees desired, has become a protracted one, and conditions in the field have deteriorated.

Mr. President, a recent report by the Citizens Commission on Afghan Refugees, which was formed last year with the assistance of the respected International Rescue Committee, also confirms the subcommittee's earlier observations. The Citizens Commission's new findings suggest that refugees have had to extend their stay in Pakistan due to the continuing civil strife.

The recent Commission report, authored by Commissioner James Strickler, noted:

Most Commission Members who visited Pakistan previously accepted the widely held view of governments and the general population that 'the regime in Kabul will probably fall soon after the Soviet withdrawal.' Obviously, the conventional wisdom was wrong and it now appears that the fighting will continue on for an indeterminate time that some speculate will last for years. . . .

The report further notes that new refugees are arriving in Pakistan numbering as many as 1,000 a day.

Mr. President, this report, and the findings of the subcommittee study mission of a year ago, suggest that sustained attention to the humanitarian needs of these refugees is required. The United States, along with the rest of the international community, must continue its assistance to these refugees, as well as assure that our policies are not in conflict with the goal of facilitating the earliest possible reintegration of the refugees into their native regions in Afghanistan.

I commend the Citizens Commission for its perseverance in keeping the humanitarian dimensions of this problem in the public eye, and ask unanimous consent that excerpts of Commissioner Strickler's recent report be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

JUNE 16, 1989.

To: Members of the Citizens Commission on Afghan Refugees.

From: James C. Strickler, MD, Member, Citizens Commission on Afghan Refugees.

Re: Report of visit (5/22-5/28/89) to Peshawar and Hangu Pakistan.

I. INTRODUCTION AND REVIEW OF PRIOR ASSUMPTIONS (REFERENCE FIRST AND SECOND REPORTS OF THE CITIZENS COMMISSION)

The purpose of the visit was to review the current programs for Afghan refugees in Pakistan and to learn more about the planning for resettlement of these refugees inside Afghanistan. This report emanates from the an intensive six-day visit to Peshawar and Hangu, during which extensive discussions were held with Afghans, PVO field personnel working with refugees and with Sharon McDonnell, the newly appointed WHO Field Officer in Peshawar. During this visit I did not meet with officials of the United Nations or with officials of the Government of Pakistan. As always, observations based on a relatively short visit must be guarded. For the most part my comments reflect a consensus of perceptions of the persons with whom I talked, and include little new data. Be that as it may, I am reasonably confident that I am reporting accurately to you the perceptions of people with whom I spoke. I cannot be so sure that these perceptions are in all instances valid.

Obviously, my previous two visits to Pakistan as a Member of the Citizens Commission provided immensely valuable background for this latest trip and to a large extent this report is either an extrapolation or modification of previous observations and conclusions.

Prior assumptions

The following assumptions are still valid: Soviet military forces will leave Afghanistan in accord with the Geneva agreements (they did).

No large scale repatriation will take place until the fighting stops and until an intensive demining program is operational.

The basics of food, water, health care will need to be provided during resettlement.

Afghanistan has been ravaged by war. Extensive destruction of villages, farmlands, ir-

rigation systems, roads, schools, hospitals, rural clinics, etc., has taken place. Human resources have also been extensively depleted by the fighting, emigration of professionals in all fields, and the void in education and training at all levels that is a consequence of the ten year war—all this in a country where living and health standards were, to begin with, among the lowest in the world.

This assumption has been further validated by in-country surveys conducted by several agencies and by the surveys of the Office of the Coordinator. The latter surveys do indicate, however, that while virtually no area is unscathed, there is substantial variation in the extent of the disruption from one geographical area to another. It is important that planning for resettlement take these variations into account and—in so far as is possible—be based on up-to-date assessments of what capabilities and facilities do actually exist in specific areas of the country.

The existing programs for refugees are but a prelude to those needed for repatriation and long-term in-country development; as a corollary to this assumption, both short- and long-term support for the Afghans must be integrated by the funding agencies. This integration will require careful cooperative planning by the PVOs, governmental and UN agencies.

II. CURRENT SITUATION

Most Commission Members who visited Pakistan previously accepted the widely held view of governments and the general population that: "the regime in Kabul will probably fall soon after the Soviet withdrawal".

Obviously, the conventional wisdom was wrong and it now appears that the fighting will continue on for an indeterminate time that some speculate will last for years unless there is a negotiated settlement between the government in Kabul and the Interim Government based in Peshawar. Here it should be pointed out that one member of the Commission, Robert Cranborne, did not concur with this assumption. In an article in the *Spectator* (6 August 1988), he points out that the Geneva accords provided an agreement for the Soviet withdrawal from Afghanistan but did not contain provisions that would guarantee peace. He discusses the "fiendishly complicated political situation" and opines that the existing parties are not likely to become more effective and that the West should encourage the commanders "to take power into their own hands."

As a consequence of the continued fighting substantial numbers of Afghan refugees, largely from the Jalalabad area, continue to flee to Pakistan. During my stay the Prime Minister of Pakistan, Benazir Bhutto, announced that 800-1,000 new refugees are now arriving daily in Pakistan. Others have cited a figure of 70,000-75,000 new refugees since November 15, 1988. I visited one of the refugee camps of new arrivals, the Shindand Camp near Hangu. There were an estimated 8,000-10,000 refugees living in tents, under a glaring sun, on a wind swept dusty plain. Many of the tents had been blown down by strong winds, and could not be reconstituted because of defective poles. Safe water and food had to be brought in by truck. The provision of basic health care was inadequate. I was told that ten children had died the previous day and was shown several fresh graves. Throughout my visit the refugee elders pleaded with me for additional help. An obvious point to be made is that pro-

grams for refugees in Pakistan must not yet be de-escalated. To the contrary, additional support services are urgently required by the new arrivals.

IV. THE U.N. AGENCIES

Field workers in Peshawar opine that coordination at the local level amongst the various UN agencies seems to be pretty good. ACBAR-SWABAC probably play a useful role in facilitating this coordination. As previously stated, I did not this time visit Geneva or meet with UN officials in Islamabad and therefore cannot comment about coordination amongst the UN agencies at higher levels.

V. THE ROLE OF THE COORDINATOR

I was disappointed to learn that the role of the UN Coordinator is not appreciated to the extent that we had hoped it would be. This lack of appreciation must in part emanate from a poor understanding of the complexity—including the political complexity—of the Coordinator's role. The Afghans in Pakistan are wary of all UN agencies—not just Operation Salam—because they relate both to the government in Kabul and to the Soviets. Also, few seem to understand that the Coordinator has but a very small amount of discretionary funding. Most funding for Operation Salam is already pre-allocated to other UN agencies, in which case the Coordinator's Office serves merely as a conduit for contributions, or the contributions are made "in-kind." Finally, too few seem to appreciate that Operation Salam has played the major role in developing the demining program. The consequences of this lack of appreciation and/or misperception of the Coordinator's role could be quite serious at the point when major refugee repatriation occurs.

VII. PHYSICAL SECURITY

The number of mines sewn inside Afghanistan remains unknown. What is known is that mines continue to be strewn around the cities being defended by the communists. Whereas we previously heard that there may be 15-20 million mines inside Afghanistan, a figure now being bandied about is 70-80 million!

Under the aegis of Operation Salam two types of demining programs have been started:

Mine Awareness: A Coordinator for the Mine Awareness Campaign (COMAC), Mark Luce from IRC, has just been appointed. He reports to Martin Barber, the Coordinator's representative in Islamabad (the Coordinator has three representatives in Pakistan, Barber in Islamabad, another in Peshawar, and one in Quetta). Funds for this program come primarily but not exclusively from the Coordinator's Office.

The Mine Awareness program is aimed at the population at-large, especially young children. This poses a special challenge because many of the people are both language and pictorially illiterate. Much of the educational material originally developed had to be redone for this population and also to suit both the UN agencies and the Pakistani government. I was told, for example, that the Pakistanis objected to some content, e.g. pictures that showed a bus being blown up by a mine. They felt that such pictures are to scary and would deter the return of some refugees to their own country.

The Mine Awareness program lasts three days. Currently, the thrust is to teach the teachers. I attended one of the sessions in this program and was impressed by the in-

tense interest of the Afghans and the quality of the instruction (USA Special Forces).

Mine Detection Program: This 21-day program has three components: Mine Awareness, First Aid, and Demining. The Red Crescent Society of Pakistan provides administrative and logistical support. All training for this program takes place on Pakistani military bases, either in Quetta or Peshawar. In Peshawar there are 300 trainees in each 21-day session, and in Quetta, 150 per session. The goal is to train 15,000 Afghans in all three components of this program. To date 1,000 have been trained, but no mechanism for deploying these trainees has yet been established.

The selection of trainees is somewhat controversial. ISI (Pakistani Interservice Intelligence) asks the various political parties to nominate candidates for this program, but then makes the final selections. This selection process which gives final say to the Pakistanis annoys the Afghans. Also, the Pakistanis insist that all training materials, contributed by many nations, must be approved by them.

VIII. EDUCATION AND TRAINING

Previous Commission Reports have noted that human resource reconstruction must be accorded top priority and that the wars' "interruption of education is at least as devastating for significant sectors of Afghan society as was the Cultural Revolution for the Chinese". My latest visit served only to underscore this previous observation. As we previously noted, post-war Afghanistan will have a wide spectrum of educational needs, ranging from primary grade education through graduate education at Kabul University. An impressive array of educational programs have been developed for refugees in Pakistan, but here again the extent to which any program for refugees can be transferred to post-war Afghanistan remains uncertain.

During this latest visit I was pleased to observe, again, that the relief workers—both men and women—are genuinely concerned about the special needs, including education, of the Afghan women. Somewhat troublesome, however, are the numerous reports of growing resistance and in some instances outright hostility of Afghan men towards women's programs. This opposition goes beyond non-compliance; there have been many threats directed against persons and agencies that sponsor special programs for women. There is now significant concern among IRC field staff, most of whom are women, that this growing hostility from the fundamentalists could jeopardize other relief efforts.

IX. THE SPECIAL ROLE OF THE U.S. GOVERNMENT

Our previous Report said "that the U.S. must lead the international effort to repatriate the Afghan refugees". We also recognized that the challenges of repatriation will be "monumental". Fortunately since our previous visits, planning for repatriation has been greatly improved and the planners are well aware of the many political, military and economic uncertainties that complicate their tasks. Despite these uncertainties, planning for resettlement must continue and we should urge our own government to maintain strong support for these efforts. Meanwhile, we must not overlook the pressing needs of the new arrivals who are fleeing from the fighting that goes on inside Afghanistan.

In conclusion my key observations follow:

Most of the observations and recommendations made previously by the Commission are still valid.

Vigorous fighting inside Afghanistan continues and has delayed resettlement beyond the expectations of many. This delay and the attendant uncertainties about the future of Afghanistan have compounded the planning for resettlement. The challenge of resettlement now seems even more daunting than before.

Fortunately cooperation among various agencies, governmental, the United Nations, PVOs, seems to have improved substantially.

Large numbers of new Afghan refugees continue to arrive in Pakistan and their needs must not be overlooked.

The Coordinator's role is not uniformly understood and appreciated by Afghans in particular and this could be harmful to effective repatriation efforts when conditions permit the refugees to return.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, Terry Anderson has now been held in captivity in Beirut for 1,592 days. One cannot assign words to the human cost this captivity has exacted from Terry Anderson and his family. While he continues to suffer, so does our Nation.

I ask unanimous consent that an article which appeared earlier this year in the Chicago Tribune be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Feb. 28, 1989]

PRESIDENT BUSH'S HOSTAGE DILEMMA

(By Mitchell Bard)

In March, Terry Anderson will begin his fifth year in captivity as a hostage in the Middle East. He has been held longer than any other American. For the families of Anderson and the other eight hostages, the change in administration in Washington offers hope for a new effort to bring their loved ones home. Other governments have obtained the release of their citizens. The question is whether President Bush is willing to follow their examples or adhere to the unsuccessful Reagan policy.

The signals emanating from Lebanon regarding the hostages are mixed. The kidnapers held a strong antipathy toward Ronald Reagan and has no desire to give him the political credit for obtaining the hostages' release. It is not clear if Bush is viewed any differently.

Mohammed Mahdi Shams al-Din, deputy chairman of the Islamic Shiite Council in Beirut, said on Jan. 11, "the time has not yet come" for a solution to the hostage problem. He expected some progress after Bush has been in power for "a sufficient period" but cautioned that the issue had become more complicated.

In the meantime, Hezbollah, the Iranian-backed Lebanese Shiite faction, apparently has decided to use the hostages as a pawn in its battle with its Shiite Amal rivals. Although the Syrians have expressed a desire to free the hostages, they still allow the perpetrators and other militants free rein in areas under their control in Lebanon.

One benefit of the arms-for-hostages deal made by the Reagan administration was

that it ended any doubt as to whether Iran controlled the hostage-takers. The best hope for a solution, therefore, remains in Tehran. The problem is that factional infighting among the aspirants for the Ayatollah Khomeini's legacy precludes negotiations: "Moderates" attempting to deal with "the Great Satan" will forfeit their claim to power. And the outcry over publication of Salman Rushdie's book "The Satanic Verses" has halted Iran's movement toward improving relations with the West, making the opportunity for talks on the hostages more unlikely.

Although the situation in Tehran is probably worse today than in years past, France managed to cut a deal to gain the release of its hostages. The French consistently have denied making concessions, but according to a study by the Jaffee Center for Strategic Studies, French hostages were released in 1986 only two weeks after the government expelled hundreds of Iranian exiles belonging to the Mujahidin I-Khalk opposition group. Later that year, two more hostages were released after France announced it would repay Iran \$330 million of a loan made to the Shah.

In 1987, another two hostages were released. This time the French dropped charges against an Iranian who took refuge in his government's embassy to avoid being questioned about possible involvement in that summer's rash of bombings.

Last May, the remaining French hostages were released by Hezbollah after France reportedly agreed to repay its debt to Iran, consider the release to a Fatah terrorist and pay \$30 million in ransom to Hezbollah.

Two West Germans were kidnapped in January, 1987, after West Germany arrested a member of Hezbollah implicated in the hijacking of an American plane. The kidnapers threatened to kill their captives if Germany extradited the terrorist to the United States. The first hostage was released almost nine months later after the West Germans agreed, according to Hezbollah, to release their prisoner. The second hostage was supposed to be released later in exchange for \$3 million. The Jaffee Center study notes that the West Germans, unlike either France or the U.S., made concessions to the kidnapers rather than to Iran.

The Soviet Union took a different approach. In 1985, four of its diplomats were seized in Beirut. Hezbollah executed one of the hostages and threatened to kill the rest if the Soviets did not force Syria to lift its siege of Tripoli. A cease-fire was later announced in the northern Lebanese city and the Soviets were freed.

The Soviets were rumored to have taken more direct action to free its citizens. A team of KGB agents kidnaped either a relative of one of Hezbollah's leaders or three of this assistants. They were murdered and their mutilated bodies sent to Hezbollah with a warning that further action would be taken if the diplomats were not released. No other Soviets were kidnaped.

The people holding the Americans have demonstrated that they can hold out for years. We have done the same, but to what end? It is true, as Henry Kissinger has argued, that saving one American's life is not worth risking the security of all Americans. But of what value is it to be an American if our government gives the impression it will abandon us?

Israel is often applauded for its policy toward terrorists, but even though the Israelis share our reluctance to negotiate, they have made deals with even their bitter-

est enemies. Israel believes it must protect the lives of all its citizens.

President Bush can obtain the release of American hostages, but to do so he will have to make concessions—to Iran or the kidnapers—or authorize a covert operation to intimidate the perpetrators.

RABBI GUNTER HIRSCHBERG

Mr. MOYNIHAN. Mr. President, it is with sadness that I rise today to inform my colleagues of the death of an outstanding religious and social leader and great New Yorker.

Rabbi Gunter Hirschberg, senior rabbi at Temple Rodeph Sholom in Manhattan and president of the New York Board of Rabbis, died just last week. His death means the loss of a great Jewish leader but also of a great man—a man of compassion, justice, and vision.

Rabbi Hirschberg was born in Berlin in 1920 and only escaped the Holocaust due to his involvement in a British-German exchange program for young students. His parents, however, did not escape and were sent to their deaths.

After serving with the Australian Army, he came to the United States to pursue a singing career. Although he had intended to be an opera singer, his vocal talent and spirituality led him to a career as a cantor, the beginning of a long and prosperous career with Rodeph Sholom. After further study, Rabbi Hirschberg was ordained in 1963, became associate rabbi at the synagogue and in 1972 was named senior rabbi, a position in which he served until his death.

Rabbi Hirschberg was a man of wisdom and a man of action. Devoted to education, he had the foresight to establish the first Reform Jewish day school for children, a school which bears the synagogue's name.

He was a leader and a concerned citizen, one who worked with other religious leaders to improve the community. Many religious and political figures were drawn to him. Many spoke from his very pulpit. None were greater in their devotion to the betterment of society than Rabbi Hirschberg himself.

I am sure my colleagues join me in sending condolences to Rabbi Hirschberg's wife, Ruth, and to the congregation at Rodeph Sholom.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1990 AND 1991

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1352, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1352) to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel

levels for such Department for fiscal years 1990 and 1991, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Warner-Nunn amendment No. 396, relating to the B-2 Bomber program requirements and limitations.

(2) Nunn-Warner amendment No. 397 (to Amendment No. 396), in the nature of a substitute.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska [Mr. Exon].

Mr. EXON. Mr. President, now that the bill is before us, I assume that we are on the amendments as laid down last evening by Senator WARNER and Senator NUNN.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 396

Mr. EXON. Mr. President, let me address the amendment that is before us. Basically, what we have done is to delete the B-2 provisions passed by the subcommittee and by the committee and then this amendment was proposed in the form as it now stands. The only differences are, first, we deleted a fence that limited funds until the first flight test occurred. That has now already taken place, since we took our action in the committee, and, therefore, that needed to be deleted.

In its place, we have inserted the procurement funding ceiling of \$2.5 billion, which is the request, minus \$300 million that the committee cut from the proposal as submitted by the administration.

Mr. President, it is no secret that I am a supporter of the B-2. It is no secret that I have been a supporter of the B-2 all during that time when it was a secret. There has been no question to the fact that this program is a significant leap forward in technology.

I think one of the shortcomings of the discussion to date is that with the B-2 following the B-1, too many people have focused on the fact that, "Well, we had a B-1 bomber and now we have a B-2 bomber," sort of as if the B-2 was a follow-on to the B-1, as if the follow-on to the B-1 was in nomenclature only or in numbers that are assigned to it.

The B-2 bomber is a leap forward, a breakthrough, if you will, that we have not seen in recent times. It has been variously described by various people as to how much of a leap forward this is. The facts of the matter are, Mr. President, that I think it can best be described as when we modernized and went from propeller-driven aircraft to jet-driven aircraft. It is that much of a leap forward in basic technology.

It is even more a leap forward than that, Mr. President, when we take into account what the B-2 would do to the position of the United States in the

continuation of talks with the Soviet Union with regard to reduction in all armament.

It, therefore, Mr. President, is indeed a revolutionary technology. No other option is available to our Strategic Air Command commander. Indeed, as General Chain testified very recently in front of the full committee, it is not a question if he, General Chain, is going to get a B-2 bomber. He phrased it very firmly by saying:

I have to have a penetrating bomber and the B-2 is the only thing that we have now on the horizon.

Without the B-2, we certainly have to revise our START position, which none of us want to do. Now, why is that necessary?

Well, first, Mr. President, it is necessary because it has been so outlined and defined by the Chairman of the Joint Chiefs of Staff, by the Secretary of Defense himself, and by General Welch, the head of the Air Force. And last, but far from least, Mr. President, it has been defined by the Commander in Chief himself, President Bush, saying over and over again that we need the B-2 for what it will do to our nuclear deterrent.

Now, when we talk about nuclear deterrent, Mr. President, we go off into all kinds of directions at times. I think we have to come back to what does the term "deterrent" mean. In my mind, it means that we should take action, carefully, constructive and thoughtful action, that will best deter or prevent a conflict between the two superpowers. I think nothing on the horizon right now would better deter than the production of a penetrating bomber that, in effect, would give the Soviet Union and their planners more pause for concern that anything else that we have right now.

At an appropriate time, we will be showing you some charts today that have been brought out in hearings before the Armed Services Committee that shows very dramatically the difference that the two-man crew of a B-2 would be viewing as they approach the Soviet Union on a mission with the billions and billions of dollars that the Soviet Union has already spent in radar facilities and more oncoming in the near future. And those radar facilities that the Soviet Union has tied up billions and billions of dollars in will become, for the most part, obsolete when the B-2 is a part of our flying force and more importantly, Mr. President, a part of our deterrent.

So, therefore, it is revolutionary. And when everyone begins to understand the quantum leap forward that the B-2 would provide us in deterrent, especially on our strategic deterrent, it will probably be more universally accepted than it is right now.

With regard to START and how that would undoubtedly force us to change our position, it has been said

by the SAC commander himself in testimony before the Armed Services Committee that there is no way that he, the SAC commander, could support the present scenario and formulas in START or the beginning of a significant arms reduction with the Soviet Union unless he, the SAC commander, had the B-2 in inventory.

All during this buildup, from before Reykjavik and during Reykjavik and since Reykjavik and with our negotiations now ongoing with the Soviet Union, the knowledge that the B-2 was there and coming on line was an important part of the decisions of the military leadership of this Nation. President Reagan then and President Bush now, and all of the military leadership, including the Joint Chiefs, strongly feel that unless we have the B-2 program, then the negotiations on the way to what is going on between the Soviet Union and the United States right now in negotiations always took into consideration that we would have a penetrating bomber.

Again, why is that necessary? Well, I have alluded a few moments ago to the vast multibillion dollar array of radar that presently protects the Soviet Union from a penetrating bomber. I have said before that we will be showing you charts sometime today that give the view of a B-52 or even a B-1 pilot and crew carrying out a mission inside the Soviet Union with the high radar visibility of those aircraft compared with the B-2 and what the B-2 crew would see going in. It is a dramatic difference.

We should remember, Mr. President, and some people have not, that while the Soviet Union has been spending billions upon billions of dollars for expensive radar arrays to protect their nation, we have done considerably very little of that. Therefore, since we are naked from the standpoint of detecting Soviet incoming airplanes compared with what they have, that makes the B-2 as a penetrator to foil the billions and billions of dollars that the Soviet Union have in their radar arrays, it puts them out of business, so to speak, and it will take time and billions and billions of dollars more if and when the Soviet Union is able, at some time after the year 2000, to come up with a detection system that could indeed not only identify but track and design an attack on a penetrating bomber of the B-2's category.

It seems to me, Mr. President, then, we must simply understand that when we are talking about the B-2, the amount of money that we are going to put in to address it, the fences that we have established in the strategic subcommittee and in the full committee are the benchmarks that this plane is going on that have to pass through or the hoops that it is going to have to jump through before full production

should be fully understood. And those are going to be addressed in some detail in just a few minutes by Chairman Nunn of the Armed Services Committee.

I want to close by focusing once again on the point that more than anything else when we are talking about the production of the B-2, and how many should be produced and what checkpoints or hoops we in the Armed Services Committee are insisting the program goes through before all-out production. Before all of that, I hope we can set the stage correctly for what essentially this debate is all about; that is, if we are going to cancel, as some suggest, or if we are going to delay, as some suggest, we better understand that it will have a very adverse effect for all of us who are looking forward to successful negotiations under START now going on.

To emphasize that point, let me quote from a very recent Armed Services Committee hearing wherein I asked this question of the top military leadership of our country who were there in attendance. I quote from the Armed Services Committee hearing:

Senator EXON. In my opening statement, General Welch, I focused on what I think is just not basically understood by many Members of Congress and others. That has to do with the START program. As a member of the Joint Chiefs of Staff, and a very capable one, you are one of the principal military advisers to the Secretary of Defense and, of course, the President.

If the Congress had terminated the B-2 program so that we would retain only B-52's in inventory, which General Chain talked about a great deal in his briefing, and the B-1-B, in the bomber force, and if the negotiators were successful in reaching START agreement along the lines of the current draft proposal, would you regard this as militarily acceptable as an agreement? By what means would you consider it militarily acceptable agreement without the B-2?

Now, I will read General Welch's reply.

I think I would give a little longer answer to that than just yes or no. It is this. As we evaluate the sufficiency of the START positions that we have advanced in these negotiations, we have counted very heavily on strategic modernization in all three legs of the triad. We have particularly counted heavily on the contribution of the manned penetrating bomber.

I am continuing to quote from General Welch.

I simply cannot believe that we would proceed with negotiations on that basis, where we have a drastically different expectation about the contribution of the manned penetrating bomber. So I guess my answer would be that I find it largely inconceivable that we would continue with current negotiating positions without the B-2. In my view we would simply have to go back to the drawing board and virtually start over in crafting some new negotiating position, which I cannot lay out for you this morning because I have no idea where that would lead us. But, clearly, we would virtually start over on overall negotiations. I think this is not just my personal opinion. This has been

clearly stated by the Joint Chiefs on several occasions.

That is the end of the quote from General Welch. Then quoting from Senator EXON:

Thank you. My time is up. But one last question on the same subject to you, General Chain. As the operating commander let me ask you how you would feel in the year 1994 or 1995 about being the strategic air commander under the proposed draft of START, as we know it today, with no B-2's?

Quoting from General Chain:

I would come and testify in front of your committee against a START agreement.

Mr. President, those and similar statements by the Secretary of Defense and the President and others make it very, very clear that we are talking about arms control and our ability to formulate sound, solid, verifiable arms reductions with the Soviet Union here when we talk about the B-2. I think there is nothing more important or nothing that should be emphasized more clearly than that.

With regard to overall strength, the test given by the SAC commander at that same hearing clearly indicated that by the year 1992, unless we have the B-2, which is and will be our only penetrating bomber as far as we can see into the future, that without that the capability of the air forces under this command at this time would be essentially cut in half by the year 1992 or 1993.

We are facing a strong need for modernization, not only of our ICBM forces, but the air-breathing leg of our triad as well, and I hope all Senators will bear that in mind as we continue this debate.

The PRESIDING OFFICER (Mr. DIXON). The matter before the Senate is amendment No. 397 offered to amendment No. 396 to S. 1352, the Department of Defense authorization bill for fiscal years 1990 and 1991.

Mr. EXON. I thank the Chair. The amendment the Chair just referred to has to do with the B-2 bomber. We are waiting for Senators to come over to debate this issue.

I simply say we hope to stay on this matter for as long as is necessary to give anyone a chance to come over and discuss the pros and cons of the B-2 issue, which is a very intricate part of the defense authorization bill and one I suspect will be one of those that will spark the most controversy and needs probably more explanation than many other parts of the bill.

I simply say that I have made my initial proceedings on this. I await further discussion on the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERRY). Without objection, it is so ordered.

Mr. DIXON. Mr. President, earlier this morning I had intended to ask some questions of my friend, the distinguished senior Senator from Nebraska, who Chairs the Strategic Forces and Nuclear Deterrence Subcommittee of the Armed Services Committee but he has temporarily left the floor to attend to other business. So in the interim period until such time as he returns I would like to take a moment or two to comment upon the amendment regarding the B-2 that is before the Senate at this time.

Quite obviously, Mr. President, the question of the B-2 in the DOD authorization bill will be one of the most contentious that we will face in this Department of Defense authorization bill.

I point out to the President and my colleagues that this bill has always been a bill that the Senate has spent considerable time on. And as one of the people who has been serving as an assistant to our distinguished manager of the bill, the manager on the Armed Services Committee, I can tell you that this bill attracts a great many amendments, and in the past has taken considerable time on the floor of the U.S. Senate.

One of the things that concerns me about the questions regarding the B-2 is I think there may be a perception held by many Senators that the committee, and particularly the jurisdictional subcommittee, has not spent a good deal of time on this question. I would like to lay that misconception to rest.

I am not a member of Senator EXON's Strategic Forces Subcommittee. I am chairman of another subcommittee of the Armed Services Committee. But I know from my personal experience as a member of the committee that that subcommittee spent more time, more effort, and devoted more hours to the question of the B-2 than any other question before the Strategic Forces and Nuclear Deterrence Subcommittee. I think I can say in the presence of the Chair who is here on the floor now managing the bill that we spent more time in the whole committee on the question of the B-2, substantial time spent in a very spirited discussion, oftentimes led by the distinguished Senator from Ohio [Mr. GLENN].

So I think I can report to my colleagues in the Senate—I do not come here to report as one who has the expertise in the field because clearly I do not have that. I am a member of the committee. I have heard the discussions in the committee. I have been in there for the hearings in the committee, and I have heard the report of the subcommittee. But I can report as a

member of that committee to my colleagues in the Senate that more time clearly has been spent on this issue in the jurisdictional subcommittee, the strategic subcommittee, and in the committee on the B-2 than on any other subject matter.

As a person who is concerned about this issue—and who candidly says to his colleagues I do not report to them as the best-informed individual on this—I would like to make these two points that appeal to me after hearing everything.

First of all—maybe several points—I would like to make this point. The chairman of the subcommittee who is jurisdictional, the distinguished senior Senator from Nebraska [Mr. Exon] has really devoted a lot of time and a lot of thought to this question. I do not know, Mr. President, whether the cameras have focused yet on this report by the Senate Armed Services Committee concerning its recommendations on the B-2. But that is essentially the product of the subcommittee that is jurisdictional. After giving a lot of thought, they made a \$300 million reduction.

So there is a substantial reduction this year in the budget request by the administration. That reduction emanates from the subcommittee approved by the committee as a whole—it is fair to say ultimately almost unanimously, I think, was the approval of the committee after perhaps some divisions on some other questions. It may have even been unanimous on the approval of the subcommittee's recommendation, the \$300 million cut.

Then all of those fences you see there, a half a dozen or something of that sort. I do not represent this in any finite detail. I am speaking from memory—but a \$300 million reduction, and then all kinds of fences to absolutely ensure, Mr. President, that we truly have what we represent to the American people we are trying to achieve here, a penetrating bomber that can get the job done should it be necessary. And we pray that it will never be necessary. That is the first point I want to make.

The second point I want to make is we heard from the experts. I mean you have to depend on them. Who else can you depend on? General Welch, the Chief of Staff of the Air Force, said to us in his testimony before the whole committee in answers to questions that in his view proceeding with START and the strategic arms discussions depends on having this penetrating bomber and making these necessary investments.

Then the final point I want to make on that, in sort of layman's terms, Mr. President, when I go home this is a question I hear at town hall meetings because the media has talked about this bomber a lot.

They have been very critical, in many respects, of the cost and even of the question of performance up until now, or at least prior to this recent test flight they were very critical of. People say why are we spending this kind of money, why are we doing this?

I suppose in simplistic terms my answer might be this, Mr. President, that it has been the experience of this Senator—and I think others would agree—that investments in preventive medicine are a good idea. You do things from time to time. I take physicals from time to time, and other Senators do, and sensible people do, to ensure that we are protecting our individual well-being. So preventive medicine is a good idea and has been proven to be a good idea. It is scientifically supported by all the evidence that it is a good idea.

I suggest that the investment that we are making here is preventive medicine. It is a substantial investment, yes, but the subcommittee, in its very careful, exquisitely detailed efforts to bring this about in a way that was satisfactory to the whole committee, suggested a way to do it. They said, "Look, we are going to cut some money and put up a lot of fences around this thing, and we will demand that the performance and testing is right." The bottom line is that we will not buy any more B-2 aircraft if it fails its flight test program.

So I think we are saying to the people of the Senate and the country that the jurisdictional committee has looked at this very carefully, in a very conscientious way. The distinguished senior Senator from Nebraska has spent untold hours upon this issue. They have brought forth a good report—now, not something that just embraced everything the administration said at all. It was a report that said we are going to put tight constraints on what is done to bring forth a response to the concerns about the B-2 that will be satisfactory to the American public.

I believe that to have been done in this case, Mr. President, and I say to my colleagues that while I am not on the jurisdictional subcommittee, I am on the committee, and I have heard all the discussions there, and I am personally convinced that in a solid, sensible, intellectually serious, bipartisan manner, the committee has looked at this question and brought forth its best effort. This Senator would recommend to his colleagues that they seriously consider what the committee has done, and I yield back the floor, Mr. President, with the final observation that sometimes these results do not please everybody, quite obviously, but it is a view of this Senator that given the challenge before us, the strategic arms talks, START, the need for a penetrating bomber, fiscal constraints we face, and other things, we have

brought forth the best recommendations that the committee could bring forth in S. 1352. I recommend it to my colleagues.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I would like to congratulate my colleague here. I see another Senator rising. I would like to reply for a few minutes, and then I will be happy to yield the floor.

Mr. President, while my distinguished colleague is on the floor, I wonder if we might have a brief colloquy on how the B-2 has been treated by the Armed Services Committee over the period of time that he has been a Member of the Senate, and a vital, very active participating member of the Senate Armed Services Committee.

The Strategic Subcommittee has the immediate jurisdiction within the committee over this program, and all of our sections of the Armed Services Committee, that is in terms of the markup of the subcommittees and full committee, by necessity, are in closed session. But the first question: Were not the facts on the B-2, throughout your career in the Senate, fully shared with all members of the Committee on the Armed Services?

Mr. DIXON. I do not think there is any question about that.

Mr. WARNER. Now, the question of costs—and indeed it is referred to as sticker cost—basically we understood those costs throughout, in my judgment, the last 6 or 8 years. I was chairman of the subcommittee during the 4 years that my side of the aisle was the majority, and I freely discussed those figures. At that time Senator Hart was the ranking member of the Subcommittee on Strategic Forces. He understood those figures, as did the members of our committee. When we came to the floor, of course, they were classified and could not be discussed.

At any time, if another Member of the Senate desired to have information, it was available as in S-407 or other means for sharing it with our colleagues in the Senate.

While the B-2 was rolled out, and this heavy sticker price has rolled out, do you concur in my observation that the Senate, the Armed Services Committee, and other Members of the Senate had access to these various costs?

Mr. DIXON. I concur. I volunteer that I think we, from time to time, criticized to some extent some of the costs, but I would not at all argue with my colleague's representation that we have always been fully informed about it.

Mr. WARNER. The second point, which is very valuable, that the Senator from Illinois made, was talking

about the mission of the B-2, and you characterized it—most correctly, in my judgment—by saying it is there to deter.

Mr. President, it might be surprising for a Senator to stand on the floor and say the mission of the B-2—apart from training missions, and a very narrow category of rare instances where it might be used in conventional situations—is to never take off from a landing field in the United States. It is to remain there, poised, so all can look at it; most importantly, the Soviet Union, and that planner or planners who have to constantly look at the ability of the United States to deter the Soviet Union from ever firing the first shot in anger; and if it sits there in its quiet majesty, looking the Soviet planners square in the eye, and it need never take off, it will have fulfilled its mission. In fact, if that airplane ever has to take off, and ever crosses a Soviet border in a retaliatory mission, then it has failed its purpose.

Does the Senator not agree that the mission of that bomber is primarily to deter, to poise to the Soviet planner, who in turn advises the General Secretary and others in the Soviet Union, that that is the big question mark in the American triad, land, sea, and air, that we cannot, Mr. General Secretary—be it Gorbachev or his successor—assure you as to its full range of capability, as to its full range of mission; but there it sits, and we cannot give you the full answer. That is the essence of deterrence, which my distinguished colleague raised.

Mr. DIXON. I fully agree with my distinguished colleague, the ranking member, and I say that I characterize it somewhat as preventive medicine, but the point is the same. It is an investment we hope we never have to use fully employed, beyond the threat which it establishes.

Mr. WARNER. I thank my friend and colleague.

Mr. DIXON. I thank my friend and colleague.

The PRESIDING OFFICER. The Senator from Iowa.

RESOLUTION COMMENDING CITIZENS OF SIOUX CITY AND WOODBURY COUNTY FOR ASSISTANCE IN THE CRASH OF UNITED FLIGHT 232 ON JULY 19, 1989

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 157, introduced earlier today by myself and Senator GRASSLEY to commend the citizens of Sioux City and Woodbury County, IA, for their assistance in the crash of United flight 232.

Mr. President, unanimous consent has been cleared on both sides.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 157) commending the citizens of Sioux City and Woodbury County, Iowa, for their assistance and extraordinary response to the crash of United Flight 232, July 19, 1989.

Mr. HARKIN. Mr. President, with my distinguished colleague from Iowa [Mr. GRASSLEY] we are proud to offer this resolution commending the citizens of Sioux City and Woodbury County, IA, for their assistance and extraordinary response to the crash of United flight 232 on July 19, 1989.

The crash of that plane last week was a nightmarish catastrophe that will never be forgotten.

When something like this happens it strikes a deep chord in all of us—life stops as we contemplate our own mortality.

Within minutes the lives of more than 109 people were arbitrarily cut short in a very violent crash and fireball.

We all pray that something like this will not happen to us, our family or friends and we grieve and mourn the loss of those who fell victim to such a capricious death.

But we should also pay tribute to the heroes and heroines—the many people of Sioux City and Woodbury County, and of surrounding communities who participated in the rescue efforts. Because of their skill, experience, coordination, preparedness, and generosity, there were 186 survivors. And in a crash of this type, that is truly remarkable.

The pilot of the plane, of course, performed an act of great skill and courage in maneuvering the plane with virtually no capacity to steer his aircraft.

By the time flight 232 crashed, there were fire trucks, National Guard units, and local rescue vehicles already on the scene.

In fact, the head of the intensive care unit at the hospital in Sioux City was already in a helicopter hovering over the scene at the time of the crash.

The call went out to all of Iowa—and all of Iowa responded.

The nightmare contained glimmers of hope fanned by the efforts of Iowans who conducted an organized and efficient relief operation under the worst possible conditions.

Representatives from the Department of Public Safety and the Red Cross reacted immediately. The Iowa National Guard was out in full force. The Sioux City Police Department was on the scene instantly.

The St. Luke's Regional Medical Center put its mass casualty plan into effect moments after the crash. The Marian Health Center flew in helicop-

ters. As the hospital's blood supplies depleted, donors immediately showed up and the supply was replenished.

In fact, there was a report in the Sioux City Journal that said:

Marian Medical Center Vice President Andrew Allen said supplies arrived from hospitals in Sioux City, South Dakota, and Omaha, Nebraska.

"We probably got 5 months of inventory inside of 3 hours," Allen said.

Much of the success of the extraordinary response by Iowa rescue units can be attributed to the disaster training that takes place in even the smallest Iowa communities. Just 2 years ago, Sioux City emergency services officials participated in an airline crash drill at the airport as part of an annual training exercise.

Had the emergency crews not responded with such remarkable speed and expertise, the death toll most likely would have been several dozen higher.

Mr. President, I just thought I might read some of the things that were in the local newspapers in Iowa concerning the crash and what some of the local citizens did and the extent to which they participated and pushed themselves to the limit of human endurance to help those who had suffered from that crash. I guess I cannot read them all, but I think just a couple will give you an idea of just some of the heroic deeds that these people performed.

Here is one, for example:

Barb Small, emergency room supervisor at Marian Health Center, called her husband to tell him he'd have to pick up the children at the baby-sitter's house.

The first of 88 patients to come through the Marian emergency room Wednesday night began arriving shortly after 4 p.m. After that, Small said, time was a blur as she met ambulances and directed patients to the appropriate location according to the severity of their injuries.

Seven passengers were dead on arrival or died shortly after reaching Marian. Small went home about 1 a.m. after an 18-hour workday.

That is just one of the heroic individuals who worked 18 hours taking care of those people in the crash.

In one article, there was a quote from Dr. Greco:

We had lots of people but we ran out of resources. But all the injured got help within the "golden-hour"—the critical time during which emergency care is necessary for injured victims. He said almost all the injured were in the hospitals 10 to 15 minutes after they were located.

In another article, it states:

By the time the DC-10 reached the Sioux City area, officials had assembled an array of some 35 fire engines, ambulances, rescue units, and police cars, some of them from as far as 30 miles away. Two-hundred police and rescue workers eventually mustered on the field.

Again, this was just at the time of the crash. As I said, Mr. President, 2

years ago, they had a drill involving an airline disaster at the Sioux City airport. So, because of their training and their expertise, they were able to perform in a manner which saved many, many lives.

I may also point out, Mr. President, that rescuers came not only from Sioux City and Des Moines, but also from Omaha, Sioux Falls, SD, and from small communities as far as 100 miles away. So I would also include in this my respect for the people of Nebraska and South Dakota who came.

I know that my colleagues will join Senator GRASSLEY and me in extending the Nation's concern and sympathy to all of those who have been affected by this crash.

Throughout the tragedy the overwhelming assistance that Iowans provided served as a beacon of hope.

The tragedy will not be forgotten—but the efforts of so many people of Sioux City and Woodbury County eased the pain for many families. This, too, is something that will not be forgotten.

And this, too, I hope will serve as an example for other communities throughout the country so that they, too, will be prepared in case such a need may arise in the future.

Mr. President, I yield the floor.

Mr. GRASSLEY. Mr. President, I am very happy to join my colleague from Iowa on the submission of this resolution and asking my colleagues to support it so that we say, "Thank you," to the people of a wide area that we call Siouxland for their response to this tragic airplane crash that took place a little less than a week ago.

Nobody expected United flight 232 to land in Sioux City, because it was routed from Denver to Chicago. But, obviously, there was very serious trouble—probably nothing that has been repeated by any airline, at least as far as I can tell following the news, a very unusual type of mishap in the sense of this engine going out and needing to find an airport capable of handling an airplane of that size. So the decision was made, on a very hurried basis, to turn back to Sioux City Gateway Airport.

This airport is a former Air Force base that was used during the Second World War and now is the main air transportation facility for our tristate area of Iowa, Nebraska, and South Dakota, and also the home for the Iowa National Guard. This airport provided the runway and facilities necessary to handle the problems identified with disabled aircraft.

With a 30 minutes notice, the communities around the airport put their emergency preparedness program into place.

During 1987, an emergency drill of this type provided an updated program that has been credited with

saving over 40 lives during this tragic crash.

Standing by at the airport was emergency equipment from area communities ready to help those in need of immediate assistance. Within 4 minutes after the crash, victims received oxygen.

The Red Cross already was processing volunteers ready to donate blood and by the next morning, over 400 persons were lined up to give blood.

The two area hospitals were ready with the latest equipment to assist. Over 100 doctors and hundreds of nurses were there to help.

Briar Cliff College was turned into a holding area for those needing a place to wait until arrangements could be made to get them back to their homes.

Our mental health professionals were there to assist with those who were having trouble dealing with the tragic ordeal.

The Iowa National Guard did an outstanding job, and is still working hard helping the Federal investigators piece together the puzzle that created the tragic problem in the first place.

All of this, for the most part, was done because of the willingness of Iowans to help people in time of need.

I am proud of the response of my fellow citizens.

I am also happy that two of my staff members in my Sioux City office volunteered long hours for 6 days.

I know that nothing will replace the loss of loved ones, but those families may gain a small measure of comfort in knowing that the citizens of Siouxland opened their hearts and homes and did all that was humanly possible.

As Hugh Sidey of Time magazine, and a fellow Iowan, stated in the book "Iowa the American Heartland":

People who have felt the caldron of drought and sun and who have watched their land flash-frozen by marauding Canadian blasts but were always rescued by the calm of another season or the rains of another year; people who have seen nature heal herself and renew herself from her own abuses; those people understand their own perishability and the necessity for faith and self reliance. They see before others that interdependence is necessary for survival, that one's obligations are just as heavy and numerous as one's blessings, that human dignity and common concerns are imperatives for lives that harmonize with all that is around them. There is in Iowa an unwritten but deeply felt and respected pattern of decency and usefulness.

I believe that the people of Siouxland truly opened their hearts and I know that they would do it again if asked. As was stated in the movie, *Field of Dreams*, "Is this Heaven? No, it's Iowa."

Siouxland, America thanks you and I thank you.

I ask unanimous consent to have printed in the RECORD two articles that appeared in the Sioux City Journal regarding the airplane crash, a state-

ment by President Bush, and an editorial from today's Washington Post.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRASSLEY. Mr. President, I also want to close by reminding Senators to read from this morning's Washington Post the last editorial. So I say thank you to the Washington Post for an editorial entitled "Heroes in Sioux City." But, most importantly, they emphasize that there was review of the emergency procedures in a controlled situation a year ago, and that much was learned from that test crash that was staged in 1987. The bottom paragraph admonishes all people involved with airplanes and emergency preparedness to, likewise, be ready. The last sentence says: "Sioux City shows what the payoff can be."

I thank my colleagues for their attention to this matter.

[From the Washington Post, July 25, 1989]

HEROES IN SIOUX CITY

The grim search for the dead and injured at Sioux City Municipal Airport is over, but the accounts of 41 harrowing minutes aboard United Air Lines Flight 232 last Wednesday continue to reveal extraordinary life-saving facts. The experts have weeks and perhaps months of elaborate investigating ahead before they issue any authoritative summary report of what happened, but the findings so far point to an immensely destructive explosion. When the DC-10's No. 2 engine exploded, only the remarkably cool and inventive responses of the flight's four pilots kept a majority of those on board alive. And once the craft had crashed, an exceptionally professional rescue operation came into play at the site.

When the aircraft lost that engine, it lost its flight controls. Yet Capt. Alfred C. Haynes and the other pilots managed to guide the jet 70 miles to the airport with nothing but their own improvised controls system. As staff writer Laura Parker reported, "the damage was so catastrophic that United's flight manuals have no instructions on how to proceed." Still, the pilots had reassuring messages for passengers, for those on the ground helping them down and for each other.

United's pilot training program is considered among the best. Cockpit discipline, annual refresher sessions with simulators and performance tests are among its features. Similarly, the intense, regular emergency training of rescue personnel in Sioux City is credited with having saved lives and controlled serious injuries. Sioux City and Woodbury County conduct unannounced and realistic drills in which police, fire and medical teams respond to a unified command center with help from the National Guard and the Red Cross, among some 40 agencies. The experts there say they learned much from a test "crash" staged in 1987 that pointed up confusion on the radio system and an inadequate number of ambulances.

In greater Washington, the Air Florida crash of 1982 jarred regional officials into setting up an improved disaster team that meant to summon and deploy sophisticated equipment efficiently. The regional airports authority now holds regular "hot" drills with diving teams, fire situations and other

emergency tests. Officials say that retraining is required, and that a mutual aid compact specifies procedures for enlisting helicopters, military assistance and the use of police and firefighters cross-trained in each other's work. Sioux City shows what the payoff can be.

THE WHITE HOUSE,
July 20, 1989.

STATEMENT BY THE PRESIDENT

Barbara and I extend our deepest sympathy to the families and friends of the victims of Flight 232. Our hearts—indeed, the hearts of all Americans—go out to them in their time of sorrow.

I am sure I speak for many when I commend the extraordinary efforts of the airport personnel, rescue teams, National Guardsmen, and local citizens who rushed to the crash scene to offer aid. The compassion and generosity demonstrated by the entire Sioux City community in the wake of this catastrophe has been overwhelming.

Today, we pray for the passengers killed on Flight 232. Let us also ask God to bless their loved ones and those survivors who remain hospitalized. May they find strength and comfort in their faith and in the love of family and friends.

[From the Sioux City Journal]

BRIAR CLIFF OPENS ARMS TO WALKING WOUNDED

(By Marcia Poole)

"There are moments in life that you simply have to enter," Sister Margaret Wick, president of Briar Cliff College, said Thursday morning.

Briar Cliff faced one of those moments when it was asked to take in 55 of the walking wounded of Wednesday's United Flight 232 crash.

"There was no hesitation. We did what needed to be done. The whole community of Sioux City reached inside itself and found resources it didn't know it had. We found that this is really who we are," she said during a break from the volunteer work that had kept her on campus for most of Wednesday night and Thursday.

Briar Cliff's role in the crash aftermath began with a phone call from St. Luke's Regional Medical Center at about 5:30 p.m. Wednesday. Hospital staff asked the college to find beds for crash survivors whose injuries didn't require hospitalization. Within five minutes, the college also received pleas from Siouxland motels and national media for dormitory rooms.

"Apparently, there were no rooms left in the area—the hotels were overflowing. We told the hospitals that we would work with them," said Wick.

The president, who had gone home for the day, was called at 6 p.m. and the decision was made to mobilize every resource the college had to help the crash survivors. She immediately returned to the college where Donna Gilligan-McMillan, director of campus living, already had emergency efforts under way.

Administrators decided to house the survivors in Alverno Hall, a co-ed dormitory. Incoming freshmen were participating in an orientation program in two other dormitories. A fourth dormitory, Toller Hall, was in the throes of heavy-duty cleaning.

"We had to choose a place where we could isolate two floors for an indefinite period of time for these people," said the president. "We had staff up here to do the job and 10 students who are helping to coordinate

summer conferences, but we didn't have enough sheets. St. Luke's said they had plenty of sheets. They were hauling supplies up here at the same time that our men were bringing in things. Students helped make up the beds."

Faculty began to call and ask how they could help, said Dr. Jeffrey Willens, executive vice president of the college. "Faculty who are counselors asked, 'Do they need counselors?' Others asked, 'Can I answer phones? Can I take out the trash?' They wanted to help in any way they could."

Shortly after Briar Cliff was designated for survivors with minor injuries, an outpouring of help flooded the campus. Fast-food and pizza restaurants, Siouxland soft-drink bottlers, the college's food service and St. Luke's delivered everything from fried chicken and oatmeal cookies to potato chips and pop. A buffet of hot food and cold beverages was set up in the college pub on the ground floor of Alverno.

Siouxland linen services called with offers of bedding and towels. Sioux City banks offered cash for survivors' immediate needs and transportation costs. Briar Cliff students directed traffic as news media and volunteers converged on the campus. Counselors from Sioux City, Briar Cliff and University of South Dakota came to be with the traumatized survivors. Siouxland clergy from diverse denominations brought comfort.

"People just called—just showed up. People from the helping professions started arriving. Hundreds of volunteers were here. The Red Cross has been here constantly," said Wick.

The college was told to expect the survivors at 9 p.m. Accompanied by registered nurses, they began arriving in vans about 9:15 p.m. The 55 were taken to the third and fourth floors of Alverno where psychologists, counselors and clergy were stationed.

"There was a range of injuries. Some people had just scratches and bruises. One man had a head wound and one had his ribs wrapped. One person had a broken finger. Some had blood on their clothes. Some had nothing," said the president.

After settling in their rooms, many survivors went to the pub to eat. "Those were the people who didn't mind talking to reporters. The news media had filtered into the pub by this time and they were looking for survivors. One man was on 'The Larry King Show' right away. Some people didn't want to come down."

Hospital nurses, the Red Cross and Briar Cliff administrators and students were among the people who stayed with survivors through the night as they talked about the catastrophe and tried to reach loved ones by phone.

"The hardest question to ask was, 'Were you traveling alone?' I talked to one couple who had been traveling with another couple. They had just found out that their friends didn't survive. They had to make the calls and identify the bodies," said the president.

By early Thursday morning, friends and families of passengers began arriving by bus and car not knowing whether their loved ones were dead or alive. United Airlines representatives who set up an office on campus were unable to tell all the families the status of their loved ones. There were still passengers unaccounted for.

More volunteers came to relieve those who had been up through the night. Families were taken to hospitals to see their injured loved ones. Every survivor was assured

that college and community services would be there for as long as necessary.

Mass was offered at Our Lady of Grace Chapel Thursday morning and some of the survivors attended. Afterward, there was a large breakfast at Alverno and survivors seemed amazed at the community's enduring compassion and care, said Wick.

"We heard passengers saying that if this had happened in other cities, they would have never been treated like this. Survivors told me that this was a wonderful place. They were truly amazed. I said, 'Well, you're in the heartland and you've seen the heart of Sioux City.'"

EXHIBIT 1

TEAMWORK, QUICK RESPONSE SAVE LIVES

(By Harvey M. Sanford and John Quinian)

The medical doctor who decided which of the injured in Wednesday's airliner crash should be treated first was in the Marian Air Care helicopter hovering over the scene, waiting for the craft to land.

Dr. David J. Greco, director of both the Air Care and Marian Health Center's emergency team, was only seconds away from the site, and saw the crippled craft as it came from the northeastern horizon.

"At first we thought they were going to be five miles short of the airport, because we heard them tell the tower they would probably crash land about five miles out. Then we saw them on the horizon, and saw they could make it to the airport."

"Then we had hope because it would be a rough landing but at least it would be on the airstrip. But as soon as we had that ray of hope, the aircraft hit the ground and caught on fire."

"We saw it burst in flames, and the fireball scoot for half a mile, and the airplane engulfed in flames, and we thought it was going to be 100 percent fatal," he said.

"We landed within a minute of the crash. But when we got there, I was amazed—two stewardesses were already out of the plane, walking away from the wreckage, with hardly a scratch on them."

"I asked where they were located, and they said they were in the very rear of the aircraft."

"We looked around and everybody else was devastated. It was like a war zone. I thought everybody else was dead. But five minutes later, people started coming out of the larger portion of the aircraft, rows 9 to 19 where the structure remained intact," Greco said.

The 40 patients deemed critically injured during his triage work would not have survived had they not been transported to a hospital within one hour of the crash.

Teamwork and quick response made the difference, Greco said.

Of 183 patients transported to Marian Health Center and St. Luke's Regional Medical Center, 9 died, 59 were admitted, 124 treated and released, and one held for observation.

Greco said of 88 patients transported to MHC, five were dead on arrival and two died during the night. He said he was surprised more had not died.

"Of 40 critical patients, I didn't think any of them were going to hardly make it if they didn't get help right away," he said.

"We used the golden hour." You have one hour with these bad trauma patients to get to the trauma center, and they made it by ground.

"The airport may be 10, 15 minutes away if you're speeding. These patients were luck-

ily located where the ground crews could get them here," he said during a Thursday morning press conference at MHC.

Dr. Michael Wolpert, director of trauma at MHC, said about 10 to 15 very seriously injured patients were admitted to intensive care, and some of those patients may not make it. The other victims admitted to the hospital were in stable condition.

Another six crash victims were admitted to the burn center at St. Luke's, according to Dr. Stuart Leafstedt, general surgeon at the hospital.

"We were very impressed with the hospital's performance," Leafstedt said. "We had people return to work immediately, stay at work, all of the people at St. Luke's who could possibly be involved, simply working there voluntarily, and I think the community support was outstanding."

The response was the same at MHC, Wolpert said.

"At Marian alone, we had two neurosurgeons, four anesthesiologists, five trauma surgeons and two or three orthopedic surgeons, plus we had all the backup. People came in from different offices, the nurses, lab technicians, X-ray technicians. It was just a groundswell," he said.

The medical staff followed all the guidelines established in previous disaster drills, tagging every patient as they entered the hospital, Wolpert said.

"There is a physician, Dr. Jim Nielsen, who triaged the patients. He climbed right into the ambulance there, just for a brief assessment, to tell where to take the patients, and that helped tremendously."

Greco said at least 100 Siouxland physicians of every specialty responded to the call and were at both hospitals when the victims began arriving.

Greco handled the difficult triage duties at the scene of the crash. In the process of triage, those worst hurt are given treatment first, while others with lesser injuries must wait.

The initial impact caused the huge DC-10 to cartwheel across the huge Sioux airport runway at 4 p.m. Wednesday. The front of the plane came off, and the tail section was thrown farthest from the main fuselage.

The impact also caused a fuel explosion, and flames and black smoke engulfed the craft as it hurtled to its final resting place in a cornfield.

"Many of the passengers suffered crushing injuries," said Greco.

"When we first landed, I just noticed debris everywhere. It looked like just one big littered area of small particles, and mixed amongst the debris were bench seats three across with passengers strapped, bent over, upside down in these seats, in every different position, and these seats were totally independent of any aircraft structure," he said.

"They look like they had been rolling for up to a half mile at high speed, with trauma injuries to the head, arms and legs."

Stewardesses at first, and then emergency rescue personnel, gave airplane airmask equipment to the injured to protect them from smoke.

"We were there within seconds after the crash, and I was amazed to see people walking around," Greco said.

But very few persons had to wait long for attention because there were scores of ambulances from within a 50-mile radius of Sioux City pressed into service. The advance notice of nearly 20 minutes before the crash enabled rescue services to be marshaled in advance.

Air National Guard members and the volunteer rescue squads conducted body searches and transported the injured on spine boards to the image base set up in a grassy area next to the runway, where Greco prioritized the critical patients, deciding which patients needed immediate attention and transport.

Because the volunteers had a hard time locating patients amidst the debris and bodies, they had to listen for moans, he said.

"Everybody was relying on their ears more than their eyes. People would wave their hands when they heard a moan. Then we'd unbury a pile," he said.

"As soon as somebody would find somebody, their hands would go up. There were people waving in different areas of a mile spread out."

"The people who could speak, they basically said, 'I'm OK. Go take care of somebody else.'"

"The most critical patients left within a few minutes. People kept coming. We kept resuscitating and transporting," he said.

"I didn't ride the chopper back. I rode the ground crew back. I was taking care of a patient."

One major limitation of the hospital helicopter was that it ran out of resources, Greco said. Though he had plenty of help on the ground, the chopper only carried enough breathing apparatus for about a dozen emergency resuscitations. Fortunately, he said there were enough ground units and the hospitals were close enough to get the job done.

"We activated the disaster committee. To take care of a dozen patients personally is overwhelming for our (usual) emergency staff, but when you activate all the resources in the community, and all the doctors show up, 88 patients wasn't all that difficult," he said.

"We had the space available, we had the nurses, we had all the ancillary help."

"Instead of me having to be single-handed, we had a lot of cooperation from the medical community. They all responded."

Greco also gave credit to the twice-a-year "drills" which have been conducted by all rescue, medical, police and fire personnel.

"This worked just like the drills," he said. "You see, we don't tell anybody when it's a drill. We go the whole nine yards. The doctors respond, and we sometimes have to stop them short of cutting on the patients, who have been made up to such a degree (they look like they really have been injured)."

"We want to see the whole response time, and just how they will go."

Greco, out at the airport at dawn to check on the crash scene again, admitted he had been able to go home during the night and "grab a couple hours of sleep. I had a hard time falling asleep."

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I rise to say how pleased I am, as a Member of this body, to hear these two distinguished Senators recount in really a dispassionate way, but nevertheless a most sincere and heartfelt way, the virtues of their citizens of the great state of Iowa.

As one who prides himself on being an easterner, I always puzzled a little bit about Horace Greeley's phrase, "Go West, Young Man," but I suppose

it is true in many respects. Because we did see a chapter of Americana which warms our hearts.

I pause to think every so often, what if a great catastrophic problem hits this country? We are here talking about strategic deterrence, and with the help of the Lord we will be successful somehow in continuing to formulate our strategic deterrence. But should we ever have, God forbid, an accident in that area, there is hope the citizens would come together.

I have some concerns about the effectiveness of our civil defense dollars. But here is a clear example of a few dollars well spent and just some basic planning when the multiplying factor is the good will of the American people. This example stands as a hallmark, and I express my great appreciation to the people of Iowa and particularly Sioux City for what they did.

Mr. NUNN. Will the Senator yield? I would like to join my colleague from Virginia in expressing our appreciation for this message today, this very timely message from Senator GRASSLEY and Senator HARKIN. I think everyone that viewed that terrible tragedy also viewed with great pride the performance of the people in the hospital, the people there on the emergency team, the people in the airport. It could have been much worse. And also the pilot and crew of the plane as well as many of the passengers. So this is a very timely message and much appreciated.

I must say, when my friend from Virginia speaks as being an easterner, I recognize that Virginia is still below the Mason-Dixon Line and we call Virginians southerners. I hope he has not dropped that title.

Mr. WARNER. Touché; but I remain a southerner through and through.

The PRESIDING OFFICER. The Chairman would remind the distinguished managers of the bill that the Senate is under an order to go out at 12:30.

Mr. DOLE. Mr. President, I ask unanimous consent to proceed for just 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I want to thank Senators HARKIN and GRASSLEY for the statements they made and for their recognition of the fact of what did happen after the fatal crash. Today and tomorrow or the next day and the next day, people in Iowa are going to be out there, trying to be helpful. I would say, as someone who had many opportunities to visit Iowa a couple of years ago, and to meet a lot of people in Sioux City: it is not surprising at all. They are real people with real concerns. They are genuine. They had a challenge and an opportunity, and they did what they did because of that, because of their values and be-

cause of the kind of people they are: just good, hard-working people from all walks of life.

As I watched TV last night, there were 62 of these Sioux City residents who were going to this special meeting. There was a psychologist there from South Dakota because some of these people had suffered deeply. They were on the scene. They took care of the dying and the living.

So, I want to commend the people of Iowa, and Sioux City, and particularly Senators HARKIN and GRASSLEY for bringing this to our attention.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, the Senate schedule calls for the Senate to break for the caucuses at 12:30. We have exceeded that but I ask unanimous consent the Senator from Montana be allowed to proceed for 4 minutes, at which time the Senate would be in recess for the caucuses.

Mr. HARKIN. Mr. President, would the Senator yield?

Mr. NUNN. I will be glad to yield.

The PRESIDING OFFICER. Is the Senator from Montana intending to speak on the resolution?

Mr. BURNS. On the defense reauthorization.

The PRESIDING OFFICER. We will dispose of the resolution first.

Is there objection? The Senator from Iowa.

Mr. HARKIN. Mr. President, let me thank the distinguished chairman of the Armed Services Committee and ranking member for providing us this time for Senator GRASSLEY and myself to come to the floor and offer this resolution. I know it is an interruption in the natural flow of the defense authorization bill and I appreciate the time.

I also want to thank the distinguished minority leader, Senator DOLE, for his kind remarks concerning the citizens of Sioux City and Woodbury County.

The PRESIDING OFFICER. The Chair will entertain the motion with respect to the Senator from Montana to proceed, after disposition of the resolution, for a period of 5 minutes.

Mr. NUNN. And the Senate to stand in recess at 12:45 p.m.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the resolution of the Senator from Iowa.

The resolution (S. Res. 157) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 157

Whereas United flight 232 tragically crashed while making an emergency landing

attempt at the Sioux City, Iowa, airport on July 19, 1989;

Whereas due to skills of the pilot and flight crew and the immediate mobilization of local and State rescue units, 186 of the 299 people aboard remarkably survived;

Whereas the people of Sioux City and Woodbury County, without hesitation, mobilized to provide aid and comfort to the injured;

Whereas by the time that flight 232 crashed, there were firefighters, Air National Guard troops, the city police force and sheriff's office, the Red Cross, and local rescue vehicles on the scene which began immediately transporting the injured for treatment;

Whereas the physicians, nurses, and other personnel of St. Luke's Regional Medical Center and the Marian Health Center worked exhaustively treating the injured;

Whereas when hospital blood supplies were low, the people of Sioux City immediately responded by donating blood until the supply was quickly replenished;

Whereas Briar Cliff College opened its dormitories to the survivors and other residents contributed blankets, clothing, and food;

Whereas had it not been for the remarkable speed, skill, and preparedness of the emergency crews and the assistance and generosity of the people of Sioux City, Woodbury County, and other communities in Iowa, Nebraska, and South Dakota, the death toll would have been much higher: Now, therefore, be it

Resolved, That the United States Senate hereby commends Sioux City and Woodbury County, Iowa, for the assistance and services they provided to the passengers and crew of United flight 232.

Mr. HARKIN. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1990 AND 1991

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Montana is recognized for a period not to exceed 5 minutes.

Mr. BURNS. Mr. President, I want to thank the chairman of the Armed Services Committee, Senator NUNN, for extending this. We are involved in some hearings this afternoon and this gives me an opportunity to let the views of Montana be known about this important Defense authorization bill.

There is no higher priority in this body or this Government than keeping of the peace. To those who study history and especially American history the words of George Washington still ring in our minds and they hold true today: If you want peace you prepare for war.

I rise today in support of the National Defense Authorization Act for fiscal years 1990 and 1991 as reported by the Senate Armed Services Committee. I want to commend the chairman of

that committee, Senator NUNN, and the ranking minority member, Senator WARNER, for all of their hard work. I also want to compliment them and the rest of the committee on their final bill—I do not think they could have done a better job. Secretary Cheney deserves a lot of credit as well for giving the committee a good starting point and making some tough decisions, because there is only so much money and we have to pick the right place to spend those dollars.

It is not easy to make the kinds of cuts that Secretary Cheney made, but they are the kind of cuts it takes to meet current budgetary restraints.

We have made great strides in recent years—particularly in recent months—in our relationship with the Soviets. We have seen more openness on their part than I have seen during my lifetime. We are in the process of negotiating a START Treaty on the heels of the INF Treaty. While I do not discount the historical significance of where we are today, I believe that we should always maintain a certain degree of healthy skepticism.

This year the committee in conjunction with the administration was able to fashion a defense bill which strikes that crucial balance between fiscal responsibility and providing for a strong national defense. This bill allows us to pursue our strategic modernization goals, thus maintaining our "peace through strength" negotiating posture. However, it also meets the targets outlined in the fiscal year 1990 budget agreement and budget resolution.

I am especially pleased that the committee decided to support President Bush's recommendation on the modernization of the land-based leg of our nuclear triad. In April of this year, I wrote the President urging him to pursue the MX/Midgetman dual-track approach. This approach again strikes that crucial balance between fiscal responsibility and meeting the defense needs of our country. I believe that the Midgetman is the best system from a strategic standpoint. Thus, I think that the decision to continue vigorous research and development of the Midgetman while moving to deploy the MX is a wise one. We are able to move quickly while still leaving the emphasis on substance. This plan also puts us in an excellent negotiating position in Geneva.

I will briefly touch on a few other high points of this bill. I fully support the committee's recommendation to fund SDI at \$4.5 billion. This will allow SDIO to continue the research and development of some new and exciting developments in the SDI program, such as "brilliant pebbles."

I also endorse the committee's cautious support of the B-2 bomber. Like the MX and Midgetman programs,

this program plays an important role in the strategic modernization of the triad and in our START negotiating position. The bomber force is regarded by both us and the Soviets as the most stabilizing element of the strategic deterrent triad. A penetrating bomber like the B-2 is essential in light of that fact, and in light of the fact that with a START treaty penetrating bombers would carry over one-third of all weapons. Since the cost of the B-2 is a concern, I support the committee's strong fly-before-you-buy language. But let us face it; that bomber could give us 20 more years of peace, and that is the real thrust behind these programs.

Finally, this bill protects our military's most valuable resource—its personnel. The bill provides for a 3.6-percent pay increase, makes improvements to the GI bill and benefits as well as to the survivor benefits plan, and provides incentives to address the nursing shortage in the military medical care system. These provisions are important as they improve the quality of life, and thus the quality of service, in our military forces.

Mr. President, I urge my colleagues to accept this bill with as few changes as possible. Some hard choices had to be made in the name of deficit reduction—we should follow Secretary Cheney's lead and take the hard road. There will be a lot of words, a lot of discussion about this bill. But I believe it is important because, as I said, there is no higher priority of this Government than the maintenance of peace for the citizens of this great country.

I thank the Chair. I yield the floor.

Mr. WARNER. Mr. President, I thank the distinguished Senator from Montana for his contribution in our work on this bill.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:44 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANFORD].

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. COHEN. Mr. President, I appreciate Senator NUNN and Senator WARNER yielding the floor to me for a few moments. I do have to chair an Intelligence Committee meeting that started at 2 p.m. So I will try to be as brief as I can.

Mr. President, part of the difficulty in dealing with the B-2 issue, it seems to me, is that there is a good deal of overselling taking place. Statements are being made that, perhaps, are exaggerated, in my judgment. That does not persuade me or others but rather tends to diminish the credibility of what is being stated.

A good deal is made, for example, on the fear that the B-2 will generate

among the Soviet military planners. The question has been asked, in good faith, that would not the capabilities of the B-2 be such that no Soviet military leader, for example, could tell his superiors that with any degree of confidence the Soviet military could defend adequately against the B-2. I think the answer to that is a categorical yes. No Soviet military planner could, in fact, give those kinds of assurances to his civilian leadership. But the same can also be said of the MX missile, the Minuteman missile, the D-5 missile, the air-launch cruise missile, the sea-launch cruise missile, and others.

There is no military planner who could with confidence assure his superiors that the Soviets have adequate defense against any of those systems, in my judgment.

Second, we are now told that the B-2 is the most stabilizing strategic weapon. I would note the irony of the Air Force emphasizing this argument after so many years during which it argued for the MX using quite different logic.

But now we have the Air Force acknowledging bombers as being the most stabilizing leg of the triad. And the argument is made that the B-2 is slow flying and, indeed, it is compared to an MX or Midgetman missile. But so is an air-launch cruise missile. That is also slow flying. You can recall the B-2 aircraft. That is true. But you can also recall a B-1 or a B-52 that is loaded with air-launch cruise missiles in a standoff capacity. You could recall it up until the final stage of the flight plan when it released its ALCM's.

The third argument that is made is it is more accurate. Two pilots going in in a B-2 bomber could in fact be scanning the target sites, pick out those that had been hit from those not hit, and, therefore, the B-2 would be less wasteful. There is some merit perhaps to that, although I raise the question in terms of exactly what are we flying through? I am not yet satisfied about the ability of any aircraft to withstand certain nuclear weapons effects such as the high winds that would be generated.

I am not satisfied yet, and perhaps we will have more on this as the days and maybe months and years unfold, of what kind of hurricane winds these aircraft would have to fly through, and what would be the other effects in the wake of a massive exchange of nuclear weapons of the kind of megatonnage that we are talking about in our respective arsenals.

One of the arguments made that I do not think is accurate is that the B-2 bomber could hunt down mobile missiles. I do not believe the B-2, as currently configured, outfitted with its currently planned avionics, and so

forth could in fact hunt down mobile missiles.

I have not heard too much emphasis on that argument in favor of the B-2 lately, but that was one of the arguments that was initially being made. In my judgment it does not have the capability to hunt down mobile ICBM's, and will not have that capability without some serious upgrade.

The fourth argument made is that the B-2 has a conventional role, that this would be a marvelous system to use in a conventional role. No one can dispute the B-2 has a conventional capability just as the B-1 has a conventional capability. And the B-52 bombers have conventional capabilities, as well as the FB-111's, and so on. So no one disputes that it has a conventional role.

But the question is why would you want to use a B-2 bomber in a conventional mode rather than our other bombers? Against Libya as General Randolph has discussed? Is that the argument that is being made? I do not think so. I have said this before during the committee's hearings. The argument that you would want to send in a B-2 to bomb a country like Libya would be the equivalent of driving a Rolls Royce into a combat zone to pick up the groceries. I do not think that is a realistic deployment of an aircraft that is going to cost in the neighborhood of \$½ billion per copy. I am not sure what Air Force general is going to recommend we send over a B-2 costing \$½ billion in a conventional role with all the risks that would be entailed.

I would think, for example, we would be more likely to deploy an air-launch cruise missile in a conventional role, or a sea-launch cruise missile, or perhaps land-attack Harpoons, or other types of systems. We might want to send in the B-1, although that is doubtful, but certainly the B-52, for which we are developing conventional stand-off munitions. We have a lot of other options that we would certainly turn to before we would even deploy the B-2 in a conventional role, in my judgment.

The B-2 is the Rolls Royce compared to these systems and it will be saved for a Rolls Royce mission, and not that of going into a Third World country to drop bombs.

It seems to me what we really have been about is dealing with arms control. The B-2 we now know, we have known since the Reykjavik summit, can count as one weapon regardless of how many bombs or SRAM's it carries. Perhaps we ought to insist not only on truth in advertising but truth in arms control. Under the Reykjavik counting rule, we could load a B-2 bomber with 16 or 20 weapons, gravity bombs, or short-range attack missiles and yet it counts as only one weapon against the 6,000 warhead limit.

Now the argument is that we are trying to encourage United States and Soviet military planners to move to more stabilizing weapons systems, and therefore we want to give them an incentive. But it seems to me we have conflicting arguments.

If the B-2 is going to present such a threat to the Soviet Union, as we are told, forcing them to expend so much more on air defenses why would the Soviet Union agree to these accounting rules? It is something that has perplexed me, and I do not yet have the answer.

I would be happy to yield to Senator NUNN, who is certainly an expert in the field, Senator WARNER, or Senator GLENN to explain why—if the Soviets view the B-2 as such a threat—would they agree to that kind of counting rule.

If I were a Soviet military planner, I would find that the B-2 would be less of a threat than a B-1 loaded with air-launch cruise missiles, particularly stealth cruise missiles. I would have far more of a problem contending with a stealth cruise missile coming in from a standoff launch by a B-1. If that is the case, then you have to ask yourself, why would the Soviets agree to our insistence that we have a counting rule that counted each B-2 as only one weapon.

On the other hand, if I took the Air Force arguments as valid, I, as a Soviet military planner would have given the United States a different set of incentives. If I really wanted to avoid the B-2 because it was the system that caused me the most problems, I would have said the B-1, if it has air-launch cruise missiles, equals 1 weapon, while the B-2 with gravity bombs equals 20. If I were a Soviet military planner and I were worried about a B-2 flying in and looking for full silos or mobile missiles, I would say, let us discourage that—let us count that as having 20 missiles on board and not only 1.

The Soviets did not take this approach, however, and that is because I think that the Soviets look upon the B-2 as less of a threat than they do an ALCM-carrier. Perhaps I give too much credit to Soviet planners, but I think that they are more afraid of air-launch cruise missiles, particularly stealth cruise missiles, than penetrators. I also assume that perhaps the Soviets, looking at the pricetag of the B-2, may have come to the conclusion that the American people would not support a full deployment of 132 B-2.

Now we have ourselves in a situation in which the counting rules discourage air-launch cruise missiles. The counting rules absolutely discourage the deployment of any aircraft with air-launch cruise missiles. We have decided that as a policy.

You are also witnessing the Soviet Union launch a full-court press to eliminate or restrict the deployment

of sea-launch cruise missiles. So now we find ourselves in a situation, by virtue of the counting rule, that ALCM's are strongly discouraged compared to penetrators. And it leaves us with B-2 as the only viable penetrator.

So the question remains, Is the B-2 going to fly? I think the early evidence is yes. Will it penetrate? The answer is presumably yes. How much is it going to cost, and how many do we need? It seems to me those are the two most serious remaining questions that have to be addressed and answered. I am not satisfied yet that we know the full scope of the costs.

I think Senator NUNN and Senator WARNER have tried to address these anxieties on the part of many Members, as to what the ultimate pricetag is going to be for the B-2. We are told it is in the neighborhood of \$530 million a copy, but many doubt the accuracy of those numbers. They do not represent, certainly, life cycle costs. So we are looking at something quite substantially higher over the lifetime of the aircraft. In addition to that the question is, Should we buy this aircraft before we have had more tests? That is something I know Senator GLENN has raised. Again, we are trying to work out some kind of a program whereby we can reduce the anxieties on the part of the Members.

Mr. President, I will have more to say about this at a later time, but I think that these are some of the issues that continue to nag me and other members on the committee and certainly in our respective caucuses.

Mr. WARNER. Before my distinguished colleague departs, and indeed he has worked with me on the strategic subcommittee since we both came to the Senate together many years ago.

I want to advise the Senator that I have raised this question of the counting rules on two occasions with the President and the National Security Adviser at meetings at the White House yesterday and again today. I asked the President to provide, through his Security Adviser, a letter on the subject. It has just arrived. I hope the Senator from Maine would have an opportunity to examine the letter and return to the floor at some point today. I am not suggesting it answers your legitimate concerns, but I want to keep you informed.

Mr. COHEN. The only point I was trying to make, if the B-2 presents such a problem for Soviet defenses and the ALCM system, either B-1's or B-52's fitted with air-launch cruise missiles, is less of a threat, it seems that the Soviets would have devised the counting rules to encourage the ALCM and not the B-2. However, it is the other way around. I have not heard an explanation—and you were at the hearing when I raised the question with General Chain and General

Welch last week, and I do not think they had an adequate answer for that.

Mr. WARNER. The Senator raises a good and tough question; if this is such an effective system, why did the Soviets allow it under those counting rules?

Mr. NUNN. Would the Senator from Maine yield for a brief observation? As usual, the Senator from Maine raises a very pertinent and very important question. I would only submit that no one knows why the Soviets do what they do at the negotiating table on all occasions.

Certainly, this is not one decision that I would presume to know what was in their mind, unless they bought the concept which we have been trying to sell for a number of years, that bombers are more stabilizing and that bombers can be recalled and that bombers are not going to be able to launch a quick short-range attack, as would, for instance, missiles. The whole area of stability is one that we have emphasized as a bedrock of our arms control position for some time.

The Senator from Maine has been one of the leaders in trying to get the Soviets—and first of all our own Government—and we have not succeeded on either count; having been part of both, involved in a concept of having single-warhead missiles on land as more stabilizing than MIRV'd missiles.

The Senator from Maine has been in the lead trying to get counting rules that would basically encourage the build-down of large multiple-warhead land-based systems, because they indeed are more threatening. So perhaps in this case, unlike the single-warhead missile case which we still hope to succeed in, in terms of convincing our own Government and the Soviets, perhaps in this case the argument about stability was one that the Soviets accepted. It seems that that is what happened. I have no other way of judging it.

Whatever is the case, it is clear that bombers that do not have ALCM's on them are more favorably treated in the counting rules, and if we do not have our own penetrating bomber, and the Soviets have 200 Blackjacks coming into this country, without us having air defenses which would be very expensive, then we would be taking an arms control argument that we won and converting it into a very bad position for the United States if we do not have a penetrating bomber.

Mr. COHEN. I thank the chairman for his comments. I have worked very closely with him, certainly, on the build-down concept and also promoting the Midgetman missile. Because I believe we ought to have reductions, not only in the size of our force, but also in the number of weapon systems carrying multiple warheads.

I would point out, of course, that in dealing with B-2, this is not a build-down situation, because we still have large bomber payloads on a B-2, as we would on a B-1 carrying an ALCM. The question is, Are you going to have a penetrator or a standoff capability?

It seems to me that it is far less expensive to us and just as dangerous to the Soviet Union for us to have a standoff capability with air-launch cruise missiles that employ stealth technology. I am not sure what the tradeoff is on that.

Mr. NUNN. I would agree with that. I think the Soviets must have concluded that having ALCM's on B-52's or on B-1's, cruise missiles, was more of a first-strike threat than the B-2—because they have said many times that those would be able to target their own missiles. It is very unlikely that the B-2 would ever be sent, or any penetrating bomber, on a first strike mission. I cannot conceive of the circumstances under which a penetrating bomber force would be launched to knock out the other side's retaliatory capability.

I would imagine the Soviets felt that ALCM's were more destabilizing and the B-2 was more stabilizing. Of course, that is the way we feel, too, and that is the concept we have been trying to sell for a long time about the Stealth bomber, as well as about the overall role of penetrating bombers. So the fact is that this is not a zero-sum game. It may very well be a breakthrough in arms control. We may have finally convinced them that if both sides move to penetrating bombers and move away from first-strike type systems, that we are in a safer world, and we have moved the trigger finger a little bit more back.

Mr. COHEN. The Senator makes my point exactly. It has to do with the overselling aspect of it. When our military leaders come before us and say that the Soviets really fear this system in a very extraordinary way, it does not ring quite accurate to me. It seems they would have greater fear of air-launch cruise missiles on either a B-52 or a B-1. That would be harder to defend against. It seems what they did was agreed to the counting rules which pose less of a threat to them, rather than a greater threat to them.

My point was: Let us not overstate exactly what the Soviets fear and what the system is going to be capable of doing. It seems to me that this is a far tougher mission, for B-2's to penetrate those air defense systems—and they may grow in the future—than it would be for Stealth cruise missiles launched from a standoff bomber.

Mr. NUNN. I have not heard that argument made by military witnesses, that they fear the stealth more than the ALCM's. I think the Senator makes a good point. If they did, they made a very bad mistake in arms con-

trol on agreeing to this counting rule. This is not a zero-sum game. It is not always in the best interest of the United States to put the most fear in our adversary as to what we may do in response to a first strike.

What we want to do is put great fear in them about what we can do after their first strike, so there will never be a first strike on the other side. So that ability to survive and retaliate is the key to deterrence. If both sides develop first-strike systems, where the other side fears that there is an advantage to one side going first, then we both start putting our fingers on that trigger, and it gets to be a hair-trigger. If you make a mistake, therefore, on either side, in terms of erroneous warning and mistaking an attack, or if there is a third country that uses a weapon against a superpower and we do not know where it comes from, then these destabilizing systems that lead the other side to believe there may be a first strike, can indeed lead to a world catastrophe.

That is what our policy is geared against. I say that the B-2, from my perspective, would give the Soviets much less to fear than perhaps some other systems, as far as a first strike is concerned; but it also would give them a great deal of pause as to what we might do and what we are capable of doing, without any doubt, should they launch a first strike. This idea of giving them pause, indeed, is the heart of deterrence, to prevent them from ever believing there is an advantage.

The B-2 can not only escape with very short warning and get up in the air and escape from being destroyed on a first strike, but it also, unlike missiles, can fly toward the Soviet Union and be called back, after it is on its way, if we made a mistake.

What if the President of the United States gets an alert one day and somebody calls him from one of the air commands and says, "Mr. President, we are not absolutely sure, but we believe that the Soviet Union has just launched 50 missiles toward our missile fields out in the Midwest," and the President says to them, "Well, what are my options?"

One option, of course, would be to reply: "We could launch those missiles if we think they are targeted before they are ever struck, Mr. President, but, sorry, Mr. President, if we are mistaken on this and you launch those missiles you will have to call Mr. Gorbachev and say, 'General Secretary Gorbachev, we are sorry. We thought you were hitting us and we had to get our missiles out of their silos so we fired a few of them and they are coming your way. We can't do much about it, but we express our profound regrets.'"

That is not the kind of situation we want the President to be in, any Presi-

dent, whether it is now or the year 2000.

But with the B-2, the President could say to the commander out there: "Get those B-2's off the runway. Make sure they are in the air. Make sure that they are safe. And then we will wait and see what happens and make darn sure we don't get into a world catastrophe because we made a mistake in thinking there was an attack."

At that stage, I hope the President could be in strong communication with General Secretary Gorbachev. So that is the heart of what I think the bomber is all about.

Mr. COHEN. If I could respond very briefly so I can go out to the other meeting, I do not disagree with a word the Senator has said in terms of the capability that gives us to avoid setting off a world catastrophe in the event that there has been a mistake made.

But the same thing pertains also for getting B-1's up in the air.

Mr. President, we have seen what we think are 50 missiles on their way over here. We are not quite sure yet, but we don't dare take the chance. Let's launch a few of our B-1's, get them up in the air. And we have got those wonderful air-launch cruise missiles that we have promoted to the United States Congress over the past 10 years as having such tremendous power, capability, and accuracy, we can put them up there, hang them up in the air until we find out whether or not our command and control systems and intelligence gathering is accurate. And then we can send them over very close to their borders and have a standoff capability, launch those ALCM's if we have to at that point, and wreak devastation upon the Soviet Union.

The same rationale would apply to that capability as to the B-2, except for the counting rules, as the counting rules now put us in a position of saying you are better off going to a B-2 because it only counts as 1, as opposed to a B-1 with ALCM's which would count as 10 or more.

Mr. NUNN. I say to the Senator from Maine, I think he makes a valid point there. I do not believe it is either/or, with either the penetrating bomber or the cruise missiles. I really think that both of them have to be there. They do play different roles because the cruise missile obviously has to be pretargeted.

A large part of our nuclear targeting would be to make sure that the Soviet conventional forces are not going to be in place and intact after a nuclear exchange. That, too, is deterrence.

It may very well be that one of the ultimate forms of deterrence is for the Soviets to know that we can destroy an awful lot of their conventional forces if they ever start a nuclear war. It is awfully hard to program cruise missiles in advance against conventional forces that can be moved around.

So it is not a matter of simply finding mobile missiles. I would agree with

the Senator's assessment that with regard to finding mobile missiles, even though the B-2 could do a better job in this regard than anything else, we do not have the sensor capability now to be able to fully do that. So that is a role for the future.

But I would also say, to me it is not either/or. I think some air-launched cruise missiles standing off are also very valuable and I do not consider them as destabilizing.

But, as the Senator knows, the Soviets have a much better chance of knocking down some of those cruise missiles, or all of them, perhaps, in the future, and we are trying to do something about that, too.

Mr. COHEN. I think the last point is a debatable one. I wish I could stay here and carry on the debate. I do not think the Soviets do have as much a capacity to knock down stealthy cruise missiles as they would a penetrating bomber. But that is a matter of dispute.

Mr. NUNN. We are trying to do some things in the stealthy area to make them less capable of being knocked down. I do not view this as an either/or situation, but I do believe that the Soviets can improve their air defenses if there is no Stealth bomber. I think they can move their air defenses further out and they can force the standoff bombers further and further out and they can make targeting more and more difficult.

If we do not have a penetrating bomber, it greatly simplifies the Soviets' mission in defending against the air-launched cruise missile. So I see those two things as greatly complementary, so that both of them become more effective because of the existence of each.

Mr. COHEN. What I heard during the testimony of the past week, there has been a sudden deemphasis upon the cruise missile, perhaps to coincide with the debate on the B-2. I have not heard much about cruise missiles carrying much of a role in our strategic mission right now. The emphasis here is on the penetrating bomber and not on ALCM's hung on the wings of the B-1 or B-52.

As a matter of fact, for the first time we learned just recently that where all previous testimony coming from the Air Force was that as soon as the B-2 came into the inventory we were going to phase the B-1 into an ALCM mode. For the first time, just a few months ago, we learned that the B-1 is not going to be used in a standoff-penetration role but rather it is going to be used strictly as a penetrator.

I think that, again, is driven by the counting rules. They do not want to add to the number of systems to be counted by using the B-1 as an ALCM-carrier. So I think we do not hear too much about cruise missile technology right now.

Mr. GLENN. Will the Senator yield?

Mr. NUNN. I would like to yield the floor so I can go chair the committee. I yield the floor.

Mr. GLENN. Mr. President, just to add a little bit to this. There is another aspect of the B-2 that I think quite often gets ignored. We always hear the Air Force and the Defense Department and, in fact, our own debates always concentrate on the SIOP mission, the nuclear mission to Moscow, Kiev, Leningrad, or wherever the airplane is going to go. It is always the nuclear mission that we talked about.

I think we would be hard-pressed to support the aircraft solely on that basis. Because, to me, the airplane we need is a heavy bomber. And I have backed heavy bombers because I think we need them for conventional warfare also. And that radar invisibility or low observability is just as valuable in the conventional context wherever it is used in the world as it is with regard to a nuclear delivery strike into the Soviet Union.

In fact, I have always felt that probably that mission was one of the least likely missions the airplane was ever likely to perform. Because if we say we are now going out to bomb Moscow, we are going out to bomb wherever it is with nuclear weapons, it surely is not going to be a first strike by the United States of America. It means that nuclear weapons have undoubtedly already been exchanged before we start that.

And if we follow up that we have ICBM's that have a 25- to 30-minute delivery time from launch to on target and we have anywhere down to maybe 10 or 12 minutes for the shorter-range missiles that would be launched, we are already in a nuclear exchange with dozens of these things undoubtedly going off in, God forbid, any future nuclear war and the likelihood of us launching a nuclear bomber attack, a manned bomber attack, in the middle of all that holocaust already going on I have always thought was highly unlikely.

The B-2, though, can fly with conventional weapons. It can fly anywhere in the world. It is usable in the Straits of Molucca, the Far East, the Indian Ocean, wherever it might be required to respond in a conventional war capacity and hopefully never get to the point where we cross that nuclear threshold.

And to have that kind of radar low observability aids that conventional mission every bit as much as it aids the SIOP, the strategic plan, the attack on Moscow.

That is the basis on which I have supported the B-2. I really question whether it would be worth it if the only mission the aircraft was ever envisioned performing is that SIOP mission into the heart of the Soviet Union

and little else. And with the costs going up, I am sure more people are going to question that.

I backed the B-1 on the basis that we needed an interim until the B-2 could get here. And I made the same arguments on the floor standing in this same spot years ago when we talked about the need for the heavy bomber. The need for the heavy bomber to me is not necessarily the nuclear exchange.

In fact, I think that is probably a secondary use for the bomber. In this particular case, with the B-2, its low observability by radar is every bit as much an advantage in that conventional delivery mode as it would be on the SIOP mission to Moscow. So that is one little additional factor.

I was much interested in the debate that was going on between Senator COHEN and Senator NUNN. It was not as much a debate as a discussion.

I agree with Senator COHEN on that, that the counting rules are something that have always been somewhat of a mystery. The advance cruise missile, I think, as he was pointing out, once we get the advance cruise missile, it has the same low-observability advantages as the B-2 will have, assuming that all the low-observability testing works out OK on that full-scale airplane.

Mr. WARNER. Mr. President, for the benefit of Senators, the chairman, as yet, has not had the opportunity to make his presentation on the B-2. I expect that he will be doing that momentarily. Then I shall follow and we hope, thereafter, other Senators would join.

We wanted to accommodate our colleague from Maine because he had a cochairing situation. We hope that the Senator from Ohio will follow on shortly after the chairman's presentation, and my statement to supplement his presentation. Would that be convenient to the Senator from Ohio?

Mr. GLENN. I will be available for different periods on the floor this afternoon. I hope I will be able to be here. What we have now is I have proposed to the staff and to Senator NUNN some proposals with regard to strengthening the testing proposals that we have talked about. The proposal I made in committee to hold up the procurement of the additional three aircraft for this coming year, I do not plan at this point to introduce that as an amendment. But that is still a little bit up in the air, depending on whether the proposals for the additional testing requirements that we think would strengthen that whole regime, if those are not accepted, then I might have to go with the elimination of the three. I do not know. But we have that yet to talk about and, depending on how that comes out, I will be available to be in the debate this afternoon.

Mr. WARNER. Mr. President, that is most helpful. We certainly wish to express our appreciation to the Senator from Ohio. He has taken a very strong role in the entire B-2 debate. Those of us on the committee, and indeed the Senate as a whole, have a profound respect for his knowledge of aviation and, particularly as a former test pilot, given the situation in which this country now finds itself with this unique type of aircraft, with certain designs with which we have, really, had no experience heretofore in actual flight. Although at one point, it is interesting, Mr. President, and someday I hope to develop this chapter, the Air Force did have three or four Flying Wing aircraft.

For some reason that eludes me, even though they worked, they tore them all up, scrapped every one of them. Not one single Flying Wing was ever preserved for a museum and therein lies a bit of mystique, a mystery, that I have never been able to fathom.

Mr. President, for some time, at least for several days, I have been working with the White House, and, indeed, have spoken to the President on two occasions, about the need to inform the Senate more fully with respect to the issue of the accounting rules which has been discussed here this afternoon.

I would like to read a letter which was delivered just a short time ago to me and to the chairman of the Armed Services Committee from the President's National Security Adviser, Mr. Scowcroft. I read it simply to make Senators aware of the content. It is available here and copies will be distributed so Senators preparing to enter into this debate this afternoon will have the benefit of the President's views as expressed by his National Security Adviser.

DEAR SENATOR WARNER: As you know, although there still remains much to be done before signing a START agreement, we have made considerable progress. However, I am concerned that the current Congressional debate over the future of the B-2 stealth bomber threatens to slow this progress and could undermine the entire agreement. It is important that we not send the wrong signal to the Soviets regarding U.S. resolve to maintain a strong, viable triad.

This is a critical year for the B-2. It offers the most advanced aircraft technology we have ever flown. It is not just an evolutionary change in technology—it is a breakthrough, the future of air combat. From a military sense, we cannot afford to walk away from this great advancement. Without the B-2 we will forfeit our capability to penetrate the world's most modern air defense system and begin an inevitable loss of the manned bomber as a stabilizing element of strategic deterrence.

We have structured our entire START negotiating strategy—and our strategic force modernization package—around the objective of increasing stability and reducing the risk of war. The "slow-to-anger" features of

the manned, penetrating bomber are central to these objectives.

Both sides agree the bomber is the most stabilizing nuclear system in that it holds significant numbers of targets at risk in retaliation but cannot be regarded as a first-strike system. It is for that reason that the bomber weapon counting rule tentatively agreed to at Reykjavik in 1986 between General Secretary Gorbachev and President Reagan places such a high premium on penetrating bombers. This rule counts the penetrating bomber loaded with an entire payload of nuclear bombs and short-range missiles as only one strategic nuclear delivery vehicle and one warhead against the ceilings tentatively agreed to in the START talks, of 1,600 and 6,000, respectively. By contrast, each ballistic missile warhead will count as one against the 6,000 limit. The U.S. position on ALCMs is that each ALCM-carrying bomber would count as ten weapons against the 6,000 ceiling, regardless of the number actually carried.

The B-2 has been a cornerstone of the START agreement since negotiations began. Further delays in the program will only raise increasing doubts in the minds of the Soviets about our resolve and commitment to maintain the bomber leg of the triad. This would seriously undermine our capability to negotiate from a position of strength. Even worse, should the program eventually be cancelled, it would force us toward a major restructuring of the U.S. negotiating position.

Mr. President, I will have more to say later following the distinguished chairman on this particular issue. But, as I said briefly this morning, in my humble judgment we can discuss here what takes place after a first strike or the exchange following the use of any nuclear system by the Soviet Union against the United States. But in my judgment, the B-2 stands for deterrence.

I disagree with my distinguished colleague from Maine, because I think the B-2 remains the biggest question mark in the minds of the Soviet planner, and its job is to stay on the airstrip with the exception of an occasional training mission or with the exception of possibly a conventional mission. And I join with my friend from Ohio saying it does have a very limited, rare opportunity to be used in that role.

The mission of the B-2 is to stay on that airstrip in the United States of America. The moment it has to cross the Soviet borders on a penetrating mission, then deterrence has failed. What price of that deterrence, no one can calculate.

I will talk later about the conventional role, and I compliment the Senator from Ohio. As I sat here and listened to the conventional role challenge, I thought of earlier missions flown by our aviators. And I think as we address that issue we should assure ourselves if, in fact, this B-2 can penetrate virtually undetected in the Soviet Union, then certainly against any other target in a nation with less air defenses it will be highly successful. What price do we assign to the life

of one airman? Or what price do we assign to one downed airman who is held hostage if we have to get up that ransom? To me, the cost of that B-2 bomber is well worth saving any life or being confronted with any ransom of a downed flier.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I want to make it clear as to my response to the Senator from Maine. What I hope I said very clearly was not that the Soviets did not have a fear of the B-2, but that the Soviets would not have a reason to believe that the B-2 was a first strike system. That is a different situation than saying that they would not respect the B-2 and calculate very strongly the ability of the B-2 to survive an attack and to be able to successfully retaliate against Soviet targets.

Those are two different things. I think we want to make sure that we always are very, very successful in deterring and making certain we make the Soviets understand we have the ability to survive and retaliate. But I do not believe it is in our best strategic interests nor, frankly, in the Soviets' best strategic interests in the reverse situation, to lead the Soviet Union to believe that we are about to launch or are capable of launching a first strike attack.

Those are two different things. One is destabilizing and the other is very stabilizing. I think we always have to keep that in mind in debating arms control as well as our strategic programs.

Mr. President, the course the Congress elects to follow this year with respect to the B-2 bomber is in all likelihood the most controversial issue in this bill. At over \$500 million a copy, including the research and development money, and I will discuss that in a minute, and with a total program cost of over \$70 billion, many in the Congress and around the country are, not unexpectedly, suffering from what has been called sticker shock. All of us are going through some degree of sticker shock regarding the cost of this aircraft.

In an era of tight defense budgets and massive Federal deficits, any decision to spend these sums of money on a particular defense program obviously cannot and should not be taken lightly. If this bomber cannot be justified on the basis of cost and performance it should not be built. Period.

I know of no single weapons system, whether B-2 or any other program, which is so valuable it must be bought whatever the price. So I will not make that argument. I believe, however, the B-2 is well worth the cost that is now projected, provided we assure ourselves it can and will perform as advertised.

I will briefly review why I think we should go forward with this committee position today. First, we must never forget that, unlike ballistic missiles, bombers can be recalled after they are launched and hence they are enormously stabilizing. Bombers take 10 to 12 hours to reach their targets. In that time the origin and nature of any nuclear strike on the United States could be confirmed and the President would have time to review our options carefully.

Also, if the Soviet Union gets a notice that we have launched our B-2's, they do not have to, in the first few minutes, launch their missiles or lose their missiles. That is enormously important in terms of the strategic equation. So it works both ways.

In the case of a third-party attack or an unauthorized attack by, let us say a Soviet commander in the field, or a Soviet submarine that goes off and launches an unauthorized attack, one that was not planned or coordinated with the defense forces of the Soviet Union, launching the B-2 would give the President of the United States time to establish contact with the Soviet Union rather than retaliating immediately with weapons that could not be recalled.

We hope none of this will ever happen. It is very difficult to debate things that we hope will never happen. It is very difficult to debate matters that, in effect, if they ever occur, mean we have had a fundamental failure in our deterrent policy.

The B-2 can stay on nuclear alert on the ground or in the air and escape Soviet attack on tactical warning. That means a very short warning. During a crisis additional B-2's can be placed on alert, thereby making it less likely the Soviets would attempt a first strike.

If we have a confrontation somewhere in the world, such as the Middle East or anywhere else, and conventional forces start mobilizing, if it looks as if there is going to be a clash between Soviet and United States forces—and God forbid that ever happens—we will have an opportunity to get these bombers on alert and to send an unmistakable signal to the Soviet Union that no matter what they do, our forces are going to be able to survive and to retaliate, if the Soviets ever start a war.

That is the essence of deterrence. It is not just what is in our minds; it is also what is in the minds of potential adversaries. The bedrock objective of U.S. arms control policy for many years has been to move the strategic balance away from what we call a hair trigger, and that means on both sides. This is not a zero sum game. This is not a situation where in order for one side to have deterrence, the other side has to be in a situation of great vulnerability.

We are trying to move both sides toward more stability, both sides toward taking their finger off the nuclear trigger, to move both sides so that they will know that their deterrent forces are going to be able to survive. That is what our arms control policy should be moving toward very emphatically.

We want to reduce the incentive for anyone to ever believe that they can gain by striking first in a confrontation, striking first with nuclear weapons. The B-2 is perfectly tailored to move our strategic posture in the direction of greater stability. It can be put on alert in increasing numbers; it can escape an attack; and it can be called back.

Second, the B-2 has conventional applications, as has already been mentioned by Senator GLENN, Senator WARNER, and others. I agree with that. Manned bombers, like the B-2, have capability that the intercontinental ballistic missiles and submarine-launched ballistic missiles do not have. They can be used, if necessary, in conventional conflicts around the world. The B-2 can fly anywhere in the world and back with, I believe it is, one tanker refueling. The B-1 requires 2½ times the number of tankers. When anyone is computing the cost of the B-2, yes, it is a lot of money, but if you cost out the expense of the B-1 bombers that have already been built, and add to it the cost of 2½ times the number of tankers compared to the B-2 so that the B-1 can fly on its mission, then you get a different cost comparison picture altogether. It is not just a question of comparing one plane to one plane; it is a question of other systems supporting that plane's mission and what the relative capabilities of those planes are.

Third, I believe it ought to be emphasized that the Soviet Union is going to have to decide whether to revamp its entire air defense system if the B-2 is successfully developed and deployed. The B-2, I believe, is worth the cost in that it could force the Soviet Union to completely revamp and upgrade its air defense network. If they choose to do so, they will be spending hundreds of billions of dollars to do so, and that is money that will not go into tanks; that is money that will not go into insurgencies around the world; that is money that will not go into repressing other countries; that is money that will not go into a conventional threat in Europe.

I do not mind the Soviet Union spending money on air defense systems. I do not think that is destabilizing. We are never going to require them to put their air defense to a real test. We are not going to start a war. So if they put their money on air defenses, to me it is not something that is bad from our point of view, as long as we make sure we can always pene-

trate those air defenses if necessary; that is, if they have hit us with a strategic nuclear attack. I think it is far better that they spend their money on defensive systems rather than offensive systems.

Last, it is critical that we recognize that in large measure we have constructed our position in the START arms control negotiations on the assumption that we would have a significant force of penetrating strategic bombers.

At a breakfast meeting Friday with Secretary of Defense Cheney and Admiral Crowe, chairman of the Joint Chiefs of Staff, and later at a committee hearing with General Welch and General Chain, the top civilian and military leadership of the Department of Defense forcefully emphasized the linkage between the B-2 and START. Secretary Cheney declared that "Without the B-2, we would have to revise our position on a START agreement."

General Chain warned, "If we reached a START agreement based on the current framework but with no B-2's, I would be testifying before the Senate in opposition to ratification."

Mr. President, these statements should come as no surprise to those who have closely followed and monitored the START talks over the last 7 years. There is no question that the United States has succeeded in gaining Soviet approval to a START structure which places an enormous premium on non-ALCM-equipped penetrating bombers.

The Senator from Maine made that point. He had questions about it. I believe that it is a rational arms control position, provided we go forward with our bomber program. It becomes an irrational arms control position if we are going to have the B-2 program killed. So our own success in arms control will work against us if we kill the B-2.

Under START provisions which the United States proposed and the Soviets accepted at the 1986 Reykjavik summit, the nuclear weapons carried by non-air-launched cruise missiles-equipped bombers will count as one START-accountable weapon regardless of their actual number. In other words, if the bomber does not have air-launched cruise missiles on it, it counts as one.

General Chain revealed at our hearing on Friday that each B-2 will carry up to 20 nuclear weapons. Thus, under START, all but the first bomb on each B-2, that is up to 19 bombs, do not count against the agreed 6,000 nuclear weapons ceiling in START and are, in a sense, free assets. Assuming a total force of 132 B-2's, each carrying 20 bombs, that equates to a total B-2 delivery inventory of 2,640 bombs of

which 2,508 do not count against our START totals.

There is an irony here because the reason the Soviets agreed to this discounted counting rule is that the United States successfully argued that bombers, unlike ballistic missiles, cannot always reach their targets because bombers must penetrate massive defenses. The Soviets have built the thickest air defense system in the world. Yet the Stealth bomber, assured penetration is one of the strongest selling points; in fact, it is the heart of the argument for this plane. We risk throwing away that very important counting rule that we have worked hard to obtain in the first place if we do not deploy the Stealth bomber.

Most projections estimate that under START, the United States will deploy about 9,000 nuclear weapons, of which only 6,000 will be START accountable in a mix of ICBM and submarine-launched ballistic missile re-entry vehicles, as well as air-launched cruise missiles and some bombs carried on penetrating bombers. Thus, if all 132 Stealth bombers are deployed and if we get a START treaty along these lines in the next couple of years, the B-2 would provide almost 30 percent, about one-third, of our total retaliatory capability.

Could we kill this program without serious consequences? If we go along that line, as some would have us do, we have to ask a lot of questions. Could this 30 percent be offset with other strategic nuclear weapons if we kill the Stealth program? Not really. We could not add more ICBM's, SLBM's, or ALCM's because they all count against the 6,000 ceiling, and we could not exceed that limit unless we changed our START position. The only other option to regain the 2,508 Stealth weapons would be to deploy 2,508 nuclear bombs on other penetrating bombers—B-52 or the B-1. However, the United States will have no manned strategic penetrating bomber after the mid-1990's. According to General Chain, by 1991, all of the Air Force FB-111's will be turned over to tactical units for conventional purposes. By 1992, all the B-52G models will be converted to standoff cruise missile carriers. Remember, every cruise missile counts as one. So if there are 10 cruise missiles on a B-52, they count as 10, not 1. By 1997, all B-52H models will give up their penetration mission. Thus, by 1997, only the B-1 will remain as an option for the penetration role. But according to the head of the Strategic Air Command, General Chain, it will be rapidly approaching obsolescence in this role due to improvements in Soviet air defenses.

The problem with the B-1, and I said this over and over again during the debate on the B-1, which I op-

posed, not because I did not think it has some use, but because I foresaw the day when we would see the B-2 squeezed out because we already spent so much money on the B-1, is that it represents only an evolutionary development over the B-52, whereas the B-2 is a revolutionary development.

There is no comparison between the B-1 and the B-2 in terms of the effectiveness, provided the B-2 works and provided it meets the requirements. That is something we have to decide after we see the test results.

(Ms. MIKULSKI assumed the chair.)

Mr. NUNN. Turning to the Soviet side, things are not going to remain constant there. Unlike the United States, the Soviets can probably, I say "probably"—I am not sure what they will do—they can probably be expected to remain committed to maintaining their massive air defenses. They have invested \$300 billion to \$400 billion, probably six or seven times the cost of the B-2 total program in air defenses. In addition, the Soviets will likely deploy a large force of perhaps as many as 200 of their own strategic bombers, the Blackjack. Since the United States has no effective air defense network, each of these Soviet bombers would be given virtually a free ride.

For years, we have decided that we do not want an air defense because we do not need one. We may have to reexamine that, depending on what happens with the B-2. This does not, I repeat, mean that we should build the B-2 at all costs. That obviously would be carrying the argument too far. It does mean, however, that we must consider the consequences and we must consider the alternatives to the B-2 if we kill the program. The consequences are very serious for both our strategic posture as well as for arms control considerations.

If Congress does cancel the B-2 or cripple it so that, in effect, it has to be canceled later, we would, as far as I see, have three basic choices.

Choice No. 1, if we see the B-2 killed, would be to deploy large-scale, nationwide air defenses to defend against the Soviet Blackjack force. I would submit the cost of such a program would dwarf that of the B-2. Certainly it would be on the order of hundreds of billions of dollars.

This is not SDI we are talking about. The strategic defense initiative is designed against missiles. We have to think long and hard before we go out and spend several hundred billion on a missile defense. If we couple a missile defense with an air defense system, we are going to be talking about hundreds and hundreds of billions of dollars. Perhaps that is where we will go.

But let no one think that by killing the B-2 you are going to get defense costs under control. What you are

going to likely do is set off a furious debate, maybe 2 years from now, 3 years from now, but you are going to set off a furious debate about how the United States can allow 200 Blackjack bombers with no air defense. That is what we are going to be debating.

I can visualize someone standing up—I remember Senator JACKSON did it so effectively when we had the SALT I debate. He stood up and basically said we had to have parity in strategic missiles. He went along with SALT I but only if we had parity in strategic missiles in SALT II. That had a profound effect. You can argue it both ways, but it had a profound effect on our arms control position after SALT I in the early 1970's as well as on our strategic programs.

We are now debating the MX missile. That was one of the things that came out of that overall quest for equality. What are we going to do in 3 years if the B-2 is killed and somebody stands up on the floor of the Senate and says that we have to have parity in air defenses? We are going to pay a heck of a bill. Maybe we need to. That is certainly something to be debated. But let no one think that you are going to save a lot of money in defense by killing the B-2. Yes, you will save it in the short run but what happens in the long run? That is what I think we have to begin looking at in terms of our arms control position as well as our strategic nuclear programs.

Choice No. 2, if we decide that we are not going to go into air defense systems, we could go back to the drawing boards in START. We could go back to the negotiating table. We are still negotiating that treaty. It is not ratified. We could see if the Soviets would agree to change the accounting rules in a way which would deny the Soviets the opportunity to benefit from their being the only side to possess a large force of penetrating bombers. After all, if the United States ends up with no penetrating bombers because we cannot afford either to build the B-2 or fix the B-1 so it can penetrate Soviet defenses, then it is certainly not in our interest to agree to a structure for the START talks that would give the Soviets, with their new Blackjack bomber, a free ride in deploying thousands of nonaccountable nuclear weapons on penetrating bombers while we had zero.

Some people might ask well, what if the Soviets get a Stealth bomber? The Soviets do not need a Stealth bomber unless they are going to use it for the conventional role. They do not have to have a low radar observable bomber to penetrate U.S. airspace. We do not have an air defense system so they do not need a penetrating bomber.

Now, they might develop one for use in a conventional role and of course that would be of concern. But as far as

strategic nuclear weapons, they do not need a penetrating bomber unless we changed our whole air defense structure and in fact had one.

There is a third choice, but I do not believe this would be a choice in the long run. It might be a choice while we are under a great fiscal squeeze but these things have a way of changing as we know. We go through ups and downs in our view of the Soviet Union, and I hope we will have a more benign view of them in the future based on their own conduct, but who knows. A third choice would be to say to the Soviets we concede you a clear superiority in bomber forces. We are having a big struggle on land-based missile forces, the MX, the Midgetman—we are debating that—while the Soviets have already gone out and deployed the SS-24 and SS-25. General Secretary Gorbachev has not said he is going to cancel the SS-25. He has not said he is going to cancel the SS-24. He has not said anything about canceling the Blackjack bombers.

I think the Soviet Union is convinced that the Scowcroft Commission was right when they said we need mobility. Lo and behold, they have done what our Commission advocated and we are still debating it. We are still debating it. They have moved out and they have done it. I do not believe that the long-run view of this country would be that we are going to concede to the Soviet Union a bomber superiority while we still have major problems with our land-based deterrent. That would give us two legs of the triad that are in some considerable amount of difficulty. It would also put enormous pressure on the sea leg of the triad.

Mr. WARNER. Will the Senator yield?

Mr. NUNN. Yes.

Mr. WARNER. I have listened very carefully as others. The Senator has made several references to the Soviet Union not needing a penetrating bomber. I am sure each time he meant stealthy.

Mr. NUNN. The Senator is correct.

Mr. WARNER. I thank the Senator.

Mr. NUNN. I thought I was saying stealthy bomber.

Mr. WARNER. I am sure the Senator did once, but for continuity throughout it is the stealthy version because of the absence of air defenses.

Mr. NUNN. The Senator is absolutely correct. I appreciate that clarification.

The Soviets have a penetrating bomber because we do not have an air defense, and they are building more all the time. But they do not need—it does not mean they are going to develop it because they may need it in their mind for conventional, but they do not need the stealthy bomber for the same reason we do.

We have not spent \$300 billion to \$400 billion on air defense. I think that was a wise decision. But it may not be a wise decision for the next 20 years or 15 years if we do not have a penetrating bomber of our own. So the Senator is correct, when I said penetrating, when and if I did I know that what I meant in that context was a stealthy, low-radar observable bomber.

Mr. President, when you consider the priority we attach to stabilizing strategic systems and consider all the facts about our deterrence needs, including the large number of Soviet targets with that huge land mass, many of them relocatable targets which must still be covered after the 25-to-30 percent reduction in U.S. strategic weapons under START, if we reach a START agreement, and the requirement to project conventional striking power around the world in response to terrorists in regional contingencies, I think anyone who follows this can see that our future force posture must emphasize survivability, stability, and flexibility—survivability, stability, and flexibility.

Viewed from this broad strategic and arms control perspective, the case for the B-2 bomber is compelling. I repeat, it is not in our interest to cause the Soviet Union every day to think we might strike them first. I would contend it is not in their strategic interest for us to believe they might strike us first. That is why we are trying to frame something—some of us here are at least—where we would begin to phase out large land-based missiles with multiple warheads which are inherently offensive-type weapons and which are inherently very tempting and lucrative targets in case anyone ever wants to go first.

You can take 2 warheads and destroy 10 warheads. That is a pretty good exchange ratio. The other side, at the end of that exchange, is in very bad shape. Of course, it would take a madman, I repeat, of any kind to start any kind of nuclear war. So I do not think that these scenarios are rational but we have been observers of history and we realize there have been many irrational acts committed in the course of the history of this world.

What do we need to do on the B-2? First, we have to make sure it works. We have to make sure it flies well and we also have to make sure that it is a stealthy weapon as we have been told. That is why the amendment that we are going to be voting on in approximately 2 hours is designed to make sure that condition is satisfied.

No, I do not believe we should build the Stealth if it will not fly and fly properly. I do not believe we should build the Stealth if it is radar observable, and if a reduced cross section signature is not realized. We have to make sure that happens before we spend an enormous additional amount

of money. That is why our amendment contains 8 provisions which requires the Air Force to make substantial progress in the flight test program before we obligate any money for the three B-2 aircraft they want to buy in fiscal year 1990. These provisions assure that we will come as close as possible to meeting the fly-before-you-buy strategy. They also ensure that the continuity of this program is preserved if the flight testing is successful.

Second, we must make sure it is affordable. This is why we have included the restriction in our amendment which requires the Secretary of Defense to certify each year that the unit fly-away cost measured in 1990 dollars does not exceed \$295 million. What I mean by fly-away cost is what we have to spend from now on.

We have already invested a large amount of money, \$22 billion. Of the total cost, \$22 billion has already been spent. If this program is killed today, that money is gone, spent. It has been spent on research and development. Some people may say that is an enormous amount. It is. Twenty-two billion dollars is a lot of dollars in anybody's book. But that investment is an investment in the development not only of the Stealth bomber. It is an investment in the basic low observability as well as revolutionary manufacturing technologies which will pay large dividends on every stealthy system we build in the United States from here on. I believe we are in this technology for the next 20 or 30 years.

So this \$23 billion, while technically it has to be allocated to the B-2, is going to pay off through a whole array of weapons systems. I think everyone involved in this debate understands that. I hope they do.

What is at issue as we consider this bill, and as we consider this amendment this afternoon, is the remaining \$48 billion in program costs, most of which will go to buy production model B-2's. That is why we call this the unit fly-away cost. It is the best measure for comparing the cost in value of the B-2 against cost in value of other aircraft.

As I mentioned a few minutes ago, if you did go back to the B-1 production, if you produced B-1's for what they would cost today, and if you add in the cost of the additional tanker aircraft that would have to be built because the B-1 does not have long legs and has to be resupplied with fuel much more often than the B-2's, then the B-1 cost and the B-2 cost are virtually identical.

So there is not a cheaper alternative here if we want a penetrating bomber. Furthermore, the B-2 by everyone's testimony before our committee is approximately twice as effective as the

B-1 both for strategic nuclear missions as well as conventional missions.

Assuming that the B-2 can meet these conditions of cost as well as performance I am convinced that procurement of this revolutionary advancement in U.S. bomber capabilities is critical to our strategic arms control objectives.

Madam President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I want to first commend my distinguished colleague, the chairman of the Armed Services Committee, on a very succinct presentation of what I would regard as the majority view of the Senate Armed Services Committee. I subscribe to his philosophy, statements, and the conclusion that he has raised.

Seeing on the floor the distinguished Senator from Ohio, rather than at this time going further into my own views, which coincide with those of the chairman, I would be happy to suggest that maybe this is an appropriate time for the Senator from Ohio to address the Senate.

Mr. GLENN. Thank you very much. I appreciate the expressions of the Senator from Virginia. I am not quite ready to proceed yet. We have some things I am going to talk about with staff here shortly on some of the testing procedures on this. Then I will have some comments on the B-2 a little bit later.

Mr. WARNER. Madam President, the chairman and I will now take the opportunity to visit with Senator Glenn and, therefore, seeing no other Senator seeking recognition at this point, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Madam President, the chairman and I have had an opportunity to consult with the leadership of the Senate. I am going to ask the chairman at this time if he would not address the Senate and state the basic agreement that the four of us have reached for the convenience of other Senators as they schedule their appearance here on the floor this afternoon and on the subject that will be covered.

Mr. NUNN. I thank my friend from Virginia. I will say if there are any B-2 amendments that anybody wants to bring up we are perfectly willing to bring those up now. We are not going to vote on this amendment, at the request of the majority leader, because

of the impeachment hearings that the two panels are engaged in, before 5:30. But we can debate any other B-2 amendment that will stand on its own as an amendment to the bill, and set this aside as need be, debate the B-2 amendment, stack the votes, and vote it after 5:30. No one else has an amendment this afternoon. I know Senator KENNEDY has an amendment which I hope we can accept which relates to the B-2. Perhaps Senator GLENN has one. I do not know whether it will be worked out. But we nevertheless have those two.

It will be my plan as soon as we have time between now and 5:30 or 6 o'clock to try to debate two other amendments. I am told the majority leader would like to start the votes at 6:30. So that is a little later than I anticipated. That gives us a little more time. It would be my intention to debate two other matters that we think are very important. I hope they will not be controversial. That does not diminish their importance. That is the Reserve and Guard package that came out of committee, and which we all support. But I think we all need to understand we are doing a great deal for the Guard and Reserve in this bill. We will be debating that and pointing that out.

The third amendment which I propose we vote on today would be what we call the soldier enhancement package which recognizes that the Army, and to some extent the Marine Corps, has not paid nearly as much attention to the average soldier out there and the simple equipment they need to be able to survive in battle—things like communications equipment, flashlights, and rifles. We debate the B-2, MX, and sometimes we forget the equipment the individual soldier needs. So we have a soldier enhancement package in here that would be applicable to the men and women in our Army, and also special forces for that matter.

I hope we can have a vote on that late this afternoon, too. So we would vote on those three plus any B-2 amendments.

Mr. WARNER. Madam President. Perhaps to summarize and clarify a little bit, we have now the B-2 amendment submitted by the chairman and myself. We would propose thereafter two additional amendments to the chairman and myself, one covering the Guard and Reserve, which reflects basically the work done by the Senate Armed Services Committee. We simply lift it out, allow it to be an amendment to which Senators can address.

The B-2 amendment which is presently on the floor is not amendable but the Senator from Georgia, the chairman, has invited other freestanding B-2 amendments. The amendment that we propose on the Guard and Re-

serve would or would not be amendable.

Mr. NUNN. It would be amendable. We would not have any other second degree. We want to make sure the B-2 amendment is voted on first. However, we are not trying to keep anyone from proposing a B-2 amendment. We can consider this afternoon, or when we get back on the bill, hopefully today, any amendments people want to bring on the B-2.

Mr. WARNER. We would submit two additional amendments, and the other two would be amendable, one on the Guard and Reserve, and one on the soldier enhancement package.

Mr. NUNN. The Senator is correct. We are not encouraging amendments. But they are amendable.

Mr. WARNER. I understand. I think Senators should be fully advised. Therefore, there will be three votes at least.

Mr. NUNN. At least three rollcall votes.

Mr. WARNER. Beginning at about 6:30.

Mr. NUNN. I hope we can begin a little earlier. The majority leader will decide that. He tells me at this time we would start at 6:30, but I hope we can start by 6.

Mr. WARNER. Senators can come to the floor and discuss any subject. We hope their attention this afternoon will be addressed to those three main subjects.

Mr. NUNN. Yes. If it is at all possible, I would like to wind up the B-2 amendment today. This bill will be back next week. We would encourage anyone who has a B-2 amendment or speech or question to come over and debate this today, if at all possible. We have a lot more important questions on this bill. It is not just the B-2. We have many others.

Mr. DIXON. Will the distinguished manager yield for one further question?

Mr. NUNN. I will be glad to yield.

Mr. DIXON. In view of the time that it usually takes to dispose of this bill, I wonder whether it would not be in order further for the chairman and ranking member to encourage any members that have amendments that they think we might find acceptable to come over starting now. There are some of us around there supporting the Chair, who I think would be willing to entertain their suggestions, talk to staff and others to see whether—rather than waiting until the crunch at the end to consider this sort of thing—we can dispose of some of those amendments we always run into during the course of the disposition of this bill.

Mr. NUNN. The Senator from Illinois is correct and makes a good point. I hope we can encourage Senators to come over. Two years ago we had 125

amendments to this bill, and we had 62 or 63 rollcall votes. Last year we had less, but we handled 75 to 100 amendments. We debated this bill for 10 or 12 days 2 years ago. I think it was about 6 or 7 days last year. All of us know that there is going to be an effort to go into recess at the end of next week, but the majority leader has assured me, and I believe the minority leader feels the same way, although I have not talked to him directly, that this is the business we are going to finish before we go home.

Mr. WARNER. Madam President, that is correct. The minority leader, Mr. DOLE, has made it very clear to our membership that this bill will be concluded before we depart. We are looking at alternatives, possibly the latter part of this week, to ask for all amendments to be submitted, to make a list, and that would be it, subject maybe to the discretion of the majority and minority leaders and the managers of the bill. That is one option. Another option is to set a time certain next week, when this bill would be voted upon for final passage.

I would like to reflect momentarily on the valuable role that the Senator from Illinois played last year, while the chairman and I and other members of the committee were working on various subjects. He performed an exemplary role in working out a number of amendments, in the closing hours, to cut down on the time, and this year he can also volunteer.

Mr. NUNN. It is a little embarrassing. When the Senator and I were off the floor, the Senator from Illinois handled more amendments than when we were here. I would like him to temper his performance so as to not make the managers look bad. [Laughter.]

Mr. WARNER. Madam President, the chairman and I propose that we talk to Senator GLENN regarding his thoughts on the B-2 bomber.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Madam President, the request I am about to make has been cleared with the managers on both sides.

I now ask unanimous consent, Madam President, that the pending amendments be temporarily laid aside and that Senator KENNEDY be recognized to offer an amendment and that no amendments be in order to the Kennedy amendment.

I might say, parenthetically, Madam President, that the Kennedy amendment has been cleared on both sides.

May I have that unanimous consent?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 399

Mr. KENNEDY. Madam President, I have an amendment to S. 1352 at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 399.

Mr. KENNEDY. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

At the appropriate place in the bill, insert the following:

SEC. . STUDY OF ALTERNATIVE B-2 AIRCRAFT FORCE STRUCTURES.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall conduct a comprehensive study comparing—

(1) the current plan of the Department of Defense to produce 132 B-2 aircraft, with

(2) two alternative plans, one to produce 90-100 B-2 aircraft and another to produce 60-70 B-2 aircraft.

(b) MATTERS TO BE INCLUDED.—In conducting the study under subsection (a), the Secretary of Defense shall determine the implications of adopting the alternative plans described in subsection (a)(2) with respect to each of the following:

(1) The cost of the B-2 aircraft program, including—

(A) annual program costs,

(B) total program costs,

(C) 20-year life cycle costs,

(D) unit and fly-away costs;

(2) The impact on the military posture of the United States, including—

(A) strategic nuclear deterrent capabilities,

(B) long-range conventional strike capabilities.

(c) REPORT.—The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report in both classified and unclassified form containing the results of the study conducted by the Secretary under subsection (a). The Secretary's report shall include such comments and recommendations as the Secretary considers appropriate and shall be submitted not later than January 1, 1990.

Mr. KENNEDY. Madam President, this amendment would direct the Department of Defense to report to Congress by next January on the implications of a reduction in the planned procurement of 132 B-2 bombers.

Specifically, the amendment would require a report on the cost and military implications of two alternative B-2 force structures: the first consisting of 90-100 bombers, and the second consisting of 60-70 bombers. In my view, this information is indispensable for sensible congressional decisions on the future of the Stealth bomber.

The B-2 has been on the drawing board for more than a dozen years. I

supported it in the 1970's, because it made more sense—both militarily and economically—than the B-1. But in the high-flying "Days of Weinberger and Roses" at the Pentagon, we built the B-1 anyway.

The question now is: Do we really need 132 B-2's on top of the B-1's and cruise missiles that we already have?

The B-2 has already dropped its first bomb—the \$70 billion price tag. All of us in Congress are concerned over the high cost of the B-2. We are clearly going to cut back on the program. The questions are where, by how much, and should the program survive at all?

We have already spent \$23 billion to develop the B-2 bomber. It makes little sense at this time simply to write that investment off. But it makes even less sense to bankrupt other programs by spending \$50 billion more over the next 7 years on a second strategic bomber.

We need to find a means to lower the overall cost of the B-2 program. The only way to do that is to buy fewer bombers.

Buying fewer B-2's makes sense on military grounds, because it will not be our only bomber. In addition to the B-2, we will have 100 B-1's and a growing force of cruise missiles, soon to be supplemented by the new Stealth cruise missile.

Over the course of the past decade, we have had numerous rationales for the B-2. We all understand the continuing controversy over the possible missions of the B-2. What made sense for our defenses in the 1970's or the evil empire days of the 1980's may not make sense for the new ERA of United States-Soviet relations as we head into the 1990's. That is what Congress intends to find out.

But no mission that I know of dictates a force of 132 bombers. Any significant force of B-2's—be it 13, 32, or 132—will require the Soviets to respond. The number 132 for the B-2 force is not magic. We must examine smaller force structures.

A smaller number of B-2's makes sense on fiscal grounds as well. Although unit cost would rise if we cut B-2 production in half, the Pentagon has correctly stressed in briefings that unit cost is not an appropriate measure for a program as far along as the B-2.

Unit cost includes all past development costs, as well as future production costs. This is a sound measure only at the start of a program. With the B-2, we have already paid \$23 billion in development costs. We can never recapture these funds. The relevant measure now is fly-away cost—how much each additional B-2 will cost to produce. Fly-away costs need not rise substantially in a reduced B-2 buy.

The prospect of a continuing squeeze on the defense budget makes it imperative to look carefully at options for a reduced number of B-2 bombers. These options need to be examined before we move to full-scale production in the early 1990's. The amendment that I propose today will ensure that we have the information necessary for this decision.

I had an opportunity to talk with the floor manager of this bill and I believe that he supports its adoption.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I should yield momentarily to the manager because he may have something he wants to work out.

Mr. DIXON. May I say, Madam President, to my friend from Iowa, that I understand he wants to speak either on the bill or on the main amendment. We will dispose of this momentarily. The managers are here. Then he is welcome to speak.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I was right here in the cloakroom discussing another amendment. We indicated we would retire to the cloakroom for purposes of this. We asked Senator Dixon to monitor the floor. I would hope thereafter, with a unanimous-consent request, that my colleague would invite me or another Member to join him at that appropriate time.

Madam President, this amendment has been shown to me. I think it is a good step forward. I have recommended it be adopted but I would like to first defer to our chairman.

Mr. NUNN. I agree with the Senator from Virginia. We talked about it with the Senator from Massachusetts. It begins to look at alternative plans. I hope we will be able to go forward with the entire plan but certainly it would be valuable information to know that the costs and implications are, upside and downside, on other numbers. So I would urge we accept the amendment.

Mr. KENNEDY. I thank the Senator from Georgia as well as the Senator from Virginia and I am prepared to see the Senate resolve this issue.

Mr. NUNN. Does the Senator request a rollcall vote on it?

Mr. KENNEDY. No.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment (No. 399) was agreed to.

Mr. KENNEDY. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Madam President, while the Senator from Massachusetts is on the floor, I personally would like to say that he has taken a very active role in the work of the Armed Services Committee. We shall undoubtedly hear from him further as the issues relating to sea power and projection forces are raised. But I think this amendment is reflective of the fine contribution the Senator makes to the committee's work.

Mr. KENNEDY. I thank the Senator from Virginia.

Mr. NUNN. I would agree with that. The Senator from Massachusetts leads up our Projection Forces and Regional Defense Subcommittee and does a very fine job on that. If we have any controversy at all in his section, he will be managing the bill in defense of his provisions so we will be seeing a lot of him on the floor. We appreciate his leadership.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I am not going to speak on the pending amendment. I beg leave of my colleagues, even though I do not have to beg leave of my colleagues, to speak on the subject of procurement reform and reform within the Defense Department generally but very much associated with the legislation and very much within the oversight purview of the Armed Services Committee.

Madam President, it is interesting to note that the timing of the Packard Commission report and other calls for defense reform roughly paralleled those of political and economic reform in the U.S.S.R. So to me, what is going on in the Soviet Union is a helpful analogy. Our observations of what is unfolding there in that other continent provide useful insights into how we should view defense reforms here, and the bottom line is: with great skepticism.

All rhetoric aside, whether we are talking of glasnost or perestroika, the smart money is not on Gorbachev succeeding any more than it was on Khrushchev succeeding 25 years ago. Gorbachev faces a perilous and powerful foe in the nomenclature. Think of the established, entrenched interests in Soviet Russia that do not desire change, and indeed have a vested interest in perpetuating the status quo. They will fight just as hard against reform as Gorbachev is pushing for it.

There is a ring of familiarity in these observations, Madam President. It is not unlike the problem before us, the Congress as a whole, the President or Secretary of Defense, of cleaning up our defense structure. All rhetoric aside, the smart money is not on this administration succeeding. Those with interests in maintaining the status quo will fight just as hard against reform as President Bush and Secretary Cheney will fight for it.

When we talk about the Pentagon in this analogy, were not talking about a country, of course. But we are talking about an institution with a \$300 billion budget. Only 10 countries in the entire world have a gross national product larger than the Pentagon budget. And we are talking about an institution with its own culture, its own way of doing things, its own language and customs. That qualifies the Pentagon as much more than merely a microcosm of the Soviet Union and all its problems.

When it comes to defense reform in this country, the resistance to change will be so enormous it threatens to frustrate even the will of the President of the United States.

I raise these points, Mr. President, because of the imperative we face in this Congress, along with the administration, to make permanent, substantive reforms in defense acquisition and management. This is the first defense bill considered by this body during the term of a president committed to defense reform. It is therefore crucial that this bill meet the criteria for desired change. In my view, Mr. President, it does so in one important respect: it makes tough choices, as Secretary Cheney, and President Bush backing him up, had to do.

How many times did we criticize the last administration of failing to prioritize, for wanting everything stretched out all at higher prices. For we know the process of stretchouts does bring higher prices. This budget prioritizes. Secretary Cheney bit the bullet, and he ought to be congratulated and supported.

And the same goes for the Senate Armed Services Committee. This is in sharp contrast to the bill passed by the House Committee, which continues the business-as-usual approach. In my view, the House bill is a good example that the problem is also outside the administration.

We in Congress must bear a large part of the burden of defense reform.

This will not be a one-time phenomenon. The Comptroller General has stated that the current 5-year defense plan is underfunded by about \$150 billion. That is \$150 billion that normally would have to be spent between now and 1994.

That can only mean that more cancellations and cost reduction schemes are in the offering. That is a problem that I and other of my colleagues have been warning about for 6 long years. So it should come as no surprise to anyone to hear this. These decisions are long overdue, and the need for a fix will be much more acute in the years ahead. After 6 years of neglect, little problems have grown to become big problems, so they will be tougher to deal with. Yet, they are necessary and inevitable. I intend to support this

administration in its efforts to address this underfunding phenomenon and to bring the Pentagon budget back into line with fiscal reality.

In addition to the tough decisions reflected in the budget, Secretary Cheney has also advanced a plan to reorganize defense management. This, too, is long overdue, although it is only a first and a very small step toward total reform. The Cheney reforms are intended to streamline and to eliminate much of the duplication in the Defense Department's structure. It is perhaps, Madam President, a prerequisite to more fundamental reforms outside the Pentagon.

While we anticipate the Cheney reforms taking hold, we should keep two things in mind: first, reforms will not come easy and, second, and most important—and I hope that Secretary Cheney knows this—much more needs to be done beyond those proposals that he has already laid on the table.

Let me illustrate the first point, but I want to do it with an example that I came across in a recent hearing.

(Mr. FOWLER assumed the chair.)

Mr. GRASSLEY. A couple years ago, then-Secretary Weinberger sent out a DOD-wide directive on management reform. The directive said that DOD is committed to lower prices and better quality from our defense contractors and would settle for nothing less. This memorandum from Secretary Weinberger received a very typical bureaucratic reception from Department of Defense employees in the Air Force plant where one of our witnesses worked. As was usually the case with such an order from on high, one official took out an ink pad with a frequently used rubber stamp bearing the words "BS" and, of course, it was spelled out in full. He then passed the Weinberger directive around the plant with the "BS" stamp on it, as was the custom. That, Mr. President, is one small example of an all-too-frequent reaction by Department of Defense bureaucrats out in the field to pronouncements for change that are not enforced.

If that is all the respect even a Secretary of Defense gets from his subordinates, something out there in the field, at almost any level below the Secretary of Defense, something is seriously wrong. And there is something seriously wrong.

The moral of that story is, sometimes the only way to get things done, especially at the Department of Defense, is by using the two-by-four approach. The message will not get through, in other words, unless you hammer it in with a two-by-four. It is not enough just for some well-meaning Secretary of Defense or for some well-meaning President just to espouse a policy. There has to be rigorous enforcement. You have to know what the timetables are for getting the

policy carried out, who is responsible for carrying the policy out, and whose head is going to roll if the policy is not carried out.

The second point to make, Mr. President, is that reforms must go way beyond what has already been advanced by this very well-meaning Secretary of Defense, Dick Cheney. I anticipate working with the administration to bring about some of these reforms, but I would like to provide some specifics for thought by my colleagues.

So far the reforms outlined by Mr. Cheney have focused on the efficiency or what might be called the input side of the equation and, of course, with the Department of Defense management of that. They do not attack the problems of high costs and poor quality control within defense contracting plants, and that is the effectiveness or the output side of the ledger. They do not focus on measuring and improving output. There are clearly two sides to the problem, and so the output side must be attacked head on in addition. Yes, DOD management reform is necessary and overdue. There is no question about that. But beyond those reforms, the real changes are needed and the real savings are found in the improvement of what our contractors produce and how they produce it.

This past January, I was privileged to visit with the chairman of one of the top defense firms in the country. He asked to call on me; I did not ask to all on him. We talked about several things, but before he left, he brought up defense generally and eventually got around to the whole issue of defense procurement reform, so we talked quite a bit about the need for defense reform. We both agreed major changes are needed, and then he said something that I never thought I would hear from such a prominent defense executive. He said, "You know, Senator, I will tell you what the basic problem is." He said, "The real problem is that the Government allows cost-based contracting." He continued, "That provides an incentive for costs to stay high." He went on to suggest that if you eliminate that incentive, you will eliminate the biggest cause of poor quality and high prices.

Mr. President, when he said that, as you might understand, I just about fell out of my chair for I cannot recall all my times during the last 6 years that I have made that same point right here on the Senate floor and elsewhere only to have it fall on deaf ears. He is absolutely right, and I hope it becomes very clear very quickly to all of us who are serious about defense reform.

I guess I would suggest parenthetically that that leader of a major defense industry could do more for the public relations of the defense industry, not only with the Congress be-

cause industry's public relations with Congress are probably pretty good, but with the public out there where they are not very good. He could do more good for the public relations of the defense industry to take that cause he expressed to me privately and get a committee of CEO's of defense firms to change that system of cost-based budgeting for the defense systems that we are buying.

Let me take a moment, Mr. President, to explain what this executive meant. The element comprising the defense cost base is direct labor. On top of that base, we put overhead and other indirect costs. Then we apply a profit that is a percentage of all that cost. We even pay a percentage of profit on top of scrap and rework. In other words, if the contractor does poor quality work, if it becomes scrap, or if the work has to be redone, the direct labor for that scrap and rework is included in the base and the Government picks up the tab and pays the same percentage profit on top. Clearly, the more scrap and rework, the higher the profit dollars. This helps explain much of our quality predicament as well as the high cost. The most effective way to get defense costs up is to expand the direct labor base. Fixed profit percentages translate into more dollars if the base expands. You cannot blame the contractor for this if we in the Government, spending the taxpayers' money, responsible for all that money spent, if we allow it.

As this one executive said, the Government should not allow it, and I, for one, agree. There is no question in my mind, Mr. President, that we have a major problem in this area in our defense plants. Today if we walk into a defense plant anywhere in the country, we will find tremendous work force-workload imbalances.

I have done my own analysis of defense productivity and found plants operating at as little as 6 percent of normal efficiency. This figure would include, of course, the direct labor charges for scrap and rework.

They are not all that bad, Mr. President, but I would be willing to guess that most defense work is done at or below 50 percent of normal efficiency. And that takes into account all the complexity, high technology, small production quantities, interruptions from Congress—and there is an awful lot of that—and other factors that differentiate defense work from commercial work. That's a pretty poor record, Mr. President, and it begs to be addressed.

We have created too many incentives for costs to escalate, and we have been too negligent in questioning inappropriate costs. If we award profits as a percentage of cost, if does not take a rocket scientist to figure out that's a powerful incentive for a contractor to

pad his costs. More costs mean more dollars in his pocket. The cost of doing business with our defense contractors has gotten so out of hand that even the chairman of a top defense corporation admits it is the major problem needing reform. That's as lucid a signal as we can ever hope to get, Mr. Chairman, that changes are in order. Let me reiterate that the reforms proffered by Secretary Cheney are a very important first step. But they do not address the fundamental cost and quality problems that we have seen in recent years. They address too much input and not enough output.

Before these kinds of changes can occur, we need to get everyone in DOD moving in the same direction. One very useful approach in this regard is the Defense Department's program called TQM, or total quality management. TQM is designed to improve quality and efficiency at every level, to build quality into the product and thereby help reduce costs. At the present time, before it has been implemented, TQM is merely an awareness and cheerleading program. But it also provides a positive vehicle for change. If it takes cheerleading and awareness to get everyone moving in the right direction, that is a positive development. But concomitant with this, we must use work and productivity measurement to monitor progress on the output side. TQM will not work without measurement. In addition, we need a compatible contract policy. If we maintain the same contract policy that encourages high costs and leads to product failure, TQM will be a passing fancy.

Another important reason why cost reduction is needed is to provide the Secretary of Defense with future options for bringing the defense budget in line with fiscal reality. If the Comptroller General is correct, \$150 billion of program decisions will have to be made between now and 1994 to restore integrity to the long-term budgeting process. That means tough decisions are going to be the norm around here—not only in DOD, not only in OMB, not only in the Oval Office, but in this Chamber. The Secretary's ability to make sound decisions will be enhanced if he can choose between program terminations and cost element reductions, or combinations thereof.

To sum up, Mr. President, I believe the steps taken so far by Secretary Cheney and by the Armed Services Committee are solid steps toward reform. Again, changes will require some heavy-handed enforcement, and the full support and commitment of all of us, from the President down to the Pentagon bureaucracy and to us in Congress. I look forward to working with my colleagues to help this administration fulfill its promise because this is going to be a very tough undertaking. I want to help them achieve

some perestroika of their own. I again congratulate the chairman and ranking member of the committee for their efforts, as well as the cooperation they have had from the members of their committee.

I yield the floor.

Mr. GRAMM. Mr. President, we are currently debating a pending amendment about the B-2 bomber. I know a lot has been said on the subject, and I want to try to address two issues only in the comments I wish to make. Let me make it clear up front, in case I am not clear from this point forward in the speech, I am in favor of building the B-2 bomber.

The two questions I want to address are, No. 1, do we need it? And No. 2, can we afford it?

Let me start, Mr. President, by making note of the fact that we are talking about building only the fourth jet-powered strategic bomber in American history. When you go back and think about it, we built the B-47, we built the B-52, we just finished the B-1B, and we are now talking about the B-2. We are talking about four jet-powered strategic bombers in the post-war period.

Now, on the B-47 I think it is instructive to try to get a comparison about how much money we spent on strategic deterrence with the B-47 and how much we are spending on the B-2. I have gone back and calculated some figures that I think are relevant. What I have done is to take the total procurement costs for these bombers, and I have divided those costs by the total defense budgets during the years in which we procured them to come up with what share of the defense budget in those years went into the building of those bombers. I think my colleagues might find it instructive.

In the case of the B-47, 2.9 percent of all defense spending during the years we built that aircraft went into its construction. I do not think there is anybody here who is going to argue that that was an unsuccessful aircraft in terms of what we build a strategic nuclear bomber for; however, it was to that point the most successful one we had built. In fact, never that I am aware of did the B-47 fly in anger. In fact, it was so superior to anything else of its era that, like clockwork, every morning the strategic planners of the Soviet Union reported to their masters in the Kremlin, "Today is not the day to attack the United States of America."

We then built the B-52 bomber, and if you look at its procurement cost as a percentage of the defense budget in the time we built it—we built a lot of them. We became efficient at it. We had a production line that was extensive—in total, 1.4 percent of the defense budget during that era was spent on the B-52 bomber.

We built the B-1B with 1.6 percent of the defense budget, and if we look at the projected defense budgets between now and 1996, when we would complete the proposed fleet of B-2's, we would be looking at 1.3 percent of the budget.

The first point I would like to make, Mr. President, is that if these numbers hold—and they are the numbers we are working with—if you look at procurement cost of the new strategic bomber as a percentage of the defense budget, the B-2, in terms of overall percentage of the defense budget, would be less expensive than any bomber we have ever built. Certainly the 1.3 percent is low by comparison to the 2.9 percent of the defense budget that was absorbed by the B-47.

I know our colleagues often talk about whether or not we need another bomber, and while I was talking to Secretary Cheney today at our luncheon he brought out the following figures that I think we ought to be looking at in making this decision.

First of all, in terms of our overall strategic mission, if we should be called upon to go to war with the Soviet Union and in terms of our effective deterrence, currently about 40 percent of the nuclear weapons that would be delivered as part of that deterrence are delivered by bombers. If we adopt a START agreement, that number would rise from 40 percent to 50 percent. Or, in other words, in terms of the strategic mission today, we are looking at 40 percent of the weapons that we would be counting on manned bombers to deliver to the target as part of our effective deterrent. And if we have a START agreement, that would rise to 50 percent, Mr. President. Today we have 380 strategic bombers in the fleet.

By 1992, if we do not build the B-2, we will have 168. By 1998, only 10 years from today, that will be down to 97 bombers.

Finally, let me look at this question about cost. We hear a figure about what we are spending on the B-2 and, of course, what we are hearing is people are taking all of the technological investment that has been made in creating a plane that is for all practical purposes invisible to radar, and we calculate all that out. We say this plane is going to cost \$500 million or \$600 million a copy. Mr. President, that is a big number. It ought to be an alarming number. But I want to remind my colleagues if we should decide here today or next week to kill the B-2 bomber we do not get to go back and get that \$22 billion back that we spent on all this technology. That is money spent that we will never see again.

As everyone who has ever taken elementary finance or economics knows, in making a decision as to what you

are going to do in the future the first thing you are supposed to throw out in making that decision is what your fixed costs are.

Mr. President, if we are going back to the beginning and looking at this decision, that \$22 billion of development cost would be relevant. But it is spent. And the question is what can we now buy in terms of outlays on the B-2 and therefore what do we save by not building.

By our most recent numbers per copy of procurement costs from this point forward the B-2 is going to cost \$274 million. That is a lot of money. I would note, however, that the B-1B cost \$228 million a copy; that a commercial 747 today costs \$150 million a copy; that an AWACS cost \$351 million a copy as compared to \$274 million per aircraft for the B-2.

Let me try to make some sense out of all of these numbers. What does all of this mean? First of all, we are going to be spending less of the defense budget for this strategic bomber than we have ever spent on a strategic bomber. No. 2, we need this bomber. We have a clear requirement today in terms of deterrence to use a manned bomber to deliver nuclear weapons. That demand is not declining. It is in fact growing. Under our current arms control agreements with the Soviet Union, an MX missile counts as 10 warheads. A B-1 bomber carrying nuclear bombs or air-launched nuclear missiles counts as one. With a START agreement our requirement for a manned bomber is going to rise and not decline. In fact, our whole negotiating policy for 20 years with the Soviet Union has been negotiation toward smaller reliance on missiles, and greater reliance on bombers. But as that reliance grows under arms control, if we do not build this bomber we are going to see our fleet of manned bombers decline from 380 in 1988 to 97 10 years from now.

I hear people say, well, are you ever going to risk in combat a bomber that costs \$274 million to build in terms of procurement costs? First of all, Mr. President, let me point out that because of the amazing technology embodied in this plane, we are not greatly at risk in committing it to combat. Also, because of the great capacities of the B-2, we would commit a smaller number of them. For example, during the air strike on Libya in 1986, we committed 119 aircraft, risking 84 aircraft and 134 aircrew members in combat. All this required a total time of 5 days to carry out that mission. We could have carried out that same mission with conventional weapons using four B-2 bombers over a period of hours and risking only eight aircrew members.

Also, because of its stealth capacity, its capacity to elude radar and to elude antiaircraft missiles, in reality it would

not have been at any real risk in carrying out that mission.

Finally, let me say that while I keep hearing people, say, "Well, this is a useless weapon because you would never use a weapon that expensive," let me remind my colleagues that in the Persian Gulf we had AWACS flying everywhere. We had AWACS on our mission against Libya. An AWACS aircraft cost \$351 million in procurement costs. That is more expensive than the B-2.

Finally, how do we intend to use this aircraft? What we intend to do, Mr. President, with this aircraft is park it out on the tarmac. We intend to have young, well-trained crewmen every morning get up, fly it around, and every morning have the Soviets look at its capacity and decide that it would be suicidal to attack the United States of America.

In reality, we do not ever intend to use this plane. We simply want it with all of its miraculous capacities to render the \$150 billion of air defense that the Soviet Union has built at a terrible cost to themselves absolutely obsolete. By doing that, we guarantee that we all can go to bed when the plane is deployed with confidence that we are not going to be attacked, and so as a result, the plane is not going to be put at risk and peace is not going to be put at risk.

We need this airplane. It is expensive. But it has the capacity to do great work to provide great service for the people of America. And I strongly support the committee's position that we should build and deploy this new miracle of American technology.

I yield the floor.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, just a progress report to Members following the debate. The chairman and I have had an opportunity to discuss at length the concerns of Senator GLENN. All along he has taken a very active role in the B-2 bomber program. The chairman and I, the chairman can speak for himself momentarily, are of the view that he has some very constructive ideas. As soon as the chairman returns, a little later we shall hope to accept Senator GLENN's views.

In the meantime, the chairman and I are momentarily about to lay down two amendments discussed earlier, one dealing with the Guard and the Re-

serves and the second dealing with the measures to improve the equipment for soldiers.

Those amendments reflect the work done by the Armed Services Committee. There are no new innovations in them. They are of record, and the material is now before the Senate, and in the form of our report and otherwise.

That is where we are. We are anxious for the Senators to come over and address the issues that are of interest to them. I see the Senator from New York, and I yield the floor.

NAVAL AIRCRAFT CRISIS

The PRESIDING OFFICER. The Senator from New York, Mr. D'AMATO.

Mr. D'AMATO. I rise today to alert my colleagues to the dire crisis which now exists in the U.S. Navy's aircraft inventory. I am compelled to make this information known in the strongest possible way because, although the problem is serious now, if it goes unchecked, it will all but wipe out the effectiveness of the Navy's aircraft carrier battle groups.

Now, Mr. President, I do not mean to be an alarmist, but we intend to demonstrate by way of graphs, by way of the Navy's own testimony, the seriousness of this situation. This situation is well understood by both the experts at the Pentagon and some of the experts here on the Hill. In fact, the Senate Armed Services Committee report states that:

The collapse of a systematic long-range naval aviation planning and programming process has permitted the substantial erosion in naval aviation with the arrival of tighter budgets.

The Senate Armed Services Committee has also called for the Navy to submit an annual report on the naval aviation which looks 10 years into the future.

While I applaud the use of this oversight vehicle, I feel that a false sense of security is created by it. In order to get control of this situation, especially with the extended leadtime required to develop and produce today's sophisticated airplanes, we must look beyond 10 years into the future.

Now the Navy faces declining inventories which will dip sharply below its established requirement levels in nearly all of its airplane categories. In half of these categories, no remedial options are available to avoid the coming shortfalls. The message I bring to my colleagues today is that we must preserve our options in those categories where aircraft production lines currently exist.

Mr. President, I would like to illustrate the grave consequences of throwing away our options; that is, doing away with production that exists today. Chart 1 lists the major missions accomplished by naval aircraft. Also shown are the current aircraft fulfilling their roles and the planned re-

placement aircraft, which in several cases are still in the early stages of development.

The crisis in naval aviation is readily apparent when one looks at the severity of the expected shortfalls which will occur in seven out of the eight mission categories, even with the on-time acquisition of replacement aircraft. And that, Mr. President, is highly doubtful. We have not seen a program yet where planes have come on line on time.

As the charts show, the Navy has no option but to wait for the A-12 production, the P-7, an advanced tactical support, to remedy shortfalls in four of the categories. So what we are saying is that if there is any delay in these categories, the shortfall that will occur is going to be much more dramatic. But how much will all of these new airplanes cost, and will the Navy's budget be able to cover all of them?

A few weeks ago I asked the Congressional Research Service to analyze this question for me. I asked them to use the open information sources so that I could present this report in public.

This chart shows the CRS estimate of how many and when the various new naval aircraft will be acquired. Notice that the peak period of production will occur just after the turn of the century.

Costs were determined for each of the new production airplanes as shown here. It is difficult to estimate price tags for future aircraft, so very conservative figures were chosen. But, one thing is certain, the costs will not go down; the costs can only go up.

When the aircraft numbers and their costs are multiplied together, the funding profile shown on this chart results. Please note that the scale is in billions of dollars. This best illustrates the crisis in naval aviation. For the years 2001, 2002, and 2003, the Navy will need over \$10 billion—this is on the conservative side—for new airplane production. This level of spending is nearly two and a half times the average that has been budgeted over the last 2 years. Where are they going to get those resources?

Mr. President, it should be obvious to anyone that the Navy will have to prioritize its needs and significantly stretch out these acquisitions. Here is the problem. As I said before, severe shortfalls will occur even if all of the funding required could be allocated and all the programs remain on schedule. Debilitating shortfalls will occur if we don't address this crisis today.

We are being asked in this year's Pentagon budget to throw away a remedial option in the category of fighter airplanes which will be key to stemming the devastating effects of the naval aircraft crisis. If new production of the F-14D Tomcat is not funded this year, the factory will be closed

and dismantled. Then, if the replacement airplane, the Navy version of the Air Force advanced tactical fighter [N-ATF] is delayed due to technical problems or is unaffordable at the time, no options will remain to make up the shortfall.

The CRS report gives us an excellent idea of the magnitude of the naval aviation crisis—and it is a crisis—and make no mistake about it, both are going to occur. We have not brought in a new advanced weapon system of this magnitude, of this type, ever. Who is going to say that we are going to do it now? It is simply not going to take place. So that we are going to have development delays as a result of technological and production problems. And then we are going to be faced with the dilemma of having to stretch out the production because we simply do not have enough money. Then we will have no option to make up the shortfall.

Mr. President, my last chart shows the consequences of as little as a 3-year slip on the N-ATF program. With the retirement of older F-14's and we are talking about the Navy's program of remanufacturing. That is part of this. It is part of their program. We lose. We'll have a 53-percent shortage in fleet defense fighters that will occur. The bottom line is that the Navy will not be able to protect their carrier battle groups or project offensive power when necessary.

Now, Mr. President, I did not make these figures up. They come from CRS. We are not projecting an unreasonable delay in terms of the development of the airplane that is supposed to take the place of the F-14. So I ask my colleagues to heed this warning. I have no illusions. I am not going to attempt to bring this as an amendment to this floor.

I say this is not the kind of situation that we should make a life and death struggle to defeat the F-14, but rather, I would hope that when the House Armed Services Committee that has put back the 12 F-14D's into their mark, that the House and Senate conferees would look at the facts, and the facts are such that the Senate should recede to the House and not make this a political test of wills, as it relates to the Secretary's mark or numbers.

I think that within the mark that we can achieve, without busting the budget, the objective of seeing to it that we preserve that mark and yet seeing to it that we do the right thing, not just on a parochial basis, because Grumman is the manufacturer, but because the facts illustrate very clearly that we will be jeopardizing the national security of this Nation. We will be jeopardizing the security of the fleet and that we save a penny today, and the consequences tomorrow will be devastating and much more costly to the taxpayer.

I cannot understand how it is that the people in the Pentagon, even at this time—and I have not attempted to be confrontational with the Secretary of Defense—came in at the last minute, and they had a tough job, and they had to get the budget down; but, by God, wake up, Mr. Secretary, take a look at the facts, look at the problems we are going to have. If you are buying 1 year—you might buy 1 or 2 years, yes, you can save \$300 million-plus, but in the long run it is going to cost billions of dollars more, and that will leave the fleet in a vulnerable situation. It just does not make sense.

So I respectfully ask that the Senate conferees would recede to the House's position, which I believe makes much more sense in terms of protecting the integrity of the budget process and, more important, in terms of seeing to it that we meet our national security needs and interests, and base them in the fact of reality and not in the face of dreams, in the face of some plane that is going to be developed at some cost that we do not even know about that will take the place of the F-14 sometime in the future. That is not good and adequate, and it certainly does not suffice to meet our country's objectives.

Thank you, Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, I rise in support of the perfecting amendment on B-2 funding introduced by the distinguished chairman and ranking minority member of the Armed Services Committee. I also want to applaud Senator NUNN, Senator WARNER and the distinguished chairman of the Strategic Forces and Nuclear Deterrence Subcommittee, my friend, Senator EXON for shepherding the B-2 program through the authorization process. Without their able leadership, the B-2 bomber program would not be under consideration on the floor today.

Mr. President, I strongly support the B-2 bomber program. I first, and foremost, see it as an extremely important program in the strategic nuclear triad, on which our Nation has relied on to deter the Soviets for over 30 years. The bomber force is the most accurate leg of the triad and provides maximum capability against the entire range of non-time-urgent targets while offering operational and employment flexibility unmatched by other legs of the triad. The B-2 capabilities are unmatched by any other bomber in the world. Its penetrating capability, due to its revolutionary low observable technology, will serve our Nation well into the 21st century.

Mr. President, the opponents of the B-2 argue that it is too expensive. I agree that the \$500 million cost per aircraft is a great deal of money for one aircraft. However, I would like to

point out the following cost comparisons: the B-2 is only 20 percent more than the B1-B in flyaway cost; it is cheaper per warhead than the MX; it costs a smaller fraction of the budget than the B-52 did; and, the MX and small ICBM together are almost as expensive as the B-2.

Mr. President, the justification for the B-2 does not rest on any one factor. The B-2 is necessary for deterrence, its penetration mission, to counter the Soviet threat, and provided arms control stability. These four factors form the most vital reasons for the production of the B-2.

Mr. President, the Armed Services Committee included an elaborate set of "Gates" in the authorization bill that must be met before any new production money can be obligated. These gates ensure that the American taxpayer will get the capabilities promised by the B-2. Delaying production of the B-2 will not only increase the cost, but may undermine the President's negotiating position in START.

Mr. President, the manned bomber programs, especially the B-2, are key elements of strategic modernization. I urge my colleagues to support this amendment and the B-2 program.

Mr. GRASSLEY. Mr. President, I rise to support the amendment offered by the distinguished chairman of the Armed Services Committee, Mr. NUNN, and the distinguished ranking member and my good friend from Virginia [Mr. WARNER].

I believe this is a cautious and prudent amendment in light of the tremendous cost of the program, on the one hand, and in light of its strategic importance on the other.

It is certainly sound policy to test before buy. The B-2 represents an important leap forward in technology. The stealth is needed not only for its deterrent value and technological promise but also for the leverage it provides at arms negotiations in Geneva. Beyond these points, there is no credible alternative to the B-2 at this time. The fencing of these funds and the additional checks and balances including the various reviews and certifications required are all part of how DOD should conduct its business as a matter of routine on all its programs. The bottom line is we will not move into full production unless and until we are assured of a proven commodity on such an expensive albeit vital program.

Speaking of expense, Mr. President, the committee has trimmed \$300 million from the program for the coming year. The \$70 billion price tag on this program is truly shocking. Twenty-two billion dollars of this has been for stealth technology R&D and development. It is my intention, though, as it has always been, to seek ways to shrink the costs of this program and

any other one, especially one with a \$70 billion price tag.

The committee has protected its options for the future with regard to the B-2. The cost is great, but so is the need. In the year ahead, under this legislation, Congress can work to trim more costs and improve the effectiveness of this program. For these reasons, Mr. President, I support the committee's amendment on the B-2.

Mr. ADAMS. Mr. President, today the Senate is debating the B-2 Stealth bomber. During the late 1970's, as a member of the Carter administration, I supported the B-2 bomber. At that time, President Carter recommended that we proceed with B-2 as an advanced technology replacement for the manned bomber leg of the strategic triad in lieu of the B-1. To fill in the bomber capability "gap" between the continued use of existing B-52's and the future development of the B-2 Stealth technology, the Carter administration accelerated the development and deployment of air-launched cruise missiles.

Unfortunately, we did not follow President Carter's recommendation and so today we find ourselves facing a decision on beginning production of an enormously expensive weapon system, the B-2, while we are still trying to fix the problems with the B-1. We should not have built the B-1, but the Reagan administration did. Because we have already invested so many billions of dollars in the B-1 and because of the problems with that program, there is a special burden facing the B-2 and there should be.

We need to know exactly what role the B-2 is to play in our long-term strategic planning. We need to know that, unlike the B-1, the B-2 will perform as advertised. We need to know how many aircraft are needed and what they will cost. We need to know that the program is going to be managed in an accountable, scandal-free, cost-effective way.

I do not believe that we have the answers to those questions today. The Senate Armed Services Committee has proposed a series of tests or hurdles that the B-2 program must pass before procurement can begin. The committee's proposal is obviously a step in the right direction. It reflects the sort of healthy skepticism that the Congress should have given our previous experience with the B-1, given the revolutionary technology employed in the B-2, given the dramatic changes in United States-Soviet relations, and given the high cost of this weapons system.

I intend to support the committee's proposal to "fence" the B-2 procurement by requiring additional testing before procurement can proceed. I am not sure, however, that the "fences" are high enough. As our colleague Senator GLENN has argued, the devel-

opment testing of any new aircraft is a complex, but necessary process. I am pleased that the committee has accepted an amendment by Senator GLENN, to the committee amendment, to strengthen the testing restrictions and make them more rigorous. The advanced technology employed in the B-2 and the unique capability to penetrate Soviet air defenses it is expected to possess argues for extensive testing before procurement proceeds.

I remain unconvinced by the Pentagon's arguments that this additional testing will only add billions of dollars to the cost of this aircraft with no benefit. Under the Air Force assumptions, even the testing provisions added by the Armed Services Committee could increase costs by \$2.5 billion to \$4.2 billion. We need only look at the billions of dollars that the Air Force proposes to spend on trying to bring to B-1 to a level that still will not meet its intended capability to recognize that there is much to be gained from more complete testing.

The Armed Services Committee provisions do not deal with the uncertainty over mission for the B-2 and its role in U.S. strategic planning especially now that the Air Force has admitted that the United States does not have the technology to find relocatable targets. I am pleased that the committee has agreed to Senator KENNEDY's amendment to require an evaluation of alternative strategic roles and numerical requirements for the B-2.

Finally, I want to make it clear that my support for the Armed Services Committee amendment is not an open-ended commitment to full procurement of the B-2. I intend to follow the testing program carefully and to review its outcome. I also intend to review the question of the B-2 mission and strategic role. My vote on this issue should not be taken as an endorsement for the proposed 132 aircraft procurement or for any number of aircraft other than those provided in this bill and subject to the restrictions it contains.

One of the strategic arguments for a manned bomber is that it can be recalled to its base unlike ballistic missiles. If the B-2 cannot pass the testing and strategic requirements hurdles, there should be no question that this Senator stands ready to recall the B-2 program.

Mr. LEAHY. Mr. President, this evening I voted in favor of the Nunn-Warner-GleNN amendment on the B-2 program. This measure establishes a number of criteria the project must meet before funding may continue. I voted for the amendment reluctantly and do not want this to be an indication that I support the B-2.

Mr. President, we cannot afford the B-2 and we don't need it. Anyone who looks over the extravagant funding re-

quests of this program for the next 5 years knows that Congress cannot support these unrealistic figures. The House Armed Services Committee already raided the B-2 budget for other projects to the tune of \$800 million this year. As we fund this bomber at more realistic levels, the unit cost of this plane will only skyrocket toward \$1 billion per copy.

Growing B-2 costs will compound another problem facing the Department of Defense—outyear funding. I also have serious questions about spending \$70 billion on a new strategic bomber when the U.S. taxpayers just spent over \$25 billion for the B-1 bomber. That plane is not yet fully operational.

Mr. President, the B-2 should be killed but I voted for this amendment reluctantly since it did provide the only limitation this year for future production.

Mr. KOHL. Mr. President, as we consider the issue of the B-2, there are a number of different arguments we have to address. The issue directly before us relates to efficiency and prudence: What is the most economical way to assure that B-2 performs as advertised before we invest a small fortune in buying the plane?

That is an important issue and I want to address it. But I also want to look at some larger strategic questions about the nature of the B-2 program and where we are going in our strategic doctrine.

In terms of procurement strategy, I think it is important to note that the committee and the Senator from Ohio [Mr. GLENN] have worked out an agreement which essentially does two things. First, it reduces by at least \$300 million the funding for the B-2 requested by the administration. I think that is significant in and of itself. But second, it sets up tough testing requirements which the B-2 must pass before any of the funds authorized here can be released and low rate initial procurement can begin. The net result is that we are authorizing funds for the procurement of three B-2's but we will not actually release those funds until and unless the B-2 passes a number of milestone tests.

Under the compromise before us, that testing will go well beyond the committee's original emphasis on airworthiness—that is, the commonsense conclusion that we won't begin buying planes until we know they fly. That is a good thing, but we aren't spending well over half a billion dollars because the B-2 can fly. We are spending that much money because of the "stealthy" nature of the plane—its ability to avoid detection and penetrate Soviet air space. But the committee did not originally require proof of "Stealth Success" before procurement. A full 25 percent of the authorized funds could

have been spent under the committee's initial approach before the Secretary of Defense reported on the results of low-observable testing. Indeed, as Senator GLENN points out in his "Additional Views," the problem with the committee approach is that it "is still success oriented and still requires excessive concurrency between the development, testing, and production phases."

In my view, the Glenn amendment, which the committee has now agreed to accept, simply makes good sense from a management perspective because it requires some testing of the stealth characteristics of the B-2. Under the approach now before us, we will have to have good reason to believe that the B-2 is as radar invisible as it is supposed to be before we buy it. The problems we have experienced with the B-1, where we are still paying for electronic countermeasure fixes, demonstrates the problems and the expenses created by excessive concurrency—a willingness to begin procurement of weapons systems while we are still testing them to see if they work. And the B-1 is not the only program with problems. The committee report expresses concern about problems created by excessive concurrency in the C-17 program. And we have, unfortunately, all too many examples of cost growth and production delays caused by weapons systems which were being produced before we were sure that they worked as advertised.

With the addition of the Glenn amendment, I think the procurement problem of concurrency is reasonably well resolved. I would have rather seen procurement delayed until at least fiscal year 1991 as the Senator from Ohio initially proposed, but in the give and take of the political process, this compromise is as good as we can get and I am willing to accept it.

But the issue goes well beyond the question of how well the B-2 works. While I am willing to support continued testing of the B-2, there are a number of questions I believe we must address before we commit to the 132 planes the administration is seeking. Let me describe a few of my concerns.

First, we have to figure out why in the world we have a request for 132 planes. As far as I can determine, that number is not based on an overall strategy. If we decide that the B-2 makes sense, it certainly seems to me that we ought to figure out how many B-2's we need to maximize our strategic goals. I think we can get by with a lot less than 132. So I was certainly delighted that the committee accepted an amendment by Senator KENNEDY which calls for a detailed study of the need for the full 132 B-2 fleet and the impact of lower total procurement of these planes. I believe that such a study can make a contribution to helping us shape a more coherent national

defense strategy. For example, when we debated the MX missile we focused on the question of whether we ought to have 50 or 100; but we virtually ignored the issue of why we wanted any of them at all. We learned, I hope, a painful lesson from that continuing disaster: that specific decisions about weapon systems cannot be made outside the context of military and diplomatic strategy. I hope we will apply that lesson to the B-2.

Second, I have some problems with the cost of this program—well over a half a billion a copy if you count the R&D costs or a more modest quarter of a billion if you just look at cost to produce the plane and ignore the investment which made production possible. Either way, building a fleet of 132 B-2's is going to cost a great deal of money. We are going to be paying \$8 billion a year well into the next century to complete the B-2 buy.

Now some may argue that the cost is irrelevant. If we need the plane for our national security, we ought to buy it. But there are a lot of things we need—in both our defense and our domestic programs—which we can no longer afford to buy. Given the reality of Gramm-Rudman-Hollings, given our need to reduce the deficit, we can't look at the need for any weapons system or any domestic program in isolation. We have a fixed amount that we can spend and we have to look at the comparative value that a given system gives us. I think the Armed Services Committee and the Pentagon accepted that approach when they called for terminating a number of programs. Those programs were useful—but we couldn't afford them. The same test ought to be applied to the B-2.

Clearly there are some people who believe that the B-2 passes the "must have it" test. And certainly bombers do have some very real advantages both in terms of increased deterrence and increased crisis stability. But the B-2 is billed as more than a bomber—it is being sold, and its price is being justified, because it is a penetrating bomber which can get past Soviet air defenses and hit mobile targets deep in the Soviet Union. But as the Washington Post reported on July 23, 1989, "[t]op Air Force officials testifying before the House Armed Services Committee conceded their expensive bomber probably would never be used in its primary role of evading air defenses and darting into the Soviet Union after a nuclear attack because it would not have time to make the cross-continental flight." The Post goes on to report that even the Air Force minimizes the role of the B-2 in taking out mobile missiles. "Air Force Chief of Staff Gen. Larry D. Welch told a House committee this month that finding and attacking mobile tar-

gets 'has never been the basic mission of the [B-2] plane.' And, of course, we have no evidence yet to demonstrate that the stealthy characteristics of the B-2 will allow it to evade Soviet radar. And even if it evades the radar they have now, there is no reason to believe that the Soviets can't develop technological fixes which will once again make our bomber force visible and vulnerable.

There are, in short, some real problems with the ability of the B-2 to make a significant contribution to our nuclear strategy.

Those problems, however, cannot be totally resolved even if the B-2 performs as we hope it will. The real problem is that there are still real questions about just what our nuclear strategy is. And that, Mr. President, is perhaps the most troubling thing about the debate we are having on these amendments and this bill.

We are involved in negotiations to cut nuclear weapons by 50 percent, a goal which was established by former President Reagan and embraced by President Bush. Yet, at the same time, we are asked to spend billions of dollars on a nuclear bomber, billions on the rail garrison MX missile, billions on the Midgetman missile, billions more on star wars. What is going on here? Is the purpose of arms control to control arms or to justify building new ones? Is no one paying attention to the real possibilities of turning the arms race around?

We are now told that the only way to get START is to give the Air Force the B-2. Without a penetrating bomber, the Joint Chiefs now tell us, they can not support a START agreement. Would they support START if it was signed before the B-2 demonstrated that its stealthy characteristics made it capable of evading Soviet air defense? Would they want to withdraw from a START agreement, if, after the B-2 was built, the Soviets improved their air defenses and prevented the bomber from penetrating Soviet airspace?

Mr. President, we have to get our house in order. Before we make decisions about multibillion dollar programs like the B-2, we ought to have a better sense of how that program relates to our arms control goals.

Let me make one final point, Mr. President. We are supposed to be operating within a deficit reduction/budget summit agreement which committed us to spend roughly \$300 billion on defense this year. If we reduce funding for the B-2, we are not going to reduce funding for defense—the money we save on the B-2, under the terms of the budget agreement, has to be spent on other defense programs. As a result, I do not have the option of spending this money on domestic programs or using it to reduce the debt. No matter how much we cut from the

B-2 program, all of the savings have to be spent on defense programs. The Congress has already decided to spend \$300 billion on defense. All we can do is make sure we spend it wisely.

In that context, Mr. President, we have to do more than ask questions about the value of the B-2; we also have to ask about the comparative value which would be realized by spending these dollars on conventional capabilities. Given the out year commitments we are making to the strategic systems we are endorsing in this bill, I think we need to look at the economic and budget implications of this bill very carefully. I don't think we have done that yet.

Mr. President, we have resolved the immediate issue: We will take the time we need to make sure that the B-2 bomber does what it is supposed to do before we buy it. But the long-term question is whether or not we will make decisions about specific strategic systems in isolation or as part of an overall strategy. But it is the wrong way to go about this, Mr. President. The wrong way. This is our national security we are talking about and we ought to be able to do better than this. I hope that the approach we have taken in this legislation toward the B-2—reducing spending in this year, restricting procurement until further testing is completed and requiring a detailed study of the implications of fielding less than the 132 planes—will contribute to developing an overall strategy before we make a commitment to irrational spending.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair must inquire: What is the will of the Senate?

Mr. NUNN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I believe that we have a great deal to be proud of in presenting this year's Defense Authorization Act to the Senate. It is far more free of micromanagement and damaging amendments than in past years. Our act responds to President Bush and Secretary Cheney's concern with the budget deficit and the need to keep tight limits on Federal spending. It is free of the kind of destructive arms control amendments that impede the President's efforts and has been a major impediment in the past, but it has strong provisions that reflect both the committee's interest in making every effort possible to reach meaningful arms control agreements and to ensure that

such agreements really do reduce the risk and cost of war.

There are many detailed provisions we can be proud of that represent the result of a dialog with the administration, rather than arbitrary micromanagement. The act contains many provisions that will strengthen our conventional capabilities. It represents the committee's deep concern with the need for adequate levels of munitions and to avoid creating a hollow force structure by underfunding such supplies.

The act funds the naval and power projection forces we need, while expressing the proper concern that every effort be made to manage and modernize these forces as effectively as possible. The act does not reflect the kind of damaging debate over the carrier we have had in previous years, but it does require better reporting on the nature and cost of modernizing our carrier forces.

The act reflects our growing concern with the lack of adequate efforts by the services to develop cost-effective force modernization plans that can be implemented within current resource constraints. For example, it requires a comprehensive long term naval aviation plan and the Army to develop a realistic long-term plan for improving our armor and antiarmor capabilities.

This legislation clearly reflects the committee's concern with manpower and readiness. There are strong provisions to ensure we retain key skills such as pilots. There are provisions that send a clear message to the Nation's budgeteers that they cannot balance the national budget at the expense of fair pay for our servicemen, or by hacking away at cost-of-living allowances and flight pay.

There also are provisions that reiterate the committee's concern with the lack of any integrated readiness reporting system for any service that links key factors like Active and Reserve readiness, sustainability, and sea and air lift.

The act reflects our concern with the fact that we risk creating a hollow National Guard and Reserve structure because we do not have a cohesive concept for ensuring the overall readiness and balance of these forces. It reflects our concern that we have no real world capability to meet our commitment to provide 10 divisions to NATO in 10 days, and do not even really know the extent of the problems that have created a "hollow commitment" in the late 1980's that is as dangerous as the "hollow forces" of the 1970's.

THE NEED FOR STRATEGY

Having said this, however, I have to note that the Defense Authorization Act also reflects the same basic limitations that are present in the fiscal years 1990-91 budget submission, and in the documentation supporting this

budget. Many of these problems are the result of the delays that are inevitable in forming a new administration, and of the much more avoidable delays that resulted from this body's failure to confirm Senator Tower. There is no question, however, that this year's Defense Authorization Act is simply an effort to fit our present forces, and existing roles and missions, to a lower level of resources.

This year's Defense Authorization Act does not respond to the changing politico-military conditions that are forcing us to restructure our strategic posture. It also does not really respond to the budget problems we face. It is based on assumptions about future resource levels that are unquestionably too high unless we see sudden changes in the threats we face and persuade the American people that we are making more effective use of their tax dollars. It assumes outyear increases in real defense spending that are now very unlikely to occur. It makes unrealistic assumptions about the rise in weapons costs and inflation, and it does not touch upon the longer term problem of how to fund the advanced technology the Department of Defense now plans to deploy in the mid and late 1990's.

The Defense Authorization Act also reflects critical problems in the way the defense budget is submitted to Congress. It reflects the fact that the budget is still a line item budget, and does not show the Congress what is being spent on given roles and missions. It reflects that fact that the budget is submitted without a supporting net assessment that provides a clear picture of the changing trends in the balance, which is based on the spending levels in the budget, and which realistically explains the trends in United States, allied, and potential threat forces, and the risks inherent in the current level of funding. It reflects the fact that the budget only projects spending for 2 years and does not provide any long-term spending and procurement data that would encourage the Congress to maintain a stable level of spending and program structure.

It is clear from President Bush's strategic review effort, and from Secretary Cheney's recent report on ways to improve our defense budgeting and procurement efforts, that the Bush administration is already well on the way to coming to grips with those issues. I believe the Bush administration fully understands the challenge this Nation faces in reshaping its forces to deal with changing strategic conditions and lower resources, and I believe that next year's budget submission will make an impressive beginning in addressing these issues.

Nevertheless, I believe that during our coming debate, we need to consider the fact that we have a budget that is in many ways without a strategy. I

also believe that it will be of considerable help to the Bush administration if we build on the hearings that the chairman of the Armed Services Committee, and the ranking member, held earlier this year on strategy and begin to discuss the issues involved.

THE NEW PRIORITY FOR MARITIME STRATEGY

Let me begin by addressing maritime strategy. It is easy to forget that there is nothing new about maritime strategy. We won our independence largely because the Royal Navy could not blockade us and because of the assistance of the French Navy at Yorktown.

Through most of our history as a nation, we depended for our security on the combination of the barriers posed by the Atlantic and Pacific and our own and friendly fleets. We prevailed in World War II because we could project power to Western Europe and because we had the maritime power to dominate the Pacific.

Maritime strategy has changed greatly since the end of World War II and the beginning of the nuclear age. Maritime strategy now includes airlift as well as sea lift, long-range aircraft as well as ships, and a wide range of power projection forces. SSBN's have replaced the battleship as the primary striking arm of sea power, and every major aspect of seapower is now an exercise in combined operations.

Nevertheless, we have only been able to contain an expansionist Soviet Union because we have been able to couple air power and land forces to the ability to dominate the sea. From the Korean war to our recent intervention in the gulf, we have found that a maritime strategy is essential in dealing with the host of real-world military contingencies that are not deterred by the risk of nuclear war.

This dependence on maritime strategy seems nearly certain to increase during the coming decades. Regardless of the timing and nature of any START agreement, strategic nuclear deterrence is now far more stable than it has been in the past and the risk of nuclear war is far smaller. We still need a strong nuclear deterrent and our post-START force posture must have the strength and survivability to ensure that the risk of war, or any test of our nuclear will, remains minimal. Nuclear forces will not, however, be the driving thrust behind our defenses or a practical instrument of power in dealing with the many contingencies where we must use limited force to deal with limited problems.

We are seeing changes in our relationship with the Soviet Union that are likely to reduce our need to deploy forces in Europe. With luck, NATO and the Warsaw Pact are moving toward mutual force cuts that will lead to a major easing of the tensions between East and West, to significant withdrawals in the United States forces we must maintain in Europe,

and to important savings in the money we must spend on technology and equipment tailored to European combat.

In fact, our priorities in spending on forces for NATO may already have changed to the point where we must concentrate on maintaining the existing quality and quantity of our forces in Europe, while shifting resources to give our air forces the long-range strike capability and rapid redeployment capability needed to react to any shift in the relaxation of tension with the Warsaw Pact, and to give our ground forces the mix of sea and airlift so they can overcome as much of the Soviet Union's redeployment capability as possible. At the same time, we need to reconsider how our future ground forces can be given lighter equipment that is more deployable and which is as well suited for contingencies outside Europe as it is contingencies within Europe.

We need to face the fact that we must shift from a nuclear war and European oriented strategy to a force posture focused on the capability to project power anywhere in the world, and which assigns equal or greater power to dealing with crises in Asia, the gulf, and the developing world. We cannot afford to waste money on forces whose priority is declining, and underfund the forces we really need.

THE CHANGING NATURE OF MARITIME STRATEGY

I do not mean in saying this that we must necessarily shift resources to seapower in the conventional sense. Maritime strategy does not mean buying a 600-ship Navy—a goal that was never justified by any supporting strategic plan, net assessment, or clear military rationale. Maritime strategy means that we must take full account of our geographic and strategic posture as a nation whose trade and defense is dependent upon access to both of the world's major oceans, and whose power is largely dependent on its ability to project power by sea and air, rather than through the deployment of massive land forces.

My concern is not with the need for 600 ships, it is rather with obtaining the assets we really need to implement a modern maritime strategy. In practice, this means:

Maintaining the key elements of the seapower we already have and particularly the carrier forces that are the key to our power projection capabilities.

Ensuring that we do not let an obsession with stealth and high technology make our combat aircraft so expensive that they cannot actually be used in power projection missions.

Having land forces that are combat ready to deal with low-level contingencies anywhere in the world.

Restructuring the posture of our Reserve Forces so that rather than pre-

pare for a massive war in Europe that they are increasingly unlikely to ever fight, and lack the lift assets and balanced readiness to deploy to, they can meet the special purpose needs of global power projection.

Changing our force posture in Asia, as well as in Europe, to reflect the changing political, economic, and military realities in East Asia and the Pacific by seeking added offset and support from Japan, finding a stable solution to the problems we now face in the Philippines, and changing our force mix in Okinawa and South Korea.

Restructuring our basing, seapower, and air and sea lift postures so that they can both maintain the forward deployment capabilities we need and develop the readiness and lift capability necessary to meet our needs.

Seeking the overall mix of commitments and burdensharing from our allies that both minimizes the cost of this new force posture to the United States, when our allies can afford it and our forces contribute to allied defense, and ensures that our friends and allies continue to act as our most effective "force multipliers."

THE PROBLEMS IN OUR CURRENT APPROACH TO RESOURCE ALLOCATION

We will address some of these strategic issues in the burdensharing amendment to the fiscal year 1990 and fiscal year 1991 Defense Authorization Act which I have worked on closely with Senators NUNN, WARNER, and LEVIN. I believe that this amendment will make a vital step forward in redefining our posture toward Europe and East Asia. There are, however, a number of other issues which clearly deserve attention during the coming year.

STRATEGIC FORCES

To begin with, I think that our current debate over strategic force modernization risks allocating a great many resources in the wrong place. I do not believe we need to buy two new ICBM's, particularly if the Soviet Union is serious about accepting the United States position that would ban all mobile missiles. I do think we should proceed with the rail garrison basing of the Peacekeeper to both improve our survivable target coverage and as a hedge against the need for mobile missiles. The small ICBM, however, should be left in the R&D phase until it is clear that we: First, really need to convert to a mobile ICBM force; or second, need a replacement for the Minuteman.

More importantly, I am not persuaded that we have really thought out our requirement for the B-2. When I look for strategy, I find salesmanship, and the sales pitch seems to change on several occasions that I have heard it. First, I see little real sign that we have actively negotiated with the U.S.S.R. to alter the draft START agreement and find ways to remove the need for

so expensive a capability. Second, the Air Force has still failed to make convincing arguments for a penetrating bomber on any grounds other than START. Third, the target mix the Air Force proposes to attack seems to change periodically. The end result seems to have insufficient marginal value in terms of deterrence, war fighting, and/or damage limiting.

Equally importantly, I am not persuaded that we have really tested the risks inherent in relying on stealth in the light of all the potential advances in low observables technology. This is a vital issue which not only affects the B-2, but the ATA, ATF, and NATF.

I am well aware that there are groups within the Department of Defense which are supposed to have examined the various advances in low observable radar at very sensitive levels, but I am also aware of the fact that there have been great bureaucratic pressures not to find a reason that might threaten the development and production of these aircraft.

I believe that a major review is needed of both our strategic rationale for the B-2 and of our dependence on Stealth, and one that clearly includes the use of an A team and B team approach. I also believe that it is clear that the issue is not one of canceling the B-2, but whether we really need 132 of these aircraft, and the ATA, ATF, and NATF in their current form. Given the proper review of our options, we might well be able to save tens of billions of dollars by cutting the B-2 fleet and modify our requirements for the ATA, ATF, and NATF—as well as give our overall force posture far greater capability.

POWER PROJECTION FORCES

I believe that we need to comprehensively reexamine our power projection forces to determine how we can best strengthen the capabilities of the Air Force, Marine, and Army units that can serve our future military needs. I am concerned with the focus on extremely expensive future combat fighters and attack aircraft costing well in excess of \$70 million each. I am concerned at the lack of apparent balance in our plans to modernize all the capabilities of our Marines and with the rushed cancellation of the V-22 before its mission impact was fully examined.

I am concerned with the creation of light divisions in the U.S. Army whose equipment and contingency value may not be properly tailored for the increasingly more capable threats in developing nations. I am concerned that key systems such as the AH-64 are being canceled without any replacement or consideration of their strategic value in being able to self deploy to remote areas. I am concerned that we may still be putting money into technologies and weapons for Central

Europe in a level of effort that may no longer be justified.

As part of this reexamination, we also need to take a very hard look at USCENTCOM, SOCOM, and the Marine Corps. These forces are likely to make up the key elements of much of our future military action. USCENTCOM, however, is tied to Southwest Asia, when it may need a much broader power projection mission. SOCOM needs to be given the priority it really needs in future contingency planning, and the deployments and strategic lift for the Marine Corps may well need to be adjusted to reflect changing priorities and political conditions.

I am equally concerned with our failure to come to grips with the full range of our needs for carrier forces and naval aviation. This year, we have dropped a carrier from our force structure, and have taken steps to cancel production of the F-14, A-6, and EA-6B, without any real examination of the changing priorities for spending on such forces. We have not cut any of the requirements for these forces, and we may actually have increased them. Accordingly, I seriously question whether we should go on trying to re-adjust our defense spending levels by cutting each service by virtually the same percentage, and without looking at major departures from the present strategic status quo.

I am certain that we need a comprehensive reexamination of our force structure in the United States. We are now in the process of creating a hollow mix of Active and Reserve Forces in the United States which have dubious contingency priorities, which lack lift and overall readiness, and which have several potential war stoppers in terms of their equipment and balance.

We not only do not have anything like the capabilities in the United States to provide NATO with 10 divisions in 10 days, we almost certainly do not need all those capabilities. We should not withdraw our Active Forces in Europe until we negotiate mutual force reductions with the U.S.S.R., provided that our allies keep up their strength. We now, however, are wasting resources on forces for Europe that would only be valuable in an all out war in which we had months and months of warning, resources that can be spent much more wisely on forces for other roles and missions.

I am particularly concerned that the men and women of the National Guard and Reserves are used properly and get the readiness and training they deserve. Their dedication needs to be rewarded by funding a balanced force concept that will give them the readiness and contingency value they need. This cannot be done by annual exercises that substitute pork for pur-

pose, and give the Guard and Reserves equipment and funds that serve the needs of manufacturers and special interests, rather than the Nation.

We also need to take a realistic look at lift and sustainability. Our goals for sea and airlift date back to a very different world, and need a comprehensive reexamination. The Department of Defense also requested so little sustainability this year that it was clear that it was preserving force structure at the cost of combat capability. We need to establish sound requirements for major munitions or spare parts that are properly funded.

Finally, we need to look at trading money out of our defense budget and into security assistance. The last thing we need in the middle of our peace efforts in the Middle East, and the continuing crisis in Afghanistan, is to cut aid to Egypt, Israel, and Pakistan. It is all too clear, however, that we are now so short of foreign aid funds that we risk creating a situation where we may have to send U.S. troops to areas in the future where a limited amount of immediate aid could prevent or control the problem. We need to rethink security assistance and give it the focus it really needs.

LOOKING BEYOND THE STATUS QUO

I do not want to give the impression that I have the answers to all the issues I have raised, or that the kind of strategic rethinking that I have called for will be easy. I recognize that it is easier to stand in Congress and call for changes than it is for the executive branch to implement them.

In concluding, however, I want to reiterate my concern that we must look beyond the status quo exemplified in the way that both the executive branch and Congress have dealt with the fiscal year 1990 defense budget. We clearly live in a period that calls for changes in our force posture and strategy and we are not ready for it. We are trying to preserve yesterday's force structure and equipment without yesterday's funding and without a proper regard for tomorrow's needs.

There is little we can do to change this situation this year. It is clear, however, that we need a very different kind of budget submission in fiscal year 1991, and one which builds on this year's strategic review to examine the issues I have just outlined. We not only need to update our strategy, we need budget submissions that reflect and explain that strategy, and prove that it can be successfully implemented over time at levels of resources that we can really afford.

Mr. President, I would like to thank the chairman of the committee and the ranking member for the superb job of leading the committee through this very difficult process. We have had several differences from time to time, and I think we have overall reached a degree of unanimity of pur-

pose and understanding and perception of our goals for this Nation's defense.

I would like to express my appreciation to the chairman and ranking member of the committee for that. I also would like to express my appreciation to the chairman of the committee for his efforts in this very important and politically volatile burden-sharing issue which I think he, along with Senator WARNER and Senator LEVIN, has taken a reasoned, balanced, and mature approach which I think will serve to be a model for the administration and others who are rightfully deeply concerned about this issue. Mr. President, I yield the floor.

Mr. NUNN. Mr. President, let me thank the Senator from Arizona for his very substantial contribution to our committee and its deliberations. He has made a lot of contributions through his service as ranking minority member on the Manpower Subcommittee. He has been very instrumental in a number of the manpower issues that he and Senator GLENN have worked on—the aviation bonus, the medical bonus, the pay issue which is always very important. He has also made a major contribution in proposing the Commission on National Service, which I join with him on and we now have as a part of this bill. I hope it will be approved by the Senate. He has also made a major contribution in the area of burden sharing, which he just alluded to, and those amendments will be discussed later this week.

So I thank the Senator from Arizona for his contribution to our committee and having someone on the committee that has his experience and background as a person out in the field who has been through it, and been through more than most people who ever served in the military, is indeed a great asset to our committee. We thank the Senator from Arizona.

Mr. President, there are two amendments that we served notice on early in the day that we would like to discuss for a few minutes now. I hope they will not be controversial. This first amendment relates to the National Guard and Reserve equipment because we are putting substantial additional money in this bill for that.

I think every Member ought to be conscious of it. We will be proposing an amendment on the National Guard and Reserve, and again this amendment does not exceed the budget because we have provided room for it in our overall markup.

We also have an amendment that is basic to the military relating to enhancing the ability of our foot soldiers in the infantry and Marine Corps in terms of their equipment.

Mr. President, the Senator from Virginia and I talked about this, and now that he is on the floor, I ask unanimous consent that the pending amend-

ments be temporarily laid aside, and that Senator WARNER and I be recognized to offer two amendments, and that no amendments be in order to these two amendments unless they are relevant and germane to the underlying amendments.

The PRESIDING OFFICER (Mr. CONRAD). Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 400

(Purpose: To authorize funds for the reserve components of the Armed Forces for fiscal years 1990 and 1991)

Mr. NUNN. Mr. President, I send the first amendment to the desk. This is the National Guard and Reserve amendment. This is on behalf of myself, Mr. WARNER, and all the members of the Armed Services Committee individually.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for himself, Mr. WARNER, Mr. EXON, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. DIXON, Mr. GLENN, Mr. GORE, Mr. WIRTH, Mr. SHELBY, Mr. BYRD, Mr. THURMOND, Mr. COHEN, Mr. WILSON, Mr. MCCAIN, Mr. WALLOP, Mr. GORTON, Mr. LOTT, and Mr. COATS, proposes an amendment numbered 400.

Mr. NUNN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At page 5, after the end of section 104 insert the following:

SEC. 104a. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal years 1990 and 1991 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

- (1) For the Army National Guard:
 - (A) \$506,100,000 for fiscal year 1990.
 - (B) \$521,400,000 for fiscal year 1991.
- (2) For the Air National Guard:
 - (A) \$941,200,000 for fiscal year 1990.
 - (B) \$753,900,000 for fiscal year 1991.
- (3) For the Army Reserve:
 - (A) \$100,400,000 for fiscal year 1990.
 - (B) \$175,800,000 for fiscal year 1991.
- (4) For the Navy Reserve:
 - (A) \$144,000,000 for fiscal year 1990.
 - (B) \$159,700,000 for fiscal year 1991.
- (5) For the Air Force Reserve:
 - (A) \$177,900,000 for fiscal year 1990.
 - (B) \$179,200,000 for fiscal year 1991.
- (6) For the Marine Corps Reserve:
 - (A) \$53,800,000 for fiscal year 1990.
 - (B) \$341,000,000 for fiscal year 1991.

Mr. NUNN. Mr. President, at the time the Armed Services Committee reported the Defense authorization bill, the committee also reported a separate bill (S. 1366) authorizing funds for the purchase of equipment for the National Guard and Reserve components. This separate bill is now being offered as an amendment to the Defense authorization bill. I send an

amendment to the desk on behalf of myself, Senator WARNER, and all the other members of the committee. This amendment is being offered in our capacity as individual Senators.

This amendment would provide \$1.9 billion in fiscal year 1990 and \$2.1 billion in fiscal year 1991 to procure equipment for the six organizations that make up the Reserve components in the Department of Defense. Those six organizations are the Army and Air National Guard, and the Reserve Forces of the Army, Navy, Marine Corps, and the Air Force.

This amendment brings into one place the procurement needs of all the Reserve components. It does not increase the budget totals for defense since the underlying authorization bill left room for this amendment in the hope that the Senate would adopt it.

Mr. President, the committee believes that it is important to highlight the procurement needs of our Reserve components and to organize our bill in such a way as to provide a baseline to determine if these needs are being met.

We want our colleagues to know what the committee believes is necessary for our Guard and Reserve components. It is then up to the Senate to determine if this level of procurement is appropriate.

TOTAL FORCE POLICY

First, Mr. President, this amendment should be put in the context of the total force policy which was announced 15 years ago. There is no doubt that our National Guard and Reserve Forces are vital to our national security. We have traditionally relied on these forces during periods of national emergency or war to augment relatively small standing Active Forces. During peacetime, National Guard and Reserve Forces have trained to be prepared for call-up. Increasingly in peacetime they are carrying out roles that traditionally have been the exclusive domain of the Active Forces.

Our National Guard and Reserve Forces have been designated as full partners with the active components in deterring aggression during peacetime and in waging war if peace should fail. For example our Reserve units form round out brigades, so that Army divisions with only two active brigades have the full complement of three maneuver brigades when they go to war. Reserve and Guard Air Forces will refuel combat aircraft on their way to the theater and will refuel during the actual operations while in the theater. Reserves will also fly the combat fighters. Reserve naval units track potentially hostile submarines in peacetime and will hunt those submarines down when the war starts in order to keep the sea lanes open.

The bottom line is that modern combat operations cannot succeed

without Reserve Forces. For example, the Army Reserve will provide 70 percent of the Army's combat support and combat service support forces. Combat support missions include engineer, signal, intelligence, and chemical activities. Combat service support missions include medical, maintenance, supply, transportation, and ammunition activities. Obviously, an Army cannot fight for very long without this support. If 70 percent of this support comes from Army Reserve Forces, it is crystal clear that the Army has a big stake in the readiness of these forces.

NEED TO REASSESS TOTAL FORCE POLICY

Mr. President, I believe we are moving toward a new era in terms of national security strategy and policy. The new security situation probably will mean less dependence on forward stationed combat troops and place greater reliance on Reserve and other forces in the United States that can be rapidly deployed in times of crisis. Emphasizing greater reliance on Reserve Forces is likely to be a key strategy for coping with future tight budgets. In this environment we need a clearer vision of what role the Guard and Reserve Forces can and should shoulder in the future and what their equipment needs are.

Despite their previous successes, all is not well with our Reserve component forces. For this reason, the committee has included a provision in the underlying authorization bill directing the Secretary of Defense to review the total force policy. We are calling on the Secretary to develop a plan to correct, on a systematic basis, persistent problems that have plagued the effective operation of the total force policy in the Department of Defense.

For example, in a conventional war in Europe, Active Army Forces depend heavily upon rapid reinforcement from Army National Guard and Army Reserve units within the first 10 to 30 days after the conflict begins. Without these reinforcing units, the Active Forces cannot sustain themselves and would quickly become ineffective.

This situation is demonstrated in war game scenarios which indicate that shortfalls in the Reserve reinforcing forces rapidly become war stoppers. Specifically, medical shortfalls in early deploying reserve units fall in this category. According to the Department of Defense, these units are short of their wartime requirements for physicians and nurses by 7,000—71 percent—and 31,000—66 percent—respectively. This is not solely an Army Reserve problem, but a total Army problem because it seriously affects Army combat readiness. It is a problem that the Army leadership must give priority attention to solving.

Similar challenges lie ahead for the other services. The administration has proposed to substantially expand the number of ships in the Navy Reserve,

but the readiness status of Navy Reserve ships is low, and depends on a large number of active duty personnel to sustain current readiness rates. Air Force Reserve and Air National Guard units tend to have high readiness levels, but the administration plans to thin out the number of aircraft in those units, which has the effect of increasing the overhead costs for combat aircraft in the Reserves.

Because of their critical role and the changing demands of our security commitments, the Secretary of Defense must undertake a comprehensive review of our Reserve Forces in terms of their missions and the equipment needed to carry out these missions.

GUARD/RESERVE AMENDMENT

Because of their critical role now, this amendment provides for their equipment needs. The line item list of procurement items included in this amendment is found in pages 78-90 of Senate Report 101-81 which accompanies the underlying authorization bill. For purposes of legislative history and for the direction on how the authorizations in this bill should be allocated, those tables provide the line item guidance.

The items recommended for procurement are critical to the readiness of our Reserve Forces. Many of these items are not the glamor weapon systems but are the basic elements for combat such as trucks, grenades, night vision goggles, chemical masks, seabee equipment, war reserve material, computer equipment, radios, medical equipment, and spare and repair parts. There are also major weapon systems such as UH-60 helicopters, F-16 fighters, and multiple-launch rocket system launchers.

There are also major weapons systems such as the U-60 helicopters, the F-16 fighters, multiple-launch rocket system launchers as well as C-130 aircraft for the Air Guard.

The point is that this amendment provides a balanced package of weapons and support equipment required to sustain the modernization and readiness of National Guard and Reserve component fighting and support units.

Of the \$1.9 billion included in this amendment for fiscal year 1990, \$1.4 billion was requested in the amended budget by the various military departments for their Reserve components. This amendment also includes an increase of \$390 million over the budget request. All of the items increased by this amendment are items already operated by the Reserves and are either needed in greater quantities or are in need of replacement.

To give you an idea of the items in this amendment that have been added, we have \$91 million for M-113 personnel carriers. This would buy 300 additional M-113 personnel carriers. This is one of the highest priorities for the

National Guard. We have \$28 million for the C-123 transport aircraft; this furnishes the modernization of the Air National Guard by replacement of old C-123 aircraft; \$10 million for a conversion program to upgrade C-119's in the National Guard. That would give them new engines and new transmissions; \$42 million for HC-130 search and rescue aircraft. This buys a third of the HC-130 aircraft for the Alaska Air National Guard which is used primarily for search and rescue; \$218 million for C-130 transport. This buys 10 replacement C-130's for the Air National Guard.

I must add here I probably hear more from Senators on this subject than any other single subject during the course of our deliberations by both, phone call conversations and letters.

The committee also transferred \$164 million from the operations and maintenance accounts of the Reserve components to the procurement account to pay for the installation of modification kits to improve existing equipment.

For fiscal year 1991, the amendment would provide \$2.1 billion, which includes \$149 million in transfer from the operations and maintenance accounts to pay for installation of modification kits.

Again, this amendment, if adopted, would not breach the budget summit agreement. The committee assumed that the funding authorized in this amendment would hopefully be added to the bill during the floor debate.

Mr. President, this amendment represents our commitment to making the Reserve Forces equal partners with their active duty counterparts under the total force policy.

I know that many Members feel very strongly in favor of this amendment and we will be giving everybody an opportunity to vote on it with a rollcall vote. So I urge its approval.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I rise in strong support of the amendment referring to the Reserve guard components. Our Reserve components have become increasingly important to our national security over these years. As we have reduced the Active Forces, we have placed much greater reliance on our National Guard and Reserve units to carry out missions formerly assigned to active components. The men and women of the Armed Forces in the Reserve components have worked together in partnership. The Reserve components have responded to many of the same challenges and their units maintained high states of readiness in

preparation for missions critical to early phases of our contingency and our war fighting programs.

At this time approximately 70 percent of the Army's combat service—and I emphasize the word service—support required to execute our war plans is made up of Reserve components. And in the Air Force 33 percent of our combat tactical air is comprised of Reserve components. Further, today the Air Reserve components contribute 62 percent of our tactical airlift and 58 percent of our strategic airlift crews are from the Reserve components.

To highlight the special and indispensable role of our Reserve components, the committee elected to aggregate the procurement budget requests for the Reserve components from the procurement requests of the individual services in this one amendment.

The administration requests for procurement of equipment for Reserve components totaled \$1.4 billion which is down somewhat from recent years. Therefore, the committee has added \$391 million for procurement of additional aircraft and combat vehicles and equipment. We also transferred \$164 million in fiscal year 1990 and \$149 million in fiscal year 1991 from operations and maintenance to the procurement accounts. The committee recommended an authorization of \$1.9 billion in fiscal year 1990 and \$2.1 billion in fiscal year 1992 for the Reserve components.

Mr. President, I totally support this amendment, and likewise urge the Senate to do so.

I anticipate that the distinguished Senator from South Carolina [Mr. THURMOND] will be here shortly to discuss this subject, one on which he has spent a great deal of his time throughout his career in the Senate.

Mr. BOND. Mr. President, I am pleased to join in support of this amendment to authorize funding for modern equipment for the National Guard and Reserves. As the managers of the bill have stated, the amendment will provide essential new equipment to allow the Guard and Reserves to fulfill their critical defense role in time of national emergency.

In recent years we have seen the role of the Guard and Reserves growing. Under the total force policy, the National Guard and Reserves have become indispensable elements of our conventional warfighting forces. Without this amendment, all equipment for the Guard and Reserve will be eliminated for fiscal years 1990 and 1991. At a time when we are relying more and more on the Guard and Reserve, this would be devastating to our national security.

Earlier this week, as cochairmen of the National Guard Caucus, Senator Ford and I sent a letter to caucus members stressing the importance of

this amendment and urging their strong support for it. I ask unanimous consent that the text of that letter be printed in the RECORD following my remarks.

In conclusion, I would like to commend the members of the Armed Services Committee for crafting this bipartisan amendment to provide essential equipment for our Guard and Reserve Forces. I urge all of my colleagues to join in supporting this measure.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, July 24, 1989.

DEAR NATIONAL GUARD CAUCUS MEMBER: During floor debate on the National Defense Authorization Act for Fiscal Years 1990 and 1991 (S. 1352), a Senate Armed Services Committee bipartisan amendment will be introduced to authorize approximately \$2 billion for the procurement of modern equipment for the National Guard and Reserves. The amendment includes essential modern weapon systems, modification kits, and support equipment required by the National Guard and Reserves to perform as partners in our total defense force in time of national emergency.

As budget pressures and force structure realignments continue, we will see an ever increasing role being played by the Army and Air National Guard. Under the Total Force Policy the National Guard and Reserves have become indispensable elements of our conventional warfighting forces. If the bipartisan procurement amendment is not approved, all equipment for the Guard and Reserves in FY 1990/1991 will be eliminated not only from the Senate Bill, but also from the DOD budget. At a time when their role is increasing, such an action would be devastating to the ability of the Guard and Reserve to meet near-term wartime requirements.

The Committee amendment is a very supportable proposal within the limits of the constraints on the defense budget. The Committee recognized that even more equipment will be required as those same budget constraints cause a shift of a greater portion of the conventional warfare burden to the most cost effective Guard and Reserve components. At a minimum we must continue the pace of modernization established during the past several years. This amendment will accomplish that goal.

We commend the members of the Senate Armed Services Committee for their efforts. The proposed bipartisan amendment gives each of us the opportunity to show our support for the National Guard and Reserves by our vote. We urge your support in ensuring our colleagues join in approving the amendment on the floor of the Senate.

Sincerely,

WENDELL H. FORD.

CHRISTOPHER S. BOND.

Mr. THURMOND. Mr. President, I rise in support of the amendment calling for increased funding for the National Guard and Reserve Forces. The President and Secretary Cheney sent the Congress a very lean and austere budget request for fiscal year 1990 and 1991. I applaud them for their effort, however, I believe the budget does not reflect the important contributions

the National Guard and Reserve Forces are making to the total force.

Mr. President, over 50 percent of the combat missions of the Army are in the Army National Guard and Army Reserve. About 33 percent of the combat missions of the Air Force are performed by the Air Guard and Air Reserve; 15 to 20 percent of the combat capability of the Navy and, in some areas, 100 percent of the Navy's capability are in the Navy Reserve. About 25 percent of the Marines' combat capability is found in the Marine Reserve. More significant is that the Armed Services Committee received testimony during hearings that in some instances our warfighting commanders will not be able to perform their wartime mission without substantial support from the National Guard and Reserve Forces.

The President's budget request for the National Guard and Reserve Forces represents approximately 1.8 percent of the total DOD procurement request. In my judgment, this percentage does not reflect the significant force structure and contribution our Reserve Forces provide to the defense of our Nation. This minimal request will also set back the significant progress that has been made over the past 10 years in modernizing the capabilities of the Reserve Forces.

The Armed Services Committee has noted in its report that the administration requested \$1.4 billion in fiscal year 1990 for procurement of equipment for the Reserve components. This is in contrast to the \$2.5 billion in fiscal year 1988 and \$2.9 billion in fiscal year 1989. The amendment that we are currently considering will add \$391 million to the administration's request for such essential items as armored personnel carriers, C-130 aircraft, and C-23 aircraft. In addition, the committee recommends the transfer of \$164 million in fiscal year 1990 from the operations and maintenance accounts for procurement of vital modification kits for existing equipment.

Mr. President, the total National Guard and Reserve components package proposed by the Armed Services Committee is approximately \$1.9 billion. This is far less than the \$2.6 billion proposed by the House. I hope that the committee's recommendation represents a realistic approach and that the \$1.9 billion will meet the needs of the Reserve component forces in their mission to support and our Nation for the coming fiscal year.

Mr. President, distinguished colleagues, I urge the adoption of the amendment.

AMENDMENT NO. 401

(Purpose: To authorize appropriations for fiscal year 1990 for the Army and Marine Corps for research, development test, and evaluation to develop improved weapons and program equipment for small infantry units)

Mr. WARNER. Mr. President, turning to the soldier-marine enhancement program, I am particularly indebted, as are other members of the committee, to the advice given on this amendment by Col. Les Brownlee who has been on our staff for some several years, and who had the distinguished career in the Army as a foot soldier himself for many years. I wish to express to him at this time my gratitude for his insight and contribution to this amendment.

Mr. President, this amendment establishes a program that may be modest in terms of resources but is significant in that it focuses on a critical element of our Armed Forces that we often overlook—our Nation's foot soldiers.

Mr. President, far too often, those of us in the Congress as well as those in DOD become overly focused on the sophisticated weapons systems—the strategic nuclear systems, exotic aircraft, tanks, and missiles. The committee believes it is time that we concentrate some of our attention and resources on enhancing the combat effectiveness of our Nation's infantry.

The infantrymen of our Army and Marine Corps have borne the brunt of the combat in both Korea and Vietnam and will surely play a vital role in any future conflict which calls for the employment of armed force.

The quality of personnel and the training of infantry soldiers and marines is higher than at any time in our recent history, and we have made improvements in infantry weapons and equipment. But the committee expressed its view that we can and should do more to ensure that our infantrymen have the very best weapons and equipment in the world, and that more of our R&D efforts and resources should be directed toward their particular needs.

The Conventional Forces and Alliance Defense Subcommittee, during a hearing on armor/antiarmor, focused attention on the light, shoulder-fired antitank weapon system. We concluded that the antiarmor weapon system—medium [AAWS-M] will provide a significant leap forward for the tank-killing capability of our infantrymen when it is fielded in 1994.

However, more effort should be directed toward development of a lighter antitank weapon which can be proliferated across the battlefield. The committee recognizes that we are pressing current technologies to achieve such a weapon, but believes that greater efforts in our R&D programs may yield

a solution for the individual footsoldier's antitank problem.

Several years ago, the Army made a commitment to organize several light infantry divisions. This move has been strongly supported in the Congress. But the committee found that relatively little funding has been requested for research and development on the lighter, more lethal weapons systems that were indicated as necessary to the Army's light infantry divisions when these divisions were conceived.

The committee expressed its belief that additional resources and emphasis should be directed toward increasing the effectiveness of Army and Marine Corps light infantry. Relatively modest increases in R&D funding and aggressive efforts to identify and procure off-the-shelf items could produce substantially improved weapons and equipment for our Nation's foot soldiers. Many such items of equipment—commonly referred to as "soldier items"—have already been developed by other countries or are available commercially.

This amendment provides \$30 million, \$18 million for the Army and \$12 million for the Marine Corps, for research and development as well as test and evaluation. The committee has not specified nor directed the military departments to develop or procure any specific weapon or item of equipment. The purpose of this program is to provide a general impetus for increasing the combat effectiveness of our Army and Marine infantrymen through the development of lighter, more lethal infantry weapons and improved equipment.

The committee has requested in its report that the Army and Marine Corps inform the Congress, within 90 days following enactment of this bill, how they will spend the money and how they intend to improve the effectiveness of our infantrymen.

In closing, Mr. President, I would like to quote retired General Paul Freeman—and I believe that his statement applies to both the Army and the Marine Corps.

While a ship may symbolize the Navy and an airplane or long-missile the Air Force, the only completely adequate symbol of the Army is man—the front line combat soldier. He doesn't float, fly or fission. He is not a superman, but he must be a little better than most men—

And I would add parenthetically women—

a little tougher in character, with stamina, guts, determination, and discipline; and he must be dedicated to his profession, to ensure that our Army will be victorious in the future as it always has been in the past.

Mr. President, I believe that this amendment is both timely and appropriate and sends a message to our country's foot soldiers that we recognize and support their invaluable con-

tributions to the security of our Nation.

Senator WILSON had hoped to join me on this message. I anticipate that he may be here before we conclude this matter.

Mr. President, I would like to ask that Senator WILSON be made a cosponsor of this amendment. He has done a lot of work.

Mr. NUNN. Mr. President, has the Senator from Virginia sent the amendment to the desk?

Mr. WARNER. I understand the chairman was about to do it.

Mr. NUNN. Mr. President, I would like to send that amendment to the desk. It is one of the two amendments that I asked unanimous consent on, and I believe it reflects Senator WARNER, myself, all members of the committee, Senator WILSON, and the committee members individually will also be listed.

The PRESIDING OFFICER. Without objection, the pending amendment will be laid aside.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. WARNER. Mr. President, may I say to our distinguished colleague that momentarily the amendment that has just been sent to the desk will be read briefly, and then the chairman and I will be yielding the floor.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for himself, Mr. WILSON, Mr. WARNER, Mr. EXON, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. DIXON, Mr. GLENN, Mr. GORE, Mr. WIRTH, Mr. SHELBY, Mr. BYRD, Mr. THURMOND, Mr. COHEN, Mr. MCCAIN, Mr. WALLOP, Mr. GORTON, Mr. LOTT, and Mr. COATS, proposes an amendment numbered 401.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with, and I further ask unanimous consent that Senator WILSON be placed where Senator WARNER is now located on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 32, at the end of part A of title II insert the following:

SEC. 202. AUTHORIZATION OF APPROPRIATIONS OF ADDITIONAL AMOUNTS FOR IMPROVED INFANTRY EQUIPMENT.

(a) AUTHORIZATION.—Funds are hereby authorized to be appropriated for fiscal year 1990 for research, development, test, and evaluation to increase the effectiveness of small infantry units through the development of improved weapons and equipment as follows:

For the Army, \$18,000,000.

For the Marine Corps, \$12,000,000.

(b) ADDITIONAL AUTHORIZATION.—Funds authorized to be appropriated pursuant to subsection (a) are in addition to funds authorized to be appropriated under section 201.

Mr. NUNN. Mr. President, I want to add Senator LEVIN as one of the primary cosponsors of this amendment also. He had a big role to play in it.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank the Chair for his courtesies. There are now three pending amendments, the B-2, the Guard-Reserve amendment, and the amendment we refer to as the soldiers' package. It is anticipated by the leadership of the Senate that these matters will be voted on this evening, all three in sequence. The majority and minority leaders have not as yet refined that time, but in the interim period, the Senators are free to address these amendments or any other matters relating to the bill now pending.

AMENDMENT NO. 396

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I would like to address the B-2 Program issue and the amendment before us for a few minutes. I have expressed my concerns over the management of the B-2 Development Program, and have included in some detail additional views in our committee bill. I recommend those to the reading of my colleagues, if they have time before we vote on the pending amendment. I would encourage my colleagues who also have reservations about the management of this very expensive program to review those additional views. I will summarize some of the major points here.

Mr. President, on June 19, I wrote to Secretary of Defense Cheney to urge suspension of further B-2 production, until such time as the Air Force had adequate flight test results to support continued production. I ask unanimous consent that a copy of that letter be printed in the RECORD at the end of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. GLENN. Mr. President, I come today not as an enemy of the B-2 Program. I have supported it. I have supported it for a number of years, because I believe we need a heavy bomber. I supported the B-1 before the B-2, not necessarily for the SIOP mission, the plan that says everything should fly to Moscow, for which the Air Force says this weapons system has been purchased. I do not support it on that basis alone. I support it on the basis that we need a heavy bomber, I think, more for a conventional mission than for the nuclear SIOP mission.

It can be usable anywhere in the world—the Straits of Malaga, the Persian Gulf, wherever we have a threat that requires a Navy bomber with a conventional ordnance load; and hopefully, we can solve whatever that problem is, without ever crossing the nuclear threshold. I supported both the B-1 and B-2 on that basis—the B-1 in the interim, until we could get the capabilities that the B-2 potentially has.

As my colleagues know, there are many examples of DOD acquisition programs that have reached the production stage without adequate operational flight testing. It is for this reason that Congress established the Office of Operational Test Evaluation in the Pentagon several years ago.

Many thousands of hours of research and science and engineering go into the design of any new military aircraft. As excellent as our scientists and designers and engineers may be, designing aircraft is an exact science. The sum of all the design efforts on the different systems will still require rigorous testing to verify all the calculations, research, all the inexact design compromises that we have to bring together to make a new plane a good combat aircraft.

As the ground and flight test programs proceed, problems requiring changes and modifications on subsequent production aircraft will inevitably occur.

There never has been an airplane built yet that did not have changes, many changes, once it got to the flight stage. I do not think most people realize that. Depending on the severity of the problem, the cost and/or schedule, of the development program can be severely impacted. Even with low-risk programs, not ones like the B-2 or even B-1, but very low-risk programs concurrency—and by that we mean conducting initial development and production simultaneously—can lead to major difficulties.

DOD has recognized this. There are several good examples of this in the amended fiscal 1990-91 budget. Here are a couple of examples. You would think we would be able to design a training airplane these days, with all we know about jet engines and aerodynamics, inlet ducts, and landing gear, all the things that go into a relatively simple training airplane. Well, the Navy designed a training airplane and expected to put it into production. But now the production of the Navy's new T-45 training aircraft has been deferred for 2 years to correct deficiencies identified in flight testing.

Production of the Navy's SH-60F antisubmarine warfare, ASW, helicopter—and we invented helicopters. You would think we would know most everything about designing a simple, good, high-performance helicopter. We have been designing them for

many years. Well, what happened? It was stopped for at least a year to allow time for correction of deficiencies identified during flight testing. C-17 production procurement was modified until flight testing could begin, and until, as the Director of DOD Operational Test and Evaluation recommended, "empirical flight test results are available on which to base a production decision," that is the way we should do it.

Now, with regard to the management of the B-2 program, the committee approved the requested B-2 development program and authorize continued production for three more B-2's in fiscal 1990 at a combined cost of \$4.4 billion. That is for the whole program during the year. Now, this brings the total number of B-2 aircraft authorized for production through fiscal 1990 to 19 aircraft—8 test aircraft—2 of them ground test models that will never fly. They have 6 flying models and 11 production aircraft at a total program cost of \$26.8 billion.

Well, my reference earlier to stopping production was meant to refer to those three additional aircraft in fiscal 1990. We have 16 aircraft in the pipeline right now in different stages of assembly or actually paid for right now—8 and 8. Eight are for test purposes and eight production, low-rate initial production, LRIP, as it is called. Normally, you test airplanes, you work any bugs out of them, you make those changes on the first low-rate initial production aircraft. You fly those, you slowly go then from LRIP into full production, which this airplane is supposed to do by 1993. But because the test program has slipped some 18 months, we now have the test program running as we have 8 production airplanes coming down the line—just had the first flight. People say, "Well, it flies." It does fly indeed, and I never had any doubt that it wouldn't. But one flight is obviously not a definitive flight test program.

A flying wing is basically aerodynamically OK. We have had flying wings before, way back in the old days shortly after World War II. So there was never any doubt about the B-2 flying.

But the question of flight testing goes far beyond just one flight, all done with the gear down, for 2 hours and a safe landing.

Unfortunately, these aircraft and program costs I just referred to had been approved all the way through without the successful completion of any definitive flight testing. Because of this and due, at least in part, to my letter to Secretary Cheney, the committee established a comprehensive set of restrictions on the obligation of 1990 funds for the procurement of the three production aircraft authorized for fiscal 1990.

My initial proposal in the committee, Mr. President, was that we should hold up on the three aircraft in fiscal 1990. Why, when we have 16 in the pipeline being produced now, why do we need to go ahead and procure 3 more? And I made these arguments in committee. I lost in committee on that, quite frankly. I did my best in committee to convince my colleagues on the wisdom of holding up until we get some additional flight testing. Because there will be changes as a result of flight testing. And on an airplane like this that is so exotic and so exact in its production tolerances—there will be changes—and it means that any changes we have to make as a result of flight testing are going to be, I think, enormously expensive.

Now, why produce three more aircraft that may have to be modified until we have a little better grasp on what the problems might be?

So as a compromise, the committee authorized some restrictions, flight test milestones. These restrictions are keyed to demonstrated flight test milestones during 1990, including completion of the initial block of flight testing and also initiation of low observable testing. That is the second element, the low observable testing. And although establishment of these restrictions is a positive step in trying to establish responsible management of the B-2 program, in my opinion, the committee action does not go far enough.

Mr. President, in my June letter to Secretary Cheney, I proposed that no aircraft be authorized in 1990 while the flight test program was allowed to go forward. I would not stop the production I referred to with the 16 aircraft, those that are in the pipeline now. But let us not add three, was my reasoning; let us not add three additional ones until we have completed adequate flight testing.

Well, as we were to learn later during our markup, the figures that were given by the Pentagon indicated that it is more expensive, certainly in the near term, not to procure the aircraft. If you are talking about restrictive contracting arrangements, it seems to be that is what we are in now.

So the figures they sent over which, incidentally, seemed to be a moving target day by day on what figures I was being given from across the river, they varied from day to day. And I could not argue with the figures. They are the ones that are supposed to be dealing with this honestly and I presume that they are. But I have trouble reconciling in my own mind why these figures were changing from one day to the next over a period of about 4 days, with each day's figures getting worse as far as what was going to happen if we held up with these three additional airplanes in the procurement cycle.

Mr. President, I think we need to fly before buy—fly before buy—and learn something about this airplane. So I had proposed that we suspend production of any new aircraft until we had adequate technical and operational flight test data on which to justify continued production of the B-2. These required test results could then provide the DOD decisionmakers, the Congress, and the American public with reasonable confidence that the most expensive combat airplane ever built can satisfactorily perform the missions it was designed and built to perform before any more aircraft were authorized for production.

Mr. President, this airplane is getting so expensive now—and I still back it—but it is getting so expensive that we are bordering on going into budgetary disarmament—budgetary disarmament—for our Nation because the expense of this airplane is eating away at our ability to provide other military equipment necessary for our armed services.

I do not know whether we can ultimately afford it or not. I know that if the B-2 goes up in cost, we certainly will not be able to proceed with it.

Now, why do I make such an issue out of flight testing on this airplane? Well, they kidded me a little bit in the committee that I went into a description of aerodynamics 101 that you might get at one of our colleges or universities in trying to describe the differences of this airplane. I will not risk boring everyone that may be watching or listening with that kind of a description today, but let me give an abbreviated version.

A flying wing—you have all seen pictures of the B-2 now. One thing is very obvious just looking at it; that is, it does not have the stabilizing influence of a conventional tail, both the vertical tail and the horizontal tail.

What does that do? Well, you know if you go to roll into a turn on any airplane—and I will try not to get into technical terms here too much—but you have what is called adverse yaw. As you roll in on the upper wing, as you put that aileron down to induce more lift on that wing to roll you into the turn, that induces drag. And on a normal airplane, you counter that tendency to turn against the direction that you are trying to turn, to turn the nose in the wrong direction, you counter that by rudder force with the vertical tail and that brings you right around to the turn in the direction you want to go.

How do you do that on a flying wing? Well, on a flying wing, as you roll into a turn, you have to put drag on the lower wing, and you have to make it turn at the right rate to come around, or the nose turns the wrong direction as you try to go into a turn.

That is just one little characteristic that we have to test out.

Another one is you still do not have that pitch moment back there, that longitudinal control on this airplane. On a normal airplane, normal commercial airliner, you are familiar with the fact that it is controlled by that long boom back there, the cabin and the tail back there, that give you the pitch control.

On a flying wing, you do not have that. The only control you have for pitch control is from that point where the center of lift is, about a third of the way back on the wing, back to just the trailing edge of that wing. And that is what we call short coupled. It means your pitch moment, the span of those controls, does not have much leverage. And so you have to control the center of gravity very carefully and maneuvering is done differently and the controls are different.

Now, is this something that prevents it from flying? No, it will fly. But it means, with an airplane this different, you are going to have to have a test program that is thoroughly worked out to make sure that the roll rates are there and the pitch control is there through a whole series of maneuvers, high G maneuvers, different weight loadings on the aircraft, different centers of gravity on the aircraft that you move back and forward in tests before you really know whether you truly have a combat airplane.

The answer to that normally from across the river is this: This is the most tested airplane before it even flew that we have ever had in the history of the world. And I agree with that. And I will say this: So was every other major aircraft, new aircraft, we have had in its day. The B-1 had more testing than any airplane ever flown, more wind tunnel testing, more simulations, more computer simulations. Everything was done more before the B-1 flew than any airplane in history. Yet we had problems with it. The T-45, a very simple design I mentioned a moment ago. It has problems. The necessity for testing is there.

Now, in all of the B-2 wind tunnel tests, all of the simulations, what happened?

I went out to Northrup in 1984. I was given all the briefings there. I asked a lot of these same questions, about how they work out their problems in stability and control, and I was assured that because of all the tunnel tests, they had worked those all out in the tunnel and their stability and control was already taken care of. They needed no more study in that particular area. I questioned it. They brought in some more engineers. They brought in some more of the test data, since I had some experience in analyzing those things at an earlier stage in my life when I was in the testing business myself. So they brought those in.

I looked at them and I accepted their figures. What happened? Two years later they go back through, reanalyzing some of the control data they were so certain of in 1984 and had to redo some of the longitudinal stability on the airplane. I am told that correction of the problems added considerable cost and that was before the B-2 even flew.

So, some of these technical areas that they were so certain about, they became not so certain about later.

Does this engender much confidence in their figures, that everything will work out perfectly? Because the program from here on, mind you, is geared to success only. We are saying now it is going to cost too much if we hold up and we are geared to saying we are not going to find any difficulties on this airplane, basically. Or, if we do, they will be so cheap that they will not be major items. And I certainly hope that is correct.

What we do in the block 1 testing, as it is called in the Nunn amendment is minimal flight testing. Most of it, straight and level flying. They do some maneuvering, some aerodynamic testing. On the second flight they will raise the landing gear. That is fine.

Then they will start doing some maneuvering in block 1 testing but they do not get into the high G testing or high roll rates. No low observability testing will be done, and the center of gravity excursions that they are going to have to test and test those under all sorts of maneuvering conditions, and high and low altitude and all the things that go into a complete test program. They just cannot do that in the block 1 flight testing. That only comes after they get into block 2.

The block 1 flight testing is going to be an estimated 14 flights, I believe it is, and about 75 hours of flight testing. That will give just the basic aerodynamics of the airplane, not really operational flying qualities but the basic flight characteristics of the aircraft.

We should, however, be able to learn a lot more about the operational characteristics about the B-2 in block 2 testing. We will find out a lot in block 1 also, but block 2 is where it really gets into a lot more detail.

Let me proceed to the test gates that the committee established and are in the Nunn amendment. The first gate says that no 1990 funds may be obligated until the first flight has occurred. Well, that has already occurred. That is fine.

The second says that no funds can be provided or obligated against the 1990 aircraft buy until the initial block 1 flight test program has been completed, those 14 flights, approximately 75 hours. That is fine. That initial series of flights, as I said, will cover quite a lot of the speed and altitude envelope.

It will not cover, though, the different weight excursions nor the maneuvering capability that will have to be done on this airplane before it becomes a combat airplane and can be certified as such.

But, during these early flight tests they will do things such as speed and altitude envelope expansion. That is just straight speed and straight envelope, not necessarily all the rest of the things I mentioned. It will cover operation of flight controls, major functional systems such as electrical, hydraulics, landing gear up and down, environmental controls. It will demonstrate basic handling characteristics, and engine operating characteristics. Other areas covered in block 1 testing will be engine out air restarts, air refueling, basic aerodynamic, and flight characteristics.

The third testing gate is that no funds can be obligated until the Defense Science Board has independently reviewed the results of the block 1 flight test program and reported to the Secretary of Defense on the flightworthiness of the B-2, just through that initial phase. And on the nature and significance of any deficiencies or discrepancies they have identified.

Also part of the third testing gate is a very important requirement added by the committee. The Director of Operational Testing and Evaluation, DOT&E, must evaluate the performance of the aircraft with respect to critical operational issues and provide to the Secretary of Defense an early operational assessment. The Secretary of Defense in turn must certify to the committees of the House and the Senate that no major aerodynamic or flightworthiness problems have been identified during the block 1 flight test.

The reason I make an issue of DOT&E is, quite frankly, in the past we have had trouble with some of the weapon system testing programs set up by the individual services. About 4 years ago, I believe it was, Congress directed that an operational test directorate be set up in the Defense Department which has quite a number of responsibilities; responsibilities such as monitoring and reviewing all operational testing and evaluation conducted within the Department of Defense. They are the designated observers to be there during tests. They analyze OT&E results for all major defense acquisition programs. These provide all DOD acquisition principals with an OT&E assessment to support system acquisition milestone decisions and they report to the Secretary of Defense and the Congress on system adequacy and operational effectiveness and suitability of major defense acquisition programs. That is what OT&E is supposed to do. That is a very important function.

We set that up because we wanted their independent judgment. They are experienced testing people. The first director that headed that office has just left the office after several years. He is a very experienced test pilot. I would add that this is not just a testing job that goes on with regard to aircraft. It is all major production buys across the board for air, ground, sea, under the sea—whatever the Defense Department purchases in the way of weapons systems.

So, it is not limited, the job that they have to do at DOT&E. They are in block 1, flight testing. They are to give their independent assessment to the Secretary of Defense.

The fourth gate states that, before funding for additional aircraft can be obligated, the Secretary of Defense must also certify that the applicable performance milestones in the B-2 full performance matrix have been met; that cost reduction initiatives will be carried out and that contractor quality assurance practices and fiscal management meet accepted Government standards.

This gets into another consideration for DOT&E. They set up, for the first time on this airplane, what is called a systems maturity matrix. This is the first time that has ever been done on a new airplane, because we have to commit so much funding up front now with a modern-day aircraft, so much in the way of production equipment, before we ever even have the first airplane built that we have to set up milestones like we have never had before to monitor each year whether we wish to go on with production or revise the production buy or what is going to happen, year by year. That process, which DOT&E is to monitor and to administer, is called the systems maturity matrix.

So the fourth requirement that is put on as a gate is to certify that the B-2 full-performance matrix criteria has been met, the objectives, and the cost reduction initiatives will be carried out.

Fifth, no funds may be obligated for this coming year prior to the commencement of low observables testing on the first aircraft. That is so important. We cannot zero out its radar cross section completely, but hopefully we can make it less observable by far, by a quantum measure, than any aircraft ever designed in history. And that is what makes the aircraft so desirable.

We commence low observable testing in block 2. The airplane will go along through its block 1 testing, be laid up for a short period of time, and be back out for the block 2 testing and no funds can be obligated until that second level of testing starts.

Sixth point, not more than 25 percent of the procurement funds for the planned fiscal year 1990 may be ex-

pended prior to the receipt of the committees and the Congress of a report from the Defense Science Board regarding the low observables, characteristics that have been observed up to that point; reporting on the progress of such testing on the development aircraft.

And, seven, no 1990 procurement funds may be obligated to purchase additional aircraft until the Secretary of Defense certifies that the Air Force has included adequate funding in its current 5-year plan to increase production of B-2's back to a more efficient production rate once a decision is made to proceed to full-rate production.

Finally, the committee indicates its very strong concern about continuing cost escalation and puts a requirement in that says that requiring an annual certification from the Secretary of Defense, that the unit flyaway cost, not all the past research costs now, not all the past costs of development, not all the past costs of building the equipment to manufacture the airplane, but the current flyaway costs, what it costs in this year now to produce, writing off all that that has gone on behind, that current year costs for the rest of 132 aircraft fleet measured in 1990 dollars remains below \$295 million per copy.

(Mr. ROCKEFELLER assumed the chair.)

Mr. GLENN. Mr. President, I think the committee did a good job in outlining these gates or testing milestones. However, if we are to accept the production of three additional aircraft in 1990, then I think we need some improvement on those milestones. I have agreed in discussions with the managers of the bill that if we can strengthen the gates in certain areas here, which I will mention, if we can strengthen the language of what is required on the gates, all the gates that I just went through that are in the bill now, then I will not introduce my amendment to knock out the three additional aircraft for this coming year, as I had originally discussed doing.

What do I propose here on the gates? Gates 1 through 4, no change. On gate 5, where the committee bill has no funds obligated before commencement of block 2, low observable testing, I recommend that we keep in there not only low observables, but add performance and flying qualities testing because there will be some of that type testing done in conjunction with some of the low observability testing that will start at the end of block 1. So that is a simple but essential requirement as I see it.

Gate 6 in the committee bill says that not more than 25 percent of the 1990 funds can be expended before receipt of a report from the low observables panel of the Defense Science Board on the progress of low observ-

ability testing. Just on the progress, and that would permit them to go beyond that. The progress could be up or down, but they could go ahead and expend funds after the report on the progress.

I would change that. I would strengthen that. I would say that not more than 25 percent of the 1990 funds could be expended until receipt of a report from the Secretary of Defense certifying that the results at that point are satisfactory and no significant technical or operational problems have been identified during that early block 2 testing.

Second, that the Secretary of Defense in certifying this will base his judgment on independent assessments not only from the Defense Science Board, as is listed, but also the Director of Operational Testing and Evaluation will give his independent evaluation on the progress of early block 2 testing. They are the independent organizations Congress set up deliberately because we wanted a second opinion. I think it is a mistake now if we are to ignore them, if we are to say no, we do not really trust you, we do not want you in the act here on any of this.

I believe that DOT&E that we set up to give us the independent opinion should be involved in this, the most expensive combat aircraft we ever have procured. They should be involved beginning to end, wherever we can involve them, to get their unbiased, independent view, not subject to service whims or possible alterations of fact. That is the reason I feel so strongly about DOT&E being in on this.

In committee report language now, the committee does not authorize B-2 funding for fiscal year 1991, the year after this one we are concerned with now, so we can review the progress during the next year. That is fine. However, I would like to clarify in colloquy here on the floor, that our intent, as far as I am concerned, is that for fiscal 1991 and subsequent B-2 production, Air Force funding requests for all of these out years will be based not just on their own opinion but will be based on the progress of the B-2 development and production program satisfactorily meeting the systems' maturity matrix gates that the B-2 test and evaluation master plan outlines. I understand that the Department of Defense has accepted those; the Air Force has accepted those; and I do not want to see DOT&E shortstopped in this first test since DOT&E should play a vital role in giving the Congress and the Secretary of Defense both independent, second-opinion advice on testing programs of all major weapons systems.

Those last things I mentioned here as possible changes are things we have

talked about late this afternoon. The principals who have been involved in this have indicated their acceptance of this in principle. I accept that this is the way we should go, pending working out the exact language, so that we can have it understood that that is the direction we are going. And if that is the way it works out, that is fine. I want to see the language on that. If that is the case and it is acceptable, then I will not offer the amendment to pull back on the three additional aircraft that will be procured this year.

Mr. President, this has not been an easy time in the Armed Services Committee. We have had a lot of debate on this particular issue. I do not like disagreeing with my colleagues on the committee, but I think it is important that in this most expensive weapons system ever procured, we put in as many safeguards as possible. When their figures started coming over that it was going to be more expensive to cancel the three additional aircraft for next year than it would be to go ahead and buy them, it makes one wonder whether we are on the right track or not in weapons acquisition.

We had a similar situation back just a few years ago when we had the additional carriers to be procured. It turned out the way they had been contracted for and the way the Navy had set that up, it was going to be as expensive or even more expensive with the penalties that were going to be invoked on the contracts to cancel them and not get them than it would be to go ahead and buy them and let them be built.

At that time, I thought that was great because I happened to be on the other end of that argument at that time, and I was benefiting from it. I wanted to see the carriers built. We had quite a debate on the Senate floor, as I recall, when that fact was brought out that we were now contracting on a basis that made it more expensive to cancel than it was to go ahead and get whatever the item was we were buying. What a way to contract. But that is what we are into now.

So, Mr. President, we make these assumptions on the basis that there will obviously be no changes required as we get into testing on this airplane, or certainly none of a very major nature. We know there will be some changes. When each new aircraft comes out, it normally goes through flight testing and we wind up with several hundred ECP's, engineering change proposals. Many of those would be clamp changes they think should be done a different way, to get a screwdriver to it at a different angle. Simple as that. Others require new carrier forestructure for landing gear or wing center structure beefup, or something that is very, very major.

Mr. NUNN. Mr. President, will the Senator yield just for a brief inquiry?

Mr. GLENN. Yes, I will yield.

Mr. NUNN. Mr. President, I heard the Senator's presentation on his suggested changes in the existing language. As the Senator from Ohio well knows, the committee has an amendment and we are proposing here on the floor and will vote in a few minutes on an amendment that is altered, but not substantially altered, from what the committee had originally had in our bill. It is altered because we have, of course, now already flown the airplane once. We have a long way to go, as the Senator has observed, in testing.

We have worked very carefully with the Senator from Ohio on his suggested changes to these gates. I believe we are prepared, assuming we all are working off the same version and language, to recommend the Senate accept this Glenn amendment as an amendment to the pending Nunn-Warner amendment. It will take unanimous consent to do that.

The only reason I interject at this point is we have two other amendments. The idea had been that if there is no unanimous consent, we can stay here as long as necessary. But the majority leader hoped we could start voting about 6:30.

I have a brief explanation of another amendment that will take me about 5 minutes. If we are going to meet that 6:30 goal, it would probably be good for us—

Mr. WARNER. Mr. President, will the Senator allow me to indicate to the Chair and Members of the Senate that the Republican leader has asked for 5 to 6 minutes to address these amendments before we vote. So will the Senator make those allowances?

Mr. NUNN. Right. We do not have any unanimous consent at all, so anybody is open to taking the floor, and certainly the minority leader will be accorded whatever time he needs. There is no restriction.

I would like to get a gauge so I could let the majority leader know if we are going to be ready to vote.

Mr. GLENN. I can wrap up within 5 minutes or so. While the Senator is making his other remarks I can look at this. I have not had the chance to look at the language the staff worked out. I hope it is satisfactory.

I was prepared to go ahead, whether this is satisfactory or not, right now and support the amendment and vote for it with the idea that we have the good faith commitment of all parties involved that we will be able to work this out. The bill is going to be around for another week or so, at least. So if there is any difficulty, we could always bring it back up on the floor again.

Mr. NUNN. That would be fine. But if the Senator does have a chance to look over this language, since he is al-

ready familiar with it, what would be ideal is to fold this into the amendment and do it all at one time.

Mr. GLENN. Yes, I agree with that. I will be finished in a few minutes.

Mr. WARNER. But it is understood that the Senator is going to support the amendment of the President?

Mr. GLENN. That is correct. I will support the amendment, particularly if these changes, which I understand the managers are willing to accept, work out OK after I have a chance to review them.

Mr. President, just a couple more points.

The test program that will be done in block 1 will get speed, altitude. It will not get into all the weight variations. It will not get into the maneuvering variations that are going to be required before we go into full rate production on this airplane. On the costs involved, it makes the assumption that there is not really going to be any major changes required.

It makes three assumptions along with that: That we will protect existing fixed price options of all the subsystems. In fact, about 50 percent of those have already been contracted out.

Second, it assumes the overall cost of \$70.2 billion, the multiyear procurement contract, which is supposed to start in fiscal year 1993, will be met, that those targets will be met.

Now that is normally done after development is complete, after we have a production maturity, and I do not know whether that is going to be met or not. But that assumption is made, assuming that \$70.2 billion cost.

Third, the assumption is made that we will achieve the planned cost reduction initiatives. We do not even know what they are. They are not listed. We do not know what they are. But we are relying on those to give us part of that assumption that we are going to be able to stick with a \$70.2 billion cost.

Will that occur? I could just warn everyone right now I think my view and the view of probably most in the Senate and Congress is if we have seen any major changes that require additional money that start running this aircraft up to the \$600 million a copy overall cost for the whole program or extending beyond that \$295 million that is written in as one of the gates, then I think this program borders on, as I said earlier, budgetary disarmament. We just cannot get one weapons system that gets more expensive than this one is right now.

The Secretary, in his response, said that he weighed all the things I had outlined and said, "It was prudent for us to proceed." But then he emphasized that "this is a critical time in this program. During the coming year our understanding of both risks and costs will increase immensely."

I think Secretary Cheney makes my point for me very eloquently. That is the reason I originally proposed no additional production buy in addition to the 16 already in the pipeline.

If the figures are as they have been given to us, that it is going to cost more to suspend production than it is to go ahead and buy them, where does that leave us? Well, it leaves us with tightening up the testing requirements which I think we do with the things that I have proposed here and which I hope are included in the proposed language which I was just given.

So, Mr. President, I am sure that we will have other amendments later on in consideration of the defense authorization bill over the next week and a half or so, and we will be addressing this several times.

I wanted to make this statement before we had the vote. I will vote in favor of this amendment, reserving the right to change my mind if the testing language here does not prove to be satisfactory. I hope that it is.

But I want to say once again I want to see the Defense operational, testing, and evaluation people firmly entrenched in this whole weapons procurement process from beginning to end. That is what we set them up to do. We set them up as a second opinion. Of all programs I have ever seen since I have been in the Senate, one that needs a second, independent evaluation as to its value, and how it is performing, and how the testing will be made, and how the program will be played out, this is that program. It needs that second opinion.

So I think we need the DOT&E people in there for exactly what Congress put them in to do; to be the major operational test adviser not only to the Secretary of Defense but to the Congress of the United States. I want to make sure that they are included in the B-2 program all the way through.

We may have additional remarks on the B-2 later on, Mr. President. These have been rather extensive remarks. I appreciate the forbearance of my colleagues. We may have more to say on it later.

I yield the floor.

EXHIBIT 1

U.S. SENATE,

COMMITTEE ON ARMED SERVICES,

Washington, DC, June 19, 1989.

HON. RICHARD B. CHENEY,
Secretary of Defense, The Pentagon, Washington, DC.

DEAR MR. SECRETARY: I am writing to urge the immediate suspension of low rate initial production (LRIP) of the B-2A bomber until such time as you have a sufficient development and initial operational flight testing and evaluation (DT&E/IOT&E) data to support continued production. In my opinion, it is imperative that adequate flight test data be obtained before any LRIP aircraft beyond those currently under contract be procured.

Recent briefings provided the Armed Services Committee on the progress of the B-2A acquisition program have convinced me that, in spite of recent DOD initiatives, there remains excessive concurrency between the development and production phases. Without a single test flight, much less the completion of a definitive flight test program, eight aircraft have been approved for production at a cost of 7 billion dollars. More production aircraft are requested in FY 1990/FY 1991, again without any flight test data to support that request. These LRIP aircraft are in addition to eight other B-2A aircraft previously approved for production for use as ground and flight test vehicles.

Although I recognize the need for some concurrency in a major acquisition program, the substantial technical risks and exceedingly high cost of the B-2A program strongly argues that concurrency be held to a minimum. Even with relative low risk programs, concurrency and the lack of adequate DT&E/IOT&E can lead to major difficulties. DOD has recognized this; and there are several good examples of this recognition in the Amended FY 1990/FY 1991 Budget:

LRIP production of the Navy's new T-45TS training aircraft was deferred for at least two years to correct deficiencies identified during DT&E flight testing;

Ongoing LRIP production of the Navy's SH-60F ASW helicopter was stopped for at least a year to allow time for correction of deficiencies identified during IOT&E flight testing;

The C-17 LRIP procurement profile was modified until flight testing can begin and until, as the Director of DOD OT&E, Mr. Jack Krings recommended, "empirical flight tests results" are available on which to base a production decision.

As a former test pilot, I can tell you that no amount of wind tunnel testing, computer simulations, or the "maturity matrix" program currently being used to evaluate the B-2A can replace, to repeat Mr. Krings' words, "empirical flight test results," in making a production decision. That is why twice in the past 20 years Mr. David Packard, in major DOD acquisition studies, strongly urged DOD to "fly before buy" in procuring major weapon systems.

Mr. Secretary, as you know I have supported the development of this revolutionary airplane, albeit with some often stated reservations about substantial technical risks, escalating costs, and mission priorities. Nevertheless, I want to see the B-2A development program succeed so that a reasoned production and deployment decision can be made. However, in my opinion, unless the currently mandated excessive development and production concurrency is eliminated, the program will not succeed.

I urge you to suspend all LRIP not under contract until sufficient flight test data is available to support additional LRIP. With 22.4 billion dollars already invested, and with the potential of expending many billions more to complete the program, it would be totally irresponsible to do anything less.

Best regards,

Sincerely,

JOHN GLENN,

U.S. Senator.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Who seeks recognition?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. We thank our distinguished colleague from Ohio. He does bring a measure of expertise unmatched, to my knowledge, by any other Member of the Senate, and I think momentarily we will be able to work out a satisfactory resolution to his constructive suggestions and, hopefully, incorporate them in the pending amendment.

The chairman is due back momentarily to address that and other issues.

Mr. President, I see the Senator from Georgia has returned.

Mr. NUNN. Mr. President, at the time the Senate Armed Services Committee reported the defense authorization bill, the committee also reported a separate measure (S. 1368) authorizing funds for a new program called the Soldier/Marine Enhancement Program.

We now have an amendment pending at the desk sponsored by Senator WARNER and myself, and all the members of the committee as individuals. Senator WARNER has already explained this amendment. I will not go into it in great detail, but I want to make a couple of comments.

This amendment would add \$30 million to the authorization bill in fiscal year 1990. It is a small program, but one that is very important. It does not increase the budget totals for defense since the underlying authorization bill left room for this amendment in the hope that the Senate would adopt it.

LITTLE ATTENTION TO FOOT SOLDIERS

Mr. President, this amendment is being offered because the Pentagon has paid insufficient attention to our country's foot soldiers in the Army and Marine Corps. The Army initiated a new type of light infantry divisions in the early 1980's. These divisions were supposed to make the Army much more deployable by having lighter divisions without massive armored vehicles.

It has been over 8 years since the activation of these light infantry divisions, yet relatively little has been done to make these light infantry divisions more effective than previous Army or Marine infantry, or the infantry of potential adversaries. In fact, the combat potential of the light infantrymen of our Army and Marine Corps in certain key areas is not significantly greater than when the Vietnam war ended. Infantrymen are armed with some of the same equipment they had in that conflict. They may operate improved models, but practically speaking they have the same generic capabilities as any other infantryman in the world.

Compare this to the improvements we have seen in the sophisticated weapons that we spend billions for each year. Of course, I have supported a number of these weapons—most of them. Compare the M1 tank being

produced today with the M60 tank used during the Vietnam war. The M1 tank is easily many times more capable.

The AH-64 attack helicopter is easily 5 to 10 times more effective than the early model attack helicopters used during the Vietnam war. It can fight at night and in adverse weather. It carries a missile that has twice the range and much greater kill capability.

How does this compare with our infantrymen in the Army and the Marine Corps? They have an improved model of the same rifle they used in Vietnam. They have a new helmet and new battle dress uniforms. But other systems are virtually unchanged.

Mr. President, the military departments—and this is not just the Army but applies to all the services, including the Navy, Marine Corps, and Air Force—are oriented toward procurement of sophisticated expensive high-technology weapons of war. Huge laboratories and development commands are oriented toward these technologically advanced major systems. There is no comparable emphasis on small, simple, cheap, light but effective weapons and support gear.

Last month I visited with some of our crack special operations troops in Europe. They complained that they could get radios from Radio Shack that were superior to radios they were given by the Army. These are special operation forces that are going to be called on, probably more likely to be called on, than any forces we have in our military arena. Unfortunately, the Pentagon does not emphasize cheap, simple, rugged weapons and support equipment for our foot soldiers. Small, cheap, off-the-shelf systems do not fuel the massive bureaucracies and defense industries that accommodate our procurement and R&D budgets.

Mr. President, I guess you could summarize what I am saying by saying that we need a few more master sergeants in our procurement commands, people who are out there on the field, people who know what the foot soldiers go through.

Mr. President, the goal of our Soldier/Marine Enhancement Program is to rekindle interest in our foot soldier, to provide a focus and an attention to the needs of the infantryman.

The amendment I am offering with all the members of the Senate Armed Services Committee would provide \$30 million in research and development funds. We want to emphasize that the \$30 million would be used primarily to survey useful items of equipment that other countries have developed or are available commercially. If nothing exists that is immediately available, the funds could be used to develop new equipment. But the focus is not on inventing or reinventing new equipment, but on testing, evaluating, and

qualifying existing off-the-shelf equipment available either commercially or from military allies. We do not want the procurement bureaucracies to begin a new R&D program. We want them to look at what is available today and overcome the not-invented-here syndrome that is often prevailing in the Department of Defense.

We are not dictating to the Army and the Marine Corps what it is that we think they should buy. They have total flexibility to determine that based on the needs of the infantrymen. Frankly, I would hope that the Chief of Staff of the Army and the Commandant of the Marine Corps would get together a panel of senior noncommissioned officers to serve as advisers to them in identifying problems and evaluating off-the-shelf systems. Let the foot soldiers tell the developers what is needed, and not the other way around.

Mr. President, this is a bipartisan initiative. Senator WARNER, Senator LEVIN, and Senator WILSON were instrumental in promoting this amendment. It might seem like a small, insignificant thing to our colleagues, but I assure you it should result in a major improvement for our soldiers and marines.

I hope the Senate will overwhelmingly support this amendment when we vote on it in a few minutes.

Mr. President, I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I thank the chairman and the manager on this side, Senator WARNER and Senator NUNN.

Mr. President, the United States has come to a critical juncture. We must decide now how our strategic forces will be structured over the next several decades.

This is a tough decision—not just because of the costs involved, but because we will have to live with our actions for some time to come.

For over 40 years, nuclear deterrence has guaranteed the safety and freedom of this country. For the better part of that time, our nuclear deterrence has been based on the concept of a nuclear triad.

I think we would all agree that the triad has served us well. I think that is also the President's view. The triad figures prominently in the President's strategic modernization package.

Now, I want to emphasize the word, "package." Our bombers, land-based ICBM's, and our SLBM forces are independent, but they work as a package—they each have their particular role in deterrence. I would also add that SDI is a key part of that modernization package.

The President has sent to the Congress his plans for modernizing each leg of the triad. He has decided to

move forward with two ICBM's, the D-5 SLBM, and the B-2.

Now, I think we all agree that our bomber forces are no less important in that triad than our other strategic forces. And, I think we all agree that they need to be modernized.

Some of you will say, "yes, we need modernization, but not at the B-2's price." I think we were all taken aback the first time we saw the figures. Let us not forget, we are buying the latest technology—the best America has to offer—and we need the best because it will have to last. We are making decisions that will have consequences for our national security for years to come.

These consequences are even greater if we reach a START agreement with the Soviets. A manned penetrating bomber will become even more important under a START treaty than it was over the past 40 years. The B-2 is at the center of U.S. strategy for achieving stability at reduced levels.

Now, it seems to me that the Armed Services Committee has given this program the serious attention it merits. They have not only recognized the importance of the B-2 in terms of our deterrence strategy and arms control stability, but have also recognized that a program which involves such substantial investment during these times of tight dollars, requires close monitoring.

I commend my colleagues on the Armed Services Committee for taking a sound approach toward this program. The B-2 means a lot of money spent, but thanks to the efforts of the committee it will be money spent wisely. I urge the Senate to support their approach and this amendment.

Mr. President, I would like to end my remarks with an excerpt from an article written in 1953, in *Aviation Week*, at the time the United States was considering the B-52:

Feeling in some U.S. Air Force quarters is that the difference between B-47 and B-52 performance is not worth the cost of the latter program. Strategic Air Command also anticipates getting supersonic bombers soon enough to make the B-52 strictly a short interim measure.

After 30 years of the B-52 we know better.

I thank the Senator for yielding the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we thank the distinguished Republican leader. It is always wise to look back and examine history. It indeed is a rearview window of much of our activities of life. I think that citation of historical precedent of the B-52 should carry great weight with many today who question this price tag, which price tag, as the leader knows, has basically been information available to

the Senate and the House—Congress as a whole—for approximately a decade. The two committees, namely, the Armed Services Committees of both Houses, together with the Appropriations Committee, have had the first responsibility, but we have recognized the increase in the cost, but then I say what is the price if deterrence fails? It is incalculable. This system is the cutting edge of America's technology, and I hope soon that the Senate will express its approval by an overwhelming vote.

Mr. COHEN. Will the Senator yield?
Mr. WARNER. Yes.

Mr. COHEN. Can I inquire by expressing approval of this amendment? It is my understanding that it does not preclude other action that might follow at a later time dealing with the bill; is that correct?

Mr. WARNER. The Senator from Maine is correct. This is an amendment which the Senator from Maine is fully aware of, one that the Armed Services Committee basically agreed upon in its markup, and it is to be possibly amended here by the Senator from Ohio. I think that is momentary, is it not, Mr. Chairman?

Mr. NUNN. Yes.

Mr. COHEN. There are other amendments pending that may be offered at a later time dealing with the issue.

Mr. NUNN. Absolutely. The bill is open to anybody, including on this subject. We are not encouraging other amendments on the B-2, but if they come, we will deal with them.

Mr. WARNER. The Senator asked if they are pending. Technically, there are no amendments pending, but, of course, when the bill returns to the floor after tomorrow, it is open for amendment.

Mr. COHEN. There was some concern expressed, because the way in which it was offered with a second-degree amendment, that it would have precluded amendments on this, and my assurances are that this is not the case. It was something to get this amendment to the floor and get some debate started, and this certainly is a vast improvement over the situation the way it is.

I hope that everyone will support this and reserve any other amendments they might have dealing with the issue for a later time.

Mr. NUNN. The Senator is correct. The only purpose is to make sure we had a chance to vote on this amendment first, not to preclude other amendments on this subject.

Mr. President, I believe the Senator from Ohio and the leadership here in the committee have agreed, and I ask the Senator perhaps if he could offer his amendment at this stage. I would ask, do we have the same amendment here?

Mr. GLENN. I believe, yes.

Mr. NUNN. Assuming we have the same amendment, I ask unanimous consent that a modification of my amendment, amendment No. 397, a modification we have agreed on, be made in order to be offered by Mr. GLENN from Ohio.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

AMENDMENT NO. 397, AS MODIFIED

Mr. GLENN. I ask unanimous consent that I be permitted to send this modification of the bill language to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is so modified.

The amendment, as modified, is as follows:

Replace "(c) Block 2 requirements with:

(c) BLOCK 2 REQUIREMENTS.—Funds appropriated for the Air Force for fiscal year 1990 for the procurement of aircraft may not be obligated for the procurement of B-2 aircraft before the commencement of Block 2 testing to include low-observables and flying qualities and performance testing in accordance with the approved B-2 Test and Evaluation Master Plan.

Replace "(d) Defense Science Board Assessment with:

(d) INDEPENDENT ASSESSMENT AND CERTIFICATION.—Of the amounts made available for fiscal year 1990 for the procurement of B-2 aircraft, not more than twenty-five percent may be expended until—

(1) The Low Observables Panel of the Defense Science Board has conducted an independent review of the early Block 2 test data and reported the results of that review together with its findings and conclusions, to the Secretary of Defense, and

(2) Within one week of the submission to the Secretary of Defense of the report by the Low Observables Panel, the Director of Operational Test and Evaluation shall also submit to the Secretary his independent evaluation of the results of the Block flight testing to that date, and

(3) The Secretary of Defense certifies to the Committees on Armed Services and Appropriations of the Senate and House of Representatives that—

(A) The results of early Block 2 flight testing, including low-observable and flying qualities and performance, are satisfactory, and

(B) No significant technical or operational problems have been identified during early Block 2 testing.

Mr. NUNN. I thank the Senator from Ohio, and I believe this amendment strengthens the language here, and I believe it carries out the purpose of the Senator from Ohio, and I appreciate very much his working with us on this, because he has tremendous experience in this area, and we value his opinion and expertise. I understand he will be able to support the overall package of the amendment now.

Mr. GLENN. That is correct. I appreciate the cooperation of the staff and of Senator WARNER and Senator NUNN in this regard. It strengthens the bill and makes it more clear, and I

do not think it leaves any doubt that there has to be performance on down the road, to say, once again, there cannot be any increase in costs in this airplane without endangering the whole program.

What are we trying to do in this amendment is really helping to save the program. We get testing in early, and the changes will be less expensive than if we wait and have to make more expensive changes later on per cost per airplane, and doing the whole program all over again.

Mr. LEVIN. Will the manager yield for a moment?

Mr. NUNN. I will be glad to yield.

Mr. LEVIN. For your information, we have been working on an amendment relative to who would bear the responsibility in the event the B-2 fails to live up to the specifications in the contract. We hoped that this amendment would be worked out by now so that it could have been added to the pending amendment, in the event it was acceptable to the managers. It is still in process, but since both Senator NUNN and Senator WARNER were involved in the discussions on this earlier today, I thought I would bring them up to date and also alert our colleagues that at least at a later time an amendment will be offered separately from this amendment to address the question of who bears the responsibility, the Government or the contractor, when this plane or if this plane fails to live up to specs, as the B-1 did, relative to its electronic countermeasures.

Mr. NUNN. I think that is a very important subject. We have been diligently working. We do not have all the information to evaluate the amendment. It is our intention to work with the Senator. If we do not work it out, there will be every right for the Senator from Michigan to propose his amendment on the floor.

Mr. WARNER. Mr. President, having had the opportunity to get a first look at the consent, may I urge the Senator to be as forthcoming as early as possible, because there could be quite a hiatus between this Senator's knowledge of the amendment and this Senator's ability to respond. It is a very complicated and technical amendment, and I will require some outside advice.

Mr. LEVIN. We did get your staff the latest graph a few hours ago on this amendment.

Mr. WARNER. I thank the Senator from Michigan.

UNANIMOUS-CONSENT REQUESTS

Mr. NUNN. Mr. President, I serve notice that I am about to propound a unanimous-consent request that would have three or four parts, for all interested parties. I hope that this has been cleared on both sides.

I ask unanimous consent that the vote on the Nunn-Warner amendment, No. 397, occur at 6:40 p.m.

I further ask unanimous consent that immediately upon the disposition of amendment No. 397, the Senate, without any intervening action or debate, vote on the Nunn-Warner amendment 396, as amended, if amended.

I further ask unanimous consent that no amendment be in order to language proposed to be stricken by the Warner-Nunn amendment 396.

The PRESIDING OFFICER. Is there objection? Without objection, the unanimous-consent requests are agreed to.

Mr. NUNN. Mr. President, I ask unanimous consent that the vote on the Nunn-Warner amendment No. 400 occur immediately, without any intervening action upon the disposition of amendment No. 396 as amended.

I further ask unanimous consent that no amendment be in order to amendment No. 400.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. NUNN. Mr. President, I ask unanimous consent that the vote on the Nunn-Warner amendment No. 401 occur immediately, without any intervening action upon the disposition of amendment No. 400, and that no amendments be in order to amendment No. 401.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. NUNN. Mr. President, I further ask unanimous consent that the first rollcall vote scheduled to begin at 6:40 be a 15-minute vote, and the two succeeding rollcall votes be 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I would like to propound a question to our distinguished colleague from Ohio just for a moment. The modification that was forwarded to the desk which we have accepted, I reviewed it, and I want to make sure that the DOT&E, which is the Director of Testing and Evaluation, as you well know, under section 138, title 10, has a very clear and specific task that he must perform.

However, as I understand this amendment, based on my discussions with the Senator from Ohio, the testing required, Block 2 by his modification, is not in derogation of the responsibilities under section 138.

Mr. GLENN. Will the Senator state that again, please?

Mr. WARNER. I say to my friend from Ohio, the tasking that his modification places on DOT&E is separate

and distinct from the one that is in section 138?

Mr. GLENN. Yes, that is correct.

Mr. WARNER. Mr. President, that satisfies my question.

The PRESIDING OFFICER. Who seeks recognition?

Mr. NUNN. Mr. President, I call for the regular order.

Mr. SYMNS. Mr. President, may I ask the chairman a question?

The PRESIDING OFFICER. The Senator from Iowa.

Mr. SYMNS. Mr. President, 2 years ago on the authorization bill, when I was fortunate enough to be a member of your committee, we had a report. In the report language we requested from the Army and the Marine Corps a study on whether or not they needed to keep M-60 or .762 caliber machineguns at company level, and the Army had taken the position that they were going to go to the spot automatic weapon, the 56, and the Marine Corps had wanted to keep heavier machineguns and, I believe, actually beefed up heavier machineguns to .50 caliber at the battalion level.

I have never received that report, and to the best of my knowledge the committee never has. I wanted to bring that to the attention of the distinguished chairman and the ranking member because I think that if we think we are going to do the right thing for the infantrymen, I want to be sure we are doing the right thing with respect to the machineguns.

Mr. NUNN. I agree with the Senator completely. It is my information that we have not received that report, and I will make sure that we get a call into the Secretary of the Army tomorrow. Was it Marine Corps or Army?

Mr. SYMNS. We asked both. As the author of that report language, the reason I asked for both is because we had a divided opinion from the infantry of both the Army and Marine Corps. The Marine Corps has taken the position of heavier machineguns. The Army took the position that the 223 or the 556, I guess it is called, is heavy enough to be the machinegun of the rifle company.

And that is why we asked for both. I want to hear both services explain to me why. Because, in my opinion, we do need a heavier machinegun for our infantry people.

Mr. NUNN. We will get in touch with them tomorrow and follow up on it.

Mr. SYMNS. I thank the chairman and the ranking member.

Mr. NUNN. I hope the Senator will not be bashful—and I know he will not; having served with him, I know how effective he is—to remind us of that sometime later on this week and we will try to give you a better answer.

The PRESIDING OFFICER. The Chair would note that it is now 6:40.

Mr. WARNER. Mr. President, may I take a moment to confer with the Senator from Georgia?

Mr. President, could the indication of the yeas and nays on the first amendment be considered en bloc to cover all three? In other words, there would be three separate votes, but we do not have to have the yeas and nays three times.

Mr. NUNN. Mr. President, the complication there is that we have really four pending amendments: 396, 397, 400, and 401. I ask unanimous consent, as the order is set forth in the amendments, that it be in order to ask for the yeas and nays on 397, 400, and 401 with one show of seconds; and that we not be required to vote on, except by voice vote, 396, if it is amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

The time is now past 6:40.

Is there a request for the yeas and nays on the amendments?

Mr. NUNN. There is such a request.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 397

The PRESIDING OFFICER. The question is on agreeing to amendment No. 397. The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA], is absent because of illness.

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 141 Leg.] S97

YEAS—98

Adams	Fowler	McClure
Armstrong	Garn	McConnell
Baucus	Glenn	Metzenbaum
Bentsen	Gore	Mikulski
Biden	Gorton	Mitchell
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boren	Grassley	Nickles
Boschwitz	Harkin	Nunn
Bradley	Hatch	Packwood
Breaux	Hatfield	Pell
Bryan	Heflin	Pressler
Bumpers	Helms	Pryor
Burdick	Holmes	Raid
Burns	Hollings	Riegle
Byrd	Humphrey	Robb
Chafee	Inouye	Rockefeller
Coats	Jeffords	Roth
Cochran	Johnston	Rudman
Cohen	Kassebaum	Sanford
Conrad	Kasten	Sarbanes
Cranston	Kennedy	Shelby
D'Amato	Kerrey	Simon
Danforth	Kerry	Simpson
Daschle	Kohl	Specter
DeConcini	Lautenberg	Stevens
Dixon	Leahy	Symms
Dodd	Levin	Thurmond
Dole	Lieberman	Wallop
Domenici	Lott	Warner
Durenberger	Lugar	Wilson
Exon	Mack	Wirth
Ford	McCain	

NAYS—1

Sasser

NOT VOTING—1

Matsunaga

So the amendment (No. 397) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT (NO. 396), AS AMENDED

Mr. NUNN. Mr. President, what is the pending business?

The PRESIDING OFFICER. Amendment No. 396, as amended.

Mr. NUNN. The yeas and nays have not been ordered on that amendment, have they?

The PRESIDING OFFICER. That is correct.

Mr. NUNN. I call for the regular order.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 396), as amended, was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment, as amended, was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 400

Mr. NUNN. Mr. President, what is the pending business now?

The PRESIDING OFFICER. The pending business is amendment No. 400 as offered by the Senator from Georgia.

Mr. NUNN. Are the yeas and nays ordered on that amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered.

There being no further debate, the question is on agreeing to the amendment of the Senator from Georgia. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

The PRESIDING OFFICER (Mr. SIMON). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—99

Adams	Burdick	Dixon
Armstrong	Burns	Dodd
Baucus	Byrd	Dole
Bentsen	Chafee	Domenici
Biden	Coats	Durenberger
Bingaman	Cochran	Exon
Bond	Cohen	Ford
Boren	Conrad	Fowler
Boschwitz	Cranston	Garn
Bradley	D'Amato	Glenn
Breaux	Danforth	Gore
Bryan	Daschle	Gorton
Bumpers	DeConcini	Graham

Gramm	Leahy
Grassley	Levin
Harkin	Lieberman
Hatch	Lott
Hatfield	Lugar
Heflin	Mack
Heinz	McCaIn
Helms	McClure
Hollings	McConnell
Humphrey	Metzenbaum
Inouye	Mikulski
Jeffords	Mitchell
Johnston	Moynihan
Kassebaum	Murkowski
Kasten	Nickles
Kennedy	Nunn
Kerrey	Packwood
Kerry	Pell
Kohl	Pressler
Lautenberg	Pryor

NAYS—0

NOT VOTING—1

Matsunaga

So the amendment (No. 400) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 401

The PRESIDING OFFICER. The question now before the Senate is on agreeing to amendment No. 401.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—98

Adams	Fowler	McConnell
Armstrong	Garn	Metzenbaum
Baucus	Glenn	Mikulski
Bentsen	Gore	Mitchell
Biden	Gorton	Moynihan
Bingaman	Graham	Murkowski
Bond	Gramm	Nickles
Boren	Grassley	Nunn
Boschwitz	Harkin	Packwood
Bradley	Hatch	Pell
Breaux	Heflin	Pressler
Bryan	Heinz	Pryor
Bumpers	Helms	Reid
Burdick	Hollings	Riegle
Burns	Humphrey	Robb
Byrd	Inouye	Rockefeller
Chafee	Jeffords	Roth
Coats	Johnston	Rudman
Cochran	Kassebaum	Sanford
Cohen	Kasten	Sarbanes
Conrad	Kennedy	Sasser
Cranston	Kerrey	Shelby
D'Amato	Kerry	Simon
Danforth	Kohl	Simpson
Daschle	Lautenberg	Specter
DeConcini	Leahy	Stevens
Dixon	Levin	Symms
Dodd	Lieberman	Thurmond
Dole	Lott	Wallop
Domenici	Lugar	Warner
Durenberger	Mack	Wilson
Exon	McCaIn	Wirth
Ford	McClure	

NAYS—1

Hatfield

NOT VOTING—1

Matsunaga

So the amendment (No. 401) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

U.S. ARMY GUARD AND RESERVE

Mr. BOND. Mr. President, earlier this year the Brookings Institution released a study entitled "U.S. Army Guard and Reserve: Rhetoric, Realities, and Risks." The study addresses the growing role of the Army National Guard and Reserve in the total Army and the readiness and mobilization of Armed Forces.

Last month, Senator Ford and I, as cochairmen of the Senate National Guard Caucus asked Lt. Gen. Herbert Temple, Chief of the National Guard Bureau, to review the report and provide his comments on the report and its conclusions. In response to our request, General Temple has prepared an interesting and well-reasoned critique of the report. General Temple concludes that the report does not accurately reflect the Army National Guard's capability and readiness to achieve its reinforcing missions.

I believe all members of the Senate will benefit from General Temple's remarks. I, therefore, ask unanimous consent that his letter as well as the letter that Senator Ford and I sent to General Temple be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, June 12, 1989.

Lt. Gen. HERBERT R. TEMPLE, Jr.,
Chief, National Guard Bureau, Pentagon
Washington, DC.

DEAR GENERAL TEMPLE: Early in May 1989, the Brookings Institute released a study entitled, "U.S. Army Guard and Reserve: Rhetoric, Realities, and Risks," by Martin Binkin and William K. Kaufmann. Their study addresses the growing role of the Army National Guard and Army Reserve in the Total Army and the readiness and mobilization expectations for these forces.

In view of recent worldwide events, it seems prudent to conduct a review of the current threat, the balance of forces to meet that threat, and the Active, Guard and Reserve mix within the Armed Forces. The Senate National Guard Caucus is concerned about the long-term effectiveness and readiness of the Total Force and intends to review many sources of information.

The issues discussed in the Brookings Institute study specifically address the Army National Guard and are also relevant to the overall review we are supporting. Therefore, we would be pleased to have you provide the National Guard Caucus with your com-

ments on "U.S. Army Guard and Reserve: Rhetoric, Realities, and Risks."

Sincerely,

WENDELL H. FORD.
CHRISTOPHER S. BOND.

DEPARTMENTS OF THE ARMY AND THE
AIR FORCE, NATIONAL GUARD
BUREAU,

Washington, DC, June 23, 1989.

Senator WENDELL H. FORD and Senator
CHRISTOPHER S. BOND,
Russell Building, Washington, DC.

DEAR SENATORS FORD AND BOND: Thank you for the opportunity to express my personal opinion of the recent Brookings Institute report relative to the Army National Guard and the Army Reserve.

I have reviewed the Brookings Institute Report titled, "U.S. Army Guard and Reserve: Rhetoric, Realities, Risks." The report questions the reliability of the Army National Guard and the Army Reserve to accomplish their wartime reinforcing missions in accordance with current war plans. Although I am not qualified to comment about USAR capabilities, I can respond for the Army Guard. In any event, conclusions relative to the current readiness and capabilities of these two components of the Army must be dealt with separately given the difference in organization, structure, missions and achievements of the Guard and Reserve.

The authors would lead one to believe that future mobilization performance of the National Guard is a simple function of a vacuous extrapolation of events associated with past mobilizations.

Notably absent in the development of their thesis is a recognition of the major, substantive changes that have occurred in the Army National Guard in the past decade. The report fails to recognize the basic tenets of the Total Force Policy, the cause and effect of the CAPSTONE program, the changes in training intensity, diversity and results, increased resourcing (often Congressionally directed), constantly improving mobilization preparedness and exercise and continuous overseas deployment training.

Each year, the Army National Guard conducts over 900 unit level mobilization exercises to better prepare Guardsmen and their units for that eventually. In addition, national level mobilization exercises have been conducted to test the entire mobilization system. With the advent of the Total Force Policy, followed by the CAPSTONE program, the ability of the Army Guard to meet early deployment requirements has been significantly enhanced.

One must remember that previous mobilizations were executed before these two benchmark programs (Total Force and CAPSTONE). WWII Korea, Berlin and Vietnam mobilizations were not in an environment where security programs or war plans were predicated upon early commitment of reserve forces. Total Force Policy has focused more reliance upon reserve forces in the relatively early days of a conflict. Training, equipping and resourcing of the Guard is directed towards achieving these capabilities.

However, although Guard units are demonstrating their ability to meet rapid mobilization and deployment responsibilities, there remains one critical inhibitor to the entire mobilization process—that is automation of the Guard and reserve from unit level up through the Department of the Army, to insure rapid and effective response

to mobilization orders. The Reserve Components Automation System (RCAS) is being developed to resolve this failing. Prompt and effective fielding of RCAS is essential to successful future mobilizations.

Implied in the Brookings Report is the conclusion that reliance upon Guard and Reserve forces during the early days of a conflict is unrealistic—that these units are unable to achieve their wartime missions. It is important to note that the Army employs a time phased deployment plan to reinforce forward based Army elements. The Army has endeavored to support these plans through expanded resourcing on a first to fight, first to be equipped philosophy. Given limited resources, this is a logical application of assets to those that need them first.

We have closely managed early deploying units to be certain they meet readiness levels to permit them to achieve their respective missions. Also, through intensified management of resources, the National Guard Bureau, in concert with the States, has been able to raise the readiness levels of the entire Army National Guard to only few percentage points below that of the Regular Army—this is a major readiness achievement. This degree of combat readiness has been achieved through successful management of scarce resources and, in many instances, has raised our units to levels of combat readiness that can only be sustained with continued equipment modernization and training support to qualify and sustain personnel skills.

The Army National Guard has consistently demonstrated that it is capable of mobilizing, deploying, employing and sustaining in any part of the world. The record is clear. Our exercise performance in Europe, Korea, Central and South America and at the NTC speaks for itself. The evaluation by the regular forces indicate success and, in many cases, performance exceeding expectations and/or setting new records.

The reports I see and the observations of qualified Army officers who evaluate Guard units, side by side with active Army units in training and exercises, reinforces my conviction that Guard units, when adequately resourced, can achieve their wartime reinforcement missions. We should remember that our nation's wars have always been fought successfully by citizen soldiers, not praetorian Guards or elite units.

Our challenge today is to prepare Guard units to meet wartime standards during peacetime—to insure that Guard units can deploy to meet contingency missions with little or no additional training. I believe we are successful in achieving this goal in most instances—not totally, but well enough to have confidence that the modern Army National Guard is better prepared to meet its wartime missions than at any time in its history. Clearly, there are significant equipment shortages which would inhibit Guard effectiveness, but we inform Congress of these shortages and are working within Department of Defense and the Congress to alleviate critical shortages.

In addition to equipment shortages, in some locations and among certain units, the inability to achieve and maintain adequate strength levels has a detrimental effect on that unit's capability. Where strength requirements cannot be satisfied, the NGB is taking action to relocate force structure to locations that can fulfill strength objectives.

I have no criticism of the Army's resourcing of the Guard given limited resources. The Army has provided the Guard, in many instances, with the most modern combat

equipment to include Apache and Cobra helicopters, M-1 Tanks, Bradley Fighting Vehicles and state of the art communications because the Guard has demonstrated its ability to employ the equipment effectively.

Inasmuch as Guard units have deployed for training throughout the world in accordance with joint and combined tactical exercises, it is apparent that the ability to mobilize, move forces and equipment, deploy to overseas locations, often in remote environments and to sustain operations and maintain equipment in potential contingency areas and then successfully redeploy to home stations, is unequivocal evidence of the professionalism of the Army National Guard. Other than the United States Army's regular forces, I am unaware of any other military force in the world with comparable achievements.

In my opinion, the Brookings report does not accurately reflect the Army National Guard's capability and readiness to achieve its reinforcing missions. The conclusions are inconsistent with Army evaluations of the Army National Guard's capability and fail to acknowledge the demonstrated performance in training events and exercises judged by the same standards applied to regular forces.

Sincerely,

HERBERT R. TEMPLE, Jr.,
Lieutenant General, U.S. Army,
Chief, National Guard Bureau.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:01 a.m., a message from the House of Representatives, delivered by Mr. Goetz, one of its reading clerks, announced that the House has passed the following bills, and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2916. An act making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, com-

missions, corporations, and offices for the fiscal year ending September 30, 1990, for other purposes;

H.R. 2939. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes; and

H.J. Res. 363. Joint resolution to designate 1989 as "United States Customs Service 200th Anniversary Year".

The message also announced that the Speaker has appointed Mr. FEIGHAN; and Mr. Walter Hoffman, College Park, MD, and Mr. Jerome J. Shestack, Philadelphia, PA, from private life, to the U.S. Commission on Improving the Effectiveness of the United Nations.

The message further announced that the minority leader has appointed Mr. LEACH of Iowa; and Mr. Edwin J. Feulner, Jr., Alexandria, VA, and Mr. Charles M. Lichenstein, Washington, DC, from private life to serve as members of the U.S. Commission on Improving the Effectiveness of the United Nations.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 2916. An act making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1990, and for other purposes; to the Committee on Appropriations.

H.R. 2939. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the first and second time by unanimous consent and placed on the calendar:

H.J. Res. 363. Joint resolution to designate 1989 as "United States Customs Service 200th Anniversary Year".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents which were referred as indicated:

EC-1435. A communication from the Director of the Office of Management and Budget, transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated July 1, 1989; to the Committees on Appropriations and Budget jointly pursuant to the order of January 30, 1975 as amended by order of April 11, 1986.

EC-1436. A communication from the Deputy General Counsel of the Department of Defense, transmitting a draft of proposed

legislation to amend chapter 157 of title 10, United States Code, to authorize Government transportation for certain members of the uniformed services and Federal civilian employees, and the dependents of such members and employees, in areas outside the United States where public or private transportation is unsafe or not available; to the Committee on Armed Services.

EC-1437. A communication from the Deputy General Counsel of the Department of Defense, transmitting a draft of proposed legislation to provide greater flexibility in military officer personnel management during officer force reductions; to the Committee on Armed Services.

EC-1438. A communication from the Deputy Assistant Secretary of Defense, transmitting pursuant to law, a report on the actuarial status of the military retirement system for fiscal year 1988; to the Committee on Armed Services.

EC-1439. A communication from the Deputy Assistant Secretary of Defense (Resource Management & Support), transmitting, pursuant to law, a report concerning the advisability of permanent law permitting the payment of a Defense Attaché death gratuity to the survivors of a member who, while on active duty assigned to a Defense Attaché office outside the United States, dies as a result of hostile or terrorist activities; to the Committee on Armed Services.

EC-1440. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on the employment of strategic air defense assets along the northern border of the United States through fiscal year 1991; to the Committee on Armed Services.

EC-1441. A communication from the Secretary of Defense, transmitting, pursuant to law, certification with respect to the TACIT RAINBOW Program; to the Committee on Armed Services.

EC-1442. A communication from the Director of the Federal Home Loan Bank Board, transmitting, pursuant to law, the annual report on efforts to prevent unfair and deceptive trade practices in the thrift industry; to the Committee on Banking, Housing, and Urban Affairs.

EC-1443. A communication from the Acting President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, notification of a delay of the submission of the report on interagency cooperation; to the Committee on Banking, Housing, and Urban Affairs.

EC-1444. A communication from the Acting President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on the operations of the Bank for fiscal year 1988; to the Committee on Banking, Housing, and Urban Affairs.

EC-1445. A communication from the Acting President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a statement with respect to U.S. exports to Columbia; to the Committee on Banking, Housing, and Urban Affairs.

EC-1446. A communication from the Secretary of Commerce, transmitting pursuant to law, the first report on the extent to which federal agencies are using the authorities vested in them by the Federal Technology Transfer Act of 1986; to the Committee on Commerce, Science, and Transportation.

EC-1447. A communication from the Secretary of Transportation, transmitting a

draft of proposed legislation to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1990 and 1991, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-1448. A communication from the Acting Director of the Office of Science and Technology Policy, transmitting pursuant to law, a report entitled "Science and Technology Report 1985-1988"; to the Committee on Commerce, Science, and Transportation.

EC-1449. A communication from the Commandant of the U.S. Coast Guard, transmitting pursuant to law, a list of activities to be reviewed by the Coast Guard for fiscal years 1989 and 1990; to the Committee on Commerce, Science, and Transportation.

EC-1450. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Services, Department of the Interior, transmitting pursuant to law, a report on the refund of certain overpayments of offshore lease revenues, to the Committee on Energy and Natural Resources.

EC-1451. A communication from the Secretary of Energy, transmitting pursuant to law, the annual update to the Comprehensive Ocean Thermal Technology Application and Market Development Plan; to the Committee on Energy and Natural Resources.

EC-1452. A communication from the Secretary of Energy, transmitting pursuant to law, the Seventh Annual Revision of the Comprehensive Program Management Plan for the Federal Ocean Thermal Energy Conservation Program; to the Committee on Energy and Natural Resources.

EC-1453. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1454. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to amend section 5131 of title 31, United States Code, to eliminate the General Services Administration's statutory responsibilities concerning the repair and improvement of the United States Mint at Philadelphia; to the Committee on Environment and Public Works.

EC-1455. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a review of the Poplar Brook, New Jersey, flood control improvement plan; to the Committee on Environment and Public Works.

EC-1456. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a review of the Kanawha River, Charleston, West Virginia, steambank erosion protection plan; to the Committee on Environment and Public Works.

EC-1457. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report on demonstration programs designed to minimize the danger of flooding due to ice problems; to the Committee on Environment and Public Works.

EC-1458. A communication from the Acting Assistant Secretary of the Army, Manpower and Reserve Affairs, transmitting a draft of proposed legislation to amend title 4, United States Code, to limit the authority of a State to tax residents of

another State on income derived from Federal employment performed on a Federal area located within the borders of two contiguous States; to the Committee on Finance.

EC-1459. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the first annual report on the financial status of the railroad unemployment insurance system; to the Committee on Finance.

EC-1460. A communication from the Chairman of the Board of Foreign Scholarships, transmitting, pursuant to law, the 25th annual report on the Fulbright Program; to the Committee on Foreign Relations.

EC-1461. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting a draft of proposed legislation to authorize appropriations for the Department of State to carry out certain of its authorities and responsibilities in the conduct of foreign affairs; to the Committee on Governmental Affairs.

EC-1462. A communication from the Vice President, Public Affairs, of the Farm Credit Bank of Texas, transmitting, pursuant to law, the annual report for the subject pension plan for the year ending December 31, 1988; to the Committee on Governmental Affairs.

EC-1463. A communication from the Assistant Secretary, Legislative Affairs, U.S. Department of State, transmitting a draft of proposed legislation to establish, subject to the necessary negotiations and contractual arrangements between the Department of State and the U.S. Post Office, a State Post Office (SPO) system for certain posts overseas not now covered by the APO and FPO system; to the Committee on Governmental Affairs.

EC-1464. A communication from the Director of Civilian Personnel, Department of Defense, transmitting, pursuant to law, the 1987 pension report for the Uniformed Services University of the Health Sciences; to the Committee on Governmental Affairs.

EC-1465. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, a report summarizing and analyzing executive agencies' reports showing the amount of personal property furnished to non-Federal recipients; to the Committee on Governmental Affairs.

EC-1466. A communication from the Acting Administrator of the General Services Administration, transmitting pursuant to law, notice of a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1467. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the financial position and results of operations of the Student Loan Marketing Association (Sallie Mae); to the Committee on Labor and Human Resources.

EC-1468. A communication from the Secretary of Education, transmitting, pursuant to law, a document entitled "Final Regulations—Chapter 1 Program for Neglected or Delinquent Children"; to the Committee on Labor and Human Resources.

EC-1469. A communication from the Chief of Insurance and Employee Benefits, Department of the Air Force, transmitting, pursuant to law, the annual report on the Air Force Nonappropriated Fund (AFNAF) Retirement Plan for Civilian Employees; to the Committee on Governmental Affairs.

EC-1470. A communication from the Secretary of Education, transmitting, pursuant to law, a document entitled "Final Regulations—Assistance for Local Educational Agencies in Areas Affected by Federal Activities and Arrangements for Education of Children Where Local Educational Agencies Cannot Provide Suitable Free Public Education (Impact Aid)"; to the Committee on Labor and Human Resources.

EC-1471. A communication from the Secretary of Education, transmitting, pursuant to law, a report on the Department's progress in implementing Section 122-3 of Title 20, U.S. Code; to the Committee on Labor and Human Resources.

EC-1472. A communication from the Secretary of Veterans Administration, transmitting a draft of proposed legislation to provide for the realignment or major mission change of certain medical facilities of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

EC-1473. A communication from the Secretary of Defense, transmitting, pursuant to law, the Sixth Quadrennial Review of Military Compensation; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Appropriations, with amendments:

H.R. 2696. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1990 (Rept. No. 101-83).

By Mr. BURDICK, from the Committee on Appropriations, with amendments:

H.R. 2883. A bill making appropriations for Rural Development, Agriculture, and Related Agencies programs for the fiscal year ending September 30, 1990, and for other purposes (Rept. No. 101-84).

By Mr. BYRD, from the Committee on Appropriations, with amendments:

H.R. 2788. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1990, and for other purposes (Rept. No. 101-85).

By Mr. CRANSTON, from the Committee on Veterans' Affairs, with amendment in the nature of a substitute:

S. 1243. A bill to amend title 38, United States Code, to establish a retirement and survivor benefit program for judges of the New U.S. Court of Veterans Appeals, and for other purposes (Rept. No. 101-86).

By Mr. BENTSEN, from the Committee on Finance, with amendment in the nature of a substitute:

H.J. Res. 280. Joint resolution increasing the statutory limit on the public debt.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BENTSEN, from the Committee on Finance:

Thomas J. Dusterberg, of Indiana, to be an Assistant Secretary of Commerce;

Wade F. Horn, of Maryland, to be Chief of the Children's Bureau, Department of Health and Human Services;

Gwendolyn S. King, of the District of Columbia, to be Commissioner of Social Security;

Linda M. Combs, of Maryland, to be an Assistant Secretary of the Treasury.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. PELL, from the Committee on Foreign Relations:

Melvin F. Sembler, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nauru.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Melvin F. Sembler.

Post: Ambassador, Australia.

Nominated: February 8, 1989.

Contributions, amount, date, and donee:

1. Self, none, 1985; \$250, 1986, Bill Young campaign; \$250, 1986, Bob Graham campaign; \$1,000, 1986, Mike Bilirakis campaign; \$750, 1986, George Bush exploratory fund; \$1,000, 1986, NATPAC; \$1,000, 1987, Mike Bilirakis for Congress; \$5,000, 1987, the fund for America's future; \$1,000, 1988, Mike Bilirakis for Congress; \$1,000, 1988, Connie Mack for Senate campaign; 1988, \$5,000 check payable to Florida Presidential tribute allocated as friends of Connie Mack, \$1,000; Republican Party of Florida, State account, \$4,000; \$10,000, 1988, Republican President trust; \$5,000, 1988, Florida Victory Committee; none, 1989.

2. Spouse, Betty M. Sembler, none, 1985; \$750, 1986, George Bush exploratory fund; \$1,000, 1986, Mike Bilirakis for Congress; \$50, 1986, Republican Party of Florida; \$250, 1987, George Bush for President; \$750, 1987, George Bush Exploratory Fund; \$5,000, 1988, Victory 88; \$1,000, 1988, Mike Bilirakis for Congress; \$1,000, 1988, friends of Connie Mack; \$1,000, 1988, friends of Connie Mack; none, 1989.

3. Sons and spouses, Gregory Sembler, \$1,000, 1987, George Bush for President. Liz Sembler, \$1,000, 1987, George Bush for President; \$500, 1988, friends of Connie Mack. Brent Sembler, \$1,000, 1987, George Bush for President; \$500, 1987, Connie Mack for Senate. Steve Sembler, \$1,000, 1986, Mike Bilirakis for Congress; \$1,000, 1987, George Bush for President. Diane Sembler, none, 1985; none, 1986; \$1,000, 1987, George Bush for President; none, 1988; none, 1989.

4. Parents, Fanny Magoon Sembler, Benjamin Sembler, none.

5. Grandparents, deceased.

6. Brothers and spouses, deceased.

7. Sisters and spouses, Norma Lee and Herschel Rich, none; Dolores and Sidney Krakower, none.

Della M. Newman, of Washington, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Western Samoa.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar

year of the nomination and ending on the date of the nomination.)

Nominee: Della M. Newman.

Post: C.O.M., Wellington, N.Z.

Contributions, amount, date, and donee:

1. Self, \$20, 1988, Cong. John Miller.
2. Spouse (both), \$2,000, 1985, Sen. Slade Gorton.

3. Children and spouses, Gretchen and Steve Courtney, none. Ted Newman, none; (Note:—Wells McCurdy, (Spouse) has billed the Bush for President Campaign for expenses August 20, 1988 thru October 31, 1988 in the amount of \$865.14. The bill has not yet been paid, and may be considered as "in-kind" contribution.)

4. Parents, Norma A. Hawkins, Father deceased.

5. Grandparents, deceased.

6. Brothers and spouses, none.

7. Sisters and spouses, Arlene and Gerry Oppliger, none.

Keith Lapham Brown, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark, to which position he was appointed during the recess of the Senate from October 22, 1988, to January 3, 1989.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Keith Lapham Brown.

Post: U.S. Ambassador—Denmark.

Nominated: May 31, 1989.

Contributions, amount, date, and donee:

1. Self:

1984

\$15, Colorado Republicans; \$250, Victory '84; \$10,000, Republican Eagles; \$100, Colorado Republicans for Choice; \$15, Reagan-Bush '84; \$2,000 (primary and general), Armstrong for Senate; \$1,000, Mike Norton for Congress; \$200, Mary Downs for Congress; \$200, Mike Strang for Congress; \$100, Paul Powers for Senate; \$1,000, Republican Majority Fund.

1985

\$1,000, Colorado Elephant Club; \$2,000, Fund for America's Future; \$10,000, Republican Eagles; \$15, Colorado Elephant Club; \$200, Dole for Senate Committee; \$1,000, Mike Norton for Congress; \$100, Martha Ezzerd for Senate; \$2,897, Colorado Republicans; \$1,000, Mike Strang for Congress; \$200, Citizens to Re-Elect Pat Grant.

1986

\$10,000, Republican Eagles; \$500, Loeffler For Governor; \$500, Strang For Congress; \$100, Mike Norton for Congress; \$100, Hank Brown for Congress; \$200, Schaeffer for Congress; \$300, Hal Krause for Congress; \$250, Tony Hope for Congress; \$20, Colorado Republicans; \$10, Colorado Republicans; \$1,000, Congressman Ken Kramer; and \$1,000, Congressman Ken Kramer.

1987

\$25, R.N.C., Heitman fund; \$1,000, Colorado Elephant Club; and \$300, Don Bain—Mayor.

1988

\$200, Colorado Republicans; \$200, Martha Kreutz; \$200, William Griffith Senate; \$500, Schaeffer for Congress; \$200, Pat Grant; \$5,000, Colorado Republican Federal Campaign; \$1,000, Colorado Republicans; \$1,110, Republican Eagles.

1989

\$1,000, R.N.C., 4 tickets—Susan; \$500, W.A. Forbes, reimburse tickets.

Note.—The above amounts were for Inaugural tickets used by daughter, Susan. There have been no contributions for the month of June.

2. Spouse, none.

3. Children and spouses: Susan and Randall Milhoan, none; Linda L. Brown, none; Benjamin L. Brown, none.

4. Parents, deceased.

5. Grandparents, deceased.

6. Brothers and spouses, James B. and Lois B. Brown, none.

7. Sisters and spouses, Jean Brown Stabler, none.

Shirley Temple Black, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czechoslovak Socialist Republic.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Hon. Shirley Temple Black.

Post: Chief of Mission, U.S. Embassy (Prague).

Contributions, amount, date, and donee:

1. Self, \$8,261, 1985-89, Republican Party, National and California, George Bush for President, Fund for America Future.

2. Spouse, \$2,000, 1985-89, Fund for America Future, Campbell for Congress.

3. Children and spouses, Susan Palaschi, none. Charles A. Black, Jr., none. Lori Alden Black, none.

4. Parents, George and Gertrude Temple, deceased.

5. Grandparents, Otto and Maude Cregier, deceased. Francis and Amelia Temple, deceased.

6. Brothers and spouses, John S. Temple, deceased. Miriam Temple, none. George and Grace Temple, none.

7. Sisters and spouses, none.

William H. Taft IV, of Virginia, to be the U.S. permanent representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: William H. Taft IV.

Post: Permanent representative to NATO.

Contributions, amount, date, and donee:

1. Self, \$450, 1988, George Bush.

2. Spouse, Julia V. Taft, none.

3. Children and spouses, Maria C. Taft, none. William H. Taft V, none. Julia H. Taft, none.

4. Parents, William H. Taft III, \$50, 1988, George Bush. Barbara B. Taft, none.

5. Grandparents, not available.

6. Brothers and spouses, John T. Taft, \$50, 1988, George Bush.

7. Sisters and spouses, Maria T. Clemon, none. John Clemon, none. Martha T. Golden, none. Michael Golden, none.

Thomas Patrick Melady, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Thomas Patrick Melady.

Post: Holy See.

Contributions, amount, date, and donee:

1. Self, \$100, 1985, Republican Heritage Council; \$200, 1985, Republican Heritage Council; \$175, 1987, Connecticut Republicans; \$25, 1985, Republican Forum; \$50, 1988, Christopher Shays; \$300, 1988, Connecticut Republicans; \$50, 1988, Senator Weicker; \$100, 1988, Senator Weicker; \$50, 1988, Fairfield Republican Committee.

2. Spouse, Margaret B. Melady, \$15, 1985, Republican Heritage Council; \$100, 1985, Connecticut Republicans; \$40, 1986, Fairfield Republicans; \$20, 1986, Republican Town Committee; \$1,000, 1987, George Bush for President.

3. Children and spouses, Christina B. Melady, none. Monica B. Melady, none.

4. Parents, Rose M. Melady, none. Thomas P. Melady, deceased.

5. Grandparents, Philip and Margaret Melady, deceased, Adelard and Maria Belisle, deceased.

6. Brothers and spouses, Mark and Barbara Melady, none.

7. Sisters and spouses, Margaret Melady O'Brien and William O'Brien, none. Patricia Melady Alt and William Alt, none.

Joseph Bernard Gildenhorn, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Switzerland.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Joseph Bernard Gildenhorn.

Post: Ambassador to Switzerland.

Contributions, amount, date, and donee:

1. Self, 1984: \$10,000, Republican National Committee; \$500, People for Boschwitz; \$500, Cohen for Senator; \$250, People for Pete Domenici; \$500, Stevens for Senate; \$500, The Jim Hunt Committee; \$300, Arlen Specter for U.S. Senate; \$1,000, Friends of John Warner; \$500, Victory '84 (Reagan/Bush); \$500, Citizens for Percy; \$125, Mike Barnes for Congress. 1985: \$10,000, Republican Eagles; \$1,000, Bobbi Fiedler Campaign; \$1,000, Kasten for Senate; \$2,500, Fund for America's Future; \$1,000, Senate Victory '86; \$500, Mike Barnes for Senate; \$500, Friends of Tom McMillen; \$500, Siljander for Congress. 1986: \$250, Kramer '86; \$10,000, Republican Eagles; \$1,000, Friends of Connie Morella; \$500, Barnes for Senate; \$1,000, Linda Chavez for Senate; \$494.97, Arlen Specter for U.S. Senate; \$1,000, Senator Paula Hawkins; \$125, Kramer '86; \$1,500, The President's Dinner; \$1,000, Herschensohn for U.S. Senate; \$100, Vandenberge for Congress; \$5,000, Fund for America's Future; \$1,000, Linda Chavez for Senate; \$750, George Bush for President; \$500, Kramer '86; \$250, Friends of Paul Trible; \$500, Friends of Connie Morella. 1987: \$10,000, Republican National Committee; \$250, George Bush for President; \$3,000, The President's Dinner; \$1,000, Senate Victory '88; \$1,000, Milder for Congress; \$10,000, Republican Eagles. 1988: \$100, Davis for Congress; \$50, Friends for Paul Trible; \$100, Republican Party Builders; \$500, Hatch for Senate; \$1,000, Wallop Senate Drive; \$1,000, Pete Dawkins for U.S. Senate; \$1,000, Maryland Association for Concerned Citizens PAC; \$100,000, Republican National State Elections Committee; \$100, Alan Keyes for Senate; \$500, Conrad Burns for U.S. Senate. 1989: \$10,000, Republican Eagles; and \$1,000, People for Boschwitz.

2. Spouse, Alma Lee Gildenhorn, \$250, 1984, People for Pete Domenici; \$2,500, 1985, Fund for America's Future; \$1,000, 1985, Senate Victory '86; \$1,000, 1985, Bobbi Fiedler Campaign Committee; \$250, 1986, Ken Kramer '86; \$1,000, 1986, Linda Chavez for Senate; \$125, 1986, Ken Kramer '86; \$750, 1986, George Bush for President; \$250, 1987, George Bush for President; \$1,000, 1988, Republican Senate Victory '88; \$10,000, 1988, Presidential Trust; \$1,000, 1988, Durenberger '88 Re-Election Committee; and \$1,000, 1988, Pete Dawkins for U.S. Senate.

3. Children and spouses, Carolyn A. and Michael E. Winer, \$1,000, 1985, Senate Victory '86; \$1,000, 1988, George Bush for President, Catherine Z. and Michael S. Gildenhorn, \$1,000, 1985, Senate Victory '86; \$500, 1985, Barnes for Senate; \$200, 1987, Milder for Congress; \$100, 1987, Bush '88; \$250, 1988, Phil Davis for Congress; \$1,000, 1988, George Bush for President; \$1,000, 1988, Pete Dawkins for U.S. Senate.

4. Parents, Cella Gildenhorn, deceased, Oscar Gildenhorn, \$500, 1984, People for Boschwitz; \$500, 1984, Cohen for Senator; \$500, 1984, People for Pete Domenici; \$500, 1984, Stevens for Senate; \$1,000, 1985, Senate Victory '86; \$1,000, 1986, Vice President Bush Exploratory Account; \$750, 1986, George Bush for President; \$1,000, 1987, Senate Victory '88.

5. Grandparents, deceased.

6. Brothers and spouses, none.

7. Sisters and spouses, Blanche Speisman, none; Howard Speisman, deceased.

¹ A contribution of \$500 was initially made; \$250 was subsequently refunded.

² This contribution was subsequently refunded.

³ This contribution was not subject to the Federal Election Campaign Act.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. REID:

S. 1393. A bill to direct the Secretary of Defense to give priority to the Federal Bureau of Prisons in transferring any surplus real property or facility that is being closed or realigned; to the Committee on Armed Services.

By Mr. MOYNIHAN:

S. 1394. A bill to provide permanent duty-free treatment for corned beef in airtight containers; to the Committee on Finance.

S. 1395. A bill to suspend temporarily the duty on (6R-(6a,7B(Z)))-(2-Amino-4-thiazolyl((carboxymethoxy) imino) acetyl) amino-3-ethenyl-8-oxo-5-thia-1-azabicyclo(4.2.0)-(2-ene-2-carboxylic acid; to the Committee on Finance.

S. 1396. A bill to suspend temporarily the duty on N-(4-((2-Amino-5-formyl-1,4,5,6,7,8-hexahydro-4-oxo-6-pteridinyl) methyl)amino)-benzoyl)-L-glutamic acid; to the Committee on Finance.

S. 1397. A bill relating to the tariff treatment of woven fabrics of carded fine animal hair, of woven fabrics of combed wool or combed fine animal hair, and of certain gauzes; to the Committee on Finance.

By Mr. CRANSTON (for himself and Mr. MURKOWSKI) (by request):

S. 1398. A bill to provide for the realignment or major mission change of certain medical facilities of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. SARBANES:

S. 1399. A bill to improve forest management in urban areas and other communities, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KASTEN (for himself, Mr. INOUE, Mr. DANFORTH, Mr. ROCKEFELLER, Mr. MCCAIN, Mr. EXON, Mr. PRESSLER, Mr. RIEGLE, Mr. GORTON, Mr. SANFORD, Mr. BURNS, Mr. LOTT, Mrs. KASSEBAUM, Mr. CHAFEE, Mr. COATS, Mr. LUGAR, Mr. HELMS, Mr. BOSCHWITZ, and Mr. BOND):

S. 1400. A bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOSCHWITZ:

S. 1401. A bill to reduce the number of reports which the Department of Defense is required to submit to the Congress; to the Committee on Armed Services.

By Mr. BAUCUS:

S. 1402. A bill to amend the Older Americans Act of 1965 to ensure area agencies receive adequate funding, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. STEVENS (by request):

S. 1403. A bill to increase the annual salaries of executive personnel, and for other purposes; to the Committee on Governmental Affairs.

By Mrs. KASSEBAUM:

S. 1404. A bill to name the Department of Veterans Affairs Medical Center in Leavenworth, Kansas, as the "Dwight D. Eisenhower Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

By Mrs. KASSEBAUM (for herself and Mr. PELL):

S. 1405. A bill to ensure the eligibility of displaced homemakers and single parents for Federal assistance for first-time homebuyers; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HARKIN (for himself, Mr. GRASSLEY, Mr. CHAFEE, and Mr. DURENBERGER):

S. Res. 157. Resolution commending the citizens of Sioux City and Woodbury County, Iowa for their assistance and extraordinary response to the crash of United flight 232 on July 19, 1989; considered and agreed to.

By Mr. MCCAIN (for himself, Mr. EXON, Mr. HUMPHREY, Mr. REID, Mrs. KASSEBAUM, Mr. SYMMS, Mr. DASCHLE, Mr. CONRAD, Mr. GORTON, Mr. KERRY, Mr. HARKIN, Mr. BRYAN, Mr. LUGAR, Mr. FOWLER, Mr. STEVENS, Mr. KOHL, Mr. MATSUNAGA, Mr. BREAUX, Mr. HEINZ, and Mr. COATS):

S. Con. Res. 56. Concurrent resolution relating to the establishment of new comprehensive national aviation policy for the United States; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 1393. A bill to direct the Secretary of Defense to give priority to the Federal Bureau of Prisons in transferring any surplus real property or facility that is being closed or realigned; to the Committee on Armed Services.

DRUG PRISON ACT

Mr. REID. Mr. President, the drug problem in our country has evolved into an epidemic—a dangerous, deadly infiltrating problem that is going into each of our communities, our workplaces, and our schools.

In an effort to stem the tide of drugs, we have engaged in a war—we have stepped up law enforcement activities, and taken a more aggressive approach to arresting and prosecuting drug offenders.

The courts judge these offenders to be guilty. But then something terrible, even sad, happens. The convicted criminals are released because there is no room for them in our prisons. Because our prisons are bursting at the seams—overpopulated beyond any acceptable standards—we often have no choice but to penalize these drug offenders with only a criminal record and a fine, and send them on their way—back to the streets—back to peddling drugs.

That is not much of a deterrent, Mr. President. All the sweat, risk, and work that goes into these investigations to uncover these drug operations and apprehend the offenders is worthless if we cannot punish those convicted of drug crimes. Today, Mr. President, I am introducing the Drug Prison Act, a bill that will help alleviate the overcrowded conditions in our Federal prisons and ensure that drug offenders receive swift and just punishment for their crimes.

My bill amends the Base Closure and Realignment Act, which is now public law. My bill gives the Federal Bureau of Prisons priority for the transfer of military installations and facilities, before these bases are disposed of as surplus property.

This action will afford the Federal Bureau of Prisons an opportunity to convert closed military bases to drug detention facilities.

We need these facilities to fulfill our mandate to bring drug offenders to justice. By establishing these properties as prisons we will send a message to the drug dealers of this country.

They will know that there is now room "at the inn." They will no longer escape deserved penalties because the sign at the Federal prison flashed a message reading: "No Vacancy."

There will be no more opportunities to mock the system—no more opportunities to buck the system. No more opportunities, Mr. President, to spread

the scourge of drugs among the American people.

The need for additional prison space is tremendous. Since January 1981, the Federal inmate population has grown by over 20,000.

The small number of beds added during this period can, in no way, accommodate the increased number of inmates. Most of these new offenders are convicted of drug-related crimes. Current Bureau of Prisons statistics indicate that 44 percent of inmates in the prison system are drug offenders.

If we continue to be vigilant in our war on drugs, then we will inevitably see an increase in the prison population. And this, Mr. President, is the way it should be.

The latest projections by the Department of Justice indicate that by 1995, the Bureau of Prisons will house 94,000 inmates—65,000 of whom will be sentenced for drug crimes.

My legislation will help provide a place for these criminals to be incarcerated—a place for discipline as well as treatment, with the hope that those who complete their prison term can re-enter society as productive citizens.

Local and State governments are sending us impassioned pleas for help. Last month, the U.S. Council of Mayors resolution committee unanimously approved a measure urging Congress to convert closed military bases into prisons for drug offenders.

Governors are echoing these same sentiments.

The idea is not a new one. Back in 1981, the Attorney General's Task Force on Violent Crime recommended that States and localities be allowed to use abandoned military bases for prisons.

My bill refines this recommendation to focus on prisons for drug offenders. A lot has changed since 1981, Mr. President. And it has not all been for the better.

The changes call for an all-out war on drugs—a war which we have just begun to fight.

When we engage in battle, we seek to direct our efforts and resources in the most effective, efficient manner possible.

In these times of Federal deficits, that does not mean throwing more money at the problem.

Money would certainly help, but it is hard to come by. And there are other viable solutions—solutions that are economical.

I harbor a tremendous frustration, as do many others Senators, at the fact that the Omnibus Anti-Drug Act we passed in 1986 has never been funded. We prided ourselves for the great strides forward we made with that legislation. But our work is futile without the funds to implement the law.

My bill says, take the resources we already have—the military installa-

tions that will be closed—and engage those resources in our effort to combat drugs.

We can no longer tolerate the last resort approach—the approach that leads us to reprimand and fine criminals, while releasing them into freedom.

Their freedom, Mr. President, is our imprisonment.

As long as these convicted drug offenders are free to roam the streets, we must retreat into the safety of our homes and virtually imprison ourselves from those who could inflict harm on us.

That harm might come about through the evil influence of the wares they peddle, or because we are innocent bystanders caught in the crossfire of a battle over turf or money.

The people of this country cower behind invisible bars—bars that they must erect to keep out the drug offenders that dwell among us. Something is dreadfully wrong with this reality, Mr. President.

I urge my colleagues to help restore the freedom and health of our communities by supporting my legislation to give the Federal Bureau of Prisons priority in the use of closed military installations.

I am aware that some residents who live near these military bases are fearful of the consequences of a prison near their homes.

They rally behind the call for more prisons, as long as those facilities are not in their backyard.

I say to these people that, if the drug offenders are not put in prison, they will indeed be in the backyards—in the schoolyards—and even blatantly outside the front yards—dealing death and addiction to all who come their way—or stand in their way.

I ask unanimous consent that the text of my bill be printed in the RECORD following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1393

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 204(b)(3) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) is amended to read as follows:

“(3)(A) Before any action is taken with respect to the disposal or transfer of any real property or facility located at a military installation to be closed or realigned under this title—

“(i) the Secretary shall notify all departments and other instrumentalities (including nonappropriated fund instrumentalities) within the Department of Defense of the availability of such property or facility, or portion thereof, and may transfer such property, facility, or portion, without reimbursement, to any such department or instrumentality; and

“(ii) after adequate notification under clause (i), the Secretary shall—

“(I) notify the Attorney General of the availability of such property or facility, or portion thereof; and

“(II) if the Attorney General certifies that such property will be used primarily in the incarceration of prisoners convicted of controlled substances offenses and that such property is essential to the Bureau of Prisons program objectives, transfer such property, facility, or portion to the Bureau of Prisons.

“(B) In carrying out subparagraph (A)(i), the Secretary shall give a priority, and shall transfer, to any such department or other instrumentality that agrees to pay fair market value for the property or facility, or portion thereof. For purposes of subparagraph (A)(i), fair market value shall be determined on the basis of the use of the property or facility on December 31, 1988.

“(C) This paragraph shall take precedence over any other provision of this title or other provision of law with respect to the disposal or transfer of real property or facility located at a military installation to be closed or realigned under this title.”

By Mr. CRANSTON (for himself and Mr. MURKOWSKI) (by request):

S. 1398. A bill to provide for the realignment or major mission change of certain medical facilities of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE QUALITY ASSISTANCE AND COST EFFECTIVENESS ACT OF 1989

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced on behalf of myself and the committee's ranking minority member, Mr. MURKOWSKI, by request, S. 1398, the proposed Department of Veterans Affairs Health Care Quality Assistance and Cost Effectiveness Act of 1989. The Secretary of Veterans Affairs submitted this legislation by letter dated July 14, 1989, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation. I plan to work with the administration in developing acceptable legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the July 14, 1989, transmittal letter and the accompanying analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1398

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Veterans Affairs Health Care Quality Assistance and Cost Effectiveness Act of 1989."

SEC. 2. The Congress finds that—

(a) The Department of Veterans Affairs (VA) now provides quality health care to eligible veterans in 172 medical centers, 119 nursing homes, 233 outpatient clinics, 27 domiciliaries, and 194 readjustment counseling centers throughout the United States, its territories and possessions.

(b) In the period since the establishment of most VA facilities, there has been a significant shift in the population of veterans within the United States. The population, especially older veterans, has moved south. VA medical centers, many of which were built after World War II, are maldistributed for today's eligible population. The total veteran population is projected to continue to decline, while the percentage of veterans who are elderly will significantly increase.

(c) Also, within this period, there have been major advances in medicine, which have reduced the prevalence of diseases and revolutionized the treatment of disorders for which certain VA medical centers had originally been established. At the same time, new or previously unknown health-care problems and diseases, which require specialized treatment facilities, have emerged since the end of the Second World War. The practice of medicine has changed from hospital-based care to a continuum which incorporates ambulatory as well as inpatient and extended care and community-based outreach care.

(d) There has not been a thorough review in at least 25 years to determine the most optimal and efficient distribution of health-care resources to veterans.

(e) Quality of care is the benchmark of a successful, acceptable health care system. The definition of quality of care encompasses the environment, materials, clinical processes and available clinicians and practitioners. A major review and evaluation of all VA health-care facilities, which would include consideration of realignments or facility mission changes, are needed to assure that the Veterans Health Services and Research Administration (VHS&RA) can continue to provide quality care effectively and efficiently while meeting its goal of affording eligible veterans equitable access to that care.

(f) The cooperation and collaboration between the health-care systems of the Departments of Defense and Veterans Affairs pursuant to recent legislation has resulted in numerous "sharing agreements" allowing resources to be utilized more fully.

(g) A review, evaluation, and development of recommendations for needed changes in the VHS&RA can best be conducted by an independent, bipartisan, broadbased commission, composed of leading citizens, particularly those with health-care leadership and expertise.

SEC. 3. IN GENERAL.—(a) The Secretary of Veterans Affairs is authorized to—

(1) realign all medical facilities recommended for realignment by the Commission provided for in section 5 in its report to the Secretary of Veterans Affairs.

(2) change the major mission of all medical facilities as recommended for such change by the Commission in such report; and

(3) initiate all these realignments and major mission changes no later than two years after receipt of the Commission's report to the Secretary, and complete all realignments and major mission changes no later than six years after receipt of the report.

(b) It is the sense of the Congress that under no circumstances shall the Secretary of Veterans Affairs revise the recommendations of the Commission.

SEC. 4. CONDITIONS.—(a) IN GENERAL.—The Secretary may not carry out the realignment and major mission change of any medical facility under this Act unless the Secretary transmits to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the report referred to in section 3 and a report containing a statement that the Secretary has approved, and the Department of Veterans Affairs will implement, the medical facility realignments and major mission changes recommended by the Commission in its report.

(b) JOINT RESOLUTION.—The Secretary of Veterans Affairs may not carry out any realignments or major mission changes under this Act if, within four months of the transmittal of the report by the Secretary to the Committees on Veterans' Affairs of the Senate and House of Representatives, a joint resolution is enacted in accordance with the provisions of section 10, disapproving all the recommendations of the Commission. The joint resolution shall only provide for disapproval of all recommendations and may not delete or amend any recommendation for realigning or changing the major mission of any medical facility. The days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of the four-month period.

(c) TERMINATION OF AUTHORITY.—The authority of the Secretary of Veterans Affairs to carry out any realignment or major mission change under this section shall terminate six years after the date of the receipt of the report referred to in section 3.

SEC. 5. THE COMMISSION ON REALIGNMENT AND MAJOR MISSION CHANGE.—(a) MEMBERSHIP.—The Commission shall consist of not less than 9 and not more than 15 members selected by the Secretary of Veterans Affairs.

(1) Recommendations may be offered for selection of members of the Commission as follows:

(A) one member recommended by the Chairman, and one member recommended by the Ranking Minority member, Committee on Veterans' Affairs, United States House of Representatives;

(B) one member recommended by the Chairman, and one member recommended by the Ranking Minority member, Committee on Veterans' Affairs, United States Senate;

(C) one member recommended by the Association of American Medical Colleges, after consultation with the Chief Medical Director of the VHS&RA; and

(D) two members recommended by veterans' service organizations chartered under title 38, United States Code.

(2) The Chief Medical Director may also recommend members, including—

(A) one member who is a member of the Special Medical Advisory Group established pursuant to authority in section 4112(a) of title 38, United States Code;

(B) one member who is knowledgeable of any familiar with the health-care system of

the Department of Defense and the sharing of health-care resources between the Departments of Defense and Veterans Affairs;

(C) two members with broad experience in government or private enterprise; and

(D) persons representing clinical care, medical research and educational activities affected by the Veterans Health Services and Research Administration or persons with experience in the management of health services and research programs, or health-care economics or policy.

(3) The Secretary of Veterans Affairs shall designate, after consultation with the Chief Medical Director, a Chairman and Vice-Chairman from among the members of the Commission.

(b) DUTIES.—The Commission shall—

(1) review each medical facility of the Department of Veterans Affairs on its ability to meet the health-care needs of, and provide quality care to, eligible veterans currently residing in the area served by the facility and eligible veterans who will be residing in that area according to demographic projections;

(2) include the following factors in developing the criteria to be used in conducting its review: the population and health-care needs of eligible veterans in the area served by the facility who are likely to use VA facilities with particular emphasis on the needs of those veterans whose care VA is obligated by law to provide, specialized health-care services provided, the facility's workload, alternative sources of health care for veterans in the area served, the impact of the medical facility on the community's health care and economy, the facility's physical plant, the ability to recruit and retain qualified health-care personnel, and quality of care; and

(3) strive to achieve the goal of more efficient delivery of quality care to eligible veterans in the area where they reside.

(c) REPORT.—(1) The Commission shall transmit the report referred to in section 3 to the Secretary of Veterans Affairs no later than January 1, 1991.

(2) The report shall include the following:

(A) a description of the Commission's recommendations of the medical facilities from or to which functions will be transferred as a result of the realignments or major mission changes recommended by the Commission;

(B) a statement certifying that the Commission has identified the medical facilities to be realigned or changed in their major missions by reviewing all medical facilities, including medical facilities under construction and all those planned for construction under the Department of Veterans Affairs' five-year medical facility development plan; and

(C) a statement of the estimated costs and savings related to each of the realignments and major mission changes recommended by the Commission.

(d) SUPPORT.—The Commission is authorized to employ staff and obtain other support services and resources to carry out its duties. The Secretary of Veterans Affairs may provide the Commission, on request, with support services available, including staff, space, and equipment. Funds from the Medical Care appropriation account of the Department of Veterans Affairs may be used for expenses incurred by the Commission in carrying out its duties, subject to the availability of appropriations. Not more than one-half of the professional staff of the Commission shall be individuals who have been employed by the Department of

Veterans Affairs during the year prior to the enactment of this Act.

(e) **RECORDS AND MEETINGS.**—(1) All records, documents, and other materials generated by the Commission from the date of its establishment shall not be subject to the Freedom of Information Act (5 U.S.C. 552).

(2) No meeting of the Commission shall be subject to the provisions of section 10 of the Federal Advisory Committee Act (5 U.S.C. Appendix 2) and 5 U.S.C. 552b.

(3) No member of the Commission or any person employed by or assigned to the Commission or any official or employee of the Department of Veterans Affairs may reveal or disclose any records, documents or other materials generated by the Commission to anyone other than officers or employees of the United States until the Secretary of Veterans Affairs transmits to the Committees on Veterans' Affairs of the Senate and House of Representatives the report provided in section 4(a).

SEC. 6. IMPLEMENTATION.—(a) **IN GENERAL.**—In realigning or changing the major mission of a medical facility under this Act, the Secretary of Veterans Affairs—

(1) subject to the availability of funds authorized for and appropriated to the Department of Veterans Affairs for use in planning and design, construction, or operation and maintenance, and the availability of funds in the fund established under section 9 of this Act, may carry out actions necessary to implement such realignment or major mission change, including the acquisition of such land, the construction of such replacement facilities, the performance of such activities, and the conduct of such advance planning and design as may be required to transfer functions from one medical facility to another medical facility;

(2) subject to the availability of funds authorized and appropriated to the Department of Veterans Affairs for economic adjustment assistance or community planning assistance and the availability of funds in the fund established under section 9 of this Act, shall provide—

(A) economic adjustment assistance to any community located near a medical facility being realigned or whose major mission is to be changed, and

(B) community planning assistance to any community located near a medical facility to which functions will be transferred as a result of such realignment or major mission change,

if the Secretary determines that the financial resources available to the community (by grant or otherwise) for such purposes are inadequate; and

(3) subject to the availability of funds authorized and appropriated to the Department of Veterans Affairs for environmental restoration and the availability of funds in the fund, may carry out activities for the purpose of environmental restoration, including reducing, removing, and recycling hazardous wastes and removing unsafe buildings and debris.

(b) **DISPOSAL OF PROPERTY.**—(1) The Administrator of General Services shall transfer and dispose of all property and facilities of the Department of Veterans Affairs located at a facility to be realigned or whose major mission is to be changed pursuant to this Act in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) and other laws which authorize the Administrator to dispose of property of agencies of the United

States and without regard to section 5022(a) of title 38, United States Code.

(2)(A) Subject to subparagraph (B), the Administrator of General Services shall deposit into the fund established under section 9 of this Act all proceeds transferred or disposed of by the Administrator of General Services pursuant to this Act.

(b) The Administrator of General Services shall deposit into the fund referred to in section 204(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(b)) an amount of the proceeds of each transfer and of each disposal of property carried out pursuant to this Act equal to the amount estimated by the Administrator to be needed for direct expenses incurred by the Administrator in carrying out the transfer or disposal, as applicable. Amounts deposited by the Administrator into that fund pursuant to this subsection shall be administered in accordance with sections 204(b), (c), and (d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(b), (c), and (d)).

SEC. 7. WAIVER.—The Secretary of Veterans Affairs may carry out this Act without regard to—

(a) any laws restricting the authority of the Secretary or restricting the use of funds for realigning or changing the major mission of medical facilities of the Department of Veterans Affairs in any law, other than this Act;

(b) any provision of title 38, United States Code;

(c) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 8. REPORTS.—As part of each annual budget request for the Department of Veterans Affairs, the Secretary of Veterans Affairs shall transmit to the Committees on Veterans' Affairs and Appropriations of the Senate and House of Representatives—

(a) a schedule of the realignment or major mission change actions to be carried out under this Act in the fiscal year for which the request is made and an estimate of the total expenditures required and cost impact of each such realignment or major mission change and of the time period within which such cost impact would occur in each case, together with the Secretary's assessment of the environmental effects of such actions; and

(b) a description of the medical facilities, including those under construction and those planned for construction, to which functions are to be transferred as a result of such realignments or major mission changes together with the Secretary's assessment of the environmental effects of such transfers.

SEC. 9. FUNDING.—(a) There is hereby established on the books of the Treasury a separate fund that shall be available to the Secretary only to the extent or in such amounts as are provided for in appropriations Acts to carry out the purposes of this Act. No other funds shall be available for this purpose.

(b) The fund shall consist of—

(1) funds appropriated for the purpose of this Act;

(2) funds transferred to this fund from funds appropriated to the Department of Veterans Affairs for any purpose, except that such funds may be transferred only after the date on which the Secretary transmits written notice of, and justification for, such transfer to the Committees on Veterans' Affairs and Appropriations of the Senate and House of Representatives; and

(3) proceeds described in section 6(b)(2)(A).

(c)(1) The Secretary may use the funds in this fund only for the purposes described in section 6(a).

(2) When a decision is made to use any amounts in this fund to carry out a construction project under section 6(a)(1) and the cost of the project will exceed the maximum amount authorized by law for a minor construction project, the Secretary shall notify in writing the Committees on Veterans' Affairs and Appropriations of the Senate and House of Representatives of the nature of, and justification for, the project and the amount of expenditures for such project.

(d) No later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this Act, the Secretary shall transmit a report to the Committees on Veterans' Affairs and Appropriations of the Senate and House of Representatives of the amount and nature of the deposits into, and the expenditures from, this fund during such fiscal year and of the amount and nature of other expenditures made pursuant to section 6(a) during such fiscal year.

(e) Unobligated funds which remain in this fund after the termination of the authority of the Secretary to carry out a realignment or major mission change under this Act shall be transferred to the miscellaneous receipts account in the United States Treasury.

(f) No later than 60 days after the termination of the authority of the Secretary to carry out a realignment or major mission change under this Act, the Secretary shall transmit to the Committees on Veterans' Affairs and Appropriations of the Senate and House of Representatives a report containing an accounting of—

(1) all funds deposited into and expended from the fund or otherwise expended under this Act; and

(2) any amount remaining in this fund.

SEC. 10. CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT.—(a) **TERMS OF THE RESOLUTION.**—For purposes of section 3(b), the term "joint resolution" means only a joint resolution which is introduced within three months of the transmittal of the statement and report by the Secretary of Veterans Affairs referred to in section 4(a), and—

(1) which does not have a preamble;

(2) the matter after the resolving clause of which is as follows: "That Congress disapproves the recommendations of the Commission on Medical Facility Realignment and Major Mission Change established by the Secretary of Veterans Affairs as submitted to the Secretary of Veterans Affairs on _____," the blank space being appropriately filled in; and

(3) the title of which is as follows: "A joint resolution disapproving the recommendations of the Commission on Medical Center Realignment and Major Mission Change."

(b) **REFERRAL.**—A resolution described in subsection (a) introduced in the House of Representatives shall be referred to the Committee on Veterans' Affairs of the House of Representatives. A resolution described in subsection (a) introduced in the Senate shall be referred to the Committee on Veterans' Affairs of the Senate.

(c) **DISCHARGE.**—If the committee to which a resolution described in subsection (a) is referred has not reported such resolution (or an identical resolution) within three months of the transmittal of the statement and report by the Secretary of Veterans Affairs referred to in section 4(a), such committee

shall be, as of that date, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(d) **CONSIDERATION.**—(1) On or after the third day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under subsection (c) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution (but only on the day after the calendar day on which Member announces to the House concerned the Member's intention to do so). All points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

(2) Debate on the resolution and on all debatable motions and appeals in connection therewith shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(3) Immediately following the conclusion of the debate on a resolution described in subsection (a) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) **CONSIDERATION BY OTHER HOUSE.**—(1) If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subparagraph (B)(ii).

(B) With respect to a resolution described in subsection (a) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(2) Upon disposition of the resolution received from the other House, it shall no

longer be in order to consider the resolution that originated in the receiving House.

(f) **RULES OF THE SENATE AND HOUSE.**—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rule of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 11. DEFINITIONS. In this Act:

(a) The term "medical facility" has the same meaning as contained in section 601(4)(A) of title 38, United States Code.

(b) The term "major mission change" means any substantive change in clinical programs or patterns of delivery of medical care at a medical facility, or part thereof, under the jurisdiction of the Secretary.

(c) The term "realignment" means any merging of the functions, activities, staff, or property of two or more medical facilities, or parts thereof, or any relocation of functions at or from any medical facility, or part thereof, under the jurisdiction of the Secretary.

**VETERANS' ADMINISTRATION, OFFICE
OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,**

Washington, DC, July 14, 1989.

Hon. DAN QUAYLE,

President of the Senate, Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill "To provide for the realignment of major mission change of certain medical facilities of the Department of Veterans Affairs" with the request that it be referred to the appropriate committee and enacted promptly.

The Department of Veterans Affairs (VA) is required by law to maintain the capacity of all its medical facilities to assure the provision of, and minimize delay in, care to eligible veterans throughout the United States. The VA now provides quality health care through its 172 medical centers, 119 nursing homes, 233 outpatient clinics, 27 domiciliarys, and 194 readjustment counseling centers throughout the United States, its territories and possessions.

Since the establishment of the VA health-care system, there have been tremendous advances in medicine, which have reduced the prevalence of diseases and revolutionized the treatment of disorders for which certain VA medical centers had originally been established. However, new or previously unknown health-care problems and diseases, which require specialized treatment facilities, have emerged since the end of the Second World War. The practice of medicine has basically changed from hospital-based care to a continuum which incorporates ambulatory as well as inpatient and extended care and community-based outreach care. Most VA health-care facilities were established without anticipation of these changes in medicine as well as the significant population shift of veterans, and the continuing increase in the percentage of veterans who are elderly.

The VA and Congress are committed to operating a VA health-care system that will

continue to provide high quality care to the patients we serve. There has not been a thorough review in the past 25 years to determine whether the location, size, and mission of all of our medical facilities still represent the most optimal and most efficient distribution of health-care resources to veterans. The only internal process available to generate such an assessment, the Medical District Initiated Planning Process (MEDIPP), cannot provide the independent analysis needed for this objective. Moreover, statutory provisions designed to protect the integrity and independence of the VA health-care system significantly impede restructuring or reorganization, even for quality-of-care purposes.

It is critically important that we keep a singular focus on maintaining high quality care in an environment of severe fiscal constraints affecting Federal health-care spending. At the same time, we must pursue all possible means to maintain and improve our quality of care. Therefore, we recommend the enactment of legislation which would establish a Commission to review the missions and quality of care of every VA medical facility to determine if improvements or enhancements can be realized through realignments or major mission changes.

The Commission would be composed of 9 to 15 members selected by the Secretary of Veterans Affairs. The leadership of the House and Senate Veterans' Affairs Committees, chartered veterans' service organizations, and the Association of American Medical Colleges would be authorized to recommend members of the Commission. The Chief Medical Director of the Veterans Health Services and Research Administration (VHS&RA) would also be authorized to recommend members, including a member of the Special Medical Advisory Group, an individual knowledgeable of the health-care system of the Department of Defense and the sharing of health-care resources between the Departments of Defense and Veterans Affairs, and two individuals with broad experience in government or private enterprises. Remaining members, to be recommended by the Chief Medical Director, would consist of persons representing clinical care, medical research and educational activities affected by the VHS&RA or persons with experience in the management of health services and research programs, or health-care economics or policy.

In addition to examining to assure that VA medical facilities can continue to provide quality care effectively and efficiently while meeting the goal of affording eligible veterans equitable access to that care, the Commission would study and consider the socio-economic impact of any realignment or major mission change on the medical facility's community.

The Commission would recommend realignments and major mission changes to the Secretary. The bill would reflect the intent of the Congress that under no circumstances shall the Secretary revise the Commission's recommendations.

The Secretary could not begin realigning any medical facility identified by the Commission if Congress enacts a joint resolution of disapproval according to the process prescribed in the bill. This resolution must be to disapprove all the recommendations of the Commission and cannot provide for disapproval of only some of the recommendations or for any amendments to the recommendations.

This legislation would be beneficial in assisting the Department in carrying out its

mission of providing quality medical care to veterans in the most efficient manner possible. It could result in practical resource shifts within the Medical Care appropriations account to improve the quality of care at a large number of VA medical facilities and would be a major step toward restructuring the VA system to meet the future health-care needs of our Nation's veterans.

The Office of Management and Budget advises that there is no objection to the submission of this legislative proposal and that its enactment would be in accord with the program of the President.

Sincerely yours,

EDWARD J. DERWINSKI,
Secretary.

ANALYSIS OF PROPOSED BILL

Section 1 of the bill would provide for the Act to be cited as the "Department of Veterans Affairs Health Care Quality Assistance and Cost Effectiveness Act of 1989."

Section 2 is a statement of congressional findings which lays a foundation for the establishment of an independent commission to review medical facilities of the Department of Veterans Affairs (VA) and for procedures to implement or disapprove its recommendations.

Section 3. In General.—Subsection (a) would authorize the Secretary of Veterans Affairs ("Secretary") to realign or change the major mission of all VA medical facilities as recommended by the Commission on Realignment and Major Mission Change ("Commission") in a report it is required to submit to the Secretary as described in section 5(c) of the bill. All these actions must be initiated no later than two years after the Secretary receives the Commission's report and must be completed no later than six years after receipt of the report.

Subsection (b) would express the sense of Congress that the Secretary will not, under any circumstances, revise the Commission's recommendations.

Section 4. Conditions.—Subsection (a) would provide that the Secretary of Veterans Affairs cannot realign or change the major mission of any VA medical facility unless the Secretary transmits to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the Commission's report on medical facility realignment and major mission change and a report by the Secretary containing a statement that the Secretary approves and VA will implement the recommendations of the Commission.

Subsection (b) would prohibit the Secretary from implementing any medical facility realignment or major mission change under this Act if a joint resolution disapproving the Commission's recommendations is enacted by Congress, as provided in section 10, within four months of the transmittal of the report by the Secretary to the Senate and House Committees on Veterans' Affairs. This joint resolution must provide that the Congress disapproves all the Commission's recommendations. The joint resolution may not provide for any deletions or amendments of the Commission's specific recommendations.

Subsection (c) would provide that the Secretary's authority to carry out any medical facility realignment or major mission change shall terminate six years after the date the Secretary receives the Commission's report on realignment and major mission change.

Section 5. The Commission on Realignment and Major Mission Change.—Subsec-

tion (a) would require that the Commission would consist of not less than 9 and not more than 15 members. All members would be selected by the Secretary of Veterans Affairs.

This subsection also provides that recommendations for selection of Commission members may be made as follows:

(A) One member recommended by the Chairman, Senate Veterans' Affairs Committee, and one by the Ranking Minority Member of that Committee;

(B) One member recommended by the Chairman, House Veterans' Affairs Committee, and one by the Ranking Minority Member of that Committee;

(C) One member recommended by the Association of American Medical Colleges, after consultation with the Chief Medical Director of the Veterans Health Services and Research Administration (VHS&RA); and

(D) Two members recommended by veterans' service organizations chartered under title 38, United States Code.

The VHS&RA Chief Medical Director may also make recommendations to the Secretary, including the following:

(A) One member who is a member of the VA Special Medical Advisory Group established under section 4112(a) of title 38, United States Code;

(B) One member who is knowledgeable of and familiar with the health-care system of the Department of Defense and health-care resource sharing between the Departments of Defense and Veterans Affairs;

(C) Two members with broad experience in government or private enterprise; and

(D) Persons representing clinical care, medical research and educational activities affected by the VHS&RA or persons with experience in the management of health services and research programs, or health-care economics or policy.

The Secretary, after consultation with the Chief Medical Director, shall appoint a chairman and vice-chairman from among the Commission members.

Subsection (b) requires the Commission to review each VA medical facility's ability to meet health-care needs and provide quality care to eligible veterans currently residing in the area served by the facility and eligible veterans who will be residing in that area according to demographic projections. The subsection also lists the factors that the Commission should include in developing its criteria for conducting the review of VA medical facilities and provides that the Commission should strive to achieve the goal of more efficient delivery of quality care to eligible veterans in the area where they reside.

Subsection (c) would require the Commission to submit its report on VA medical facility realignment and major mission change to the Secretary of Veterans Affairs no later than January 1, 1991. The report must include (1) a description of the Commission's recommendations on medical facility realignments and major mission changes, (2) a statement certifying that it has identified medical facilities for realignment or major mission change, including those either under construction or planned for construction under VA's five-year medical facility development plan, and (3) a statement of the estimated costs and savings related to each recommended realignment and major mission change.

Subsection (d) would authorize the Commission to employ staff and obtain other support services to carry out its duties. The

Secretary of Veterans Affairs is authorized to provide the Commission, on request, with support services available to the Department, including staff, space, and equipment. Subject to the availability of appropriations, it would also authorize use of funds from the VA Medical Care appropriation account to pay for the expenses of the Commission in carrying out its duties. Finally, subsection (d) would require that not more than one-half of the Commission professional staff could be VA employees during the year prior to the enactment of this Act.

Subsection (e)(1) would provide that all records, documents, and other materials generated by the Commission would not be subject to the Freedom of Information Act.

Subsection (e)(2) would provide that meetings of the Commission would not be subject to the provisions of section 10 of the Federal Advisory Committee Act and section 552b of title 5, United States Code, which require meetings of advisory committees to be open to the public.

Subsection (e)(3) would prohibit Commission members and employees, persons assigned to the Commission, and any VA official or employee from revealing or disclosing any Commission records, documents, or other materials to anyone other than officers or employees of the United States, except for the Secretary's submission to Congress of the Commission report as provided for in section 4(a), until the Secretary transmits to the Senate and House Veterans' Affairs Committees a copy of that report.

Section 6. Implementation.—Subsection (a)(1) would authorize the Secretary of Veterans Affairs to carry out all actions necessary to realign or change the major mission of a medical facility under this Act, including land acquisition, construction of replacement facilities, and advance planning and design. These actions are subject to the availability of authorized and appropriated funds for planning and design, construction, or operation and maintenance, and the availability of funds in the separate fund established under section 9 of this Act.

Subsection (a)(2) would require the Secretary to provide economic adjustment assistance to any community located near a medical facility realigned or whose major mission is changed under this Act and planning assistance to any community located near a medical facility to which functions will be transferred as a result of a realignment or major mission change if the Secretary determines that financial resources available to the community for these purposes are inadequate. Any economic assistance or planning assistance is subject to the availability of funds authorized and appropriated for these purposes and to the availability of funds in the fund established under section 9 of this Act.

Subsection (a)(3) would authorize the Secretary to carry out activities for environmental restoration, subject to the availability of funds authorized and appropriated to the VA for environmental restoration and the availability of funds in the separate fund established under section 9 of this Act.

Subsection (b)(1) would authorize the Administrator of General Services to transfer and dispose of all VA property and facilities located at a facility to be realigned or whose major mission is to be changed pursuant to this Act in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) and other laws which authorize the Administrator to dispose of property of agencies of the United

States. The disposal of such VA property would not be subject to section 5022(A) of title 38, United States Code, which requires that amounts realized from the transfer of an interest in certain VA real property be deposited in the nursing home revolving fund.

Subsection (b)(2)(A) would require the GSA Administrator, subject to subparagraph (B), to deposit into the fund established under section 9 of this Act all proceeds transferred or disposed of by the Administrator pursuant to this Act.

Subsection (b)(2)(B) would require the GSA Administrator to deposit into the fund referred to in section 204(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(b)) an amount of the proceeds of each transfer and of each disposal of property carried out pursuant to this Act equal to the amount estimated by the Administrator to be needed for direct expenses incurred by the Administrator in carrying out the transfer or disposal, as applicable. Amounts deposited by the Administrator into that fund pursuant to this subsection shall be administered in accordance with sections 204(b), (c), and (d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(b), (c), and (d)).

Section 7. Waiver.—Section 7 would authorize the Secretary to carry out this Act without regard to any other laws restricting use of funds for realigning or changing the major mission of VA medical facilities, any provisions of title 38, United States Code, or the National Environmental Policy Act of 1969.

Section 8. Reports.—Section 8 would require the Secretary, as part of the annual budget request for appropriations, to provide the Committees on Veterans' Affairs and the Appropriations Committees (1) a schedule of the realignment and major mission change actions to be carried out under this Act for that fiscal year, and an estimate of the total expenditures and cost savings with an assessment of the environmental effects of these actions and (2) a description of the medical facilities to which functions would be transferred as a result of realignments and major mission changes under this Act, with an assessment of the environmental effects of the transfers.

Section 9. Funding.—Subsection (a) would authorize the establishment of a separate fund to be available to the Secretary to carry out the purposes of the Act. The fund would be available only to the extent provided in appropriations Acts.

Subsection (b) would provide that funds deposited into the new fund would consist of: (1) funds specifically appropriated; (2) funds transferred by the Secretary from funds appropriated to the Department, subject to approval in an appropriation act and after written justification to the Senate and House Appropriations and Veterans' Affairs Committees; and (3) funds from the transfer or disposal of property resulting from a realignment or major mission change under this Act minus the expenses of disposition.

Subsection (c) would limit use of any monies in this fund to realigning or changing the major mission of VA medical facilities, economic adjustment, community planning assistance, or environmental restoration, as described in section 6(a). The Secretary would be required to notify the Senate and House Committees on Appropriations and Veterans' Affairs, and justify in writing, when monies from this fund are used to carry out a construction project under this Act and the cost of the project would exceed

the maximum amount authorized by law for a minor construction project.

Subsection (d) would require the Secretary, no later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this Act, to report to the Senate and House Committees on Appropriations and Veterans' Affairs of the amount and nature of deposits into, and expenditures from, this fund and the amount of other expenditures made pursuant to section 6(a) of the Act during each fiscal year.

Subsection (e) would require that unobligated funds remaining in this fund after the termination of the Secretary's authority to carry out a realignment or major mission change under this Act would be deposited as miscellaneous receipts in the United States Treasury.

Subsection (f) would require the Secretary to transmit to the Senate and House Committees on Appropriations and Veterans' Affairs, no later than 60 days after the termination of authority to carry out a realignment or major mission change under this Act, a report with an accounting of all funds deposited into and expended from this fund or otherwise expended under this Act and any amount remaining in the fund.

Section 10. Congressional Consideration of Commission Report.—Section 10 describes the nature and procedures for consideration of a joint resolution by both Houses of Congress disapproving the recommendations of the Commission on Realignment and Major Mission Change. This resolution must be introduced within three months of the transmittal of the statement and report by the Secretary referred to in section 4(a).

Section 11. Definitions.—Section 11 would define the terms medical facility, major mission change, and realignment.

By Mr. SARBANES:

S. 1399. A bill to improve forest management in urban areas and other communities, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

URBAN AND COMMUNITY FORESTRY ACT OF 1989

● **Mr. SARBANES.** Mr. President, today I am introducing important environmental legislation, the Urban and Community Forestry Act of 1989. This bill recognizes the role of trees in our cities, towns, and communities in improving air and water quality, reducing noise, controlling soil erosion, and improving the quality of life. For many years, trees were thought of as simply a means of adding to the beauty of our towns, and now we recognize that urban trees do much more—they are a vital element in addressing our increasingly serious environmental problems.

The Urban and Community Forestry Act of 1989 requires the Secretary of Agriculture to submit a report within 180 days of passage providing a summary of research on urban tree programs and an estimate of funds needed to implement such research over a period of 10 years. It authorizes education and technical assistance to State and local organizations in inventorying urban forest resources and identifying opportunities for expanding tree cover in urban areas. It estab-

lishes an urban and community forestry competitive grants programs of which the Federal share would be not more than 50 percent and authorizes \$20 million to carry out this program.

I want to emphasize that the bill benefits all communities—large and small. All the programs it authorizes are equally available to towns and community associations. The purpose of the bill is to survey where we are now in our urban forestry programs, to identify where we want to go, and how best to achieve those goals.

Trees are giant oxygen factories. Scientists calculate that for every ton of wood a forest grows, it removes 1.47 tons of carbon dioxide from the atmosphere and replaces it with 1.07 tons of oxygen. In more accessible terms this means that one healthy, young tree releases enough oxygen day by day to meet the daily needs of a family of four. Removal of excessive carbon dioxide and other gases from the atmosphere also delays the earth-warming "greenhouse effect." These impressive figures serve to underscore the urgency of replacing aging trees in our towns and cities and of planning for future urban forestry resources. The Urban and Community Forestry Act of 1989 would help us achieve these goals. This legislation is supported by the National Association of State Foresters, the American Forestry Association, the Trust for Public Land, the National League of Cities, and the American Planning Association. ●

By Mr. KASTEN (for himself, Mr. INOUE, Mr. DANFORTH, Mr. ROCKEFELLER, Mr. MCCAIN, Mr. EXON, Mr. PRESSLER, Mr. RIEGLE, Mr. GORTON, Mr. SANFORD, Mr. BURNS, Mr. LOTT, Mrs. KASSEBAUM, Mr. CHAFEE, Mr. COATS, Mr. LUGAR, Mr. HELMS, Mr. BOSCHWITZ, and Mr. BOND):

S. 1400. A bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes; to the Committee on Commerce, Science, and Transportation.

PRODUCT LIABILITY REFORM ACT

Mr. KASTEN. Mr. President, I am pleased to rise today to introduce the Product Liability Reform Act. This fair and balanced reform package is virtually the same as that which in 1986 passed the Senate Commerce Committee by a vote of 16 to 1, and upon which this full body registered an overwhelming vote of 84 to 13 on a motion to proceed.

Reflecting the strong, bipartisan support which this bill has received, I am introducing the Product Liability Reform Act along with the following original cosponsors: Senators INOUE, DANFORTH, ROCKEFELLER, MCCAIN, EXON, PRESSLER, RIEGLE, GORTON, SANFORD, BURNS, LOTT, KASSEBAUM,

CHAFEE, COATS, LUGAR, HELMS, BOSCHWITZ, and BOND.

I urge my colleagues to join with us in expeditiously enacting these much needed reforms to resolve the continuing problems which the current product liability system imposes on American consumers and businesses alike.

Product liability reform is not a new issue before the Senate. For several Congresses we have held hearings in the Commerce Committee which have outlined the problems that the current system presents to the U.S. economy. We have marked up several bills, and even brought the issue to the Senate floor. However, we have yet to enact the reasonable reforms such as we propose in this reform package. We feel that the time has come for us to enact reasonable legislation, not just hold more hearings or pay lip service to our product liability problems.

At the White House Conference on Small Business in 1986, civil justice reform, including Federal standards for product liability, was voted the No. 1 concern by over 1,400 of the 1,715 votes cast. Their No. 9 recommendation was specifically to enact the predecessor of the legislation that I am introducing today, along with fault defenses and the elimination of joint and several liability. In fact, four of the Conference's recommendations dealt with the problems posed by the current product liability system.

American consumers are getting ripped off by a crazy product liability system that keeps new products and life-saving medical technology off the market.

The legislation we are introducing today will replace our current crazy patchwork quilt of 50 different and confusing State product liability laws with a uniform national system based on common sense and fairness.

There is something very wrong with a system that discourages production of safety products for our children like football helmets and life-saving vaccines, or that keeps state-of-the-art medical equipment off the market. Consumers are being made victims by a system that is supposed to protect them. It's a rip off, and it's got to change.

Fair, uniform product liability laws in the United States are also necessary to enhance the ability of our manufacturers to compete in a global economy. Maintaining American competitiveness protects the jobs of American workers, benefits American consumers, and strengthens the American economy. This legislation is necessary to level the playing field for American businesses and consumers with our international competitors.

The present system is going to cripple United States firms in their efforts to compete against the upcoming European Community and will cost us jobs. While Wisconsin manufacturers

try to figure out how to negotiate among 50 different State laws, foreign competitors are seeing their own system become more uniform and predictable.

Unless we get our act together, product liability law will be more stable and consistent between Great Britain and Italy than between Wisconsin and Minnesota.

Europe is coming together as a formidable trading bloc, and uniform product liability laws are a part of their strategy. We've got to act if we intend to remain competitive.

Fairness for American consumers and businesses alike demands that balanced, uniform Federal product liability legislation be adopted. The Federal nature of this problem has been recognized even by the National Governors Association, which in 1986 adopted a resolution calling upon Congress to enact a Federal product liability law. The calls for action have been made, and the Product Liability Reform Act responds to these calls. This legislation should be enacted without delay.

I ask unanimous consent that the bill, a two-page summary of the bill, and a section-by-section analysis be included in the RECORD immediately following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TABLE OF CONTENTS

TITLE I

- Sec. 101. Short title.
- Sec. 102. Definitions.
- Sec. 103. Preemption.
- Sec. 104. Jurisdiction of Federal courts.
- Sec. 105. Effective date.

TITLE II

- Sec. 201. Expedited product liability settlements.
- Sec. 202. Alternative dispute resolution procedures.

TITLE III

- Sec. 301. Civil actions.
- Sec. 302. Uniform standards of product seller liability.
- Sec. 303. Uniform standards for award of punitive damages.
- Sec. 304. Uniform time limitations on liability.
- Sec. 305. Uniform standards for offset of workers' compensation benefits.
- Sec. 306. Several liability for noneconomic damages.
- Sec. 307. Defenses involving intoxicating alcohol or drugs.

TITLE I

SHORT TITLE

- SEC. 101. This Act may be cited as the "Product Liability Reform Act".

DEFINITIONS

- SEC. 102. As used in this Act, the term—
 - (1) "claimant" means any person who brings a civil action pursuant to this Act, and any person on whose behalf such an

action is brought; if such an action is brought through or on behalf of an estate, the term includes the claimant's decedent, or if it is brought through or on behalf of a minor or incompetent, the term includes the claimant's parent or guardian;

(2) "clear and convincing evidence" is that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established; the level of proof required to satisfy such standard is more than that required under preponderance of the evidence, but less than that required for proof beyond a reasonable doubt;

(3) "collateral benefits" means all benefits and advantages received or entitled to be received (regardless of any right any other person has or is entitled to assert for recoupment through subrogation, trust agreement, lien, or otherwise) by any claimant harmed by a product or by any other person as reimbursement of loss because of harm to person or property payable or required to be paid to the claimant, under—

(A) Any Federal law or the laws of any State (other than through a claim for breach of an obligation or duty); or

(B) any life, health, or accident insurance or plan, wage or salary continuation plan, or disability income or replacement service insurance, or any benefit received or to be received as a result of participation in any pre-paid medical plan or Health Maintenance Organization;

(4) "commerce" means trade, traffic, commerce, or transportation (A) between a place in a State and any place outside of that State; or (B) which affects trade, traffic, commerce, or transportation described in clause (A);

(5) "commercial loss" means economic injury, whether direct, incidental, or consequential, including property damage and damage to the product itself;

(6) "economic loss" means any pecuniary loss resulting from harm which is allowed under State law;

(7) "exercise of reasonable care" means conduct of a person of ordinary prudence and intelligence using the attention, precaution, and judgment that society expects of its members for the protection of their own interests and the interests of others;

(8) "harm" means any harm recognized under the law of the State in which the civil action is maintained, other than loss or damage caused to a product itself, or commercial loss;

(9) "manufacturer" means (A) any person who is engaged in a business to produce, create, make, or construct any product (or component part of a product) and who designs or formulates the product (or component part of the product) or has engaged another person to design or formulate the product (or component part of the product); (B) a product seller with respect to all aspects of a product (or component part of a product) which are created or affected when, before placing the product in the stream of commerce, the product seller produces, creates, makes, or constructs and designs or formulates, or has engaged another person to design or formulate, an aspect of a product (or component part of a product) made by another; or (C) any product seller not described in clause (B) which holds itself out as a manufacturer to the user of a product;

(10) "noneconomic loss" means loss caused by a product other than economic loss or commercial loss;

(11) "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity);

(12) "preponderance of the evidence" is that measure or degree of proof which, by the weight, credit, and value of the aggregate evidence on either side, establishes that it is more probable than not that a fact occurred or did not occur;

(13) "product" means any object, substance, mixture, or raw material in a gaseous, liquid, or solid state (A) which is capable of delivery itself or as an assembled whole, in a mixed or combined state, or as a component part or ingredient; (B) which is produced for introduction into trade or commerce; (C) which has intrinsic economic value; and (D) which is intended for sale or lease to persons for commercial or personal use; the term does not include human tissue, blood and blood products, or organs unless specifically recognized as a product pursuant to State law;

(14) "product seller" means a person who, in the course of a business conducted for that purpose, sells, distributes, leases, prepares, blends, packages, labels, or otherwise is involved in placing a product in the stream of commerce, or who installs, repairs, or maintains the harm-causing aspect of a product; the term does not include—

(A) a seller or lessor of real property;

(B) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(C) any person who—

(i) acts in only a financial capacity with respect to the sale of a product; and

(ii) leases a product under a lease arrangement in which the selection, possession, maintenance, and operation of the product are controlled by a person other than the lessor; and

(15) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, or any political subdivision thereof.

PREEMPTION

SEC. 103. (a) This Act governs any civil action brought against a manufacturer or product seller, on any theory, for harm caused by a product. A civil action brought against a manufacturer or product seller for loss or damage to a product itself or for commercial loss is not subject to this Act and shall be governed by applicable commercial or contract law.

(b) This Act supersedes any State law regarding recovery for harm caused by a product only to the extent that this act establishes a rule of law applicable to any such recovery. Any issue arising under this Act that is not governed by any such rule of law shall be governed by applicable State or Federal law.

(c) Nothing in this Act shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any provision of law;

(2) supersede any Federal law, except the Federal Employees Compensation Act and the Longshoremen's and Harbor Workers' Compensation Act;

(3) waive or affect any defense of sovereign immunity asserted by the United States;

(4) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(6) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(7) supersede any statutory or common law, including an action to abate a nuisance, that authorizes a State or person to institute an action for civil damages or civil penalties, cleanup costs, injunctions, restitution, cost recovery, punitive damages, or any other form of relief resulting from contamination or pollution of the environment, or the threat of such contamination or pollution.

(d) As used in this section, "environment" has the meaning given to such term in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(8)).

(e) This Act shall be construed and applied after consideration of its legislative history to promote uniformity of law in the various jurisdictions.

JURISDICTION OF FEDERAL COURTS

SEC. 104. The district courts of the United States shall not have jurisdiction over any civil action pursuant to this Act, based on section 1331 or 1337 of title 28, United States Code.

EFFECTIVE DATE

SEC. 105. (a) This Act shall take effect on the date of its enactment and shall apply to all civil actions pursuant to this Act commenced on or after such date, including any action in which the harm or the conduct which caused the harm occurred before the effective date of this Act.

(b) If any provision of this Act would shorten the period during which a manufacturer or product seller would otherwise be exposed to liability, the claimant may, notwithstanding the otherwise applicable time period, bring any civil action pursuant to this Act within one year after the effective date of this Act.

TITLE II

EXPEDITED PRODUCT LIABILITY SETTLEMENTS

SEC. 201. (a) Any claimant may bring a civil action for damages against a person for harm caused by a product pursuant to applicable State law, except to the extent such law is superseded by this title.

(b) Any claimant may, in addition to any claim for relief made in accordance with State law, include in such claimant's complaint an offer of settlement for a specific dollar amount.

(c) The defendant may make an offer of settlement for a specific dollar amount within sixty days after service of the claimant's complaint or within the time permitted pursuant to State law for a responsive pleading, whichever is longer, except that if such pleading includes a motion to dismiss in accordance with applicable law, the defendant may tender such relief to the claimant within ten days after the court's determination regarding such motion.

(d) In any case in which an offer of settlement is made pursuant to subsection (b) or (c) of this section, the court may, upon motion made prior to the expiration of the applicable period for response, enter an

order extending such period. Any such order shall contain a schedule for discovery of evidence material to the issue of the appropriate amount of relief, and shall not extend such period for more than sixty days. Any such motion shall be accompanied by a supporting affidavit of the moving party setting forth the reasons why such extension is necessary to promote the interests of justice and stating that the information likely to be discovered is material, and is not, after reasonable inquiry, otherwise available to the moving party.

(e) If the defendant, as offeree, does not accept the offer of settlement made by a claimant in accordance with subsection (b) of this section within the time permitted pursuant to State law for a responsive pleading or, if such pleading includes a motion to dismiss in accordance with applicable law, within thirty days after the court's determination regarding such motion, and a verdict is entered in such action equal to or greater than the specific dollar amount of such offer of settlement, the court shall enter judgment against the defendant and shall include in such judgment an amount for the claimant's reasonable attorney's fees and costs. Such fees shall be offset against any fees owed by the claimant to the claimant's attorney by reason of the verdict.

(f) If the claimant, as offeree, does not accept the offer of settlement made by a defendant in accordance with subsection (c) of this section within thirty days after the date on which such offer is made and a verdict is entered in such action equal to or less than the specific dollar amount of such offer of settlement, the court shall reduce the amount of the verdict in such action by an amount equal to the reasonable attorney's fees and costs owed by the defendant to the defendant's attorney by reason of the verdict, except that the amount of such reduction shall not exceed that portion of the verdict which is allocable to noneconomic loss and economic loss for which the claimant has received or will receive collateral benefits.

(g) For purposes of this section, attorney's fees shall be calculated on the basis of an hourly rate which should not exceed that which is considered acceptable in the community in which the attorney practices, considering the attorney's qualifications and experience and the complexity of the case.

ALTERNATIVE DISPUTE RESOLUTION PROCEDURES

SEC. 202. (a) In lieu of or in addition to making an offer of settlement under section 201 of this title, a claimant or defendant may, within the time permitted for the making of such an offer under section 201 of this title, offer to proceed pursuant to any voluntary alternative dispute resolution procedure established or recognized under the law of the State in which the civil action for damages for harm caused by a product is brought or under the rules of the court in which such action is maintained.

(b) If the offeree refuses to proceed pursuant to such alternative dispute resolution procedure and the court determines that such refusal was unreasonable or not in good faith, the court shall assess reasonable attorney's fees and costs against the offeree.

(c) For the purposes of this section, there shall be created a rebuttable presumption that a refusal by an offeree to proceed pursuant to such alternative dispute resolution procedure was unreasonable or not in good faith, if a verdict is rendered in favor of the offeror.

TITLE III CIVIL ACTIONS

Sec. 301. A person seeking to recover for harm caused by a product may bring a civil action against the product's manufacturer or product seller pursuant to applicable State or Federal law, except to the extent such law is superseded by this Act.

UNIFORM STANDARDS OF PRODUCT SELLER LIABILITY

Sec. 302. (a) Notwithstanding the provisions of section 301 of this title, in any civil action for harm caused by a product, a product seller other than a manufacturer is liable to a claimant, only if the claimant establishes by a preponderance of the evidence that—

(1)(A) the individual product unit which allegedly caused the harm complained of was sold by the defendant; (B) the product seller failed to exercise reasonable care with respect to the product; and (C) such failure to exercise reasonable care was a proximate cause of the claimant's harm; or

(2)(A) the product seller made an express warranty, independent of any express warranty made by a manufacturer as to the same product; (B) the product failed to conform to the warranty; and (C) the failure of the product to conform to the warranty caused the claimant's harm.

(b)(1) In determining whether a product seller is subject to liability under subsection (a)(1) of this section, the trier of fact may consider the effect of the conduct of the product seller with respect to the construction, inspection, or condition of the product, and any failure of the product seller to pass on adequate warnings or instructions from the product's manufacturer about the dangers and proper use of the product.

(2) A product seller shall not be liable in a civil action subject to this title based upon an alleged failure to provide warnings or instructions unless the claimant establishes that, when the product left the possession and control of the product seller, the product seller failed—

(A) to provide to the person to whom the product seller relinquished possession and control of the product any pamphlets, booklets, labels, inserts, or other written warnings or instructions received while the product was in the product seller's possession and control; or

(B) to make reasonable efforts to provide users with those warnings and instructions which it received after the product left its possession and control.

(3) A product seller shall not be liable in a civil action subject to this title except for breach of express warranty where there was no reasonable opportunity to inspect the product in a manner which would or should, in the exercise of reasonable care, have revealed the aspect of the product which allegedly caused the claimant's harm.

(c) A product seller shall be treated as the manufacturer of a product and shall be liable for harm to the claimant caused by a product as if it were the manufacturer of the product if—

(1) the manufacturer is not subject to service of process under the laws of any State in which the action might have been brought; or

(2) the court determines that the claimant would be unable to enforce a judgment against the manufacturer.

UNIFORM STANDARDS FOR AWARD OF PUNITIVE DAMAGES

Sec. 303. (a) Punitive damages may, if otherwise permitted by applicable law, be

awarded in any civil action subject to this title to any claimant who establishes by clear and convincing evidence that the harm suffered was the result of conduct manifesting a manufacturer's or product seller's conscious, flagrant indifference to the safety of those persons who might be harmed by a product. A failure to exercise reasonable care in choosing among alternative product designs, formulations, instructions, or warnings is not of itself such conduct. Except as provided in subsection (b) of this section, punitive damages may not be awarded in the absence of a compensatory award.

(b) In any civil action in which the alleged harm to the claimant is death and the applicable State law provides, or has been construed to provide, for damages only punitive in nature, a defendant may be liable for any such damages regardless of whether a claim is asserted under this section. The recovery of any such damages shall not bar a claim under this section.

(c)(1) Punitive damages shall not be awarded pursuant to this section against a manufacturer or product seller of a drug (as defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)) or medical device (as defined under section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h))) which caused the claimant's harm where—

(A) such drug or device was subject to pre-market approval by the Food and Drug Administration with respect to the safety of the formulation or performance of the aspect of such drug or device which caused the claimant's harm or the adequacy of the packaging or labeling of such drug or device, and such drug was approved by the Food and Drug Administration; or

(B) the drug is generally recognized as safe and effective pursuant to conditions established by the Food and Drug Administration and applicable regulations, including packaging and labeling regulations.

The provisions of this paragraph shall not apply in any case in which the defendant withheld from or misrepresented to the Food and Drug Administration or any other agency or official of the Federal Government information that is material and relevant to the performance of such drug or device.

(2) Punitive damages shall not be awarded pursuant to this section against a manufacturer of an aircraft which caused the claimant's harm where—

(A) such aircraft was subject to pre-market certification by the Federal Aviation Administration with respect to the safety of the design or performance of the aspect of such aircraft which caused the claimant's harm or the adequacy of the warnings regarding the operation or maintenance of such aircraft;

(B) the aircraft was certified by the Federal Aviation Administration under the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.); and

(C) the manufacturer of the aircraft complied, after delivery of the aircraft to a user, with Federal Aviation Administration requirements and obligations with respect to continuing airworthiness, including the requirement to provide maintenance and service information related to airworthiness whether or not such information is used by the Federal Aviation Administration in the preparation of mandatory maintenance, inspection, or repair directives.

The provisions of this paragraph shall not apply in any case in which the defendant withheld from or misrepresented to the

Federal Aviation Administration information that is material and relevant to the performance or the maintenance or operation of such aircraft.

(d) At the request of the manufacturer or product seller, the trier of fact shall consider in a separate proceeding (1) whether punitive damages are to be awarded and the amount of such award, or (2) the amount of punitive damages following a determination of punitive liability. If a separate proceeding is requested, evidence relevant only to the claim of punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(e) In determining the amount of punitive damages, the trier of fact shall consider all relevant evidence, including—

(1) the financial condition of the manufacturer or product seller;

(2) the severity of the harm caused by the conduct of the manufacturer or product seller;

(3) the duration of the conduct or any concealment of it by the manufacturer or product seller;

(4) the profitability of the conduct to the manufacturer or product seller;

(5) the number of products sold by the manufacturer or product seller of the kind causing the harm complained of by the claimant;

(6) awards of punitive or exemplary damages to persons similarly situated to the claimant;

(7) prospective awards of compensatory damages to persons similarly situated to the claimant;

(8) any criminal penalties imposed on the manufacturer or product seller as a result of the conduct complained of by the claimant; and

(9) the amount of any civil fines assessed against the defendant as a result of the conduct complained of by the claimant.

UNIFORM TIME LIMITATIONS ON LIABILITY

Sec. 304. (a) Any civil action subject to this title shall be barred unless the complaint is filed within two years of the time the claimant discovered or, in the exercise of reasonable care, should have discovered the harm and its cause, except that any such action of a person under legal disability may be filed within two years after the disability ceases. If the commencement of such an action is stayed or enjoined, the running of the statute of limitations under this section shall be suspended for the period of the stay or injunction.

(b)(1) Any civil action subject to this title shall be barred if a product which is a capital good is alleged to have caused harm which is not a toxic harm unless the complaint is served and filed within twenty-five years after the time of delivery of the product. This subsection shall apply only if the court determines that the claimant has received or would be eligible to receive compensation under any State or Federal workers' compensation law for harm caused by the product.

(2) A motor vehicle, vessel, aircraft, or railroad used primarily to transport passengers for hire shall not be subject to the provisions of this subsection.

(3) As used in this section, the term—

(A) "time of delivery" means the time when a product is delivered to its first purchaser or lessee who was not involved in the business of manufacturing or selling such product or using it as a component part of another product to be sold;

(B) "capital good" means any product, or any component of any such product, which is of a character subject to allowance for depreciation under the Internal Revenue Code of 1986, and which was—

(i) used in a trade or business;

(ii) held for the production of income; or

(iii) sold or donated to a governmental or private entity for the production of goods, for training, for demonstration, or for other similar purposes; and

(C) "toxic harm" means harm which is functional impairment, illness, or death of a human being resulting from exposure to an object, substance, mixture, raw material, or physical agent of particular chemical composition.

(c) Nothing in this section shall affect the right of any person who is subject to liability for harm under this Act to seek and obtain contribution or indemnity from any other person who is responsible for such harm.

UNIFORM STANDARDS FOR OFFSET OF WORKERS' COMPENSATION BENEFITS

SEC. 305. (a) In any civil action subject to this title in which damages are sought for harm for which the person injured is or would have been entitled to receive compensation under any State or Federal workers' compensation law, any damages awarded shall be reduced by the sum of the amount paid as workers' compensation benefits for such harm and the present value of all workers' compensation benefits to which the employee is or would be entitled for such harm. The determination of workers' compensation benefits by the trier of fact in a civil action subject to this title shall have no binding effect on and shall not be used as evidence in any other proceeding.

(b) In any civil action subject to this title in which damages are sought for harm for which the person injured is entitled to receive compensation under any State or Federal workers' compensation law, the action shall, on application of the claimant made at claimant's sole discretion, be stayed until such time as the full amount payable as workers' compensation benefits has been finally determined under such workers' compensation law.

(c)(1) Except as provided in paragraph (2) of this subsection, unless the manufacturer or product seller has expressly agreed to indemnify or hold an employer harmless for harm to an employee caused by a product, neither the employer nor the workers' compensation insurance carrier of the employer shall have a right of subrogation, contribution, or implied indemnity against the manufacturer or product seller or a lien against the claimant's recovery from the manufacturer or product seller if the harm is one for which a civil action for harm caused by a product may be brought pursuant to this Act.

(2) Paragraph (1) of this subsection shall not apply if the employer or the workers' compensation insurer of the employer establishes, and the trier of fact determines, that the claimant's harm was not in any way caused by the fault of the claimant's employer or co-employees.

(d)(1) Except as provided in subsection (e), in any civil action subject to this title in which damages are sought for harm for which the person injured is or would have been entitled to receive compensation under any State or Federal workers' compensation law, no third-party tortfeasor may maintain any action for implied indemnity or contribution against the employer, any co-employ-

ee, or the exclusive representative of the person who was injured.

(2) Nothing in this Act shall be construed to affect any provision of a State or Federal workers' compensation law which prohibits a person who is or would have been entitled to receive compensation under any such law, or any other person whose claim is or would have been derivative from such a claim, from recovering for harm caused by a product in any action other than a workers' compensation claim against a present or former employer or workers' compensation insurer of the employer, any co-employee, or the exclusive representative of the person who was injured. Any action other than such a workers' compensation claim shall be prohibited, except that nothing in this Act shall be construed to affect any State or Federal workers' compensation law which permits recovery based on a claim of an intentional tort by the employer or co-employee, where the claimant's harm was caused by such an intentional tort.

(e) Subsection (d) shall not apply and applicable State law shall control if the employer or the workers' compensation insurer of the employer, in a civil action subject to this title, asserts or attempts to assert, because of subsection (c), a right of subrogation, contribution, or implied indemnity against the manufacturer or product seller or a lien against the claimant's recovery from the manufacturer or product seller.

SEVERAL LIABILITY FOR NONECONOMIC DAMAGES

SEC. 306. (a) In any product liability action, the liability of each defendant for noneconomic damages shall be several only and shall not be joint. Each defendant shall be liable only for the amount of noneconomic damages allocated to such defendant in direct proportion to such defendant's percentage of responsibility as determined under subsection (b) of this section. A separate judgment shall be rendered against such defendant for that amount.

(b) For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

(c) As used in this section, the term—

(1) "noneconomic damages" means subjective, nonmonetary losses including, but not limited to, pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation and humiliation; the term does not include objectively verifiable monetary losses including, but not limited to, medical expenses, loss of earnings, burial costs, loss of use of property, costs of repair or replacement, costs of obtaining substitute domestic services, rehabilitation and training expenses, loss of employment, or loss of business or employment opportunities; and

(2) "product liability action" includes any action involving a claim, third-party claim, cross-claim, counterclaim, or contribution claim in a civil action in which a manufacturer or product seller is found liable for harm caused by a product.

DEFENSES INVOLVING INTOXICATING ALCOHOL OR DRUGS

SEC. 307. (a) In any civil action subject to this Act in which all defendants are manufacturers or product sellers, it shall be a complete defense to such action that the claimant was intoxicated or was under the influence of intoxicating alcohol or any drug and that as a result of such intoxication or the influence of the alcohol or drug the claimant was more than 50 percent re-

sponsible for the accident or event which resulted in such claimant's harm.

(b) In any civil action subject to this Act in which not all defendants are manufacturers or product sellers and the trier of fact determines that no liability exists against those defendants who are not manufacturers or product sellers, the court shall enter a judgment notwithstanding the verdict in favor of any defendant which is a manufacturer or product seller if it is proved that the claimant was intoxicated or was under the influence of intoxicating alcohol or any drug and that as a result of such intoxication or the influence of the alcohol or drug the claimant was more than 50 percent responsible for the accident or event which resulted in such claimant's harm.

(c)(1) For purposes of this section, the determination of whether a person was intoxicated or was under the influence of intoxicating alcohol or any drug shall be made pursuant to applicable State law.

(2) As used in this section, the term "drug" means any non-over-the-counter drug which has not been prescribed by a physician for use by the claimant.

SENATE PRODUCT LIABILITY BILL

The attached product liability bill would establish uniform rules for key issues that arise in product liability cases and procedures designed to encourage settlements and reduce legal costs.

Expedited Product Liability Settlements.—The bill contains a provision based on Rule 68 of the Federal Rules of Civil Procedure which is designed to provide incentives for settlement of product liability cases. Unlike a prior Senate bill, it does not place limits on damages.

Uniform Standards of Product Seller Liability.—The bill provides that product sellers (i.e., retailers, wholesalers, distributors) will be liable for harm caused by their own fault. They will be responsible for the manufacturer's errors where the manufacturer cannot be brought into court or lacks the funds to pay a judgment.

Uniform Standards for Award of Punitive Damages.—The bill makes certain reforms in this area to reflect the fact that punitive damages are actually a quasi-criminal type of penalty and should only be assessed when a manufacturer or product seller has engaged in egregious conduct warranting this punishment. First, it raises the claimant's burden of proving that punishment is warranted to "clear and convincing evidence," which is greater than the ordinary standard in civil cases but less than the criminal standard. Second, it establishes a uniform rule on the type of misconduct that may result in punitive damages. Third, it provides for a separate proceeding on the issue of punitive damages so that prejudicial evidence relevant to the defendant's financial condition will not be introduced at the initial stage of trial when the jury is considering whether the product was defective. Fourth, it establishes a defense (in absence of fraud by the manufacturer) against punitive damages for drugs and medical devices that receive pre-market approval by the FDA and aircraft that receive pre-market certification by the FAA.

Uniform Time Limitations.—The bill allows a claimant to bring a suit within two years after he or she discovers the harm and its cause. In cases where the claimant's injury is not manifest until years after exposure to a product, this rule preserves his or her claim. The bill also establishes an

outer time limit of 25 years from time of delivery, which applies only to capital goods (e.g., industrial machinery) and only if the claimant is eligible for workers' compensation benefits and the harm is not a "toxic" harm.

Workers' Compensation.—The bill provides that damages are reduced by the amount of workers' compensation benefits the claimant may receive and precludes employers from shifting the costs of workers' compensation onto manufacturers unless the employer was not in any way at fault in causing the claimant's harm.

Several Liability for Non-Economic Damages.—The bill adopts the modification of the joint and several liability rule (the "deep-pocket rule") that was enacted by California voters in a ballot proposal in 1986. With respect to damages for pain and suffering and emotional distress, each defendant will be liable for its own percentage of fault. The joint and several liability rule is not modified with respect to economic damages (e.g., medical expenses, lost wages). The provision applies to all defendants in a product liability action.

Alcohol and Drugs Defense.—The bill provides a complete defense where a claimant's use of alcohol or drugs is responsible for over 50 percent of the claimant's harm.

SUMMARY OF S. 1400—PRODUCT LIABILITY REFORM ACT

TITLE I

Short title (Section 101)

The bill will be called the "Product Liability Reform Act."

Definitions (Section 102)

Key terms used in the bill are defined.

Preemption/scope of bill (Section 103)

The bill would preempt state law in civil actions against manufacturers or product sellers to recover for personal injury or property damage caused by a product only to the extent it supplies a rule of law on the topic. Thus:

The bill addresses when a claim would be barred if a claimant is intoxicated or under the influence of illicit drugs, but does not address general principles of comparative negligence; existing state law would continue to apply on that broader topic.

The bill does not cover actions involving contamination or pollution of the environment. These types of actions are not product liability actions and will continue to be governed by state environmental laws.

The bill does not address actions to recover for "commercial loss" (i.e., damage to the product itself, loss of profits, and other economic losses); they are not covered by the bill and will continue to be covered by state commercial or contract law.

Jurisdiction of Federal courts (Section 104)

The bill does not create any new jurisdiction in Federal courts. State courts will continue to have jurisdiction over product liability cases and will apply the Federal statute. Federal courts will only have the jurisdiction they have at present, for example, cases involving claimants and defendants from different states where the amount in dispute is over \$50,000.

Effective date (Section 105)

The bill will apply to product liability actions filed on or after its date of enactment, including actions in which the harm or conduct occurred before that date. If any provision of the bill would shorten the period during which a manufacturer or product seller would otherwise be exposed to liability,

the claimant is given one year after the bill's enactment to bring an action.

TITLE II

Expedited product liability settlements (Section 201)

The bill establishes procedures and rules designed to expedite the settlement of product liability cases. They are based on Rule 68 of the Federal Rules of Civil Procedure. The procedures allow either the claimant or defendant to make an offer of settlement for a specific dollar amount. The court may allow time for discovery to be made. If the defendant does not accept the claimant's settlement offer and after a trial a verdict is entered against the defendant that is equal to or greater than the amount of the claimant's offer, the defendant must pay the claimant an additional sum for the claimant's reasonable attorney's fees and costs. If the claimant does not accept the defendant's settlement offer and after a trial a verdict is entered that is equal to or less than the amount of the defendant's offer, the court will reduce the amount of the verdict by an amount equal to the defendant's reasonable attorney's fees and costs, but no more than the amount of compensation the claimant will receive from other collateral sources. For purposes of this section, attorney's fees will be calculated on the basis of an hourly rate no greater than that which is considered acceptable in the community, considering the attorney's qualification and experience and the complexity of the case.

Alternative Dispute Resolution Procedures (Section 202)

In lieu of or in addition to making a settlement offer, a claimant or defendant may offer to participate in any voluntary alternative dispute resolution procedures used in the state. If the other party refuses to participate in the procedures, and the court determines that the refusal was unreasonable and not in good faith, the court may make that party pay the offeror's reasonable attorney's fees and costs. A refusal to participate in alternative dispute resolution procedures will be considered to be unreasonable or not in good faith if, after trial, the party who made the offer obtains a favorable verdict.

TITLE III

Civil Actions (Section 301)

Product liability actions may be brought pursuant to applicable State or Federal law, except to the extent that such law is superseded by this Act.

Uniform Standards of Product Seller Liability (Section 302)

Product sellers (i.e., retailers, wholesalers, distributors) will be liable only for harm caused by their own negligence or by a product's failure to conform to an express warranty made by the product seller. But, a product seller will be responsible for the manufacturer's errors if the manufacturer cannot be brought into court or the court determines that the manufacturer will be unable to pay the judgment. (A similar provision was included in the Uniform Product Liability Act and exists in the statutory law of many states.)

Uniform Standards for Award of Punitive Damages (Section 303)

The bill provides that, to the extent that a state permits punitive damages, they may be awarded only if the claimant establishes by "clear and convincing evidence" that his harm was caused by the manufacturer's or product seller's "conscious, flagrant indif-

ference to the safety of those persons who might be harmed by a product." A failure to exercise reasonable care in choosing among alternative product designs, formulations, instructions, or warnings is not, by itself, conduct that may give rise to punitive damages. The bill does not preempt state law limitations on the amount of punitive damages.

A special provision is included for the few states that allow only punitive damages to be awarded in "wrongful death" cases. In those states, the claimant may obtain those damages under state law and still bring a claim for punitive damages under this bill.

The bill establishes defenses to punitive damages (in the absence of fraud by the manufacturer) for drugs and medical devices that receive pre-market approval by the FDA and for aircraft that receive pre-market certification by the FAA.

At the request of a manufacturer or product seller, the trial will be bifurcated so that the proceedings on punitive damages will be separate and subsequent to the proceedings on compensatory damages. Alternatively, a manufacturer or product seller may request that the issue of the amount of punitive damages be tried separately from the issue of liability for punitive damages. The bill sets out a number of factors that will be considered in determining the amount of punitive damages.

Uniform Time Limitations on Liability (Section 304)

The bill establishes a two-year statute of limitations which begins to run at the time the claimant discovered or reasonably should have discovered the harm and its cause. This is based on proposals to benefit injured persons that have been adopted in many states.

The bill adopts an outer time limit of 25 years (from time of product's first delivery) on liability for capital good products. It only applies to traumatic injuries involving capital goods (e.g., heavy industrial machinery). It does not cover or bar claims for "toxic harms." The 25-year time limit only applies if the claimant is entitled to workers' compensation benefits. This assures that claimants are not left without compensation.

Uniform Standards for Offset of Workers' Compensation Benefits (Section 305)

In actions involving workplace product injuries, the bill eliminates the employer's right to recapture workers' compensation benefits paid to an employee from the employee's product liability damage award. Instead, the product liability award will be reduced by the amount of workers' compensation to which the employee is entitled. The employer will, however, have a right to recapture workers' compensation benefits (i.e., a right of "subrogation") if the employer shows that the employee's harm was not in any way caused by his fault or by the fault of a co-employee.

At the same time, the bill prohibits manufacturers from suing employers to make the employer contribute his share of the fault to the product liability award. A few states have allowed these types of actions. If, however, an employer attempts to recapture his workers' compensation benefits from the manufacturer in a product liability action, the employer loses this protection against lawsuits by the manufacturer. This provision was developed as a compromise between different groups in the business community who had opposing views on the approach to take in regard to the relationship

between workers' compensation and product liability actions.

Several Liability for Non-Economic Damages (Section 306)

The bill modifies the rule of "joint and several liability" only with respect to its application to "non-economic damages" (e.g., damages for pain and suffering, emotional distress). Each defendant will be liable only for the amount of non-economic damages proportionate to his percentage of responsibility. This provision applies to all defendants in an action in which a manufacturer or product seller is liable (i.e., it includes doctors, municipalities, and other individual defendants involved in a product liability action).

Defenses Involving Intoxicating Alcohol or Drugs (Section 307)

The bill provides a complete defense to liability for manufacturers and product sellers if the claimant was under the influence of intoxicating alcohol or a drug and that condition was more than 50 percent responsible for the accident or event resulting in the claimant's harm. This provision is derived from a statute in the State of Washington.

Mr. ROCKEFELLER. Mr. President, today I am joining my colleagues in introducing the Product Liability Reform Act of 1989. This bill establishes uniform Federal rules for a few key areas of product liability law. It is similar to S. 666, which Senator KASTEN introduced, and I cosponsored, during the last Congress.

There are many difficult steps that we as a nation must take to ensure our economic future. We must strengthen our education system, reduce our budget and trade deficits, and improve the U.S. savings rate. We also must spend more on civilian research and development, and encourage more of a long-term investment outlook on the part of U.S. industry.

Another step—that's usually not directly linked to increasing our competitive advantage, but is critical to it—is to reverse the trend of unpredictable liability and its related costs.

Currently, American manufacturers are confronted with a chaotic patchwork of product liability laws which vary tremendously from State to State. This confusion can be troublesome to individual plaintiffs and defendants, but the highest price for the uncertainties of the system is paid in the global marketplace. It is robbing us of our ability to compete and paralyzing our innovative spirit—the catalyst of U.S. economic leadership.

While the U.S. struggles to maintain its competitive edge in every industrial sector, the unpredictability of the current product liability system is eroding the future of our domestic industries.

For example, research, as well as licensing and technology transfer programs, at colleges and universities are being curtailed because of the threat of product liability lawsuits. The loss of these research programs—which so often are the source for new businesses and new jobs—will have a devastat-

ing effect on our efforts to broaden the economic base in communities across the Nation.

In addition, product liability costs and the threat of litigation have forced many manufacturers to withdraw useful products from the market and to cancel the research and development of new, innovative and, at times, life-saving products.

Monsanto, for instance, recently abandoned research on a possible substitute insulation material for asbestos due to liability risks. Lederle Laboratories remains the sole U.S. manufacturer of the DPT vaccine and Merck and Co. the only producer of the combined measles, mumps and rubella vaccine. All others have left the field due to the threat of product liability lawsuits.

Faced with increasing and unacceptable liability costs, some American manufacturers are abandoning product lines altogether, closing facilities, laying off workers and opening their markets to foreign manufacturers. When Puritan-Bennett, one of the leading U.S. manufacturers of hospital equipment stopped making anesthesia machines, two foreign-owned manufacturers were the only competitors in a market once dominated by half a dozen companies.

Foreign manufacturers do not face the same unpredictability and expense of the product liability system in their home countries. According to the U.S. Department of Commerce, some U.S. manufacturers face liability costs 200 times greater than those of their foreign competitors. It has been reported that foreign manufacturers spend 20 to 50 times less on product liability insurance than do U.S. manufacturers.

By the year 1990, our trading partners in the European Economic Community [EEC], adding to their other advantages in international commerce, plan to implement a directive creating uniform product liability laws. Unless Congress moves quickly, there will be more uniformity between Italy and the United Kingdom than between Virginia and West Virginia.

We cannot sit by passively and watch our industries and jobs go overseas. In my State of West Virginia, I have seen communities devastated by shifts in global markets—causing basic industries to leave my State and even our Nation's shores in search of greener economic pastures.

Admittedly, product liability reform is only one piece of the solution. But it's a good beginning.

The Product Liability Reform Act will remove a great deal of the uncertainty by establishing clear, stable and uniform rules on a few important issues that arise in product liability cases. It will also help stabilize insurance rates, eliminate unnecessary legal costs, encourage the prompt settlement of claims and lower product liability transaction costs.

All courts in the United States, both State and Federal courts, will apply these rules. Our legislation does not, and as a practical matter could not, establish a rule for every issue that may arise in a product liability case. But, it deals with some of the principal issues where uniformity is most needed.

We have a long road ahead of us on this legislation, but I would urge my colleagues to pass a product liability reform bill in this Congress. I don't claim perfection with this bill. We will seek hearings to examine the bill intensely. And during the course of the legislative process, I certainly will work with my colleagues to iron out problems and address concerns or questions where necessary.

I am hopeful that we can pass a product liability bill that safeguards the rights of all Americans while better ensuring our economic future.

Mr. DANFORTH. Mr. President, I am pleased to be an original cosponsor of the Product Liability Reform Act. I commend Senator KASTEN for his leadership on this issue.

Product liability reform is essential. It is essential if we are to speed the awarding of compensation to the victims of product related injuries and if American manufacturers are to maintain their competitive position in world markets.

The victims of defective products deserve to be compensated fairly and quickly. The present system, with its transaction costs and unpredictability, does not treat victims fairly. A 1986 study by the Rand Institute for Civil Justice reveals the wasteful inefficiency of the system. It found that in 1985 the U.S. tort system spent between \$16 billion and \$19 billion in legal expenses, to deliver only \$14 to \$16 billion in net compensation to plaintiffs. Plaintiffs received only 46 percent of the total expenditure. Only one group benefits from the current system—lawyers. That is unacceptable.

The tort system often requires plaintiffs to wait years to recover for their injuries. This is particularly a concern for the most seriously injured victims, who are often in desperate financial straits. One study found that 36 percent of suits for losses resulting from bodily injury are not paid until at least 4 years after they are first reported. Another study found that, in the cases of the most severe injuries, those in which payment exceeded \$100,000, 21.6 percent of claimants waited more than 5 years for payment. Only 2.1 percent were paid less than 1 year after reporting their injury, and 62.6 percent took more than 3 years to be paid.

Not only does the present product liability system generate excessive costs and delays; it does not compensate injured victims in proportion to their losses. Numerous studies have found

that the tort system grossly overpays those with small losses, while underpaying the most seriously injured. One study found that injured plaintiffs with losses between \$1 and \$1,000 received, on the average, 859 percent of their losses, while those with losses of over \$1 million received, on the average, 15 percent of their losses. That figure does not include the share that goes to the lawyers. Other studies have shown that people with lower incomes and lower educational levels recover far less than their middle and upper class counterparts because they have less access to lawyers and cannot afford to wait as long to recover.

The system is inherently uncertain and unpredictable. It may be characterized as a lottery. As one law professor put it, "lawyers' talents, plaintiffs' demeanor, defendants' grit, and the idiosyncracies of jury composition combine to hand similar victims altogether dissimilar results." This uncertainty is a problem both for defendants and plaintiffs. Defendants need greater certainty as to the scope of their liability. Plaintiffs need faster, more certain recovery that fully compensates them for their losses.

Injured victims are not alone in bearing the excessive costs of the product liability system. It is a burden on American businesses competing overseas. A 1984 International Trade Administration study found that foreign competitors have product liability insurance cost that are 20 to 100 times lower than those of their U.S. counterparts.

Higher prices are just one aspect of our competitiveness problem. The product liability system discourages innovation by U.S. firms. In 1987, Monsanto abandoned its plan to produce phosphate fiber, a safe substitute for asbestos. Monsanto decided not to proceed with this product due to fear of exorbitant liability claims, despite the fact that its research indicated that phosphate fiber was a safe product. Unison Industries expressed similar concerns with it declined to market a revolutionary solid-state electronic ignition system for piston-engine aircraft.

The impact of product liability costs on innovation is particularly pronounced among smaller U.S. companies. A recent American Medical Association report found that product liability is slowing the development of new medical technologies. Research and development by small companies is vital to further improvements in biotechnology, but these companies are not marketing new products due to an inability to obtain affordable product liability insurance.

Product liability reform is essential for affordable health care. In 1986, only two companies manufactured Diphtheria-Pertussis-Tetanus (D-P-T) vaccine. Lawsuits seeking more than

\$1 billion in damages led one D-P-T manufacturer to triple its price in order to self-insure. Both producers considered going out of business. This vaccine is an indispensable product for American citizens. Congress should encourage the development of effective vaccines and other pharmaceutical products. However, according to the American Medical Association, product liability insurance for this industry has virtually disappeared due to a legal climate that will not allow a legitimate D-P-T producer to survive.

This bill will make the product liability system fairer. It encourages the settlement of lawsuits without litigation based on rule 68 of the Federal Rules of Civil Procedure. This provision encourages both parties in litigation to accept reasonable settlement offers. This will help victims to receive compensation for their losses quickly and without incurring substantial legal fees—fees which can reduce their compensation by more than 50 percent in the current system.

The bill also modifies the rule of joint and several liability with respect to noneconomic damages. This provision limits a defendant's liability to his percentage of fault for damages such as pain and suffering and emotional distress. The standard of proof for the awarding of punitive damages will be changed based on the recommendation of the American Bar Association. The bill raises the standard for punitive damages to "clear and convincing" evidence and establishes a uniform standard of conduct. The bill also provides for a separate proceeding on punitive damages, reflecting the fact that they are a quasicriminal type of penalty.

Mr. President, this bill allocates responsibility for injuries equitably. The current system does not. The current system is a lottery. A severely injured plaintiff is required to take a chance on the lottery in order to be compensated. Too often it is the victim who loses when this unpredictable system produces an unfair result. The system should encourage quick settlements that allocate responsibility equitably. This legislation accomplishes that. Moreover, by reducing transaction costs, this legislation should improve our manufacturer's competitiveness in world markets. It is these excessive costs that burden manufacture and discourage the development of innovative new products. I urge my colleagues to support this bill.

By Mr. BAUCUS:

S. 1402. A bill to amend the Older Americans Act of 1965 to ensure area agencies receive adequate funding, and for other purposes; to the Committee on Labor and Human Resources.

FUNDING FOR AREA AGENCIES UNDER THE OLDER AMERICANS ACT

● Mr. BAUCUS. Mr. President, until the Older Americans Act [OAA]

Amendments of 1987 were enacted, the act stipulated that individuals to be served by tribal organizations under title VI—Grants to Indian tribes and organizations—could not receive services under title III—grants for State and community programs on aging. This stipulation applied even if title III funds were used to provide a different array of services. The intent of the provision was to prevent duplication of services. Over time it had an adverse effect, however, excluding many Indian elders from any services at all.

Testimony at hearings held by the Senate Special Committee on Aging and by the Aging Subcommittee of the Committee on Labor and Human Resources in 1987 called for greater coordination between titles III and VI since the restriction excluded many Indian elders from any services.

Mr. President, the 1987 OAA Amendments eliminated the prohibition on individuals or tribal organizations receiving services or funds under title VI from also benefitting from the title III program. As amended, the law now allows older Indians to receive assistance under both title VI and title III programs. The congressional purpose with this change, as it appears in the committee reports, was to correct the unintended effect of the prior law which had resulted in making ineligible for title III services older Indians who could be served by a title VI grant but were not, or in making older Indians who receive only one type of service under title VI ineligible for any other services under title III.

I believe that this change in the law reflects congressional concern that older Indians receive and have access to needed services under the Older Americans Act to the same extent as all other older Americans.

The change, however, was not intended to harm existing grantees under title III of the act. Mr. President, the unanticipated consequence of the change in the act has resulted in a decrease of title III funds to some area agencies on aging. This means that services previously provided by projects through area agencies on aging will be cut back or eliminated. How do we explain to an elderly recipient of services under the act why he or she cannot get a meal or why a nurse is not visiting?

To clarify congressional intent, I am introducing legislation today to correct this unintended result. In addition, I will make every effort to ensure that there are sufficient funds appropriated under the act to implement the change. We must guarantee that no one suffers from an unintended effect of the Older Americans Act amendments that Congress passed in 1987.

Mr. President, I ask unanimous consent that the text of my legislation be printed following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FUNDING FOR AREA AGENCIES.

Section 308 of the Older Americans Act of 1965 (42 U.S.C. 3028) is amended by inserting at the end thereof the following new subsection:

"(d) No area agency, in a State that has one or more of such agencies that represent Indian tribes, shall receive amounts under this title in each fiscal year that are less than the total amount such agency received in fiscal year 1988 under this title."●

By Mr. STEVENS (by request):

S. 1403. A bill to increase the annual salaries of executive personnel, and for other purposes; to the Committee on Governmental Affairs.

SENIOR EXECUTIVE SALARY ACT

Mr. STEVENS. Mr. President, over the course of my years in the Senate, the issue of adjusting Federal pay has been unpopular, as we all know. However, the facts speak for themselves: The pay of senior Government officials has eroded to salaries far below the pay of comparable positions in the private sector.

In terms of purchasing power, the salary of a level II executive, which is currently \$89,500, has dramatically eroded in the past two decades—current level II salary in 1970 dollars has the purchasing power of \$29,395.

Inadequate pay impacts employee morale, management excellence, special expertise, retention and recruitment—and leads to compression of salaries and underproductive employees. Today I introduce the administration's pay raise proposal, which will provide higher salaries to a number of officials in the executive branch. I believe that this proposal is a starting point for improving and revamping the system which determines how we pay our Federal employees. It has provisions which I do not endorse—but I believe it should be before the Senate for consideration.

The key components of the bill provide for pay raises for high level Cabinet and department officials and members of the senior executive service. In addition, persons in critical shortage positions will be able to receive pay adjustments. The bill establishes a critical position pay authority so that an agency head can pay an employee up to the pay established for executive level I. Under this provision, up to 200 critical positions can be identified in the executive branch where a position requires scientific, technical, expert, or professional qualifications.

A serious problem exists today in the executive branch with regard to keep-

ing key positions filled with employees who can get the job done and get it done well. The National Institutes of Health, which conducts and supports biomedical research in the causes, prevention, and cure of disease, has extreme difficulty filling such posts.

For example, over the past 10 years, NIH has not been able to recruit a single senior research scientists to engage in the independent conduct of a clinical or basic biomedical research program. Moreover, the position of Association Director for the Radiation Research Program at the National Cancer Institute, whose duties include conducting research on the effectiveness of radiation in cancer treatment, was unfilled for almost 3 years.

At the National Science Foundation, an agency charged with improving the health of research and education in the sciences and engineering, turnover is between 20 and 25 percent each year. At the National Aeronautics and Space Administration, retiring center Directors accepted positions with private industries, ranging in salary from \$150,000 to \$200,000. The Department of the Treasury and the Nuclear Regulatory Commission are also experiencing similar recruitment and retention problems.

Mr. President, I could continue on and on with these examples on individuals leaving Government for more lucrative jobs elsewhere. The point is that separately, these examples may not be significant or noteworthy—but in the aggregate, these individual cases affect the total quality of the Government at large.

The administration's bill includes a recertification provision. The rationale behind that provision is that the performance of SES members will be reviewed every 3 years in order for them to remain in the SES, and this recertification process will constitute a separate process from existing performance appraisal procedures. It is anticipated that where conflicts arise between existing performance appraisal procedures and new recertification procedures, linkage and reconciliation of the two systems will occur.

Those who support this concept argue that this concept will hold both managers and employees accountable for good performance while ensuring that the senior executive service remains an elite corps of managers and supervisors dedicated to service excellence and quality senior management.

In any event, this bill is a first step in letting Federal employees know that we believe in them and in a democratic government made up of people who give their dedication and service to this country in exchange for the equitable pay that they deserve.

Mr. President, I ask unanimous consent that the text of this bill and the accompanying transmittal documents be printed following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1403

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Senior Executives Salary Act of 1989."

SEC. 2. (a) The annual salary rates of positions in the Executive Schedule are hereby increased in the amount of 25 percent of their respective existing rates, rounded to the nearest \$100, effective the first day of the first pay period that begins on or after January 1, 1990.

(b) Any adjustment in rates of pay for fiscal year 1990 that takes effect with respect to the Executive Schedule pursuant to Section 5318 of title 5, United States Code, shall be applied to the rates of pay in effect after application of the increase provided under this section.

SEC. 3. (a) The Director of the Office of Management and Budget, in consultation with the Director of the Office of Personnel Management, may, from time to time, allocate and reallocate among the Departments and agencies of the Executive Branch critical position pay authority for not to exceed a government-wide total of 200 positions.

(b) The head of an agency who receives an allocation of critical position pay authority may exercise such authority for not to exceed the number of positions for which authority is received from the Director of the Office of Management and Budget as set forth in subsection (a) of this section.

(c) For purposes of this section, "critical position pay authority" means the authority of the head of an agency, notwithstanding any other law, including 2 U.S.C. 356, 5 U.S.C. 5308, 5 U.S.C. 5382, and 5 U.S.C. 5383(b), to fix the compensation for any position he determines to be a critical position at the time it is filled at an annual rate that does not exceed the rate for Level I of the Executive Schedule. Such authority must be reexercised when a position becomes vacant and is refilled based upon a redetermination by the agency head that the position is a critical position within the meaning of this section. Such authority may be reexercised only if the allocation made by the Director of the Office of Management and Budget required for such exercise pursuant to subsection (b) is reconfirmed by the Director of the Office of Management and Budget at the time of such reexercise.

(d) In determining whether a position is a critical position to which this section shall apply, the head of the agency shall consider:

(1) the extent to which the position requires scientific, technical, expert or professional qualifications; and

(2) the extent to which additional compensation is necessary to attract exceptionally qualified individuals.

(e) Effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5305 of this title, the maximum annual rate of pay established by this section shall be adjusted by an amount, rounded to the nearest multiple of \$100, equal to the percentage of such annual rate of pay which corresponds to the percentage of the adjustment in the rates of pay for the Executive Schedule under Section 5318 of title 5, United States Code, as amended by this Act.

SEC. 4. (a) For purposes of this section, "employee" shall mean:

(1) Each senior executive as defined by section 3152(a) of title 5, United States Code; (2) each member of the Senior Foreign Service; and (3) career employees whose positions are set forth in the Executive Schedule.

(b) Every three years, each employee shall be subject to recertification as set forth in this section. Such recertification shall consist of the following.

(1) An employee shall be required to demonstrate to the employee's supervising authority that the employee's performance in the previous three year period has been outstanding or its equivalent, as defined by standards established for the employee's position.

(2) If the employee demonstrates such performance, the employee shall be recertified.

(3) If the employee fails to demonstrate such performance, the supervising authority shall take one of the following actions, depending on the circumstances:

(a) the employee's pay shall be reduced to the minimum rate of basic pay payable for GS-16 of the General Schedule; or

(b) the employee's level shall be reduced to such lesser level in the Senior Executive Service, the Senior Foreign Service, or the Executive Schedule as may be appropriate; or

(c) the employee, while retaining career tenure in the Federal service (for employees with such tenure), shall be removed and placed in a position in the General Schedule at GS-15, Step 10.

(d) The Director of the Office of Personnel Management shall promulgate such regulations as may be necessary to carry out this section. Such regulations shall, in the case of career employees, include appropriate rights to notice, hearing and appeal consistent with existing rights for similar personnel matters. Career employees shall have a right to appeal to the Merit Systems Protection Board from an adverse action under this section taken by the agency for any political or other proscribed purpose.

(e) This section shall take effect on January 1, 1990.

THE WHITE HOUSE.

To the Congress of the United States:

I am submitting for your consideration and enactment the "Senior Executives Salary Act of 1989." This legislation would provide higher salaries to a small number of employees in positions requiring specialized and critical skills. It also provides for salary increases ranging from 8 percent to 25 percent for senior executive branch officials. In addition, the bill links receipt of the higher salaries to effective job performance.

The bill is the executive branch counterpart to the judicial salary proposal (the "Judicial Salary Act of 1989") which I submitted to Congress in April calling for a 25 percent increase in the pay of Justices and judges.

The pay of senior government officials has eroded significantly in relation to the pay of executives in comparable jobs in the private and not-for-profit sectors of the economy. This pay gap is affecting the Federal Government's ability to attract and retain the skilled and motivated senior executives necessary to direct the complex, wide-ranging, and critical functions of the Federal Government.

Prompt legislative action is needed to address pay deficiencies for employees with

exceptional qualifications and to make pay more competitive at the senior levels of government. It is equally important that we resolve issues connected with congressional pay and honoraria. I am also submitting today a proposal to ban congressional honoraria, and want to work with Congress to address compensation in all three branches of government.

GEORGE BUSH.

SECTION-BY-SECTION ANALYSIS

SEC. 1 SHORT TITLE

This section provides that the Act may be cited as the "Senior Executives Salary Act of 1989."

SEC. 2. PAY RAISE FOR SENIOR EXECUTIVES

This section would provide a 25 percent pay raise for all positions in the Executive Schedule, beginning in January 1990. As a result of this increase, members of the Senior Executive Service will also receive a pay raise beginning in January 1990. This will occur because Senior Executive pay rates are tied to pay rates for Level IV of the Executive Schedule.

SEC. 3. CRITICAL POSITION PAY AUTHORITY

This section would establish a system for providing critical position pay authority. Under this authority, an agency head could determine to compensate an individual in such a position at an annual rate not to exceed the rate for Level I of the Executive Schedule.

Under subsection (a) of this section, the Director of the Office of Management and Budget, in consultation with the Director of the Office of Personnel Management, would be authorized to allocate critical position pay authority for not to exceed 200 positions. The Director would allocate these 200 positions among the agencies of the Executive Branch. The Director could change the allocations from time to time depending upon the circumstances with which he is presented.

Subsection (b) of this section would provide that an agency head may exercise critical position pay authority only for not to exceed the number of positions allocated to the agency by the Director of the Office of Management and Budget.

Subsection (c) of this section sets out the definition of "critical position pay authority." This section also provides that such authority must be reexercised when a position becomes vacant. The authority may be reexercised only if the Director of the Office of Management and Budget reconfirms the allocation of critical position pay authority for the position. This will ensure that the authority is exercised only on a controlled basis as necessary for recruitment for a particular position.

Subsection (d) sets out the factors the head of the agency is to consider in determining whether a position is a critical position to which the section shall apply. These factors are: (1) the extent to which the position requires scientific, technical, expert or professional qualifications, and (2) the extent to which additional compensation is necessary to attract exceptionally qualified individuals.

Subsection (e) of this section would index the annual maximum salary rate so that it would be increased to the same extent as the rates for the Executive Schedule under 5 U.S.C. Section 5318, as amended by the Act.

SEC. 4. RECERTIFICATION OF SENIOR EMPLOYEES

This section sets out a process under which senior employees in the Executive

Branch must be recertified every three years. Unless recertified, the employee would (1) lose the pay he or she receives above that provided to positions at GS-16 of the General Schedule, or (2) be reduced in level to a lesser level within the same pay system, or (3) be removed and placed in a position of the General Schedule at GS-15 step 10.

The employees subject to recertification are (1) members of the Senior Executive Service (both career and noncareer), (2) members of the Senior Foreign Service, and (3) career employees whose positions are set forth in the Executive Schedule.

Under subsection (b) of this section, each of these employees would be required to demonstrate to the employee's supervising authority that his or her performance in the previous three-year period had been outstanding or its equivalent as defined by standards established for the position. If the employee failed to make such a demonstration, his supervising authority would reduce his pay or position.

Subsection (c) of this section provides that the Director of OPM shall promulgate regulations to carry out the section. Such regulations must include, for career employees, rights to notice, hearing, and appeal consistent with existing rights for similar matters. Also, career employees are guaranteed the right to appeal to the Merit Systems Protection Board from an adverse action taken by the agency for political or other proscribed purposes.

Subsection (d) of this section provides that the recertification system established by this section shall take effect in January 1990.

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
July 7, 1989.

FACTSHEET—SENIOR EXECUTIVES SALARY ACT OF 1989

The President submitted to the Congress today legislation providing for higher salaries for a small number of employees in positions requiring specialized and critical skills. The legislation also provides for salary increase ranging from 8 percent to 25 percent for senior executive branch officials. In addition, the bill links receipt of the higher salaries to effective job performance.

The bill is the executive branch counterpart to the judicial salary proposal submitted by the President to Congress last April (the "Judicial Salary Act of 1989") calling for a 25 percent increase in the pay of Justices and judges.

The pay of senior government officials has eroded significantly in relation to the pay of executives in comparable jobs in the private and not-for-profit sectors of the economy. Over the past 20 years, for example, the pay of Executive Level II (Deputy Cabinet head, such as the Deputy Secretary of Defense) has slipped from 66 percent to 39 percent of the pay of the lower range of private corporation executives. Key scientific, medical, and acquisition jobs remain unfilled due to uncompetitive pay, thus jeopardizing successful fulfillment of priority Government tasks. In past years, the Government has been able to attract a number of Nobel laureates to Federal employment, but without adequate incentives, this critical expertise will be lost to the nation.

The President is taking this action because of his concern over the effect the pay gap is having on the Federal Government's

ability to attract and retain the skilled and motivated senior executives necessary to direct the complex, wide-ranging, and critical functions of the Federal Government.

Failure to provide competitive pay is also impeding recruitment and retention of the most qualified persons at the senior levels of government. A number of highly qualified candidates for sub-Cabinet positions in the Bush Administration have declined acceptance because of low pay and family sacrifices. Departments and agencies, such as NASA, have lost highly skilled and experienced senior executives, in part because of inadequate and non-competitive pay. High ranking local government officials in large metropolitan areas, such as school superintendents, now make more than key government leaders such as the Director of National Institutes of Health, who is responsible for research on cancer and heart disease.

While strongly supportive of pay increases for senior government executives, the President also believes the higher salaries must be accompanied by a strengthened relationship between pay and job performance and a higher level of accountability. This bill accomplishes those objectives by establishing a process in which senior government executives could continue to hold their positions only if they met a requirement to demonstrate excellent job performance. The bill also provides for due process and Merit Systems Protection Board appeal so as to ensure that the new recertification provisions are not used for political or other proscribed purposes.

Description of Pay Legislative Proposal

The proposed legislation addresses three basic areas:

Higher salaries for certain specialized positions;

Salary increases for senior executives; and
A direct linkage between higher salaries and effective performance.

Higher salaries for specialized positions.—Salaries not to exceed the rate for Level I of the Executive Schedule will be paid to not more than 200 critical positions in the executive branch that require unique qualifications and sustained exceptional performance in order to carry out effectively the functions of the position. The number of positions qualifying for the special salary rates would be allocated to the Departments and agencies by the Office of Management and Budget, in consultation with the Office of Personnel Management, based on demonstrated evidence of need. Beginning in fiscal year 1991, the maximum salary payable would be adjusted annually by the same percentage as that applicable to Executive Schedule salaries.

Salary increases for senior executive branch officials.—The following table shows existing rates as well as the rates proposed to be effective on the first day of the first pay period on or after January 1, 1990:

	Existing	Proposed
Vice President of the United States.....	\$115,000	\$143,800
Offices and positions under the Executive Schedule in subchapter II of Chapter 53 of title 5, United States Code:		
Positions at level I.....	99,500	124,400
Positions at level II.....	89,500	111,900
Positions at level III.....	82,500	105,100
Positions at level IV.....	80,700	100,900
Positions at level V.....	75,500	94,400
Positions in the Senior Executive Service under subchapter VIII of Chapter 53 of title 5, United States Code. (These new pay levels would also apply to the Senior Foreign Service):		
Positions at ES-6.....	80,700	100,900
Positions at ES-5.....	78,600	93,700

	Existing	Proposed
Positions at ES-4.....	76,400	87,500
Positions at ES-3.....	74,900	82,700
Positions at ES-2.....	71,800	78,100
Positions at ES-1.....	68,700	74,500

Requirement for effective performance.

As a condition for the higher salaries provided for in this bill, an employee holding a position under the Executive Schedule or the Senior Executive Service (except for Cabinet officers, agency heads, and those serving in positions in which they can be removed only for cause) will be required to receive every three years a certification of acceptable performance form his/her supervisor. Those judged not to be performing in the excellent manner expected of persons occupying senior executive positions would be reduced in pay of a noncareer employee, or reduced to the highest step of grade 15 of the General Schedule and placed in another position of a career employee. Career personnel not certified will have limited appeal rights to the Merit Systems Protection Board to ensure that the action was not a result of political, racial, nationality, gender, disability, or religious bias.

The President will be working with the Congress on passage of this legislation and to achieve a more rational pay structure for senior level positions in all three branches of government, in conjunction with elimination of honoraria proposed under separate legislation.

By Mrs. KASSEBAUM:

S. 1404. A bill to name the Department of Veterans Affairs Medical Center in Leavenworth, KS, as the "Dwight D. Eisenhower Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

DWIGHT D. EISENHOWER DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mrs. KASSEBAUM. Mr. President, I am honored to be joined today by my colleague from Kansas in introducing legislation designating the Veterans' Administration Medical Center at Leavenworth, KS, as the "Dwight D. Eisenhower Department of Veterans Affairs Medical Center." The renaming of this historic facility would be fitting, for two reasons. First, President Eisenhower had very close ties with the State of Kansas. In the town of Abilene, KS, can be found not only the Eisenhower Museum and Library, but also his family home and final resting place.

Second, next year will commemorate the 100th anniversary of President Eisenhower's birth. As members of the Eisenhower Centennial Commission, Senator DOLE and I will be engaged in a number of activities throughout the country. In that regard, the renaming of the Leavenworth hospital in "Ike's" honor would certainly be appropriate.

As I mentioned before, Ike had very deep Kansas roots. Raised and schooled in Abilene, he graduated from Abilene High School and began his celebrated military career soon thereafter by attending West Point Military Academy. In order to hone

his military planning and leadership skills, Ike returned to Kansas to attend the Command and General Staff Course at Fort Leavenworth. From there, one need only refer to basic U.S. history texts to learn of General Eisenhower's achievements and contributions to a nation he dearly loved. Assuming command of the European theater during World War II, he led the greatest amphibious operation in battle history, the Normandy invasion.

His achievements as President of the United States were equally historic, and he proved to be one of the most popular Presidents of all time. His midwestern roots can be found in the legacy of his Presidency: A genuinely bipartisan domestic and foreign policy; a Federal Government living within its means; significant international exchanges founded on the notion that reasonable and sound negotiation can be effective; and a national commitment to education, science, and technology. He was a decent and good-humored man, strong leader, with a vision both practical and farsighted.

For these reasons, I believe designating the Leavenworth VA hospital in Ike's honor would be a fitting tribute.

Mr. DOLE. Mr. President, I rise today in support of the bill my distinguished colleague, NANCY KASSEBAUM, has placed before us. This bill would rename the Department of Veterans Affairs Medical Center in Leavenworth, KS, after a very deserving man, a national hero who served his country admirably, and who was himself a veteran. I speak, of course, of Dwight D. Eisenhower.

Dwight David Eisenhower grew up in Abilene, KS. There he attended high school, was popular among his classmates, and was an outstanding athlete. He came from a poor family where he worked in a creamery and grew and sold vegetables to help his family meet expenses.

His distinguished military career began when he entered West Point, and reached its zenith when he became Commander in Chief of the Armed Forces. In between he served on Brig. Gen. Fox Connor's staff in the Panama Canal Zone, and graduated first in his class of 275 top army officers at the Command and General Staff School. He served as an aide to Gen. Douglas MacArthur when he was Chief of Staff and later followed him to the Philippines.

World War II brought him much responsibility. He served as commanding general of U.S. Forces in the European theater of operations, commander of allied forces organized to invade North Africa, and finally Supreme Commander of the Allied Expeditionary Force in Europe. It was in this last post that he gave the vital command

for the invasion of Normandy on D-day.

In December 1944 Eisenhower received the newly created rank of 5-star general, and less than a year later became Army Chief of Staff. After a brief retirement from active military service during which he served as president of Columbia University in New York City, President Truman asked Eisenhower to return to become Supreme Commander of NATO Forces in Europe.

His next promotion was being elected President of the United States. He gave his country two terms of outstanding service. To precipitate the ending of the Korean war he honored his promise "I shall go to Korea," and later saw the signing of the truce that remains intact today. He saw the addition of Alaska and Hawaii to the Union. The "open skies" policy of weapons verification with the Soviet Union was originally his brainchild. He sent the Army to Little Rock, AR, to enforce the landmark racial desegregation decision.

Mr. President, the life accomplishments of Dwight D. Eisenhower are far too numerous and our time far too limited to elaborate on all of them here. I am sure that my distinguished Senate colleagues are aware of what an outstanding man he was. Eisenhower was President when I came to Congress. I have a lot of respect and personal feeling for my fellow Kansan, though our relationship was brief.

Since October 14, 1990 is the centennial of Eisenhower's birth, I think the time is right to pass this bill and bestow on this great man a well-deserved honor. As part of the celebration I join Senator KASSEBAUM in the effort to rename the State's oldest Department of Veterans Affairs medical center after one of Kansas' greatest sons, Dwight David Eisenhower. He was an outstanding President, a war hero, and a great American.

By Mrs. KASSEBAUM (for herself and Mr. PELL):

S. 1405. A bill to ensure the eligibility of displaced homemakers and single parents for Federal assistance for first-time homebuyers; to the Committee on Banking, Housing, and Urban Affairs.

DISPLACED HOMEMAKERS AND SINGLE PARENTS HOMEOWNERSHIP ASSISTANCE ACT

● Mrs. KASSEBAUM. Mr. President, the bill I am introducing today would ensure that displaced homemakers and single parents are not overlooked when considering eligibility for Federal assistance for first-time homebuyers. I am pleased to include Senator CLAIBORNE PELL as an original cosponsor. This bill was drafted in conjunction with the Displaced Homemakers Network.

All too often, many women who find themselves either divorced or widowed

have a difficult if not impossible time financing a home. While many of these women may have jointly owned a home with their spouse, they often have no future financial interest in the property. Nonetheless, such joint ownership can act as a barrier in gaining eligibility for Federal first-time homebuyer assistance.

Mr. President, statistics have shown that only about one-third of all single women who maintain households with children own their homes. Circumstances surrounding either a divorce or death of a spouse can be extremely painful and difficult. Technical barriers to purchasing a home should not add to those difficulties. It is my hope this bill will help displaced homemakers and single parents achieve a key element of the American dream—home ownership. ●

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. CRANSTON, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 15, a bill to amend the Public Health Service Act to improve emergency medical services and trauma care, and for other purposes.

S. 190

At the request of Mr. MATSUNAGA, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 190, a bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the Armed Forces to receive compensation concurrently with retired pay without reduction in the amount of the compensation and retired pay.

S. 399

At the request of Mr. GLENN, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 399, a bill to amend the Library Services and Construction Act to authorize the Secretary of Education to establish a program to make grants to local public libraries to establish demonstration projects using older adult volunteers to provide intergenerational library literacy programs to children during afterschool hours, and for other purposes.

S. 439

At the request of Mr. PELL, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 439, a bill to establish a program of grants to consortia of local educational agencies and community colleges for the purposes of providing technical preparation education and for other purposes.

S. 563

At the request of Mr. MATSUNAGA, the name of the Senator from Florida [Mr. GRAHAM] was added as a cospon-

sor of S. 563, a bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the Armed Forces to receive retired pay concurrently with disability compensation after a reduction in the amount of retired pay.

S. 667

At the request of Mr. MATSUNAGA, the names of the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Hawaii [Mr. INOUE] were added as cosponsors of S. 667, a bill to amend the Federal Unemployment Tax Act with respect to employment performed by certain employees of educational institutions.

S. 714

At the request of Mr. McCLURE, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 714, a bill to extend the authorization of the Water Resources Research Act of 1984 through the end of fiscal year 1993.

S. 804

At the request of Mr. MITCHELL, the names of the Senator from Nevada [Mr. BRYAN], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 804, a bill to conserve North American wetland ecosystems and waterfowl and the other migratory birds and fish and wildlife that depend upon such habitats.

S. 933

At the request of Mr. HARKIN, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 933, a bill to establish a clear and comprehensive prohibition of discrimination on the basis of disability.

S. 1010

At the request of Mr. WILSON, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1010, a bill to encourage further cooperation between Federal, State, and local law enforcement agencies in their efforts against drug trafficking and other serious criminal activities.

S. 1091

At the request of Mr. GRAHAM, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 1091, a bill to provide for the striking of medals in commemoration of the bicentennial of the United States Coast Guard.

S. 1205

At the request of Mr. MATSUNAGA, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 1205, a bill to amend the Agriculture Trade Development and Assistance Act of 1954 to permit foreign currency proceeds derived from the sale of commodities to be used to support research and development

programs in agriculture and aquaculture, and for other purposes.

S. 1237

At the request of Mr. GLENN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1237, a bill to require the Administrator of the General Services Administration to encourage the use of plastics derived from certain commodities, and to include such products in the General Services Administration inventory for supply to Federal agencies, and to establish an Interagency Council on Biodegradable Standards for the development of uniform definitions, standards, and testing procedures for degradable plastic products made from certain commodities, and for other purposes.

S. 1238

At the request of Mr. FOWLER, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 1238, a bill to amend the Internal Revenue Code of 1986 to restore the capital gains treatment for timber, and for other purposes.

S. 1291

At the request of Mr. PELL, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 1291, a bill to extend and amend the Library Services and Construction Act, and for other purposes.

S. 1381

At the request of Mr. KASTEN, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1381, a bill to amend the Internal Revenue Code of 1986 to increase to 100 percent and make permanent the deduction for health insurance for self-employed individuals.

S. 1385

At the request of Mr. LOTT, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 1385, a bill to establish a tropical cyclone reconnaissance, surveillance, and research program under the joint control of the Secretary of Defense and the Secretary of Commerce.

SENATE JOINT RESOLUTION 133

At the request of Mr. SPECTER, the names of the Senator from Pennsylvania [Mr. HEINZ] and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of Senate Joint Resolution 133, a joint resolution designating October 1989 as "National Domestic Violence Awareness Month."

SENATE JOINT RESOLUTION 140

At the request of Mr. GLENN, the names of the Senator from Nevada [Mr. REID], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from North Dakota [Mr. CONRAD], the Senator from South Carolina [Mr. THURMOND], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Virginia [Mr. WARNER], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate

Joint Resolution 140, a joint resolution designating November 19-25, 1989, as "National Family Caregivers Week."

SENATE JOINT RESOLUTION 159

At the request of Mr. GORE, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Oklahoma [Mr. BOREN], the Senator from North Dakota [Mr. BURDICK], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Vermont [Mr. JEFFORDS], the Senator from Wisconsin [Mr. KOHL], the Senator from Indiana [Mr. LUGAR], the Senator from Maryland [Ms. MIKULSKI], the Senator from Rhode Island [Mr. PELL], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 159, a joint resolution to designate April 22, 1990 as Earth Day and to set aside the day for public activities promoting preservation of the global environment.

SENATE JOINT RESOLUTION 164

At the request of Mr. NICKLES, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Joint Resolution 164, a joint resolution designating 1990 as the "International Year of Bible Reading."

SENATE JOINT RESOLUTION 53

At the request of Mr. DODD, the name of the Senator from Michigan [Mr. LEVIN] was added as cosponsor of Senate Concurrent Resolution 53, a concurrent resolution concerning Iranian persecution of the Baha'is.

SENATE CONCURRENT RESOLUTION 55

At the request of Mr. DOLE, the names of the Senator from Indiana [Mr. LUGAR] and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Concurrent Resolution 55, a concurrent resolution to commemorate the volunteers of the United States and the Hugh O'Brien Youth Foundation.

AMENDMENT NO. 396

At the request of Mr. THURMOND, his name was added as a cosponsor of amendment No. 396 proposed to S. 1352, an original bill to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes.

AMENDMENT NO. 397

At the request of Mr. THURMOND, his name was added as a cosponsor of amendment No. 397 proposed to S. 1352, an original bill to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes.

SENATE CONCURRENT RESOLUTION 56—RELATING TO ESTABLISHMENT OF A NATIONAL AVIATION POLICY

Mr. MCCAIN (for himself, Mr. EXON, Mr. HUMPHREY, Mr. REID, Mrs. KASSEBAUM, Mr. SYMMS, Mr. DASCHLE, Mr. CONRAD, Mr. GORTON, Mr. KERRY, Mr. HARKIN, Mr. BRYAN, Mr. LUGAR, Mr. FOWLER, Mr. STEVENS, Mr. KOHL, Mr. MATSUNAGA, Mr. BREAUX, Mr. HEINZ, and Mr. COATS) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 56

Whereas the Constitution and laws of the United States provide to its citizens the right to travel throughout the length and breadth of our land uninhibited by statutes, rules, or regulations which unreasonably burden or restrict this movement;

Whereas the public's economic, social, and cultural interests require an air transportation system which provides fast, safe, efficient, convenient, and cost-effective movement of passengers and shipments throughout the Nation;

Whereas it is in the national interest to maintain the world's safest air transportation system;

Whereas the Nation's economic development and stability and employment infrastructure are increasingly dependent on and responsive to our national air transportation system;

Whereas a national survey of public attitudes revealed that 86 percent of the American public support the development of a new comprehensive national aviation policy;

Whereas integrated national policies are required to assure an adequate supply of facilities, equipment, and personnel to meet the Nation's aviation needs;

Whereas it is in the national interest of the United States to assure that the public enjoys the benefits of a deregulated, competitively oriented commercial airline industry;

Whereas it is in the national interest of the United States to assure that a cooperative relationship exists among Federal, State, and local governments and that the respective role of each in the development, operation, and maintenance of the national air transportation system is clearly defined;

Whereas it is in the national interest of the United States to assure that the national air transportation needs of all citizens are accorded appropriate weight and adequately balanced against environmental requirements;

Whereas it is in the national interest of the United States to assure reasonable and balanced access to the airport and airway system for all citizens in all geographic locations of our Nation;

Whereas it is in the national interest of the United States to assure that improvements in the Nation's air transportation system are consistent with an integrated national air transportation system;

Whereas the Secretary of Transportation has called for the establishment of a national transportation policy, and it is essential that aviation, an important and complex mode of transportation, receive especially careful attention as part of the Secretary's initiative to develop an integrated, well-articulated national transportation policy;

Whereas it is in the national interest of the United States to redesign, modernize, and continually improve the national airspace and air traffic control systems utilizing state-of-the-art technology;

Whereas it is in the national interest of the United States to develop a comprehensive and integrated national airport system plan emphasizing the preservation, expansion, and further development of America's airport infrastructure to meet the Nation's needs and to ensure the public benefit;

Whereas it is in the national interest of the United States to assure fair and equitable collection and allocation of revenues required to develop, operate, and maintain an air transportation system and further assure that which is collected is reinvested in the airport and airway system in a timely manner and only for the purposes of furthering the national air transportation system; and

Whereas the Nation's airport and airway system is presently inadequate to meet projected growth in aviation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the policy of the United States to provide and maintain, for the benefit of all of its citizens, a national air transportation system which—

(1) enhances the general welfare, economic growth, and security of the United States;

(2) is fast, safe, efficient, convenient, and at the minimum practical cost;

(3) meets public requirements and encourages future growth; and

(4) is free of statutes, rules, or regulations which unreasonably burden or restrict the right of all citizens to travel by air.

On or before the last day of the 1-year period beginning on the date of adoption of this resolution and after formal consideration of the views of all segments of the aviation community and such others as the President deems appropriate, the President should submit to Congress a detailed plan for a new comprehensive national aviation policy and implementation of such policy.

● **Mr. McCAIN.** Mr. President, I am pleased to join with Senator EXON and others of my colleagues in submitting a bipartisan concurrent resolution calling upon the President to develop a national aviation policy for our Nation.

Aviation has become the most prominent mode of transportation in this country. Deregulation has changed the industry profoundly, and its benefits should not be underestimated. Fares have decreased as the number of enplanements has grown, and the safety record has improved despite the increased air traffic. More people can afford to fly more places more safely than ever before. Yet there are undoubtedly problems associated with this phenomenal growth.

The growth in traffic has meant increasing delays and congestion at our Nation's airports. For a variety of reasons, the aviation infrastructure has simply been unable to keep pace with the vast expansion of the industry. Despite a surplus of \$6 billion, the aviation trust funds, created to fund capital improvements and support the air traffic control system, continue to

go unspent in order to disguise the size of the Federal deficit. Hopefully, Congress will soon be able to get its financial house in order, and these moneys will become fully available to help expand capacity.

Another reason our infrastructure has been lagging behind is the inability of the many groups involved in air travel to coordinate their interests. Understandably, it is difficult to reconcile the divergent concerns of Federal, State, and local governments, as well as aviation, business, and community groups. However, I think it is important to emphasize that the right to safe and reliable air service, at reasonable rates, belongs as much to rural areas and to general aviation as to the cities and commercial airlines. Small airports and small planes are the backbone of American business, but frequently their needs are overlooked. A comprehensive national aviation policy would ensure that all the users of our aviation system can be accommodated.

I believe it is vital that we begin to exercise a concerted, cooperative approach to solving our difficulties now if we want to play a leadership role in the global marketplace of the future. International trade will be the hallmark of economic success in 1990 and beyond. Throughout history, commerce has been inextricably linked to the ability to move goods. More and more this movement takes place by air. If the capacity problem is allowed to worsen, our air transportation system will become increasingly unable to deliver passengers and cargo, with severe economic repercussions. A comprehensive national aviation policy will allow us to establish a clear direction for the future.

In closing, I would note that a recent survey found that 86 percent of the American people support the establishment of a national aviation policy. Secretary of Transportation Skinner has indicated his interest in developing a national transportation policy. I commend him for recognizing this need. After a decade of deregulation, aviation is at an important juncture. The search must begin now for innovative solutions to today's problems, and I believe that establishing a national aviation policy is an important step toward this goal.

● **Mr. EXON.** Mr. President, I am pleased to join with my colleague Senator McCAIN and other Senators in submitting this concurrent resolution calling for a new comprehensive aviation policy for the United States. It is my intent that our resolution be viewed as complementary to the commendable efforts of Secretary of Transportation Samuel Skinner to develop a unified national policy for all areas of transportation.

While our concurrent resolution speaks for itself, I wish to particularly

emphasize that we must insure an aviation system for our future which is truly a national aviation system for all regions of our Nation. There is great concern in many of our smaller cities and rural areas that our transportation system, including the aviation sector, is slowly but surely abandoning them. I submit that this concern is well-founded. Rural areas and smaller towns in recent years have seen many reductions in either quantity or quality of air service and intercity bus service. The Federal support for both essential air service and Amtrak is constantly on a short-term year-to-year basis with continual uncertainty about the future. As the saying goes, "This is no way to run a railroad."

Mr. President, we need to have a better long-term view of our national transportation needs. We need to have a better sense of where we are really heading under present policies and trends and where we really want to be going. We need to chart a better course with more clearly defined long-term national transportation goals and objectives.

I urge the support of my colleagues in this effort and look forward to working with them on these goals. ●

● **Mr. CONRAD.** Mr. President, I am pleased to rise as an original cosponsor of the National Aviation Policy resolution being submitted today by Senators McCAIN and EXON. Air transportation is vital to our Nation and its economy, and this is especially true in rural areas which might otherwise lose economic, social, and cultural contacts with the rest of the country. Small communities and rural areas form an integral part of our national economy and our national heritage; this resolution calls for a national aviation policy which I hope will ensure that they are an integral part of our national air transportation system.

At a national symposium on civil aviation earlier this year nearly 50 aviation leaders and experts convened to develop recommendations on the future of aviation in this country. Their very first recommendation was the development of a national aviation policy. I wish to commend Senators McCAIN and EXON for submitting a concurrent resolution to meet this need and draw attention to the vital importance of air transportation to our Nation. And I want to express my gratitude to them and to their staff for their willingness to accommodate me by including language in the concurrent resolution that emphasizes the special importance of aviation to rural areas.

As my colleagues know, I have actively involved myself in the development of rural development legislation this spring. As part of this effort I solicited the input of my constituents, and found that many of them believe

that without adequate transportation and infrastructure, businesses simply will not locate in rural areas like North Dakota. As Kaye Braaten, Richland County Commissioner and third vice president of the National Association of Counties, testified at an Agriculture Committee hearing on its rural development bill, "Infrastructure * * * is clearly our number one need in rural counties." As action on rural development legislation proceeds, it is my hope that the bipartisan rural development task force will work with the relevant authorizing committees to address the rural development needs within their jurisdiction.

Mr. President, I believe the concurrent resolution being submitted today is a step in this direction. As many in this body know, one of the first questions asked by businesses when deciding where to locate is "What sort of air transportation is available?" In fact, the North Dakota Aeronautics Commission has found that proximity to a commercial airport is one of the top three criteria in business site selection. And the recent DOT proposal to cut essential air service to communities in North Dakota brought strenuous protests from businesses in these communities for whom this service was absolutely vital. It is my hope that a national aviation policy will reaffirm the strong bipartisan congressional support for this program.

A top concern of businesses in the State is the frequency and cost of air transportation. Since deregulation, air service to North Dakota has dwindled, and costs have skyrocketed. In the 1-year period from November 1986 to November 1987 air fares from Fargo and Bismarck to the nearest hub airport, Minneapolis, increased approximately 50 percent; air fares from Bismarck west to Denver nearly doubled. Between March 1987 and March 1988 small business starts in North Dakota declined nearly 30 percent. Mr. President, I believe these statistics are related. If the trend of rapidly rising air fares continues to plague rural areas, how are we to attract economic development to them? In order to fulfill its mandate of enhancing the economic growth of all areas of the United States, a national aviation policy must ensure frequent, affordable air service to rural as well as urban areas.

I believe the concurrent resolution being submitted today will draw attention to these issues. A national aviation policy is necessary to ensure that the air transportation needs of citizens and communities throughout the Nation—in rural midwestern States as well as urban northeastern States—are being met. We must ensure that safe, efficient and affordable air service is available to all. We must recognize the importance of aviation to economic growth and the conduct of our Nation's commerce. And we must ensure

that our Nation's air transportation infrastructure—including small airports as well as large—grows to accommodate the rapid growth in air travel our country is experiencing.

A national aviation policy that meets these objectives will pay for its costs many times over as it spurs economic and business development in rural areas—and the country as a whole. I urge the Senate to act quickly to adopt this concurrent resolution.●

AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT FISCAL YEARS 1990 AND 1991

KENNEDY AMENDMENT NO. 399

Mr. KENNEDY proposed an amendment to the bill (S. 1352) to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes, as follows:

At the appropriate place in the bill, insert the following:

SEC. . STUDY OF ALTERNATIVE B-2 AIRCRAFT FORCE STRUCTURES.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall conduct a comprehensive study comparing—

- (1) the current plan of the Department of Defense to produce 132 B-2 aircraft, with
- (2) two alternative plans, one to produce 90-100 B-2 aircraft and another to produce 60-70 B-2 aircraft.

(b) MATTERS TO BE INCLUDED.—In conducting the study under subsection (a), the Secretary of Defense shall determine the implications of adopting the alternative plans described in subsection (a)(2) with respect to each of the following:

- (1) The cost of the B-2 aircraft program, including—

- (A) annual program costs,
- (B) total program costs,
- (C) 20-year life cycle costs,
- (D) unit and flyaway costs;

- (2) The impact on the military posture of the United States, including—

- (A) strategic nuclear deterrent capabilities,
- (B) long-range conventional strike capabilities.

(c) REPORT.—The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report in both classified and unclassified form containing the results of the study conducted by the Secretary under subsection (a). The Secretary's report shall include such comments and recommendations as the Secretary considers appropriate and shall be submitted not later than January 1, 1990.

NUNN (AND OTHERS)

AMENDMENTS NOS. 400 AND 401

Mr. NUNN (for himself, Mr. WARNER, Mr. EXON, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. DIXON,

Mr. GLENN, Mr. WIRTH, Mr. SHELBY, Mr. BYRD, Mr. THURMOND, Mr. COHEN, Mr. WILSON, Mr. MCCAIN, Mr. WALLOP, Mr. GORTON, Mr. LOTT, and Mr. COATS) proposed two amendments to the bill S. 1352, supra, as follows:

AMENDMENT NO. 400

On page 5, after the end of section 104 insert the following:

SEC. 104a. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal years 1990 and 1991 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

- (2) For the Air National Guard:
 - (A) \$941,200,000 for fiscal year 1990.
 - (B) \$753,900,000 for fiscal year 1991.
- (3) For the Army Reserve:
 - (A) \$100,400,000 for fiscal year 1990.
 - (B) \$175,800,000 for fiscal year 1991.
- (4) For the Navy Reserve:
 - (A) \$144,000,000 for fiscal year 1990.
 - (B) \$159,700,000 for fiscal year 1991.
- (5) For the Air Force Reserve:
 - (A) \$177,900,000 for fiscal year 1990.
 - (B) \$179,200,000 for fiscal year 1991.
- (6) For the Marine Corps Reserve:
 - (A) \$53,800,000 for fiscal year 1990.
 - (B) \$341,000,000 for fiscal year 1991.

AMENDMENT NO. 401

On page 32, at the end of part A of title II insert the following:

SEC. 202. AUTHORIZATION OF APPROPRIATIONS OF ADDITIONAL AMOUNTS FOR IMPROVED INFANTRY EQUIPMENT.

(a) AUTHORIZATION.—Funds are hereby authorized to be appropriated for fiscal year 1990 for research, development, test, and evaluation to increase the effectiveness of small infantry units through the development of improved weapons and equipment as follows:

- For the Army, \$18,000,000.
- For the Marine Corps, \$12,000,000.

(b) ADDITIONAL AUTHORIZATION.—Funds authorized to be appropriated pursuant to subsection (a) are in addition to funds authorized to be appropriated under section 201.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 25, 1989, at 10 a.m., to hold a hearing on and to consider the nominations of Linda M. Combs, to be Assistant Secretary for Management, Department of the Treasury; Thomas J. Duesterberg, to be an Assistant Secretary of Commerce; Wade F. Horn, to be Chief of the Children's Bureau, Department of Health and Human Services; and, Gwendolyn S. King, to be Commissioner of Social Security; and, to mark up House Joint Resolution 280, a bill to increase the statutory limit on the public debt.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, July 25, beginning at 2:30 p.m., to hear Michael R. Deland, nominated by the President to be Chairman of the Council on Environmental Quality.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, July 25, 1989, at 9:30 a.m., to hold a hearing on S. 994, a bill to amend the Clayton Act regarding interlocking directorates and officers, S. 995, a bill to amend the Clayton and Sherman Acts regarding anti-trust procedures and S. 996, a bill to amend the Clayton Act regarding damages for the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, OCEAN AND WATER PROTECTION AND THE SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Ocean and Water Protection, and the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, July 25, beginning at 9:30 a.m., to conduct a joint hearing on coastal research and protection legislation, including S. 587, S. 588, S. 1178, and S. 1179.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation, be authorized to meet during the session of the Senate on July 25, 1989, at 9:30 a.m. to hold a hearing on S. 1191, the Technology Administration Authorization Act of 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 25, 1989, at 2 p.m. to hold a hearing on the nomination of Gilbert E. Carmichael, of Mississippi, to be Federal Railroad Administrator.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on July 25, 1989, at 10 a.m., to hold a hearing on incarceration and alternative sanctions for drug offenders.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, July 25, 1989, at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, July 25, 1989, at 3 p.m. to conduct a hearing on emergency medical services.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

DANIEL ADDISON, WEST VIRGINIA EVANGELICAL ASSOCIATION

● Mr. ROCKEFELLER. Mr. President, it is with great pride that I rise today to commend a fellow West Virginian for his outstanding leadership role with the Southern West Virginia Evangelical Association. Daniel Addison coordinates the distribution of food to more than 3,000 families throughout an eight-county area, an area economically depressed from the past decline of the mining industry.

For 22 years, Mr. Addison was himself a miner until a tragic rock fall left him severely injured with a broken back and a severed hand. Now 50 years old, surviving on disability checks, he volunteers 60 to 70 hours a week running this food distribution program. The amount disbursed has grown from 18,000 pounds to near 90,000 pounds a month since Mr. Addison took over. For his work he has recently been named Newsweek magazine's "West Virginia Hero for 1989."

It is truly inspiring to see this fine man making such an unselfish effort to help others in need. His philosophy he says is simple, "The reason we were put here was to help one another." I wholeheartedly agree and know that West Virginia is proud to count him as one of its citizens. Mr. President, I ask my colleagues to join me as I honor and salute Daniel Addison on his outstanding and dedicated community service. ●

DATABEAM CORP.

● Mr. McCONNELL. Mr. President, I recently came across an article in the Louisville Courier-Journal about a corporation based in Lexington, KY, that actually helped the space shuttle *Discovery* off the pad. Today I would like to have that article printed in the RECORD.

When *Discovery* was parked on its launch pad last September waiting for the morning fog to clear, some crews noticed a leak in the orbital maneuvering system. Ordinarily, engineers would be flown in from Rockwell International Corp. in Downey, CA, to check the leak and supervise the repairs. That process could take 2 months. This time, however, the Rockwell group managed the repairs from their offices. Using a computer-based conferencing system developed by Lexington's DataBeam Corp., Rockwell officials could diagnose the problem and manage the repairs by long distance. DataBeam President Lee T. Todd, Jr., shared a toast with his employees when *Discovery* lifted off—a toast both to the success of his company and the success of the shuttle. Since then, NASA has been using DataBeam with every launch, referring to it as "mission critical." NASA and Rockwell have 23 DataBeam systems installed throughout the country.

Mr. Todd, a former professor of engineering at the University of Kentucky and a promoter of Kentucky-based entrepreneurs, also owns a portion of a company that makes television picture tubes used in flight training simulators. He and other investors bought inventory and manufacturing equipment from the bankrupt Advent Corp. in Boston to start this company, Projectron Inc. Mr. Todd sold part of Projectron to Britain's Rediffusion Simulator's Ltd., which was later bought out by a General Motors subsidiary.

Beginning his exploration of teleconferencing in the early 1970's at the Massachusetts Institute of Technology, Mr. Todd always had his eye on DataBeam. He hoped for a system that would enable people at different locations to work simultaneously on a document. In order to have the projection video system that they needed when starting DataBeam in 1976, Mr. Todd and C.J. Starkey took over two unused restrooms above a fast food restaurant in Lexington. With the tile floors and running water, they were able to grow a special phosphor to use in the TV projection tubes. The two men, however, revised the conferencing in 1987. DataBeam hooked up with AT&T to bid on equipment for conference rooms used with the "Star Wars" Program. The Defense Department installed 13 units, tied together by satellite communication, at contractor sites and research labs.

Mr. Todd now has higher hopes. He would like to see DataBeam achieve the popularity that facsimile machines have. He is satisfied with the progress of DataBeam, and they are currently exploring new ways in which corporations can use it. General Electric Co., Pfizer Pharmaceutical Co., and Ashland Oil Co. are among the other clients of DataBeam.

I would like for my Senate colleagues to join me in congratulating Mr. Todd and DataBeam Corp. for their outstanding accomplishments with their document conferencing systems.

The article follows:

LEXINGTON FIRM HELPS "DISCOVERY" OFF THE PAD

(By Ric Manning)

The space shuttle Discovery was parked on its launch pad last September, waiting for the morning fog to clear, when crews spotted a leak in the orbital maneuvering system.

Ordinarily, the leak could have delayed the launch for two months. Engineers would be flown in from Rockwell International Corp. in Downey, Calif., to check the leak and supervise repairs.

But this time the Rockwell people managed the repairs without leaving their offices.

They used a computer-based conferencing system developed by Lexington's DataBeam Corp. With a picture of the leak area displayed on their computer screens, NASA and Rockwell officials diagnosed the problem and managed the repair job by long-distance.

When Discovery lifted off, DataBeam President Lee T. Todd Jr. shared a champagne toast with his employees, a toast that could have been as much to the success of his company as to the success of the shuttle.

And after that day, said Todd, NASA declared DataBeam "mission critical" and began using it extensively with every launch.

Today NASA and Rockwell have 23 DataBeam systems installed at sites throughout the country.

"We use it every chance we get," said Herb Hyman, project manager for information systems integration at Rockwell. NASA's weekly avionics meeting lasts eight hours at five sites, all of them connected by the DataBeam network.

With the NASA contract and orders from the Defense Department helping to make 1988 DataBeam's first profitable year, the company now hopes to expand its business by selling systems to corporate clients.

"We have not touched corporate America," said Todd, "and that's the biggest potential market."

DataBeam is one of two start-up companies owned and managed by Todd, a former professor of engineering at the University of Kentucky and a tireless promoter of Kentucky-based entrepreneurs.

Todd also owns a portion of Projection Inc., which makes television picture tubes used in flight training simulators. That firm was started when Todd and a group of investors bought the inventory and manufacturing equipment from the bankrupt Advent Corp. in Boston.

Todd later sold part of the company to its biggest customer, Britain's Rediffusion Simulators Ltd., and Rediffusion was later

bought by Hughes Corp., a General Motors subsidiary.

"We like to say that we went from 60 tons of used equipment to a division of General Motors," said Todd.

Yet Todd always had his eye on DataBeam.

He began exploring teleconferencing in the early 1970s when he was studying at the Massachusetts Institute of Technology. Todd envisioned a system in which people at different locations could work simultaneously on a document or drawing. When one person added a note or made a change in the document, everyone would see the change at once.

One key element would be a projection video system to display a large image with enough detail to please engineers and draftsmen.

When Todd and C.J. "Neil" Starkey started DataBeam in 1976, one of their first moves was to take over two unused restrooms above a Lexington fast food restaurant. They needed the tile floors and running water to grow a special phosphor to use in their TV projection tubes.

And Todd said the main reason he started Projection was to be sure he'd have a steady supply of projection TV tubes for DataBeam.

But as it turned out, DataBeam didn't need the phosphor or the tubes.

"The first product we designed, we never sold," he said.

Instead of using projection video, Todd and Starkey revised the conferencing in 1987 to use mostly off-the-shelf components. They dropped the projection TV part so DataBeam could hook up with AT&T to bid on equipment for conference rooms used with the Strategic Defense Initiative—the "Star Wars" program.

The Defense Department approved the contract and installed 13 units at contractor sites and research labs, all of them are tied together by satellite communication.

Next came Rockwell, the prime contractor for the space shuttle. Other clients include General Electric Co. and Pfizer Pharmaceutical Co. Ashland Oil Inc. installed a system on a trial basis to link offices in three cities.

Pfizer uses the system to link its research center in Groton, Conn., with another lab in Sandwich, England. Joseph Lombardino, director of development planning at Pfizer's Groton lab, calls the DataBeam system "a step further than telephone and a step beyond fax."

DataBeam's CT-1000 system uses an IBM-compatible computer, a Ricoh scanner, a Canon laser printer, a Sony monitor and a light pen and drawing tablet. All the items are built into a wooden cabinet that can be rolled from one room to another and plugged into any telephone outlet.

"We'll roll it into someone's office if they want to do a one-on-one," said Hyman.

A workstation with a black-and-white display costs about \$30,000. Color systems, with color scanners and printers, run as high as \$80,000. And you have to have at least two.

As many as eight workstations can be linked over ordinary telephone lines, which also provide voice communication. The result is an arrangement in which people hundreds of miles apart can communicate as if they were all at the same conference table.

If a user at one site feeds a photograph, a printed document or a computer graphic into the system, people at the other sites will see it almost immediately. Each user

can then edit or change the document, using the light pen to make handwritten notes. The laser printer will produce a hard copy at any point in the process.

The Star Wars planners use the system to share top-secret documents and Pfizer used it to review architect's drawings for a new lab in England.

When NASA needed a weather waiver from advisory team members before the Discovery could launch, the members signed the electronic version displayed on their DataBeam screens, then transmitted a copy to the Kennedy Space Center in Florida.

Starkey said he and DataBeam's marketing people are exploring new ways that corporations can use DataBeam. One potential new customer is a publishing company that produces corporate financial reports. In many cases, each page must be approved by the client before the document goes to press.

"They want to provide a workstation to each client while a project is under way," said Starkey. "Then they could sit down and go through each page together." ●

HONORING HERCULES RETIREES

● Mr. HATCH. Mr. President, today I take great pride and pleasure in honoring a group of 92 outstanding retirees who have devoted their working lives to building quality weapons for the defense of our Nation at Hercules, a defense contracting firm in my State.

These dedicated employees of Hercules Aerospace Bacchus Works in Magna, UT, have worked on projects such as spacecraft; solid rocket motors which power America's missiles; high-technology composite structures, including those for Pegasus Launch Vehicle and the Voyager, which flew around the world on one tank of gas; and Minuteman, Peacekeeper, and Titan contracts.

These valiant and valuable employees have been dedicated to our country's welfare, and I feel it is appropriate at this time for the U.S. Congress to honor and thank them for a job well done and for their service on behalf of our country.

Without objection, I would ask that the names of this group of Hercules retirees be included in the RECORD.

The listing of retirees follows:

HERCULES 1989 RETIREES

PENSION INFORMATION

Name, birth date, and date hired

Retirement date Mar. 1, 1989:

Anderson, Gary I., 9756 South Old Ranch Place, Sandy, UT 84092; Feb. 8, 1934, Mar. 27, 1961.

Armantrout, Robert J., 9 Sunwood Lane, Sandy, UT 84092; Sept. 12, 1932, Mar. 4, 1957.

Browning, Stanley C., 2941 Manorview Court, Salt Lake City, UT 84121; Jan. 31, 1929, Feb. 15, 1960.

Castner, Earl E., 5461 South 975 East Street, Ogden, UT 84405; June 30, 1926, May 1, 1961.

Duerden, Earl S., 3555 East Cliff Drive, Salt Lake City, UT 84124 Oct. 31, 1924, May 2, 1961.

Ergle, John L., 1762 Oakdale Drive, Salt Lake City, UT 84121; Dec. 4, 1929, June 8, 1959.

Farezoco, William J., 2301 Saddle Way, Salt Lake City, UT 84118; Oct. 10, 1929, Jan. 31, 1972.

Gilliat, Richleigh H., 9777 Altamont Dr., Sandy, UT 84092; Jan. 6, 1932, Nov. 27, 1961.

Gregory, Thomas M., 3831 Villa Dr., Salt Lake City, UT 84109; June 28, 1927, Apr. 10, 1961.

Gunter, Randolph W., 5233 South 5120 West, Kearns, UT 84118; July 23, 1928, Nov. 3, 1961.

Huddleston, Robert, 4096 W. 4490 S., West Valley City, UT 84120.

Jarvie, Ronald M., 3288 West Valleyhome Ave., West Valley City, UT 84119; Jan. 26, 1926, June 22, 1959.

Jones, Earl LeRoy, 3407 West 4700 South, Salt Lake City, UT 84118; Nov. 18, 1932, Oct. 12, 1951.

McMahan, Loyd D., 194 East 2500 South, Bountiful, UT 84010; Dec. 24, 1931, July 9, 1962.

Millard, Robert S.H., 107 High Country, Riverton, UT 84065; Oct. 7, 1927, Feb. 11, 1963.

Olsen, Dale H., 8172 So. 1330 East, Sandy, UT 84092; Sept. 20, 1926, Feb. 20, 1961.

Orn, Don H., 3735 South 4355 West, West Valley City, UT 84120; Mar. 19, 1931, Mar. 23, 1960.

Parker, Robert C., 444 South 100 West, Bountiful, UT 84010; Dec. 28, 1926, Dec. 28, 1961.

Romero, Leo J., 12668 Somer Down Court, Draper, UT 84020; Aug. 31, 1931, Nov. 7, 1961.

Sapp, Robert C., 3180 South 7945 West, Magna, UT 84044; Aug. 13, 1929, Jan. 23, 1961.

Smallwood, Billy G., 6086 Mt. Vernon Dr., Murray, UT 84107; Feb. 3, 1928, June 4, 1951.

Smith, Horace W., 1470 E. Mueller Park Rd., Bountiful, UT 84010; July 12, 1933, June 5, 1955.

Starr, Donald, 3985 South 5375 West, West Valley City, UT 84120; Apr. 9, 1931, Mar. 27, 1959.

West, Leonard R., 4646 South 1980 West, Salt Lake City, UT 84119; May 24, 1933, June 12, 1961.

Winnie, Fred W., 1132 East 4420 South, Salt Lake City, UT 84124; Aug. 4, 1924, Apr. 3, 1961.

Young, H. Dale, 3731 South 4400 West, West Valley City, UT 84120; Sept. 11, 1927, May 22, 1961.

Retirement date April 1, 1989:

Anderson, Gene L., 4137 South 570 East Apt. 17J, Salt Lake City, UT 84107; Aug. 25, 1931, Apr. 19, 1959.

Barnes, John P., 3334 Edward Circle, Salt Lake City, UT 84124; Sept. 15, 1931, June 28, 1961.

Baxter, Leland K., 229 Seventh Ave., Salt Lake City, UT 84103; Feb. 12, 1923, June 15, 1959.

Bevan, LaMar R., 953 East 25 South, Lindon, UT 84042; May 31, 1927, May 26, 1944.

Brandon, Richard M., 4292 West 4570 South, West Valley City, UT 84120; Feb. 2, 1930, Feb. 6, 1961.

Broderick, Grant A., 2157 Kirkham Way, Salt Lake City, UT 84119; Oct. 12, 1925, Nov. 13, 1961.

Burnham, William S., 1768 Portal Way, Sandy, UT 84093; March 21, 1930, June 13, 1961.

Burningham, Gary L., 1551 So. Orchard Dr., Bountiful, UT 84010; Oct. 1, 1932, Apr. 6, 1962.

Christensen, LuDean, 4320 Mackay St., Taylorsville, UT 84123; Oct. 3, 1931, July 18, 1961.

Christensen, Richard K., 4320 Mackay St., Taylorsville, UT 84123; Aug. 30, 1928, Nov. 9, 1960.

Cochran, Harry D., 4174 E. Cumorah Dr., Salt Lake City, UT 84124; Apr. 7, 1929, Aug. 22, 1960.

Coombs, Vernon H., 4510 Stratton Dr., Salt Lake City, UT 84117; Feb. 11, 1929, Jan. 16, 1961.

Crump, James E., 303 Rose Lane, Summerville, SC 29485; Apr. 23, 1928, Nov. 12, 1956.

DeWeese, Norma J., 4951 Woodhaven Drive, Murray, UT 84123; Jan. 29, 1929, June 9, 1961.

Dixon, H. Douglas, 3012 East 4310 South, Salt Lake City, UT 84124; Jan. 30, 1925, Mar. 3, 1953.

Earl, A. Darrell, 1323 Montgomery Street, Salt Lake City, UT 84104; Dec. 16, 1927, Dec. 7, 1960.

Eaton, Richard F., 3425 Bernada Drive, Salt Lake City, UT 84124; Jan. 21, 1929, Dec. 19, 1960.

Flake, Wilbur K., 3581 West 4850 South, Salt Lake City, UT 84118; Mar. 3, 1932, Sept. 1, 1959.

Forslund, Jr. John A., 517 North 1000 West, Salt Lake City, UT 84116; Apr. 16, 1931, Dec. 31, 1959.

Gardner, Larry L., 3551 West 4850 South, Salt Lake City, UT 84118; Apr. 29, 1929, Oct. 27, 1960.

Gilvary, Richard G., 2309 Bay Meadows Lane, Lady Lake, FL 32659; July 4, 1932, Feb. 25, 1960.

Godfrey, LaVar D., 6354 Westridge St., Murray, UT 84107; June 12, 1930, Mar. 21, 1960.

Grier, Bauduy R., 2171 Camino Way, Salt Lake City, UT 84121; May 14, 1925, Nov. 19, 1973.

Harvey, Kenneth L., 8810 North 4300 West, Pleasant Grove, UT 84062; Dec. 11, 1927, June 8, 1959.

Hoskins, Lawrence J., 5543 Fair Oaks Dr., Salt Lake City, UT 84117; Jan. 11, 1926, Nov. 15, 1958.

Ingram, Chester H., 4075 West 4835 So., Salt Lake City, UT 84118; Oct. 10, 1930, June 26, 1962.

Ipson, Mary Lou, 117 Lucy Ave., Salt Lake City, UT 84101; Apr. 1, 1930, Nov. 6, 1961.

Janney, William L., 7921 Mountain Oaks Dr., Salt Lake City, UT 84121; Aug. 21, 1931, Feb. 1, 1963.

Jessen, Edward C., 1220 East 1000 South, Spanish Fork, UT 84660; Nov. 26, 1932, June 6, 1960.

Kerr, Walter B., 3725 Van Buren Ave., Ogden, UT 84403; Oct. 14, 1926, Apr. 10, 1961.

Kleinert, Harry L., 3068 Banbury Rd., Salt Lake City, UT 84121; Apr. 15, 1927, Dec. 30, 1959.

Kloogh, Kaare, 2788 East 3335 South, Salt Lake City, UT 84109; Apr. 24, 1930, Apr. 4, 1961.

Kohlbeck, Joseph A., 2561 Starling Dr., Salt Lake City, UT 84121; Apr. 3, 1927, Sept. 1, 1961.

Kordig, James W., Jr., 1510 Wasatch Dr., Salt Lake City, UT 84108; Dec. 23, 1924, Oct. 24, 1961.

Lorenzen, Robert M., 14651 Antelope Dr., Sun City West, AZ 85375; Aug. 26, 1927, June 1, 1961.

Lower, William F., 7941 West 3500 South, Magna, UT 84044; Aug. 23, 1927, Aug. 14, 1961.

Martineau, Louis E., 8657 Tracey Dr., Salt Lake City, UT 84070; Apr. 16, 1930, Sept. 1, 1967.

Massey, Dean L., 481 Harrison Street, Midvale, UT 84047; Sept. 23, 1931, Mar. 14, 1961.

McGee, LeRoy, 4150 Westlake Ave., West Valley City, UT 84120; Oct. 7, 1928, Nov. 9, 1959.

Nelson, Robert D., 4424 South Adonis Dr., Salt Lake City, UT 84124; May 16, 1930, July 17, 1961.

Nielson, DeLynn, 5442 Janette Ave., West Valley City, UT 84120; Oct. 18, 1927, Sept. 8, 1959.

Olsen, Ted H., 3123 Teton Dr., Salt Lake City, UT 84044; Aug. 13, 1931, Apr. 10, 1967.

Olson, Donn E., 4345 Hermosa Way, Salt Lake City, UT 84124; Mar. 1, 1928, Jan. 6, 1961.

Parker, George R., 548 West 1175 North, Centerville, UT 84014; Apr. 14, 1928, June 13, 1961.

Peterson, Normand L., 1606 Laird Ave., Salt Lake City, UT 84105; Dec. 29, 1926, Jan. 20, 1963.

Philpot, Myron C., 3127 South 8560 West, Magna, UT 84044; Apr. 28, 1927, May 25, 1959.

Powell, James G., 372 West 2725 So., Bountiful, UT 84010; Dec. 16, 1931, June 30, 1960.

Powell, Orson E., 4036 West 5010 So., Kearns, UT 84118; Oct. 13, 1931, Sept. 26, 1960.

Reading, Joseph G., 5067 West 5320 So., Kearns, UT 84118; Aug. 13, 1932, Oct. 5, 1959.

Rock, Henry W., 720 West 400 North, Orem, UT 84057; Jan. 8, 1927, June 12, 1962.

Rogers, Adele, 1059 East 8320 So., Sandy, UT 84094; Feb. 21, 1928, Feb. 14, 1961.

Stromberg, Arnold B., 1930 Condie Dr., Salt Lake City, UT 84119; Feb. 1, 1932, Aug. 10, 1961.

Sulich, John N., 1332 Laird Ave., Salt Lake City, UT 84105; Dec. 6, 1931, June 6, 1961.

Thaxton, Reed H., 13360 So. 1900 So., Riverton, UT 84065; May 21, 1928, June 12, 1961.

Thirkill, Richard, 922 Vitt Dr., Ogden, UT 84407; Nov. 13, 1932, Oct. 13, 1973.

Trump, Laurance D., 3680 South 4355 West, West Valley City, UT 84120; June 10, 1929, Sept. 14, 1960.

Tubbs, Austin L., 1583 Meadow Moor Rd., Salt Lake City, UT 84117; Oct. 16, 1930, Apr. 10, 1961.

Tuttle, Maurice A., 2275 Saddle Way, Bennington, UT 84118; Aug. 28, 1933, Sept. 17, 1951.

Wahlin, Clive D., 4200 S. Barker Road, Salt Lake City, UT 84119; May 24, 1928, Oct. 11, 1960.

Woodruff, Wilford R., 2559 Evening Star Dr., Salt Lake City, UT 84124; Sept. 1, 1926, Dec. 26, 1960.

Wright, Edward M., 4253 Peggy Way, West Valley City, UT 84120; Apr. 12, 1924, June 16, 1962.

Wright, James A., 8860 So. 1205 East, Sandy, UT 84094; June 8, 1930, Apr. 10, 1961.

Retirement date May 1, 1989:

Day, Preston, 8899 Sheffield Way, Sandy, UT 84093; Apr. 25, 1932, June 21, 1954.

Christensen, Ella, 2819 S. 8500 West, Magna, UT 84044; Oct. 5, 1923, May 31, 1961.

Nilsson, Donald W., 66 Plumtree Lane #18B, Midvale, UT 84047; Aug. 15, 1925, Oct. 14, 1960.

Smith, Calvin K., 9945 Cobalt Lane, Sandy, UT 84094; June 6, 1928, Aug. 29, 1960.●

REPEAL SECTION 2036(c)

● Mr. KASTEN. Mr. President, I am pleased to cosponsor three bills to repeal section 2036(c) of the Internal Revenue Code: S. 849, introduced by Senator TOM DASCHLE; S. 659, introduced by Senator STEVE SYMMS, and S. 838, introduced by Senator HOWELL HEFLIN. This section relates to estate freeze rules which potentially affects thousands of asset transfers and transactions among family members.

An estate freeze refers to a method used by owners of family farms and businesses to transfer the business to their heirs. For example, the owner may give nonvoting stock to children who are active in the business or to grandchildren who are not yet ready to participate in the business. Through this method, a founder could transfer ownership of the future increase in the value of the family business to his children while retaining some control in the business.

The section 2036(c) estate freeze rules were adopted in the Internal Revenue Code in the Revenue Act of 1987 without any hearings in the House of Representatives or the Senate. The intended purpose of section 2036(c) was to address the potential for abuse of the estate freeze whereby owners of family businesses could allow some appreciation on those assets to escape the transfer tax system. Unfortunately, section 2036(c) has turned out to be a gross overreaction to the abuse problem.

Without an estate freeze, the entire value of a family owned business could be included in the founder's estate upon his death. Thus, parents who have worked long and hard to pass on a family owned business to their children will see their efforts defeated by the need to sell much of the business to pay the tax collector's bill.

Under 2036(c) a variety of commonly used and legitimate methods for a founder to pass a family owned business to his or her heirs could result in punitive tax consequences. For example, a family could be subject to large taxes if the founder is a salaried employee of the business in which his child has an interest; starts a new business with his child; gives an interest in the business to his child; or loans money to a corporation in which a child has a business interest.

In addition, as a result of the uncertainty and confusion surrounding the section 2036(c) provisions, legitimate intrafamily transactions and estate plans have ground to a halt. Those who decide to proceed could face years of costly litigation.

Mr. President, family owned enterprises—ranging from family farms to the corner grocery store—are a vital

component of the Nation's economy. In effect, section 2036(c) makes it easier to transfer a family farm or a business to a stranger than to one's own family. I believe the Federal Government should provide incentives—not disincentives—for entrepreneurs to build a business that they can pass on to their children.

The American Bar Association has called for repeal of section 2036(c) calling it a threat to farms, ranches, and other closely held businesses which are so cherished in our American system and which Congress has heretofore encouraged.

Repeal is the best solution to the problems caused by section 2036(c). It would clear up the uncertainty which is currently wreaking havoc on thousands of legitimate intrafamily transactions involving family businesses. Moreover, the perceived abuse which prompted the enactment of 2036(c) is being resolved by the courts. Our tax laws should help preserve family enterprises, not encourage their sale and breakup.●

CUT CAPITAL GAINS TAX TO REDUCE THE DEFICIT

● Mr. KASTEN. Mr. President, everyone now agrees that capital gains cuts will increase capital mobility, stimulate risk, investment, make the United States more competitive, benefit the elderly, middle-income families, farmers, and small businessmen—and even bring down the Federal budget deficit. Today, we are assuming revenue gains—and debating whether or not those revenue gains will continue into the future.

History shows that cutting the capital gains tax is a proven revenue winner—and that the revenue gains will be permanent and repeating in the out-years. When we cut the capital gains tax rates in 1978 and again in 1981, tax revenues from capital gains rose each year for 7 consecutive years—from \$9.1 billion in 1978 to \$24.5 billion in 1985.

The tax rate cut's stimulative effect on capital gains realization is not the only source of new revenue. A rate cut also expands the entire tax base by increasing the value of existing assets and the rate of economic growth. In today's Wall Street Journal, economist Alan Reynolds describes several revenue effects that are often ignored by Government revenue estimators. A progrowth cut in the capital gains tax is the only medicine to cure our economic and budgetary ills. It's the only policy that will reduce the budget deficit at the same time as it is strengthening the economy.

I ask that Mr. Reynolds' article be printed in the RECORD.

The article follows:

[From the Wall Street Journal, July 25, 1989]

HALF-DOZEN WAYS LESS MEANS MORE IN CAPITAL GAINS

(By Alan Reynolds)

Tax policy is too important to be decided by the accountants who estimate revenues. President Bush has a clear mandate to cut the tax rate on long-term capital gains. His critics have not dared to suggest that a single individual would be harmed by a lower capital gains tax. And nobody denies that a lower capital gains tax would help invigorate the sluggish U.S. economy. Instead, the whole issue has been mired in conflicting estimates about how much tax revenue would be gained or lost in later years.

Both the Joint Committee on Taxation and the Treasury Department have ignored most of the ways in which a lower capital-gains tax rate would increase both federal and state tax revenues from a variety of sources, not simply from capital gains themselves. And they have also ignored the reduction of government spending due to lower interest rates.

The official revenue estimates simply assume that a lower tax rate on capital gains would have no effect on the value of stocks and bonds, no effect on capital mobility and economic efficiency, no effect on venture capital investment and no effect on tax evasion. That is, the revenue estimates assume away all of the main issues. The huge "unexpected" revenue windfall this April from reducing marginal tax rates last year is an example of how official revenue estimates invariably miss the dynamic effects.

First, the higher prospective after-tax return on stocks and bonds would surely be capitalized in higher prices for stocks and bonds. There would be larger capital gains to be taxed. Although this effect was sufficiently obvious to get some attention when the capital-gains tax was reduced in 1978, it is now being dismissed by everyone except investors themselves.

Second, "unlocking" gains by reducing the disincentive to sell assets is not simply a one-time effect, as most estimates assume. By reducing the tax penalty on realizing capital gains, investors would become free to move funds out of yesterday's winners into today's most promising new firms. The increased mobility of capital has to increase economic growth, and thus increase the entire federal and state tax base every year, including taxable corporate profits and payrolls.

Third, a lower capital gains tax would greatly reduce the incentive to engage in leveraged buyouts and other devices to substitute debt for equity. With a high capital gains tax, individuals have little interest in growth stocks or venture capital deals, which offer only the hope of dividends in the distant future. Instead, taxable investors now lean toward immediate payouts—from interest on municipal or junk bonds, commodity speculation, or dividends from established blue chip firms. A lower capital gains tax would increase individual demand for shares of firms that are too new to pay dividends, and too small to issue commercial paper. With the reduced pressure on companies to become overly leveraged, interest deductions from corporate profits would be reduced and therefore more revenue had from the corporate income tax.

Fourth, bonds are not held simply for the interest, which has lately been lower than on short-term securities, but for the possi-

bility of capital gains if interest rates fall. The relative appeal of such capital gains would increase with a lower tax rate, thus increasing the demand for bonds. The price of bonds would rise, increasing taxable gains, and the lower interest rates would also reduce the government's interest expense.

Fifth, the improved allure of capital gains would induce individuals to bid shares of venture-capital firms away from tax-exempt and foreign investors, who now pay no capital gains tax at all. If the new individual owners of such growth stocks and venture capital funds were subject to a 15% tax rate, rather than the zero rate due from the current owners, tax revenues would obviously increase. Dan Rostenkowski (D., Ill.), chairman of the House Ways and Means Committee, has noted that "most venture capital now comes from tax-exempt entities." But this would no longer be true if the capital-gains tax were less punitive, and a tax rate of 15% would obviously raise more money than a tax rate of zero. Amazingly, no revenue estimates even consider this effect.

Sixth, a lower capital gains tax would encourage investors to put more money into stocks and bonds and less into tax-exempt municipal bonds or housing (where capital gains can be postponed for decades, and then given a sizable exemption at age 55). Again, revenues unambiguously increase.

Seventh, all of these effects would be reflected in increased tax revenues for state governments, whose capital-gains tax revenues have collapsed as the federal tax rate increased. The added state receipts would alleviate the need for federal aid, or for state tax increases that make inroads into the federal tax base.

Since nobody has claimed that anyone would be injured by a lower capital gains tax, and both small enterprises and large governments have a lot to gain, the fact that bureaucrats have not bothered to estimate these revenue effects is no reason to doubt that they exist. The increased revenues and reduced outlays from a 15% tax on long-term capital gains would shave at least \$20 billion a year from the federal deficit, and even more in later years. While the sources of these budgetary savings have at least been outlined here, those in charge of official estimates reveal nothing at all about where their estimates come from. If nobody asks the right questions, we are unlikely to get the right answers.●

ADDRESS OF SECRETARY OF EDUCATION AT RHODE ISLAND COLLEGE

● Mr. PELL. Mr. President, each year, during the months of May and June nearly every member of this distinguished body has the opportunity to visit an institution of higher learning to take part in its graduation ceremonies. It is both thrilling and comforting to sit on the dais, looking out over a sea of excited, successful graduates—our leaders of tomorrow—who are anxious to embark on their uncertain paths. It is thrilling because of the enormous potential embodied in the graduates, and it is comforting because these individuals are proof that ours is a country that continues to strive for excellence through education, and that these graduates are well-equipped for the future.

On May 20, 1989, I was fortunate to be up on such a dais, looking out at an eager group of graduates. The occasion was the commencement ceremony of Rhode Island College, and among the prominent individuals I joined was the U.S. Secretary of Education, Lauro Cavazos. The Secretary was invited to receive an honorary degree from the college, and although he was not the commencement speaker, he offered a most thoughtful and thought provoking address to the graduates. I would like to share with my distinguished colleagues Secretary Cavazos' sound advice for the day, and for the future. These are indeed words of wisdom from which we can all learn a great deal.

The address follows:

REMARKS MADE BY SECRETARY OF EDUCATION,
LAURO CAVAZOS AT THE RHODE ISLAND COLLEGE
COMMENCEMENT MAY 20, 1989

Thank you very much. Senator Pastore, Senator Pell, Senator Chafee, Governor DiPrete, Chairman Carloti, President Guardo, Distinguished Guests, Faculty, Graduates, my Friends, my Classmates—soon to be—I salute you all. And I want to thank you very very much for inviting me here to this celebration of learning.

Graduates, I imagine that as you look to the future, you wonder, "I wonder where this is all going to go on from here?" because tomorrow does come after this beautiful day. Believe me, there will be life after this. You've faced it many times—your parents, your spouses—they've worked so hard to help you through here.

It's a little bit like that that confronted the great jurist Oliver Wendell Holmes. Seems that he once found himself on a train, and he couldn't locate his ticket. And while the conductor stood over him, Justice Holmes searched in his pockets, in his vest, and through his bag and he still couldn't find the ticket. Well, the conductor recognized him; he said, "Mr. Chief Justice, don't worry about it, just mail the ticket when you find it. That's all right." And Justice Holmes looked at the conductor sternly and replied, "My good man, the problem is not where is my ticket. The problem is, where am I going?"

Well, so therefore, where do you go from here? I have no doubt that an exciting future awaits you. And it will be very challenging. These times so much remind me of the lines from *A Tale of Two Cities*: "the best of times and the worst of times." And I think it's appropriate that we recall what Dickens wrote. You remember, "It was the best of times and it was the worst of times, and it was the age of wisdom and the age of foolishness, and the epic of belief and the epic of incredulity; it was the season of light and the season of darkness; it was the spring of hope and the winter of despair."

Now you will be entering a period of time when technology is changing and bettering our lives almost daily. A time when that technology is developing opportunity in our economy never dreamed of before—and here it is. Our economy is strong, and thank heavens, America is at peace today.

On the international scene, we are enjoying a new, open relationship with a longtime adversary, the USSR—a nation that's undergoing great political upheaval and bringing greater freedom to its people. Certainly, point after point, you would say, "these are the best of times."

But these are also the worst of times. Violence in the Middle East continues to rock the Middle World. Terrorism casts a wider shadow than ever before. Drug abuse is reaching epidemic proportions in this country and our citizens—many of them—are drowning in a sea of illegal drugs. And tragically, the recent oil spill in Prince William's Sound reminds us of our stewardship of the environment and how fragile that environment is.

You've been well-prepared by this fine institution for the opportunities and challenges ahead, and I predict that you'll seize those, and you'll move ahead and make these, certainly, the best of times.

Now as I look out at you, I see a diverse student body. Diverse in background, in heritage, in plans, yet for the rest of your lives, you will be united by your accomplishments here. Have you ever thought about that? You are so fortunate to have a college education. My father told me when we were growing up, he said, "Son, educate yourself. It is the one thing that no one can ever take from you." And, certainly, we were fortunate and we went on to school. But when you really stop to think about it, so many people spend a lifetime accruing material goods, and those can change and be lost in a moment. But no one can ever take an education away from you. And for this reason, you have such a great opening and future ahead.

Think back on the first days that you arrived on this campus. Great day, excitement, anticipation, anxiety, concern; you were making that rather uncomfortable transition from a friendly high school into a large institution of higher learning. And during these past years under the guiding hands of your distinguished faculty, and your deans, and administrators, you've taken those steps to independence. And today you receive a degree to commemorate your success as a student.

But it also acknowledges receipt of much wider learning and accomplishment. Teddy Roosevelt once said that, "to educate a person in mind, and not morals, is to educate a menace to society." Now, I have always believed that education is much more than mastering words, understanding numbers and equations—the educational process should contain another issue. And that point is virtue. I mean, by virtue, doing what is right. Doing what is right. And virtue has three facets to it, three facets: it has courage, and temperance, and justice. And all three of these must be present. You cannot have justice without temperance and courage, or courage without justice and temperance, or temperance without courage and justice. And I submit that that issue of virtue is best explained in the second stanza of "America the Beautiful." I'll bet you never thought about that. And that first verse, every one of you can recite—it writes of the beauties of our nation—its beautiful mountains and its seas, the morphology of America. But in the second verse, there I find the classic concept of virtue, stated in an elegant manner:

Oh beautiful for pilgrims' feet,
Whose stern, impassioned steps,
A thoroughfare for freedom beat,
Across the wilderness.
America, America,
God mend thine every flaw.
Confirm thy soul and self-control,
Thy liberty in law.

In that verse, we find courage and temperance and justice. First, courage: "Across the

wilderness." And it took courage, obviously, to conquer the wilderness. Don't be afraid, graduates. Don't be afraid to dare, to dare greatly. Conquer any fears you might have about taking that big step forward. Fear of failure, fear of the unknown if not overcome or used as motivation are paralyzing and unworthy of people. Fear can make us ineffective, destroy our courage, cause us to substitute myth upon reality and reason. It feeds upon itself—fear creates fear creates fear.

This great nation of ours would not be, if our ancestors had allowed themselves to be overcome by these tremendous fears. Just think about it—the pilgrims traveled across this largely uncharted water and land to come to this area where there was death and disease at every turn. And the early Americans, like the people of today—magnificent people—those early Americans saw beyond the years of their lives, and you must do the same. One might think, "Mr. Secretary, there is no longer wilderness to conquer." I submit that there is still wilderness to conquer. There's the wilderness of hunger, the wilderness of disease, and the wilderness of hatred and racism. There is a lot of wilderness to conquer.

Let us look at the rest of what we see in "America the Beautiful." "Confirm thy soul in self-control . . ." We could talk for an hour about temperance, couldn't we? "Thy liberty of law . . ."—justice, that we all crave so dearly. So therefore, let us take the lessons of virtue—doing what is right—and integrate them into your lives for the rest of your life. Think about that.

Graduates, with you this school has succeeded in its mission to educate the whole person, for the whole world, for your whole life. So what should your role be now, as you leave RIC? Only you, the individual, can decide that. But start by remembering that your decisions are important to a wider community than you ever belonged to or thought about before.

I am often reminded of John Donne's essay that he wrote over four-hundred years ago. In it, he reflects about death and interdependence. You all know this, as well as I do—that:

... No man is an island, entire of it self; every man is a piece of the continent, a part of the main; if a clod be washed away by the sea, Europe is the less, as well as the promontory were, as well as if a manor of thy friend's or thine own were; any man's death diminishes me, because I am involved in mankind. So never send to know for whom the bell tolls; It tolls for thee.

Although Donne wrote of death, he was writing about our interdependence, wasn't he? Any person's death, or lack of development of academic potential diminishes me as a person. Because I am a part of mankind with you. And it is interdependence that holds this civilization together. We make our contributions as individuals for the good of the fellow around us, the fellow person about us. To make your contribution, move ahead boldly, bravely. Don't be afraid of failure as you go. You'll face failure many times, and you will taste it, I guarantee you.

But the test of your character will come back, and how did you deal with that adversity? How did you handle it? How did you bounce back? As you move into the mainstream, I ask that you give some of yourself to those who are not as fortunate and may never have the opportunity to take full control over their destiny. As I referred to you earlier, those people are part of the main, our interdependence. And there are many in this nation who could use your help. From

my vantage point as the U.S. Secretary of Education, let me suggest one area to where you might turn.

I see a lot of children who might never make it into the mainstream because our elementary and secondary educational system is failing them. These young people might never make it to college or even out of high school. As you know, today 1 out of 4 children drops out of school. And I oftentimes find myself thinking about numbers. I know that certain areas amongst the Hispanics—my own race—45 percent will drop out of school. And I start thinking about numbers and I pause, and I say, "No—I must think about the loss of human potential, the loss of a person, a person that I am interdependent on. If one person fails, I fail."

How do we know that in the loss of that one person we did not lose the mind of the person who could have brought us peace in this world? Who could have helped to solve the problem of AIDS or cancer? Who could give new direction for this nation? We all lose. And for those youngsters who do stay in school, what happens to them? The test scores indicate that they are not being educated properly, that they're not being educated to their fullest potential. When test scores of our high school students are compared to their peers in other countries, American students fare poorly.

By any measure that you want to put to it overall, our educational system in elementary and secondary school is stagnant. We have a serious education deficit. In this age of change and rapid technology, we get deeply concerned about what's happening. So often in Washington we speak of the trade deficit—this massive trade deficit—we've got to straighten that out. The budget deficits—they are real deficits. They can quantitate those to the nearest millions I presume, and they do it daily in Washington.

But I can quantitate the education deficit for you. Try 27 million illiterates in America today and 40-50 million people who can hardly read at the fourth grade level. An estimated 600,000-900,000 children drop out of high school every year—300,000 children every school day drop out. Measured in mathematics and science, we're at the bottom time after time against the industrialized measures of the world. SAT's, ACT's—flat—I can quantitate it. And I submit that we will not solve the budget deficit or trade deficit until we solve the education deficit.

I predicted that you would move out of here and that you would have challenges to improve on the conditions that you find. Well here's one for you: we are in the midst of educational reform movements in this country, and I ask every one of you to get yourself involved. The quality of students that show up here in the fall at this beautiful college will depend upon the quality of elementary and secondary education going on in this state and in this nation.

So therefore, what can you do? Well I know that we have a lot of great future teachers out there. This is a great profession. It is the first year in 35 years that I've not taught. I love it. But you're joining a great, great future. You can do great things, you have a marvelous tradition, be proud of your profession, and involve yourself.

And for others planning other careers in business or other challenging fields in law or medicine, there are many ways that you can help. Have you ever thought volunteering as a tutor at a local school? Ever thought about working in a literacy center?

Becoming a role model for a struggling youth? The possibilities are endless, endless. We must involve ourselves in the educational reform that is moving ahead. It is going to happen—I guarantee you, our educational system will be restructured. It's going to happen.

Returning, then, to my original theme—welcome, graduates, to the best of times. There is much to look forward to as you begin your exciting life. Step bravely out there, fearlessly into the world of opportunity through the many challenges that you will face in what can be—sometimes—the worst of times.

As you go, you will be asked to demonstrate justice in your treatment of your fellow person, courage as you pursue your career, and temperance to balance the scale of want and need.

John Garner said, "A nation is never finished. You can't build it and leave standing as the Pharaohs did the pyramids. It has to be recreated for each new generation."

It's now your turn, your time to take the talents you developed at this great college and start working on the kind of future you envision for yourself and for others who will follow. And I know that if you will do this—and I know that you will—you will truly make this the best of times.

Godspeed you, God bless you. ●

BRILLIANT PEBBLES

● Mr. BOSCHWITZ. Mr. President, I would like to take this opportunity to insert an article by James Frelik entitled "Brilliant Pebbles: Adding a Leg to Our Deterrent Triad." This article outlines the development of heat-seeking, space-based missiles, or "brilliant pebbles."

The development of "brilliant pebbles" could provide an important and effective defense against nuclear attack. It is one of the most promising technologies being developed within the strategic defense initiative. This article contains important information concerning our national strategic defense and I commend it to my colleagues.

The article follows:

BRILLIANT PEBBLES: ADDING A LEG TO OUR
DETERRENT TRIAD

(By James Frelik)

The United States is planning to spend \$300 billion on modernizing our nuclear arsenal in the next 10 years. Half the money goes for new submarines; the rest is for Stealth bombers and mobile ICBMs. There is a lot of talk around Washington about the need for mobile ICBMs in particular. Putting our missiles into holes in the ground, where accurate Soviet warheads can destroy them, no longer makes sense to anyone.

The Soviets, of course, are already going down this track, with their new ICBMs deployed on trucks and railway cars.

Suppose you were a Soviet commander, trying to respond to the \$300 billion modernization program. Hunting down many mobile missiles, silent submarines and invisible bombers would seem a hopeless task.

But wait! Even if these nuclear weapons are hard to find, the Soviets know that they will only be used on authorization from the president and his chief defense advisers.

And the president will only give the order to fire when he gets a clear signal that the United States has been attacked. For the U.S. system to work, the top command must be alive and the chain of communications—up to the president and down again to the field commanders—must be intact. Decapitate the command structure, or break the chain in the middle, and the U.S. response to any attack is crippled. Why bother to go after thousands of elusive moving targets, when knocking out the U.S. chain of command and communications would cripple America's ability to retaliate just as effectively?

The chain is called the C-cubed network—for Command, Control and Communications. Its functioning depends on some 200 critical sites—command posts, launch control centers, satellite receiving stations, AT&T switching centers and the like—and the satellites, microwave towers and telephone lines connecting them. Many are in the United States, but some are scattered around the globe.

How vulnerable are these sites to a Soviet pre-emptive attack?

Take the Blue Cube—a large blue building a few miles from the Pacific Coast near Sunnyvale, Calif. The Blue Cube is one of the main control stations for the early warning satellites alerting the country to a Soviet attack. The building has no protection against missile attacks. It can be reached in minutes by missiles launched from an offshore Soviet submarine.

In Colorado, deep inside Cheyenne Mountain, caverns hollowed out of solid rock house the brains and nervous system of the entire U.S. air and space defense. The Soviet nuclear arsenal contains a number of 20-megaton warheads—weapons with the explosive power of 20 million tons of TNT.

No conceivable use exists for these monster weapons, except the destruction of exceptionally well-protected targets like Cheyenne Mountain. Placed inside an earth-penetrating warhead and exploded underground, a 20-megaton weapon would create shock waves that would radiate through the mountain, probably collapsing every cavern.

If the United States is attacked by missiles, information on the attack goes from the satellites controlled by the Blue Cube, and a few other places, to Cheyenne Mountain, and from there to the president for a decision on retaliation. Where is the attack coming from? Headed toward which targets? Accidental launch or massive attack? After he decides on a response, the orders flow down the chain of command through the C-cubed network to the commander in the field.

Break the chain and the forces poised for retaliation are paralyzed. The weapons are in place. The field commanders are ready. But they never receive the order to fire. The vulnerability of our C-cubed to Soviet weapons is the Achilles heel of the American nuclear deterrent. As long as the C-cubed network remains unprotected, the enormous expenditures on modernization of our nuclear forces could be wasted—hundreds of billions of dollars down the drain.

The Department of Defense spent \$20 billion in the last eight years on the C-cubed network to remedy the situation. Objective experts say the Defense Department's program has hardened the network somewhat, especially against sabotage, but its vulnerability to destruction by Soviet missiles is nearly as great as ever.

What is to be done? Progress in SDI technologies since 1985 suggests an answer:

Deploy a defense against Soviet missiles with simple, heat-seeking weapons, similar to the Stingers and Sidewinders used in air defense, but upgraded in speed so they can intercept Soviet warheads far above the earth. No "star wars" lasers are involved—just a small missile with eyes and a computer "brain," known to the specialists as a smart rock, that kills by impact.

This technology is in an advanced stage of testing and validation and recently received a go-ahead from the Defense Department for development. The system approved by defense is called Strategic Defense System I. It comprises two layers of "smart rocks"—one orbiting in space and the other on the ground—and costs \$69 billion.

A new breakthrough promises to slash the cost of the "smart rock defense" to \$50 billion. Livermore physicist Lowell Wood and his colleagues have drawn on the greatest strength of U.S. technology—the microminaturized compute—to pack so much electronic brain into a slug of metal that what used to be a "smart rock" now becomes a "brilliant pebble." The smart rocks weigh about 500 pounds; the new brilliant pebble weighs less than 100 pounds. With the cost of launching objects into space currently running about \$5,000 a pound—the price of a pound of solid gold—that weight reduction makes a big difference.

The layer in space is critically important. If the entire defense is on the ground, it can be easily penetrated by a kind of attack called "laddering down," in which the attacker arranges a string of warheads to explode in a carefully timed sequence, one after the other, as they approach the target.

The explosion of the first warhead creates a radar blackout, blinding our defense and clearing the way for the second warhead, which is immediately behind it. That warhead explodes lower down, clearing the way for third warhead and so on. After three or four explosions, the ladder reaches the ground and the target is destroyed.

The Soviets can always break through a U.S. defense, by such a laddering-down attack, to destroy a critical target like Cheyenne Mountain or the Blue Cube, no matter how many "Sidewinders" are available on the ground to protect these key targets.

But the layer of the defense located in space, orbiting over the Soviet Union, prevents that from happening because it knocks out the Soviet missiles and warheads near the beginning of their flight. Since the Soviets can't tell beforehand which missiles and warheads are going to be knocked out by the space-based defense, they can't count on keeping their ladders intact. If a ladder loses one rung, that opens up a clear space through which U.S. defenses can see the next warhead and destroy it, as well as all the warheads that follow it. If even a single rung is missing, the ladder is useless.

On the other hand, a defense located in space can't by itself protect individual sites (like the C-cubed network) that are particularly important. Defenses located on the ground are needed for that, because they hit the Soviet warheads late in the flight, when we can see which targets the warheads are headed toward.

The ground-based defenses work even better if the United States practices "defense triage."

After the defensive weapons in space have destroyed a fraction—perhaps half—of the Soviet warheads, U.S. satellites and radars observe which targets the remaining warheads are heading for. Then the defenses located on the ground divide critical U.S. military sites into three parts:

First are the sites with no warheads headed for them; these are the "unwounded."

Second are sites that can easily be saved because only one or two warheads are headed their direction; the "lightly wounded."

Third are the sites with so many warheads headed for them that their rescue would consume a disproportionate amount of resources; these are the "badly wounded."

Now "triage" enters. The ground defenses ignore the unwounded sites, they ignore the badly wounded sites and they concentrate on saving the highly wounded sites. In this way, the defense ensures the survival of the largest possible number of important U.S. military sites.

A study by SRS Technologies shows that a missile defense similar to SDS I, but practicing defensive triage, can save 600 key sites in the United States from destruction, in the face of an all-out Soviet attack by 10,000 nuclear warheads.

With the deployment of SDS I, the Soviet will not be able to count on destroying the key U.S. C-cubed sites and retaliatory forces whose elimination would be necessary for a successful first strike. Knowing this, and knowing U.S. retaliation is sure to follow, the Russians will be deterred from attacking. This is the concept of defensive deterrence, which views SDS I not simply as an umbrella over the United States, but as a critically important fourth leg of our deterrent—now no longer a triad, but a tetrad.

At \$50 billion, the cost of SDS I with "brilliant pebbles" represents 16 percent of the cost of modernizing our retaliatory forces. It would restore the credibility of the U.S. nuclear deterrent, and provide the important bonus of protection for America and her allies in the Middle East and Europe against the growing menace of missile attacks by Third-World terrorist nations. ●

CYPRUS SOLIDARITY WEEK

● Mr. LAUTENBERG. Mr. President, last week marked the fifteenth anniversary of the tragic Turkish invasion of Cyprus. Fifteen years ago Turkey invaded this small, defenseless island. The invasion resulted in the deaths of thousands of people and the displacement of over 200,000 Greek Cypriots from their homes, rendering them refugees in their own land.

The invasion and subsequent displacement of the Greek Cypriots allowed the settlement of thousands of Turkish emigrants in the occupied area. Those emigrants were given the houses and property rightfully belonging to the Greek Cypriot refugees. Today, Turkey continues its occupation of 37 percent of the island of Cyprus by some 30,000 Turkish soldiers, and the tragic division of the island continues.

The Green Line now divides Cyprus and in the past has been an area where tensions have erupted. The progress that we have seen recently in reducing conflicts along the Green Line was shattered last week. On Thursday, July 19, during a Greek-Cypriot women's march to protest the continued Turkish occupation of

Cyprus, some 1,000 women and some men crossed the Green Line in central Nicosia and entered a chapel in a disputed area. While the entire group was being forcibly evicted by Turkish troops and police, some 100 individuals, a bishop, and an archdeacon were arrested. They stood trial before a Turkish tribunal, were found guilty of illegal entry and sentenced to 3 to 5 days in jail.

Incidents such as this one underscore the need to end the Turkish occupation of Cyprus and resolve the longstanding and tragic division of the island. The continued presence of occupation troops on Cyprus denies the Cypriots their internationally recognized rights to peace and self-determination.

On this 15th anniversary of the Turkish invasion, I call for the administration's active intervention in achieving a peaceful ending to the continued division of Cyprus. We must restore the sovereignty and integrity of Cyprus and return northern Cypriots to their homes.●

NOMINATION OF THOMAS D. LARSON

● Mr. CHAFEE. Mr. President, I am very pleased that the Senate has expeditiously confirmed Dr. Thomas Larson for the position of Administrator of the Federal Highway Administration. I believe the President made an excellent choice in nominating Dr. Larson for this position. His educational background and his past experience are extensive in the field of transportation. In my opinion, he will make a significant contribution as Administrator of the Federal Highway Administration.

The Environment and Public Works Committee conducted a hearing with Dr. Larson on July 17. I found his knowledge of the Federal-aid highway program and other transportation issues to be very impressive.

Dr. Larson's credentials are impressive as well. He received his Ph.D. degree in Civil Engineering from Pennsylvania State University and has been a member of the faculty at Penn State on several occasions since 1962.

Dr. Larson served as secretary of transportation for the Commonwealth of Pennsylvania for 8 years. As secretary, he was responsible for all modes of transportation and managed an agency with a budget of \$3 billion and with 13,000 employees. He is credited with taking an agency and program experiencing difficulties and turning it into a model for efficient management and delivery of transportation services. He has had the experience of managing and implementing a program from the State point of view which will be very valuable as we undertake to reauthorize and restructure the Federal-aid highway program in 1991.

Dr. Larson has also done extensive writing and lecturing on the subject of transportation. He has served on numerous advisory committees, and has had leadership roles in many other transportation organizations. He has also received a number of awards recognizing his leadership capabilities.

Secretary of Transportation Sam Skinner has chosen Dr. Larson to direct his major effort to put in place a national strategic transportation plan by the beginning of next year. Obviously, he has recognized Dr. Larson's talents as well.

Mr. President, the Environment and Public Works Committee reported Dr. Larson's nomination unanimously, and I am pleased the Senate has confirmed his nomination.●

NOMINATION OF THOMAS D. LARSON FOR ADMINISTRATOR, FEDERAL HIGHWAY ADMINISTRATION

● Mr. BURDICK. Mr. President, I am delighted that the nomination of Thomas D. Larson, of Pennsylvania, to be Administrator of the Federal Highway Administration was confirmed by the Senate yesterday.

Dr. Larson's nomination hearing was held by the Committee on Environment and Public Works last Monday, July 17, and the nomination was favorably reported by a unanimous voice vote on Thursday, July 20. Dr. Larson has established an impressive reputation in the transportation field, and I would like to take this opportunity to insert into the RECORD his thoughtful testimony before the committee.

Dr. Larson has served for nearly 20 years on the faculty of Pennsylvania State University. From 1979 to 1987 he was Pennsylvania's Transportation Secretary. Throughout his career he has been a leader in developing innovative and sensitive solutions to transportation problems. He has also shown a remarkable ability to balance needs that sometimes compete—such as those between rural and urban areas, highway and transit interests, and short-term and long-term objectives.

The Environment and Public Works Committee has jurisdiction over the Federal-aid highway program and oversight responsibilities for the Federal Highway Administration [FHWA]. Dr. Larson will be heading the FHWA at a crucial juncture in its history as construction of the massive interstate system nears completion. The committee hopes to work very closely with the new Administrator in determining the future Federal role in highway transportation, and in developing legislation to reauthorize the program by the fast-approaching deadline of October 1, 1991.

Dr. Larson will be taking on a second job as well at the Department of Transportation. In addition to his

duties at FHWA, the new Administrator has been asked by Secretary Skinner to chair the National Transportation Policy Working Group.

Dr. Larson has observed that we need a "bold new vision for a new century of transportation progress." He is indeed correct, and I think he will be able to provide that at FHWA and throughout DOT. Members of transportation Environment and Public Works Committee look forward to working with Dr. Larson in the effort to shape a truly effective national transportation policy.

I ask that Dr. Larson's testimony be printed in the RECORD.

STATEMENT OF THOMAS D. LARSON BEFORE THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Good afternoon Mr. Chairman and Members of this Committee. I am honored to appear before you as President Bush's nominee as Federal Highway Administrator. I also wish to express my sincere appreciation to Secretary Samuel Skinner for his confidence, support, and recommendation.

I have a brief statement concerning my role as Federal Highway Administrator, should I be confirmed to that position, and then I would be pleased to answer any questions.

My background is largely in transportation related areas—a number of years as a Professor of Civil Engineering, research and transportation planning here and in several foreign countries, work with a highway contractor, and then, most recently, 8 years as Secretary of Transportation for the Pennsylvania Transportation Department. Because of my many trans-careers, it may have seemed to some that I have had trouble holding a job and, since that may be so, it is certainly a signal honor to be here before this Committee seeking your support for the Nation's highest post in highway administration. All the changes appear to have been worthwhile!

My enthusiasm for service with the Federal Highway Administration follows in part from my background, for as just noted, this would provide a capstone to any transportation career. But even more, my enthusiasm springs from the opportunity to work with this Committee and others in Government and the private sector towards major highway legislation for 1992 and beyond.

Secretary Skinner has committed to a careful strategic planning exercise to help chart the path towards reauthorization. Participation in that planning activity and the reauthorization legislation is my highest priority.

Other opportunities are also important. Especially, we must assure that the Federal Highway Administration, one of the finest agencies in the Federal Government, continues its tradition of innovation as we move on to new courses to be set in 1991.

New technology will be an ever-accelerating force for change in transportation. I believe the Federal Highway Administration must be in the vanguard of highway technology worldwide. This has been our tradition—this must be our future. In our increasingly competitive global economy, the FHWA can play a role in facilitating use of U.S. know-how, and equipment and technology to the advantage of our U.S. businesses and our highway systems. I believe this will be an increasingly important opportunity.

And while all else is going on, the Federal Highway Administration has the great responsibility of assuring that billions of dollars in taxpayers' money are spent in accordance with the guidance provided by the Congress to the benefit of the entire U.S. population using the best and most effective management practices. I am personally committed to achieving this objective.

In closing, I would note my awareness of the difficulties attending this position, this highway enterprise—growing congestion in urban areas, diminished connectivity in rural areas, extensive bridge needs, unacceptable death and injury on our highways, threats to the environment, scarce resources and much more. Given such demanding intractable issues, it becomes increasingly important to remember that mobility remains a central empowering feature to our society and our economy. I look forward to your guidance in dealing with the tough issues and in providing for that mobility near the close of the 20th century and planning for it into the 21st Century. Thank you for your time and consideration.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 230, Lou Gallegos, to be Assistant Secretary of the Interior.

DEPARTMENT OF THE INTERIOR

The Senate proceeded to consider the nomination of Lou Gallegos, of New Mexico, to be an Assistant Secretary of the Interior.

Mr. MITCHELL. Mr. President, I further ask unanimous consent that the nominee be confirmed, that any statements appear in the RECORD as if read, that the motion to reconsider be laid upon the table, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF THE INTERIOR

Lou Gallegos, of New Mexico, to be an Assistant Secretary of the Interior

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR TOMORROW

RECESS UNTIL TOMORROW AT 9:30 A.M. AND MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Wednesday, July 26, and following the time for the two leaders there be a

period for morning business not to extend beyond 10 a.m. with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESUME CONSIDERATION OF S. 1352

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 10 a.m. the Senate resume consideration of S. 1352, the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROCEED TO CONSIDERATION OF H.R. 2788

Mr. MITCHELL. Mr. President, I further ask unanimous consent that at 11 a.m., the Senate lay aside S. 1352, the Department of Defense authorization bill and begin consideration of H.R. 2788, the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. DOLE. Mr. President, I understand the Senate Foreign Relations Committee reported out eight nominees, Miss Della Newman, Ambassador to Western Samoa; Melvin F. Sembler, Ambassador to Australia; Joe Zappala, Ambassador to Spain; William Taft, to the NATO Council; Shirley Temple Black, Ambassador to Czechoslovakia; Mr. Keith Brown, Ambassador to Denmark; Joseph Gildenhorn, Ambassador to Switzerland; and Thomas Melady, Ambassador to the Vatican.

I was just making an inquiry of the majority leader whether or not it would be possible to dispose of these nominees before the August recess.

Mr. MITCHELL. As the distinguished Republican leader knows, I have cooperated with the President and the Secretary of State in moving promptly on nominations to positions of Ambassador and other important matters within the jurisdiction of the State Department, and I will, having just now seen that list for the first time, certainly review it and give it consideration.

I am advised that some of those nominees—I do not know how many or which ones—were controversial and confirmed on a close one-vote margin, and that some of the Senators on the committee would like an opportunity to prepare for the presentation of those matters before the Senate, to have an opportunity to express their views thereon. So I will take that into account and contact those Senators who may have such an interest, and we will advise the distinguished Republican leader at the earliest opportunity.

Mr. DOLE. Mr. President, if the majority leader will yield for another minute, since earlier today I have had an opportunity to discuss the drought legislation reported by the committee

with some of my colleagues on both sides of the aisle. I know there is some hope that we can work out our differences on this, which would permit passage of this and rural development legislation.

It would seem to me that we could work out the differences, and I think it is doable, and those two bills would be passed rather quickly.

I know the majority leader is prepared to move on those bills whenever it is convenient in the schedule.

So I would say to my colleagues on both sides of the aisle in the Senate Agriculture Committee that perhaps sometime tomorrow or early Thursday morning or not later than Thursday noon we could maybe put together some agreement which would have the support of all of our colleagues. Farm legislation is difficult to pass at best, but I hope there is some room for a compromise on both sides.

Mr. MITCHELL. I thank the distinguished Republican leader. I know this is a matter in which he has a keen personal interest, as do many other Senators, particularly those representing farm States.

As the Republican leader has indicated and as I have stated many times, rural development legislation is a very high priority item for me personally and for many other Senators, I am sure, including the distinguished Republican leader. I hope very much that it will be possible to act on this legislation and on the disaster relief legislation. I think it is a critical matter in several States involving the interest of several Senators.

I am heartened by the distinguished Republican leader's words this evening and will encourage all concerned to cooperate in attempting to reach an agreement on that, because I would like very much to move that legislation as soon as possible and certainly before we leave for the August recess.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, before recessing, I want to call the attention of all Senators to the fact that it is my intention on Thursday, when we resume consideration of the DOD authorization bill, to seek unanimous consent to limit amendments to the DOD authorization bill to those which are filed as of the close of business on Thursday. I discussed this in the caucus of Democrats today. The distinguished Republican leader discussed it in the Republican caucus.

We want to finish this bill by next week. We have other pressing matters that we want to take up. The rural development and disaster relief bill, the three and possibly four appropriations bills, hopefully oilspill legislation, and extension of the debt limit, which the President and the Secretary of Treas-

So I hope all Senators will cooperate in that regard and we do not get in a situation where the longer we go, the more amendments we dispose of, the more that remain pending. Whoever invented the phrase "zero sum game" did not have Senate proceedings in mind as to amendments, that is for sure.

There being no objection, the Senate at 7:39 p.m., recessed until 9:30 a.m., Wednesday, July 26, 1989.

JOHN T. MARTINO, OF PENNSYLVANIA, TO BE SUPERINTENDENT OF THE MINT OF THE UNITED

LT. GEN. BRUCE R. HARRIS, XXXX-XX-XXXX U.S. ARMY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—Tuesday, July 25, 1989

The House met at 9 a.m.

The Reverend William E. Wegener, pastor, Georgetown Lutheran Church, Washington, DC, offered the following prayer:

Ruler of the nations, at the beginning of another day, we come to You asking for Your blessing. Be with all who work in this place that they may have the strength to do the day's work, the wisdom to make worthy decisions, and the courage to stay with hard choices. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from South Carolina [Mr. SPENCE] will lead us in the Pledge of Allegiance.

Mr. SPENCE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H.J. Res. 281. Joint resolution to approve the designation of the Cordell Bank National Marine Sanctuary, to disapprove a term of that designation, to prohibit the exploration for, or the development or production of, oil, gas, or minerals in any area of that sanctuary, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 83. An act to establish the United States Enrichment Corporation to operate the Federal uranium enrichment program on a profitable and efficient basis in order to maximize the long-term economic value to the United States, to provide assistance to the domestic uranium industry, and to provide a Federal contribution for the reclamation of mill tailings generated pursuant to Federal defense contracts at active uranium and thorium processing sites; and

S. 358. An act to amend the Immigration and Nationality Act to change the level, and

preference system for admission, of immigrants to the United States, and to provide for administrative naturalization, and for other purposes.

THE REVEREND WILLIAM E. WEGENER

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, I am pleased to welcome and introduce to the House our guest chaplain this morning, the Reverend William Wegener. For the past 11 years Reverend Wegener has been the pastor of Georgetown Lutheran Church here in the District of Columbia as well as serving as the Lutheran Church in America's campus minister at American University and at Georgetown University. While I am a member of our Savior's Lutheran Church in Fond du Lac, WI, when we are in Washington, my family and I very much enjoy participating in the life of Reverend Wegener's congregation, where we are stimulated by and learn much from his sermons.

My colleagues in the House may be interested to learn that the gentleman who led us this morning in the Pledge of Allegiance, the gentleman from South Carolina [Mr. SPENCE], was a member of Reverend Wegener's congregation for many years while Reverend Wegener was there at St. Peters Lutheran Church in Lexington, SC.

I should also like to welcome the Reverend's wife, Ellie, other members of the Wegener family, and members of the congregation who have joined us on this occasion.

WHO GETS THE TAX BREAKS?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in 1980 Ronald Reagan said:

I'm going to cut your taxes, and I'm not going to stop there. I'm going to cut your boss' taxes, and when I do, you are going to have more money in your pocket and you can spend that money. Even though I cut your taxes, the Gross National Product is going to grow and our tax revenues are going to grow, even though you pay less taxes.

Well, here is how that worked. If you were a family of four making \$25,000, you got a tax break about enough to take your family to a good dinner. If you made \$250,000 you

could take that tax break and buy a brand new Mercedes Benz, the best one made, and then take your family to dinner. So much for the tooth fairy!

Now President Bush wants to cut the capital gains tax. I say, right on, Speaker FOLEY, keep fighting before the cab drivers in New York are hauling Americans around in rickshaws.

THROUGH THE DRUG WAR MAZE IN 28 DAYS, DAY 6: HOUSE ENERGY AND COMMERCE COMMITTEE

(Mr. SMITH of Mississippi asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Mississippi. Mr. Speaker, I call attention today to the House Energy and Commerce Committee, as it relates to the war on drugs. Here is another committee that has jurisdiction over the Nation's drug-control efforts, and the work of the drug czar. Here is another part of the maze of more than 80 committees, subcommittees and select committees that the drug czar must pass through to arrive at a national drug-control strategy.

Mr. Speaker, the American people are expecting a lot from the war on drugs. My constituents in south Mississippi tell me drugs and crime are their No. 1 issue of concern. Surveys show the same is true across the country. Now, the people expect to see results.

Will it not be a shame if we cannot give them any results? Will it not be a shame if the drug czar, Bill Bennett, cannot get anything done because he has to spend from now until the middle of next year in a maze of congressional panels? Will it not be a shame if the American people find out the war on drugs is just a public relations campaign?

Mr. Speaker, it is time for Congress to consolidate these panels into one effective committee. It is time to fight the war on drugs by troop, and not by choir. I urge my support for consolidation legislation.

SUPPORT VETERANS AGENT ORANGE LEGISLATION

(Ms. LONG asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LONG. Mr. Speaker, I rise today to express my support for the veterans

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

agent orange legislation that my colleague, Mr. EVANS, will introduce this morning. This legislation will provide disability benefits to Vietnam veterans suffering from diseases associated with exposure to agent orange.

For years now, many Vietnam veterans have suffered with serious cancers, such as non-Hodgkins lymphoma and soft-tissue sarcoma, that have been linked to agent orange exposure. These veterans have applied for compensation for their disabilities, but have had their claims rebuffed by the VA, which has insisted on an excessively strict standard of proof.

The evidence is clear enough. These men and women, who went to Vietnam to serve their country, were exposed to a dangerous toxin and are now suffering the consequences. Although we cannot lessen their suffering, we can provide them with the justice they deserve and the compensation they long ago earned. I urge my colleagues to support this bill.

D.C. MURDER VICTIM NUMBER 242, A NEBRASKA BOY

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARLENEE. Mr. Speaker, D.C. murder victim No. 242 was a Nebraska boy recently moved to northeast Washington, DC.

Mistake—Nebraska plates on his car. He parked in front of his home on a street boasting expensive houses, a street where by day thieves break out the street lights so murder and mugging are facilitated by night.

Murder victim 242 obviously had not seen the NRA ad about D.C. the Murder Capital.

The rescuers tried to use the 911 call number but were put on hold.

The Washington Convention and Visitors Association says, "That's not the way it is here."

The Hotel and Restaurant Employees Union says, "The ad is giving the city a bad name."

Maybe they should try telling that to the Nebraska family of murder victim No. 242.

Meanwhile the animals run the streets and the joker runs the city.

By the way visitors and tourists do not call 911. You are much better off calling an Iranian taxi driver.

THE STRATEGIC DEFENSE INITIATIVE

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, in just a few moments we are going to begin debate on the strategic defense initiative. Yesterday the President of the United

States, George Bush, said that the strategic defense initiative is one of his highest priorities. He said that it is a critical program for the defense of the free world.

Mr. Speaker, it is important for us to understand the options that we have before us. The Armed Services Committee reduced the President's request of \$4.6 billion for SDI for fiscal year 1990 to \$3.5 billion. We are going to have amendments to cut that to levels that would kill the program, and a level that would cripple the program severely with the Bennett amendment.

My amendment would fund SDI at zero real growth, that is to say \$3.8 billion, taking last year's funding and simply adding inflation. Even at \$3.8 billion, the program will be curtailed. It will have to be cut back in several significant areas; but I think it is the least that we can do here in the House of Representatives to take the bill to conference. The Senate Armed Services Committee has proposed funding of \$4.3 billion for the strategic defense initiative.

□ 1910

I think it would be a big mistake for the House of Representatives to cut SDI funding below the \$3.8 billion that I will be offering in my amendment. I hope my colleagues will listen to this debate very, very carefully, and when it is over, will support the Kyl amendment for SDI funding at zero real growth of \$3.8 billion.

INTRODUCTION OF LEGISLATION PREVENTING PAYMENT OF REPARATIONS UNTIL RETURN OF HOSTAGES

(Mr. CHAPMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAPMAN. Mr. Speaker, my colleagues, today there are still hostages in the Middle East; nine Americans. A few days ago, I noticed that the President of the United States has proposed that we pay reparations to the surviving families, or the families of those who were on the Iranian airliner shot down by the U.S.S. *Vincennes*.

Mr. Speaker, while I certainly have sympathy for the victims of that incident, I think it is a mistake to open the U.S. Treasury before we have our hostages home. Today, I am going to be introducing legislation that would prevent the payment of reparations until the President of the United States certifies that there are no longer hostages, American hostages, held in the Middle East, either by Iran or groups controlled by the Government of Iran.

I hope that Members will join me in this effort. I hope that while we have sympathy for tragedies like this that

we will do everything we can in this House to see to it that American hostages held in the Middle East are returned to their families, returned to their loved ones, and that we not give up any leverage that we may have to accomplish that goal. I hope that Members will join me in this effort.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 1990

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, Tuesday, July 25, 1989, to file a privileged report on a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1990, and for other purposes.

Mr. MYERS of Indiana reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON THE TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1990

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, Tuesday, July 25, 1989, to file a privileged report on a bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1990, and for other purposes.

Mr. MYERS of Indiana reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND THE JUDICIARY APPROPRIATIONS BILL, 1990

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, Tuesday, July 25, 1989, to file a privileged report on a bill making appropriations for the Departments of Commerce, Justice, and

State, and the Judiciary, and related agencies for the fiscal year ending September 30, 1990, and for other purposes.

Mr. MYERS of Indiana reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

DRUG TESTING TO OBTAIN DRIVER'S LICENSES

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, as we debate this defense authorization bill, I think it is important to call attention to the fact that this body several weeks ago voted down an amendment that I offered which would have required drug testing of all State Department personnel. That vote failed, and that amendment failed, by a vote of four votes. I think it is important to call attention to the Members that in 1980 when Ronald Reagan first took office, there was a reported drug use of 20 percent by the defense personnel of this country. After he started drug testing of all defense personnel, all enlisted men, all officers, that rate of use dropped from 20 percent down to 4 percent, all because of drug testing.

If we are going to lick this problem of drugs that we have throughout this country, we are going to have to establish a Federal policy of doing testing throughout our American society. That is the only way we will ever reduce the demand for illegal drugs.

Mr. Speaker, one way to start is by insisting that all of the States throughout this country have drug testing for driver's licenses. If we do that, all of these rich yuppies who drive into the ghettos of this country buying crack and other illegal drugs and thereby pushing up the demand are going to stop if they are threatened with the loss of driving privileges.

Members are going to have an opportunity to vote several times before the end of this session on drug testing. Members should go home to their constituents over August and ask them how they feel about this. I think you will find overwhelming support for drug testing to reduce the demand for these illegal drugs that are maiming and killing our young people.

WE ARE LOSING AN ENTIRE GENERATION OF OUR CHILDREN

(Mr. DELLUMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELLUMS. Mr. Speaker and Members of the House, as I have done on numerous occasions, I awakened this morning, went out, picked up my Washington Post, poured a cup of coffee, and on the front page of the Washington Post I see another young person found shot to death as a victim of drug-related violence.

What it seems to me, Mr. Speaker and Members of the House, is that there truly is a war going on. Our children are dying in the streets of America all over this country. The real war that is taking place is a war on our children.

Mr. Speaker, we are about the business of losing an entire generation of our children to drugs and violence associated with it. It brought tears to my eyes this morning, Mr. Speaker, and I would challenge my colleagues as we go forward to debate the defense authorization bill to keep in mind that we are potentially losing a generation of our children, and that is, indeed, the war that we are really fighting, and that when we start to talk about cuts in the military budget, let us be mindful of the fact that we ought to be reprioritizing the national budget, that we ought to be spending billions of dollars addressing the human misery of people in our country trying to protect our children and, on a number of occasions, on a number of points in this bill during the course of this debate, I will continue to remind my colleagues that our children are dying in America as a result of directly related violence, not some abstract notion of some enemy that I believe the rationality will never put us in conflict with.

PERMISSION FOR SUBCOMMITTEE ON COURTS, INTELLECTUAL PROPERTY, AND ADMINISTRATION OF JUSTICE OF THE COMMITTEE ON THE JUDICIARY TO SIT TODAY DURING 5-MINUTE RULE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that the Subcommittee on Courts, Intellectual Property, and Administration of Justice of the Committee on the Judiciary may sit for the purposes of markup today during the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. SOLOMON. Mr. Speaker, reserving the right to object, I would just take this time to ask the gentleman if he has cleared it with the ranking minority member.

Mr. KASTENMEIER. If the gentleman will yield, yes, I cleared it with the gentleman from California [Mr. MOORHEAD], who is the ranking minority member.

Mr. SOLOMON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

APPOINTMENTS AS MEMBERS OF THE UNITED STATES COMMISSION ON IMPROVING THE EFFECTIVENESS OF THE UNITED NATIONS

The SPEAKER laid before the House the following communication from the Honorable ROBERT H. MICHEL, Republican leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 20, 1989.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Sec. 723(a)(1) (B) and (C) of Public Law 100-204, I hereby appoint the following individuals to serve as members of the United States Commission on Improving the Effectiveness of the United Nations:

The gentleman from Iowa (Mr. Leach) on the part of the House;

Edwin J. Feulner, Jr., Ph.D. of Alexandria, VA; and

Mr. Charles M. Lichenstein of Washington, D.C.

Sincerely yours,

ROBERT H. MICHEL,
Republican Leader.

APPOINTMENTS AS MEMBERS OF THE UNITED STATES COMMISSION ON IMPROVING THE EFFECTIVENESS OF THE UNITED NATIONS

The SPEAKER. Pursuant to the provisions of section 723, Public Law 100-204, the Chair appoints to the U.S. Commission on Improving the Effectiveness of the United Nations the following individuals on the part of the House:

From the House of Representatives: the gentleman from Ohio [Mr. FEIGHAN].

From the private sector: Mr. Walter Hoffmann, College Park, MD; and Mr. Jerome J. Shestack, Philadelphia, PA.

NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1990

The SPEAKER. Pursuant to House Resolution 211 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2461.

□ 0919

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2461) to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such De-

partment for fiscal years 1990 and 1991, and for other purposes, with Mr. HALL of Texas (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Monday, July 24, 1989, all time for general debate had expired.

Pursuant to the rule, the Committee amendment in the nature of a substitute now printed in the reported bill is considered as an original bill for the purpose of amendment and is considered as having been read.

The text of the committee amendment in the nature of a substitute is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act, Fiscal Year 1990".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS.

This Act is divided into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Other National Defense Authorizations.

SEC. 3. EXPIRATION OF AUTHORIZATIONS FOR FISCAL YEARS AFTER FISCAL YEAR 1990.

Authorizations of appropriations, and of personnel strength levels, in this Act for any fiscal year after fiscal year 1990 are effective only with respect to appropriations made during the first session of the One Hundred First Congress.

SEC. 4. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions.

Sec. 3. Expiration of authorizations for fiscal years after fiscal year 1990.

DIVISION A—DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

PART A—FUNDING AUTHORIZATIONS

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense Agencies.

Sec. 105. Reserve components.

Sec. 106. Defense Inspector General.

Sec. 107. Chemical demilitarization program.

Sec. 108. Multiyear authorizations.

Sec. 109. Extension of authority provided the Secretary of Defense in connection with the NATO Airborne Warning and Control System (AWACS) program.

Sec. 110. Repeal of certain prior milestone authorizations.

PART B—STRATEGIC BOMBER PROGRAMS

Sec. 111. Limitation on production of B-2 Advanced Technology Bomber aircraft program.

Sec. 112. Independent assessment of B-2 aircraft program.

Sec. 113. Limitations on B-1B electronic countermeasures recovery program.

PART C—OTHER PROGRAM LIMITATIONS

Sec. 121. Program limitations.

Sec. 122. M-1 tank program.

Sec. 123. Army recovery vehicle.

Sec. 124. Chemical munitions European retrograde program.

Sec. 125. Chemical demilitarization cryofracture program.

Sec. 126. Funding for V-22 aircraft program.

Sec. 127. Procurement of F-14D aircraft.

PART D—WEAPONS ACQUISITION PROCEDURES

Sec. 131. Weapons acquisition risk assessment.

Sec. 132. Low-rate initial production.

Sec. 133. Live-fire testing program.

Sec. 134. Sense of Congress on placing greater emphasis on remanufacture of existing military equipment.

Sec. 135. Revision of limitation on transfer of certain technical data packages to foreign countries.

Sec. 136. Repeal of procurement requirement and limitation of funds for the Heavy Expanded Mobility Tactical Truck.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

PART A—AUTHORIZATIONS AND FUNDING FOR SPECIFIC PROGRAMS

Sec. 201. Authorization of appropriations for fiscal year 1990.

Sec. 202. Authorizations for basic research and exploratory development for fiscal years 1991-1994.

Sec. 203. Repeal of prior milestone authorizations.

Sec. 204. Prohibition on testing Mid-Infrared Advanced Chemical Laser program against an object in space.

Sec. 205. Grant for semiconductor cooperative research program.

Sec. 206. Funds for cooperative research and development projects with major non-NATO allies.

Sec. 207. Army Heavy Force Modernization program.

PART B—STRATEGIC DEFENSE INITIATIVE

Sec. 221. Funding level for the Strategic Defense Initiative.

Sec. 222. Limitation on development and testing of antiballistic missile systems or components.

PART C—OTHER PROGRAMS

Sec. 251. Report on Biological Defense Research Program.

Sec. 252. Chemical weapons convention compliance monitoring program.

Sec. 253. Revision of competition requirement for award of grants and contracts to colleges and universities for certain purposes.

Sec. 254. Interim Infantry Anti-Tank Weapon.

TITLE III—OPERATION AND MAINTENANCE

PART A—AUTHORIZATION OF APPROPRIATIONS

Sec. 301. Operation and maintenance funding.

Sec. 302. Working Capital funds.

Sec. 303. Department of Defense base closure account.

Sec. 304. Humanitarian assistance.

Sec. 305. Army aviation flight facility at Jackson, Tennessee.

Sec. 306. Assistance to schools to benefit children of military personnel on active duty and civilian personnel.

Sec. 307. Funding requirement for procurement technical assistance cooperative agreement program.

PART B—LIMITATIONS

Sec. 311. Prohibition on payment of severance pay to foreign nationals in the event of certain base closures.

Sec. 312. Prohibition on releasing civilian personnel at the San Antonio Real Property Maintenance Agency.

Sec. 313. Prohibition on joint use of the marine corps air station at El Toro, California, with civil aviation.

Sec. 314. Clarification of prohibition on certain depot maintenance workload competitions.

Sec. 315. Limitation on use of environmental restoration funds.

PART C—MISCELLANEOUS PERMANENT LAW CHANGES

Sec. 321. Repeal of limitation on the expenditure of funds for the participation of developing countries in combined exercises.

Sec. 322. Authorization to reduce under certain circumstances the rates for meals sold at a military dining facility.

Sec. 323. Improved and expedited disposal of lost, abandoned, or unclaimed personal property in the custody of the Armed Forces.

Sec. 324. Procurement of laundry and dry cleaning services from Navy exchanges.

Sec. 325. Procurement of supplies and services from military exchanges outside the United States.

Sec. 326. Tuition-free enrollment of dependents of employees of nonappropriated fund instrumentalities in schools of the defense dependents' education system.

Sec. 327. Authority to use appropriated funds to support student meal programs in Department of Defense overseas dependents' schools.

Sec. 328. Commercial sale of recording of Air Force Singing Sergeants.

Sec. 329. Transportation of motor vehicles of military and civilian personnel stationed on Johnston Island.

Sec. 330. Authority to provide certain assistance to annual conventions of national military associations.

PART D—CONTRACTING OUT

Sec. 341. Authority of base commanders over contracting for commercial activities.

Sec. 342. Exception from cost comparison procedures for purchase of products and services of the blind and other severely handicapped individuals.

Sec. 343. Commercial activities study for base support operations at Fort Benjamin Harrison.

PART E—ARMED FORCES RETIREMENT HOMES

Sec. 351. United States Soldiers' and Airmen's Home subject to annual authorizations of appropriations.

Sec. 352. Military stoppages, fines, and forfeitures to benefit armed forces retirement homes.

- Sec. 353. Deductions from the pay of enlisted members and warrant officers to benefit armed forces retirement homes.
- Sec. 354. Annual inspection of armed forces retirement homes by Inspector General of the Department of Defense.
- Sec. 355. Report regarding the operation and management of the Armed Forces Retirement Homes.
- Sec. 356. Definitions.
- Sec. 357. Repeal of superseded provisions relating to the United States Soldiers' and Airmen's Home.

PART F—ENVIRONMENTAL RESTORATION

- Sec. 361. Requirement for development of environmental data base.
- Sec. 362. Report on defense expenditures for environmental compliance.
- Sec. 363. Five-year plan for environmental restoration at bases to be closed.
- Sec. 364. Report on environmental requirements and priorities.
- Sec. 365. Requirement to use portion of working-capital funds for waste minimization projects.
- Sec. 366. Prohibition on certain environmental restoration activities at Rocky Mountain Arsenal.

PART G—STUDIES, REPORTS, AND OTHER MATTERS

- Sec. 371. Study of waste recycling.
- Sec. 372. Report on military recruiting advertising expenditures.
- Sec. 373. Sense of Congress on reducing the number of members of the Army stationed in the United States whose permanent duty assignment is unrelated to intermediate-range nuclear forces.
- Sec. 374. Sense of Congress on reducing the number of units of the Armed Forces stationed in the continental United States.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

PART A—ACTIVE FORCES

- Sec. 401. End strengths for active forces.
- Sec. 402. Reduction in authorized end strength for the number of military personnel in Europe.

PART B—RESERVE FORCES

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
- Sec. 413. Increase in number of members in certain grades authorized to be on active duty in support of the Reserves.

PART C—MILITARY TRAINING STUDENT LOADS

- Sec. 421. Authorization of training student loads.

PART D—AUTHORIZATIONS OF APPROPRIATIONS

- Sec. 431. Authorization of appropriations for military personnel for fiscal year 1990.
- Sec. 432. Authorization of appropriations for Reserve Other Training and Support for fiscal year 1990.

TITLE V—PERSONNEL MANAGEMENT

- Sec. 501. Delayed entry program and delayed entry training program for Reservists.
- Sec. 502. Annual muster duty for Ready Reservists.
- Sec. 503. Extension of certain Reserve officer management programs.

- Sec. 504. Extension of authority to make temporary promotions of certain Navy lieutenants.

- Sec. 505. Extension of single-parent enlistment authority in Reserve components.

- Sec. 506. Report on Reserve general and flag officers.

- Sec. 507. Title of the admissions officer of the United States Air Force Academy.

- Sec. 508. Eligibility for prisoner-of-war medal of crew of the U.S.S. Pueblo captured by North Korea.

- Sec. 509. Reimbursement of Department of Defense funds for members of the Armed Forces assigned to duty in connection with foreign military sales programs.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

PART A—PAY AND ALLOWANCES

- Sec. 601. Military pay raise for fiscal year 1990.

- Sec. 602. Limitation on adjustments in variable housing allowance.

PART B—BONUSES AND SPECIAL AND INCENTIVE PAY

- Sec. 611. Enlistment bonus for members in skills designated as critical.

- Sec. 612. Extension of enlistment and reenlistment bonus authorities for Reserve forces.

- Sec. 613. Nuclear-qualified officers.

- Sec. 614. Lump-sum payment of initial overseas housing costs.

PART C—MILITARY AVIATORS

- Sec. 621. Aviation career incentive pay.

- Sec. 622. Aviator retention bonuses.

- Sec. 623. Reduction in nonoperational flying duty positions.

- Sec. 624. Report on minimum service requirement for aviators.

- Sec. 625. Report on insurance.

- Sec. 626. Report on aviator assignment policies and practices.

PART D—MONTGOMERY GI BILL AMENDMENTS

- Sec. 631. Increase in amount payable under Montgomery GI Bill for critical specialties.

- Sec. 632. Payments for vocational-technical training under Reserve-Component GI Bill.

- Sec. 633. Limitation of active guard and Reserve personnel to active-duty program.

PART E—PERSONNEL AND COMPENSATION TECHNICAL AMENDMENTS

- Sec. 641. Technical amendments to military retirement laws.

- Sec. 642. Technical amendments to military survivor benefit plan.

- Sec. 643. Inclusion of former spouses in social security offset provision.

- Sec. 644. Repeal of certain obsolete and expired provisions.

- Sec. 645. Other technical amendments.

PART F—MISCELLANEOUS

- Sec. 651. Military relocation assistance programs.

- Sec. 652. Report on technical training for recruits and members of the Reserve components.

- Sec. 653. Clarification of allowance for transportation of household effects.

- Sec. 654. Special duty assignment pay for enlisted members of the National Guard or a Reserve component.

- Sec. 655. Extension of test program for reimbursement for adoption expenses.

TITLE VII—HEALTH CARE PROVISIONS

PART A—HEALTH CARE PROFESSIONS PERSONNEL MATTERS

- Sec. 701. Authority to repay loans of certain health professionals who serve in the selected Reserve.

- Sec. 702. Revision of military physician special pay structure.

- Sec. 703. Accession bonus for registered nurses.

- Sec. 704. Incentive pay for nurse anesthetists.

- Sec. 705. Nurse officer candidate accession bonus.

- Sec. 706. Program to increase use of certain nurses by the military departments.

- Sec. 707. Grade relief for Navy nurse lieutenant commanders

PART B—HEALTH CARE MANAGEMENT

- Sec. 711. Prohibition on charges for outpatient medical and dental care.

- Sec. 712. Sharing of health-care resources with the Department of Veterans Affairs.

- Sec. 713. Prohibition on reducing end strength levels for medical personnel as a result of base closures and realignments.

- Sec. 714. Revised deadline for the use of diagnosis-related groups for outpatient treatment.

- Sec. 715. Armed Forces health professions scholarship program.

- Sec. 716. Uniformed Services University of the Health Services and Henry M. Jackson Foundation for the advancement of military medicine.

- Sec. 717. Retention of funds collected from third-party payers of inpatient care furnished at facilities of the uniformed services.

- Sec. 718. Reallocation of certain civilian personnel positions to medical support.

- Sec. 719. Codification of appropriation provision relating to CHAMPUS.

- Sec. 720. Clarification and correction of provisions providing health benefits for certain former spouses.

- Sec. 721. Reallocation of Naval Reserve rear admirals authorized for health professions.

TITLE VIII—MILITARY CHILD CARE

- Sec. 801. Short title; definitions.

- Sec. 802. Funding for military child care for fiscal year 1990.

- Sec. 803. Child care employees.

- Sec. 804. Parent fees.

- Sec. 805. Child abuse prevention and safety.

- Sec. 806. Parent partnerships with child development centers.

- Sec. 807. Report on five-year demand for child care.

- Sec. 808. Deadline for regulations.

TITLE IX—ACQUISITION POLICY

- Sec. 901. Acquisition laws technical amendments.

- Sec. 902. Authority to contract with university presses for printing, publishing, and sale of History of the Office of the Secretary of Defense.

TITLE X—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

PART A—PROFESSIONAL MILITARY EDUCATION

- Sec. 1001. Reports relating to courses of instruction at certain professional military education schools and professional military education requirements for promotion to general or flag rank.
- Sec. 1002. The national defense university schools.
- Sec. 1003. Eligible students and duration of principle course of instruction at the Armed Forces Staff College.

PART B—OTHER MATTERS

- Sec. 1011. Limited availability of confidential aircraft mishap safety investigation reports.

TITLE XI—MILITARY DRUG INTERDICTION AND LAW ENFORCEMENT SUPPORT

- Sec. 1101. Technical and clerical amendments relating to drug interdiction.

TITLE XII—GENERAL PROVISIONS

PART A—FINANCIAL AND BUDGET MATTERS

- Sec. 1201. Transfer authority.
- Sec. 1202. Restatement and clarification of requirement for consistency in the budget presentations of the Department of Defense.
- Sec. 1203. Budgets for unified and specified commands.

PART B—NAVAL VESSELS AND SHIPYARDS

- Sec. 1211. Handling of hazardous wastes in naval ship repair work.
- Sec. 1212. Fiscal year 1990 prohibition on procuring anchor and mooring chain from foreign sources.
- Sec. 1213. Progress payments under naval vessel repair contracts.
- Sec. 1214. Restrictions on international agreements relating to naval nuclear propulsion.
- Sec. 1215. Funding for ship production engineering.
- Sec. 1216. Depot-level maintenance of ships homeported in Japan.
- Sec. 1217. Report on alternatives to Navy oxygen breathing apparatus for shipboard firefighting.
- Sec. 1218. Stripping of naval vessels to be used for experimental purposes.

PART C—FORCE STRUCTURE

- Sec. 1221. Framework for determining conventional force requirements in a changing threat environment.
- Sec. 1222. Advisory panel on military force structure.
- Sec. 1223. Studies of close support for land forces.
- Sec. 1224. Clarification of operational test requirement for close air support mission alternatives.

PART D—TECHNICAL CORRECTIONS AND GENERAL TECHNICAL AND CLERICAL AMENDMENTS

- Sec. 1231. Clarification of requirement for completion of full tour of duty as qualification for selection as a Joint Specialty Officer.
- Sec. 1232. Correction of pay grade for new Assistant Secretary of the Air Force.
- Sec. 1233. Miscellaneous technical and clerical amendments to title 10, United States Code.

PART E—MISCELLANEOUS

- Sec. 1241. Report regarding Trident submarine construction rate.

- Sec. 1242. Limitation on expenditures for relocation of functions located at Torrejon Air Base, Madrid, Spain.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2001. Short title.

TITLE XXI—ARMY

- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Improvements to military family housing units.
- Sec. 2104. Authorization of appropriations, Army.
- Sec. 2105. Extension of certain prior year authorizations.

TITLE XXII—NAVY

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Authorization of appropriations, Navy.
- Sec. 2205. Office and related space.
- Sec. 2206. Extension of certain prior year authorizations.

TITLE XXIII—AIR FORCE

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Improvement to military family housing units.
- Sec. 2304. Authorization of appropriations, Air Force.
- Sec. 2305. Extension of certain prior year authorizations.
- Sec. 2306. Luke Air Force Base, Arizona.

TITLE XXIV—DEFENSE AGENCIES

- Sec. 2401. Authorized defense agencies construction and land acquisition projects.
- Sec. 2402. Family housing.
- Sec. 2403. Improvements to military family housing units.
- Sec. 2404. Conforming storage facilities.
- Sec. 2405. Authorization of appropriations, defense agencies.
- Sec. 2406. Extension of certain previous authorizations.
- Sec. 2407. Medical facility, Fort Sill, Oklahoma.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

- Sec. 2501. Authorized NATO construction and land acquisition projects.
- Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

- Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

TITLE XXVII—EXPIRATION OF AUTHORIZATIONS

- Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
- Sec. 2702. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

PART A—MILITARY CONSTRUCTION PROGRAM CHANGES

- Sec. 2801. Family housing rental guarantee program.
- Sec. 2802. Family housing leasing outside United States.
- Sec. 2803. Long term facilities contracts.

- Sec. 2804. Improvements to family housing units.
- Sec. 2805. Domestic build-to-lease program.
- Sec. 2806. Turn-key selection procedures.
- Sec. 2807. Prohibition of funding for certain military construction contracts on Guam.
- Sec. 2808. Authorized cost variations.

PART B—LAND TRANSACTIONS

- Sec. 2811. Land conveyance, Pittsburgh, Pennsylvania.
- Sec. 2812. Sale of land and replacement of certain facilities, Kapalama Military Reservation, Hawaii.
- Sec. 2813. Conveyance of land at Marine Corps Air Station, El Toro, California, and construction of family housing at Marine Corps Air Station, Tustin, California.
- Sec. 2814. Land Conveyance, Fort Knox, Kentucky.

PART C—MISCELLANEOUS PROVISIONS

- Sec. 2821. White Sands Missile Range, New Mexico.
- Sec. 2822. Community planning assistance.
- Sec. 2823. Conveyance of facility, Little Rock, Arkansas.
- Sec. 2824. Development of land and lease of facility at Henderson Hall, Arlington, Virginia.

DIVISION C—OTHER NATIONAL DEFENSE AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

PART A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

- Sec. 3101. Operating expenses.
- Sec. 3102. Plant and capital equipment.
- Sec. 3103. Funding limitations.

PART B—RECURRING GENERAL PROVISIONS

- Sec. 3121. Reprogramming.
- Sec. 3122. Limits on general plant projects.
- Sec. 3123. Limits on construction projects.
- Sec. 3124. Fund transfer authority.
- Sec. 3125. Authority for construction design.
- Sec. 3126. Authority for emergency construction design.
- Sec. 3127. Funds available for all national security programs of the Department of Energy.
- Sec. 3128. Availability of funds.

PART C—MISCELLANEOUS PROVISIONS

- Sec. 3131. Major Department of Energy national security programs.
- Sec. 3132. Five-year budget plan requirement.
- Sec. 3133. Amendment to Atomic Community Act of 1955.
- Sec. 3134. Prohibition and report on bonuses to contractors operating defense nuclear facilities.
- Sec. 3135. Preference for Rocky Flats workers.
- Sec. 3136. Authorization and funding for Rocky Flats agreement.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

- Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

- Sec. 3301. Strategic and critical materials development, research, and conservation.
- Sec. 3302. Development of domestic sources.
- Sec. 3303. National Defense Stockpile Manager.

Sec. 3304. Authority to dispose of materials in the stockpile for international consumption.

Sec. 3305. Information included in reports to Congress.

Sec. 3306. Changes in stockpile requirements.

Sec. 3307. Authorized disposals.

Sec. 3308. Authorization of acquisitions.

TITLE XXXIV—CIVIL DEFENSE

Sec. 3401. Authorization of appropriations.

DIVISION A—NATIONAL DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

PART A—FUNDING AUTHORIZATIONS

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1990 for procurement for the Army as follows:

- (1) For aircraft, \$2,910,244,000.
- (2) For missiles, \$2,661,600,000.
- (3) For weapons and tracked combat vehicles, \$2,723,219,000.
- (4) For ammunition, \$1,704,800,000.
- (5) For other procurement, \$4,105,661,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) AIRCRAFT.—Funds are hereby authorized to be appropriated for fiscal year 1990 for aircraft for the Navy in the amount of \$8,665,802,000.

(b) WEAPONS.—Funds are hereby authorized to be appropriated for fiscal year 1990 for procurement of weapons (including missiles and torpedoes) for the Navy in the amount of \$5,570,500,000. Amounts authorized under the preceding sentence are available as follows:

- (1) For ballistic missile programs, \$1,818,165,000.
- (2) For other missile programs, \$2,783,337,000.
- (3) For torpedo programs, \$697,996,000 as follows:

For the MK-48 torpedo program, \$331,942,000.

For the SEA lance program, \$1,799,000.

For the MK-50 torpedo program, \$269,130,000.

For the ASW target program, \$12,983,000.

For the ASROC program, \$9,282,000.

For the modification of torpedoes and related equipment, \$9,653,000.

For the torpedo support equipment program, \$39,002,000.

For the antisubmarine warfare range support program, \$24,205,000.

(4) For other weapons, \$184,361,000, of which—

(A) \$74,990,000 is for the MK-15 close-in weapon system; and

(B) \$63,771,000 is for the close-in weapon system modification program.

(5) For spares and repair parts, \$94,441,000.

The sum of amounts authorized to be appropriated for torpedo programs, other weapons, and spares and spare parts is reduced by \$7,800,000.

(c) SHIPBUILDING AND CONVERSION.—Funds are hereby authorized to be appropriated for fiscal year 1990 for shipbuilding and conversion for the Navy in the amount of \$9,925,306,000. Amounts authorized under the preceding sentence are available as follows:

For the Trident submarine program, \$1,277,800,000.

For the SSN-688 nuclear attack submarine program, \$806,300,000.

For the SSN-21 nuclear attack submarine program, \$816,800,000.

For the aircraft carrier service life extension program (SLEP), \$651,200,000.

For the Enterprise refueling/modernization program, \$129,100,000.

For the DDG-51 guided missile destroyer program, \$3,600,700,000.

For the LHD-1 amphibious assault ship program, \$35,000,000.

For the LSD-41 cargo variant program, \$229,300,000.

For the MCM mine countermeasures program, \$341,500,000.

For the MHC coastal minehunter program, \$282,000,000.

For the AO (Jumbo) conversion program, \$35,700,000.

For the TAGOS ocean surveillance ship program, \$155,800,000.

For the AOE fast combat support ship program, \$356,400,000.

For the oceanographic research ship program, \$278,100,000.

For the moored training ship program, \$220,000,000.

For service craft and landing craft, \$56,400,000.

For the landing craft, air cushion (LCAC) program, \$219,300,000.

For the Fast Sealift ship program, \$20,000,000.

For ship production engineering, \$63,906,000.

For outfitting and post delivery, \$340,000,000.

For ship special support equipment, \$10,000,000.

(d) OTHER PROCUREMENT, NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1990 for other procurement for the Navy in the amount of \$5,840,000,000. Amounts authorized under the preceding sentence are available as follows:

(1) For the ship support equipment program, \$1,721,713,000.

(2) For the communications and electronics equipment program, \$1,647,194,000.

(3) For aviation support equipment, \$536,398,000.

(4) For the ordnance support equipment program, \$757,446,000.

(5) For civil engineering support equipment, \$97,092,000.

(6) For supply support equipment, \$156,081,000.

(7) For personnel and command support equipment, \$409,471,000.

(8) For spares and repair parts, \$529,905,000.

The sum of amounts authorized to be appropriated for ship support equipment, communications and electronics equipment, ordnance support equipment, and spares and repair parts is reduced by \$15,300,000.

(e) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1990 for procurement for the Marine Corps in the amount of \$1,202,700,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1990 for the Air Force as follows:

(1) For aircraft, \$15,979,100,000.

(2) For missiles, \$7,363,100,000.

(3) For other procurement, \$8,605,200,000.

SEC. 104. DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal year 1990 for procurement for the Defense Agencies in the amount of \$1,321,200,000.

SEC. 105. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1990 for procurement of equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, \$404,000,000.

(2) For the Army Reserve, \$75,000,000.

(3) For the Air National Guard, \$142,500,000.

(4) For the Air Force Reserve, \$285,500,000.

(5) For the Naval Reserve, \$240,700,000.

(6) For the Marine Corps Reserve, \$80,000,000.

SEC. 106. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1990 for procurement for the Defense Inspector General in the amount of \$1,051,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 1990 for the destruction of lethal chemical weapons in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 747), in the amount of \$311,400,000.

SEC. 108. MULTIYEAR AUTHORIZATIONS.

(a) AUTHORIZED MULTIYEAR PROCUREMENTS.—The Secretary of the military department concerned may use funds appropriated for fiscal year 1990 to enter into multiyear procurement contracts in accordance with section 2306(h) of title 10, United States Code, for the following programs:

(1) ARMY.—For the Department of the Army:

(A) The M-1 Abrams tank program.

(B) The Bradley Fighting Vehicle program.

(C) The MH-47 helicopter program.

(D) The Palletized Loading System program.

(2) NAVY.—For the Department of the Navy, the DDG-51 destroyer program.

(3) AIR FORCE.—For the Department of the Air Force:

(A) The KC-135 tanker aircraft program.

(B) The Combined Effects Munitions (CEM) program.

(C) The MH-60G helicopter program.

(b) REQUIRED MULTIYEAR PROCUREMENT.—The Secretary of the Army, using funds appropriated for fiscal year 1990 for procurement of aircraft for the Army, shall enter into a multiyear procurement contract for the AH-64 Apache helicopter program.

(c) DENIAL OF CERTAIN MULTIYEAR PROCUREMENTS.—The Secretary of the military department concerned may not use funds appropriated for fiscal year 1990 to enter into a multiyear procurement contract for any of the following programs:

(1) The E-2C aircraft program.

(2) The FA-18 aircraft program.

(3) The Maverick AGM65D missile program.

SEC. 109. EXTENSION OF AUTHORITY PROVIDED THE SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) PROGRAM.

Effective on October 1, 1989, section 103(a) of the Department of Defense Authorization Act, 1982 (Public Law 97-86; 95 Stat. 1100), is amended—

(1) by striking out "fiscal years 1988 and 1989" both places it appears and inserting in lieu thereof "fiscal year 1990"; and

(2) by inserting after "December 6, 1978," the following: "the Memorandum of Understanding for Operations and Support of the NATO Airborne Early Warning and Control Force, signed by the United States Ambassador to NATO, and other follow-on support agreements for the NATO E-3A between the United States Government and the commander of the NATO E-3A Force,".

SEC. 110. REPEAL OF CERTAIN PRIOR MILESTONE AUTHORIZATIONS.

Section 106 of Public Law 100-180 (101 Stat. 1034) is amended by striking out subsections (a)(2), (b)(2), (c)(2), and (d)(2).

PART B—STRATEGIC BOMBER PROGRAMS

SEC. 111. LIMITATION ON PRODUCTION OF B-2 ADVANCED TECHNOLOGY BOMBER AIRCRAFT PROGRAM.

(a) **REQUIRED INFORMATION.**—Funds appropriated to the Department of Defense for fiscal year 1990 may not be obligated or expended for procurement (including advance procurement) for production aircraft under the B-2 Advanced Technology Bomber aircraft program until the certification referred to in subsection (b) and the report required by subsection (c) have been submitted to the congressional defense committees.

(b) **CERTIFICATION.**—The certification referred to in subsection (a) is a certification in writing by the Secretary of Defense to the congressional defense committees of the following:

(1) That the performance milestones (including initial flight testing) for the B-2 aircraft for fiscal year 1990 (as contained in the B-2 full performance matrix program established under section 121 of Public Law 100-180 and section 232 of Public Law 100-456) have been met and that any proposed waiver or modification to the B-2 performance matrix will be provided in writing in advance to the congressional defense committees.

(2) That the cost reduction initiatives established for the B-2 program will be achieved (such certification to be submitted together with details of the savings to be realized).

(3) That the quality assurance practices and fiscal management controls of the prime contractor and major subcontractors associated with the B-2 program meet or exceed accepted United States Government standards.

(c) **REPORT ON COST, SCHEDULE, AND CAPABILITY.**—The Secretary of Defense shall submit to the congressional defense committees a report providing the following:

(1) An unclassified integrated B-2 program schedule that includes—

(A) the total cost of the B-2 program by fiscal year, including costs by fiscal year for research and development, procurement (including spares and modifications), military construction, operation and maintenance, and personnel, with all such costs to be expressed in both base year and then year dollars;

(B) the annual buy rate for the B-2 aircraft; and

(C) the flight test schedule and milestones for the B-2 program.

(2) A detailed mission statement and requirements for the B-2 aircraft, including the current and projected capability of the aircraft to conduct strategic relocatable target missions and conventional warfare operations.

(3) A detailed assessment of performance of the B-2 aircraft, together with a comparison of that performance with existing strategic penetrating bombers.

(4) A detailed assessment of the technical risks associated with the B-2 program, particularly those associated with the avionics systems and components of the aircraft.

(d) **CONGRESSIONAL DEFENSE COMMITTEES DEFINED.**—For purposes of this section, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

SEC. 112. INDEPENDENT ASSESSMENT OF B-2 AIRCRAFT PROGRAM.

(a) **INDEPENDENT ASSESSMENT.**—The Secretary of Defense shall provide for an independent assessment of the technological capabilities and performance of the B-2 aircraft. The Secretary shall appoint a panel of experts and shall use the resources of federally funded research and development centers (FFRDCs) to conduct the assessment. The Secretary shall provide the panel such resources as are necessary, including technical assistance by private contractors, to assist the panel in conducting the assessment. Individuals appointed to the panel shall be independent of the Air Force and shall have no arrangements with the Air Force that would constitute a conflict of interest.

(b) **REPORT.**—The panel shall report its findings to Congress in a classified report no later than September 1, 1990. The report shall include the findings of the panel concerning the following:

(1) The capability of air defense of the Soviet Union to defeat the B-2 aircraft during its service life, taking into consideration in particular—

(A) the low radar signature and anticipated performance of that aircraft;

(B) technological capabilities of the Soviet Union;

(C) developments by the Soviet Union of alternatives to defeat the B-2 aircraft; and

(D) the estimated cost to the Soviet Union to defeat the B-2 aircraft.

(2) The rationale for building the B-2 aircraft as a manned penetrating bomber, taking into consideration in particular—

(A) the missions of that aircraft;

(B) the abilities of that aircraft to complete those missions; and

(C) the ability of that aircraft to search, identify, and destroy mobile strategic targets.

(3) The opportunity costs associated with the B-2 program as compared to other available or emerging technologies and operational concepts that could perform the B-2 missions at lesser costs.

(4) The planned service life of the B-2 aircraft and its growth potential for extended service life through the incorporation of preplanned product improvements (P3I) and other modifications.

(5) The requirements for any follow-on aircraft or system that incorporates both low observable technology and high speed maneuverability.

(6) An assessment of the capability of the United States to defeat, identify, and destroy low observable vehicles, including manned aircraft and unmanned systems.

(c) **FUNDING LIMITATION.**—If the requirements of this section are not met by September 30, 1990, no funds may be obligated for the B-2 aircraft program after that date until the requirements of this section have been met.

SEC. 113. LIMITATIONS ON B-1B ELECTRONIC COUNTERMEASURES RECOVERY PROGRAM.

(a) **GENERAL LIMITATION.**—The Secretary of the Air Force may proceed with the recovery program for the B-1B aircraft electronic countermeasures (ECM) system only in accordance with this section.

(b) **SOURCE OF FUNDING.**—The Secretary may provide funds for the recovery program only as follows:

(1) The Secretary may use expired or lapsed funds (as defined in subsection (f)(2)) for the recovery program, but only to the extent that such funds are available from the B-1B program account. Such funds may

be used only for the ALQ-161A CORE component of the recovery program.

(2) Other funds necessary for the recovery program may be derived from funds appropriated for fiscal year 1990 for Air Force strategic bomber programs pursuant to authorizations of appropriations in titles I, II, and III of this Act. Such funds may be used for the ALQ-161A CORE component and the Radar Warning Receiver program component of the recovery program. Funds may be used for the recovery program pursuant to this paragraph only after the Secretary of the Air Force submits to the congressional defense committees a report containing a description of the funds to be used, including the amount and the source of the funds. No funds other than those described in paragraphs (1) and (2) may be used for the recovery program.

(c) **CERTIFICATION BY SECRETARY OF THE AIR FORCE.**—Funds may be obligated for the recovery program only after the Secretary of the Air Force submits to the congressional defense committees a report on the recovery program that includes a certification—

(1) that, as a result of the incorporation of the recovery program components into the B-1B aircraft, the B-1B aircraft will be able to perform the expected mission for that aircraft under the Single Integrated Operating Plan to penetrate the air space of the Soviet Union as a strategic bomber, as defined in section 243 of Public Law 100-180 (101 Stat. 1063); and

(2) that the recovery program can be accomplished (in terms of performance, cost, and schedule) in accordance with the plan of the Department of the Air Force set forth in the report of the Secretary of Defense entitled "Department of Defense Congressional Report: B-1B Program Plan", submitted pursuant to section 231(b) of Public Law 100-456 (102 Stat. 1943).

(d) **SEMIANNUAL STATUS REPORTS.**—The Secretary of the Air Force shall submit to the congressional defense committees a status report on the progress of the recovery program at the end of the second and fourth quarter of each fiscal year. Each such report shall be submitted not later than 30 days after the end of such fiscal year quarter. The first such report shall be submitted not later than May 1, 1990.

(e) **ACCESS BY GAO.**—(1) The Secretary of the Air Force shall ensure that the General Accounting Office has full, direct, and timely access to the documentation relating to the recovery program.

(2) The Comptroller General of the United States shall actively monitor the recovery program and shall provide periodic reports to the congressional defense committees on the status and effectiveness of the program.

(f) **REPORT ON FUNDS IN TREASURY M ACCOUNT.**—The Secretary of the Air Force shall submit to the congressional defense committees a report on the status of the availability of expired or lapsed funds of the Department of the Air Force in the Department of Treasury Account known as the "M Account". The report shall include an accounting of all B-1B aircraft program funds that have been transferred to that account and the amount of those funds that have been withdrawn or obligated from that account. The report shall be submitted in conjunction with the report under subsection (b)(2).

(g) **DEFINITIONS.**—For purposes of this section:

(1) The term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations

tions of the Senate and House of Representatives.

(2) The term "expired or lapsed funds" means funds previously appropriated to the Air Force the availability of which for obligation has expired or lapsed.

PART C—OTHER PROGRAM LIMITATIONS

SEC. 121. PROGRAM LIMITATIONS.

(a) MC-130H (COMBAT TALON).—(1) Funds appropriated pursuant to this Act may not be obligated or expended for the procurement of MC-130H Combat Talon aircraft until the Director of Operational Test and Evaluation determines (and certifies under paragraph (2)) that the results of the developmental qualification test and evaluation and of the qualification operational test and evaluation flight test conducted between October 1988 and April 1990 demonstrate that that aircraft (including the avionics components of the aircraft) meets all contract requirements and performance specifications.

(2) A certification under paragraph (1) shall be submitted in writing to the congressional defense committees.

(b) AC-130U GUNSHIP.—No funds may be obligated or expended after the date of the enactment of this Act for procurement of AC-130U Gunship aircraft until the Secretary of the Air Force certifies in writing to the congressional defense committees that the cost of any modification, correction of deficiencies, or retrofit that is required to address and to meet established contract specifications and performance requirements for AC-130U Gunship aircraft procured using funds appropriated for the Department of Defense for fiscal year 1988 or fiscal year 1989 will be borne by the prime contractor or an appropriate subcontractor.

(c) AMRAAM MISSILE.—(1) No funds may be obligated after the date of the enactment of this Act to undertake full-rate production of the Advanced Medium-Range Air-to-Air (AMRAAM) missile until the Director of Operational Test and Evaluation (pursuant to section 138 of title 10, United States Code) certifies (1) that all required testing of that missile has been conducted, and (2) that the results of that testing demonstrate (A) that the AMRAAM missile has met all established performance requirements, and (B) that stable missile production design and configuration (including its software) have been established.

(2) For purposes of paragraph (1), full-rate production of the AMRAAM missile is production of that missile at an annual production rate of 900 or more production-configured missiles.

(d) OVER-THE-HORIZON BACKSCATTER RADAR (OTHB).—(1) Funds appropriated pursuant to this Act may not be obligated or expended for the Over-the-Horizon Backscatter Radar system (other than to initiate site preparation activities for the Alaskan sector) until the Director of Operational Test and Evaluation of the Department of Defense determines, and certifies to the congressional defense committees, that the results of the integrated initial operational and evaluation test conducted with the three east coast region sectors demonstrate that such system meets all contract requirements and performance specifications, including specifications relating to small target detection capability.

(2) The Secretary of Defense (in consultation with appropriate elements of the intelligence community) shall submit to the congressional defense committees a report on the effect of the radar system described in paragraph (1) on the bomber threat to the

continental territory of the United States under a Strategic Arms Reduction Treaty (START) regime.

(3) The Secretary of Defense shall submit to the congressional defense committees, in conjunction with the submission of the President's budget for fiscal year 1991, a report—

(A) stating the capability of the radar system described in paragraph (1) to detect next generation aircraft and missiles; and

(B) describing the feasibility and cost of modifying the existing system to improve its capabilities.

(e) MILSTAR SATELLITE/TERMINAL PROGRAM.—Funds appropriated pursuant to this Act may not be obligated or expended for any component of the Milstar system until the Secretary of Defense submits to the congressional defense committees—

(1) a Selected Acquisition Report on the total Milstar program;

(2) a comprehensive master plan on the program requirements, acquisition strategy, and program execution, schedule, management and architecture; and

(3) a feasibility analysis of establishing a cost sharing plan among all potential users of the system.

(f) STANDARD MISSILE II PROGRAM.—The Secretary of the Navy shall carry out the fiscal year 1990 acquisition for the Standard Missile II so as to preserve the existing dual-source production base for that missile.

(g) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—For purposes of this section, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

SEC. 122. M-1 TANK PROGRAM.

(a) LAY-AWAY OF DETROIT ARMY TANK PLANT.—None of the funds appropriated for the Army for fiscal year 1990 may be obligated to begin the lay-away of the Detroit Army Tank Plant.

(b) BLOCK II MODIFICATION PROGRAM.—Funds appropriated for the Army for fiscal year 1990 may not be obligated for long-lead items and nonrecurring costs for the Block II modification program for the M-1 tank until—

(1) the Secretary of Defense approves the program; and

(2) the Secretary of the Army submits to the Committees on Armed Services of the Senate and House of Representatives a report with respect to the program as described in subsection (c).

(c) REPORT ON BLOCK II PROGRAM.—A report under subsection (b)(2) shall—

(1) identify the total funding requirements for the Block II program;

(2) assess the proposed modifications under the program in terms of the results of the live-fire testing;

(3) describe operational implications of the weight increase for the M-1 tank under the proposed modifications; and

(4) identify decisions in the program that have an effect on the next generation tank.

SEC. 123. ARMY RECOVERY VEHICLE.

(a) TESTING.—The Secretary of the Army shall complete the technical and operational testing of the Improved Recovery Vehicle. The Secretary shall also study all potential modifications to the existing chassis for the M-88 vehicle to perform the mission for the Improved Recovery Vehicle.

(b) CONDITIONS ON PRODUCTION DECISION.—The Secretary may not make a decision to enter into production during fiscal year 1991 concerning a Recovery Vehicle until each of the following occurs:

(1) Operational testing of such vehicle is completed.

(2) An independent Operational Test and Evaluation agency certifies that such vehicle meets performance requirements.

(3) The Secretary of the Army completes a cost-effectiveness analysis that supports the proposed production decision.

SEC. 124. CHEMICAL MUNITIONS EUROPEAN RETROGRADE PROGRAM.

(a) LIMITATIONS ON RETROGRADE PROGRAM.—The Secretary of Defense may not obligate any funds appropriated for fiscal year 1990 or a prior year for the purpose of carrying out the chemical munitions European retrograde program involving the withdrawal from Europe of chemical munitions until each of the following occurs:

(1) The Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a certification—

(A) that an adequate United States binary chemical munitions stockpile will exist before any withdrawal of the existing stockpile from its present location in Europe is carried out; and

(B) that the plan for such retrograde program is based on—

- (i) minimum technical risk;
- (ii) minimum operational risk; and
- (iii) maximum safety to the public.

(2) The Secretary submits to those committees a revised concept plan for such retrograde program that includes a description of—

(A) the full budgetary effect of the retrograde program; and

(B) the potential effect of the retrograde program on the chemical demilitarization program.

(b) LIMITATION ON TRANSFER OF FUNDS.—The Secretary of Defense may not transfer any funds from the chemical demilitarization emergency response program for the retrograde program referred to in subsection (a).

SEC. 125. CHEMICAL DEMILITARIZATION CRYOFRAC-TURE PROGRAM.

(a) PROGRAM.—The Secretary of Defense, to the extent funds are available for the purpose, shall proceed as expeditiously as possible with the project to develop an operational cryofracture facility at the Tooele Army Depot, Utah.

(b) USE OF FISCAL YEAR 1989 FUNDS.—Of the amount authorized and appropriated for fiscal year 1989 for the chemical demilitarization program, \$16,300,000 shall be obligated immediately for continued research and development testing of the cryofracture program.

SEC. 126. FUNDING FOR V-22 AIRCRAFT PROGRAM.

Of the amount appropriated for procurement of aircraft for the Navy for fiscal year 1990—

(1) the amount of \$157,000,000 shall be available only for the V-22 aircraft program; and

(2) the amount of \$254,000,000 shall be available for CH-53E aircraft.

Any CH-53E aircraft procured with funds appropriated for fiscal year 1990 shall be available only for the heavy-lift mission of the Marine Corps.

SEC. 127. PROCUREMENT OF F-14D AIRCRAFT.

Of the amount appropriated for procurement of aircraft for the Navy for fiscal year 1990, the amount of \$1,001,000,000 shall be available only for F-14D aircraft, of which—

(1) \$857,000,000 shall be available only for procurement of 12 new production F-14D aircraft;

(2) \$89,000,000 shall be available only for advanced procurement for 12 new production F-14D aircraft in fiscal year 1991; and

(3) \$55,000,000 shall be available only for advanced procurement of 12 remanufactured F-14D aircraft in fiscal year 1991.

PART D—WEAPONS ACQUISITION PROCEDURES

SEC. 131. WEAPONS ACQUISITION RISK ASSESSMENT.

(a) **ESTABLISHMENT OF POLICY.**—The Secretary of Defense shall establish a policy for determining the amount of concurrency in a major weapons acquisition system and for assessing the degree of risk associated with the use of a concurrent acquisition strategy. That policy shall include policies for reporting those determinations to Congress.

(b) **MATTERS TO BE INCLUDED IN RISK ASSESSMENTS.**—The assessment of the risk of a concurrent acquisition strategy for a covered program shall include (at a minimum) consideration of the following with respect to that program:

(1) The degree of confidence in the enemy threat assessment for establishing the system's requirements.

(2) The type of contract involved.

(3) The degree of stability in program funding.

(4) The level of maturity of technology involved.

(5) The availability of adequate test assets, including facilities.

(6) The feasibility of the transition from development to production.

(c) **INFORMATION TO BE INCLUDED IN SARs.**—Information on the degree of concurrency and the required risk assessments for programs subject to the Selected Acquisition Report reporting system shall be included in quarterly SAR reports for reports submitted for fiscal year quarters beginning no later than the first quarter of fiscal year 1991.

(d) **DEFINITIONS.**—For purposes of this section:

(1) The term "concurrency" means the degree of overlap between the development and production processes of a weapon system and is measured as the percentage of initial production of the total program that occurs before either developmental or operational test and evaluation is completed.

(2) The term "major defense acquisition program" means a defense acquisition program that is a major defense acquisition program within the meaning of section 2430 of title 10, United States Code.

(3) The term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

(e) **IMPLEMENTATION.**—In the development and implementation of the policy required by subsection (a), the Secretary shall submit to the congressional defense committees a report on the policy, the criteria, and methodology that are used to prepare the required risk assessments. The report shall be submitted no later than September 30, 1990.

SEC. 132. LOW-RATE INITIAL PRODUCTION.

(a) **DETERMINATION OF QUANTITIES TO BE PROCURED.**—The determination of what quantity of a major weapon system should be procured for low-rate initial production shall be made at the Milestone II Defense Acquisition Board or, in the case of a non-major system, at the Milestone II equivalent of the military department concerned. The Milestone II decision shall also include any determination of quantities to be procured for preproduction verification articles. Any deviation from those quantities, as established by the Defense Acquisition Board (or the service equivalent), may only be made

with the approval of a subsequent Defense Acquisition Board (or service equivalent). The Secretary of Defense shall include in the next Selected Acquisition Report on the program concerned a description of the approved quantities established under this subsection.

(b) **LOW-RATE INITIAL PRODUCTION DEFINED.**—Low-rate initial production with respect to a major weapon system is production under such system in quantities sufficient (1) to provide production-configured or representative articles adequate to conduct operational tests pursuant to section 138 of title 10, United States Code, and (2) to establish a production base for the system. The quantity of items required for operational testing shall be determined by the Director of Operational Test and Evaluation of the Department of Defense or, in the case of a non-major acquisition program, by the test agency of the military department concerned.

(c) **WAIVER AUTHORITY.**—In determining the appropriate low-rate initial production quantity for a major weapons system, the Secretary of Defense may waive the provisions of subsections (a) and (b) if the Secretary determines such waiver necessary for industrial-base considerations. If such a waiver is granted at Milestone II, the Secretary shall submit to Congress a report providing—

(1) an explanation of those industrial base considerations;

(2) a test master plan; and

(3) an approved acquisition strategy.

(d) **ANNUAL REPORT.**—The Secretary shall submit to the congressional defense committees an annual report on program execution according to the test matter plan.

SEC. 133. LIVE-FIRE TESTING PROGRAM.

(a) **TESTING REPORT TO BE SUBMITTED BEFORE PRODUCTION.**—Subsection (a)(1) of section 2366 of title 10, United States Code, is amended by inserting "and the report required by subsection (d) with respect to that testing has been submitted in accordance with that subsection" before the semicolon at the end of each of subparagraphs (A) and (B).

(b) **AVAILABILITY OF PROCUREMENT FUNDS FOR LIVE-FIRE TESTING PROGRAMS.**—Subsection (b)(3) of such section is amended by adding at the end the following: "The Secretary of Defense may, in the case of any such testing, provide funds for the conduct of such testing (and for evaluation of such testing) from funds available for procurement of the system being tested. The amount provided for such testing and evaluation of any such system for a fiscal year under the preceding sentence may not exceed one-third of 1 percent of the program acquisition cost of that system as shown in the most recent Selected Acquisition Report for that system."

(c) **CONTENT OF TESTING REPORT.**—Subsection (d) of such section is amended by adding at the end the following: "Each such report shall describe the results of the survivability or lethality testing and shall give the Secretary's overall assessment of the testing."

SEC. 134. SENSE OF CONGRESS ON PLACING GREATER EMPHASIS ON REMANUFACTURE OF EXISTING MILITARY EQUIPMENT.

It is the sense of Congress that the Secretary of Defense should place a greater emphasis on the remanufacture of existing military equipment as an interim measure to maintain readiness in light of budget constraints, production delays, and cost overruns of new equipment, in particular with regard to increasing the life of the ex-

isting fleet of medium tactical vehicles of the Army.

SEC. 135. REVISION OF LIMITATION ON TRANSFER OF CERTAIN TECHNICAL DATA PACKAGES TO FOREIGN COUNTRIES.

(a) **COUNTRIES TO WHICH TRANSFERS MAY BE MADE.**—Subsection (b) of section 4542 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "a friendly foreign country" and inserting in lieu thereof "a member nation of the North Atlantic Treaty Organization or a country designated as a major non-NATO ally";

(2) in paragraph (2)(B), by inserting "except as provided in subsection (e)" before the semicolon at the end; and

(3) in paragraph (3), by inserting "or (d)" after "subsection (c)".

(b) **COOPERATIVE PROJECT AGREEMENTS.**—Such section is further amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (c) the following new subsections:

"(d) **COOPERATIVE PROJECT AGREEMENTS.**—An agreement under this subsection is a cooperative project agreement under section 27 of the Arms Export Control Act (22 U.S.C. 2767) which includes provisions that—

"(1) for development phases describe the technical data to be transferred and for the production phase prescribe the content of the technical data package or assistance to be transferred to the foreign country participating in the agreement;

"(2) require that at least the United States production of the defense item to which the technical data package or assistance relates be carried out by the arsenal concerned; and

"(3) require the Secretary of Defense to monitor compliance with the agreement.

"(e) **LICENSING FEES AND ROYALTIES.**—The limitation in subsection (b)(2)(B) shall not apply if the technology (or production technique) transferred is subject to nonexclusive license and payment of any negotiated licensing fee or royalty that reflects the cost of development, implementation, and proof-out of the technology or production technique. Any negotiated license fee or royalty shall be placed in the operating fund of the arsenal concerned for the purpose of capital investment and technology development at that arsenal."

(c) **CONFORMING AMENDMENT.**—Subsection (f) of such section (as redesignated by subsection (b)(1)) is amended by inserting "or a cooperative project" in paragraph (1) after "cooperative research and development program".

SEC. 136. REPEAL OF PROCUREMENT REQUIREMENT AND LIMITATION OF FUNDS FOR THE HEAVY EXPANDED MOBILITY TACTICAL TRUCK.

Section 129 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1045) is repealed.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

PART A—AUTHORIZATIONS AND FUNDING FOR SPECIFIC PROGRAMS

SEC. 201. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1990.

Funds are hereby authorized to be appropriated for fiscal year 1990 for the use of the Armed Forces for research, development, test, and evaluation as follows:

(1) For the Army, \$5,858,500,000, of which \$851,290,000 is authorized only for basic research and exploratory development.

(2) For the Navy, \$10,313,999,000, of which \$894,464,000 is authorized only for basic research and exploratory development.

(3) For the Air Force, \$14,587,330,000, of which \$854,801,000 is authorized only for basic research and exploratory development.

(4) For the Defense Agencies, \$8,842,565,000, of which—

(A) \$309,550,000, is authorized for the activities of the Deputy Director, Defense Research and Engineering (Test and Evaluation);

(B) \$124,500,000, is authorized for the Director of Operational Test and Evaluation; and

(C) \$748,309,000, is authorized for the Director, Defense Research Advanced Projects Agency only for basic research and exploratory development.

SEC. 202. AUTHORIZATIONS FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT FOR FISCAL YEARS 1991-1994.

(a) **AUTHORIZATIONS.**—Funds are hereby authorized to be appropriated for the use of the Armed Forces for research, development, test, and evaluation, to be available only for basic research and exploratory development projects, as follows:

(1) For fiscal year 1991, \$3,770,000,000.

(2) For fiscal year 1992, \$3,865,000,000.

(3) For fiscal year 1993, \$3,940,000,000.

(4) For fiscal year 1994, \$4,015,000,000.

(b) **BASIC RESEARCH AND EXPLORATORY DEVELOPMENT DEFINED.**—As used in this section and section 201, the term "basic research and exploratory development" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

SEC. 203. REPEAL OF PRIOR MILESTONE AUTHORIZATIONS.

Section 216 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1051) is amended by striking out subsections (a)(2), (b)(2), (c)(2)(A), and (c)(2)(B).

SEC. 204. PROHIBITION ON TESTING MID-INFRARED ADVANCED CHEMICAL LASER PROGRAM AGAINST AN OBJECT IN SPACE.

The Secretary of Defense may not carry out a test of the Mid-Infrared Advanced Chemical Laser (MIRACL) transmitter and associated optics against an object in space unless such testing is specifically authorized by law.

SEC. 205. GRANT FOR SEMICONDUCTOR COOPERATIVE RESEARCH PROGRAM.

Of the amount appropriated pursuant to section 201 for Defense Agencies, \$100,000,000 shall be available only to make grants under section 272 of Public Law 100-180.

SEC. 206. FUNDS FOR COOPERATIVE RESEARCH AND DEVELOPMENT PROJECTS WITH MAJOR NON-NATO ALLIES.

Of the funds appropriated pursuant to section 201 that are available for NATO Cooperative Research and Development projects, not less than 10 percent shall be available for cooperative research and development projects with major non-NATO allies under section 1105 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661).

SEC. 207. ARMY HEAVY FORCE MODERNIZATION PROGRAM.

(a) **FUNDING.**—Of the amount appropriated for fiscal year 1990 for research, development, test, and evaluation for the Army, \$58,000,000 shall be available to the Secretary of the Army only for competitive development of Advanced Technology Transition Demonstrators (ATTDs) for a common chassis for the Heavy Force Modernization program.

(b) **LIMITATION ON USE OF FUNDING.**—No funds may be obligated for such competitive development until—

(1) the Defense Acquisition Board for the Army's Heavy Force Modernization program makes a Milestone I decision for that program that includes proceeding with development of Advanced Technology Transition Demonstrators for the common chassis for that program; and

(2) after such decision, the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives a report described in subsection (c).

(c) **REPORT.**—A report under subsection (b)(2) is a report by the Secretary of Defense containing the following:

(1) A description of the actions of the Defense Acquisition Board referred to in subsection (b)(1), including a description of the demonstration and validation program approved.

(2) An updated Interagency Intelligence Memorandum providing current estimates (prepared within the preceding 12 months) for production, and for operational capabilities, of future tanks of the Soviet Union.

(3) Detailed cost estimates for research, development, test, and evaluation, and for procurement, for all programs expected to use the heavy common chassis to be selected pursuant to the competitive development under subsection (a).

(4) The criteria which the Secretary of Defense will use in determining whether—

(A) to proceed with a new tank program using the heavy common chassis to be selected pursuant to the competitive development under subsection (a) to replace the M1 tank; or

(B) to produce an M1A3 tank.

PART B—STRATEGIC DEFENSE INITIATIVE SEC. 221. FUNDING LEVEL FOR THE STRATEGIC DEFENSE INITIATIVE.

(a) **FISCAL YEAR 1990.**—Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1990, not more than \$3,538,000,000 may be obligated for the Strategic Defense Initiative.

(b) **MANAGEMENT HEADQUARTERS SUPPORT.**—Of the amount available for the Strategic Defense Initiative under subsection (a), not more than \$26,384,000 shall be available for Management Headquarters Support.

SEC. 222. LIMITATION ON DEVELOPMENT AND TESTING OF ANTIBALLISTIC MISSILE SYSTEMS OR COMPONENTS.

(a) **USE OF FUNDS.**—(1) Funds appropriated to the Department of Defense for fiscal year 1990, or otherwise made available to the Department of Defense from any funds appropriated for fiscal year 1990 or for any fiscal year before 1990, shall be subject to the limitations prescribed in paragraph (2).

(2) The funds described in paragraph (1) may not be obligated or expended—

(A) for any development or testing of antiballistic missile systems or components except for development and testing consistent with the development and testing described in the January 1989 SDIO report; or

(B) for the acquisition of any material or equipment (including any long lead materials, components, piece parts, test equipment, or any modified space launch vehicle) required or to be used for the development or testing of antiballistic missile systems or components, except for material or equipment required for development or testing consistent with the development and testing described in the January 1989 SDIO report.

(3) The limitation under paragraph (2) shall not apply to funds transferred to or for the use of the Strategic Defense Initiative for fiscal year 1990 if the transfer is made in accordance with section 1201 of this Act.

(b) **DEFINITION.**—As used in this section, the term "January 1989 SDIO report" means the report entitled, "1989 Report to the Congress on the Strategic Defense Initiative", dated January 13, 1989, prepared by the Strategic Defense Initiative Organization and submitted by the Secretary of Defense to certain committees of the Senate and House of Representatives pursuant to section 231 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 10 U.S.C. 2431 note).

PART C—OTHER PROGRAMS

SEC. 251. REPORT ON BIOLOGICAL DEFENSE RESEARCH PROGRAM.

(a) **REPORT.**—Not later than March 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on research, development, test, and evaluation conducted by the Department of Defense during fiscal year 1989 under the Biological Defense Research Program. The report shall be submitted in both classified and unclassified form.

(b) **CONTENT OF REPORT.**—The report shall address the following matters:

(1) Each biological or infectious agent used in, or the subject of, research, development, test, and evaluation conducted under that program during that fiscal year and not previously listed in the Center for Disease Control Guidelines.

(2) The biological properties of each such agent.

(3) With respect to each agent, the location at which research, development, test, and evaluation under that program involving that agent is conducted and the amount of funds expended during that fiscal year under the program at that location.

(4) The biosafety level used in conducting that research, development, test, and evaluation.

(c) **TYPES OF RESEARCH AFFECTED.**—Subsection (a) applies to research, development, test, and evaluation conducted under the Biological Defense Research Program by the Department of Defense or by facilities under direct contract with the Department of Defense on etiological agents not listed in the Center for Disease Control Guidelines.

(d) **DEFINITION.**—In this section, the term "biosafety level" means the applicable biosafety level described in the publication entitled "Biosafety in Microbiological and Biomedical Laboratories" (CCC-NIH, 1984).

SEC. 252. CHEMICAL WEAPONS CONVENTION COMPLIANCE MONITORING PROGRAM.

Of the amount appropriated pursuant to section 201 for Defense Agencies, \$15,000,000 shall be available to the Office of the Secretary of Defense only to conduct a program to develop and demonstrate compliance monitoring capabilities in support of efforts by the United States in the Conference on Disarmament at Geneva to achieve a verifiable convention on the prohibition of chemical weapons.

SEC. 253. REVISION OF COMPETITION REQUIREMENT FOR AWARD OF GRANTS AND CONTRACTS TO COLLEGES AND UNIVERSITIES FOR CERTAIN PURPOSES.

(a) **COMPETITION REQUIREMENT.**—Subsection (a) of section 2361 of title 10, United States Code, is amended by striking out "unless the grant" and all that follows

through the end of the subsection and inserting in lieu thereof "unless—

"(1) in the case of a grant, the grant is made using competitive procedures; and

"(2) in the case of a contract, the contract is awarded in accordance with section 2304 of this title (other than pursuant to subsection (c)(5) of that section)."

(b) CONSTRUCTION OF FUTURE PROVISIONS OF LAW.—Subsection (b) of such section is amended—

(1) by striking out "the date of the enactment of this section" and inserting in lieu thereof "September 30, 1989,"

(2) by inserting after "provisions of subsection (a)" the following: ", or as requiring funds to be made available by the Secretary of Defense to a particular college or university by grant or contract,"; and

(3) by striking out "specifically" and all that follows through the end of the subsection and inserting in lieu thereof "specifically—

"(1) refers to this section;

"(2) states that such provision of law modifies or supersedes the provisions of this section; and

"(3) directs that the grant or contract involved be awarded to a college or university designated in such provision of law without using competitive procedures."

SEC. 254. INTERIM INFANTRY ANTI-TANK WEAPON.

(a) SELECTION OF INTERIM INFANTRY ANTI-TANK WEAPON.—(1) The Secretary of the Army shall conduct a side-by-side test and evaluation of the Bofors Bill weapon system and the Dragon II anti-tank weapon system. On the basis of performance of those systems in those tests, the Secretary of the Army shall select the superior weapon system as the interim infantry anti-tank weapon for the Army.

(2) Such test and evaluation shall be conducted, and such selection shall be made, not later than six months after the date of the enactment of this Act.

(3) The tests and criteria used for such evaluation shall be identical to those used for tests under section 114 of Public Law 100-456 (102 Stat. 1931).

(4) The Secretary shall manage the program for the weapon system selected so that such system is ready to enter into production no later than the beginning of fiscal year 1991.

(b) FUNDING OF TESTS.—The tests under subsection (a) shall be funded from—

(1) funds appropriated for fiscal year 1988 for evaluation of the Bofors Bill system and Milan system which remain unspent;

(2) funds appropriated for fiscal year 1989 for the terminated Dragon III program which remain unspent; and

(3) other funds available to the Secretary.

(c) INDEPENDENT ASSESSMENT.—The Comptroller General of the United States shall conduct an independent assessment of the operational tests and evaluations referred to in subsection (a). The Comptroller General shall submit a report on such assessment to the Committees on Armed Services of the Senate and House of Representatives no later than two months after the end of the tests.

TITLE III—OPERATION AND MAINTENANCE

PART A—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 1990 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

For the Army, \$23,404,250,000.

For the Navy, \$24,496,520,000.

For the Marine Corps, \$1,703,500,000.

For the Air Force, \$22,368,340,000.

For the Defense Agencies, \$7,974,910,000.

For the Army Reserve, \$863,000,000.

For the Naval Reserve, \$917,200,000.

For the Marine Corps Reserve, \$77,400,000.

For the Air Force Reserve, \$984,387,000.

For the Army National Guard, \$1,867,100,000.

For the Air National Guard, \$1,999,793,000.

For the National Board for the Promotion of Rifle Practice, \$3,970,000.

For the Defense Inspector General, \$94,749,000.

For the Court of Military Appeals, \$4,000,000.

For Environmental Restoration, Defense, \$600,800,000.

For the Goodwill Games, as provided in section 305 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1949), \$14,600,000.

For Humanitarian Assistance, \$13,000,000.

(b) GENERAL AUTHORIZATION FOR CONTINGENCIES.—There is authorized to be appropriated for fiscal year 1990, in addition to the amounts authorized to be appropriated in subsection (a), such sums as may be necessary—

(1) for unbudgeted increases in fuel costs; and

(2) for unbudgeted increases as the result of inflation in the cost of activities authorized by such subsections.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1990 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working-capital funds in amounts as follows:

For the Army Stock Fund, \$134,600,000.

For the Navy Stock Fund, \$223,400,000.

For the Air Force Stock Fund, \$339,300,000.

For the Defense Stock Fund, \$104,100,000.

SEC. 303. DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.

There are authorized to be appropriated for fiscal year 1990 to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2631) the amount of \$500,000,000.

SEC. 304. HUMANITARIAN ASSISTANCE.

(a) PURPOSE.—Funds appropriated pursuant to the authorization in section 301 for humanitarian assistance shall be used for the purpose of providing transportation for humanitarian relief for persons displaced or who are refugees because of the invasion of Afghanistan by the Soviet Union. Of the funds appropriated pursuant to such section for such purpose, not more than \$3,000,000 may be used for distribution of humanitarian relief supplies to the non-Communist resistance organization at or near the border between Thailand and Cambodia.

(b) AUTHORITY TO TRANSFER FUNDS.—The Secretary of Defense may transfer to the Secretary of State not more than \$3,000,000 of the funds appropriated pursuant to the authorization in section 301 for humanitarian assistance to provide for—

(1) the payment of administrative costs incurred in providing the transportation described in subsection (a); and

(2) the purchase or other acquisition of transportation assets for the distribution of humanitarian relief supplies in the country of destination.

(c) TRANSPORTATION UNDER DIRECTION OF THE SECRETARY OF STATE.—Transportation for humanitarian relief provided with funds appropriated pursuant to the authorization in section 301 for humanitarian assistance shall be provided under the direction of the Secretary of State.

(d) MEANS OF TRANSPORTATION TO BE USED.—Transportation for humanitarian relief provided with funds appropriated pursuant to the authorization in section 301 for humanitarian assistance shall be provided by the most economical commercial or military means available, unless the Secretary of State determines that it is in the national interest of the United States to provide transportation other than by the most economical means available. The means used to provide such transportation may include the use of aircraft and personnel of the reserve components of the Armed Forces.

(e) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization in section 301 for humanitarian assistance shall remain available until expended, to the extent provided in appropriation Acts.

(f) REPORTS TO CONGRESS.—

(1) REPORT REQUIREMENT.—The Secretary of Defense shall submit (at the times specified in paragraph (2)) to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a report on the provision of humanitarian assistance under the humanitarian relief laws specified in paragraph (4).

(2) TIME OF SUBMISSION.—A report required by paragraph (1) shall be submitted—

(A) not later than 60 days after the date of the enactment of this Act;

(B) not later than June 1, 1990; and

(C) not later than June 1 of each year thereafter until all funds available for humanitarian assistance under the humanitarian relief laws specified in paragraph (4) have been obligated.

(3) CONTENT OF REPORT.—A report required by paragraph (1) shall contain (as of the date on which the report is submitted) the following information:

(A) The total amount of funds obligated for humanitarian relief under the humanitarian relief laws specified in paragraph (4).

(B) The number of scheduled and completed flights for purposes of providing humanitarian relief under the humanitarian relief laws specified in paragraph (4).

(C) A description of any transfer (including to whom the transfer is made) of excess nonlethal supplies of the Department of Defense made available for humanitarian relief purposes under section 2547 of title 10, United States Code.

(4) HUMANITARIAN RELIEF LAWS.—The humanitarian relief laws referred to in paragraphs (1), (2), and (3) are the following:

(A) This section.

(B) Section 305 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 617).

(C) Section 331 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1078).

(D) Section 303 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1948).

(5) REPEAL OF SUPERSEDED REPORT REQUIREMENT.—Section 303 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1948), is amended by striking out subsection (f).

SEC. 305. ARMY AVIATION FLIGHT FACILITY AT JACKSON, TENNESSEE.

(a) **ESTABLISHMENT.**—The Secretary of the Army shall establish an Army Aviation Flight Facility at McKellar Field in Jackson, Tennessee.

(b) **AMOUNTS AUTHORIZED.**—Of the amount appropriated pursuant to section 301 for fiscal year 1990 for operation and maintenance for the Army National Guard, the amount of \$300,000 shall be available only to transfer the aviation section of the 30th Separate Armored Brigade of the Tennessee National Guard to the facility established pursuant to subsection (a).

SEC. 306. ASSISTANCE TO SCHOOLS TO BENEFIT CHILDREN OF MILITARY PERSONNEL ON ACTIVE DUTY AND CIVILIAN PERSONNEL.

(a) **ASSISTANCE AUTHORIZED.**—Of the amount appropriated for operation and maintenance of the active forces for fiscal year 1990, the amount of \$10,000,000 shall be available to the Secretary of Defense only for the purpose of providing assistance to local educational agencies that—

(1) operate schools that include students who—

(A) are minor dependents of members of the Armed Forces on active duty or civilian officers and employees of the Department of Defense; and

(B) while in attendance at such schools, reside on Federal property; and

(2) the Secretary determines are unable to provide a minimum level of education for such students without the addition of such assistance.

(b) **CRITERIA FOR ASSISTANCE.**—Not later than December 31, 1989, the Secretary of Defense shall inform the Committees on Armed Services of the Senate and House of Representatives of the criteria and procedures by which the Secretary will select recipients for assistance under subsection (a).

(c) **REPORT ON IMPACT AID.**—Not later than December 31, 1989, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the feasibility and desirability of restoring to the Department of Defense by October 1, 1991, impact aid responsibilities for schools impacted by Department of Defense activities.

SEC. 307. FUNDING REQUIREMENT FOR PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM.

Of the amount appropriated for operation and maintenance for the Defense Agencies for fiscal year 1990, \$8,000,000 shall be available only for the purpose of carrying out cooperative agreements entered into by the Secretary of Defense under chapter 142 of title 10, United States Code, to furnish procurement technical assistance to business entities.

PART B—LIMITATIONS

SEC. 311. PROHIBITION ON PAYMENT OF SEVERANCE PAY TO FOREIGN NATIONALS IN THE EVENT OF CERTAIN BASE CLOSURES.

(a) **CERTAIN SEVERANCE PAY COSTS NOT ALLOWABLE COSTS WITH RESPECT TO SERVICE CONTRACTS PERFORMED OUTSIDE THE UNITED STATES.**—(1) Section 2324(e)(1) of title 10, United States Code, is amended—

(A) by redesignating subparagraph (N) as subparagraph (O); and

(B) by inserting after subparagraph (M) the following new subparagraph (N):

“(N) Costs of severance pay paid by the contractor to a foreign national employed by the contractor under a service contract performed in a foreign country if the termination of the employment of the foreign na-

tional is the result of the closing of, or the curtailment of activities at, a United States military facility in that country at the request of the government of that country.”

(2) Subparagraph (N) of section 2324(e)(1) of title 10, United States Code, as added by paragraph (1), shall apply with respect to any covered contract (as defined in such section) entered into after the date of the enactment of this Act.

(b) **PROHIBITION ON PAYMENT OF SEVERANCE PAY TO FOREIGN NATIONALS EMPLOYED BY THE DEPARTMENT OF DEFENSE.**—(1) Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1592. Prohibition on payment of severance pay to foreign nationals in the event of certain overseas base closures

“Funds available to the Department of Defense may not be used to pay severance pay to a foreign national employed by the Department of Defense under a contract performed in a foreign country if the termination of the employment of the foreign national is the result of the closing of, or the curtailment of activities at, a United States military facility in that country at the request of the government of that country.”

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1592. Prohibition on payment of severance pay to foreign nationals in the event of certain overseas base closures.”

(3) Section 1592 of title 10, United States Code, as added by paragraph (1), shall apply with respect to the closing of, or the curtailment of activities at, a United States military facility located in a foreign country and occurring after the date of the enactment of this Act.

(c) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) in the event a United States military facility located in a foreign country is closed (or activities at the facility are curtailed) at the request of the government of that country, such government should be responsible for the payment of severance pay to foreign nationals in the country whose employment by the United States or by a contractor under a contract with the United States is terminated as a result of the closure or curtailment; and

(2) in negotiating a status-of-forces agreement or other country-to-country agreement with the government of a foreign country, the President should endeavor to include in the agreement a provision that the government of the foreign country shall pay severance pay to foreign nationals in the country whose employment is terminated as a result of the closing of a United States military facility (or the curtailment of activities at the facility) in the country at the request of the government.

SEC. 312. PROHIBITION ON RELEASING CIVILIAN PERSONNEL AT THE SAN ANTONIO REAL PROPERTY MAINTENANCE AGENCY.

(a) **PROHIBITION.**—(1) During the period between the date of the enactment of this Act and the date on which the Secretary of Defense abolishes the Real Property Maintenance Agency in San Antonio, Texas, the Secretary may not terminate the employment of, or lay off, any full-time, on-call, or temporary employee of the Department of Defense employed at that agency.

(2) Paragraph (1) may not be construed to limit the authority of the Secretary to terminate for cause the employment of a person referred to in such paragraph.

(b) **HIRING FOR BASE CIVIL ENGINEERING OFFICES.**—If the Secretary of Defense increases the number of civilian personnel at the base civil engineering offices being established in the San Antonio area, the Secretary shall achieve such increase, consistent with Office of Personnel Management guidelines—

(1) by the hiring of persons whose employment by the Department of Defense at the Real Property Maintenance Agency is terminated as a result of the abolishment of that agency; and

(2) by the transfer of employees of the Department of Defense employed at the Real Property Maintenance Agency in San Antonio, Texas.

SEC. 313. PROHIBITION ON JOINT USE OF THE MARINE CORPS AIR STATION AT EL TORO, CALIFORNIA, WITH CIVIL AVIATION.

The Secretary of the Navy may not enter into any agreement that would provide for, or permit, civil aircraft to use the Marine Corps Air Station at El Toro, California, with aircraft of the Navy or Marine Corps.

SEC. 314. CLARIFICATION OF PROHIBITION ON CERTAIN DEPOT MAINTENANCE WORKLOAD COMPETITIONS.

Section 2466 of title 10, United States Code, is amended—

(1) by striking out “may not require” and inserting in lieu thereof “shall prohibit”;

(2) by striking out “or” after “Secretary of the Army” and inserting in lieu thereof “and”; and

(3) by striking out “to carry out” and inserting in lieu thereof “from carrying out”.

SEC. 315. LIMITATION ON USE OF ENVIRONMENTAL RESTORATION FUNDS.

The Secretary of Defense may not obligate or expend \$83,000,000 of the total amount appropriated under section 301 for environmental restoration for fiscal year 1990 until the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a report on the manner in which the remainder of the funds appropriated for such purpose have been spent.

PART C—MISCELLANEOUS PERMANENT LAW CHANGES

SEC. 321. REPEAL OF LIMITATION ON THE EXPENDITURE OF FUNDS FOR THE PARTICIPATION OF DEVELOPING COUNTRIES IN COMBINED EXERCISES.

Section 2010 of title 10, United States Code, is amended by striking out subsection (e).

SEC. 322. AUTHORIZATION TO REDUCE UNDER CERTAIN CIRCUMSTANCES THE RATES FOR MEALS SOLD AT A MILITARY DINING FACILITY.

Section 1011(a) of title 37, United States Code, is amended—

(1) by striking out “or enlisted members” and all that follows through the period in the first sentence and inserting in lieu thereof “and enlisted members.”; and

(2) by adding after the second sentence the following new sentence: “Notwithstanding the preceding sentence, if the Secretary determines that it is in the best interest of the United States, the Secretary may reduce a rate for meals established under this subsection by the amount of that rate attributable to operating expenses.”

SEC. 323. IMPROVED AND EXPEDITED DISPOSAL OF LOST, ABANDONED, OR UNCLAIMED PERSONAL PROPERTY IN THE CUSTODY OF THE ARMED FORCES.

(a) **IN GENERAL.**—Subsection (a) of section 2575 of title 10, United States Code, is amended—

(1) by striking out "120 days" in the third sentence and inserting in lieu thereof "45 days";

(2) by striking out "\$25 or more" and all that follows through "three months" in the fourth sentence and inserting in lieu thereof "more than \$300, the Secretary may not dispose of the property until 30 days"; and

(3) by inserting after the second sentence the following new sentence: "To the greatest extent practicable, the diligent effort to find the owner (or the heirs, next of kin, or legal representative of the owner) shall begin not later than seven days after the date on which the property comes into the custody or control of the Secretary and shall not exceed 45 days."

(b) TECHNICAL AMENDMENTS.—Such section is further amended—

(1) by striking out "owner, his heirs or next of kin, or his legal representative" each place it appears and inserting in lieu thereof "owner (or the heirs, next of kin, or legal representative of the owner)";

(2) in subsection (a)—

(A) by striking out "his department" and inserting in lieu thereof "the Secretary's department"; and

(B) by striking out "owner, his heirs or next of kin, or his legal representatives" and inserting in lieu thereof "owner (or heirs, next of kin, or legal representative of the owner)"; and

(3) in subsection (c), by striking out "he" and inserting in lieu thereof "that person".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to lost, abandoned, or unclaimed property that—

(1) is subject to section 2575 of title 10, United States Code; and

(2) comes into the custody or control of the Secretary of a military department or the Secretary of Transportation after the date of the enactment of this Act.

SEC. 324. PROCUREMENT OF LAUNDRY AND DRY CLEANING SERVICES FROM NAVY EXCHANGES.

(a) IN GENERAL.—Chapter 143 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2423. Laundry and dry cleaning services: procurement from facilities operated by the Navy Resale and Services Support Office

"(a) AUTHORITY.—The Secretary of Defense may authorize an element of the Department of Defense to enter into a contract (through the use of procedures other than competitive procedures) with a laundry and dry cleaning facility operated by the Navy Resale and Services Support Office to procure laundry and dry cleaning services for the armed forces outside the United States or for a recruit training command in the United States.

"(b) APPLICATION.—Subsection (a) shall apply only with respect to a laundry and dry cleaning facility of the Navy Resale and Services Support Office that began operating before October 1, 1989."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2423. Laundry and dry cleaning services: procurement from facilities operated by the Navy Resale and Services Support Office."

SEC. 325. PROCUREMENT OF SUPPLIES AND SERVICES FROM MILITARY EXCHANGES OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Chapter 143 of title 10, United States Code, is amended by adding after section 2423 (as added by section 324) the following new section:

"§ 2424. Procurement of supplies and services from exchange stores outside the United States

"(a) AUTHORITY.—The Secretary of Defense may authorize an element of the Department of Defense to enter into a contract (through the use of procedures other than competitive procedures) with an exchange store operated under the jurisdiction of the Secretary of a military department outside the United States to procure supplies or services for use by the armed forces outside the United States.

"(b) LIMITATIONS.—(1) A contract may not be entered into under subsection (a) in an amount in excess of \$50,000.

"(2) Supplies provided under a contract entered into under subsection (a) shall be provided from the then existing stocks of the exchange store.

"(3) Services provided under a contract entered into under subsection (a) may not depart from the types of services regularly provided by the exchange store."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2423 (as added by section 324) the following new item:

"2424. Procurement of supplies and services from exchange stores outside the United States."

SEC. 326. TUITION-FREE ENROLLMENT OF DEPENDENTS OF EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES IN SCHOOLS OF THE DEFENSE DEPENDENTS' EDUCATION SYSTEM.

(a) INCLUSION WITHIN GROUP OF TUITION-FREE STUDENTS.—Section 1414(2)(B) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 932(2)(B)) is amended to read as follows:

"(B) a full-time civilian officer or employee of the Department of Defense who is a citizen or national of the United States."

(b) CONFORMING AMENDMENT.—Section 1404(d)(1) of such Act (20 U.S.C. 923(d)(1)) is amended by striking out "(including employees of nonappropriated fund activities of the Department of Defense)" in subparagraph (A) and inserting in lieu thereof "(other than officers and employees described in subparagraph (B) of section 1414(2))".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to periods of enrollment in schools of the defense dependents' education system after September 30, 1989.

SEC. 327. AUTHORITY TO USE APPROPRIATED FUNDS TO SUPPORT STUDENT MEAL PROGRAMS IN DEPARTMENT OF DEFENSE OVERSEAS DEPENDENTS' SCHOOLS.

(a) IN GENERAL.—(1) Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2243. Authority to use appropriated funds to support student meal programs in overseas dependents' schools

"(a) AUTHORITY.—Subject to subsection (b), amounts appropriated to the Department of Defense to operate the defense dependents' education system may be used to maintain the cost to a student of a meal provided by an overseas meal program at a cost equal to the average cost to a student of an equivalent meal under a comparable public school meal program in the United States.

"(b) LIMITATION.—The authority provided by subsection (a) may be used only if the Secretary of Defense determines that Federal payments and commodities provided under section 20 of the National School Lunch Act (42 U.S.C. 1769b) and section 20 of the Child

Nutrition Act of 1966 (42 U.S.C. 1789) to support an overseas meal program are insufficient to provide a meal under such program at a cost to a student equal to the average cost to a student of an equivalent meal under a comparable public school meal program in the United States.

"(c) OVERSEAS MEAL PROGRAM DEFINED.—In this section, the term 'overseas meal program' means a program administered by the Secretary of Defense to provide breakfasts or lunches to students attending Department of Defense dependents' schools which are located outside the United States."

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2243. Authority to use appropriated funds to support student meal programs in overseas dependents' schools."

(b) EFFECTIVE DATE.—Section 2243 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1989.

SEC. 328. COMMERCIAL SALE OF RECORDING OF AIR FORCE SINGING SERGEANTS.

(a) AUTHORITY TO PARTICIPATE IN PRODUCTION OF RECORDING FOR COMMERCIAL SALE.—The musical organization known as the United States Air Force Singing Sergeants may participate with the Cincinnati Pops Orchestra in the production of an audio recording that is intended for commercial sale.

(b) AUTHORITY TO ENTER INTO CONTRACT.—The Secretary of the Air Force may enter into an appropriate contract, under such terms as the Secretary determines to be in the best interest of the Government, for the production and sale authorized by subsection (a).

SEC. 329. TRANSPORTATION OF MOTOR VEHICLES OF MILITARY AND CIVILIAN PERSONNEL STATIONED ON JOHNSTON ISLAND.

(a) AUTHORITY TO TRANSPORT.—(1) When a member of an Armed Force or an officer or employee of the Department of Defense is stationed on Johnston Island, one motor vehicle that is owned by the person (or a dependent of the person) may be transported at the expense of the United States to a location in the State of Hawaii from the old duty station of the person (or from a location of lesser distance) if the person designates Hawaii as the State in which the immediate family of the person will reside.

(2) After the member, officer, or employee no longer performs duties on Johnston Island, one motor vehicle that is owned by the person (or a dependent of the person) may be transported at the expense of the United States from the residence in the State of Hawaii of the dependents of the person to the new duty station of the person (or to such other location at the request of the person not to exceed the distance allowed under paragraph (1)).

(b) REGULATIONS.—Subsection (a) shall be carried out under regulations prescribed by the Secretary of the Army.

SEC. 330. AUTHORITY TO PROVIDE CERTAIN ASSISTANCE TO ANNUAL CONVENTIONS OF NATIONAL MILITARY ASSOCIATIONS.

(a) AUTHORITY.—(1) Chapter 134 of title 10, United States Code, is amended by adding at the end of subchapter II the following new section:

"§ 2254. National military associations: assistance at national conventions

"(a) AUTHORITY TO PROVIDE SERVICES.—The Secretary of a military department may provide services described in subsection (c) in

connection with an annual conference or convention of a national military association.

"(b) **CONDITIONS FOR PROVIDING SERVICES.**—Services may be provided under subsection (a) only if—

"(1) the provision of the services in any case is approved in advance by the Secretary concerned;

"(2) the services can be provided in conjunction with training in appropriate military skills; and

"(3) the services can be provided within existing funds otherwise available to the Secretary.

"(c) **COVERED SERVICES.**—Services referred to in subsection (a) are—

"(1) limited air and ground transportation;

"(2) communications;

"(3) medical assistance;

"(4) administrative support; and

"(5) security support.

"(d) **NATIONAL MILITARY ASSOCIATIONS.**—The Secretary of Defense shall designate those organizations which are national military associations for purposes of this section."

(2) The table of sections at the beginning of subchapter II of such chapter is amended by adding at the end the following new item:

"2254. National military associations: assistance at national conventions."

(b) **EFFECTIVE DATE.**—Section 2254 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1989.

PART D—CONTRACTING OUT

SEC. 341. AUTHORITY OF BASE COMMANDERS OVER CONTRACTING FOR COMMERCIAL ACTIVITIES.

(a) **IN GENERAL.**—(1) Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§2468. Military installations: authority of base commanders over contracting for commercial activities

"(a) **AUTHORITY OF BASE COMMANDER.**—The Secretary of Defense shall direct that the commander of each military installation shall have the authority and the responsibility to enter into contracts in accordance with this section for the performance of a commercial activity on the military installation.

"(b) **YEARLY DUTIES OF BASE COMMANDER.**—To enter into a contract under subsection (a) for a fiscal year, the commander of a military installation shall—

"(1) prepare an inventory for that fiscal year of commercial activities carried out by Government personnel on the military installation;

"(2) decide which commercial activities shall be reviewed under the procedures and requirements of Office of Management and Budget Circular A-76 (or any successor administrative regulation or policy); and

"(3) conduct a solicitation for contracts for the performance of those commercial activities selected for conversion to contractor performance under the Circular A-76 process.

"(c) **LIMITATIONS.**—(1) The Secretary of Defense shall prescribe regulations under which the commander of each military installation may exercise the authority and responsibility provided under subsection (a).

"(2) The authority and responsibility provided under subsection (a) are subject to the authority, direction, and control of the Secretary.

"(d) **ASSISTANCE TO DISPLACED EMPLOYEES.**—If the commander of a military installation

enters into a contract under subsection (a), the commander shall, to the maximum extent practicable, assist in finding suitable employment for any employee of the Department of Defense who is displaced because of that contract.

"(e) **MILITARY INSTALLATION DEFINED.**—In this section, the term 'military installation' means a base, camp, post, station, yard, center, or other activity under the jurisdiction of the Secretary of a military department which is located within the United States, the Commonwealth of Puerto Rico, or Guam."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2468. Military installations: authority of base commanders over contracting for commercial activities."

(b) **EFFECTIVE DATE.**—Section 2468 of title 10, United States Code (as added by subsection (a)), shall take effect on October 1, 1989.

SEC. 342. EXCEPTION FROM COST COMPARISON PROCEDURES FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED INDIVIDUALS.

Section 2461 of title 10, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following new subsection:

"(e) **WAIVER FOR THE PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED INDIVIDUALS.**—Subsections (a) through (c) shall not apply to a commercial or industrial type function of the Department of Defense that—

"(1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Wagner-O'Day Act; and

"(2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act."

SEC. 343. COMMERCIAL ACTIVITIES STUDY FOR BASE SUPPORT OPERATIONS AT FORT BENJAMIN HARRISON.

(a) **STUDY REQUIRED.**—Commercial activities carried out by Government personnel at Fort Benjamin Harrison, Indiana, may not be converted to performance by private contractor under the procedures and requirements of Office of Management and Budget Circular A-76 (or any successor administrative regulation or policy) until the Secretary of the Army completes a new commercial activities study for the military installation.

(b) **CONTENTS.**—The commercial activities study referred to in subsection (a) shall include—

(1) work-load data through fiscal year 1989; and

(2) sufficient data regarding the commercial activities examined for possible conversion to performance by private contractor to permit the use of fixed-price contracts for those commercial activities selected for conversion.

PART E—ARMED FORCES RETIREMENT HOMES

SEC. 351. UNITED STATES SOLDIERS' AND AIRMEN'S HOME SUBJECT TO ANNUAL AUTHORIZATIONS OF APPROPRIATIONS.

(a) **IN GENERAL.**—Section 1321(b) of title 31, United States Code, is amended—

(1) by inserting before the period in the third sentence the following: "and only if the appropriations are specifically authorized by law"; and

(2) by striking out the last sentence.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to appropriations for the operation of the United States Soldiers' and Airmen's Home made for fiscal years beginning after September 30, 1990.

SEC. 352. MILITARY STOPPAGES, FINES, AND FORFEITURES TO BENEFIT ARMED FORCES RETIREMENT HOMES.

(a) **IN GENERAL.**—(1) Subchapter XI of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by adding at the end the following new section (article):

"§941. Art. 141. Share of stoppages, fines, and forfeitures to benefit Armed Forces Retirement Homes

"(a)(1) The Secretary of the Army and the Secretary of the Air Force shall deposit in the United States Soldiers' and Airmen's Home Permanent Fund referred to in section 1321(a)(59) of title 31 a percentage (determined under paragraph (2)) of the following amounts:

"(A) The amount of stoppages and fines adjudged against an enlisted member or warrant officer in the Army or the Air Force by sentence of a court martial or under authority of section 815 of this title (article 15) over and above any amount that may be due from the member or warrant officer for the reimbursement of the United States or any individual.

"(B) The amount of forfeitures on account of the desertion of an enlisted member or warrant officer in the Army or the Air Force.

"(2) The board of commissioners for the United States Soldiers' and Airmen's Home shall determine, on the basis of the financial needs of the United States Soldiers' and Airmen's Home, the percentage to be used for purposes of paragraph (1).

"(b)(1) The Secretary of the Navy shall credit to the funds available for the operation of the Naval Home a percentage (determined under paragraph (2)) of the following amounts:

"(A) The amount of stoppages and fines adjudged against an enlisted member or warrant officer in the Navy, Marine Corps, or Coast Guard (when it is operating as a service in the Navy) by sentence of a court martial or under authority of section 815 of this title (article 15) over and above any amount that may be due from the member or warrant officer for the reimbursement of the United States or any individual.

"(B) The amount of forfeitures on account of the desertion of an enlisted member or warrant officer in the Navy, Marine Corps, or Coast Guard (when it is operating as a service in the Navy).

"(2) The Governor of the Naval Home shall determine, on the basis of the financial needs of the Naval Home, the percentage to be used for purposes of paragraph (1)."

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"941. Art. 141. Share of stoppages, fines, and forfeitures to benefit Armed Forces Retirement Homes."

(b) **EFFECTIVE DATE.**—(1) Subsection (a) of section 941 of title 10, United States Code, as added by subsection (a), shall apply with respect to stoppages, fines, and forfeitures adjudged after the date of the enactment of this Act.

(2) Subsection (b) of such section shall apply with respect to stoppages, fines, and forfeitures adjudged after September 30, 1990.

SEC. 353. DEDUCTIONS FROM THE PAY OF ENLISTED MEMBERS AND WARRANT OFFICERS TO BENEFIT ARMED FORCES RETIREMENT HOMES.

(a) **IN GENERAL.**—Section 1007 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(i)(1) There shall be deducted each month from the pay of each enlisted member and warrant officer of the armed forces on active duty an amount (determined under paragraph (3)) not to exceed 50 cents.

"(2) Amounts deducted under paragraph (1) shall be—

"(A) deposited in the United States Soldiers' and Airmen's Permanent Fund, in the case of deductions from the pay of enlisted members and warrant officers in the Army and Air Force; and

"(B) credited to the funds available for the operation of the Naval Home, in the case of deductions from the pay of enlisted members and warrant officers in the Navy, Marine Corps, or Coast Guard (when it is operating as a service in the Navy).

"(3) The Secretary of Defense, after consultation with the Governor of the Naval Home and the board of commissioners for the United States Soldiers' and Airmen's Home, shall from time to time determine the amount to be deducted under paragraph (1) on the basis of the financial needs of the homes. The amount may be fixed at different amounts on the basis of grade or time in service, or both.

"(4) In this subsection, the term 'armed forces' does not include the Coast Guard when it is not operating as a service in the Navy."

(b) **EFFECTIVE DATE.**—(1) Except as provided in paragraph (2), subsection (i) of section 1007 of title 10, United States Code, as added by subsection (a), shall take effect on the first day of the first month beginning after the date of the enactment of this Act.

(2) With respect to deductions from the pay of an enlisted member or warrant officer in the Navy, Marine Corps, or Coast Guard (when it is operating as a service in the Navy), such subsection shall take effect on October 1, 1989.

SEC. 354. ANNUAL INSPECTION OF ARMED FORCES RETIREMENT HOMES BY INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

The Inspector General of the Department of Defense shall—

(1) conduct an annual inspection of each Armed Forces Retirement Home, including the records of that retirement home; and

(2) submit to the administering authority of that retirement home, the Secretary of Defense, and the Committees on Armed Services of the Senate and House of Representatives a report describing the results of the inspection and containing such recommendations as the Inspector General considers appropriate.

SEC. 355. REPORT REGARDING IMPROVING THE OPERATION AND MANAGEMENT OF THE ARMED FORCES RETIREMENT HOMES.

(a) **REPORT REQUIREMENT.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report with regard to improving the operation and management of the Armed Forces Retirement Homes.

(b) **CONTENTS OF THE REPORT.**—The report required by subsection (a) shall—

(1) address the feasibility of consolidating the administration and management of the retirement homes;

(2) address the feasibility of standardizing (and include proposals to standardize)—

(A) the eligibility requirements for admission to the retirement homes for persons

who served as enlisted members or warrant officers in the Armed Forces;

(B) the monthly fees paid by residents of the retirement homes; and

(C) the funding arrangements for the retirement homes through a single trust fund; and

(3) include proposals to administer the retirement homes through a joint board of directors.

(c) **PREPARATION OF THE REPORT.**—(1) The Secretary shall appoint a board of five members to review the administration and financing of the Naval Home and the United States Soldiers' and Airmen's Home and to prepare the report required by subsection (a).

(2) The members of the board shall be appointed from persons who—

(A) are not officers or employees of the United States; and

(B) are outstanding in the fields of gerontology, health care, or the provision of retirement care.

(d) **EXPENSES OF PREPARATION.**—The expenses of preparing the report required by subsection (a) shall be paid in equal amounts out of the funds available for the operation of the Naval Home and the United States Soldiers' and Airmen's Home.

(e) **TIME FOR SUBMISSION.**—The report required by subsection (a) shall be submitted not later than February 15, 1990.

SEC. 356. DEFINITIONS.

For purposes of this part:

(1) The terms "Armed Forces Retirement Home" and "retirement home" mean the Naval Home or the United States Soldiers' and Airmen's Home.

(2) The term "administering authority" means—

(A) the Governor of the Naval Home, in the case of that home; and

(B) the board of commissioners for the United States Soldiers' and Airmen's Home, in the case of that home.

(3) The term "Armed Forces" does not include the Coast Guard when it is not operating as a service in the Navy.

SEC. 357. REPEAL OF SUPERSEDED PROVISIONS RELATING TO THE UNITED STATES SOLDIERS' AND AIRMEN'S HOME.

The following provisions of law are repealed:

(1) Sections 4818 and 4820, and the first and third sentences of section 4819, of the Revised Statutes of the United States (24 U.S.C. 44, 44c, 51).

(2) Section 4 of the Act entitled "An Act prescribing regulations for the Soldiers' Home located at Washington in the District of Columbia, and for other purposes", approved March 3, 1883 (22 Stat. 564; 24 U.S.C. 60).

(3) Section 2(a) of Public Law 94-454 (90 Stat. 1518; 24 U.S.C. 44c).

PART F—ENVIRONMENTAL RESTORATION

SEC. 361. REQUIREMENT FOR DEVELOPMENT OF ENVIRONMENTAL DATA BASE.

(a) **ENVIRONMENTAL DATA BASE.**—The Secretary of Defense shall develop and maintain a comprehensive data base on environmental activities carried out by the Department of Defense pursuant to chapter 160 of title 10, United States Code, and all other applicable Federal and State environmental laws. At a minimum, the information in the data base shall include all the fines and penalties assessed against the Department of Defense pursuant to environmental laws and paid out by the Department, all notices of violations of environmental laws given to the Department, and all obligations and expenditures by the Department for compliance

with environmental laws. The Secretary may include any other information he considers appropriate.

(b) **REPORT.**—At the same time as the President submits to Congress the budget for fiscal year 1991 (pursuant to section 1105 of title 31, United States Code), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the progress in development of the data base required under subsection (a). The report shall include a summary of the information collected for the data base with respect to environmental activities during 1989.

SEC. 362. REPORT ON DEFENSE EXPENDITURES FOR ENVIRONMENTAL COMPLIANCE.

(a) **REPORT.**—Section 2706 of title 10, United States Code, is amended—

(A) by inserting "(1)" before "The Secretary of Defense" in subsection (a);

(B) by striking out the subsection heading of subsection (b) and redesignating such subsection as paragraph (2); and

(C) by adding at the end the following new subsection:

"(b) **ENVIRONMENTAL BUDGET REPORT.**—(1) At the same time the President submits the budget for any fiscal year to Congress (pursuant to section 1105 of title 31), the Secretary of Defense shall submit to Congress a report on—

"(A) the funding levels required for the Department of Defense to comply with applicable environmental laws during the fiscal year for which the budget is submitted; and

"(B) the funding levels requested for such purposes in the budget as submitted by the President.

"(2) The Secretary shall include in the report an explanation of any differences in the funding level requirements and the funding level requests in the budget."

(b) **CLERICAL AMENDMENTS.**—(1) The heading of such section is amended to read as follows:

"§ 2706. Reports to Congress."

(2) The item relating to such section in the table of sections at the beginning of such chapter is amended to read as follows:

"2706. Reports to Congress."

SEC. 363. FIVE-YEAR PLAN FOR ENVIRONMENTAL RESTORATION AT BASES TO BE CLOSED.

(a) **PLAN.**—The Secretary of Defense shall develop a comprehensive five-year plan for environmental restoration at military installations that will be closed or realigned during fiscal years 1991 through 1995, pursuant to title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526). The plan shall cover—

(1) the environmental restoration activities that the Secretary plans to carry out each year at the installations;

(2) the funding requirements needed for such activities; and

(3) such other information as the Secretary considers appropriate.

(b) **REPORT.**—At the same time the President submits to Congress the budget for fiscal year 1991 (pursuant to section 1105 of title 31, United States Code), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the five-year plan required under subsection (a). The report shall include an itemization of the funding requirements specified in the plan for environmental restoration activities during fiscal year 1991.

SEC. 364. REPORT ON ENVIRONMENTAL REQUIREMENTS AND PRIORITIES.

(a) **REPORT REQUIREMENT.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a comprehensive report on the long-range environmental challenges and goals of the Department of Defense.

(b) **MATTERS TO BE INCLUDED.**—The report under subsection (a) shall include the following:

(1) A discussion of major environmental concerns that the Department of Defense will face world-wide in the next decade, and a qualitative and quantitative assessment, where practicable, of each concern.

(2) A status report of current efforts, programs, resources, and policies used to address the concerns identified under paragraph (1).

(3) An assessment of anticipated Federal, State, and local environmental regulatory requirements.

(4) An analysis of all the information described in paragraphs (1) through (3) and a discussion of potential courses of action, priorities, and goals of the Department of Defense.

(5) Such comments and recommendations as the Secretary considers appropriate.

(c) **SUBMISSION OF REPORT.**—The report required by subsection (a) shall be submitted not later than two years after the date of the enactment of this Act.

(d) **FUNDING.**—The Secretary may obligate or expend not more than \$3,000,000 to carry out the requirements of this section.

SEC. 365. REQUIREMENT TO USE PORTION OF WORKING-CAPITAL FUNDS FOR WASTE MINIMIZATION PROJECTS.

The Secretary of Defense shall provide that of the total amount of payments received in fiscal year 1991 by funds established under section 2208 of title 10, United States Code, for industrial-type activities, not less than 1/2 of 1 percent shall be used during fiscal year 1992 for the purpose of carrying out waste minimization projects at such activities. Any such project shall be designed to achieve, not later than three years after the date on which the project begins, reductions in the cost of the disposal of hazardous or solid wastes generated by the activity in an amount which is not less than the cost of the project.

SEC. 366. PROHIBITION ON CERTAIN ENVIRONMENTAL RESTORATION ACTIVITIES AT ROCKY MOUNTAIN ARSENAL.

(a) **PROHIBITION.**—Subject to subsection (b), the Secretary of the Army may not conduct any on-post remedial investigation, endangerment assessment, or feasibility study for Rocky Mountain Arsenal, Colorado, except in furtherance of the goal expressed in paragraph 2.6 of the federal facility agreement described in subsection (c).

(b) **EXCEPTION.**—(1) The prohibition in subsection (a) does not apply if the Secretary of the Army authorizes, in writing—

(A) the use of some portion of Rocky Mountain Arsenal for commercial or light industrial purposes; and

(B) a remedial investigation, endangerment assessment, or feasibility study in connection with such purposes.

(2) At least 30 days before making such authorization, the Secretary of the Army shall notify the Committees on Armed Services of the Senate and House of Representatives of the intention to make such authorization and of the reasons for such authorization.

(c) **FEDERAL FACILITY AGREEMENT.**—The federal facility agreement referred to in subsection (a) is the agreement entered into pursuant to section 120 of the Comprehensive En-

vironmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620), Docket No. CERCLA VIII-89-13, effective February 17, 1989, concerning Rocky Mountain Arsenal. The goal expressed in paragraph 2.6 of such agreement is that, following completion of necessary response actions, significant portions of Rocky Mountain Arsenal shall be available for use as open space for the public benefit (including, but not limited to, use as wildlife habitat and park).

PART G—STUDIES, REPORTS, AND OTHER MATTERS

SEC. 371. STUDY OF WASTE RECYCLING.

(a) **STUDY.**—The Secretary of Defense shall conduct a study on the following:

(1) Current practices and future plans for managing postconsumer waste at Department of Defense facilities such as commissary and exchange stores, cafeterias, mess halls, and other places where such waste is generated. For purposes of this section, the term "postconsumer waste" means garbage and refuse which includes, among other things, items after they have passed through their end use as a consumer item.

(2) The feasibility of such Department of Defense facilities participating in programs at military installations or in local communities to recycle the postconsumer waste generated at the facilities.

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report that describes the findings and conclusions of the study required by this section.

SEC. 372. REPORT ON MILITARY RECRUITING ADVERTISING EXPENDITURES.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report evaluating—

(1) each of the types of media used for advertising for military recruiting; and

(2) the anticipated effects on military recruitment of increasing the portion of expenditures for such advertising that is for print media.

SEC. 373. SENSE OF CONGRESS ON REDUCING THE NUMBER OF MEMBERS OF THE ARMY STATIONED IN THE UNITED STATES WHOSE PERMANENT DUTY ASSIGNMENT IS UNRELATED TO INTERMEDIATE-RANGE NUCLEAR FORCES.

It is the sense of Congress that—

(1) the Secretary of the Army should not take any action with respect to implementing that part of the proposal—

(A) contained in the amended budget request of the President for fiscal year 1990; and

(B) relating to a reduction in the number of members of the Army stationed in the United States whose permanent duty assignment is unrelated to intermediate-range nuclear forces; and

(2) in lieu of implementing that part of the proposal referred to in paragraph (1), the Secretary of the Army should achieve the reduction sought in that proposal only by reducing the number of members of the Army—

(A) whose permanent duty assignments on the date of the enactment of this Act are related to intermediate-range nuclear forces and are unnecessary as a result of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-range and Shorter-range Missiles, signed on December 8, 1987 (commonly referred to as the "INF Treaty"); and

(B) who are stationed in Europe or are stationed in the United States at Fort Sill, Oklahoma, or in a duty assignment that is transient, trainee, holding, or student.

SEC. 374. SENSE OF CONGRESS ON REDUCING THE NUMBER OF UNITS OF THE ARMED FORCES STATIONED IN THE CONTINENTAL UNITED STATES.

It is the sense of Congress that any combat unit of battalion or squadron size (or larger size) that on the date of the enactment of this Act is stationed in the continental United States should not be deactivated unless a realignment of forces occurs as a result of the current negotiations regarding reduction of conventional forces in Europe.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

PART A—ACTIVE FORCES

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

(a) **FISCAL YEAR 1990.**—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1990, as follows:

(1) The Army, 764,021.

(2) The Navy, 591,541, of whom not less than 72,493 shall be commissioned officers.

(3) The Marine Corps, 197,159.

(4) The Air Force, 567,474.

(b) **FISCAL YEAR 1991.**—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1991, in the same strengths as authorized in subsection (a), except that in the case of the Air Force, the authorized strength is 562,415 and of the number authorized for the Navy, not less than 72,313 shall be commissioned officers.

SEC. 402. REDUCTION IN AUTHORIZED END STRENGTH FOR THE NUMBER OF MILITARY PERSONNEL IN EUROPE.

(a) **REDUCTION REQUIRED.**—Effective on September 30, 1991, section 1002(c)(1) of the Department of Defense Authorization Act, 1985 (Public Law 98-525), is amended by striking out "326,414" and inserting in lieu thereof "311,627".

(b) **BASIS FOR REDUCTION.**—The reduction required by subsection (a) is in an amount equal to the total of the number of permanent duty assignments in Europe for the Armed Forces—

(1) that were related to intermediate-range nuclear forces on December 8, 1987, and are unnecessary as a result of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-range and Shorter-range Missiles, signed on December 8, 1987 (commonly referred to as the "INF Treaty"); or

(2) that were selected for elimination by the Department of Defense as part of the actions of the Department to implement the report of the Deputy Inspector General of the Department entitled "Review of Unified and Specified Command Headquarters", completed in February 1988.

PART B—RESERVE FORCES

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) **FISCAL YEAR 1990.**—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1990, as follows:

(1) The Army National Guard of the United States, 458,000.

(2) The Army Reserve, 321,977.

(3) The Naval Reserve, 153,940.

(4) The Marine Corps Reserve, 44,000.

(5) The Air National Guard of the United States, 116,800.

(6) The Air Force Reserve, 85,130.

(7) The Coast Guard Reserve, 13,575.

(b) **FISCAL YEAR 1991.**—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1991, as follows:

(1) The Army National Guard of the United States, 458,800.

(2) The Army Reserve, 323,644.

(3) The Naval Reserve, 155,540.

(4) The Marine Corps Reserve, 44,100.

(5) The Air National Guard of the United States, 116,900.

(6) The Air Force Reserve, 85,430.

(7) The Coast Guard Reserve, 15,150.

(c) **ADJUSTMENTS.**—The end strengths prescribed by subsection (a) or (b) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) **FISCAL YEAR 1990.**—Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1990, the following number of Reserves to be serving on full-time active duty, or in the case of members of the National Guard, full-time National Guard duty, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 26,164.

(2) The Army Reserve, 13,707.

(3) The Naval Reserve, 22,708.

(4) The Marine Corps Reserve, 2,301.

(5) The Air National Guard of the United States, 8,565.

(6) The Air Force Reserve, 686.

(b) **FISCAL YEAR 1991.**—Within the end strengths prescribed in section 411(b), the reserve components of the Armed Forces are authorized, as of September 30, 1991, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 26,514.

(2) The Army Reserve, 14,081.

(3) The Naval Reserve, 23,565.

(4) The Marine Corps Reserve, 2,401.

(5) The Air National Guard of the United States, 8,516.

(6) The Air Force Reserve, 700.

SEC. 413. INCREASE IN NUMBER OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) **SENIOR ENLISTED MEMBERS.**—(1) Effective on October 1, 1989, the table in section 517(b) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9.....	542	200	224	13
E-8.....	2,504	425	637	74"

(2) Effective on October 1, 1990, that table is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9.....	557	202	231	13
E-8.....	2,585	429	670	74"

(b) **OFFICERS.**—(1) Effective on October 1, 1989, the table in section 524(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander.....	3,030	1,065	575	110
Lieutenant Colonel or Commander.....	1,448	520	476	75
Colonel or Navy Captain.....	351	188	190	25"

(2) Effective on October 1, 1990, that table is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander.....	3,219	1,071	575	110
Lieutenant Colonel or Commander.....	1,524	520	532	75
Colonel or Navy Captain.....	364	188	194	25"

PART C—MILITARY TRAINING STUDENT LOADS SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) **FISCAL YEAR 1990.**—For fiscal year 1990, the components of the Armed Forces are authorized average military training student loads as follows:

- (1) The Army, 79,667.
- (2) The Navy, 67,224.
- (3) The Marine Corps, 21,656.
- (4) The Air Force, 39,575.
- (5) The Army National Guard of the United States, 19,168.
- (6) The Army Reserve, 15,377.
- (7) The Naval Reserve, 3,237.
- (8) The Marine Corps Reserve, 4,179.
- (9) The Air National Guard of the United States, 2,941.
- (10) The Air Force Reserve, 1,752.

(b) **FISCAL YEAR 1991.**—For fiscal year 1991, the components of the Armed Forces are authorized average military training student loads as follows:

- (1) The Army, 74,760.
- (2) The Navy, 66,517.
- (3) The Marine Corps, 22,235.
- (4) The Air Force, 37,757.
- (5) The Army National Guard of the United States, 18,667.
- (6) The Army Reserve, 15,963.
- (7) The Naval Reserve, 3,259.
- (8) The Marine Corps Reserve, 4,178.
- (9) The Air National Guard of the United States, 2,939.

(10) The Air Force Reserve, 1,774.

(c) **ADJUSTMENTS.**—The average military student loads authorized in subsections (a) and (b) shall be adjusted consistent with the end strengths authorized in parts A and B. The Secretary of Defense shall prescribe the manner in which such adjustment shall be apportioned.

PART D—AUTHORIZATIONS OF APPROPRIATIONS SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL FOR FISCAL YEAR 1990.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1990 a total of \$79,241,600,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1990.

SEC. 432. AUTHORIZATION OF APPROPRIATIONS FOR RESERVE OTHER TRAINING AND SUPPORT FOR FISCAL YEAR 1990.

Within the amount authorized by section 431, there is authorized to be appropriated for Reserve Other Training and Support a total of \$4,372,890,000.

TITLE V—PERSONNEL MANAGEMENT

SEC. 501. DELAYED ENTRY PROGRAM AND DELAYED ENTRY TRAINING PROGRAM FOR RESERVISTS.

(a) **DELAYED ENTRY PROGRAM ENLISTMENTS.**—Section 511 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) A person with no prior military service who is qualified for enlistment for active duty in an armed force may (except as provided in paragraph (3)) be enlisted as a Reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve for a term of not less than six years nor more than eight years.

"(2) A person enlisted under this subsection shall, unless sooner ordered to active duty under chapter 39 of this title or another provision of law, be discharged from the reserve component in which enlisted and immediately enlisted in a regular component of an armed force within 365 days after enlistment in the reserve component. During the period beginning on the date on which the person enlists under paragraph (1) and ending on the date on which the person is enlisted in a regular component under the preceding sentence, the person shall be placed in the Ready Reserve of the armed force concerned.

"(3) A person who is under orders to report for induction into an armed force under the Military Selective Service Act (50 U.S.C. App. 451 et seq.), except as provided in clause (ii) or (iii) of section 6(c)(2)(A) of that Act, may not be enlisted under paragraph (1).

"(4) This subsection shall be carried out under regulations to be prescribed by the Secretary of Defense or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy."

(b) **DELAYED ENTRY PROGRAM EXEMPTION FROM READY RESERVE TRAINING REQUIREMENTS.**—Section 270(a) of title 10, United States Code, is amended by inserting "or 511(e)" after "section 269(b)" in the first sentence.

(c) **DELAYED ENTRY TRAINING PROGRAM LONGEVITY FOR PAY.**—Subsection (e) of section 205 of title 37, United States Code, is amended to read as follows:

"(e)(1) Notwithstanding subsection (a), a period of service described in paragraph (2) of a member who enlists in a reserve component may not be counted under this section.

"(2) Paragraph (1) applies to—

"(A) service performed while a member of a reserve component under an enlistment under section 511(b) of title 10 before the member begins service on active duty under that section (other than a period of active duty for training performed before beginning such service on active duty);

"(B) service performed while a member of a reserve component under an enlistment under section 511(d) of title 10 before the member begins an initial period of active duty for training under that section (other than a period of active duty for training performed before beginning such initial period of active duty for training); and

"(C) service performed while a member of a reserve component under an enlistment under section 511(e) of title 10."

SEC. 502. ANNUAL MUSTER DUTY FOR READY RESERVISTS.

(a) ORDER TO ANNUAL MUSTER DUTY.—(1) Chapter 39 of title 10, United States Code is amended by adding at the end the following new section:

"§ 691. Ready Reserve: muster duty

"(a) Under regulations prescribed by the Secretary of Defense, a member of the Ready Reserve may be ordered to muster duty one time each year without his consent. A member on muster duty under this section shall be engaged for at least two hours on the day of muster in the performance of that duty.

"(b) The period which a member may be required to devote to muster duty under this section and to round-trip travel to and from the location of such duty may not total more than one day each calendar year.

"(c) Except as specified in subsection (d), muster duty under this section shall be treated as the equivalent of inactive-duty training for the purposes of this title and titles 37 and 38, including the determination of eligibility for and the receipt of benefits and entitlements prescribed in those titles for Reservists performing inactive-duty training and for their dependents and survivors.

"(d) Muster duty under this section shall not be credited in determining entitlement to, or in computing, retired pay under chapter 67 of this title."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"691. Ready Reserve: muster duty."

(b) ALLOWANCE FOR ANNUAL MUSTER DUTY.—(1) Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 433. Allowance for muster duty

"(a) Under uniform regulations prescribed by the Secretaries concerned, a member of the Ready Reserve who is not a member of the National Guard or of the Selected Reserve is entitled to an allowance for muster duty performed pursuant to section 691 of title 10 if the member is engaged in that duty for at least two hours.

"(b) The amount of the allowance under this section shall be 125 percent of the amount of the average per diem rate for the United States (other than Alaska and Hawaii) under section 404(d)(2)(A) of this title as in effect on September 30 of the year preceding the year in which the muster duty is performed.

"(c) The allowance authorized by this section may not be disbursed in kind and shall

be paid to the member on or before the date on which the muster duty is performed. The allowance shall constitute the single, flat-rate monetary allowance authorized for the performance of muster duty and shall constitute payment in full to the member, regardless of grade or rank in which serving, as commutation for travel to the immediate vicinity of the designated muster duty location, transportation, subsistence, and the special or extraordinary costs of enforced absence from home and civilian pursuits, including such absence on weekends and holidays.

"(d) A member who performs muster duty is not entitled to compensation for inactive-duty training under section 206(a) of this title for the same period."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"433. Allowance for muster duty."

SEC. 503. EXTENSION OF CERTAIN RESERVE OFFICER MANAGEMENT PROGRAMS.

(a) GRADE DETERMINATION AUTHORITY FOR RESERVE MEDICAL OFFICERS.—Sections 3359(b) and 8359(b) of title 10, United States Code, are amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1992".

(b) PROMOTION AUTHORITY FOR CERTAIN RESERVE OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d) and 8380(d) of such title are amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1992".

(c) YEARS OF SERVICE FOR MANDATORY TRANSFER TO THE RETIRED RESERVE.—Section 1016(d) of the Department of Defense Authorization Act, 1984 (10 U.S.C. 3360 note), is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1992".

SEC. 504. EXTENSION OF AUTHORITY TO MAKE TEMPORARY PROMOTIONS OF CERTAIN NAVY LIEUTENANTS.

Section 5721(f) of title 10, United States Code, is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1992".

SEC. 505. EXTENSION OF SINGLE-PARENT ENLISTMENT AUTHORITY IN RESERVE COMPONENTS.

Section 523(d) of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 510 note) is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1990".

SEC. 506. REPORT ON RESERVE GENERAL AND FLAG OFFICERS.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress a report on the number and distribution of general and flag officers of the reserve components. The report shall be submitted not later than February 1, 1991.

(b) RESERVE GENERAL AND FLAG OFFICERS ON ACTIVE DUTY OR FULL-TIME NATIONAL GUARD DUTY.—The report shall include, with respect to reserve general and flag officers on active duty or full-time National Guard duty, the following:

(1) The number of such officers during fiscal year 1990 and a statement of the duty assignments held by those officers during that year.

(2) The change in the number of duty assignments held by such officers during each of fiscal years 1982 through 1991, shown by the number and percentage of that change from the preceding fiscal year.

(3) The projected requirement of the Department of Defense for such officers during fiscal year 1992 and each of fiscal years 1993 through 1996.

(c) RESERVE GENERAL AND FLAG OFFICERS IN AN ACTIVE STATUS.—The report shall also include, with respect to the number of reserve general and flag officers in an active status, the following:

(1) The total number of such officers required for the Armed Forces for each of fiscal years 1990 through 1998.

(2) The requirements of each of the Armed Forces for such officers for those fiscal years, shown by grade and by duty assignment and including a description of each such duty assignment and the reason that a general or flag officer is required for that duty assignment.

(d) METHODOLOGY.—The report shall be prepared using, to the maximum extent possible, comparable methodologies to those used in preparing the report submitted to Congress by the Secretary of Defense in 1988 entitled "Study on General and Flag Officer Requirements and Distributions in the Department of Defense", and the Department of Defense report entitled "Review of Unified and Specified Command Headquarters", dated February 1988.

(e) EXCLUSION OF COAST GUARD FLAG OFFICERS.—Flag officers of the Coast Guard Reserve shall not be counted for purposes of the report required by this section.

SEC. 507. TITLE OF THE ADMISSIONS OFFICER OF THE UNITED STATES AIR FORCE ACADEMY.

(a) CHANGE IN TITLE OF REGISTRAR.—Chapter 903 of title 10, United States Code, is amended as follows:

(1) Section 9331(b)(6) is amended by striking out "registrar" and inserting in lieu thereof "director of admissions".

(2) Section 9333(c) is amended by striking out "registrar" and inserting in lieu thereof "director of admissions".

(3) Section 9334(b) is amended by striking out "registrar" and inserting in lieu thereof "director of admissions".

(4) Section 9336(b) is amended by striking out "registrar" each place it appears and inserting in lieu thereof "director of admissions".

(b) CLERICAL AMENDMENTS.—(1) The heading of section 9336 of such title is amended to read as follows:

"§ 9336. Permanent professors; director of admissions."

(2) The item relating to such section in the table of sections at the beginning of chapter 903 of such title is amended to read as follows:

"9336. Permanent professors; director of admissions."

SEC. 508. ELIGIBILITY FOR PRISONER-OF-WAR MEDAL OF CREW OF THE U.S.S. PUEBLO CAPTURED BY NORTH KOREA.

A member of the Armed Forces who was taken prisoner and held captive by the Democratic People's Republic of Korea as a result of the seizure of the U.S.S. Pueblo on January 23, 1968, is eligible for the prisoner-of-war medal under section 1128 of title 10, United States Code, without regard to paragraphs (1) through (3) of subsection (a) of that section.

SEC. 509. REIMBURSEMENT OF DEPARTMENT OF DEFENSE FUNDS FOR MEMBERS OF THE ARMED FORCES ASSIGNED TO DUTY IN CONNECTION WITH FOREIGN MILITARY SALES PROGRAMS.

(a) IN GENERAL.—(1) Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 983. Assignment to duty in connection with foreign military sales programs: reimbursement of appropriations

"The Secretary of a military department may assign a member of the Armed Forces to duty in connection with the administration of a program under the Arms Export Control Act (or any other provision of law respecting the sale of defense articles or services to another nation) only to the extent that applicable appropriations of that military department are reimbursed for that assignment."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"983. Assignment to duty in connection with foreign military sales programs: reimbursement of appropriations."

(b) EFFECTIVE DATE.—Section 983 of title 10, United States Code, as added by subsection (a), shall apply with respect to duty assignments to become effective after September 30, 1989.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

PART A—PAY AND ALLOWANCES

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1990

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1990 shall not be made.

(b) INCREASE IN BASIC PAY, BASIC ALLOWANCE FOR QUARTERS, AND BASIC ALLOWANCE FOR SUBSISTENCE.—The rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 3.6 percent effective on January 1, 1990.

(c) INCREASE IN CADET AND MIDSHIPMAN PAY.—Effective on January 1, 1990, section 203(c)(1) of title 37, United States Code, is amended by striking out "525" and inserting in lieu thereof "543.90".

SEC. 602. LIMITATION ON ADJUSTMENTS IN VARIABLE HOUSING ALLOWANCE

Section 403a(c)(2) of title 37, United States Code, is amended by inserting before the period the following: "except that the monthly amount of a variable housing allowance for a member may not be reduced to the extent that the total of basic pay, basic allowance for quarters, basic allowance for subsistence, and variable housing allowance of the member is reduced, as a result of such a reduction, below the monthly total of those items for the month preceding the effective date of the most recent increase in the rate of basic pay of the member".

PART B—BONUSES AND SPECIAL AND INCENTIVE PAY

SEC. 611. ENLISTMENT BONUS FOR MEMBERS IN SKILLS DESIGNATED AS CRITICAL

(a) INCREASE IN AUTHORIZED BONUS AND FIRST INSTALLMENT.—Section 308a(a) of title 37, United States Code, is amended—

(1) by striking out "\$8,000" in the first sentence and inserting in lieu thereof "\$12,000"; and

(2) by striking out "\$5,000" in the second sentence and inserting in lieu thereof "\$7,000".

(b) LIMITATION ON PAYMENTS.—The total amount of payments made during fiscal year 1990 under section 308a(a) of title 37, United States Code, by the Secretary of the Army may not exceed \$66,400,000.

SEC. 612. EXTENSION OF ENLISTMENT AND REENLISTMENT BONUS AUTHORITIES FOR RESERVE FORCES

Sections 308b(g), 308c(f), 308e(e), 308g(h), 308h(g), and 308i(i) of title 37, United States Code, are amended by striking out "September 30, 1990" and inserting in lieu thereof "September 30, 1995".

SEC. 613. NUCLEAR-QUALIFIED OFFICERS

(a) EXTENSION OF SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING ACTIVE DUTY.—Section 312(e) of title 37, United States Code, is amended by striking out "September 30, 1990" and inserting in lieu thereof "September 30, 1995".

(b) EXTENSION OF NUCLEAR CAREER ACCESS BONUS PROGRAM.—Section 312b(d) of title 10, United States Code, is amended by striking out "September 30, 1990" and inserting in lieu thereof "September 30, 1995".

(c) EXTENSION OF NUCLEAR CAREER ANNUAL INCENTIVE BONUS PROGRAM.—Section 312c of title 37, United States Code, is amended by striking out "October 1, 1990" in subsections (a)(1), (b)(1), and (e) and inserting in lieu thereof "October 1, 1995".

SEC. 614. LUMP-SUM PAYMENT OF INITIAL OVERSEAS HOUSING COSTS

(a) PAYMENTS AUTHORIZED.—Section 405 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(d) In the case of a member of the uniformed services authorized to receive a per diem allowance under subsection (a), the Secretary concerned may make a lump-sum payment for nonrecurring expenses incurred by the member in initially occupying private housing outside of the United States. Expenses for which a payment is made under this subsection may not be considered for purposes of determining the per diem allowance of the member under subsection (a)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to expenses incurred after August 31, 1990.

PART C—MILITARY AVIATORS

SEC. 621. AVIATION CAREER INCENTIVE PAY

(a) ENTITLEMENT REQUIREMENTS.—(1) Section 301a(a)(4) of title 37, United States Code, is amended—

(A) by striking out "6 of the first 12, and 11 of the first 18 years of his aviation service," in the first sentence and inserting in lieu thereof "9 of the first 12, and 12 of the first 18, years of the aviation service of the officer";

(B) by striking out "at least 9 but less than 11 of the first 18 years of his aviation service, he" in the second sentence and inserting in lieu thereof "at least 10 but less than 12 of the first 18 years of the aviation service of the officer, the officer"; and

(C) by striking out "his officer service" in the second sentence and inserting in lieu thereof "the officer's service as an officer".

(2) Section 301a(b)(1) of such title is amended by striking out "6 years" each place it appears after the portion of the table designated as Phase II and inserting in lieu thereof "9 years".

(b) WAIVER OF ENTITLEMENT REQUIREMENTS BY THE SECRETARY CONCERNED.—Section 301a(a)(5) of such title is amended by inserting after the first sentence the following new sentence: "The Secretary concerned may permit, on a case by case basis for the needs of the service, an officer to continue to receive continuous monthly incentive pay despite the failure of the officer to perform the prescribed operational flying duty requirements during the prescribed periods of time

so long as the officer has performed those requirements for not less than 6 years of aviation service."

(c) COMPUTATION OF YEARS OF AVIATION SERVICE AND YEARS OF SERVICE TO INCLUDE ONLY PERIODS OF ACTIVE DUTY.—Section 301a(a) of such title is amended by adding at the end the following:

"(7) For purposes of this subsection and subsection (b), in computing years of service as an officer under section 205 of this title and years of aviation service, the Secretary concerned may include only periods when the officer is on active duty."

(d) MONTHLY RATES.—(1) Section 301a(b)(1) of such title is amended—

(A) by striking out "400" in the portion of the table designated as Phase I and inserting in lieu thereof "650"; and

(B) by striking out the portion of the table designated as Phase II and inserting in lieu thereof the following:

"Phase II"

"Years of service as an officer:	Monthly rate:
Over 18	\$585
Over 20	495
Over 22	385
Over 25	250"

(2) Section 301a(b)(2) of such title is amended by striking out "400" in the portion of the table designated as Phase I and inserting in lieu thereof "650".

(e) REPORT ON NUMBER OF OFFICERS RECEIVING A WAIVER.—Section 301a of such title is amended by adding at the end the following new subsection:

"(f) The Secretary of Defense shall submit a report to the Congress before October 1 of each year specifying—

"(1) the total number of officers during the preceding fiscal year who were determined under subsection (a)(5) to have failed to perform the minimum prescribed operational flying duty requirements;

"(2) the number of those officers who continued to receive continuous monthly incentive pay despite their failure to perform the minimum prescribed operational flying duty requirements and the extent to which they failed to perform those requirements; and

"(3) the reasons for each waiver under subsection (a)(5) of those requirements."

(f) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made—

(A) by subsections (c) and (d) shall take effect on October 1, 1989; and

(B) by subsections (a), (b), and (e) shall take effect on October 1, 1991.

(2) The Secretary of a military department may delay, subject to the approval of the Secretary of Defense, the implementation of the amendment made by subsection (d) with respect to the department of that Secretary until such time as the Secretary concerned determines that implementation of the amendment is necessary to meet the needs of that department.

(3) If the Secretary of a military department delays under paragraph (2) the implementation of the amendment made by subsection (d) beyond October 1, 1991, the Secretary may also delay implementation of the amendments made by subsections (a), (b), and (e) until the date on which the Secretary implements the amendment made by subsection (d). During the delay in implementation, the provisions of section 301a of title 37, United States Code, as in effect on September 30, 1989, (and as amended by subsection (c)), shall continue to apply in the case of such department to the payment of avia-

tion career incentive pay under such section.

(g) **TRANSITION.**—(1) If, as of the date the amendments made by subsections (a), (b), and (c) take effect, an officer of a uniformed service has performed the prescribed operational flying duties (including flight training but excluding proficiency flying) for 6 of the first 12 years, or 11 of the first 18 years, of the aviation service of such officer, such officer shall be entitled to continuous monthly incentive pay at the rates provided in section 301a(b) of title 37, United States Code (as amended by this section), notwithstanding the failure of the officer to satisfy the entitlement requirements that take effect on such date. Such officer shall be required to continue to comply with the entitlement requirements in effect on September 30, 1991.

(2) The Secretary concerned may provide transitional entitlement requirements to allow an officer of a uniformed service who completes an initial operational flying assignment before the date the amendments made by subsections (a), (b), and (c) take effect to remain entitled to continuous monthly incentive pay under section 301a of title 37, United States Code (as amended by this section), if the Secretary concerned determines that—

(A) the officer would likely satisfy the entitlement requirements in effect on September 30, 1991; and

(B) the officer is unlikely to satisfy the requirements added by subsection (a).

(h) **DEFINITIONS.**—(1) For purposes of subsections (f) and (g), the terms "Secretary concerned" and "uniformed services" have the meaning given to such terms in section 101 of title 37, United States Code.

(2) For purposes of subsection (g), the definitions of the terms in section 301a(6) of title 37, United States Code, shall apply to the corresponding terms used in subsection (g).

SEC. 622. AVIATOR RETENTION BONUSES.

(a) **EXTENSION AND CODIFICATION OF CURRENT PROGRAM.**—Section 301b of title 37, United States Code, is amended to read as follows:

"§ 301b. Special pay: aviation career officers extending period of active duty

"(a) **BONUS AUTHORIZED.**—An aviation officer described in subsection (b) who, during the period beginning on January 1, 1989, and ending on September 30, 1991, executes a written agreement to remain on active duty in aviation service for at least one year may, upon the acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

"(b) **COVERED OFFICERS.**—An aviation officer referred to in subsection (a) is an officer of a uniformed service who—

"(1) is entitled to aviation career incentive pay under section 301a of title 37, United States Code;

"(2) is in a pay grade below pay grade O-6;

"(3) is qualified to perform operational flying duty;

"(4) has completed at least six but less than 13 years of active duty;

"(5) has completed any active duty service commitment incurred for undergraduate aviator training; and

"(6) is in an aviation specialty designated by the Secretary concerned (with the approval of the Secretary of Defense in the case of the Secretary of a military department) as a critical aviation specialty.

"(c) **AMOUNT OF BONUS.**—The amount of a retention bonus paid under this section shall be not more than—

"(1) \$12,000 for each year covered by the written agreement, if the officer agrees to remain on active duty to complete 14 years of commissioned service; or

"(2) \$6,000 for each year covered by the written agreement, if the officer agrees to remain on active duty for one or two years.

"(d) **PRORATION.**—The term of an agreement under subsection (a) and the amount of the bonus under subsection (c) may be prorated as long as such agreement does not extend beyond the date on which the officer making such agreement would complete 14 years of commissioned service.

"(e) **PAYMENT OF BONUS.**—Upon the acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount payable pursuant to the agreement becomes fixed and may be paid by the Secretary in either a lump sum or installments.

"(f) **ADDITIONAL PAY.**—A retention bonus paid under this section is in addition to any other pay and allowances to which an officer is entitled.

"(g) **REPAYMENT OF BONUS.**—(1) If an officer who has entered into a written agreement under subsection (a) and has received all or part of a retention bonus under this section fails to complete the total period of active duty specified in the agreement, the Secretary concerned may require the officer to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid under this section.

"(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (a) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1). This paragraph applies to any case commenced under title 11 after January 1, 1989.

"(h) **REGULATIONS.**—Each Secretary concerned shall prescribe regulations to carry out this section with regard to the department of that Secretary. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.

"(i) **REPORTS.**—(1) Not later than February 15 of each year, each Secretary concerned shall submit to the Secretary of Defense a report analyzing the effect of the provision of retention bonuses to aviation officers during the preceding fiscal year on the retention of qualified aviators in the department of the Secretary concerned. Each report shall include—

"(A) a comparison of the cost of paying bonuses to officers who enter into an agreement for the period referred to in subsection (c)(1) with the cost of paying bonuses to officers who enter into an agreement for a period referred to in subsection (c)(2);

"(B) a description of the increase in the retention of qualified aviators as a result of the program; and

"(C) an examination of the desirability of targeting the retention bonus program toward officers in a critical aviation specialty rather than on the basis of experience or other criteria.

"(2) Not later than March 15 of each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives copies of the reports submitted to the Secretary under paragraph (1) with regard to the preceding

fiscal year, together with such comments and recommendations as the Secretary considers appropriate.

"(j) **LIMITATION ON PAYMENTS FOR A FISCAL YEAR.**—(1) The total amount of payments made under this section to officers of the Air Force during fiscal year 1990 may not exceed \$78,000,000.

"(2) The total amount of payments made under this section to officers of the Navy during fiscal year 1990 may not exceed \$30,000,000.

"(k) **DEFINITIONS.**—In this section:

"(1) The term 'aviation service' means the service performed by an officer holding an aeronautical rating or designation (except a flight surgeon or other medical officer).

"(2) The term 'aviation specialty' means a community of pilots or other designated aeronautical officers identified by type of aircraft or weapon system.

"(3) The term 'critical aviation specialty' means an aviation specialty in which there exists a shortage of officers on the date of designation under subsection (b).

"(4) The term 'operational flying duty' has the meaning given such term in section 301a(a)(6)(A) of this title."

(b) **CONFORMING AMENDMENT.**—Section 611 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1977), is amended by striking out subsection (e).

(c) **PRIOR AGREEMENTS.**—(1) The amendment made by subsection (a) shall not affect an agreement entered into under section 301b of title 37, United States Code (as in effect on September 30, 1989), and, except as provided in paragraph (2), the provisions of such section as in effect on such day shall continue to apply with respect to such agreement.

(2) For pay periods beginning after September 30, 1989, an officer serving under an agreement entered into under section 301b of such title before October 1, 1987, shall be entitled during the remainder of the agreement to the monthly rate of aviation career incentive pay specified in section 301a(b) of such title and corresponding to the years of aviation service or years of service as an officer of the office.

SEC. 623. REDUCTION IN NONOPERATIONAL FLYING DUTY POSITIONS.

(a) **REDUCTIONS REQUIRED.**—(1) Not later than September 30, 1991, the Secretary of Defense shall reduce the number of nonoperational flying duty positions in the Armed Forces by a number equal to not less than two percent of the total number of such positions in existence on September 30, 1989.

(2) Not later than September 30, 1992, the Secretary of Defense shall reduce the number of nonoperational flying duty positions in the Armed Forces by a number equal to not less than five percent of the total number of such positions in existence on September 30, 1989.

(b) **LIMITATION ON INCREASES IN NONOPERATIONAL FLYING DUTY POSITIONS AFTER FISCAL YEAR 1991.**—No increase in the number of nonoperational flying duty positions in the Armed Forces (as a percentage of all flying duty positions in the Armed Forces) may be made after September 30, 1991, unless the increase is specifically authorized by law.

(c) **DEFINITIONS.**—For purposes of this section:

(1) The term "Armed Forces" does not include the Coast Guard.

(2) The term "nonoperational flying duty position" means a position in a military de-

partment identified by the Secretary of that department as a position that—

(A) requires the assignment of an aviator; and

(B) does not include operational flying duty (as defined in section 301a(6)(A) of title 37, United States Code).

SEC. 624. REPORT ON MINIMUM SERVICE REQUIREMENT FOR AVIATORS.

(a) **REPORT REQUIRED.**—Not later than eight months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report evaluating the minimum active duty obligations imposed on aviation officers. The report shall include—

(1) a description of the reasons for the disparate obligations imposed by the military departments;

(2) an examination of the legitimacy of the differences in light of the operational requirements of each military department; and

(3) a recommendation regarding the desirability of establishing uniform minimum active duty obligations for aviation officers.

(b) **DEFINITION.**—For purposes of subsection (a), the term "active duty obligation" means the period of active duty required to be served after completion of undergraduate training in an aviation specialty.

SEC. 625. REPORT ON INSURANCE.

(a) **REPORT REQUIRED.**—Not later than February 15, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report evaluating the adequacy of the current Servicemen's Group Life Insurance program and the practicality and desirability of providing an accidental death insurance plan for aviators and other aviation crew members serving on active duty that provides for the payment of death benefits in the amount of \$100,000 for death resulting directly from the performance of operational flying duty. The report shall include a legislative proposal containing the recommendations of the Secretary following such evaluation and a recommendation on the advisability of providing an accidental death insurance plan for other members of the Armed Forces on active duty in an occupational specialty characterized as hazardous.

(b) **DEFINITION.**—For purposes of subsection (a), the term "operational flying duty" has the meaning given to that term in section 301a(6)(A) of title 37, United States Code.

SEC. 626. REPORT ON AVIATOR ASSIGNMENT POLICIES AND PRACTICES.

Not later than February 15, 1990, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report evaluating the aviator assignment policies and practices of the Armed Forces. The report shall include an analysis of the effectiveness and efficiency of the aviator assignment policies and practices of the Armed Forces, including an analysis of the policies and practices followed in accommodating the assignment preferences of aviators within operational needs of the Armed Forces.

PART D—MONTGOMERY GI BILL AMENDMENTS.

SEC. 631. INCREASE IN AMOUNT PAYABLE UNDER MONTGOMERY GI BILL FOR CRITICAL SPECIALTIES.

(a) **INCREASE.**—Section 1415(c) of title 38, United States Code, is amended by striking out "\$400 per month" and inserting in lieu thereof "\$700 per month".

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect with respect to enlistments after September 30, 1989.

SEC. 632. PAYMENTS FOR VOCATIONAL-TECHNICAL TRAINING UNDER RESERVE-COMPONENT GI BILL.

(a) **IN GENERAL.**—Section 2131(c)(1) of title 10, United States Code, is amended to read as follows:

"(c)(1) Educational assistance may be provided under this chapter for pursuit of any program of education that is an approved program of education for purposes of chapter 30 of title 38 other than a program of education in a course of instruction beyond the baccalaureate degree level."

(b) **AMOUNT OF ASSISTANCE.**—Section 2131 of such title is amended—

(1) in subsection (b)—

(A) by striking out "Each" and inserting in lieu thereof "Except as provided in subsections (d) through (f), each"; and

(B) by inserting "through the Secretary of Veterans Affairs," after "Secretary concerned"; and

(2) by adding at the end the following:

"(d)(1) Except as provided in paragraph (2), the amount of the monthly educational assistance allowance payable to a person pursuing a full-time program of apprenticeship or other on-the-job training under this chapter is—

"(A) for each of the first six months of the person's pursuit of such program, 75 percent of the monthly educational assistance allowance otherwise payable to such person under this chapter;

"(B) for each of the second six months of the person's pursuit of such program, 55 percent of such monthly educational assistance allowance; and

"(C) for each of the months following the first 12 months of the person's pursuit of such program, 35 percent of such monthly educational assistance allowance.

"(2) In any month in which any person pursuing a program of education consisting of a program of apprenticeship or other on-the-job training fails to complete 120 hours of training, the amount of the monthly educational assistance allowance payable under this chapter to the person shall be limited to the same proportion of the applicable full-time rate as the number of hours worked during such month, rounded to the nearest 8 hours, bears to 120 hours.

"(3)(A) Except as provided in subparagraph (B), for each month that such person is paid a monthly educational assistance allowance under this chapter, the person's entitlement under this chapter shall be charged at the rate of—

"(i) 75 percent of a month in the case of payments made in accordance with paragraph (1)(A);

"(ii) 55 percent of a month in the case of payments made in accordance with paragraph (1)(B); and

"(iii) 35 percent of a month in the case of payments made in accordance with paragraph (1)(C).

"(B) Any such charge to the entitlement shall be reduced proportionately in accordance with the reduction in payment under paragraph (2).

"(e)(1) The amount of the monthly educational assistance allowance payable to a person pursuing a cooperative program under this chapter shall be 80 percent of the monthly allowance otherwise payable to such person under this chapter.

"(2) For each month that a person is paid a monthly educational assistance allowance

for pursuit of a cooperative program under this chapter, the person's entitlement under this chapter shall be charged at the rate of 80 percent of a month.

"(f)(1)(A) The amount of the educational assistance allowance payable under this chapter to a person who enters into an agreement to pursue, and is pursuing, a program of education exclusively by correspondence is an amount equal to 55 percent of the established charge which the institution requires nonveterans to pay for the course or courses pursued by such person.

"(B) For purposes of subparagraph (A), the term 'established charge' means the lesser of—

"(i) the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency; or

"(ii) the actual charge to the person for such course or courses.

"(C) Such allowance shall be paid quarterly on a pro rata basis for the lessons completed by the person and serviced by the institution.

"(2) In each case in which the amount of educational assistance is determined under paragraph (1), the period of entitlement of the person concerned shall be charged with one month for each \$140 which is paid to the individual as an educational assistance allowance."

(c) CONFORMING AMENDMENTS.—Section 2136(b) of such title is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: "Except as otherwise provided in this chapter, the provisions of sections 1434(b), 1663, 1670, 1671, 1673, 1674, 1676, 1682(g), and 1683 of title 38 and the provisions of subchapters I and II of chapter 36 of such title (with the exception of sections 1780(c), 1780(g), 1786(a), 1787, and 1792) shall be applicable to the provision of educational assistance under this chapter."; and

(2) by striking out "as used" in the second sentence and inserting in lieu thereof "and the term 'a person', as used".

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to any person who after September 30, 1989, or the date of the enactment of this Act, whichever is later, meets the requirements set forth in subparagraph (A) or (B) of section 2132(a)(1) of title 10, United States Code.

SEC. 633. LIMITATION OF ACTIVE GUARD AND RESERVE PERSONNEL TO ACTIVE-DUTY PROGRAM.

(a) **LIMITATION.**—Section 2132(d) of title 10, United States Code, is amended by adding at the end the following new sentence: "However, a person may not receive credit under the program established by this chapter for service (in any grade) described in subparagraph (B) or (C) of section 523(b)(1) of this title."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 1989, or the date of the enactment of this Act, whichever is later.

(c) REFERENCES TO ADMINISTRATOR OF VETERANS' AFFAIRS.—Chapter 106 of title 10, United States Code, is amended—

(1) by striking out "Administrator of Veterans' Affairs" in sections 2131(b)(4), 2132(c), 2132(d), and 2136(a) and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(2) by striking out "to the Administrator" in section 2132(c) and inserting in lieu thereof "to that Secretary".

(d) OTHER TECHNICAL AMENDMENTS.—(1) Section 2131(b) of such title is amended by striking out "and educational" in the matter preceding paragraph (1) and inserting in lieu thereof "of an educational".

(2) Section 2132(d) of such title is amended by striking out "An individual" and inserting in lieu thereof "A person".

PART E—PERSONNEL AND COMPENSATION TECHNICAL AMENDMENTS

SEC. 641. TECHNICAL AMENDMENTS TO MILITARY RETIREMENT LAWS.

(a) CLARIFICATION OF COMPUTATION OF RETIRED PAY UNDER HIGH-THREE SYSTEM.—Section 1407 of title 10, United States Code, is amended—

(1) in subsection (b), by inserting "or (d)" after "subsection (c)";

(2) by striking out subsections (c), (e), (f) and (g);

(3) by redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (b) the following new subsections (c) and (d):

"(c) COMPUTATION OF HIGH-THREE AVERAGE FOR MEMBERS ENTITLED TO RETIRED OR RETAINER PAY FOR REGULAR SERVICE.—

"(1) GENERAL RULE.—The high-three average of a member entitled to retired or retainer pay under any provision of law other than section 1204 or 1205 or section 1331 of this title is the amount equal to—

"(A) the total amount of monthly basic pay to which the member was entitled for the 36 months (whether or not consecutive) out of all the months of active service of the member for which the monthly basic pay to which the member was entitled was the highest, divided by

"(B) 36.

"(2) SPECIAL RULE FOR SHORT-TERM DISABILITY RETIREES.—In the case of a member who is entitled to retired pay under section 1201 or 1202 of this title and who has completed less than 36 months of active service, the member's high-three average (notwithstanding paragraph (1)) is the amount equal to—

"(A) the total amount of basic pay to which the member was entitled during the period of the member's active service, divided by

"(B) the number of months (including any fraction thereof) of the member's active service.

"(d) COMPUTATION OF HIGH-THREE AVERAGE FOR MEMBERS AND FORMER MEMBERS ENTITLED TO RETIRED PAY FOR NONREGULAR SERVICE.—

"(1) RETIRED PAY UNDER CHAPTER 67.—The high-three average of a member or former member entitled to retired pay under section 1331 of this title is the amount equal to—

"(A) the total amount of monthly basic pay to which the member or former member was entitled during the member or former member's high-36 months (or to which the member or former member would have been entitled if the member or former member had served on active duty during the entire period of the member or former member's high-36 months), divided by

"(B) 36.

"(2) NONREGULAR SERVICE DISABILITY RETIRED PAY.—The high-three average of a member entitled to retired pay under section 1204 or 1205 of this title is the amount equal to—

"(A) the total amount of monthly basic pay to which the member was entitled during the member's high-36 months (or to which the member would have been entitled if the member had served on active duty during the entire period of the member's high-36 months), divided by

"(B) 36.

"(3) SPECIAL RULE FOR SHORT-TERM DISABILITY RETIREES.—In the case of a member who is entitled to retired pay under section 1204 or 1205 of this title and who was a member for less than 36 months before being retired under that section, the member's high-three average (notwithstanding paragraph (2)) is the amount equal to—

"(A) the total amount of basic pay to which the member was entitled during the entire period the member was a member of a uniformed service before being so retired (or to which the member would have been entitled if the member had served on active duty during the entire period the member was a member of a uniformed service before being so retired), divided by

"(B) the number of months (including any fraction thereof) which the member was a member before being so retired.

"(4) HIGH-36 MONTHS.—The high-36 months of a member or former member whose retired pay is covered by paragraph (1) or (2) are the 36 months (whether or not consecutive) out of all the months before the member or former member became entitled to retired pay for which the monthly basic pay to which the member or former member was entitled (or would have been entitled if serving on active duty during those months) was the highest. In the case of a former member, only months during which the former member was a member of a uniformed service may be used for purposes of the preceding sentence."

(b) CLARIFICATION OF APPLICABILITY OF PROVISIONS TO FORMER MEMBERS ENTITLED TO RETIRED PAY.—Chapter 71 of title 10, United States Code, is amended as follows:

(1) Section 1401a is amended—

(A) in subsection (b)(3), by inserting "and former member" after "member" the first place it appears;

(B) in subsection (e), by inserting "or former member" after "member" the first and third places it appears; and

(C) in subsection (f), by inserting "or former member" in the second sentence after "member".

(2) Section 1407(b) is amended by striking out "member" and "member's" and inserting in lieu thereof "person" and "person's", respectively.

(3) Section 1409(a)(1) is amended by striking out "who is retired" and inserting in lieu thereof "who is entitled to that pay".

(4) Section 1410 is amended—

(A) in the matter preceding paragraph (1), by inserting "or former member" after "member" each place (other than the second place) it appears; and

(B) in paragraph (1), by striking out "member's retired pay" and inserting in lieu thereof "retired pay of the member or former member".

(c) PAYMENTS FROM MILITARY RETIREMENT FUND.—Section 1463(a) of such title is amended—

(1) in paragraph (1), by striking out "persons" and inserting in lieu thereof "members";

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) retired pay payable under chapter 67 of this title to former members of the armed forces (other than retired pay payable by the Secretary of Transportation);"

SEC. 642. TECHNICAL AMENDMENTS TO MILITARY SURVIVOR BENEFIT PLAN.

Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(1) Section 1447 is amended—

(A) in paragraph (5), by striking out "this clause" both places it appears and inserting in lieu thereof "this paragraph";

(B) in paragraph (11), by inserting "paid under section 6330 of this title" after "retainer pay"; and

(C) by adding at the end the following new paragraph:

"(14) The term 'reserve-component retired pay' means retired pay under chapter 67 of this title."

(2) Sections 1447(2)(B), 1447(2)(C)(ii), 1448(a)(1)(B), 1448(a)(2)(B), 1448(f)(1)(A), 1448(f)(1)(B), and 1450(l)(1) are amended by striking out "retired pay under chapter 67 of this title" and inserting in lieu thereof "reserve-component retired pay".

(3) Sections 1447(2)(C)(i), 1447(3), 1447(4), 1448(a)(4)(A), 1449, and 1450(l)(2) are amended by striking out "or retainer".

(4) Section 1450(f)(3)(B) is amended—

(A) by striking out "before October 1, 1985, or"; and

(B) by striking out "whichever is later".

(5) Section 1451(c) is amended—

(A) in paragraph (3), by inserting "who first became a member of a uniformed service before September 8, 1980" after "of this title"; and

(B) in paragraph (4), by inserting "by reason of the service of a person who first became a member of a uniformed service before September 8, 1980" after "of this title".

(6) Section 1451(e)(1) is amended by striking out "plan" in the matter preceding subparagraph (A) and inserting in lieu thereof "Plan".

(7) Section 1451(e)(1)(B) is amended—

(A) by striking out "is" each place it appears and inserting in lieu thereof "was";

(B) by striking out "has" in clause (ii) and inserting in lieu thereof "had"; and

(C) by striking out "would be" in clause (iii) and inserting in lieu thereof "would have been".

(8) Section 1451(e)(2) is amended by striking out "(as the base amount is adjusted from time to time under section 1401a of this title)" in subparagraphs (A) and (B).

(9) Section 1452(h) is amended—

(A) by inserting "(or any other provision of law)" after "of this title" the first place it appears; and

(B) by striking out "increased under section 1401a of this title" and inserting in lieu thereof "so increased".

SEC. 643. INCLUSION OF FORMER SPOUSES IN SOCIAL SECURITY OFFSET PROVISION.

(a) CONFORMANCE WITH POLICY FOR SURVIVING SPOUSES.—Section 1451(e) of title 10, United States Code, is amended by inserting "or former spouse" in paragraphs (3)(A) and (4)(A) after "widow or widower".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply only with respect to the computation of an annuity for a person who becomes a former spouse under a divorce that becomes final after the date of the enactment of this Act.

SEC. 644. REPEAL OF CERTAIN OBSOLETE AND EXPIRED PROVISIONS.

(a) TITLE 10.—Title 10, United States Code, is amended as follows:

(1)(A) Section 971(a) is amended by striking out "under an appointment accepted after June 25, 1956,".

(B) The limitation in section 971(a) of title 10, United States Code, shall not apply with respect to a period of service referred to in that section while also serving under an

appointment as a cadet or midshipman accepted before June 26, 1956.

(2) Section 971(b) is amended—

(A) in paragraph (1), by striking out “, if he was appointed as a midshipman or cadet after March 4, 1913”; and

(B) in paragraph (2), by striking out “, if he was appointed as a midshipman or cadet after August 24, 1912”.

(3) Section 1482(e) is amended by striking out “the effective date of this subsection, or the date of death,” and inserting in lieu thereof “the date of death”.

(4) Sections 3014(f), 5014(f), and 8014(f) are each amended by striking out paragraph (5).

(5) Section 6330(a) is amended by striking out “under—” and all that follows through “this section,” and inserting in lieu thereof “under this section.”

(6) Section 8925(a) is amended by striking out “and service computed under section 8683 of this title”.

(7) Section 8926 is amended—

(A) in subsection (a)—

(i) by inserting “and” at the end of paragraph (1);

(ii) by striking out the semicolon at the end of paragraph (2) and inserting in lieu thereof a period; and

(iii) by striking out paragraphs (3) and (4); and

(B) by striking out subsection (d).

(b) TITLE 37.—Title 37, United States Code, is amended as follows:

(1) Sections 308b(e) and 308c(e) are each amended by striking out the second sentence.

(2) Section 308c(a) is amended by striking out “, after September 30, 1978.”

(3) Section 416(a) is amended by striking out “, after July 9, 1952.”

SEC. 645. OTHER TECHNICAL AMENDMENTS.

(a) AMENDMENTS FOR STYLISTIC CONSISTENCY.—Title 10, United States Code, is amended as follows:

(1) Section 502 is amended by striking out “or affirmation”.

(2) Section 603(f) is amended—

(A) by striking out “terminates—” and inserting in lieu thereof “terminates on the earliest of the following:”;

(B) by striking out “on the” in paragraph (1) and inserting in lieu thereof “The”;

(C) by striking out the semicolon at the end of paragraph (1) and inserting in lieu thereof a period;

(D) by striking out “at the” in paragraph (2) and inserting in lieu thereof “The”;

(E) by striking out “; or” at the end of paragraph (2) and inserting in lieu thereof a period;

(F) by striking out “on the” in paragraph (3) and inserting in lieu thereof “The”; and

(G) by striking out the semicolon at the end of paragraph (3) and all that follows and inserting in lieu thereof a period.

(3) Section 671b(a) is amended by striking out “Armed Forces of the United States” and inserting in lieu thereof “armed forces”.

(4) Section 1076 is amended by striking out “1 year” in subsection (e)(3)(C) and inserting in lieu thereof “one year”.

(5) Section 1408(a) is amended—

(A) by striking out “(26 U.S.C. 3402(i))” in paragraph (4)(D); and

(B) by inserting “entitled to retired pay under section 1331 of this title” in paragraph (5) after “a former member”.

(6) Section 1482(a) is amended—

(A) by striking out “expenses of—” and inserting in lieu thereof “expenses of the following:”;

(B) by capitalizing the first letter of the first word in each of paragraphs (1) through (11);

(C) by striking out the semicolon at the end of paragraphs (1) through (9) and inserting in lieu thereof a period;

(D) by striking out “; and” at the end of paragraph (10) and inserting in lieu thereof a period; and

(E) in paragraph (11)—

(i) by striking out “clause” each place it appears and inserting in lieu thereof “paragraph”; and

(ii) by striking out “decendent; for the” and inserting in lieu thereof “decendent. For the”.

(b) CORRECTION OF TABLE HEADING.—Section 305a(b) of title 37, United States Code, is amended by inserting “COMMISSIONED” before “OFFICERS” in the heading of the table in that subsection relating to officers in pay grades O-1 through O-6.

(c) CORRECTIONS TO AMENDMENTS MADE BY PUBLIC LAW 100-456.—(1) Section 411g(a) of title 37, United States Code, is amended by striking out “to” after “may be paid”.

(2) Section 419 of such title is amended—

(A) by striking out “a officer” both places it appears and inserting in lieu thereof “an officer”; and

(B) by striking out “to” after “may be paid”.

(d) PUNCTUATION AMENDMENT.—Section 209(c) of title 37, United States Code, is amended by striking out the period after “title 10” the first place it appears.

(e) CROSS REFERENCE CORRECTIONS.—(1) Section 1094(c)(2) of title 10, United States Code, is amended by striking out “subsections (b) and (d) through (g)” and inserting in lieu thereof “subsections (c) and (e) through (h)”.

(2) Section 403(b)(1)(B) of Public Law 99-661 (10 U.S.C. 521 note) is amended by striking out “3033,” and “8033,” and inserting in lieu thereof “3021,” and “8021,” respectively.

(f) REFERENCE TO THE CANAL ZONE.—Section 708(a) of title 32, United States Code, is amended by striking out “governor of each State and Territory, Puerto Rico, and the Canal Zone” and inserting in lieu thereof “Governor of each State or Territory and Puerto Rico”.

PART F—MISCELLANEOUS

SEC. 651. MILITARY RELOCATION ASSISTANCE PROGRAMS.

(a) REQUIREMENT TO PROVIDE ASSISTANCE.—In order to help neutralize the negative effects of relocation on retention, readiness, and morale, the Secretary of Defense shall provide relocation assistance to members of the Armed Forces and their families as provided in this section. In addition, the Secretary of Defense shall make every effort, consistent with readiness objectives, to stabilize and lengthen tours of duty to neutralize the adverse effects of relocation.

(b) TYPES OF ASSISTANCE.—(1) The Secretary of Defense shall provide relocation assistance, through military relocation assistance programs described in subsection (c), for a member of the Armed Forces who is ordered to make a change of permanent station (and for dependents of such member who are authorized to move in connection with the change of permanent station) as follows:

(A) Destination area information and preparation, to be provided before the change of permanent station takes effect, with emphasis on information with regard to moving costs, housing costs and availability, child care, spouse employment opportunities, cultural adaptation, and community orientation.

(B) Counseling about financial management, home buying and selling, renting, stress management aimed at intervention

and prevention of abuse, property management, and shipment and storage of household goods (including motor vehicles and pets).

(C) Settling-in services, with emphasis on available government living quarters, private housing, child care, spouse employment assistance information, cultural adaptation, and community orientation.

(D) Home finding services, with emphasis on locating adequate, affordable temporary and permanent housing.

(c) MILITARY RELOCATION ASSISTANCE PROGRAMS.—(1) The Secretary of Defense shall provide for the establishment of military relocation assistance programs to provide the relocation assistance described in subsection (b). The Secretary shall establish a program in each geographic area in which at least 500 members of the Armed Forces are assigned to or serving at a military installation. A member who is not stationed within a geographic area that contains such a program shall be given access to such a program. The Secretary shall ensure that persons on the staff of each program are trained in the techniques and delivery of professional relocation assistance.

(2) The Secretary shall ensure that, not later than September 30, 1991, information available through each military relocation assistance program shall be managed through a computerized information system that can interact with all other military relocation assistance programs of the military departments, including programs located outside the continental United States.

(3) Duties of each military relocation assistance program shall include assisting personnel offices on the military installation in using the computerized information available through the program to help provide members of the Armed Forces who are deciding whether to reenlist information on locations of possible future duty assignments.

(d) DIRECTOR.—The Secretary of Defense shall appoint a Director of Military Relocation Assistance Programs in the office of the Assistant Secretary of Defense (Force Management and Personnel) to oversee development and implementation of the military relocation assistance programs.

(e) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense.

(f) REPORT.—The Director of Military Relocation Assistance Programs shall submit to Congress a report each year. The report shall provide the following:

(1) An objective assessment of available, affordable economy housing for members of the Armed Forces and their families, to assist in making decisions on housing construction and variable housing allowance levels.

(2) An objective assessment of the actual nonreimbursed costs incurred by members of the Armed Forces and their families who are ordered to make a change of permanent station, to assist in making decisions on whether additional entitlements should be provided.

(3) Information on where members of the Armed Forces live, shown by military installation, including the number of members of the Armed Forces who live on a military installation and the number who do not live on a military installation.

(4) Information on the effects of the relocation assistance programs established under this section on the quality of life of members of the Armed Forces and their families and on retention and productivity of members of the Armed Forces.

(g) INAPPLICABILITY TO COAST GUARD.—This section does not apply to the Coast Guard.

(h) DEADLINE FOR REGULATIONS.—The Secretary of Defense shall prescribe regulations to implement this section not later than 90 days after the date of the enactment of this Act.

(i) REPORT ON COSTS.—Not later than 90 days after regulations are prescribed under subsection (h), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on a plan for the full implementation of this section.

SEC. 652. REPORT ON TECHNICAL TRAINING FOR RECRUITS AND MEMBERS OF THE RESERVE COMPONENTS.

(a) REPORT REGARDING PROVISION OF TECHNICAL TRAINING.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report, prepared as provided in paragraph (2), evaluating the practicality and desirability of—

(A) providing persons who desire to enlist in the Armed Forces with technical training before enlistment;

(B) using civilian institutions of higher education and vocational schools to provide such training; and

(C) using civilian institutions of higher education and vocational schools to provide training in individual technical skills for members of the reserve components.

(2) Subject to the availability of appropriated funds, the Secretary shall make a grant to, or enter into a contract with, an independent and nonprofit organization to prepare the report required by paragraph (1). Such organization shall be an independent and nonprofit organization that the Secretary determines—

(A) has no obligation to any institution of higher education, vocational school, or governmental entity that could create a conflict of interest in the preparation of the report; and

(B) has the requisite expertise regarding programs offered by institutions of higher education and vocational schools and technical skills training provided for persons enlisting in the Armed Forces.

(3) The Secretary shall inform the Committees on Armed Services of the Senate and House of Representatives not later than 60 days after the effective date of this section regarding plans to obtain the report required by paragraph (1).

(4) The report required by paragraph (1) shall include—

(A) a comparison of technical skills training provided by the Armed Forces and technical skills training available in civilian institutions of higher education and vocational schools;

(B) a description of a program by which a person eligible for enlistment in the Armed Forces would receive technical training in an institution of higher education or vocational school (and a stipend to pursue such training) before enlistment in exchange for a commitment to serve in the Armed Forces;

(C) a description of the personnel and other savings that would result from the implementation of such a program;

(D) a description of a program by which institutions of higher education and vocational schools would enhance the readiness of the Reserve components by supplementing active-duty individual skills training;

(E) a description of the specific training improvements that would result from the implementation of such a program; and

(F) a proposal for a demonstration program to implement such programs, on a limited basis as determined by the Secretary, and a description of the cost of such demonstration.

(5) The report required by paragraph (1) shall be submitted not later than February 1, 1991.

(b) DEFINITIONS.—For purposes of this section:

(1) The term "institution of higher education" has the meaning given to such term in section 435(b) of the Higher Education Act of 1965 (20 U.S.C. 1085(b)).

(2) The term "nonprofit organization" means an organization—

(A) described in section 501(c) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)); and

(B) exempt from taxation under section 501(a) of such Code (26 U.S.C. 501(a)).

(3) The term "Secretary" means the Secretary of Defense.

(4) The term "technical training" means training in noncombat technical skills, including electricity, machinery, welding, surveying, journalism, and photography.

(5) The term "vocational school" has the meaning given to such term in section 435(c) of the Higher Education Act of 1965 (20 U.S.C. 1085(c)).

(c) EFFECTIVE DATE.—This section shall take effect on October 1, 1989.

SEC. 653. CLARIFICATION OF ALLOWANCE FOR TRANSPORTATION OF HOUSEHOLD EFFECTS.

(a) WAIVER FOR SUBSTANTIAL HARDSHIP.—(1) Section 406(b)(1) of title 37, United States Code, is amended by adding at the end the following new subparagraph:

"(D) If the Secretary concerned determines that application of a weight allowance specified in subparagraph (C) for a pay grade below pay grade O-6 would result in significant hardship to a member entitled to that weight allowance or the dependents of the member, the Secretary may authorize, in connection with the change of temporary or permanent station of the member, a higher weight allowance not to exceed the weight allowance specified in subparagraph (C) for pay grades O-6 to O-10. Any such determination shall be made under regulations prescribed by the Secretary of Defense."

(b) TECHNICAL AMENDMENT.—Such section is further amended by inserting "in pounds" in subparagraph (C) after "weight allowance" in the matter preceding the table.

(c) EFFECTIVE DATE.—The authority provided in subparagraph (D) of such section, as added by subsection (a), shall apply with respect to the transportation of baggage and household effects occurring after June 30, 1989.

SEC. 654. SPECIAL DUTY ASSIGNMENT PAY FOR ENLISTED MEMBERS OF THE NATIONAL GUARD OR A RESERVE COMPONENT.

(a) IN GENERAL.—Section 307 of title 37, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection:

"(b)(1) An enlisted member described in paragraph (2) may, in addition to other compensation or allowances to which the member is entitled, receive special duty assignment pay at the rate of 1/30 of the monthly special duty assignment pay payable under subsection (a).

"(2) An enlisted member referred to in paragraph (1) is an enlisted member of the National Guard or a Reserve component who—

"(A) is entitled to compensation under section 206 of this title; and

"(B) is performing duties that are comparable to the duties for which special duty assignment pay is paid under subsection (a) to an enlisted member who is entitled to basic pay under section 204 of this title.

"(3) An enlisted member referred to in paragraph (1) may receive special duty assignment pay under such paragraph for duty during periods in which the member is entitled to compensation under paragraphs (1) or (2) of section 206(a) of this title."

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking out "subsection (b) of this section" in subsection (a) and inserting in lieu thereof "subsection (c)"; and

(2) by striking out "subsection (a) of" in subsection (c) (as redesignated by subsection (a)).

(c) EFFECTIVE DATE.—Section 307(b) of title 37, United States Code (as added by subsection (a)), shall apply with respect to duty performed on or after the first day of the fourth calendar month following the month in which this Act is enacted.

SEC. 655. EXTENSION OF TEST PROGRAM FOR REIMBURSEMENT FOR ADOPTION EXPENSES.

Subsection (h) of section 638 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (101 Stat. 1108; 10 U.S.C. 113 note) is amended by striking out "before October 1, 1989" and inserting in lieu thereof "before October 1, 1990".

TITLE VII—HEALTH CARE PROVISIONS

PART A—HEALTH CARE PROFESSIONS PERSONNEL MATTERS

SEC. 701. AUTHORITY TO REPAY LOANS OF CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.

(a) EXPANSION OF EDUCATION LOANS THAT QUALIFY FOR REPAYMENT.—Subsection (a) of section 2172 of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(4) a loan made, insured, or guaranteed by a State, the District of Columbia, or a territory or possession of the United States if that loan was used to finance basic or advanced health professions education."

(b) EXTENSION OF AUTHORITY.—Subsection (d) of section 2172 of title 10, United States Code, is amended by striking out "October 1, 1990" and inserting in lieu thereof "October 1, 1992".

(c) TECHNICAL AMENDMENTS.—(1) Subsection (a) of section 2172 of title 10, United States Code, is amended by striking out "a portion of" in paragraph (1).

(2) Subsection (c) of such section is amended by striking out "portion of" in paragraph (2) and inserting in lieu thereof "amount of".

(d) REPORT ON LOAN REPAYMENTS FOR HEALTH PROFESSIONALS.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report—

(A) evaluating the loan repayment program for certain health professionals established under section 2172 of title 10, United States Code (as amended by this section); and

(B) containing a legislative proposal to establish a comprehensive and coordinated program in the military departments to repay education loans for health profession-

als who serve on active duty or in a reserve component.

(2) The report required by paragraph (1) shall be submitted not later than January 15, 1990.

SEC. 702. REVISION OF MILITARY PHYSICIAN SPECIAL PAY STRUCTURE.

(a) REVISION IN RATES OF SPECIAL PAY.—Section 302 of title 37, United States Code, is amended as follows:

(1) Subsection (a)(2) is amended—

(A) by striking out "\$10,000" in subparagraph (C) and inserting in lieu thereof "\$12,000";

(B) by striking out "\$9,500" in subparagraph (D) and inserting in lieu thereof "\$11,500";

(C) by striking out "\$9,000" in subparagraph (E) and inserting in lieu thereof "\$11,000";

(D) by striking out "\$8,000" in subparagraph (F) and inserting in lieu thereof "\$10,000";

(E) by striking out "\$7,000" in subparagraph (G) and inserting in lieu thereof "\$9,000";

(F) by striking out "\$6,000" in subparagraph (H) and inserting in lieu thereof "\$8,000"; and

(G) by striking out "\$5,000" in subparagraph (I) and inserting in lieu thereof "\$7,000".

(2) Subsection (a)(4) is amended—

(A) by striking out "(A)";

(B) by striking out "who has less than ten years of creditable service";

(C) by striking out "\$9,000" and inserting in lieu thereof "\$15,000"; and

(D) by striking out subparagraph (B).

(3) Subsection (a)(5) is amended—

(A) by striking out "\$2,000" in subparagraph (A) and inserting in lieu thereof "\$2,500";

(B) by striking out "\$2,500" in subparagraph (B) and inserting in lieu thereof "\$3,500";

(C) by striking out "\$3,000" in subparagraph (C) and inserting in lieu thereof "\$4,000";

(D) by striking out "\$4,000" in subparagraph (D) and inserting in lieu thereof "\$5,000"; and

(E) by striking out "\$5,000" in subparagraph (E) and inserting in lieu thereof "\$6,000".

(4) Subsection (b)(1) is amended—

(A) by striking out "\$8,000" and inserting in lieu thereof "\$20,000"; and

(B) by striking out "unless the Secretary concerned determines" and all that follows through "wartime skill".

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) by inserting "VARIABLE, ADDITIONAL, AND BOARD CERTIFICATION SPECIAL PAY.—" in subsection (a) after "(a)";

(2) by inserting "INCENTIVE SPECIAL PAY.—" in subsection (b) after "(b)";

(3) by inserting "ACTIVE-DUTY AGREEMENT.—" in subsection (c) after "(c)";

(4) by inserting "REGULATIONS.—" in subsection (d) after "(d)";

(5) by inserting "FREQUENCY OF PAYMENTS.—" in subsection (e) after "(e)";

(6) by inserting "REFUND FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—" in subsection (f) after "(f)";

(7) by inserting "DETERMINATION OF CREDITABLE SERVICE.—" in subsection (g) after "(g)";

(8) by inserting "RESERVE MEDICAL OFFICERS SPECIAL PAY.—" in subsection (h) after "(h)";

(9) by inserting "EFFECT OF DISCHARGE IN BANKRUPTCY.—" in subsection (i) after "(i)"; and

(10) by striking out "of this section" and "of this subsection" each place they appear (other than in subsection (g)).

(c) LIMIT ON FISCAL YEAR 1990 EXPENDITURES FOR MEDICAL SPECIAL PAY.—The amount that may be paid for incentive special pay for medical officers under section 302(b) of title 37, United States Code, during fiscal year 1990 may not exceed \$55,600,000.

(d) TRANSITION.—(1) An officer who executed a written agreement under section 612 of the National Defense Authorization Act, Fiscal Year 1989 (102 Stat. 1979), to receive a medical officer retention bonus shall be given the opportunity, before accepting the next payment due under such agreement, to terminate such agreement.

(2) An officer who elects to terminate such an agreement shall be entitled to special pay under section 302 of title 37, United States Code (as amended by this section).

(3) Until such termination, and in the case of an officer who elects not to terminate such an agreement, the officer shall not be entitled to additional special pay under subsection (a)(4) of section 302 of such title in excess of the rates in effect for such pay on September 30, 1989.

(e) REPORTS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives the following reports:

(1) A report describing the manner by which the Secretary of each military department will provide incentive special pay to medical officers under section 302(b) of title 37, United States Code (as amended by subsection (a)) during fiscal year 1990. Such report shall be submitted not later than the earlier of—

(A) December 1, 1989; and

(B) the date that is 30 days before the date such section is first executed.

(2) A report describing the manner by which the Secretary of each military department will provide incentive special pay to medical officers under such section during fiscal year 1991 and including such recommendations for modification of the program as the Secretaries consider appropriate. Such report shall be submitted not later than March 1, 1990.

(3) A report evaluating the Medical Officer Retention Bonus program authorized by section 612 of the National Defense Authorization Act, Fiscal Year 1989 (102 Stat. 1979), and including an assessment of the effect on the retention of medical officers of bonus levels for agreements of different lengths. Such report shall be submitted not later than February 1, 1990.

(f) EFFECTIVE DATE.—(1) The amendments made by paragraphs (1) and (3) of subsection (a) shall take effect on January 1, 1990.

(2) The amendments made by paragraphs (2) and (4) of subsection (a) shall apply to an agreement entered into under section 302(c)(1) of title 37, United States Code, on or after the later of—

(A) the date of the enactment of this Act; and

(B) October 1, 1989.

SEC. 703. ACCESSION BONUS FOR REGISTERED NURSES.

(a) ACCESSION BONUS AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by adding after section 302c the following new section:

"§ 302d. Special pay: accession bonus for registered nurses

"(a) ACCESSION BONUS AUTHORIZED.—(1) A person who is a registered nurse and who, during the period beginning on October 1, 1989, and ending on September 30, 1990, exe-

cutes a written agreement described in subsection (c) to accept a commission as an officer and remain on active duty for a period of not less than four years may, upon the acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.

"(2) The amount of an accession bonus under paragraph (1) may not exceed \$5,000.

"(b) LIMITATION ON ELIGIBILITY FOR BONUS.—A person is not eligible for a bonus under subsection (a) if—

"(1) the person received financial assistance from the Department of Defense to pursue a baccalaureate degree; or

"(2) the Secretary concerned determines that the person is not qualified as a registered nurse.

"(c) AGREEMENT.—The agreement referred to in subsection (a) shall provide that the individual agrees to accept a commission as an officer with a view toward placement as an officer of the Nurse Corps of the Army or Navy, an officer of the Air Force designated as a nurse, or an officer designated as a nurse in the commissioned corps of the Public Health Service.

"(d) REPAYMENT.—(1) An officer who receives a payment under subsection (a) and who fails to remain licensed as a registered nurse during the period for which the payment is made shall refund to the United States an amount equal to the full amount of such payment.

"(2) An officer who voluntarily terminates service on active duty before the end of the period agreed to be served under subsection (a) shall refund to the United States an amount that bears the same ratio to the amount paid to the officer as the unserved part of such period bears to the total period agreed to be served.

"(3) An obligation to reimburse the United States imposed under paragraph (1) or (2) is for all purposes a debt owed to the United States.

"(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or this subsection. This paragraph applies to any case commenced under title 11 after October 1, 1989."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 302c the following new item:

"302d. Special pay: accession bonus for registered nurses."

(b) ADMINISTRATION AND IMPLEMENTATION.—Section 303a of title 37, United States Code, is amended by inserting "302d," after "302c," each place it appears.

(c) REPORT ON IMPLEMENTATION.—Not later than March 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the manner in which the authority provided in section 302d of title 37, United States Code (as added by subsection (a)), is implemented.

SEC. 704. INCENTIVE PAY FOR NURSE ANESTHETISTS.

(a) AUTHORIZATION FOR INCENTIVE PAY.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 302d (as added by section 703) the following new section:

"§ 302e. Special pay: nurse anesthetists"

"(a) SPECIAL PAY AUTHORIZED.—(1) An officer described in subsection (b) who executes a written agreement to remain on active duty for a period of one year or more may, upon the acceptance of the agreement by the Secretary concerned, be paid incentive special pay in an amount not to exceed \$6,000 for any 12-month period.

"(2) The Secretary concerned shall determine the amount of incentive special pay to be paid to an officer under paragraph (1). In determining that amount, the Secretary concerned shall consider the term of the agreement under that paragraph.

"(b) COVERED OFFICERS.—An officer referred to in subsection (a) is an officer of a uniformed service who—

"(1) is an officer of the Nurse Corps of the Army or Navy, an officer of the Air Force designated as a nurse, or an officer designated as a nurse in the commissioned corps of the Public Health Service;

"(2) is a qualified certified registered nurse anesthetist; and

"(3) is on active duty under a call or order to active duty for a period of not less than one year.

"(c) TERMINATION OF AGREEMENT.—Under regulations prescribed by the Secretary of Defense, with respect to the Army, Navy, and Air Force, and the Secretary of Health and Human Services, with respect to the Public Health Service, the Secretary concerned may terminate an agreement entered into under subsection (a). Upon termination of an agreement, the entitlement of the officer to special pay under this section and the agreed upon commitment to active duty of the officer shall end. The officer may be required to refund that part of the special pay corresponding to the unserved period of active duty.

"(d) PAYMENT.—Special pay payable to an officer under subsection (a) of this section shall be paid annually at the beginning of the 12-month period for which the officer is to receive that payment.

"(e) REPAYMENT.—(1) An officer who voluntarily terminates service on active duty before the end of the period agreed to be served under subsection (a) shall refund to the United States an amount that bears the same ratio to the amount paid to the officer as the unserved part of such period bears to the total period agreed to be served.

"(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or this subsection. This paragraph applies to any case commenced under title 11 after October 1, 1989."

"(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 302d (as added by section 703) the following new item:

"302e. Special pay: nurse anesthetists."

(b) ADMINISTRATION AND IMPLEMENTATION.—Section 303a of title 37, United States Code (as amended by section 703(b)) is further amended by inserting "302e," after "302d," each place it appears.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1989.

(d) REPORT ON MILITARY USE OF CERTIFIED REGISTERED NURSE ANESTHETISTS.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the use of Certified Registered Nurse Anesthetists by the military departments. The report shall include—

(A) a description of restrictions imposed by the military departments on the use of such nurses;

(B) a comparison of such restrictions with restrictions imposed by other entities on the use of such nurses;

(C) a description of the number of persons who annually receive training by the military departments to be Certified Registered Nurse Anesthetists; and

(D) the desirability and cost of expanding the capability of the military departments to provide such training.

(2) The report required by paragraph (1) shall be submitted not later than March 1, 1990.

SEC. 705. NURSE OFFICER CANDIDATE ACCESSION BONUS.

(a) BONUS AUTHORIZED.—Chapter 105 of title 10, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER III—NURSE OFFICER CANDIDATE ACCESSION PROGRAM

"Sec.

"2130a. Financial assistance: nurse officer candidates.

"§ 2130a. Financial assistance: nurse officer candidates

"(a) BONUS AUTHORIZED.—(1) An individual described in subsection (b) who executes a written agreement in accordance with subsection (c) to accept an appointment as a nurse officer may, upon the acceptance of the agreement by the Secretary concerned, be paid an accession bonus of not more than \$5,000. The bonus shall be paid in periodic installments, as determined by the Secretary concerned at the time the agreement is accepted, except that the first installment may not exceed \$2,500.

"(2) In addition to the accession bonus payable under paragraph (1), an individual selected under such paragraph shall be entitled to a monthly stipend of not more than \$500 for each month the individual is enrolled as a full-time student in an accredited baccalaureate degree program in nursing at a civilian educational institution that does not have a Senior Reserve Officers' Training Program established under section 2102 of this title. The continuation bonus may not be paid for more than 24 months.

"(b) ELIGIBLE STUDENTS.—An individual eligible to enter into an agreement under subsection (a) is an individual who—

"(1) has completed the second year of an accredited baccalaureate degree program in nursing and has more than 6 months of academic work remaining before graduation;

"(2) is enrolled as a full-time student in an accredited baccalaureate degree program in nursing at a civilian educational institution that does not have a Senior Reserve Officers' Training Program established under section 2102 of this title; and

"(3) meets the qualifications for appointment as an officer of a reserve component of the Army, Navy, or Air Force as set forth in section 591 of this title or, in the case of the Public Health Service, section 207 of the Public Health Service Act (42 U.S.C. 209) and the regulations of the Secretary concerned.

"(c) REQUIRED AGREEMENT.—The agreement required to receive the bonus and stipend

payable under subsection (a) shall provide that the individual agrees to the following:

"(1) That the individual will complete the nursing degree program described in subsection (b).

"(2) That, upon acceptance of the agreement by the Secretary concerned, the individual will enlist in a reserve component of an armed force;

"(3) That the individual will accept an appointment as an officer in the Nurse Corps of the Army or the Navy or as an officer designated as a nurse officer in the Air Force or commissioned corps of the Public Health Service upon graduation from the nursing degree program.

"(4) That the individual will serve on active duty as such an officer—

"(A) for a period of 4 years in the case of an individual whose agreement was accepted by the Secretary concerned during the individual's fourth year of the nursing degree program;

"(B) for a period of 5 years in the case of an individual whose agreement was accepted by the Secretary concerned during the individual's third year of the nursing degree program.

"(d) REFUND OF PAYMENTS.—An individual shall refund a bonus paid under subsection (a) if the individual—

"(1) fails to complete the nursing degree program in which the individual is enrolled;

"(2) having completed the nursing degree program, fails to accept an appointment, if tendered, as an officer of the Nurse Corps of the Army or the Navy or as an officer designated as a nurse officer of the Air Force or commissioned corps of the Public Health Service; or

"(3) fails to complete the period of obligated active service required under the agreement.

"(e) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out this section."

(b) CLERICAL AMENDMENT.—The table of subchapters at the beginning of chapter 105 of title 10, United States Code, is amended by adding at the end the following new item:

"III. Nurse Officer Candidate Accession Program..... 2130a".

SEC. 706. PROGRAM TO INCREASE USE OF CERTAIN NURSES BY THE MILITARY DEPARTMENTS.

(a) PROGRAM REQUIRED.—(1) Not later than September 30, 1991, the Secretary of each military department shall implement a program to appoint persons who have an associate degree or diploma in nursing (but have not received a baccalaureate degree in nursing) as officers and to assign such officers to duty as nurses.

(2) An officer appointed pursuant to the program required by subsection (a) shall be appointed in a warrant officer grade or in a grade not to exceed O-3. Such officer may not be promoted beyond the grade of O-3 unless the officer receives a baccalaureate degree in nursing.

(b) REPORT ON IMPLEMENTATION.—Not later than April 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on steps taken by the military departments to implement the program required by this section.

SEC. 707. GRADE RELIEF FOR NAVY NURSE LIEUTENANT COMMANDERS.

(a) INCREASE IN AUTHORIZED NUMBER FOR FISCAL YEAR 1991.—During fiscal year 1991, the limitation specified in section 523(a)(2) of title 10, United States Code, with respect

to the grade of lieutenant commander is increased by 173. The Secretary of the Navy shall provide that all of the increase in authorized strength in grade under the preceding sentence shall be allocated to the Nurse Corps for nurses in duty assignments involving direct patient care.

(b) **REPORT ON GRADE TABLE RESTRICTIONS.**—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a comprehensive report on the adequacy of the strength-in-grade limitations prescribed by section 523(a) of title 10, United States Code, particularly as those limitations affect the ability to recruit and retain nurses and other health professionals on active duty. The report shall discuss the advantages and disadvantages of the current limitations for each of the armed forces and shall include such recommendations as the Secretary considers appropriate.

(2) The report shall be submitted not later than March 1, 1990.

(c) **MATTERS TO BE CONSIDERED BY PROMOTION BOARDS.**—The Secretary of each military department, under uniform regulations prescribed by the Secretary of Defense, shall direct that each promotion board considering officers on the active-duty list in a health-professions competitive category for promotion to a grade below colonel or, in the case of the Navy, captain, shall give consideration to clinical proficiency and skill as a health professional to at least as great an extent as the board gives to administrative and management skills.

(d) **REPORT ON CONSTRUCTIVE CREDIT FOR NURSES.**—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the awarding of constructive credit to military nurses for education, training, or experience. The report shall discuss existing provisions of law providing for such constructive credit, including a discussion of any inequities which the Secretary considers that such provisions may have created. If the Secretary determines that any such inequities have been created, the report shall include recommendations by the Secretary for ways to eliminate or reduce those inequities.

(2) The report shall be submitted not later than March 1, 1990.

PART B—HEALTH CARE MANAGEMENT

SEC. 711. PROHIBITION ON CHARGES FOR OUTPATIENT MEDICAL AND DENTAL CARE.

During fiscal years 1990 and 1991, the Secretary of Defense may not impose a charge for the receipt of outpatient medical or dental care at a military medical treatment facility.

SEC. 712. SHARING OF HEALTH-CARE RESOURCES WITH THE DEPARTMENT OF VETERANS AFFAIRS.

(a) **IN GENERAL.**—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1104. Sharing of health-care resources with the Department of Veterans Affairs

“(a) **SHARING OF HEALTH-CARE RESOURCES.**—Health-care resources of the Department of Defense may be shared with health-care resources of the Department of Veterans Affairs in accordance with section 5011 of title 38 or under section 1535 of title 31.

“(b) **REIMBURSEMENT FROM CHAMPUS FUNDS.**—Pursuant to an agreement entered into under section 5011 of title 38 or section 1535 of title 31, the Secretary of a military department may reimburse the Secretary of Veterans Affairs from funds available for

that military department for the payment of medical care provided under section 1079 or 1086 of this title.

“(c) **CHARGES.**—The Secretary of Defense may prescribe by regulation a premium, deductible, copayment, or other charge for health care provided to covered beneficiaries under this chapter pursuant to an agreement entered into under section 5011 of title 38 or section 1535 of title 31.

“(d) **PROVISION OF SERVICES DURING WAR OR NATIONAL EMERGENCY.**—Members of the armed forces on active duty during and immediately following a period of war, or a national emergency involving the use of the armed forces in armed conflict, may be provided health-care services by the Department of Veterans Affairs in accordance with section 5011A of title 38.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1104. Sharing of health-care resources with the Department of Veterans Affairs.”

SEC. 713. PROHIBITION ON REDUCING END STRENGTH LEVELS FOR MEDICAL PERSONNEL AS A RESULT OF BASE CLOSURES AND REALIGNMENTS.

(a) **PROHIBITION.**—The end strength levels for medical personnel for each component of the Armed Forces, and the number of civilian personnel of the Department of Defense assigned to military medical facilities, may not be reduced as a result of the closure or realignment of a military installation under section 2687 of title 10, United States Code, or title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526).

(b) **MEDICAL PERSONNEL DEFINED.**—For purposes of subsection (a), the term “medical personnel” has the meaning given that term in subparagraph (D) of section 115(b)(1) of title 10, United States Code.

SEC. 714. REVISED DEADLINE FOR THE USE OF DIAGNOSIS-RELATED GROUPS FOR OUTPATIENT TREATMENT.

The regulations required by section 1101(a) of title 10, United States Code, to establish the use of diagnosis-related groups as the primary criteria for the allocation of resources to health care facilities of the uniformed services shall be prescribed to take effect not later than October 1, 1991, in the case of outpatient treatments.

SEC. 715. ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP PROGRAM.

(a) **SPECIALIZED TRAINING DEFINED.**—Section 2120 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4) The term ‘specialized training’ means advanced training in a health professions specialty received in an accredited program beyond the basic education required for appointment as an officer in a health profession.”

(b) **EXPANSION OF PROGRAM.**—Section 2121 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out “health professions scholarship program”;

(2) in subsection (b), by inserting “and specialized training” after “study”; and

(3) in subsection (c)—

(A) by striking out “of the program” in the second sentence and inserting in lieu thereof “pursuing a course of study”; and

(B) by inserting after the second sentence the following new sentence: “Members pur-

suing specialized training shall serve on active duty in a pay grade commensurate with their educational level, as determined by appointment under section 3353, 5600, or 8353 of this title, with full pay and allowances of that grade for a period of 14 days during each year of participation in the program.”

(c) **ELIGIBILITY.**—Paragraph (1) of section 2122(a) of title 10, United States Code, is amended by striking out “in a course of study” and all that follows through the semicolon and inserting in lieu thereof “in a course of study or selected to receive specialized training”;

(d) **FINANCIAL ASSISTANCE.**—(1) Section 2127 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) A person participating as a member of the program in specialized training shall be paid an annual grant of \$15,000 in addition to the stipend under section 2121(d) of this title. The amount of the grant shall be increased annually by the Secretary of Defense, effective July 1 of each year, in the same manner as provided for stipends.”

(2) The heading of such section is amended to read as follows:

“§ 2127. Contracts for scholarships or financial assistance: payments”

(3) The item relating to such section in the table of sections at the beginning of subchapter I of chapter 105 of such title is amended to read as follows:

“2127. Contracts for scholarships or financial assistance: payments.”

(e) **REPORT ON IMPLEMENTATION.**—Not later than March 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the manner in which the new authority provided by this section is implemented.

(f) **REPORT ON SUCCESS OF FINANCIAL ASSISTANCE PROGRAM.**—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report—

(A) evaluating the success of the financial assistance program established by this section; and

(B) describing the number of participants in the program receiving specialized training payments under subsection (e) of section 2127 of title 10, United States Code (as added by subsection (d)) and the projected number of officers to be gained by specialty as a result of the program for each military department.

(2) The report required by paragraph (1) shall be submitted not later than March 1, 1990.

(g) **DELAY IN TARGETING SCHOLARSHIPS FOR CRITICALLY NEEDED WARTIME SKILLS.**—Notwithstanding section 712(b)(2) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180, 10 U.S.C. 2124 note), section 2124 of title 10, United States Code, as in effect on September 30, 1989, shall remain in effect through September 30, 1990.

(h) **CLERICAL AMENDMENTS.**—(1) Section 2120 of title 10, United States Code, is amended by striking out “the Armed Forces Health Professions Scholarship program” each place it appears and inserting in lieu thereof “the Armed Forces Health Professions Scholarship and Financial Assistance program”.

(2) The subchapter heading of subchapter I of chapter 105 of such title is amended to read as follows:

"SUBCHAPTER I—HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM FOR ACTIVE SERVICE".

(3) The item relating to such subchapter in the table of subchapters at the beginning of such chapter is amended to read as follows:

"I. Health Professions Scholarship and Financial Assistance Program for Active Service..... 2120".

(h) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 1989.

SEC. 716. UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SERVICES AND HENRY M. JACKSON FOUNDATION FOR THE ADVANCEMENT OF MILITARY MEDICINE.

(a) **INCREASED NUMBER OF EXEMPTIONS FROM DUAL-PAY PROVISION.**—Subsection (f)(2) of section 2113 of title 10, United States Code, is amended by striking out "two exemptions" in the last sentence and inserting in lieu thereof "five exemptions".

(b) **GRANT AUTHORITY.**—Subsection (j)(1)(A) of section 2113 of title 10, United States Code, is amended by inserting "accept grants from, and make grants to" after "contracts with".

(2) Subsection (g)(1) of section 178 of title 10, United States Code, is amended by inserting "accept grants from, and make grants to" after "contracts with".

(c) **DUAL EMPLOYMENT.**—Subsection (h) of section 178 of title 10, United States Code, is amended to read as follows:

"(h) A person who is a full-time or part-time employee of the Foundation may be an employee (full-time or part-time) of the United States so long as compensation is within guidelines established by the Secretary of Defense."

SEC. 717. RETENTION OF FUNDS COLLECTED FROM THIRD-PARTY PAYERS OF INPATIENT CARE FURNISHED AT FACILITIES OF THE UNIFORMED SERVICES.

(a) **RETENTION AUTHORIZED.**—Section 1095 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h) To the extent provided in appropriation Acts, amounts collected under this section from a third-party payer for the costs of inpatient hospital care provided at a facility of the uniformed services shall be credited to the appropriation supporting the maintenance and operation of the facility."

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on October 1, 1989, and shall apply to amounts collected under section 1095 of title 10, United States Code, on or after that date.

SEC. 718. REALLOCATION OF CERTAIN CIVILIAN PERSONNEL POSITIONS TO MEDICAL SUPPORT.

(a) **REALLOCATION OF POSITIONS REQUIRED.**—In implementing the Report of the Deputy Inspector General of the Department of Defense entitled "Review of Unified and Specified Command Headquarters" (completed in February 1988), the Secretary of the Army and the Secretary of the Navy shall reallocate the 939 civilian positions selected for elimination to medical support positions.

(b) **REPORT.**—(1) The Secretary of the Army and the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing, as of the date such report is submitted—

(A) the medical support positions created pursuant to subsection (a);

(B) the location of such positions; and

(C) the duties of the civilian personnel in such positions.

(2) The report required by paragraph (1) shall be submitted not later than March 1, 1990.

SEC. 719. CODIFICATION OF APPROPRIATION PROVISIONS RELATING TO CHAMPUS.

(a) Subsection (c) of section 1074 of title 10, United States Code, is amended by adding at the end the following new sentence: "If the private facility or health care provider providing care under this subsection is a health care provider under the Civilian Health and Medical Program of the Uniformed Services, the Secretary of Defense, after consultation with the other administering Secretaries, may by regulation require the institutional or individual provider to provide such care in accordance with the same payment rules (subject to any modifications considered appropriate by the Secretary) as apply under that program."

SEC. 720. CLARIFICATION AND CORRECTION OF PROVISIONS PROVIDING HEALTH BENEFITS FOR CERTAIN FORMER SPOUSES.

(a) **ELIGIBILITY OF CERTAIN FORMER SPOUSES.**—Section 1072(2) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of clause (F);

(2) by striking out the period at the end of clause (G) and inserting in lieu thereof "and"; and

(3) by adding at the end the following new clause:

"(H) a person who would qualify as a dependent under clause (G) but for the fact that the date of the final decree of divorce, dissolution, or annulment of the person is on or after April 1, 1985, except that the term does not include the person after the end of the one-year period beginning on the date of that final decree."

(b) **AVAILABILITY OF CONVERSION HEALTH POLICIES AND EXTENSION OF ELIGIBILITY FOR MEDICAL AND DENTAL CARE.**—(1) Chapter 55 of such title is amended by inserting after section 1086 the following new section:

"§ 1086a. Certain former spouses: extension of period of eligibility for health benefits

"(a) **AVAILABILITY OF CONVERSION HEALTH POLICIES.**—The Secretary of Defense shall inform a person who is a dependent for a one-year period under section 1072(2)(H) of this title of the availability of a conversion health policy for purchase by the person.

"(b) **EFFECT OF PURCHASE.**—(1) Subject to paragraph (2), if a person who is a dependent for a one-year period under section 1072(2)(H) of this title purchases a conversion health policy within that period (or within a reasonable time after that period as prescribed by the Secretary of Defense), the person shall continue to be eligible for medical and dental care in the manner described in section 1076 of this title and health benefits under section 1086 of this title until the end of the one-year period beginning on the later of—

"(A) the date the person is no longer a dependent under section 1072(2)(H) of this title; and

"(B) the date of the purchase of the policy.

"(2) The extended period of eligibility provided under paragraph (1) shall apply only with regard to a condition of the person that—

"(A) exists on the date on which coverage under the conversion health policy begins; and

"(B) for which care is not provided under the policy solely on the grounds that the condition is a preexisting condition.

"(c) **CONVERSION HEALTH POLICY DEFINED.**—In this section, the term 'conversion health policy' means a health insurance policy

with a private insurer, developed through negotiations between the Secretary of Defense and the private insurer, that is available for purchase by or for the use of a person who is a dependent for a one-year period under section 1072(2)(H) of this title."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1086 the following new item:

"1086a. Certain former spouses: extension of period of eligibility for health benefits."

(c) **CONFORMING AMENDMENTS.**—(1) Subsection (f) of section 1076 of such title is repealed.

(2) Paragraph (3) of section 1086(c) of such title is amended to read as follows:

"(3) A dependent covered by clause (F), (G), or (H) of section 1072(2) of this title who is not eligible under paragraph (1)."

(d) **EFFECTIVE DATE; APPLICATION OF AMENDMENTS.**—(1) The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to a person referred to in section 1072(2)(H) of title 10, United States Code (as added by subsection (a)), whose decree of divorce, dissolution, or annulment becomes final on or after that date.

(2) The amendments made by this section shall also apply to a person referred to in such section whose decree of divorce, dissolution, or annulment became final during the period beginning on September 29, 1988, and ending on the day before the date of the enactment of this Act, as if the amendments became effective on September 29, 1988.

(e) **TRANSITION.**—(1) In the case of a person who was qualified as a dependent under section 645(c) of the Department of Defense Authorization Act, 1985 (98 Stat. 2549), on September 28, 1988, the Secretary of Defense shall make a conversion health policy available for purchase by the person during the remaining period the person is considered to be a dependent under that section (or within a reasonable time after that period as prescribed by the Secretary of Defense).

(2) Purchase of a conversion health policy under paragraph (1) by a person shall entitle the person to health care for preexisting conditions in the same manner and to the same extent as provided by section 1086a(b) of title 10, United States Code (as added by subsection (b)), until the end of the one-year period beginning on the later of—

(A) the date the person is no longer qualified as a dependent under section 645(c) of the Department of Defense Authorization Act, 1985; and

(B) the date of the purchase of the policy.

(3) For purposes of this subsection, the term "conversion health policy" has the meaning given that term in section 1086a(c) of title 10, United States Code (as added by subsection (b)).

SEC. 721. REALLOCATION OF NAVAL RESERVE REAR ADMIRALS AUTHORIZED FOR HEALTH PROFESSIONS.

Section 5457(a) of title 10, United States Code, is amended—

(1) by striking out "Medical Corps—7" and inserting in lieu thereof "Medical Corps—5"; and

(2) by inserting after and below paragraph (7) the following:

"(8) Nurse Corps—1.

"(9) Medical Service Corps—1."

TITLE VIII—MILITARY CHILD CARE

SEC. 801. SHORT TITLE; DEFINITIONS.

(a) **SHORT TITLE.**—This title may be cited as the "Military Child Care Act of 1989".

(b) **DEFINITIONS.**—For purposes of this title:

(1) The term "military child development center" means a facility on a military installation (or on property under the jurisdiction of a military installation) at which child care services are provided for children of members of the Armed Forces.

(2) The term "child care employee" means a civilian employee of the Department of Defense who is employed to work in a military child development center (regardless of whether the employee is paid from appropriated or nonappropriated funds).

SEC. 802. FUNDING FOR MILITARY CHILD CARE FOR FISCAL YEAR 1990.

(a) **FISCAL YEAR 1990 FUNDING.**—(1) Of the total estimated operating expenses of the Department of Defense during fiscal year 1990 for military child development centers, the Secretary of Defense shall make available, from funds appropriated pursuant to this Act, a sufficient amount for military child care equal to 70 percent of those expenses. In using those funds, the Secretary shall give priority to increasing the number of child care employees who are directly involved in providing child care and to expanding the availability of child care for members of the Armed Forces.

(2) The Secretary may waive the requirements of subsection (b) and of section 803(e) if the Secretary determines that those requirements cannot be carried out in an orderly manner.

(3) Not later than December 31, 1989, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on how the Secretary intends to use the funds referred to in paragraph (1), including how the Secretary intends to achieve the priority specified in the second sentence of that paragraph. The Secretary shall include in the report a description of any use made, or proposed to be made, of the authority provided by paragraph (2), including a statement of the reasons for any such waiver (together with supporting cost information and other information justifying the waiver). If the Secretary uses such authority after December 31, 1989, the Secretary shall promptly inform the committees of the waiver and of the reasons for the waiver.

(b) **FUNDS DERIVED FROM PARENTS FEES TO BE USED FOR EMPLOYEE COMPENSATION.**—(1) During fiscal year 1990, nonappropriated funds of the Department of Defense described in paragraph (2) that are used for the purpose of providing child care for members of the Armed Forces may be used only for compensation of child care employees who are directly involved in providing child care.

(2) Funds referred to in paragraph (1) are those nonappropriated funds derived from fees paid by members of the Armed Forces for child care services.

SEC. 803. CHILD CARE EMPLOYEES.

(a) **TRAINING.**—(1) The Secretary of Defense shall establish, and prescribe regulations to implement, a uniform training program for child care employees as a condition of employment.

(2) Under those regulations, the Secretary shall require that each child care employee shall complete the training program not later than six months after the date on which the employee begins to work as a child care employee (except that, in the case of a child care employee hired before the

date on which the training program is established, the Secretary shall require that the employee complete the program not later than six months after such date).

(3) The training program established under this subsection shall cover, at a minimum, training in the following:

- (A) Early childhood development.
- (B) Activities and disciplinary techniques appropriate to children of different ages.
- (C) Child abuse prevention and detection.
- (D) Cardiopulmonary resuscitation and other emergency medical procedures.

(b) **PAY.**—(1) The Secretary of Defense shall increase the compensation of child care employees of the Department of Defense who are directly involved in providing child care in accordance with paragraph (2).

(2) For the purpose of enabling child care development centers to compete favorably for a qualified and stable civilian workforce, child care employees who are directly involved in providing child care and who are paid from nonappropriated funds shall be paid compensation at rates comparable to that of other employees with comparable training, seniority, and experience at the same military installation (whether such employees are paid from appropriated or nonappropriated funds).

(3) The Secretary of Defense shall implement the requirement of paragraph (1) not later than six months after the date of the enactment of this Act.

(c) **TRAINING AND CURRICULUM CHILD CARE EMPLOYEES.**—(1) The Secretary of Defense shall require that at each military child development center at least one employee shall be a training and curriculum child care employee. Such position shall be in addition to existing civil service positions at military child development centers as of the date of the enactment of this Act.

(2) The Secretary shall require appropriate credentials and experience for such employees. The duties of such employees shall include the following:

- (A) Special teaching activities at the center.
- (B) Daily oversight and instruction of other child care employees at the center.
- (C) Daily assistance in the preparation of lesson plans.
- (D) Assistance in the center's child abuse prevention and detection program.
- (E) Advising the director of the center on the performance of other child care employees.

(3) Each training and curriculum child care employee shall be an employee in a competitive service position.

(d) **EMPLOYMENT PREFERENCE FOR MILITARY SPOUSES.**—The Secretary of Defense shall provide a preference for qualified spouses of members of the Armed Forces in hiring for, or promoting within, the position of child care employee in a position paid from nonappropriated funds if the spouse is among persons determined to be best qualified for the position. A spouse who is provided a preference under this subsection at a military child development center is not precluded from obtaining another preference, in accordance with section 806 of the Military Family Act of 1985 (10 U.S.C. 113 note), in the same geographical area as the military child development center.

(e) **ADDITIONAL CHILD CARE POSITIONS.**—Not later than September 30, 1990, at least 3,700 competitive service positions shall be made available in the Department of Defense for child care personnel in addition to the number of such positions available as of September 30, 1989. Positions for which such personnel may be used include—

- (1) training and curriculum child care employees under subsection (c);
- (2) child care administrators;
- (3) supplemental care administrators;
- (4) director of military child development centers; and
- (5) family day care coordinators.

(f) **COMPETITIVE SERVICE POSITION DEFINED.**—For purposes of this section, the term "competitive service position" means a position to which an employee is appointed and paid in accordance with chapter 51 and subchapter III of chapter 53 of title 5, United States Code.

SEC. 804. PARENT FEES.

The Secretary of Defense shall prescribe regulations on fees to be charged parents for the attendance of children at military child development centers. Those regulations shall be uniform for the military departments and shall require that fees charged to parents for child care be based on family income.

SEC. 805. CHILD ABUSE PREVENTION AND SAFETY.

(a) **ABUSE TASK FORCE.**—The Secretary of Defense shall establish and maintain a special task force to respond in the case of allegations of widespread child abuse at a military child development center. The task force shall be composed of personnel (from both within the Department of Defense and outside the Department of Defense) from a variety of disciplines, including medicine, psychology, childhood development, and building safety. The task force shall provide assistance to base commanders and parents in helping them to deal with such allegations.

(b) **NATIONAL HOTLINE.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish and publicize a national telephone hotline for persons to report (anonymously if desired) suspected child abuse or safety violations at a military child development center or family day care home. The Secretary shall establish a mechanism to follow up on complaints and information received over the hotline.

(c) **ASSISTANCE FROM LOCAL AUTHORITIES.**—The Secretary of Defense shall prescribe regulations requiring that in a case of allegations of child abuse at a military child development center, the commander of the military installation or the task force established under subsection (a) shall seek the assistance of local child protective authorities if such assistance is available.

(d) **SAFETY REGULATIONS.**—The Secretary of Defense shall prescribe uniform regulations on safety and operating procedures at military child development centers.

(e) **INSPECTIONS.**—The Secretary of Defense shall require that each military child development center be inspected at least four times a year. The inspections shall be unannounced. At least one inspection a year shall be carried out by a representative of the base that the center is serving, and one inspection a year shall be carried out by a representative of the major command under which the base operates.

(f) **REMEDIES FOR VIOLATIONS.**—(1) Except as provided in paragraph (2), any violation of a law or regulation (discovered at an inspection or otherwise) of a military child development center shall be remedied immediately.

(2) In the case of a violation that is not life threatening, the commander of the major command under which the base (that the military child development center is serving) operates may waive the requirement for immediate remediation of the vio-

lation for a period of up to 90 days beginning on the date of the discovery of the violation. The violation must be remedied at the end of that 90-day period. If the violation is not remedied as of the end of the period, the military child development center shall be closed until it is remedied unless the Secretary of the military department concerned authorizes the center to remain open in a case in which the violation cannot reasonably be remedied with 90 days or in which major facility reconstruction is required.

(3) In the event of a closing of a military child development center under paragraph (2), the Secretary of the military department concerned shall promptly submit to the Committees on Armed Services of the Senate and House of Representatives a report notifying those committees of the closing. The report shall include notice of the violation that caused the closing, the cost of remedying the violation, and the reasons why the violation has not been remedied as of the time of the report.

(g) REPORT ON COOPERATION WITH DEPARTMENT OF JUSTICE.—(1) The Secretary of Defense shall study areas of interdepartmental concern in military child care. Those areas shall include the following:

(A) Improving communication between the Department of Defense and the Department of Justice in investigations of child abuse at military child development centers and in the coordination of the conduct of such investigations.

(B) Eliminating overlapping responsibilities between those departments.

(C) Making better use of government and non-government experts in child abuse investigations and prosecutions.

(D) Improving communication between agencies and affected families.

(2) Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the study required by paragraph (1). The report shall include recommendations on methods for improving the areas studied.

(3) The study shall be carried out, and the report shall be prepared, in consultation with the Comptroller General.

SEC. 806. PARENT PARTNERSHIPS WITH CHILD DEVELOPMENT CENTERS.

(a) PARENT BOARDS.—The Secretary of Defense shall require the establishment of a board of parents at each military child development center, to be composed of parents of children attending the center. Each such board shall meet periodically with staff at the military child development center and the commander of the base that the center is serving for the purpose of discussing problems and concerns. The board, together with the center staff, shall be responsible for coordinating the parent participation program described in subsection (b).

(b) PARENT PARTICIPATION PROGRAMS.—(1) The Secretary of Defense shall require the establishment of a parent participation program at each military child development center. Under such a program, parents of children attending the center shall—

(A) participate in activities related to the military child development center; or

(B) be required to pay a higher fee (as prescribed by the Secretary of Defense in regulations) for the attendance of children at the center.

(2) The Secretary of Defense may exempt a parent from the requirements of the participation program in the case of hardship or special local considerations.

SEC. 807. REPORT ON FIVE-YEAR DEMAND FOR CHILD CARE.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress a report on the expected demand for child care by military and civilian personnel of the Department of Defense over the five-year period beginning on the date of the submission of the report.

(b) PLAN FOR MEETING DEMAND.—The report shall include a plan for meeting that demand and shall set forth the cost of implementing that plan.

(c) MONITORING OF FAMILY DAY CARE PROVIDERS.—The report shall also include a description of methods for monitoring family day care programs of the military departments. For purposes of the preceding sentence, a family day care program is a program in which an individual certified by the Secretary of the military department concerned provides child day care in the individual's home.

(d) TIME FOR SUBMISSION.—The report shall be submitted not later than six months after the date of the enactment of this Act.

SEC. 808. DEADLINE FOR REGULATIONS.

Regulations required to be prescribed by this title shall be prescribed not later than 90 days after the date of the enactment of this Act.

TITLE IX—ACQUISITION POLICY

SEC. 901. ACQUISITION LAWS TECHNICAL AMENDMENTS.

(a) REPEAL OF DUPLICATE PROVISION; RESTORATION OF INADVERTENTLY STRICKEN PROVISION.—(1) Section 2324 of title 10, United States Code, is amended—

(A) by striking out “(l)(1)” and all that follows through “In subsection (k):” and inserting in lieu thereof “(6) In this subsection:”;

(B) by redesignating subsection (l) as subsection (m); and

(C) by inserting after subsection (k) the text of subsection (k) of such section as in effect on the day before the date of the enactment of the Major Fraud Act of 1988 (Public Law 100-700; 102 Stat. 4631 et seq.), with such text designated as subsection (l).

(2) Section 833(c) of Public Law 100-456 (102 Stat. 2024) is amended by striking out “section 2324(k)” and inserting in lieu thereof “section 2324(m)”.

(b) REFERENCES TO FAR.—(1) Section 2320(a) of title 10, United States Code, is amended—

(A) in paragraph (1), by inserting “issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1))” before the period at the end of the second sentence; and

(B) by striking out paragraph (4).

(2) Clause (i) of section 2324(k)(5)(B) of such title is amended by striking out “the single” and all that follows through the period and inserting in lieu thereof “the Federal Acquisition Regulation issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)).”

(c) PROCUREMENT MANAGEMENT PERSONNEL CLARIFICATIONS.—(1) Section 1622(b)(2) of title 10, United States Code, is amended by striking out “acquisition, support, and maintenance of weapon systems,” and inserting in lieu thereof “acquisition of weapon systems or related items of supply.”

(2) Section 1621(2) of such title is amended by inserting after “Army Material Command,” the following: “the Army Information Systems Command, the Army Strategic Defense Command.”

(3) The amendments made by this subsection shall take effect on July 1, 1989.

(d) CORRECTION OF REFERENCE.—Section 2304(b)(2) of title 10, United States Code, is amended—

(1) by striking out “An executive agency” and inserting in lieu thereof “The head of an agency”; and

(2) by inserting “concerns” before “other than”.

SEC. 902. AUTHORITY TO CONTRACT WITH UNIVERSITY PRESSES FOR PRINTING, PUBLISHING, AND SALE OF HISTORY OF THE OFFICE OF THE SECRETARY OF DEFENSE.

The Government Printing Office, on behalf of the Secretary of Defense, shall contract for services for the printing, publishing, and sale of volumes III and IV of the publication entitled “History of the Office of the Secretary of Defense”, using procurement procedures that exclude sources other than university presses.

TITLE X—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

PART A—PROFESSIONAL MILITARY EDUCATION

SEC. 1001. REPORTS RELATING TO COURSES OF INSTRUCTION AT CERTAIN PROFESSIONAL MILITARY EDUCATION SCHOOLS AND PROFESSIONAL MILITARY EDUCATION REQUIREMENTS FOR PROMOTION TO GENERAL OR FLAG RANK.

(a) SERVICE SECRETARIES REPORTS.—(1) The Secretary of each military department shall submit to the Secretary of Defense a report—

(A) evaluating the principal courses of instruction at each intermediate or senior professional military education school operated by that department in light of the mission of that school; and

(B) recommending the appropriate duration for those courses and the level and courses of professional military education that should be required before an officer is selected for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half).

(2) The reports required by paragraph (1) shall be prepared independently of the report required by subsection (b) and independently of each other.

(3) The reports required by paragraph (1) shall be submitted at such time as may be required by the Secretary of Defense.

(b) SECRETARY OF DEFENSE REPORT.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report—

(A) containing copies of the reports submitted to the Secretary under subsection (a), together with such comments on each report as the Secretary considers appropriate;

(B) evaluating the principal courses of instruction at each intermediate or senior professional military education school in light of the mission of that school; and

(C) recommending the appropriate duration for those courses and the level and types of professional military education that should be required before an officer is selected for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half).

(2) The report required by paragraph (1) shall be submitted not later than April 2, 1990.

(c) OTHER MATTERS TO BE INCLUDED IN THE REPORTS.—The reports required by subsection (a) and subsection (b) shall include a discussion of the following:

(1) The implications of establishing by law a minimum length of 10 months duration for the principal courses of instruction at each intermediate or senior professional military education school.

(2) The implications of requiring by law, beginning January 1, 1999, that a prerequisite for selection of an officer for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half) shall be graduation from an intermediate professional military education school and a senior professional military education school.

(3) The practicability of providing that—
(A) the promotion eligibility of an officer may not be adversely affected by the attendance of the officer at a professional military education course of 10 months or more at an intermediate or senior professional military education school; and

(B) an officer who attends a professional military education course of 10 months or more at an intermediate or senior professional military education school shall be entitled to an additional year of service for each such course to prevent prejudice when considering the officer for discharge or retirement pursuant to subchapter III of chapter 36 of title 10, United States Code—
(i) for failure of selection for promotion; or

(ii) for years of service.

(d) INTERMEDIATE OR SENIOR PROFESSIONAL MILITARY EDUCATION SCHOOL DEFINED.—For purposes of this section, the term "intermediate or senior professional military education school" means any of the following:

- (1) The Army War College.
- (2) The College of Naval Warfare.
- (3) The Air War College.
- (4) The United States Army Command and General Staff College.
- (5) The College of Naval Command and Staff.
- (6) The Air Command and Staff College.
- (7) The Marine Corps Command and Staff College.

SEC. 1002. THE NATIONAL DEFENSE UNIVERSITY SCHOOLS.

(a) JOINT PROFESSIONAL MILITARY EDUCATION.—Section 663(b) of title 10, United States Code, is amended in the first sentence by striking out "(and of any other joint professional military education school)".

(b) CONFORMING AMENDMENTS.—Section 663(d) of such title is amended by striking out "joint professional military education school" both places it appears and inserting in lieu thereof "school of the National Defense University".

SEC. 1003. ELIGIBLE STUDENTS AND DURATION OF PRINCIPLE COURSE OF INSTRUCTION AT THE ARMED FORCES STAFF COLLEGE.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2011. Armed Forces Staff College: eligible students; duration of principal course of instruction

"(a) ELIGIBLE STUDENTS.—(1) To be eligible to attend a course of instruction at the Armed Forces Staff College of the National Defense University, an officer shall have completed a course of instruction at a professional military education school operated by a military department.

"(2) In this subsection, the term 'professional military education school operated by a military department' means any of the following:

- "(A) The Army War College.
- "(B) The College of Naval Warfare.
- "(C) The Air War College.
- "(D) The United States Army Command and General Staff College.
- "(E) The College of Naval Command and Staff.
- "(F) The Air Command and Staff College.

"(G) The Marine Corps Command and Staff College.

"(b) DURATION OF PRINCIPLE COURSE OF INSTRUCTION.—The duration of the principal course of instruction offered at the Armed Forces Staff College may not be less than three months."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of title 10, United States Code, is amended by adding at the end the following new item:

"2011. Armed Forces Staff College: eligible students; duration of principal course of instruction."

PART B—OTHER MATTERS

SEC. 1011. LIMITED AVAILABILITY OF CONFIDENTIAL AIRCRAFT MISHAP SAFETY INVESTIGATION REPORTS.

(a) AVAILABILITY TO CERTAIN MEMBERS OF CONGRESS.—Whenever there is a class A aircraft accident with respect to which the Secretary of the military department concerned conducts a mishap safety investigation, the Secretary shall make a copy of the report on the investigation available to the chairmen and ranking minority members of the Committees on Armed Services of the Senate and House of Representatives. The report shall be made available pursuant to the preceding sentence not later than seven days after the date on which the written report containing the results of the investigation is completed.

(b) DELETION OF NAMES OF WITNESSES.—The Secretary concerned shall delete from the copy of the report made available pursuant to subsection (a) the name of any witness providing a statement included in the report.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "class A aircraft accident" means an accident involving a military aircraft that results in—

- (A) property damage in the amount of \$1,000,000 or more;
- (B) the destruction of the aircraft; or
- (C) the death or permanent disability of an individual.

(2) The term "mishap safety investigation", with respect to an accident involving a military aircraft, means an investigation—

(A) that is conducted by the Secretary of the military department concerned to determine the cause of the accident and to obtain information to prevent the occurrence of similar accidents; and

(B) in which information is obtained on the promise of confidentiality.

TITLE XI—MILITARY DRUG INTERDICTION AND LAW ENFORCEMENT SUPPORT

SEC. 1101. TECHNICAL AND CLERICAL AMENDMENTS RELATING TO DRUG INTERDICTION.

(a) CHAPTER HEADING.—(1) The heading of the chapter following chapter 17 of title 10, United States Code (relating to drug interdiction and military cooperation with civilian law enforcement officials), is amended to read as follows:

"CHAPTER 18—DRUG INTERDICTION AND SUPPORT FOR CIVILIAN LAW ENFORCEMENT AGENCIES"

(2) The items relating to such chapter in the table of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, of such title are amended to read as follows:

"18. Drug Interdiction and Support for Civilian Law Enforcement Agencies..... 371"

(b) REFERENCE TO TARIFF SCHEDULES.—Section 374(b)(4) of such title is amended by striking out "general headnote 2 of the

Tariff Schedules of the United States" in subparagraph (A)(iii) and inserting in lieu thereof "general note 2 of the Harmonized Tariff Schedule of the United States".

(c) CROSS-REFERENCE AMENDMENT.—Section 374(c) of such title is amended by striking out "paragraph (2)" and inserting in lieu thereof "subsection (b)(2)".

TITLE XII—GENERAL PROVISIONS

PART A—FINANCIAL AND BUDGET MATTERS

SEC. 1201. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division between any such authorizations (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed \$3,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON OBLIGATION LIMITATIONS.—A transfer made under the authority of this section increases by the amount of the transfer the obligation limitation provided in this division on the account (or other amount) to which the transfer is made.

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 1202. RESTATEMENT AND CLARIFICATION OF REQUIREMENT FOR CONSISTENCY IN THE BUDGET PRESENTATIONS OF THE DEPARTMENT OF DEFENSE.

(a) RESTATEMENT AND CLARIFICATION.—(1) Chapter 2 of title 10, United States Code, is amended by inserting after section 114 the following new section:

"§ 114a. Five-Year Defense Program: submission to Congress; consistency in budgeting

"(a) The Secretary of Defense shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, the current five-year defense program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in the budget submitted to Congress by the President for that year.

"(b)(1) The Secretary of Defense shall ensure that amounts described in subparagraph (A) of paragraph (2) are consistent with amounts described in subparagraph (B) of paragraph (2).

"(2) Amounts referred to in paragraph (1) are the following:

"(A) The amounts specified in program and budget information submitted to Congress by the Secretary in support of expenditure estimates and proposed appropriations in the budget submitted to Congress by the President under section 1105(a) of title 31 for any fiscal year, as shown in the five-year defense program submitted pursuant to subsection (a).

"(B) The total amounts of estimated appropriations necessary to support the programs, projects, and activities of the Department of Defense included pursuant to paragraph (5) of section 1105(a) of title 31 in the budget submitted to Congress under that section for any fiscal year."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 114 the following new item:

"114a. Five-Year Defense Program: submission to Congress; consistency in budgeting."

(b) CONFORMING AMENDMENT.—Section 114 of title 10, United States Code, is amended by striking out subsections (f) and (g).

SEC. 1203. BUDGETS FOR UNIFIED AND SPECIFIED COMMANDS.

Section 166 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "for such activities of each of the unified and specified combatant commands as may be determined under subsection (b)" and inserting in lieu thereof "for each of the unified and specified combatant commands"; and

(2) in subsection (b)—

(A) by striking out "the Secretary" in the first sentence and all that follows through "include" in the second sentence; and

(B) by adding at the end the following:

"(5) Command and control."

PART B—NAVAL VESSELS AND SHIPYARDS

SEC. 1211. HANDLING OF HAZARDOUS WASTES IN NAVAL SHIP REPAIR WORK.

(a) REVISION OF REQUIRED CONTRACT PROVISIONS.—Section 7311 of title 10, United States Code, is amended to read as follows:

"§7311. Repair or maintenance of naval vessels: handling of hazardous waste

"(a) CONTRACTUAL PROVISIONS.—The Secretary of the Navy shall ensure that each contract entered into for work on a naval vessel (other than new construction) includes the following provisions:

"(1) IDENTIFICATION OF HAZARDOUS WASTES.—Provisions in which the Navy identifies the types and amounts of hazardous wastes that are required to be removed by the contractor from the vessel, or that are expected to be generated, during the performance of work under the contract, with such identification by the Navy to be in a form sufficient to enable the contractor to comply with Federal and State laws and regulations applicable to information required with respect to the storage, transportation, or disposal of hazardous waste.

"(2) COMPENSATION.—Provisions specifying that the contractor shall be compensated under the contract for work performed by the contractor for duties of the contractor specified under paragraph (3).

"(3) STATEMENT OF WORK.—Provisions mutually acceptable to the Navy and the contractor specifying the responsibilities of the Navy and of the contractor, respectively, for the removal (and the handling, storage, transportation, and disposal) of hazardous wastes arising out of the performance of the contract.

"(b) CONTRACTOR INDEMNIFICATION.—(1) A contract covered by subsection (a) shall also include provisions (hereinafter in this section referred to as 'contract indemnification provisions') under which the United States agrees to indemnify the contractor against a covered claim, loss, or damage to the extent that the covered claim, loss, or damage—

"(A) arises out of, or results from, the removal by the contractor of hazardous wastes

generated by the Navy from the naval vessel on which the work is being performed (or the handling, storage, transportation, or disposal by the contractor of such wastes); and

"(B) is not otherwise compensated for by insurance or otherwise.

"(2) For purposes of contract indemnification provisions, a covered claim, loss, or damage is—

"(A) a claim (including reasonable expenses of litigation and settlement) by a third person (including the United States and its agencies, the several States and their agencies, and employees of the contractor) for—

"(i) death or personal injury;

"(ii) loss of, damage to, or loss of use of property; or

"(iii) loss of, damage to, or loss of use of natural resources; or

"(B) loss of, or damage to, property of the contractor and loss of use of such property (other than loss of profit).

"(3) Such contract indemnification provisions shall also provide that in the case of any covered claim, loss, or damage, the United States will defend the contractor against the claim, loss, or damage to the same extent that the United States is required to indemnify the contractor under paragraph (1).

"(4) Such contract indemnification provisions shall also provide—

"(A) that the contractor shall not be entitled to be indemnified under such provisions to the extent that the claim, loss, or damage is within the deductible amounts (as of the time the contract is entered into) of the contractor's insurance; and

"(B) that, in a case in which a claim, loss, or damage is caused by failure of the contractor to comply with an applicable Federal or State law or regulation, the contractor shall not be indemnified under such provisions.

"(5) Contract indemnification provisions shall also provide that the rights and obligations of the Navy and of the contractor under those provisions shall survive the termination, expiration, or completion of the contract to which they apply.

"(6) Contract indemnification provisions shall also provide that—

"(A) the contractor may, with the prior written approval of the contracting officer, agree to indemnify the subcontractor in any subcontract under the contract against claims, loss, or damage in the same manner, and subject to the same limitations, as apply to the contractor under paragraph (1);

"(B) that the contracting officer for the contract may also approve indemnification of subcontractors at any lower tier, under the same terms and conditions; and

"(C) that the United States shall indemnify the contractor against liability to subcontractors incurred under subcontract provisions approved under this paragraph by the contracting officer.

"(7) The contract indemnification provisions shall also provide that, in the case of any payment to be made by the United States under those provisions, the United States may make the payment to the contractor or subcontractor being indemnified or may make the payment directly to the party to whom the contractor or subcontractors may be liable.

"(c) RENEGOTIATION OF CONTRACT.—The Secretary of the Navy shall renegotiate a contract described in subsection (a) if—

"(1) the contractor, during the performance of work under the contract, discovers hazardous wastes different in type or

amount from those identified in the contract; and

"(2) those hazardous wastes originated on, or resulted from material furnished by the Government for, the naval vessel on which the work is being performed."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any contract for work on a naval vessel (other than new construction) entered into after the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 1212. FISCAL YEAR 1990 PROHIBITION ON PROTECTING ANCHOR AND MOORING CHAIN FROM FOREIGN SOURCES.

Funds appropriated pursuant to this Act may not be used for the purchase of welded shipboard anchor and mooring chain manufactured outside the United States, except in the case of chain with a diameter greater than 4 inches.

SEC. 1213. PROGRESS PAYMENTS UNDER NAVAL VESSEL REPAIR CONTRACTS.

Section 7312 of title 10, United States Code, is amended—

(1) by striking out "90 percent" and "85 percent" in subsection (a) and inserting in lieu thereof "95 percent" and "90 percent", respectively; and

(2) by striking out "(other than a nuclear-powered vessel) for work required to be performed in one year or less" in subsection (b).

SEC. 1214. RESTRICTIONS ON INTERNATIONAL AGREEMENTS RELATING TO NAVAL NUCLEAR PROPULSION.

Section 144 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2164(c)) is amended—

(1) by inserting "(1)" after "c.";

(2) by inserting "subject to paragraph (2)," before "communicate" in paragraph (2);

(3) by inserting "or militarily sensitive information" after "Restricted Data" in paragraph (2) and in the material appearing after paragraph (2);

(4) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B); and

(5) by adding at the end the following new paragraphs:

"(2) No agreements relating to communication or exchange of Restricted Data or militarily sensitive information concerning the uses for naval nuclear propulsion may be entered into after the date of the enactment of the National Defense Authorization Act, Fiscal Year 1990. In the case of any such agreement in existence on such date, any Restricted Data or militarily sensitive information that is to be conveyed under such an agreement may not be conveyed until the President—

"(A) meets the requirements of section 123 and of this section; and

"(B) determines and reports to Congress that—

"(i) the receiving nation has established a policy firmly against the further proliferation of any naval nuclear propulsion technology;

"(ii) the receiving nation has identified and implemented those measures necessary to assure that its use of the information will not adversely affect United States naval nuclear propulsion work;

"(iii) the receiving nation has supplied unequivocal indemnity to the United States Government and its contractors that holds them harmless from any injury sustained as a consequence of the use of such information; and

"(iv) if the information is for actual research, development, or design of a naval nuclear propulsion plant, the receiving

nation has provided clear evidence of the existence of the technical and programmatic infrastructure and commitment of resources necessary for the safe execution of such a project.

"(3) For purposes of this subsection, the term 'militarily sensitive information' means—

"(A) unclassified information that is prohibited from unauthorized dissemination pursuant to section 148 of this Act; and

"(B) technical data with military or space application that is withheld from public disclosure pursuant to section 130 of title 10, United States Code."

SEC. 1215. FUNDING FOR SHIP PRODUCTION ENGINEERING.

(a) **CATEGORY FOR FUNDING.**—Any request submitted to Congress for appropriations for ship production engineering necessary to support the procurement of any ship included (at the time the request is submitted) in the five-year shipbuilding and conversion plan of the Navy shall be set forth in the Shipbuilding and Conversion account of the Navy (rather than in research and development accounts).

(b) **APPLICABILITY.**—Subsection (a) shall apply only with respect to appropriations for a fiscal year after fiscal year 1990.

SEC. 1216. DEPOT-LEVEL MAINTENANCE OF SHIPS HOMEPORTED IN JAPAN.

(a) **REQUIREMENT FOR WORK TO BE PERFORMED IN UNITED STATES.**—The Secretary of the Navy shall require that not less than one-half of the depot-level maintenance work described in subsection (b) (measured in cost) shall be carried out in shipyards in the United States (including the territories of the United States).

(b) **COVERED WORK.**—Depot-level maintenance work referred to in subsection (a) is depot-level maintenance work for naval vessels that is scheduled as of October 1, 1989, to be carried out in Japan during fiscal years 1990, 1991, and 1992.

SEC. 1217. REPORT ON ALTERNATIVES TO NAVY OXYGEN BREATHING APPARATUS FOR SHIPBOARD FIREFIGHTING.

(a) **STUDY.**—The Secretary of the Navy shall evaluate alternatives to the Oxygen Breathing Apparatus (OBA) of the Navy used in shipboard firefighting. The evaluation shall include consideration of—

(1) firefighting breathing devices which are used by other government agencies;

(2) firefighting breathing devices which are commercially available; and

(3) undeveloped technologies which could lead to the development of a more effective breathing device for shipboard firefighting.

(b) **CRITERIA.**—In performing the evaluation under subsection (a), the Secretary shall consider the following criteria for firefighting breathing devices:

(1) Uninterrupted breathing duration.

(2) Adaptability to shipboard space limitations.

(3) Portability in use.

(4) Training requirements for effective use.

(5) Cost.

(6) Availability.

(c) **REPORT.**—(1) The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the evaluation under subsection (a). The report shall include an acquisition plan for providing an improved breathing apparatus for shipboard firefighting as soon as possible. In preparing that plan, the Secretary shall consider the use of any available expedited research and development and acquisition procedures.

(2) The report shall be submitted no later than 180 days after the date of the enactment of this Act.

SEC. 1218. STRIPPING OF NAVAL VESSELS TO BE USED FOR EXPERIMENTAL PURPOSES.

Section 7306 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "The Secretary of the Navy,"; and

(2) by adding at the end the following:

"(b)(1) Before using any vessel for an experimental purpose pursuant to this section, the Secretary shall carry out such stripping of the vessel as is practicable.

"(2) Amounts received as a result of stripping of vessels pursuant to this subsection shall be credited to applicable appropriations available for the procurement of scrapping services under this subsection, to the extent necessary for the procurement of those services. Amounts received which are in excess of amounts necessary for procuring those services shall be deposited into the general fund of the Treasury.

"(3) In providing for stripping of a vessel pursuant to this subsection, the Secretary shall ensure that such stripping does not destroy or diminish the structural integrity of the vessel."

PART C—FORCE STRUCTURE

SEC. 1221. FRAMEWORK FOR DETERMINING CONVENTIONAL FORCE REQUIREMENTS IN A CHANGING THREAT ENVIRONMENT.

(a) **EVALUATION OF EFFECT OF WARSAW PACT REDUCTIONS AND OF POSSIBLE C.F.E. AGREEMENT.**—(1) The Secretary of Defense shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives a report providing the Secretary's evaluation of the effect that the unilateral force reductions being implemented by the Warsaw Pact countries may be expected to have upon requirements of the United States for conventional forces and for military spending.

(2) As part of the evaluation under paragraph (1), the Secretary shall address the potential effect that an agreement described in paragraph (3) at the negotiations in Geneva on reductions in conventional forces in Europe (referred to as the C.F.E. talks) would have upon conventional force requirements of the United States.

(3) An agreement referred to in paragraph (2) is an agreement establishing rough parity in conventional forces in Europe between forces of the North Atlantic Treaty Organization and the Warsaw Pact at equal levels (at approximately 90 percent of NATO's current inventory) of tanks, artillery, armored troop carriers, combat helicopters, and land-based tactical aircraft.

(b) **MATTERS TO BE INCLUDED IN EVALUATION.**—In carrying out the evaluation required by subsection (a) of the unilateral force reductions referred to in paragraph (1) of that subsection and the potential effect of an agreement referred to in paragraph (1) of that subsection, the Secretary shall include in the evaluation (at a minimum) the following (stated for both the near-term and mid-term):

(1) The effect on the defense strategy of the United States for meeting its NATO commitments in the changing threat environment.

(2) The effect on—

(A) the mix of active and reserve forces;

(B) the ratio of conventional forces deployed in the European theater and in the continental United States; and

(C) air and sea lift requirements.

(3) The effect on operational military concepts such as Follow-on Forces Attack

(FOFA), AirLand Battle, Maritime Strategy, and Rapid Reinforcement that were initially developed to counter the large advantage of the Warsaw Pact in conventional land forces in the European theater.

(4) The effect on equipment requirements of the United States for meeting its NATO commitments in the 1990s.

(c) **TIME FOR SUBMISSION.**—The report required by subsection (a) shall be submitted concurrently with the submission to Congress of the President's budget for fiscal year 1991 pursuant to section 1105 of title 31, United States Code.

SEC. 1222. STUDY OF MILITARY FORCE STRUCTURE.

(a) **STUDY OF FORCE STRUCTURE.**—The Secretary of Defense shall provide for a study of the military force structure of the United States, particularly in terms of the mix of forces between the active and reserve components. The study shall be carried out by an advisory panel to be established by the Secretary and to be composed of equal numbers of (1) senior-level active-duty military officers, (2) reserve-component officers, and (3) non-Department of Defense participants. The panel shall review, and shall make specific recommendations concerning, the most effective force structure mix between active and reserve forces. Meetings of the panel may be closed to the public in connection with the consideration of classified material.

(b) **SUPPORT.**—The Secretary shall ensure that the panel, in carrying out its duties and responsibilities, shall have access to federally funded research centers (FFRCs) and other necessary support.

(c) **MATTERS TO BE CONSIDERED.**—In carrying out the study required by subsection (a), the panel shall do the following:

(1) Review and make specific recommendations on methodology used by the Department of Defense in determining assignment and reassignment of missions to the active and reserve components, including methodology to be used in distributing force reductions among the active and reserve components.

(2) Specifically analyze the factors considered in determining the force structure, and the mix of active and reserve components, for each of the Army, Navy, Air Force, and Marine Corps. The following should be incorporated in such analysis as a minimum:

(A) Response times for unit deployments.

(B) Equipment distribution and modernization.

(C) Training time and costs required for mission qualification by skill.

(D) Personnel availability in terms of active component accession requirements and the capability of reserves to fulfill the mission.

(E) Cost-benefit analysis for various options.

(F) Rotation base of people and equipment required to meet worldwide missions.

(G) Analysis of component units that are identified for employment during the first 30 days of a mobilization and that are not mission ready (as defined by the Chairman of the Joint Chiefs of Staff).

(3) Analyze the military force structure required to meet the threat as outlined in assessments prepared pursuant to section 153 of title 10, United States Code.

(4) In conjunction with paragraph (2), examine the effect of reduced total United States military force requirements, based on each of the following, before addressing the optimum mix of active and reserve forces:

(A) Current conventional arms control proposals.

(B) Burdensharing adjustments within the member nations of the North Atlantic Treaty Organization.

(C) Diminished threat.

(5) Evaluate the total force structure and the optimum mix of active and reserve forces in the context of the available budget resources (and not solely on the basis of unconstrained budget plans).

(6) Examine the rationale for the current force structure in terms of readiness of the military components as well as the sustainability of forces, and any change (additive or reductions) to that structure on a fiscal basis.

(7) Evaluate separately and collectively the readiness and sustainability of the active and reserve forces and the respective contributions they make to the military capability of the United States.

(8) Analyze the capability of the active and reserve forces, both jointly and separately considered, to meet various levels of contingency before reliance on the next step in the mobilization process.

(9) Analyze the chain of responsibility for evaluating and integrating active force requirements and the relationship to responsibility of each authority in the process, and in the Department of Defense budget process, in terms of time and function.

(10) Make such recommendations to the Secretary of Defense that the panel considers appropriate regarding specific proposals for such legislation necessary to effect mission changes that are not otherwise advanced to Congress, including proposals for clarification of section 673 of title 10, United States Code, pertaining to implications of call up of reserve components, and revisions to the War Powers Act.

(d) REPORTS.—The panel shall report its findings to the Secretary of Defense at such times as the Secretary may require. The Secretary shall submit an interim report on the findings of the panel to the defense committees of the Senate and House of Representatives no later than March 1, 1990, and shall submit a final report, together with the recommendations of the Secretary, no later than September 1, 1990.

(e) INTERIM PRESERVATION OF EXISTING FORCE STRUCTURE.—Until the final report of the advisory panel is received under subsection (d), the Secretary of Defense may not carry out any action to implement a reduction to the existing force structure except as the Secretary determines necessary—

(1) to accommodate programmed changes for new reserve force missions and programmed equipment modernization programs; or

(2) to reflect the attrition of personnel.

SEC. 1223. STUDIES OF CLOSE SUPPORT FOR LAND FORCES.

(a) SECRETARY OF DEFENSE STUDY.—The Secretary of Defense shall conduct a study of close support, including close air support.

(b) CONTRACTOR STUDY.—In conducting the study required by subsection (a), the Secretary shall provide for a study to be conducted by the Institute for Defense Analysis, a Federal contract research center. The Institute shall submit a report to the Secretary on such study at such time before March 1, 1990, as the Secretary may require.

(c) JCS STUDY.—The Chairman of the Joint Chiefs of Staff shall conduct a study of close support, including close air support. The Chairman shall submit a report to the Secretary of Defense on such study at such time before March 1, 1990, as the Secretary may require.

(d) STUDIES TO BE INDEPENDENT.—Each study under subsections (a), (b), and (c) shall be conducted independently of the others.

(e) MATTERS TO BE INCLUDED.—The studies conducted under subsections (a), (b), and (c) shall include consideration of each of the following:

(1) The nature of the present, and anticipated future, battlefield across a representative set of conflict levels.

(2) The requirements of the land force for close support across this representative set of conflict levels in terms of targets and time, including the lessons of recent combat experience.

(3) With regard to the battlefields and close support requirements identified pursuant to paragraphs (1) and (2), the current and anticipated ground and air systems capable of meeting these requirements.

(4) With regard to these major systems, their significant characteristics in terms of effectiveness, integration with allies, command and control, survivability, and life-cycle cost.

(5) The implications (in terms of roles and missions) of the selection of, or failure to select, each of these major systems as part of an appropriate force structure.

(f) REPORT TO CONGRESS.—The Secretary of Defense shall submit to Congress a report on the studies conducted under this section. The report shall include—

(1) the findings, conclusions, and recommendations of the Secretary in the study conducted by the Secretary under subsection (a) with respect to each of the matters set forth in subsection (e);

(2) copies of the reports to the Secretary under subsections (b) and (c), including the findings, conclusions, and recommendations contained in those reports; and

(3) such comments on those reports as the Secretary considers appropriate.

(g) TIME FOR SUBMISSION.—The report required under subsection (f) shall be submitted not later than March 1, 1990.

(h) CLOSE AIR SUPPORT DEFINED.—For purposes of this section, the term "close air support", as defined in Joint Chiefs of Staff Publication 1, dated June 1, 1987, means air action against hostile targets which are in close proximity to friendly forces and which require detailed integration of each air mission with the fire and movement of those forces.

SEC. 1224. CLARIFICATION OF OPERATIONAL TEST REQUIREMENT FOR CLOSE AIR SUPPORT MISSION ALTERNATIVES.

In carrying out section 108 of Public Law 100-526 (102 Stat. 2626), the Secretary of Defense shall ensure that—

(1) the tests conducted under that section are operational (rather than developmental) in nature;

(2) the tests are conducted in a manner consistent with the March 31, 1989, test plan of the Director of Defense Operational Test and Evaluation, including the elements of that plan stipulating that the Army shall serve as the test directorate and that the tests shall be conducted at Ft. Hood, Texas; and

(3) the tests include evaluation of any fixed-wing aircraft, helicopter, ground system, and unmanned aerial vehicle which is a potential alternative for the close support mission.

PART D—TECHNICAL CORRECTIONS AND GENERAL TECHNICAL AND CLERICAL AMENDMENTS

SEC. 1231. CLARIFICATION OF REQUIREMENT FOR COMPLETION OF FULL TOUR OF DUTY AS QUALIFICATION FOR SELECTION AS A JOINT SPECIALTY OFFICER.

Section 661(c) of title 10, United States Code, is amended by striking out "(as described in section 664 (f)(1) or (f)(3) of this title)" in paragraphs (1)(B) and (3)(A) and inserting in lieu thereof "(as described in section 664(f) of this title (other than in paragraph (2) thereof))".

SEC. 1232. CORRECTION OF PAY GRADE FOR NEW ASSISTANT SECRETARY OF THE AIR FORCE.

(a) EXECUTIVE SCHEDULE IV.—Section 5315 of title 5, United States Code, is amended by striking out "(3)" after "Assistant Secretaries of the Air Force" and inserting in lieu thereof "(4)".

(b) INCREASE IN TOTAL NUMBER OF EXECUTIVE SCHEDULE POSITIONS IN DEPARTMENT OF DEFENSE.—Section 8037 of the Department of Defense Appropriations Act, 1989 (Public Law 100-463; 102 Stat. 2270-23), is amended by striking out "39 individuals" and inserting in lieu thereof "40 individuals".

SEC. 1233. MISCELLANEOUS TECHNICAL AND CLERICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE.

(a) CORRECTION OF DUPLICATE SECTION NUMBERS.—The second section 7313 of title 10, United States Code (enacted by section 1225 of Public Law 100-456), is redesignated as section 7314, and the item relating to that section in the table of sections at the beginning of chapter 633 of such title is revised to reflect that redesignation.

(b) TRANSFER AND REDESIGNATION OF SECTION.—(1) Section 975 of title 10, United States Code, is transferred to chapter 141, inserted after section 2389, and redesignated as section 2390.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2389 the following new item:

"2390. Prohibition on the sale of certain defense articles from the stocks of the Department of Defense."

(3) The table of sections at the beginning of chapter 49 of such title is amended by striking out the item relating to section 975.

(c) PUNCTUATION AND CAPITALIZATION CORRECTIONS.—Title 10, United States Code, is further amended as follows:

(1) Section 113(j)(2)(B) is amended by striking out "Five-Year Defense Program" and inserting in lieu thereof "five-year defense program".

(2) The item relating to section 421 in the table of sections at the beginning of chapter 21 is amended to read as follows:

"421. Funds for foreign cryptologic support."

(3) Section 421(c) is amended—

(A) by inserting "of Representatives" after "of the House"; and

(B) by striking out "National Security Act of 1947, as amended, and funds" and inserting in lieu thereof "National Security Act of 1947 (50 U.S.C. 413 et seq.). Funds".

(4) Section 1482(e) is amended by striking out "chapter 10, title 37" and inserting in lieu thereof "chapter 10 of title 37".

(4) Section 2325(d) is amended by striking out "previously-developed" and inserting in lieu thereof "previously developed".

(5) Subparagraph (D) of section 2326(g)(1) is amended by striking out "(D) Congressionally-mandated" and inserting in lieu thereof "(D) Congressionally mandated".

(6) Sections 2463(b) and 2464(b)(3)(A) are amended by striking out "Committee on Appropriations" and inserting in lieu thereof "Committees on Appropriations".

(7) Section 7309(a) is amended by inserting a comma after "armed forces".

(d) REVISION TO PART HEADING.—

(1) The heading of part III of subtitle A of title 10, United States Code, is amended to read as follows:

"PART III—TRAINING AND EDUCATION".

(2) The item relating to that part in the table of chapters at the beginning of subtitle A of that title is amended to read as follows:

"PART III.—TRAINING AND EDUCATION".

(e) DEFINITIONS.—Title 10, United States Code, is further amended as follows:

(1) Section 138(a)(2) is amended—

(A) by striking out "(A) 'Operational'" and inserting in lieu thereof "(A) The term 'operational'"; and

(B) by striking out "(B) 'Major'" and inserting in lieu thereof "(B) The term 'major'";

(2) Section 1032(d) is amended—

(A) by striking out "(1) 'Dependent'" and inserting in lieu thereof "(1) The term 'dependent'"; and

(B) by inserting "The term" after "(2)".

(3) Section 1094(d) is amended—

(A) by striking out "(1) 'License'" and inserting in lieu thereof "(1) The term 'license'"; and

(B) by striking out "(2) 'Health-care'" and inserting in lieu thereof "(2) The term 'health-care'".

(4) Section 1586(g) is amended—

(A) by striking out "For the purposes of this section—" and inserting in lieu thereof "In this section:"

(B) by inserting "The term" in paragraphs (1) and (2) after the paragraph designation; and

(C) by striking out "; and" at the end of paragraph (1) and inserting in lieu thereof a period.

(5) Sections 1095(g), 4348(d), and 9348(d) are amended by inserting "the term" after "In this section,".

(6) Section 1408(a) is amended—

(A) by inserting "The term" in each paragraph after the paragraph designation; and
(B) by revising the first word after the open quotation marks in each paragraph so that the initial letter of that word is lower case.

(7) Section 1461(b) is amended by inserting "the term" after "In this chapter,".

(8) Sections 5441, 6964(a), and 7081(a) are amended by inserting "the term" after "In this chapter,".

(f) AMENDMENTS FOR STYLISTIC CONSISTENCY.—Title 10, United States Code, is further amended as follows:

(1) Section 2575(a) is amended by striking out "of this section" in the first sentence.

(2) Section 7422(c)(2)(B) is amended by striking out "one hundred eighty days prior to" and inserting in lieu thereof "180 days before".

(g) DATE OF ENACTMENT REFERENCE.—Section 6334(a) of title 10, United States Code, is amended by striking out "the date of the enactment of this section" and inserting in lieu thereof "December 4, 1987".

PART E—MISCELLANEOUS

SEC. 1241. REPORT REGARDING TRIDENT SUBMARINE CONSTRUCTION RATE.

(a) REPORT REQUIREMENT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a written report, in both

a classified and unclassified version, evaluating the practicality and desirability of reducing the rate at which Trident submarines are procured.

(b) PREPARATION AND CONTENT.—In preparing the report required by subsection (a), the Secretary shall consider alternative construction rates for the Trident submarine slower than one ship per year. The report shall include for each of such alternative rates—

(1) an evaluation of the effect of the alternative rate on—

(A) the availability and capability of the Trident submarine to perform the mission assigned to the Trident submarine; and

(B) the level and stability of the work force in the naval shipbuilding industry; and

(2) a discussion of the practicality and desirability of accelerating the procurement of other vessels for the Navy with funds saved by using the alternative rate.

(c) TIME FOR SUBMISSION.—The report required by subsection (a) shall be submitted concurrently with the submission of the budget of the United States Government for fiscal year 1991 under section 1105 of title 31, United States Code.

SEC. 1242. LIMITATION ON EXPENDITURES FOR RELOCATION OF FUNCTIONS LOCATED AT TORREJON AIR BASE, MADRID, SPAIN.

(a) LIMITATION.—During the period beginning on June 27, 1989, and ending on October 1, 1993, not more than \$250,000,000 may be obligated or expended from funds available to the Department of Defense for the purpose of relocating functions of the Department of Defense located at Torrejon Air Base, Madrid, Spain, on June 15, 1989, to any other location outside the United States.

(b) COUNTING OF NATO INFRASTRUCTURE CONTRIBUTIONS.—For purposes of subsection (a), contributions for the North Atlantic Treaty Organization Infrastructure program pursuant to section 2806 of title 10, United States Code, that are used (directly or indirectly) for the purpose of relocations described in subsection (a) shall be included in determining the amount expended on such relocations.

(c) COUNTING OF REPAYMENTS FOR NATO INFRASTRUCTURE FAMILY HOUSING COMMITMENTS.—(1) All amounts which the United States is obligated to pay under a housing reimbursement agreement described in paragraph (2) shall be deemed to be amounts obligated for purposes of subsection (a), regardless of when the agreement is entered into or when payments pursuant to the agreement are to be made.

(2) A housing reimbursement agreement for purposes of paragraph (1) is an agreement calling for the United States to make a series of annual payments as repayment for advances for the cost of construction, through the NATO Infrastructure program, of military family housing in connection with the relocations described in subsection (a).

(d) EXCLUSION FOR PERSONNEL EXPENSES.—There shall be excluded from the determination of amounts expended on relocations described in subsection (a) amounts spent for expenses associated with permanent change of station moves and other personnel-related expenses.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act, 1990".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

ALABAMA

Anniston Army Depot, \$2,300,000.
Fort McClellan, \$2,750,000.
Redstone Arsenal, \$18,390,000.
Fort Rucker, \$3,600,000.

ALASKA

Fort Richardson, \$3,350,000.

ARIZONA

Fort Huachuca, \$9,900,000.
Yuma Proving Ground, \$11,400,000.

CALIFORNIA

Fort Irwin, \$4,950,000.
Fort Ord, \$2,450,000.
Sacramento Army Depot, \$3,900,000.

COLORADO

Fitzsimons, Army Medical Center, \$2,100,000.
Fort Carson, \$4,700,000.

FLORIDA

Key West Naval Air Station, \$6,100,000.

GEORGIA

Fort Benning, \$10,100,000.
Fort Gordon, \$4,000,000.
Fort Stewart, \$5,200,000.

HAWAII

Fort Shafter, \$9,300,000.
Schofield Barracks, \$10,000,000.

ILLINOIS

Savanna Army Depot, \$850,000.

INDIANA

Fort Benjamin Harrison, \$359,000.

KANSAS

Fort Leavenworth, \$3,000,000.
Fort Riley, \$12,680,000.

KENTUCKY

Fort Campbell, \$30,450,000.
Fort Knox, \$7,620,000.

LOUISIANA

Fort Polk, \$23,350,000.

MARYLAND

Aberdeen Proving Ground, \$1,700,000.
Fort Detrick, \$1,300,000.
Fort Meade, \$6,200,000.
Fort Ritchie, \$630,000.

MASSACHUSETTS

Fort Devens, \$3,550,000.

MISSOURI

Fort Leonard Wood, \$10,450,000.

NEW JERSEY

Fort Monmouth, \$8,600,000.
Picatinny Arsenal, \$11,800,000.

NEW YORK

Fort Drum, \$70,600,000.
United States Military Academy, \$3,450,000.

NORTH CAROLINA

Fort Bragg, \$65,400,000.

OKLAHOMA

Fort Sill, \$13,170,000.
McAlester Army Ammunition Plant, \$2,200,000.

PENNSYLVANIA

New Cumberland Army Depot, \$14,000,000.

TEXAS

Corpus Christi Army Depot, \$5,200,000.
Fort Bliss, \$16,600,000.
Fort Hood, \$21,400,000.

UTAH

Dugway Proving Ground, \$2,400,000.

VIRGINIA

Fort Belvoir, \$23,000,000.
 Fort Lee, \$10,050,000.
 Fort Monroe, \$1,100,000.
 Fort Story, \$3,350,000.

WASHINGTON

Fort Lewis, \$770,000.

VARIOUS LOCATIONS

Classified Location, \$3,900,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

GERMANY

Ansbach, \$2,900,000.
 Augsburg, \$600,000.
 Hanau, \$14,800,000.
 Hohenfels, \$4,950,000.
 Mainz, \$26,400,000.
 Stuttgart, \$9,400,000.
 Wuerzburg, \$12,000,000.
 Vilseck, \$3,320,000.
 Various locations, \$4,150,000.

KOREA

Camp Casey, \$24,200,000.
 Camp Garry Owen, \$4,200,000.
 Camp Hovey, \$15,300,000.
 H-220 Heliport, \$4,050,000.

KWAJALEIN ATOLL

Kwajalein, \$9,500,000.

PUERTO RICO

Fort Buchanan, \$690,000.

TURKEY

Location 276, \$1,950,000.

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Army may construct or acquire family housing units (including land acquisition), using amounts appropriated pursuant to section 2104(a)(6)(A), at the following installations in the number of units, and in the amounts, shown for each installation:

Fort Rucker, Alabama, two units, \$400,000.
 Helemano, Hawaii, ninety units, \$10,322,000.
 Hickam Air Force Base, Hawaii, twenty units, \$2,500,000.
 Kaneohe, Hawaii, forty units, \$4,700,000.
 Oahu, Hawaii, various, three hundred units, \$30,000,000.
 Fort Lee, Virginia, one unit, \$210,000.

(b) PLANNING AND DESIGN.—The Secretary of the Army may, using amounts appropriated pursuant to section 2104(a)(6)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$1,349,000.

(c) WAIVER OF SPACE LIMITATIONS.—(1) The family housing units authorized by subsection (a) to be constructed at Fort Rucker, Alabama, and at Fort Lee, Virginia, shall be constructed for assignment to general officers, who hold positions as commanders or who hold special command positions (as designated by the Secretary of Defense), and notwithstanding section 2826 of title 10, United States Code, the units may be constructed with the maximum net floor area of 3,000 square feet.

(2) For the purpose of this subsection, the term "net floor area" has the meaning given that term by section 2826(f) of title 10, United States Code.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

(a) IN GENERAL.—Subject to section 2825 of title 10, United States Code, the Secretary of

the Army may, using amounts appropriated pursuant to section 2104(a)(6)(A), improve existing military family housing in an amount not to exceed \$89,329,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Army may—

(1) carry out projects to improve existing military family housing units at the following installations in the number of units shown and in the amount shown, for each installation:

(A) Fort Leavenworth, Kansas, one unit, \$95,900, of which \$86,900 is for concurrent repairs; and

(B) Pusan, Korea, twenty units, \$1,250,000; and

(2) carry out projects to improve four units at Fort Sill, Oklahoma, the improvement of which was authorized by the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087), in the amount of \$178,088.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of \$2,283,359,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), \$493,619,000.

(2) For military construction projects outside the United States authorized by section 2101(b), \$138,410,000.

(3) For the construction of the Central Distribution Center, Phase III, Red River Army Depot, Texas, as authorized by section 2101 of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087), \$39,000,000.

(4) For unspecified minor construction projects authorized under section 2805 of title 10, United States Code, \$11,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$74,420,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, \$138,810,000; and

(B) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), \$1,383,000,000, of which not more than \$319,142,000 may be obligated or expended for the leasing of military family housing worldwide.

(7) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, \$5,100,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2105. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS.

(a) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1985 PROJECTS.—Notwith-

standing the provisions of section 607(a) of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1495), authorization for the following projects authorized in section 101 of that Act, as extended by section 2107(b) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4012) and section 2105(a) of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180; 101 Stat. 1179), and section 2106(a) of the Military Construction Authorization Act, 1989 (Public Law 100-456; 102 Stat. 2087) shall remain in effect until October 1, 1990, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) Barracks modernization in the amount of \$660,000 at Argyroupolis, Greece.

(2) Barracks modernization in the amount of \$660,000 at Perivolaki, Greece.

(b) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1986 PROJECTS.—Notwithstanding the provisions of section 603(a) of the Military Construction Act, 1986 (Public Law 99-167; 99 Stat. 961), authorizations for the following projects authorized in sections 101 and 102 of that Act, as extended by section 2105(b) of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 99-180; 101 Stat. 1179) and section 2106(b) of the Military Construction Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087), shall remain in effect until October 1, 1990, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) Modified record fire range in the amount of \$2,850,000 at Nuernberg, Germany.

(2) Family housing, new construction, 6 units, in the amount of \$596,000 at Fort Myer, Virginia.

(3) Flight simulator building in the amount of \$2,900,000 at Wiesbaden, Germany.

(c) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1987 PROJECTS.—Notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4012), authorizations for the following projects authorized in sections 2101, 2102, and 2103 of that Act as extended by section 2106(c) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087), shall remain in effect until October 1, 1990, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) Aircraft maintenance hangar in the amount of \$7,100,000 at Hanau, Germany.

(2) Family housing, new construction, 40 units in the amount of \$4,100,000 at Crailsheim, Germany.

(d) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1988 PROJECTS.—Notwithstanding the provisions of section 2171 of the Military Construction Authorization Act of 1988 (division B of Public Law 100-180), authorizations for the following projects authorized in sections 2101 and 2102 of that Act shall remain in effect until October 1, 1990, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) Child Development Center in the amount of \$1,050,000 at Rheinberg, Germany.

(2) Training Exercise Facility in the amount of \$5,900,000 at Einsiedlerhof, Germany.

(3) Operations Building Modifications in the amount of \$5,400,000 at Stuttgart, Germany.

(4) Hardstand/Tactical Equipment Shop in the amount of \$2,250,000 at Wiesbaden, Germany.

(5) Servicemember Support Complex in the amount of \$5,700,000 at Fort Rucker, Alabama.

(6) Family Housing, new construction, 25 units, in the amount of \$2,200,000 at Fort A.P. Hill, Virginia.

(7) Family Housing, new construction, 106 units, in the amount of \$11,200,000 at Bamberg, Germany.

(8) Family Housing, new construction, 152 units, in the amount of \$12,600,000 at Baumholder, Germany.

(9) Troop Support Facility Upgrade in the amount of \$4,150,000 in Honduras.

(10) Wartime Host Nation Support in the amount of \$4,500,000, in Europe, various locations.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

ALABAMA

Mobile, Navy Station, \$3,965,000.

ALASKA

Adak, Naval Air Station, \$18,870,000.

ARIZONA

Yuma, Marine Corps Air Station, \$900,000.

CALIFORNIA

Camp Pendleton, Marine Corps Air Station, \$2,100,000.

Camp Pendleton, Marine Corps Base, \$57,600,000.

China Lake, Naval Weapons Center, \$17,500,000.

Concord, Naval Weapons Station, \$5,640,000.

Coronado, Naval Amphibious Base, \$7,770,000.

Coronado, Surface Warfare Officers School Command Detachment, \$4,360,000.

El Centro, Naval Air Facility, \$7,200,000.

Lemoore, Naval Air Station, \$2,100,000.

Moffett Field, Naval Air Station, \$1,000,000.

Monterey, Fleet Numerical Oceanography Center, \$6,760,000.

Monterey, Naval Post Graduate School, \$2,000,000.

North Island, Naval Air Station, \$6,160,000.

San Diego, Fleet Anti-Submarine Warfare Training Center, Pacific, \$820,000.

San Diego, Fleet Combat Training Center, Pacific, \$3,670,000.

San Diego, Fleet Intelligence Training Center, Pacific, \$2,500,000.

San Diego, Fleet Training Center, \$12,800,000.

San Diego, Integrated Combat Systems Test Facility, \$4,100,000.

San Diego, Marine Corps Recruit Depot, \$3,070,000.

San Diego, Naval Hospital, \$7,500,000.

San Diego, Naval Ocean Systems Center, \$1,300,000.

San Diego, Naval Station, \$1,000,000.

San Diego, Naval Submarine Base, \$10,800,000.

San Diego, Naval Training Center, \$7,150,000.

San Diego, Naval Public Works Center, \$4,400,000.

San Francisco, Navy Public Works Center, \$3,910,000.

Seal Beach, Naval Weapons Station, \$9,000,000.

Tustin, Marine Corps Air Station, \$2,990,000.

Twentynine Palms, Marine Corps Air Ground Combat Center, \$3,140,000.

Vallejo, Mare Island Naval Shipyard, \$9,000,000.

CONNECTICUT

New London, Naval Submarine Base, \$24,250,000.

New London, Naval Submarine School, \$8,200,000.

New London, Naval Underwater Systems Center, \$12,600,000.

DISTRICT OF COLUMBIA

Washington, Commandant, Naval District, \$420,000.

Washington, Naval Observatory, \$2,500,000.

FLORIDA

Cecil Field, Naval Air Station, \$1,970,000.

Jacksonville, Naval Hospital, \$2,080,000.

Mayport, Naval Station, \$20,000,000.

Orlando, Naval Training Center, \$18,400,000.

Panama City, Naval Diving and Salvage Training Center, \$4,300,000.

Panama City, Naval Experimental Diving Unit, \$2,900,000.

Pensacola, Navy Public Works Center, \$2,100,000.

GEORGIA

Albany, Marine Corps Logistics Base, \$1,300,000.

Athens, Navy Supply Corps School, \$1,000,000.

Kings Bay, Naval Submarine Base, \$66,690,000.

HAWAII

Kaneohe Bay, Marine Corps Air Station, \$13,150,000.

Lualualei, Naval Magazine, \$4,600,000.

Pearl Harbor, Naval Submarine Base, \$18,600,000.

Pearl Harbor, Naval Submarine Training Center, Pacific, \$5,550,000.

Pearl Harbor, Navy Public Works Center, \$750,000.

ILLINOIS

Great Lakes, Naval Hospital, \$12,270,000.

Great Lakes, Naval Training Center, \$15,900,000.

INDIANA

Crane, Naval Weapons Support Center, \$3,200,000.

Indianapolis, Naval Avionics Center, \$8,000,000.

MAINE

Brunswick, Naval Air Station, \$1,000,000.

Brunswick, Naval Branch Medical Clinic, \$2,650,000.

Kittery, Portsmouth Naval Shipyard, \$1,000,000.

MARYLAND

Indian Head, Naval Explosive Ordnance Disposal Technology Center, \$7,700,000.

Indian Head, Naval Ordnance Station, \$10,670,000.

Patuxent River, Naval Air Test Center, \$17,000,000.

St. Inigoes, Naval Electronic Systems Engineering Activity, \$2,950,000.

MISSISSIPPI

Meridian, Naval Air Station, \$11,800,000.

Pascagoula, Naval Station, \$2,220,000.

NEVADA

Fallon, Naval Air Station, \$1,000,000.

NEW JERSEY

Bayonne, Navy Publications and Printing Service Detachment Office, \$1,000,000.

Earle, Naval Weapons Station, \$14,270,000.

NEW MEXICO

Elephant Butte, Naval Space Surveillance Field Station, \$4,700,000.

NEW YORK

New York, Naval Station, \$25,640,000.

NORTH CAROLINA

Camp Lejeune, Marine Corps Base, \$21,210,000.

Cherry Point, Marine Corps Air Station, \$10,750,000.

New River, Marine Corps Air Station, \$21,100,000.

OKLAHOMA

Tinker Air Force Base, Naval Air Detachment, \$21,500,000.

PENNSYLVANIA

Philadelphia, Naval Shipyard, \$9,700,000.

RHODE ISLAND

Newport, Naval Education and Training Center, \$8,290,000.

SOUTH CAROLINA

Beaufort, Marine Corps Air Station, \$4,920,000.

Charleston, Naval Supply Center, \$700,000.

Charleston, Naval Weapons Station, \$4,600,000.

TENNESSEE

Memphis, Naval Air Station, \$10,000,000.

TEXAS

Ingleside, Naval Station, \$19,720,000.

Lackland Air Force Base, Naval Technical Training Center Detachment, \$4,500,000.

VIRGINIA

Chesapeake, Naval Security Group Activity, Northwest, \$1,300,000.

Dahlgren, Naval Surface Warfare Center, \$1,000,000.

Dam Neck, Marine Environmental Systems Facility, \$8,000,000.

Little Creek, Naval Amphibious Base, \$6,500,000.

Norfolk, Naval Air Station, \$4,400,000.

Norfolk, Naval Eastern Oceanography Center, \$680,000.

Norfolk, Naval Supply Center, \$6,500,000.

Oceana, Naval Air Station, \$12,555,000.

Portsmouth, Norfolk Naval Shipyard, \$9,700,000.

Williamsburg, Cheatham Annex, Naval Supply Center, \$18,500,000.

Yorktown, Naval Weapons Station, \$21,420,000.

WASHINGTON

Bremerton, Naval Hospital, \$1,000,000.

Bremerton, Puget Sound Naval Shipyard, \$19,900,000.

Bremerton, Puget Sound Naval Supply Center, \$690,000.

Everett, Naval Station, \$11,200,000.

Keyport, Naval Undersea Warfare Engineering Station, \$1,850,000.

Oso, Jim Creek Naval Radio Station, \$1,200,000.

VARIOUS LOCATIONS

Land Acquisition, \$21,000,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

ASCENSION ISLAND

Naval Communication Detachment, \$3,500,000.

AUSTRALIA

Exmouth, Harold E. Holt Naval Communication Station, \$610,000.

GUAM

Camp Covington, Mobile Construction Battalion, \$4,300,000.

Fleet Surveillance Support Command, \$27,000,000.

Navy Public Works Center, \$4,150,000.

ICELAND

Keflavik, Naval Air Station, \$7,500,000.

Keflavik, Naval Communication Station, \$8,450,000.

ITALY

Naples, Naval Support Activity, \$46,600,000.

JAPAN

Atsugi, Naval Air Facility, \$14,900,000.

Okinawa, Camp Smedley D. Butler Marine Corps Base, \$3,200,000.

Okinawa, Futenma Marine Corps Air Station, \$7,450,000.

PUERTO RICO

Roosevelt Roads, Naval Communication Station, \$1,300,000.

SPAIN

Rota, Naval Station, \$880,000.

UNITED KINGDOM

Edzell, Scotland, Naval Security Group Activity, \$5,820,000.

London, Naval Activities, \$10,130,000.

VARIOUS LOCATIONS

Classified Location, \$5,800,000.

Host Nation Infrastructure Support, \$1,000,000.

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Navy may, using amounts appropriated pursuant to section 2204(a)(6)(A), construct or acquire family housing units (including land acquisition), at the following installations in the number of units, and in the amount, shown for each installation:

Camp Pendleton, Marine Corps Base, California, four hundred and twelve units, \$35,150,000.

El Toro, Marine Corps Air Station, California, two hundred units, \$15,000,000.

Long Beach, Naval Station, California, three hundred units, \$24,900,000.

Moffett Field, Naval Air Station, California, seventy-four units, \$6,600,000.

San Francisco, Navy Public Works Center, California, five hundred and ninety-four units, \$50,750,000.

Thurmont, Naval Support Facility, Maryland, eleven units, \$1,160,000.

Ballston Spa, Nuclear Power Training Unit, New York, one hundred units, \$7,900,000.

Guantanamo Bay, Naval Station, Cuba, two hundred and fifty-four units, \$31,669,000.

Keflavik, Naval Air Station, Iceland, one hundred and twelve units, \$23,213,000.

(b) PLANNING AND DESIGN.—The Secretary of the Navy may carry out architectural and engineering services and construction design activities, using amounts appropriated pursuant to section 2204(a)(6)(A), with respect to the construction or improvement of military family housing units in an amount not to exceed \$6,100,000.

(c) PROJECT.—(1) The Secretary of the Navy may construct one family housing unit, at a cost not to exceed \$140,000, on the Naval Air Station at Kingsville, Texas, in accordance with applicable provisions of law.

(2) Funds appropriated to the Department of the Navy for any fiscal year before fiscal

year 1991 for military family housing projects that remain available, as savings, for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, to carry out paragraph (1).

(3) The authority to carry out this subsection shall expire on October 1, 1994.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

(a) IN GENERAL.—Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may, using amounts appropriated pursuant to section 2204(a)(6)(A), improve existing military family housing units in the amount of \$65,448,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Navy may carry out projects to improve existing military family housing units at the following installations in the number of units, and in the amount, shown for each installation:

Long Beach, Naval Station, California, forty-four units, \$2,208,200.

San Diego, Navy Public Works Center, California, one unit, \$79,900.

Great Lakes, Navy Public Works Center, Illinois, two hundred and sixty-two units, \$17,198,100.

Lakehurst, Naval Air Engineering Center, New Jersey, thirty-two units, \$1,946,400.

Lakehurst, Naval Air Engineering Center, New Jersey, one unit, \$80,100.

New York, Naval Station, New York, ten units, \$842,000.

New York, Naval Station, New York, ten units, \$719,100.

Cherry Point, Marine Corps Air Station, North Carolina, two hundred and fourteen units, \$13,398,000.

Newport, Naval Education and Training Center, Rhode Island, two hundred and twenty units, \$13,700,000.

Portsmouth Norfolk, Naval Shipyard, Virginia, one hundred and twenty-five units, \$5,785,700.

Bangor, Naval Submarine Base, Washington, one hundred units, \$5,844,200.

Guantanamo Bay, Naval Station, Cuba, one unit, \$104,700.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of \$2,063,654,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), \$869,790,000.

(2) For military construction projects outside the United States authorized by section 2201(b), \$152,590,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$14,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$84,970,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, \$5,810,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, \$267,890,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), \$668,604,000 of which not more than \$41,488,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) LIMITATION.—None of the funds appropriated pursuant to the authorizations made by subsection (a)(2) may be obligated or expended for the construction of the Command, Control, Communications, and Intelligence Building at the Capodichino Airfield, Italy, until the Secretary of the Navy—

(1) explores the availability and suitability of alternative sites for such building; and

(2) transmits, by October 15, 1989, to the Committees on Armed Services of the Senate and the House of Representatives a report that specifies—

(A) sites (including the Capodichino Airfield) within 50 miles of Agnano, Italy, to which the building could be relocated; and

(B) the costs and benefits of relocating functions to each such site.

SEC. 2205. OFFICE AND RELATED SPACE.

(a) PROHIBITION.—The Secretary of the Navy may obligate or expend funds with respect to leases or other agreements entered into, or extended or otherwise amended, after the date of the enactment of this Act for the provision of office and related space within the National Capitol Area Region only after the issuance of a solicitation of proposals by the Administrator of General Services for the acquisition of such space from all areas of the National Capitol Region, including the District of Columbia and the areas of the States of Maryland and Virginia that are within such Region.

(b) STUDY AND PLAN.—(1) The Secretary shall carry out a study to determine the amount of office and related space of the Department of the Navy in the National Capitol Area Region that could be relocated outside the Region as part of a plan to maximize the effectiveness and efficiency of the administrative operations of the Department. In carrying out such study, the Secretary shall identify those functions of the Department that are most effectively and efficiently carried out in such Region, taking into consideration the needs of the Department and the functions carried out by the other military departments in such Region.

(2) The Secretary shall, within 120 days of the date of the enactment of this Act, transmit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(A) the findings and conclusions reached as a result of the study carried out under paragraph (1); and

(B) a plan for the phased reduction of office and related space used by the Department in the National Capitol Area Region as part of an effort to maximize the effectiveness and efficiency of the administrative operations of the Department.

(c) DEFINITION.—For purposes of this section, the term "National Capitol Area Region" means the District of Columbia and

any area within 50 miles of the District of Columbia.

SEC. 2206. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS.

Notwithstanding the provisions of section 2171(a) of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180; 101 Stat. 1179), authorizations for the following projects authorized in section 2121 of that Act shall remain in effect until October 1, 1990, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) Physical security improvements in the amount of \$2,460,000 at Naval Air Station, Sigonella, Italy.

(2) Cold-iron utilities support in the amount of \$7,480,000 at Naval Support Office, La Maddalena, Italy.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **INSIDE THE UNITED STATES.**—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the installations and locations inside the United States:

ALABAMA

Gunter Air Force Base, \$12,100,000.
Maxwell Air Force Base, \$2,200,000.

ALASKA

Clear Air Force Station, \$5,000,000.
Eielson Air Force Base, \$11,000,000.
King Salmon Airport, \$8,000,000.
Shemya Air Force Base, \$22,700,000.

ARKANSAS

Little Rock Air Force Base, \$8,500,000.
Eaker Air Force Base, \$4,050,000.

ARIZONA

Davis-Monthan Air Force Base, \$4,200,000.
Luke Air Force Base, \$3,970,000.
Williams Air Force Base, \$1,850,000.

CALIFORNIA

Beale Air Force Base, \$13,472,000.
Castle Air Force Base, \$12,580,000.
Edwards Air Force Base, \$12,400,000.
McClellan Air Force Base, \$26,530,000.
Onizuka Air Force Station, \$14,800,000.
Travis Air Force Base, \$9,000,000.
Vandenberg Air Force Base, \$8,150,000.

COLORADO

Lowry Air Force Base, \$21,250,000.

DELAWARE

Dover Air Force Base, \$4,100,000.

DISTRICT OF COLUMBIA

Bolling Air Force Base, \$5,900,000.

FLORIDA

Cape Canaveral Air Force Station, \$89,000,000.
Eglin Air Force Base, \$12,100,000.
Eglin Air Force Base, Auxiliary Field 9, \$21,900,000.

Homestead Air Force Base, \$7,350,000.
MacDill Air Force Base, \$4,490,000.
Patrick Air Force Base, \$3,800,000.
Tyndall Air Force Base, \$8,500,000.

GEORGIA

Robins Air Force Base, \$32,250,000.

HAWAII

Hickam Air Force Base, \$530,000.

INDIANA

Grissom Air Force Base, \$6,800,000.

KANSAS

McConnell Air Force Base, \$5,200,000.

LOUISIANA

Barksdale Air Force Base, \$7,700,000.
England Air Force Base, \$2,700,000.

MAINE

Loring Air Force Base, \$8,500,000.

MARYLAND

Andrews Air Force Base, \$5,550,000.

MASSACHUSETTS

Hanscom Air Force Base, \$5,600,000.

MISSISSIPPI

Columbus Air Force Base, \$1,200,000.

MISSOURI

Whiteman Air Force Base, \$97,500,000.

MONTANA

Malmstrom Air Force Base, \$32,100,000.

NEBRASKA

Offutt Air Force Base, \$1,150,000.

NEVADA

Nellis Air Force Base, \$4,800,000.

NEW JERSEY

McGuire Air Force Base, \$4,900,000.

NEW MEXICO

Holloman Air Force Base, \$17,350,000.

Kirtland Air Force Base, \$18,350,000.

NEW YORK

Griffiss Air Force Base, \$7,400,000.

Plattsburgh Air Force Base, \$9,900,000.

NORTH CAROLINA

Seymour Johnson Air Force Base, \$4,500,000.

NORTH DAKOTA

Grand Forks Air Force Base, \$1,900,000.

OHIO

Newark Air Force Base, \$2,300,000.
Wright Patterson Air Force Base, \$610,000.

OKLAHOMA

Altus Air Force Base, \$5,200,000.
Tinker Air Force Base, \$55,250,000.

SOUTH CAROLINA

Charleston Air Force Base, \$4,650,000.
Myrtle Beach Air Force Base, \$2,350,000.
Shaw Air Force Base, \$5,700,000.

SOUTH DAKOTA

Ellsworth Air Force Base, \$11,350,000.

TEXAS

Bergstrom Air Force Base, \$2,400,000.
Carswell Air Force Base, \$650,000.
Goodfellow Air Force Base, \$3,300,000.
Kelly Air Force Base, \$17,200,000.
Lackland Air Force Base, \$34,250,000.
Lackland Training Annex, \$1,994,000.
Laughlin Air Force Base, \$5,350,000.
Randolph Air Force Base, \$630,000.
Reese Air Force Base, \$4,630,000.

UTAH

Hill Air Force Base, \$15,650,000.

VIRGINIA

Langley Air Force Base, \$3,300,000.

WASHINGTON

Fairchild Air Force Base, \$14,200,000.

WYOMING

F.E. Warren Air Force Base, \$104,850,000.

(b) **OUTSIDE THE UNITED STATES.**—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

CANADA

Various Locations, \$24,000,000.

GERMANY

Hahn Air Base, \$7,920,000.
Ramstein Air Base, \$2,800,000.
Sembach Air Base, \$3,050,000.
Spangdahlem Air Base, \$5,950,000.
Zweibrücken Air Base, \$6,100,000.

GUAM

Andersen Air Force Base, \$6,500,000.

ICELAND

Naval Air Station, Keflavik, \$7,400,000.

ITALY

Aviano Air Base, \$6,050,000.
San Vito Air Station, \$2,750,000.

JAPAN

Kadena Air Base, \$4,300,000.
Yokota Air Base, \$4,700,000.

KOREA

Kunsan Air Base, \$13,140,000.
Osan Air Base, \$7,550,000.

PORTUGAL

Lajes Field, \$7,700,000.

SPAIN

Zaragoza Air Base, \$1,950,000.

TURKEY

Ankara Air Station, \$4,200,000.
Balıkesir Radio Relay Site, \$3,600,000.
Erhac Air Base, \$2,750,000.
İncirlik Air Base, \$5,910,000.

UNITED KINGDOM

Bovingdon Radio Relay Site, \$400,000.
High Wycombe Air Station, \$4,100,000.
RAF Alconbury, \$4,200,000.
RAF Barford St. John, \$490,000.
RAF Bentwaters, \$5,400,000.
RAF Christmas Common Radio Relay Site, \$210,000.
RAF Fairford, \$10,950,000.
RAF Lakenheath, \$860,000.
RAF Mildenhall, \$5,050,000.
RAF Upper Heyford, \$5,350,000.

SEC. 2302. FAMILY HOUSING.

(a) **CONSTRUCTION AND ACQUISITION.**—The Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(7)(A), construct or acquire family housing units (including land acquisition) at the following installations in the number of units, and in the amount, shown for each installation:

Kelly Air Force Base, Texas, eleven units, \$1,619,000.

Ramstein Air Base, Germany, two hundred units, \$20,660,000.

(b) **PLANNING AND DESIGN.**—The Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(6)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$8,000,000.

SEC. 2303. IMPROVEMENT TO MILITARY FAMILY HOUSING UNITS.

(a) **IN GENERAL.**—Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(7)(A), improve existing military family housing units in an amount not to exceed \$220,411,000.

(b) **WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.**—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Air Force may carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Maxwell Air Force Base, Alabama, eight units, \$357,000; eight units, \$800,000; one unit, \$108,000; thirty-two units, \$1,548,000; seven units, \$728,000.

Elmendorf Air Force Base, Alaska, eighty-eight units, \$9,578,000.

Etelson Air Force Base, Alaska, fifty-one units, \$5,669,000.

Davis-Monthan Air Force Base, Arizona, five units, \$200,000.

Eaker Air Force Base, Arkansas, one hundred and eighty-eight units, \$11,500,000.

Travis Air Force Base, California, one hundred and forty-two units, \$7,691,000; one hundred and forty-four units, \$7,560,000.

Peterson Air Force Base, Colorado, thirty-two units, \$1,438,000.

Bolling Air Force Base, District of Columbia, forty units, \$1,683,000.

MacDill Air Force Base, Florida, forty-four units, \$2,456,000.

Tyndall Air Force Base, Florida, forty units, \$2,441,000.

Scott Air Force Base, Illinois, four units, \$250,000; eighty units, \$4,076,000.

England Air Force Base, Louisiana, one hundred and one units, \$4,208,000.

Whiteman Air Force Base, Missouri, fifteen units, \$970,000.

Nellis Air Force Base, Nevada, thirty-two units, \$1,727,000.

Holloman Air Force Base, New Mexico, one hundred and twenty-three units, \$5,710,000; one unit, \$47,000.

Myrtle Beach Air Force Base, South Carolina, one hundred and twenty-five units, \$5,549,000.

Bergstrom Air Force Base, Texas, two units, \$149,000.

Carswell Air Force Base, Texas, one hundred and nineteen units, \$5,432,000.

Kelly Air Force Base, Texas, seventy-nine units, \$3,650,000; thirty-three units, \$1,750,000.

Randolph Air Force Base, Texas, one hundred and twenty-four units, \$4,136,000; one unit, \$78,000.

Hill Air Force Base, Utah, two units, \$158,000.

Langley Air Force Base, Virginia, eighty-six units, \$5,398,000.

Fairchild Air Force Base, Washington, two hundred and thirty units, \$12,162,000.

Ramstein Air Base, Germany, one unit, \$137,000; twenty-four units, \$2,180,000; thirty-eight units, \$2,681,000.

Spangdahlem Air Base, Germany, four units, \$302,000.

Andersen Air Base, Guam, two hundred units, \$17,817,000.

Kadena Air Base, Japan, one unit, \$127,000; seventy-five units, \$5,851,000.

Misawa Air Base, Japan, one hundred and eleven units, \$9,028,000.

Clark Air Base, Philippines, seventy-seven units, \$3,234,000.

RAF Alconbury, United Kingdom, one unit, \$55,000.

RAF Bentwaters, United Kingdom, eighty-three units, \$4,610,000.

RAF Chicksands, United Kingdom, thirty-four units, \$3,027,000.

RAF Lakenheath, United Kingdom, fourteen units, \$1,153,000, sixty units, \$3,408,000.

RAF Mildenhall, United Kingdom, two units, \$89,000.

(c) **WAIVER OF SPACE LIMITATIONS FOR FAMILY HOUSING UNITS.**—(1) To support the United States Air Forces in Europe and Military Airlift Command, the Secretary of the Air Force may carry out improvement projects to add to and alter existing family housing units and, notwithstanding section 2826(a) of title 10, United States Code, to—

(A) increase the net floor area of one family housing unit at Ramstein Air Base, Germany, to not more than 3,045 square feet; and

(B) increase the net floor area of four family housing units at Scott Air Force Base, Illinois, to not more than 2,470 square feet.

(2) To support the Air Force Logistics Command and Pacific Air Forces, the Secretary of the Air Force may, notwithstanding section 2826(a) of title 10, United States Code, carry out new construction projects to build five family housing units at Kelly Air

Force Base, Texas, to not more than 3,000 square feet.

(3) To support the Air Force Logistics Command, the Secretary of the Air Force may carry out family housing improvement projects to add to and alter existing family housing units and notwithstanding section 2826(a) of title 10, United States Code, increase the net floor area of two family housing units at Hill Air Force Base, Utah, to not more than 2,315 square feet.

(4) For purposes of this subsection, the term "net floor area" has the same meaning given that term by section 2826(f) of title 10, United States Code.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of \$2,303,406,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), \$930,586,000.

(2) For military construction projects outside the United States authorized by section 2301(b), \$165,330,000.

(3) For the construction of the Large Rocket Test Facility, Arnold Engineering Development Center, Tennessee, as authorized by section 2301(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087), \$66,000,000.

(4) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$7,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$106,000,000.

(6) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, \$3,000,000.

(7) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, \$250,690,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), \$774,800,000 of which not more than \$101,592,000 may be obligated or expended, for leasing of military family housing units worldwide.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) **PROJECT.**—The Secretary of the Air Force may provide not more than \$7,250,000 of the amount appropriated pursuant to the authorization in subsection (a)(1) to the Douglas School District, South Dakota, for the construction of a middle school primarily for the dependents of Armed Forces personnel assigned to duty at Ellsworth Air Base, South Dakota.

SEC. 2305. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS.

(a) **EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1986 PROJECT.**—Notwithstanding the provisions of section 606(a) of the Military Construction Authorization

Act, 1986 (Public Law 99-167; 99 Stat. 961), authorization for the following project authorized in section 301 of that Act shall remain in effect until October 1, 1990, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1991, whichever is later:

GEODSS Site 5, Portugal, Composite Support Facility in the amount of \$2,250,000 and Spacetrack Observation Facility in the amount of \$12,400,000.

(b) **EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1987 PROJECT.**—Notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4012), authorization for the following project authorized in section 2301 of that Act shall remain in effect until October 1, 1990, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1991, whichever is later:

KC-135 CPT Simulator Facility in the amount of \$760,000 at Beale Air Force Base, California.

(c) **EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1988 PROJECTS.**—Notwithstanding the provisions of section 2171(a) of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180; 101 Stat. 1179), authorization for the following projects authorized in sections 2131 and 2132 of that Act shall remain in effect until October 1, 1990, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) KC-135 CPT Simulator Facility, in the amount of \$1,150,000 at Loring Air Force Base, Maine.

(2) Thirty-four family housing units in the amount of \$2,530,000 at Holbrook, Arizona.

SEC. 2306. LUKE AIR FORCE BASE, ARIZONA.

(a) **IN GENERAL.**—Section 2301(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087) is amended—

(1) by striking out "Williams Air Force Base, \$11,130,000," and inserting in lieu thereof "Williams Air Force Base, \$9,230,000;"; and

(2) by striking out "Luke Air Force Base, \$4,550,000," and inserting in lieu thereof "Luke Air Force Base, \$6,450,000."

(b) **LIMITATION.**—(1) Except as provided in paragraph (2) of this subsection and notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087), authorization for a Simulator Maintenance Training Facility in the amount of \$1,900,000 at Luke Air Force Base, Arizona, authorized in section 2301(a) of such Act, as amended by subsection (a), shall remain in effect until October 1, 1991, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later.

(2) The limitation made by paragraph (1) shall not apply if appropriated funds are obligated for such facility by October 1, 1991, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **INSIDE THE UNITED STATES.**—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of

the following installations and locations inside the United States:

DEFENSE LOGISTICS AGENCY

Defense Depot, Tracy, California, \$24,000,000.

Defense Reutilization and Marketing Office, Eglin Air Force Base, Florida, \$2,750,000.

Defense Construction Supply Center, Columbus, Ohio, \$26,600,000.

Defense Personnel Support Center, Philadelphia, Pennsylvania, \$3,800,000.

Defense General Supply Center, Richmond, Virginia, \$6,066,000.

Defense Fuel Support Point, Manchester, Washington, \$22,600,000.

DEFENSE MEDICAL FACILITIES OFFICE

Maxwell Air Force Base, Alabama, \$1,600,000.

Naval Air Station, Mobile, Alabama, \$3,000,000.

Marine Corps Air Station, Twenty-Nine Palms, California, \$38,000,000.

Fitzsimons Army Medical Center, Colorado, \$5,200,000.

Hurlburt Field, Florida, \$6,000,000.

Naval Air Station, Jacksonville, Florida, \$2,400,000.

Patrick Air Force Base, Florida, \$2,700,000.

Andrews Air Force Base, Maryland, \$2,900,000.

Naval Station, Pascagoula, Mississippi, \$2,548,000.

Nellis Air Force Base, Nevada, \$62,000,000.

Lackland Air Force Base, Texas, \$6,000,000.

Naval Station, Ingleside, Texas, \$2,300,000.

Portsmouth Naval Hospital, Virginia, \$330,000,000.

DEFENSE NUCLEAR AGENCY

Armed Forces Radiobiology Research Institute, Bethesda, Maryland, \$900,000.

NATIONAL SECURITY AGENCY

Fort George G. Meade, Maryland, \$21,444,000.

OFFICE OF THE SECRETARY OF DEFENSE

Defense Language Institute, Monterey, California, \$10,600,000.

The Pentagon, Arlington, Virginia, \$3,500,000.

Classified Location, \$4,500,000.

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

Bethesda, Maryland, \$600,000.

STRATEGIC DEFENSE INITIATIVE ORGANIZATION

Nellis Air Force Base, Nevada, \$6,542,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

DEFENSE MEDICAL FACILITIES OFFICE

Camp Carroll, Korea, \$1,500,000.

Camp Garry Owen, Korea, \$800,000.

DEFENSE NUCLEAR AGENCY

Johnston Atoll, \$6,168,000.

DEPARTMENT OF DEFENSE SCHOOLS

Naval Air Station, Bermuda, \$4,810,000.

Augsburg, Germany, \$6,300,000.

Frankfurt, Germany, \$7,101,000.

Grafenwoehr, Germany, \$4,186,000.

Hohenfels, Germany, \$17,079,000.

Royal Air Force, Bicester, United Kingdom, \$6,275,000.

Royal Air Force, Upwood, United Kingdom, \$4,175,000.

Various Locations, \$6,600,000.

DEPARTMENT OF DEFENSE SECTION VI SCHOOLS

Fort Buchanan, Puerto Rico, \$1,155,000.

Roosevelt Roads, Puerto Rico, \$6,541,000.

NATIONAL SECURITY AGENCY

Classified Location, \$23,000,000.

SEC. 2402. FAMILY HOUSING.

The Secretary of Defense may, using amounts appropriated pursuant to section 2405(a)(10)(A), construct or acquire three family housing units (including land acquisition) at classified locations in the total amount not to exceed \$400,000.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 to title 10, United States Code, the Secretary of Defense may, using amounts appropriated pursuant to section 2405(a)(10)(A), improve existing military family housing units in an amount not to exceed \$200,000.

SEC. 2404. CONFORMING STORAGE FACILITIES.

Section 2404(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4012) is amended to read as follows:

"(a) AUTHORITY TO CONSTRUCT.—The Secretary of Defense may, using not more than \$10,000,000 appropriated for fiscal year 1987, using not more than \$5,000,000 appropriated for fiscal year 1988, using not more than \$9,300,000 appropriated for fiscal year 1989, and using not more than \$11,000,000 appropriated for fiscal year 1990, carry out military construction projects not otherwise authorized by law for conforming storage facilities."

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of \$552,620,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), \$225,050,000.

(2) For military construction projects outside the United States authorized by section 2401(b), \$95,690,000.

(3) For military construction projects at Fort Sill, Oklahoma, as authorized by section 2401(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087), \$27,000,000.

(4) For military construction projects at Fort Sam Houston, Texas, authorized by section 2401(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4012), \$53,000,000.

(5) For military construction projects at Fort Lewis, Washington, authorized by section 101(a) of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1495), \$16,000,000.

(6) For unspecified minor constructed projects under section 2805 of title 10, United States Code, \$13,100,000.

(7) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, \$10,000,000.

(8) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, \$80,480,000.

(9) For conforming storage facilities construction under the authority of section 2404 of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4012), \$11,000,000.

(10) For military family housing functions—

(A) for construction and acquisition of military family housing facilities, \$600,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), \$20,700,000, of which not more than \$17,825,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 may not exceed—

(1) the total amount authorized to be appropriated under paragraph (1) and (2) of subsection (a);

(2) \$321,500,000 (the balance of the amount authorized under section 2411(a) for the construction of a medical facility at Portsmouth Naval Hospital, Virginia); and

(3) \$52,000,000 (the balance of the amount authorized by section 2411(a) for the construction of a hospital at Nellis Air Force Base, Nevada).

SEC. 2406. EXTENSION OF CERTAIN PREVIOUS AUTHORIZATIONS.

(a) EXTENSION OF CERTAIN 1987 PROJECT.—Notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4012), the authorization for the Defense Fuel Support Point, Charleston, South Carolina, in the amount of \$5,590,000, in section 2401(a) of that Act shall remain in effect until October 1, 1990, or until the date of enactment of an Act authorizing funds for military construction for fiscal year 1991, whichever is later.

(b) EXTENSION OF CERTAIN 1988 PROJECTS.—Notwithstanding the provisions of section 2171(a) of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180; 101 Stat. 1179), authorizations for the following projects authorized in section 2141 of that Act shall remain in effect until October 1, 1990, or until the date of enactment of an Act authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) Fuel Tankage, in the amount of \$9,400,000 at Defense Fuel Supply Point, Key West, Florida.

(2) Connector Warehouse, in the amount of \$18,500,000 at Defense General Supply Center, Richmond, Virginia.

SEC. 2407. MEDICAL FACILITY, FORT SILL, OKLAHOMA.

(a) PROJECT AMOUNT.—Section 2401 of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087) is amended in the items listed under the heading "Defense Medical Facilities Office", by striking out "Fort Sill, Oklahoma, \$54,000,000." and inserting in lieu thereof "Fort Sill, Oklahoma, \$68,000,000."

(b) TITLE TOTAL.—Section 2407(b)(2) of such Act is amended by striking out "\$27,000,000" and inserting in lieu thereof "\$41,000,000".

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of

the amount authorized to be appropriated for this purpose in section 2502 of this Act and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2501 of this Act, in the amount of \$424,714,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the total amount of \$556,567,000, as follows:

- (1) For the Department of the Army—
 - (A) for the Army National Guard of the United States, \$182,372,000, and
 - (B) for the Army Reserve, \$80,505,000.
- (2) For the Department of the Navy, for the Naval and Marine Corps Reserve, \$56,600,000.
- (3) For the Department of the Air Force—
 - (A) for the Air National Guard of the United States, \$190,890,000, and
 - (B) for the Air Force Reserve, \$46,200,000.

TITLE XXVII—EXPIRATION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER TWO YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI, XXII, XXIII, XXIV, and XXV for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor) shall expire on October 1, 1991, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later.

(b) EXCEPTION.—The provisions of subsection (a) do not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before October 1, 1991, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later, for construction contracts, land acquisitions, family housing projects and facilities, or contributions to the NATO Infrastructure Program.

SEC. 2702. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on October 1, 1989, or the date of enactment of this Act, whichever is later.

TITLE XXVIII—GENERAL PROVISIONS

PART A—MILITARY CONSTRUCTION PROGRAM CHANGES

SEC. 2801. FAMILY HOUSING RENTAL GUARANTEE PROGRAM.

Section 802(b) of the Military Construction Authorization Act, 1984 (10 U.S.C. 2821 note) is amended—

- (1) in paragraph (11), by striking out “rendering the agreement null and void” and inserting in lieu thereof “rendering the agreement null and void or providing such other remedy as is deemed appropriate”;
- (2) by striking out “and” at the end of paragraph (11);
- (3) by striking out the period at the end of paragraph (12) and inserting in lieu thereof a semicolon; and
- (4) by adding after paragraph (12) the following—

“(13) may provide that utilities, trash collection, snow removal, and entomological services will be furnished by the Federal Government, at no cost to the occupant, to the same extent that these items are provided to other occupants of government-owned housing; and

“(14) may require that rent collection and the operation and maintenance of the housing be accomplished through the use of separate agreements or the use of government personnel.”

SEC. 2802. FAMILY HOUSING LEASING OUTSIDE UNITED STATES.

Section 2828 of title 10, United States Code, is amended—

- (1) in subsection (e)(1), by striking out the first sentence and inserting in lieu thereof the following: “Expenditures for the rental of family housing in foreign countries (including the costs of utilities, maintenance, and operation) may not exceed \$20,000 per unit per annum as adjusted for foreign currency fluctuation from October 1, 1987.”; and
- (2) in subsection (e)(2), by striking out “\$38,000” and inserting in lieu thereof “\$53,000”.

SEC. 2803. LONG TERM FACILITIES CONTRACTS.

Section 2809 of title 10, United States Code, is amended—

- (1) in subsection (a)(1)(B)(ii), by striking out “Potable” and inserting in lieu thereof “Utilities, including potable”;
- (2) in subsection (b), by inserting before the period the following: “and utility plants”; and
- (3) in subsection (c), by striking out “September 30, 1989” and inserting in lieu thereof “September 30, 1990”.

SEC. 2804. IMPROVEMENTS TO FAMILY HOUSING UNITS.

Section 2825(b)(1) of title 10, United States Code, is amended by adding at the end thereof the following: “This limitation shall not apply to improvements that are necessary to accommodate the needs of the handicapped and the cost of which does not exceed \$60,000 per unit.”

SEC. 2805. DOMESTIC BUILD-TO-LEASE PROGRAM.

Section 2828(g) of title 10, United States Code, is amended—

- (1) in paragraph (8)(C)—
 - (A) by striking out “2,000” in clause (ii) and inserting in lieu thereof “4,000”; and
 - (B) by striking out “2,100” in clause (iii) and inserting in lieu thereof “3,600”; and
- (2) in paragraph (9), by striking out “September 30, 1989” and inserting in lieu thereof “September 30, 1990”.

SEC. 2806. TURN-KEY SELECTION PROCEDURES.

Section 2862 of title 10, United States Code, is amended by striking out subsection

(a)(1) and inserting in lieu thereof the following:

“(a)(1) The Secretaries of the military departments and the heads of defense agencies may use one-step turn-key selection procedures for the purpose of entering into contracts for the construction of authorized military construction projects, except that such procedures may be used by the head of a defense agency only with the approval of the Secretary of Defense.”

SEC. 2807. PROHIBITION OF FUNDING FOR CERTAIN MILITARY CONSTRUCTION CONTRACTS ON GUAM.

(a) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding after section 2243 (as added by section 327) the following new section:

“§ 2244. Military construction contracts on Guam

“(a) IN GENERAL.—Except as provided in subsection (b), no funds appropriated for military construction may be obligated or expended with respect to any contract for a military construction project on Guam if any work is carried out on such project by any person who is a nonimmigrant alien described in section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)).

“(b) EXCEPTION.—In any case in which there is no acceptable bid made in response to a solicitation by the Secretary of a military department for bids on a contract for a military construction project on Guam and the Secretary concerned makes a determination that the prohibition contained in subsection (a) is a significant deterrent to obtaining bids on such contract, the Secretary concerned may make another solicitation for bids on such contract and the prohibition contained in subsection (a) shall not apply to such contract after the 21-day period beginning with the date on which the Secretary concerned transmits a report concerning such contract to the Committees on Armed Services of the Senate and the House of Representatives.”

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding after the item relating to section 2243 (as added by section 327) the following:

“2244. Military construction contracts on Guam.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts entered into, amended, or otherwise modified on or after the date of the enactment of this Act.

SEC. 2808. AUTHORIZED COST VARIATIONS.

Section 2853 of title 10, United States Code, is amended to read as follows:

“§ 2853. Authorized cost variations

“(a) Except as provided in subsection (c) or (d), the cost authorized for a military construction project or for the construction, improvement, and acquisition of a military family housing project may be increased by not more than 25 percent of the amount appropriated for such project by the Congress or 200 percent of the minor construction project ceiling established pursuant to section 2805(a)(1) of this title, whichever is less, if the Secretary concerned determines that such an increase in cost is required for the sole purpose of meeting unusual variations in cost and that such variations in cost could not have reasonably been anticipated at the time the project was approved originally by the Congress.

“(b) Except as provided in subsection (c), the scope of work for a military construction project or for the construction, im-

provement, and acquisition of a military family housing project may be reduced by not more than 25 percent from the amount approved by the Congress.

"(c) The limitations on cost increases in subsection (a) and the limitations on scope reductions in subsection (b), do not apply if the increase in cost or reduction in scope is approved by the Secretary concerned and 21 days have elapsed from the date of submission by the Secretary concerned to the appropriate committees of the Congress of a written notification of the rationale for the proposed increase in cost or reduction in scope.

"(d) The limitations on cost increases in subsection (a) do not apply to within scope modifications to existing contracts or to the settlement of contractor claims under existing contracts if the increase in cost is approved by the Secretary concerned and a written notification of the facts relating to the proposed increase in cost is submitted by the Secretary concerned to the appropriate committees of the Congress."

PART B—LAND TRANSACTIONS

SEC. 2811. LAND CONVEYANCE, PITTSBURGH, PENNSYLVANIA.

(a) IN GENERAL.—Subject to subsections (b) through (e), the Secretary of the Navy may convey to Carnegie-Mellon University all right, title, and interest of the United States in and to approximately 1.29 acres of land located at 4902 Forbes Avenue, Allegheny County, Pittsburgh, Pennsylvania, together with any improvements thereon, comprising the Naval and Marine Corps Reserve Center in Pittsburgh.

(b) CONSIDERATION.—In consideration for the sale and conveyance, the University shall pay to the United States the fair market value, as determined by the Secretary, of the property to be conveyed by the United States under subsection (a).

(c) USE OF FUNDS.—(1) Funds received by the Secretary under subsection (b) may be used to pay for the acquisition or construction of a replacement facility, including the acquisition of land, in the greater Pittsburgh area to be used as a Naval and Marine Corps Reserve Center.

(2) Funds received by the Secretary under subsection (b) and not used for the acquisition or construction of replacement facilities shall be deposited into the miscellaneous receipts of the Treasury within 60 months of receipt thereof.

(d) LEGAL DESCRIPTION OF LAND.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey which is satisfactory to the Secretary. The cost of such survey shall be borne by the University.

(e) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2812. SALE OF LAND AND REPLACEMENT OF CERTAIN FACILITIES, KAPALAMA MILITARY RESERVATION, HAWAII.

Section 2332 of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180, 101 Stat. 1223) is amended—

(1) in subsection (a)—

(A) by striking out "convey" and inserting in lieu thereof "sell and convey to the State of Hawaii"; and

(B) by striking out "43.72" and inserting in lieu thereof "35.92";

(2) in subsection (b)—

(A) by striking out "the purchasers of such property" and inserting in lieu thereof "the State of Hawaii";

(B) by inserting after "United States" the following: "no less than the fair market value, as determined by the Secretary, of the property to be conveyed by the United States under subsection (a). The Secretary shall use the proceeds received from the sale authorized by this section";

(C) by striking out "in a manner determined by the Secretary," in paragraph (1);

(D) by inserting "sale under subsection (a) and" immediately before "relocation" in paragraph (2);

(E) by adding "and" at the end of paragraph (1) and by striking out "; and" at the end of paragraph (2) and inserting in lieu thereof a period; and

(F) by striking out paragraph (3);

(3) by striking out subsection (c) and redesignating subsection (d) as subsection (c);

(4) in subsection (c), as so redesignated, by striking out "If the fair market value" and all that follows through "may use such amount" and inserting in lieu thereof "The Secretary may use any proceeds remaining after paying all costs related to the sale and replacement";

(5) by striking out subsection (e) and redesignating subsections (f) and (g) as subsections (d) and (e), respectively; and

(6) by striking out "the purchaser" in subsection (d), as so redesignated, and inserting in lieu thereof "the State of Hawaii".

SEC. 2813. CONVEYANCE OF LAND AT MARINE CORPS AIR STATION, EL TORO, CALIFORNIA, AND CONSTRUCTION OF FAMILY HOUSING AT MARINE CORPS AIR STATION, TUSTIN, CALIFORNIA.

(a) IN GENERAL.—Subject to subsections (b) through (d), the Secretary of the Navy may—

(1) convey to the County of Orange, California, or its designee, or both, all right, title, and interest of the United States in and to approximately 77 acres of real property, and the improvements thereon, consisting of three severable parcels at Marine Corps Air Station, El Toro, California; and

(2) accept monetary consideration equal to the fair market value of such property and expend it for the construction of additional military family housing and associated support facilities at Marine Corps Air Station, Tustin, California.

(b) CONDITIONS.—(1) The Secretary shall provide that all conveyances under this section are subject to the retention of appropriate interests to ensure that future use of the conveyed property is compatible with military activities.

(2) Conveyances under this section shall be in exchange for fair market value monetary compensation, as determined by an independent appraisal satisfactory to the Secretary and paid for by the County or its designees, or both.

(3) All construction authorized under this section shall be awarded through competitive procedures.

(4) The Secretary may not enter into any contract for construction under this section until after the 21-day period beginning on the date on which the Secretary transmits to the Committee on Armed Services and the Committee on Appropriations, of the Senate and the House of Representatives, a report of the full details of a proposed contract.

(5) Proceeds from the conveyances authorized by this section that are not expended in the construction of military family housing and associated support facilities described in subsection (a)(2) shall be deposited into the general fund the Treasury within 60 months of receipt.

(c) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal descriptions of the real property to be conveyed under this sec-

tion shall be based on surveys that are satisfactory to the Secretary. The cost of such surveys shall be borne by the County or its designee, or both.

(d) ADDITIONAL TERMS AND CONDITIONS.—Any agreement entered into under this section shall be subject to such other terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2824. LAND CONVEYANCE, FORT KNOX, KENTUCKY.

(a) IN GENERAL.—Subject to subsections (b) through (e), the Secretary of the Army may sell and convey all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 12 acres, together with improvements thereon, contiguous to the corporate limits of the City of Radcliff, Kentucky, and bounded on the east by U.S. Highway 31W, by the Radcliff city park on the south, by residential property to the west, and by Fort Knox to the north.

(b) COMPETITIVE BID REQUIREMENT; MINIMUM SALE PRICE.—(1) The Secretary shall use competitive procedures for the sale of the property referred to in subsection (a).

(2) In no event may any of the property referred to in subsection (a) be sold for less than the fair market value of the property, as determined by the Secretary.

(c) USE OF PROCEEDS.—(1) The Secretary shall use the proceeds from the sale of the property referred to in subsection (a) for the construction of up to four units of military family housing at Fort Knox, Kentucky.

(2) Any proceeds of the sale not used for such purpose shall be used for repairs or improvements to existing family housing at Fort Knox, Kentucky.

(d) LEGAL DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The costs of such survey shall be borne by the purchaser of the property.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with any transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

(f) ADDITIONAL AUTHORITY.—The military family housing authorized by this section is in addition to any military family housing otherwise authorized by law.

PART C—MISCELLANEOUS PROVISIONS

SEC. 2821. WHITE SANDS MISSILE RANGE, NEW MEXICO.

(a) IN GENERAL.—The Secretary of the Army shall, subject to such terms and conditions as the Secretary deems appropriate to protect the interests of the United States, issue a revocable license to the Ova Noss Family Partnership, a California limited partnership, to conduct a search for treasure trove in the Victorio Peak region of White Sands Missile Range, New Mexico, and may provide the Ova Noss Family Partnership with necessary processing, administration, and support incident to the license, including transportation, communications, safety and security, ordnance disposal services, housing, and public affairs assistance that the Ova Noss Family Partnership cannot contract for directly.

(b) REIMBURSEMENT.—(1) The Secretary of the Army shall require the Ova Noss Family Partnership to reimburse the Department of the Army for—

(A) all costs related to providing such processing, administration, and support; and

(B) other costs or losses incurred by the Department of the Army in connection with or as a result of the search.

(2) Reimbursements for such costs shall be credited to the Department of the Army appropriation from which the costs were paid.

(c) REPORT.—For each fiscal year in which any action is carried out under this section, the Secretary shall transmit a report to the Committees on Armed Services of the Senate and the House of Representatives containing an accounting of all funds expended and received under this section.

SEC. 2822. COMMUNITY PLANNING ASSISTANCE.

The Secretary of Defense may use funds appropriated to the Department of Defense for fiscal year 1990 for planning and design purposes to provide community planning assistance in the following amounts to the following communities:

(1) Not to exceed \$250,000 of the planning and design funds of the Department of the Army for communities located near the newly established light infantry division posts at Fort Drum, New York.

(2) Not to exceed \$250,000 of the planning and design funds of the Department of the Navy for communities located near the newly established Navy strategic dispersal program homeport at Everett, Washington.

(3) Not to exceed \$250,000 of the planning and design funds of the Department of the Air Force for communities located near Whiteman Air Force Base, Knob Noster, Missouri.

SEC. 2823. CONVEYANCE OF FACILITY, LITTLE ROCK, ARKANSAS.

The Secretary of the Army may convey, without reimbursement, to the University of Arkansas at Little Rock, Arkansas, the facility being utilized as the Army Reserve Center at such University as soon as the Secretary determines that such facility is no longer needed for Reserve activities.

SEC. 2824. DEVELOPMENT OF LAND AND LEASE OF FACILITY AT HENDERSON HALL, ARLINGTON, VIRGINIA.

(a) IN GENERAL.—The Secretary of the Navy may—

(1) using funds provided by the Navy Mutual Aid Association, design, supervise, construct, and inspect a multipurpose facility of approximately 62,000 square feet to be located at Henderson Hall, Arlington, Virginia; and

(2) lease, without reimbursement, to the Navy Mutual Aid Association approximately one-third of the square footage of the facility to be constructed.

(b) TERMS OF LEASE.—The lease entered into under subsection (a) shall—

(1) be for a term of 50 years;

(2) be in full consideration for the funds provided to the Secretary by the Navy Mutual Aid Association pursuant to subsection (a);

(3) provide that in the event the lease is canceled by the Secretary before expiration, the Secretary shall, as determined by the Secretary, provide comparable alternative space or, subject to the availability of funds, reimburse the Navy Mutual Aid Association for the unamortized cost of the building; and

(4) allow, at the discretion of the Secretary, for the Navy Mutual Aid Association to continue to use the space after the initial 50-year term, in compliance with laws and regulations applicable at that time.

(c) CONDITIONS.—(1) Title to the facility described in subsection (a)(1) shall be and remain in the United States.

(2) All construction authorized under this section shall be awarded through competitive procedures.

(3) Any lease or other agreement entered into under the authority of this section shall be subject to such terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

DIVISION C—OTHER NATIONAL DEFENSE AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

PART A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

SEC. 3101. OPERATING EXPENSES.

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1990 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For weapons activities, \$3,804,970,000, to be allocated as follows:

(A) For research and development, \$1,070,370,000.

(B) For weapons testing, \$532,600,000.

(C) For production and surveillance, \$2,104,097,000.

(D) For program direction, \$97,903,000.

(2) For defense nuclear materials production, \$1,654,691,000, to be allocated as follows:

(A) For production reactor operations, \$578,049,000.

(B) For processing of defense nuclear materials, including naval reactors fuel, \$589,609,000, of which \$78,744,000 shall be used for special isotope separation.

(C) For supporting services, \$282,868,000.

(D) For uranium enrichment for naval reactors, \$168,900,000.

(E) For program direction, \$35,265,000.

(3) For environmental restoration and management of defense waste and transportation, \$1,119,639,000, to be allocated as follows:

(A) For environmental restoration, \$436,293,000. Such funds may also be used for plant and capital equipment.

(B) For waste operation and projects, \$568,167,000.

(C) For waste research and development, \$90,225,000.

(D) For hazardous waste process planning, \$10,163,000.

(E) For transportation management, \$11,841,000.

(F) For program direction, \$2,950,000.

(4) For verification and control technology, \$149,146,000.

(5) For nuclear materials safeguards and security technology development program, \$82,241,000.

(6) For security investigations, \$41,200,000.

(7) For new production reactors, \$203,500,000.

(8) For naval reactors development, \$562,800,000.

SEC. 3102. PLANT AND CAPITAL EQUIPMENT.

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1990 for plant and capital equipment (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to con-

struction) necessary for national security programs as follows:

(1) For weapons activities:

Project 90-D-101, general plant projects, various locations, \$28,130,000.

Project 90-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, \$1,000,000.

Project 90-D-103, environment, safety, and health improvements, various locations, \$10,700,000.

Project 90-D-121, general plant projects, various locations, \$30,850,000.

Project 90-D-122, production capabilities for the nuclear depth/strike bomb (ND/SB), various locations, \$8,000,000.

Project 90-D-123, follow on to lance warhead production facilities, various locations, \$3,000,000.

Project 90-D-124, high explosives (HE) synthesis facility, Pantex Plant, Amarillo, Texas, \$1,800,000.

Project 90-D-125, steam plant ash disposal facility, Y-12 Plant, Oak Ridge, Tennessee, \$1,500,000.

Project 90-D-126, environmental, safety, and health enhancements, various locations, \$26,700,000.

Project 89-D-122, production waste storage facilities, Y-12 Plant, Oak Ridge, Tennessee, \$9,200,000.

Project 89-D-125, plutonium recovery modification project, Rocky Flats Plant, Golden, Colorado, \$45,000,000.

Project 89-D-126, environmental, safety, and health upgrade, Phase II, Mound Plant, Miamisburg, Ohio, \$3,500,000.

Project 88-D-102, sanitary wastewater systems consolidation, Los Alamos National Laboratory, Los Alamos, New Mexico, \$3,100,000.

Project 88-D-104, safeguards and security upgrade, Phase II, Los Alamos National Laboratory, Los Alamos, New Mexico, \$1,000,000.

Project 88-D-105, special nuclear materials research and development laboratory replacement, Los Alamos National Laboratory, Los Alamos, New Mexico, \$44,000,000.

Project 88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, \$94,400,000.

Project 88-D-122, facilities capability assurance program, various locations, \$83,099,000.

Project 88-D-123, security enhancements, Pantex Plant, Amarillo, Texas, \$5,500,000.

Project 88-D-124, fire protection upgrade, various locations, \$5,400,000.

Project 88-D-125, high explosive machining facility, Pantex Plant, Amarillo, Texas, \$36,000,000.

Project 87-D-104, safeguards and security enhancement, Phase II, Lawrence Livermore National Laboratory, Livermore, California, \$7,000,000.

Project 87-D-122, short-range attack missile II (SRAM II) warhead production facilities, various locations, \$41,200,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, \$5,200,000.

Project 86-D-130, tritium loading facility replacement, Savannah River Plant, Aiken, South Carolina, \$24,025,000.

Project 85-D-105, combined device assembly facility, Nevada Test Site, Nevada, \$9,460,000.

(2) For materials production:

Project 90-D-141, Idaho chemical processing plant fire protection, Idaho National Engineering Laboratory, Idaho, \$3,500,000.

Project 90-D-142, coal storage facility environmental upgrade, Feed Materials Production Center, Fernald, Ohio, \$920,000.

Project 90-D-143, plutonium finishing plant fire safety and loss limitation, Richland, Washington, \$800,000.

Project 90-D-146, general plant projects, various locations, \$36,802,000.

Project 90-D-149, plantwide fire protection, Phase I, Savannah River, South Carolina, \$4,900,000.

Project 90-D-150, reactor safety assurance, Phase I, Savannah River, South Carolina, \$12,700,000.

Project 90-D-151, engineering center, Savannah River, South Carolina, \$7,000,000.

Project 89-D-140, additional separations safeguards, Savannah River, South Carolina, \$10,300,000.

Project 89-D-141, M-area waste disposal, Savannah River, South Carolina, \$7,800,000.

Project 89-D-142, reactor effluent cooling water thermal mitigation, Savannah River, South Carolina, \$40,000,000.

Project 89-D-148, improved reactor confinement system, design only, Savannah River, South Carolina, \$7,100,000.

Project 88-D-153, additional reactor safeguards, Savannah River, South Carolina, \$6,400,000.

Project 87-D-159, environmental, health, and safety improvements, Phases I, II, and III, Feed Materials Production Center, Fernald, Ohio, \$55,111,000.

Project 86-D-148, special isotope separation project, Idaho Falls, Idaho, \$40,000,000.

Project 86-D-149, productivity retention program, Phases I, II, III, and IV, various locations, \$81,780,000.

Project 86-D-152, reactor electrical distribution system, Savannah River, South Carolina, \$3,164,000.

Project 86-D-156, plantwide safeguards systems, Savannah River, South Carolina, \$6,181,000.

Project 85-D-139, fuel processing restoration, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, \$75,000,000.

(3) For defense waste and environmental restoration:

Project 90-D-170, general plant projects, various locations, \$29,036,000.

Project 90-D-171, laboratory ventilation and electrical system upgrade, Richland, Washington, \$1,100,000.

Project 90-D-172, aging waste transfer lines, Richland, Washington, \$1,300,000.

Project 90-D-173, B plant canyon crane replacement, Richland, Washington, \$1,500,000.

Project 90-D-174, decontamination laundry facility, Richland, Washington, \$2,800,000.

Project 90-D-175, landlord program safety compliance-I, Richland, Washington, \$4,200,000.

Project 90-D-176, transuranic (TRU) waste facility, Savannah River, South Carolina, \$3,100,000.

Project 90-D-177, RWMC transuranic (TRU) waste treatment and storage facility, Idaho National Engineering Laboratory, Idaho Falls, Idaho, \$5,000,000.

Project 90-D-178, TSA retrieval containment building, Idaho National Engineering Laboratory, Idaho Falls, Idaho, \$6,000,000.

Project 89-D-171, Idaho National Engineering Laboratory road renovation, Idaho, \$7,400,000.

Project 89-D-172, Hanford environmental compliance, Richland, Washington, \$27,600,000.

Project 89-D-173, tank farm ventilation upgrade, Richland, Washington, \$15,400,000.

Project 89-D-174, replacement high level waste evaporator, Savannah River, South Carolina, \$9,360,000.

Project 89-D-175, hazardous waste/mixed waste disposal facility, Savannah River, South Carolina, \$6,440,000.

Project 88-D-173, Hanford waste vitrification plant, Richland, Washington, \$29,100,000.

Project 87-D-173, 242-A evaporator crystallizer upgrade, Richland, Washington, \$700,000.

Project 87-D-181, diversion box and pump pit containment buildings, Savannah River, South Carolina, \$2,790,000.

Project 83-D-148, nonradioactive hazardous waste management, Savannah River, South Carolina, \$14,140,000.

(4) For verification and control technology:

Project 90-D-186, center for national security and arms control, Sandia National Laboratories, Albuquerque, New Mexico, \$1,000,000.

(5) For new production reactor:

Project 88-D-154, new production reactor capacity, various locations, \$100,000,000.

(6) For naval reactors development:

Project 90-N-101, general plant projects, various locations, \$8,500,000.

Project 90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho, \$3,600,000.

Project 90-N-103, advanced test reactor off-gas treatment system, Idaho National Engineering Laboratory, Idaho, \$200,000.

Project 90-N-104, facilities renovation, Knolls Atomic Power Laboratory, Niskayuna, New York, \$3,900,000.

Project 89-N-102, heat transfer test facility, Knolls Atomic Power Laboratory, Niskayuna, New York, \$6,500,000.

Project 89-N-103, advanced test reactor modifications, Test Reactor Area, Idaho National Engineering Laboratory, Idaho, \$3,100,000.

Project 89-N-104, power system upgrade, Naval Reactors Facility, Idaho, \$6,400,000.

Project 88-N-102, expended core facility receiving station, Naval Reactors Facility, Idaho, \$3,000,000.

(7) For capital equipment not related to construction:

(A) For weapons activities, \$304,175,000, including \$24,040,000 for the defense inertial confinement fusion program.

(B) For materials production, \$104,425,000.

(C) For defense waste and environmental restoration, \$50,126,000.

(D) For verification and control technology, \$9,732,000.

(E) For nuclear safeguards and security, \$4,967,000.

(F) For naval reactors development, \$54,000,000.

SEC. 3103. FUNDING LIMITATIONS.

(a) PROGRAMS, PROJECTS, AND ACTIVITIES OF THE DEPARTMENT OF ENERGY RELATING TO STRATEGIC DEFENSE INITIATIVE.—Of the funds appropriated to the Department of Energy for fiscal year 1990 for operating expenses and plant and capital equipment, not more than \$250,700,000 may be obligated or expended for programs, projects, and activities of the Department of Energy relating to the Strategic Defense Initiative.

(b) INERTIAL CONFINEMENT FUSION.—Of the funds appropriated to the Department of Energy for fiscal year 1990 for operating expenses and plant and capital equipment,

not less than \$184,240,000 shall be obligated or expended for the defense inertial confinement fusion program.

(c) SPECIAL ISOTOPE SEPARATION PROJECT.—The funds authorized for Project 86-D-148, special isotope separation project, Idaho Falls, Idaho, may not be used for site preparation, construction, or procurement of long-lead materials or equipment.

PART B—RECURRING GENERAL PROVISIONS SEC. 3121. REPROGRAMMING.

(a) NOTICE TO CONGRESS.—(1) Except as otherwise provided in this title—

(A) no amount appropriated pursuant to this title may be used for any program in excess of the lesser of—

(i) 105 percent of the amount authorized for that program by this title; or

(ii) \$10,000,000 more than the amount authorized for that program by this title; and

(B) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress.

(2) An action described in paragraph (1) may be taken after a period of 30 calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives of notice from the Secretary of Energy (in this title referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(b) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated cost of the construction project does not exceed \$1,200,000.

(b) REPORT TO CONGRESS.—If at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds \$1,200,000, the Secretary shall immediately furnish a complete report to the Committees on Armed Services and on the Committees on Appropriations of the Senate and House of Representatives explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3102 of this title, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken after a period of 30 calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives of notice from the Secretary of Energy (in this title referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(b) **EXCEPTION.**—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than \$5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) **IN GENERAL.**—Funds appropriated pursuant to this title may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

(b) **SPECIFIC TRANSFER.**—The Secretary of Defense may transfer to the Secretary of Energy not more than \$100,000,000 of the funds appropriated for fiscal year 1990 to the Department of Defense for research, development, test, and evaluation for the Defense Agencies for the performance of work on the Strategic Defense Initiative. Funds so transferred—

(1) may be used only for research, development, and testing for nuclear directed energy weapons, including plant and capital equipment related thereto;

(2) shall be merged with the appropriations of the Department of Energy; and

(3) may not be included in calculating the amount of funds obligated or expended for purposes of the funding limitation in section 3103(a).

SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN.

(a) **IN GENERAL.**—(1) Within the amounts authorized by this title for plant engineering and design, the Secretary may carry out advance planning and construction designs (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed \$2,000,000.

(2) In any case in which the total estimated cost for such planning and design exceeds \$300,000, the Secretary shall notify the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) **SPECIFIC AUTHORITY REQUIRED.**—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds \$2,000,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN.

In addition to the advance planning and construction design authorized by section 3102, the Secretary may perform planning and design utilizing available funds for any Department of Energy defense activity construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operating expenses or for plant and capital equipment may remain available until expended.

PART C—MISCELLANEOUS PROVISIONS

SEC. 3131. MAJOR DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

(a) **MAJOR PROGRAM DEFINED.**—In this section, the term "major Department of Energy national security program" means a research and development program (which may include construction and production activities), a construction program, or a production program—

(1) that is designated by the Secretary of Energy as a major Department of Energy national security program; or

(2) that is estimated by the Secretary of Energy to cost more than \$500,000,000 (based on fiscal year 1989 constant dollars).

(b) **REQUIRED REPORTS.**—(1) Except as provided in paragraph (3), the Secretary of Energy shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives at the end of each calendar-year quarter a report on each major Department of Energy national security program.

(2) Each such report shall include, at a minimum, the following information:

(A) A description of the program, its purpose, and its relationship to the mission of the national security program of the Department of Energy.

(B) The program schedule, including estimated annual costs.

(C) A comparison of the current schedule and cost estimates with previous schedule and cost estimates, and an explanation of changes.

(3) A report under this section need not be submitted for the first, second, or third calendar-year quarter if the comparison between current schedule and cost estimates and schedule and cost estimates contained in the last submitted report shows that there has been—

(A) less than a 5 percent change in total program cost; and

(B) less than a 90-day delay in any significant schedule item of the program.

(c) **SUBMISSION OF REPORT.**—Each report under this section shall be submitted not later than 30 days after the end of each calendar-year quarter. The first report shall cover the fourth quarter of 1989 and shall be submitted not later than January 30, 1990.

(d) **IDENTIFICATION OF PROGRAMS.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall submit a report to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives that identifies all programs of the Department of Energy that are major Department of Energy national security programs, as defined in subsection (a).

SEC. 3132. FIVE-YEAR BUDGET PLAN REQUIREMENT.

(a) **PLAN REQUIREMENT.**—The Secretary of Energy each year shall prepare a five-year budget plan for the national security programs of the Department of Energy. The plan shall contain the estimated expendi-

tures and proposed appropriations necessary to support the programs, projects, and activities of the national security programs and shall be at a level of detail comparable to that contained in the budget submitted by the President to Congress under section 1105 of title 31, United States Code.

(b) **SUBMISSION OF PLAN.**—The Secretary shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives the plan required under subsection (a) at the same time as the President submits to Congress the budget pursuant to section 1105 of title 31, United States Code.

SEC. 3133. AMENDMENT TO ATOMIC COMMUNITY ACT OF 1955.

Section 91 c. of chapter 9 of the Atomic Community Act of 1955 (42 U.S.C. 2391(c)) is amended by adding at the end the following sentence: "No payments may be made under this section for a fiscal year to a governmental entity unless such entity provides satisfactory assurances to the Secretary of Energy that the payments will be used to supplement and not supplant the level of State and local funds that would otherwise be available to the entity were the Federal funds not paid to the entity for that fiscal year."

SEC. 3134. PROHIBITION AND REPORT ON BONUSES TO CONTRACTORS OPERATING DEFENSE NUCLEAR FACILITIES.

(a) **PROHIBITION.**—The Secretary of Energy may not provide any bonuses, award fees, or other form of performance- or production-based awards to a contractor operating a Department of Energy defense nuclear facility unless, in evaluating the performance or production under the contract, the Secretary of Energy considers the contractor's compliance with all applicable environmental, safety, and health statutes, regulations, and practices for determining both the size of, and the contractor's qualification for, such bonus, award fee, or other award. The prohibition in this subsection applies with respect to contracts entered into, or contract options exercised, after the date of the enactment of this Act.

(b) **REPORT ON ROCKY FLATS BONUSES.**—The Secretary of Energy shall investigate the payment, from 1981 to 1988, of production bonuses to Rockwell International, the contractor operating the Rocky Flats Plant (Golden, Colorado), for purposes of determining whether the payment of such bonuses was under fraudulent circumstances. Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of that investigation, including the Secretary's conclusions and recommendations.

(c) **DEFINITION.**—In this section, the term "Department of Energy defense nuclear facility" has the meaning given such term by section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2268g).

(d) **REGULATIONS.**—The Secretary of Energy shall promulgate regulations to implement subsection (a) not later than 90 days after the date of the enactment of this Act.

SEC. 3135. PREFERENCE FOR ROCKY FLATS WORKERS.

In any contract awarded by the Secretary of Energy to carry out any cleanup, decontamination, or decommissioning of the Rocky Flats Plant (Golden, Colorado), the Secretary of Energy shall require the contractor to give first preference in hiring employees to those employees who worked at

the Rocky Flats Plant before it was closed and who are qualified to carry out the duties for the positions, as determined by the contractor.

SEC. 3136. AUTHORIZATION AND FUNDING FOR ROCKY FLATS AGREEMENT.

(a) AUTHORIZATION.—Using funds available pursuant to subsection (b), the Secretary of Energy may make such payments as may be necessary—

(1) to carry out the agreement entered into on June 16, 1989, between the Department of Energy and the State of Colorado with respect to the Rocky Flats Plant; and

(2) to enable the State of Colorado to ensure the safety, purity, and cleanliness of the drinking water of those communities whose water supply flows through, runs off, or is otherwise affected by air or water emissions of, the Rocky Flats Plant, by means of testing and related activities.

(b) FUNDING.—Of the funds appropriated to the Department of Energy for fiscal year 1990 pursuant to the authorization in this Act for environmental restoration and management of defense waste, up to \$3,435,000 shall be obligated or expended to carry out such agreement and to provide for testing and related activities authorized under subsection (a)(2).

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1990 \$10,000,000 for the establishment and operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2268 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. STRATEGIC AND CRITICAL MATERIALS DEVELOPMENT, RESEARCH, AND CONSERVATION.

Section 8 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98g) is amended by adding at the end the following new subsections:

"(c) The President shall make scientific, technologic, and economic investigations concerning the feasibility of—

"(1) developing domestic sources of supply of materials (other than materials referred to in subsections (a) and (b)) determined pursuant to section 3(a) to be strategic and critical materials; and

"(2) developing or using alternative methods for the refining or processing of a material in the stockpile so as to convert such material into a form more suitable for use during an emergency or for storage.

"(d) The President shall encourage the conservation of domestic sources of any material determined pursuant to section 3(a) to be a strategic and critical material by making grants or awarding contracts for research regarding the development of—

"(1) substitutes for such material; or

"(2) more efficient methods of production or use of such material.

"(e) A grant or contract under this section for the performance of development and research (or for the construction of a facility for the performance of such development and research) may be made or awarded only—

"(1) using competitive procedures, in the case of a grant, or in accordance with section 2304 of title 10, United States Code (other than subsection (c)(5)), in the case of a contract; and

"(2) if the President determines at the time of making such grant or awarding such con-

tract that such grant or contract shall serve national defense needs identified in a report submitted under section 14(c).

"(f) A provision of law enacted after the date of the enactment of this subsection may not be construed as modifying or superseding the requirements specified in subsection (e) unless that provision of law specifically refers to subsection (e) and specifically states that such provision of law modifies or supersedes such requirements."

SEC. 3302. DEVELOPMENT OF DOMESTIC SOURCES.

(a) AUTHORITY OF THE PRESIDENT.—The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.) is amended by adding at the end the following new section:

"DEVELOPMENT OF DOMESTIC SOURCES

"SEC. 15. (a) Subject to subsection (c), and to the extent the President determines such action is required for the national defense, the President shall encourage the development of domestic sources of materials determined pursuant to section 3(a) to be strategic and critical materials—

"(1) by purchasing, or making a commitment to purchase, strategic and critical materials of domestic origin when such materials are needed for the stockpile; and

"(2) by contracting with domestic facilities, or making a commitment to contract with domestic facilities, for the processing or refining of strategic and critical materials in the stockpile when processing or refining is necessary to convert such materials into a form more suitable for storage and subsequent disposition.

"(b) Purchases and commitments to purchase made under subsection (a) may be made for periods of up to five years for such quantities and on such terms and conditions, including advance payments, as the President considers to be necessary.

"(c)(1) Transactions to carry out the authority provided in subsection (a) shall be included in the appropriate annual materials plan submitted to Congress under section 11(b). Changes to any such transaction, or the addition of a transaction not included in such plan, shall be made in the manner provided by section 5(a)(2).

"(2) The authority of the President to enter into obligations under this section is effective for any fiscal year only to the extent of the availability of amounts in the National Defense Stockpile Transaction Fund.

"(d) The authority provided to the President in subsection (a) includes the authority to transport and to incur other incidental expenses related to carrying out such subsection.

"(e) The President shall provide information with respect to activities conducted under this section in the reports required under section 11(a)."

(b) USE OF NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.—Section 9(b)(2) of such Act (50 U.S.C. 98h(b)(2)) is amended by adding at the end the following new subparagraph:

"(F) Activities authorized under section 15."

SEC. 3303. NATIONAL DEFENSE STOCKPILE MANAGER.

(a) REDESIGNATION AND TRANSFER OF SECTION.—Section 6A of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e-1) is—

(1) transferred to appear after section 15 of such Act (as added by section 3302); and

(2) redesignated as section 16.

(b) AUTHORITY OF THE PRESIDENT.—Such section is amended—

(1) by striking out "sections 7, 8, and 13" each place it appears and inserting in lieu thereof "sections 7 and 13";

(2) by adding at the end of subsection (c) the following new sentence: "The President may not delegate functions of the President under sections 7 and 13."; and

(3) by striking out "section 6(b) or 6(d)" in subsection (d) and inserting in lieu thereof "section 6(a)(6)".

SEC. 3304. AUTHORITY TO DISPOSE OF MATERIALS IN THE STOCKPILE FOR INTERNATIONAL CONSUMPTION.

Section 6 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e) is amended—

(1) in subsection (b)—

(A) by striking out paragraph (3);

(B) by inserting "and" at the end of paragraph (1); and

(C) by striking out "; and" at the end of paragraph (2) and inserting in lieu thereof a period; and

(2) by striking out "paragraph (1), (2), or (3)" in subsection (d) and inserting in lieu thereof "paragraph (1) or (2)".

SEC. 3305. INFORMATION INCLUDED IN REPORTS TO CONGRESS.

Section 11(a)(5) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-2(a)(5)) is amended by striking out "made from the fund" and inserting in lieu thereof "made to the fund, and obligations to be made from the fund."

SEC. 3306. CHANGES IN STOCKPILE REQUIREMENTS.

Pursuant to section 3(c)(4) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 90b(c)(4)), the National Defense Stockpile Manager may revise quantities of materials to be stockpiled under that Act in accordance with the following table:

Material	Current Quantity	Revised Quantity
Aluminum oxide, abrasive grain group.....	638,000 short tons (contained)	374,000 short tons (contained)
Antimony..	36,000 short tons	88,500 short tons
Asbestos, amosite..	17,000 short tons	0 short tons
Bauxite, refractory.....	1,400,000 long calcined tons	1,240,000 long calcined tons
Bismuth....	2,200,000 pounds	1,060,000 pounds
Chromite, refractory grade ore.....	850,000 short dry tons	695,000 short dry tons
Columbi-um group.....	4,850,000 pounds (contained)	12,520,000 pounds (contained)
Diamond, industrial group.....	29,730,000 carats	7,730,000 carats
Fluor-spar, acid grade.....	1,400,000 short dry tons	900,000 short dry tons

Material	Current Quantity	Revised Quantity
Fluor-spar, metal-lurgical grade.....	1,700,000 short dry tons	310,000 short dry tons
Germani-um.....	146,000 kilograms	78,000 kilograms
Graphite, natural, mala-gasy, crystal-line.....	20,000 short tons	14,200 short tons
Graphite, natural, other than Ceylon and Mala-gasy graph-ite.....	2,800 short tons	1,930 short tons
Manga-nese, battery grade group.....	87,000 short dry tons	50,000 short dry tons
Mica, musco-vite block, stained and better.....	6,200,000 pounds	2,500,000 pounds
Natural insula-tion fibers.....	1,500,000 pounds	0 pounds
Platinum group metals, iridium..	98,000 troy ounces	86,000 troy ounces
Platinum group metals, palladi-um.....	3,000,000 troy ounces	2,150,000 troy ounces
Quartz crystals..	600,000 pounds	240,000 pounds
Talc, steatite block and lump.....	28 short tons	0 short tons
Tungsten group.....	50,666,000 pounds (contained)	70,090,000 pounds (contained)

SEC. 3307. AUTHORIZED DISPOSALS.

(a) **AUTHORITY.**—Notwithstanding section 5(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(b)), and subject to subsection (c), the National Defense Stockpile Manager may during fiscal years 1990 and 1991 dispose of materials in the National Defense Stockpile in accordance with this section. The value of materials disposed of may not exceed \$180,000,000 during each of such fiscal years, and such disposal may be made only as specified in subsection (b).

(b) **MATERIALS AUTHORIZED TO BE DISPOSED.**—Any disposal under subsection (a) shall be made from quantities of materials in the National Defense Stockpile previously authorized for disposal by law or from the following quantities of materials currently held in the National Defense Stockpile, such

quantities having been determined to be excess to stockpile requirements:

- (1) 34,000 short tons of asbestos, amosite.
- (2) 255,400 pounds of bismuth.
- (3) 8,000,000 carats of diamond, industrial, crushing bort.
- (4) 15,000 short dry tons of fluorspar, metallurgical grade.
- (5) 3,635 short tons of graphite, natural, malagasy, crystalline.
- (6) 873 short tons of graphite, natural, other than Ceylon and Malagasy graphite.
- (7) 15,000 flasks of mercury.
- (8) 10,000 pounds of mica, muscovite block, stained and better.
- (9) 690 short tons of silicon carbide.
- (10) 15,000,000 troy ounces of silver.
- (11) 28 short tons of talc, block and lump.
- (12) 5,000 metric tons of tin.

(c) **LIMITATION ON DISPOSALS DURING FISCAL YEARS 1990 AND 1991.**—The National Defense Stockpile Manager may dispose of materials under this section during each of the fiscal years 1990 and 1991 only to the extent that the total amount received (or to be received) from such disposals for each such fiscal year does not exceed the amount obligated from the National Defense Stockpile Transaction Fund during such fiscal year for the purposes authorized under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).

SEC. 3308. AUTHORIZATION OF ACQUISITIONS.

(a) **ACQUISITIONS.**—During each of the fiscal years 1990 and 1991, the National Defense Stockpile Manager shall obligate \$180,000,000 out of funds of the National Defense Stockpile Transaction Fund (subject to such limitations as may be provided in appropriations Acts) for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).

(b) **UPGRADE PROGRAMS.**—Of the amount specified in subsection (a), at least \$30,000,000 shall be obligated during each of such fiscal years for programs not already required by law for upgrading stockpile materials.

(c) **PURCHASE OF GERMANIUM.**—Of the amount specified in subsection (a) for fiscal year 1990, at least \$12,000,000 shall be obligated during that fiscal year to acquire germanium for the National Defense Stockpile.

TITLE XXXIV—CIVIL DEFENSE

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated \$151,535,000 for the fiscal year ending September 30, 1990, to carry out the provisions of the Federal Civil Defense Act of 1950.

Amend the title so as to read: "A bill to authorize appropriations for fiscal year 1990 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes."

The CHAIRMAN pro tempore. No amendments to said substitute are in order except amendments designated in House Report 101-168. Said amendments shall be considered only in the order and manner specified and shall be considered as having been read. Said amendments, except those printed in part 2 of said report, may only be offered by the Member designated for said amendment in House Report 101-168, or the rule, or his designee. Debate time specified for each amend-

ment shall be equally divided and controlled by the proponent of the amendment and a Member opposed thereto, except as specified in the rule or House Report 101-168.

Said amendments are not subject to amendment, except as specified in the rule or House Report 101-168, or to a demand for a division of the question. Any general debate specified in the rule shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

It shall be in order for the chairman of the Committee on Armed Services, or his designee, to offer amendments en bloc, including modifications in the text of any amendment which is germane thereto, printed in parts 2 or 3 of said report. Said amendments en bloc are considered as having been read and are not subject to amendment or to a demand for a division of the question. Said amendments en bloc shall be debatable for 60 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. The original proponents of the amendments offered en bloc shall have permission to insert statements in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may postpone recorded votes, if ordered, on any first degree amendment until a designated point later that legislative day or until the next legislative day. The Chair may reduce to a minimum of 5 minutes the period of time within which a recorded vote, if ordered, may be taken on all amendments following the first vote in the series.

If the Committee of the Whole does not complete consideration of any amendment printed in parts 1 or 2 of said report, it shall be in order on any subsequent legislative day for the chairman of the Committee on Armed Services, after consultation with the ranking minority member and after giving at least 1 hour's notice, to request the Chair to recognize the proponent of said amendments, and the Chair may recognize the proponents of said amendments, notwithstanding the order of amendments specified in said report. If the chairman of the Committee on Armed Services does not give such notice or make such request, said amendments may be offered by their proponents following the disposition of all other amendments contained in part 2 of said report.

The proponent of any amendment printed in part 3 of the House Report 101-168 not considered in the order specified in the rule may offer that amendment at the conclusion of con-

sideration of all other amendments printed in part 2 of said report.

The Chair will announce the number of the amendment made in order by the rule and the name of its sponsor in order to give notice to the Committee of the Whole as to the order of recognition.

It is now in order to debate the subject matter of the strategic defense initiative.

Pursuant to the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 30 minutes and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

□ 0920

Mr. ASPIN. Mr. Chairman, I ask unanimous consent that I be allowed to strike the last word to talk a little bit about the schedule today.

The CHAIRMAN pro tempore (Mr. HALL of Texas). Without objection, the gentleman from Wisconsin [Mr. ASPIN] is recognized for 5 minutes.

There was no objection.

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from California [Mr. DELLUMS].

PARLIAMENTARY INQUIRY

Mr. DELLUMS. Mr. Chairman, I thank my colleague for yielding.

Mr. Chairman, I would like to propound the following parliamentary inquiry: I understand we are now proceeding to debate the strategic defense initiative. The rule provides 1 hour, evenly divided between the gentleman from Wisconsin [Mr. ASPIN], who chairs the committee, and the gentleman from Alabama [Mr. DICKINSON], who is the ranking minority member.

There are three amendments, one amendment that goes forward with the strategic defense initiative, one amendment that stops it, and one amendment that slows it down.

The question that I would raise with the Chair is what is the rationale for dividing the time evenly between the gentleman from Alabama [Mr. DICKINSON] and the gentleman from Wisconsin [Mr. ASPIN] when it appears as if this is to some extent unfair? On the other side of the aisle the majority position is to support the gentleman from Arizona [Mr. KYL], so I think that one could argue, and I think legitimately, that the gentleman from Arizona [Mr. KYL] then has approximately 30 minutes of the general debate time. There are two amendments on this side, which means we end up, even if you give us half of the time, with 15 minutes, and I think that there is some lack of equity in this regard.

The parliamentary inquiry I would raise is this: What is the rationale for dividing the time and who is perceived as proponents and opponents in this debate? I think the gentlewoman from

California [Ms. BOXER] and the gentleman from California [Mr. DELLUMS] should be perceived as opponents, and we should then have half the time to debate against any SDI amendments, since we want to stop SDI. And we think that the process, with all due respect to the Rules Committee seems to be unfair at this point, and I ask it not in controversy, but simply to try to get an explanation.

The CHAIRMAN pro tempore. The gentleman from California might be advised that the chairman and ranking minority member who control the time under the rule have the right to yield. That is for any general debate on this bill and it is traditionally so divided, as it has been divided here.

Mr. DELLUMS. I thank the distinguished Chair.

Mr. ASPIN. Mr. Chairman, I would like to discuss a little bit with the gentleman from Alabama today's schedule just so that Members understand what we are doing before we start on this day, which promises to be a long one.

Let me just announce that the schedule for today is that the first issue that the Committee of the Whole will consider under the defense bill is, as the gentleman from California said, the SDI amendments. The plan is to have general debate on the subject for an hour, followed by a 10-minute debate on each amendment. The amendments are first the Kyl amendment; 5 minutes for, 5 minutes against and a vote. Followed by the Dellums-Boxer amendment; 5 minutes for, 5 minutes against and a vote.

Finally, the Bennett amendment; 5 minutes for, 5 minutes against and a vote.

Following the conclusion of the issue on the SDI funding, there will be, according to the rule, three separate add-ons. If any of the amendments has passed in the Committee of the Whole to cut SDI, there will be three amendments offered to add money for specific programs. Each of them has a 15-minute debate time to be divided between the proponents and opponents; 15 minutes debate and a vote. The first is on the Bennett amendment to add \$232 million to conventional forces; second, is the Spratt amendment to add \$300 million for DOE environmental cleanup; and, third, the Mavroules amendment to add \$450 million for drug interdiction.

Following that, and I do not know how long that will take, there will be a number of votes. The next issue is two amendments relating to burden-sharing. It is the rule's stipulation that the Schroeder amendment and the Ireland amendment, both relating to burden-sharing, are both in order and both have a 30-minute debate time and a vote.

At the conclusion of that, the rule calls for consideration of part 2 amendments. Part 2 amendments are

general amendments that are listed in part 2 of the rule, are listed in order by author and subject. They will be called up in order; and author will have 5 minutes in support of his amendment, and opponents to the amendment will have 5 minutes in opposition to the amendment.

It is possible that when we come to that point, any votes that are desired will be clustered and will come at the end of the process.

What amendments come up next is the gentleman from Alabama [Mr. DICKINSON] the ranking Republican on the committee, who will at that point offer in effect the Cheney budget for the procurement part of the bill. Under the rule there is 40 minutes debate time, 20 minutes to be controlled by the gentleman from Alabama [Mr. DICKINSON] and 20 minutes by the opposition to the amendment, and that will be followed by a vote.

Depending on how that comes out, we may or may not then be following on with the Weldon amendment. The Weldon amendment would add back the F-14, and V-22 and the Guard and Reserves.

That in essence is the outline of the program today. Whenever we get to the end of that, we will be finished for the day.

I would say that there is some disconnect between consideration of the part 2 amendments and then considering the Cheney budget. What we have talked about, and I have been talking with the gentleman from Alabama about this, is it seems to me to be fair to the authors of the amendments and be fair to the Cheney budget if what we do in this process is to make sure that we do not consider any part 2 amendment that relates to the procurement today.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. ASPIN] has expired.

(By unanimous consent, Mr. ASPIN was allowed to proceed for 5 additional minutes.)

Mr. ASPIN. We will in effect do any part 2 amendments that relate to the procurement part of the bill tomorrow or the next day, or put them off until the end of the part 2 amendments.

□ 0930

The purpose of this is that if we pass any part 2 amendments, then that will be affected, procurement could be wiped out by a subsequent vote on the Cheney budget.

So to be fair, out of consideration for the Cheney budget and to be fair to the people who want to offer amendments, part 2 amendments to the procurement part of the bill, we want to make sure that we put those off until another day.

So what we will consider, in consideration of the part 2 amendments,

that is listed here in the rule, we will make sure that those amendments will be the ones that affect R&D, affect personnel, affect readiness, we can consider all of those because the Cheney package which the gentleman from Alabama will offer affects only the procurement part of the bill.

I wanted to at least take the time at the beginning of today to explain all of this because I think it is going to be a long day and we want people to be treated as fairly as we can but also we want to deal with the process expeditiously, and hopefully we can get through not too late tonight.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Chairman, the chairman has stated the situation as correctly as I understand it, and as we have discussed. I think it makes eminently good sense and is an orderly way to proceed, since there will be a Cheney amendment offered which deals only with procurement and would prohibit the add-back of programs not in the budget. Those amendments of part 2, would come following the Cheney amendment rather than preceding it, since the Cheney amendment, if it passed, would wipe out all that had been passed in the debate and the votes would go for naught.

I think this is a reasonable approach, and I think it is a common-sense approach.

I know that I am speaking correctly when I say that the chairman and staff will notify the authors of the various amendments, since we will not be going sequentially, so they will be notified in ample time so that they can be over here to speak on behalf of their amendments.

Mr. ASPIN. Yes.

Mr. DICKINSON. After the Cheney amendment is considered, regardless of whether it passes or not, the balance of the bill dealing with procurement funding will then be brought up in order at any time that the chairman cares to call for it.

Mr. ASPIN. That is correct.

Mr. DICKINSON. This is my understanding and I am certainly in agreement.

The CHAIRMAN pro tempore (Mr. HALL of Texas). Pursuant to the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 30 minutes, and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I yield 4 minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. I thank the chairman for yielding.

Mr. Chairman, the current Star Wars Program is the "Would you believe?" system of the military budget. Do you remember the TV program, "Get Smart?" The main character on that program was the hapless agent, Maxwell Smart. He would start to weave some fantastic story or theory to get himself out of trouble and when his listener looked skeptical, he would utter that famous line, "Would you believe * * *?" and come up with another plan.

That, to me, sums up the history of star wars. This program has run its course. It lacks a coherent mission, except as a great threat to arms control. It has cost billions and we cannot afford it anymore. That is why I am proud to support and join in the Dellums-Boxer star wars amendment.

The Dellums-Boxer amendment would dismantle the office of star wars that administers this ever-changing program, but it would authorize sufficient funding at \$1.3 billion to continue basic research into ballistic missile defense technology. This is about the level at which this program would have been before the wild idea came into play.

Mr. Chairman, I do not understand how Members on the other side of the aisle who say they are so concerned about the budget could stand here with all the budgetary pressures we face and seriously consider pouring billions more into this chameleon program which changes every day according to the political climate.

Since its birth in the imagination of President Reagan 6 years and \$17 billion ago, we have seen the star wars salesmen of the Reagan and Bush administrations change their star wars pitch in three basic areas: its mission, its technology, and its cost.

Let me briefly review this "Would you believe?" program and its would you believe mission. Star wars was first billed as a total population defense. Every man, woman, and child would be protected.

We saw those TV commercials of the little child throwing a shield over his house. That did not last very long. Because after a while even the scientists admitted it would not work. So the only person who really believed it to the end was President Reagan and for a while former Secretary of Defense "Cap" Weinberger.

Even the Joint Chiefs of Staff acknowledged that there would be leaks in this shield, that the fact is we could not protect our people from such a missile attack.

So they said, "Would you believe," and we were told star wars' purpose now was really to protect military installations. It would be a deterrent.

Well, we have a deterrent, my friends: many nuclear warheads and the memory of Hiroshima and Nagasaki.

Let us look at this "would you believe" technology. In March 1983, when star wars was announced, TV screens were full of seductive video images. Since then we have learned that such technologies are decades and decades away if they can ever come at all.

So they changed their story. They said, "Would you believe," and all of a sudden there was a shift of priorities from research on long-term so-called exotic technologies to some of the old ideas discarded in the 1970's of rockets intercepting other rockets.

Regardless of whether these technologies were at all effective, the administration promised they could be tested and deployed in a few years. That is what mattered, tests of real objects that people could see on TV.

So they decided to do tests on television that we could see. But who cared if those tests ran up against the ABM Treaty? But Congress balked. We said, "No." Then one day the chairman of the Senate Armed Services Committee said, "Would you believe," a new idea for star wars? A new idea that it would be protecting us against accidental launch. There must have been panic among the star warriors. So a new idea was born, brilliant pebbles, an idea that Mr. Bennett called crazy marbles. I have to agree with Mr. Bennett on that.

Let me talk about cost: Brilliant pebbles is billed as a bargain at a mere \$10 billion compared to the \$69 billion. A bargain? Why should we believe this or any other cost estimate trotted out by the administration? We have seen the costs of the B-2. We simply cannot afford it.

So all I want to say to my colleagues in summing up is you have three options to choose from today. I say stop this "would you believe" system, get back to reality and support the Dellums-Boxer amendment.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as we enter into the debate on SDI, I think it is very important that we keep certain facts in mind. First, it is my recollection that nobody has ever seriously contended that SDI would be a leakproof, 100-percent assured protection. As I understood it, as ranking Republican on the Subcommittee on Research and Development, it has always been a shield that would allow some degree of protection, perhaps as little as 50 percent, with the idea that if SDI could defeat 50 to 60 percent of incoming Soviet missiles, it would put great uncertainty into the minds of Soviet planners.

□ 0940

SDI would so confound Soviet offensive planners they could never launch a first strike on the United States.

That is what deterrence is all about. No one said it is 100-percent guaranteed. I never understood, and I do not think the members of the Armed Services Committee understood, that SDI is supposed to be a 100-percent guarantee.

To review some of the SDI budget figures, the Reagan budget, as it initially came over, had a total of \$5.9 billion for SDI. The Bush administration, when they came in, reduced SDI by \$1 billion, to \$4.9 billion. The Bush R&D funding was \$4.6 billion.

The funding level of the amendment being offered by my colleague from Arizona, Mr. KYL, would leave SDI at this year's level of \$3.7 billion, plus inflation, which provides zero real growth for the program.

The Bennett amendment will provide \$3.1 billion for SDI. If you take out the Department of Energy portion, the Bennett number is \$2.8 billion. Finally, the gentleman from California [Mr. DELLUMS] will offer an amendment to reduce SDI to \$1.3 billion.

I have just read a recent statement by the former SDI Program director, Lieutenant General Abrahamson. The thrust of his statement was that if we continue this up-and-down funding profile we are, in fact, washing the whole program. Congress cannot go year to year, going from funding peak to valley. I would urge the Members to fund SDI at the year's level, plus inflation. I realize that it is appealing for people to say, "Hey, we've got a great big pot of money in SDI we can use to fund drug wars." I want Members to know that we are spending hundreds of millions of dollars to fight the drug wars, without taking additional moneys out of SDI. As for toxic waste clean up, we have a Superfund, and many hundreds of millions of dollars already committed to the problem. These funds do not have to come out of SDI.

I would urge the Members to vote for stability in SDI funding so that we can rationally plan ahead. This means funding SDI at this year's level, plus inflation. If we need other funds to do other jobs, we should authorize and appropriate them separately. We should not always use SDI as the bill payer for every motherhood issue that might be popular at the time. SDI is an important program. We need it. It is justified. It is doable. We certainly should not deny ourselves the capacity to prove the feasibility of strategic defenses. I would urge all the Members to listen to the debates that will ensue. When the votes occur, support the Kyl \$3.8 billion amendment—this year's level, plus inflation.

I reserve the balance of my time.

Mr. PICKETT. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, all Members, I think, want to have a stronger national defense. I do not know of any Member who does not.

The problem we are facing is the fact that today we do not have adequate funds to do the things that we would like, and know we should be doing if we could afford the funds. So we have to meet these problems in a very restrictive way.

I have suggested the figure of \$3.1 billion, and that would be the amendment I will offer on SDI. The reason for that is because it has passed the House twice. That has been the figure we have had. That is one of the reasons. Another reason is we had hearings on the amount that would be needed. In those hearings, although they were diverse in the amount of money that was suggested, I do not think any person suggested more than \$3.5 billion, and some suggested as small as \$2 billion. The thing that was consistent with every person who testified was that it ought to be stable, if possible. Since this is the figure that has passed most frequently in the House, it seems logical to take \$3.1 billion as the figure.

Now Congress has not meddled in the way in which SDI should be done. In almost every other program that we have, the Federal Government is somewhat structured by Congress in the details of it. There is some justification for that. Under the Constitution, Congress is responsible for providing for national defense. The President is not. The Congress is, by the terms of the Constitution. So we do have a right to look into the matter and to be corrective and suggestive with regard to what the Pentagon will do. We actually have not done that with regard to SDI. We have left that up to the Pentagon mostly to do, and tried to arrive at a stable figure.

The figure I suggest is a good stable figure, fits in the middle. Actually a little higher than the middle of the people who testified for a Democratic caucus task force on SDI that I set up 2 years ago and chaired. A logical figure is \$3.1 billion. We spent \$15 billion or more already on the research, and we should go forward with research. The greatest weakness about SDI is it has a good answer. It is not, as the gentleman from Alabama said, a complete shield, it is not a thing that guarantees that nukes are going to be obsolete and none will get through. Therefore, since some will get through, we have to listen to what the general from Russia said a week or so ago in our committee. He said, "Since that is so, we are going to have to have more nuclear weapons. That is the only way to make it possible for us to suggest we would be willing to have this shield, even though partial, and want to bring down the number of nuclear weapons posed toward you." The

reverse of that position would be an illogical position to take from their viewpoint; and they do not intend to take it. Actually, Gorbachev said sometime ago when asked the question of what would the reply be to SDI, and he said, "to create more ICBMs, and also to have diversionary things, decoys," and things like that, to see to it that their missiles are more penetrable than otherwise.

A few have spoken about the first strike. Of course, there are two ideas that went through people's mind talking of first strike. One, the first to strike. Everyone agrees that is not what first strike means. The second definition is a strike by a weapon which makes it impossible for the other side to reply. Of course, there is no such weapon. No country has that. If we are entirely wiped out, we would still have our submarines and could entirely wipe them out after that. The same thing is true on the other side, just with their submarines alone. So there is not any first strike weapon. All that garbage about first strike is a bunch of stuff, because if Members look at the definition of first strike, it means either one or the other. Everyone agrees that it does not mean the first to strike. The other meaning is ability to strike so no one can respond. There is not any weapon like the latter, with or without SDI. There is no possibility of that because we have the ability from underwater at least to make a reply that is very devastating, completely devastating to the other side.

□ 0950

Mr. Chairman, I support the figure of \$3.1 billion because I think it is a solidly arrived at figure. It is one that was arrived at after hundreds of hours of testimony as to what the figure ought to be. It is not one which meddles in any kind of micromanagement or anything like that. It is a figure which is one that will let us go forward with research and will not put us into deployment, which, of course, in my opinion would be a very great mistake. Deployment is not only contrary to our treaties but also a very dangerous thing for the future, particularly for our own country.

Mr. DICKINSON. Mr. Chairman, I yield 10 minutes to the very distinguished gentleman from Arizona [Mr. KYL], who will be offering the principal amendment in support of SDI.

(Mr. KYL asked and was given permission to revise and extend his remarks.)

Mr. KYL. Mr. Chairman, Monday, yesterday, President Bush made the following statement as he began a meeting with Members of the other body at 10 o'clock in the Cabinet Room. This is what he said:

I just wanted to just briefly say that—as we begin the critical debate, that I strongly support what we sent up there to the Hill. SDI, in my view, is critical, it's critically important. We've got a good program there and I think it's essential that it go forward.

Mr. Chairman, in a letter dated July 24, 1989, to our ranking member, the gentleman from Alabama [Mr. DICKINSON], the President said as follows:

I have taken another hard look at SDI and confirmed that the goal of the program—providing the basis for an informed decision on deployment of defenses that would strengthen deterrence—remains sound. We owe it to ourselves and our children to pursue that goal. I am personally and deeply committed to doing so.

Moreover, SDI is at a critical juncture. The technological progress we have made means that we need to conduct large scale realistic, and therefore expensive, tests to prove the feasibility of defenses. Already, because of cuts required in the overall Defense budget, I have reluctantly submitted a revised budget, cutting over \$1 billion from the program. If the Congress cuts even more deeply, our ability to investigate and test the most promising options will be seriously damaged. We will be unable to determine, in a meaningful way, whether we can rely more on defenses for our security. The American people are entitled to that assessment.

The President is absolutely right. As to the question that some of my colleagues have asked, "Can we afford SDI?" I would like to point out to my colleagues that the budget set forth by Secretary Cheney, which already cut \$1 billion from the original request, represents only about 1½ percent of our defense budget. That is 1½ percent, and it represents only about four-tenths of 1 percent of the entire Federal budget.

Just to illustrate the point, Mr. Chairman, there is a chart here that describes what we spend in this country on various things. We see that Americans spend \$80 billion-plus on alcoholic beverages, we spend about \$30 billion on soft drinks, we spend about the same on jewelry and watches, we spend over \$40 billion on tobacco products, and we spend almost as much on pantyhose in this country as it is suggested we should spend on SDI.

Where are our priorities? We owe it to the American people to provide a defense and a deterrence against an attack by the Soviet Union. The Members can see that the far bar on this chart show the strategic defense initiative as the very smallest item in our priorities. No one is arguing that the American consumer should not spend money on the various goods we want to enjoy in this country. That is the difference between the United States and the Soviet Union. We have a balance in this country. We make tough choices. We decide how much we want to spend on defense and how much our people are going to spend on themselves. That is not the way they do it in the Soviet Union.

But where are our priorities if we argue that we cannot afford to spend 1½ percent of the defense budget on SDI, or four-tenths of 1 percent of our Federal budget?

There is also a point to be made here, Mr. Chairman, with respect to the effect of further cuts; and I would simply like to note the fact that further deep cuts in SDI would be debilitating to the program. Let me just quote a couple of comments for the Director of the Strategic Defense Initiative Organization, Gen. George Monahan. He says that further cuts would be devastating and would "wreak havoc with the research program." He said that it would "jeopardize the really astonishing technical and strategic successes we have achieved in the program." He went on further to say that it would disrupt the entire program, and that it "not only could shut down existing projects, but could turn away some of the country's best scientists and engineers."

He said further:

In short, funding the program below the President's request will not allow us to achieve the program's objectives.

Then he said:

The cuts will be costly and result in dismantling programs and losing much of the skilled workforce participating in Strategic Defense research and development.

I say to my colleagues that we all know that once these people are gone, they are gone. We cannot bring them back in any meaningful way.

General Monahan then went on to say:

An SDI program funded below the President's request will lower the level of research in important technologies, areas of technical risk and cost reduction. It will cause program disruption, cancellation of planned experiments and validation tests, and we will waste the progress SDI has achieved to date.

Mr. Chairman, many of my colleagues say, "Well, we don't know whether it will work." Yet they are not willing to fund it and do the tests to find out whether it will work. I challenge them to provide this modest level of funding to enable us to answer these questions so we can make a deployment decision within the next 4 years.

To reduce funding to the level of the Bennett amendment or the Dellums-Boxer amendment would, as the chart shows, deny deployment options in this century. We would have no capability any longer to be able to deploy a system in this century.

Further, it would limit our flexibility in arms control negotiations. I covered this yesterday in two different presentations I made to my colleagues. SDI provides an insurance policy; it will make it much easier for us to agree to drastic limits in the START talks if we know we have that strategic defense to

protect us against cheating by the Soviets. Otherwise we will have to cancel the research effort, and we will have to cancel contracts, shelve technology, delay experiments, stop alternative approaches, and lose the interest of private industry which, after all, has to see something in the program in order to continue its effort. We will lose scientists and engineers.

As General Monahan's comments indicate, 8,000-plus employees will have to be let go from this project at the funding level suggested by the gentleman from Florida [Mr. BENNETT]. Obviously there would be a much more drastic cut than that if the Dellums-Boxer amendment were to pass.

Finally, Mr. Chairman, we would have to rely forever on nuclear retaliation rather than a balanced mix of offense and defense as the deterrent for the United States in the 21st century.

It has always puzzled me why those who want to avoid nuclear war believe that the best way to do it is to threaten mutual suicide with the Soviets. Does it not make sense to provide for our people a protection against attack, not only a massive attack by a country like the Soviet Union but also an accidental launch, or protection against a Third World country attack?

According to William Webster, the CIA Director, in the next decade 15 Third World nations are going to acquire ballistic missile technology. They already have the technology to put a chemical warhead on those missiles. They would be able to blackmail not only the United States but other allies around the world. If we have a strategic defense system that blackmail would no longer succeed because we would be able to protect our citizens.

The gentlewoman from California says:

Well, the program is no longer designed to protect citizens, it is now designed to protect our military assets.

It protects both, because it deters an attack. But as to the precise mission, should an attack occur, it still protects both. On an accidental launch, for example, or launch by a Third World country it protects the people of the United States of America.

The bottom line, of course, is that when we have a program that so disrupts the planning of the Soviets, as SDI will—and we all know how afraid the Soviet Union is of SDI—if we disrupt the planning process of the Soviet Union to the extent that SDI would do so, we deter an attack. That is the reason why we have SDI in the first place.

So, Mr. Chairman, the effect of further cuts would be to ruin the SDI program, to preclude us from making the kind of deployment decision we need to make in this century, and that is why I urge my colleagues to support

the Kyl amendment, which would at least fund SDI at zero real growth level. That is last year's level plus inflation.

That level is not too much to ask. The administration reluctantly supports that amendment. They would rather have the \$4.6 billion that the Cheney budget requested; but at a minimum, I say to my colleagues, we should support zero real growth. We should reject the Bennett amendment at \$2.8 billion and the Dellums-Boxer amendment at a significantly lower level than that.

So, Mr. Chairman, I ask my colleagues, when the time comes, to vote to support the Kyl amendment and reject both the Dellums-Boxer amendment and the Bennett amendment.

Mr. Chairman, I include with my remarks the following letter:

THE WHITE HOUSE,
Washington, DC, July 24, 1989.

Hon. WILLIAM L. DICKINSON,
Committee on Armed Services,
U.S. House of Representatives, Washington,
DC.

DEAR CONGRESSMAN DICKINSON: When the Fiscal Year 1990 Defense Authorization Bill comes to the floor next week, you and your colleagues will make critical decisions affecting the future of deterrence and arms control for the balance of the century. Before you vote, I want to be certain that you understand my reasons for the strategic modernization program I have proposed.

Taken together, these strategic programs are essential to preserve a capable, survivable and effective deterrent. They are an integrated package that deals with the evolving threat and is flexible enough to hedge against uncertainties. They also undergird our arms control negotiations and provide incentives to the Soviets to continue the internal changes they appear to be making. Each represents, not simply modestly improved capability but fundamental change in strategy or system performance.

I am optimistic about what we are beginning to see in the Soviet Union. The Soviets may finally be willing to make significant changes in the character and size of their military forces. This willingness is at least in part the result of our commitment to a modern, capable deterrent force. Weakening the commitment now could undermine the positive trends we see emerging in Soviet forces.

I have taken another hard look at SDI and confirmed that the goal of the program—providing the basis for an informed decision on deployment of defenses that would strengthen deterrence—remains sound. We owe it to ourselves and our children to pursue that goal. I am personally and deeply committed to doing so.

Moreover, SDI is at a critical juncture. The technological progress we have made means that we need to conduct large scale realistic, and therefore expensive, tests to prove the feasibility of defenses. Already, because of cuts required in the overall Defense budget, I have reluctantly submitted a revised budget, cutting over \$1 billion from the program. If the Congress cuts even more deeply, our ability to investigate and test the most promising options will be seriously damaged. We will be unable to determine, in a meaningful way, whether we can rely more on defenses for our security. The

American people are entitled to that assessment.

The B-2 is also at a critical point. The aircraft is based on revolutionary technology that will guarantee the effectiveness of the penetrating bomber well into the next century. Without it, the strategic Triad, which has been the bedrock of our nuclear strategy, will virtually disappear. The B-2 is also the core of our START strategy for achieving stable deterrence at reduced levels. Indeed, under the terms of our current arms control proposal, the bomber force will be assigned a very large percentage of our targets. I have no doubt that the B-2 is worth its cost and deserves your support.

ICBM modernization has been marked with considerable controversy and strong opinion. Yet there is broad agreement that mobility is required for our land-based missiles to improve their survivability and enhance their unique capabilities. After careful review of the issue, I have determined that we should deploy, in a carefully phased manner, the Rail-garrison Peacekeeper and the Small road mobile ICBM. I am committed to doing so.

Rail-garrison Peacekeeper will improve the survivability of the ICBM force quickly and at modest cost, while preserving the considerable military capability of this system. The Small ICBM represents the future of the ICBM force. It offers a high degree of survivability, even with virtually no warning. But, it will not be ready to deploy as soon as Rail-garrison and will obviously be more expensive than a multiple warhead system. We can field Rail-garrison in the near term while at the same time continuing development of the Small ICBM for 1997 deployment. We likewise need to commit to an ICBM mobility program to avoid a deadlock in the START negotiations on the mobile issue.

In addition to the requirement for these forces as the heart of our nuclear deterrent strategy, in which they form an integrated and inseparable whole, there is the role which this modernization program plays in our arms control strategy. We are entering a very important and promising state in our strategic arms control negotiations. We have already introduced some changes in our position and we are actively considering others which could make a significant contribution to the stability of the nuclear balance. To pull the rug out from under me at this crucial juncture by weakening my program could destroy this opportunity to make real progress. Indeed, it could even prevent the conclusion of an arms control agreement. I need the negotiating flexibility which this dynamic and sensible modernization program provides. Don't prevent me from achieving a treaty which could make great strides toward reducing the chances of nuclear conflict.

Let me add two cautionary notes. First, good arms control cannot be legislated. I seek and welcome the advice and counsel of the Congress and regularly consult you on the full range of arms control issues. But, in the final analysis, I must be responsible for negotiating arms control agreements. The many arms control amendments that are customarily proposed to the defense bills only undercut me and our foreign policy and frequently have an effect opposite to that intended by their sponsors.

Second, the pressures to play one modernization program off against another or to pay for one with cuts in another threaten the balanced strategy behind our programs. Secretary Cheney and I have had to make

hard choices in these times of tight budgets—this budget is the best balance of needs and affordability and represents an integrated strategic approach.

As you begin final debate on the defense bill, I ask you to carefully consider the affordable, integrated plan we have designed to strengthen deterrence, to reinforce the incentives for change in the Soviet Union, and to further our goal of negotiating arms control agreements that will reduce the likelihood of nuclear war. We cannot afford to lower our defenses because of Gorbachev's rhetoric; we cannot afford to pull the rug out from our negotiators, and we cannot afford to forfeit the investments we have made in strategic modernization. We can afford to make the needed improvements provided by this cohesive, fiscally sound package. It deserves your support.

Sincerely,

GEORGE BUSH.

Mr. SKEEN. Mr. Chairman, today I rise as a strong supporter of this Nation's Strategic Defense Initiative [SDI] Program.

On March 23, 1983, President Reagan challenged scientists to undertake research aimed at eliminating the threat posed by strategic nuclear missiles. To be examined were possible technologies for a defensive system that could intercept and destroy offensive missiles before they reached their targets. The concept was labeled "star wars."

It did not take long for SDI to become the cornerstone of the Nation's Peace Through Strength Program.

Since the beginning of SDI's research and development and testing, it's not surprising that the Russians have come to the bargaining table and negotiated arms control treaties. Our nations—and the rest of the world—have significantly benefited from these treaties.

And what has been the price of SDI? Very minuscule, as compared to the benefits of enhanced peace and freedom throughout the world. This Nation's defense superstar, in fiscal year 1989, had a contract which represents slightly more than 1 percent of this Nation's total defense budget and only three-tenths of 1 percent of our entire Federal budget. That's quite a bargain for proven results.

Further research and development is critical to the SDI Program. We are at the point of being able to demonstrate and validate important technologies through planned experiments, many of which would be delayed or canceled as a result of severe funding cuts.

In my district in New Mexico, White Sands Missile Range is home to some of the Nation's most successful SDI research and development. The MIRACL laser has already fired successfully in tests with drone missiles. We are holding great prospects for other directed energy programs at White Sands including the ground-based free electron laser and the nuclear particle beam.

Mr. Chairman, today I strongly urge my colleagues to vote in favor of the gentleman from Arizona's [Mr. KYL] amendment which would fund SDI at current levels and keep pace with inflation.

The other amendments offered, if accepted and ultimately adopted, could place the world's most effective peace through strength program in mothballs. Is that the way to reward success? I strongly urge rejection of

the two amendments which would cut SDI funding by over \$1 billion next year.

□ 1000

Mr. PICKETT. Mr. Chairman, I yield 2 minutes to the gentleman from Maine [Mr. BRENNAN].

Mr. BRENNAN. Mr. Chairman, when the United States develops a new weapons system, we do not do this in a vacuum. You can be absolutely certain that there is going to be a response from the Soviets.

In the case of star wars, one very logical response is for the Soviets to build more intercontinental ballistic missiles to overwhelm our star wars system. If that is the reasoned predicted response to a star wars system, I ask, how have we made the United States or the world a safer place by star wars, I think the answer is we have made the world a less safe place, for the result of star wars will be more Soviet missiles, not fewer, and an escalation of the arms race.

Star wars was sold to us by President Reagan as some sort of astrodome over the United States that would protect all of us from nuclear assault. Now its purpose has changed more to protecting our offensive weapons, and as a general, but rather vague, deterrent.

Keep in mind, there are many very respected scientists from the very prestigious National Academy of Science who say overwhelmingly that star wars is simply a pipe dream and it will not work, and besides, it could cost up to \$1 trillion ultimately.

For all these reasons, I urge my colleagues to support the Dellums-Boxer amendment that calls for some research to keep abreast of the technology at a moderate level and that gets away from the crash program.

The Dellums-Boxer amendment also saves us \$3 billion and keeps us from going down the road with a program that could ultimately cost \$1 trillion, and it keeps us from building a system that would force the Soviets to build more intercontinental ballistic missiles aimed at the United States.

Mr. Chairman, I urge support for the Dellums-Boxer amendment of \$1.3 billion for some research. Let us save that money. Let us try to make this Nation and this world a safer place.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Colorado [Mr. BROWN].

Mr. BROWN of Colorado. Mr. Chairman, there are several considerations that I think are of highest importance when we consider SDI. First of all, we must ask what the effective way is to achieve disarmament. Is it unilateral? If we disarm unilaterally, will that improve security for this Nation and this world? My judgment is that it will not, that achieving reductions of weapons can best be done mutually,

not unilaterally. That is the question we face with SDI. Shall we unilaterally reduce the amount we provide for research and development of technology in this important area, or should we insist that any reductions be carried out mutually. Shouldn't the Russians be asked to reduce their research in this area just as we are considering today?

I think that reductions ought to be accomplished mutually in this area. To unilaterally reduce this research, as has been suggested, I believe is a great mistake.

Second, Mr. Chairman, I think it is important for us to ask ourselves what is the most effective way we can compete with the Soviet Union in terms of building a reliable defense system. Will we be able to match the Soviet Union with only conventional weapons? I think not. Their armed services personnel are more than double ours. With our current budget, we do not have the resources to match them in conventional weapons and numbers of troops.

The simple fact is we do not have the money to do it, but we can and indeed will match them in terms of effectiveness if we use our high-technology advantages.

If we are committed to finding the most cost-effective method of defending this country, we are forced to use our edge in advance technology.

Mr. Chairman, I believe it would be a mistake to cut SDI funding unilaterally.

Mr. PICKETT. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Chairman, I rise in support of the amendment offered by my good friend and distinguished colleague from Florida. We have collaborated on a similar amendment during the debate on the last three Defense authorization bills and CHARLIE BENNETT remains, in my view, one of the most thoughtful Members to serve in Congress in recent decades.

The amendment we offer this morning reflects a consensus we believe exists to continue a robust Strategic Defense Initiative Program without spending funds that can be more wisely spent elsewhere.

SDI is a critical and necessary part of an overall program to improve our strategic defenses. It should not be crippled at this time by amendments like the one that will be offered by my colleagues from California. Most analysts agree that Soviet missile improvements require that we improve the survivability of our ICBM's in the 1990's. We must not put our President in a "use or lose" position due to vulnerability of our ICBM force.

Nor should we simply commit the American taxpayer to spending as much as \$89 billion, according to CBO estimates—with inflation—to deploy a

limited defense that could be achieved with considerably less funds. The SDI mission continues to evolve—the leak-proof shield is history and now we are only discussing enhanced deterrence. Enhanced deterrence is absolutely essential but it takes many different forms and comes with a variety of price tags.

The figure we propose to spend for SDI next year, \$3.1 billion, is not a reduction for reduction for reduction's sake. It is a figure that many scientists within and outside the SDIO organization say is enough to maintain a robust SDI research program. My colleagues, take a look at what CBO estimates it would take, in 1991, to put the following SDI options on track:

The sum of \$2.98 billion in 1991 to deploy a SDI mission based on an accidental launch protection system to render a limited attack ineffective, to maintain a hedge in case the Soviets were to deploy their own system and to have a useful countermeasures program that includes decoys. Under this approach, the military would learn to operate and integrate ALPS with other systems of command and control and this effort could be valuable in deciding whether to deploy a larger system of defenses.

The sum of \$3.15 billion in 1991 to deploy a SDI mission based on protecting silo-based ICBM's, to maintain a hedge against the Soviets and to have a useful countermeasures program. This approach would provide a similar experience in terms of operating and integrating a defense system with the additional benefit of increasing the number of warheads likely to survive a nuclear attack.

This amendment does not advocate either option but the funds provided, \$3.1 billion, could pay for either. Most importantly, these figures illustrate that \$3.1 billion does not come close to gutting this program—you could expect \$500 million to be spent on directed energy weapons, \$370 million to be spent on kinetic energy weapons, \$560 million for surveillance, \$310 million for systems analysis, \$245 million for survivability, \$275 million to develop and deploy an exatmospheric ground-based interceptor, \$105 million to develop and deploy the ground-based surveillance and tracking system, \$165 million to develop and deploy a ground-based radar, \$525 million for command, control and integration and \$100 million for countermeasures. This amendment does not require that funds be spent in this manner. But, this is what CBO estimates the defense Department could do with \$3.1 billion—in other words, plenty.

The sum of \$3.1 billion is a sensible level of spending for a program that continues to evolve as its mission continues to be redefined and the ap-

proach to its mission continues to change. It is a sensible level of spending for a program with many still unproven technologies that may never overcome technologies that provide for countermeasures. It is a sensible level of spending because it does not put all of our eggs in the SDI basket.

This spring, the Joint Chiefs of Staff urged for restraint on SDI spending. The Joint Chiefs recommended the lowest of several options for SDI spending and proposed that the United States no longer insist on the right to eventually deploy extensive antimissile defenses. In my view, they were calling for the kind of balance provided for in this amendment—balancing our strategic and conventional needs and balancing our desire for more defense with the state of current technology.

Since 1984, \$17 billion has been spent on SDI research. The Pentagon proposes to spend an additional \$31 billion over the next 5 years and current estimates for deployment of phase I are in the \$74 to \$89 billion range. As SDI consumes more and more, conventional readiness and other strategic programs will suffer.

Congressman BENNETT and I share a concern for the need to adequately fund our conventional forces. If this amendment is approved by this Chamber, we will immediately offer an amendment which restores \$150 million for some of the Army's most critical needs which would not be met under the current bill. This amendment will repair helicopters in Texas, procure artillery rockets, procure much-needed ammunition and restore funding for research on high priority conventional weapons programs. Other Members will offer amendments to use the funds in other ways.

But the point remains that, without this amendment, our defense spending is out of balance and that balance must be restored. We cannot afford to waste critical defense dollars on a crash program of unproven technologies when we have other programs that are more than lean. Many of our conventional programs are being starved to death by this need to find an immediate fix. My colleagues, we must pursue the SDI fix but keep in mind that the fix will not be immediate no matter how many dollars we throw at it.

I ask for your support for the Bennett-Ridge amendment. It offers the proper balance of solid, credible support for a most important Strategic Defense Program [SDI] with our other immediate national security needs.

□ 1010

Mr. DICKINSON. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, as we go out to our districts from time to time, we are asked the question in the various places we speak of what would happen if the Soviet Union deployed an SS-18, what actual defense do we have. In all candor, I think the only answer we could give is absolutely nothing. We have no defense.

Mr. Chairman, SDI is a massive undertaking. Its potential for protecting the United States from nuclear attack is enormous, and more and more credible scientists and engineers are endorsing the concept of space defense against nuclear missiles. These experts have scrutinized SDI with facts and data, not with myths and politically motivated allegations.

We always hear this question or statement that says it will not work. I remember it was not too many years ago that the President from Massachusetts, Mr. Kennedy, stood up at that pulpit and made the statement that we would put a man on the Moon and return him safely. The answer came from many folks that it would not work. All the experts are saying it will not work. I have researched all those who said it will not work, and we then had another President on the project known as the Manhattan Project, and he was told by the best explosives experts in the world that, "Mr. President, it will not work," and now we are hearing the same thing again that, "It will not work."

We know that SDI offers amazing possibilities that were not previously thought possible.

Apparently someone else has come to believe that SDI will work, Mikhail Gorbachev. He has made a long-term commitment to strategic defense, a Soviet strategic defense. The Soviets have deployed their fifth generation of anti-ballistic missiles around Moscow, and they would like to keep us from doing the same.

But as we debate SDI, let's focus on the real issue. SDI moves our technological expertise away from offensive systems to defensive systems.

I can think of no greater way to bring real reductions in the nuclear arsenals on both sides than with SDI. The Strategic Defense Initiative complements our nuclear weapons reduction efforts. It offers the potential possibility of making all intercontinental ballistic missiles obsolete. We have the opportunity to make the Soviets think twice about expanding their nuclear forces, and I think we should take advantage of that opportunity.

SDI should be judged on the extent to which it can save lives and enhance deterrence, not on whether it will offer 100 percent protection against incoming missiles. If a Soviet missile takes off and lands on American soil,

it is going to kill American people. We do not want Americans killed by a Soviet ICBM.

Mr. Chairman, let us keep up this technology, and I urge Members to support the Kyl amendment.

Mr. PICKETT. Mr. Chairman, I yield 3½ minutes to the gentleman from Virginia [Mr. OLIN].

Mr. OLIN. Mr. Chairman, I rise in support of the Bennett amendment, and I also rise in support of the SDI program. I rise in support of steady funding for that program to get it to the point where we really know what we are doing. We know what we can do technically, and we know what it is going to cost us. We also know how we are going to deal with the conflict with the Soviet Union and other countries with regard to deploying.

I have been opposed to various schemes to promote this program by escalating its dollars.

Members may remember that 3 or 4 years ago we had demonstration projects where we had early deployment, and that was the big thing. Then, based on some pressure from the Congress, they came up with the idea of phase I, which was sort of a half-baked partial answer to the problem. It was based on some planning, however, and it would be ready in about the late 1990's.

This year now we have a new promotional gimmick, and that is brilliant pebbles. I do not know for sure what a brilliant pebble is, but I can tell the Members for sure that it has not been designed yet, and it is not something that exists in any form. Nobody knows whether it is good for us or not.

Mr. Chairman, I do not think we need to accelerate this program. We never did need to accelerate the program.

Scientists who have followed this program since its beginning in about 1985 have settled on a level of around \$3 billion as the level of research that it is really going to take for us to get ahold of the technologies and get them to the point where we know what we are doing.

Another reason that we have been asked to escalate the program has been the fear of the Soviet Union and the claims that have been made about the Soviet Union's progress.

One development and test facility frequently referred to by the people who are trying to push this escalation has been the Sary Shagan test site in the Soviet Union, in the lower part of the country, in the middle of the country, where they said there is a multi-megawatt laser which exists which could be part of the air defense and ABM program or Asat.

Mr. Chairman, 2 weeks ago I joined JOHN SPRATT and BOB CARR and some American scientists, and we visited that location as guests of the Russian

Soviet Academy of Sciences. We found there not a laser that was going to shoot something out of the sky. We found a college-level laser, a small ruby laser, and about a 2-kilowatt CO₂ laser which were working together out of a common beam director. There is no way that one could describe this facility as any kind of a threat to the United States either presently or in the future. The scientists who were there said that the power level of this laser was somewhere between 1,000 and 10,000 times lower capacity than our own lasers that are in current development. One scientist said, "Had we known what this decision really was, we would have saved \$10 billion."

Mr. Chairman, what this tells me is that there is no clear and present danger. We need this program. We need to know what can be accomplished, and we need to know what our adversaries can accomplish.

We are on the right path with about a \$3-billion level of funding. We need to make that a steady level that people can count on.

I urge all of my colleagues to vote for the Bennett amendment and let this program be technology driven, and have it make sense.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, I had the opportunity recently to visit the test bed facility for SDI and was absolutely amazed at the process that they have made.

In fact, one of the statements that was made to me was that in spite of the fact that we have only received about half as much as we thought was necessary to this stage for SDI, we have accomplished about twice as much as we dreamed possible. In fact, those scientists do not even question anymore the doability of it. One of the people who certainly believes in the doability of it, or in our doability of it, is Mr. Gorbachev.

If we remember in Iceland when President Reagan was desperately trying to get a treaty signed right at the last moment, Gorbachev threw SDI on the table and said, "This has to be a part of it." Mr. Reagan folded his papers and said, "Forget it."

Mr. Chairman, Gorbachev is convinced we can make it work and that he cannot. I was told by one of the top Reagan advisers during the Reagan administration that Gorbachev repeatedly at those conferences told Ronald Reagan, "Why do you make such a big deal about SDI? He said, 'All we want is what your own Congress wants with SDI.'"

I am afraid I saw that during the deliberations on this budget this year, and members of the committee were doing exactly what Gorbachev is trying to convince us to do at Geneva.

Why would we not want a defensive system? Why are there those who seem to feel that there is something evil about us defending ourselves? Mr. BENNETT says that some will get through, some of the missiles will get through. There has never been a question. We know some of the missiles could get through in a massive attack. Some will get through. That is not the question.

Mr. Chairman, the question is to raise a doubt in the Soviet military planner's mind as to whether or not they could simultaneously strike enough targets to make the risk worthwhile, and this will do this.

I would encourage my colleagues to support the Kyl amendment to this budget to keep this a robust program that will move us as quickly as possible to the position where we can make honest, logical decisions about whether this is something we would want to deploy. Let us support the Kyl amendment and keep this going.

□ 1020

Mr. PICKETT. Mr. Chairman, I yield 8 minutes to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, again this year I join my distinguished colleague, the gentleman from California [Mrs. BOXER] in offering an amendment whose practical effect would be to terminate the program that we euphemistically refer to as star wars.

We provide for funds in excess of \$1 billion that would allow us to continue to engage in fundamental and basic research, not to go forward to develop a system.

Question: Why does the gentleman from California [Mr. DELLUMS] or the gentlewoman from California [Mrs. BOXER] continue to offer this so-called radical amendment? Do they not realize that we now have a new and improved and different and moderate Strategic Defense Initiative Program? The answer is yes, we realize that the Strategic Defense Initiative Program has indeed changed, but our argument, Mr. Chairman, has never been rooted in the question of the impossibility of the technology of the strategic defense initiative, but rather we have questioned the strategic irrationality of proceeding with this program.

The reality is that the strategic defense initiative would violate both the terms and indeed the logic of the ABM Treaty. While debate has gone forward with respect to answering the question at what point do tests violate or abrogate the ABM Treaty, no argument has really gone forward in a full-blown fashion to really address this issue. The question that this gentleman put to General Monahan, who is now the Director for the Strategic De-

fense Initiative Office, I asked him in my capacity as subcommittee chairperson for the Research and Development Subcommittee, I said:

General, if we proceed with the strategic defense initiative, don't we at some point become required to abrogate the ABM Treaty?

The general was very candid and very forthcoming, quite refreshing for a Pentagon witness, and he said:

Yes indeed, at some point it will become a responsibility of this country to decide whether or not it will indeed abrogate the treaty, because to proceed with the strategic defense initiative will require abrogation.

My challenge to this body is as follows, if Members believe in the ABM Treaty and the logic of the ABM Treaty, then by definition they must oppose the strategic defense initiative, because it is, at minimum, Mr. Chairman, an ABM system. We ought to always be walking in a very delicate and fragile way when we begin to proceed down the road toward abrogation of a treaty.

The overwhelming majority of my colleagues on several occasions when the question has been put: Do you support the narrow or the broad interpretation of ABM, the majority of my colleagues have supported the narrow interpretation of ABM, thereby saying that they do not choose to abrogate the treaty. I would ask Members to look at their own logic. If they believe that we should not abrogate this treaty, they cannot go forward with SDI because SDI requires abrogation of the treaty.

With respect to the logic of ABM, the framers of that treaty realized that absent an ABM Treaty, we would go forward with a defense missile arms race that would cause us to spend billions and billions of dollars, making the world a very dangerous place, that we would also have a corresponding offensive arms race because offensive weapons can overwhelm the strategic defense initiative. Absent that treaty, we would spend megabillions of dollars in this twin arms race. So both parties signed ABM.

I would suggest in no uncertain terms to proceed with the strategic defense initiative would require that we move down this road with these twin arms races, requiring us to spend megabillions of dollars that would not make the world a safer place, perhaps an even more dangerous place, and certainly setting the priorities of this Nation on their head.

Let us look at the fallacy of this notion of the astrodome concept of the strategic defense initiative. President Reagan attempted to sell America on the notion that we could produce this astrodome over America rendering nuclear weapons impotent and obsolete, in theory perhaps a wonderful idea, but the practical reality is

that even the Bush administration has come to realize that this is a fanciful idea. No serious supporter, serious supporter of the strategic defense initiative will argue that we will protect the population. Every honest broker in that regard has come to realize that the strategic defense initiative, even in its new and improved form, is simply an effort to defend missiles, missiles, not protect the American population.

So in that regard, when President Reagan said I want to develop a program that would move us beyond the immoral notions of mutual assured destruction, what we euphemistically refer to as MAD, I would suggest, and I would be willing to debate in open session if the rule allowed us to exchange and really have an honest debate rather than each side giving speeches, that this program only expands the concept of mutual assured destruction. It is not in lieu of it, it only supports it, because once we get to the point where we are talking about the survivability of mobile ICBM's, we are not talking about protecting the American people, we are only talking about protecting military assets.

Mr. KYL. Mr. Chairman, will the gentleman yield for just a moment?

Mr. DELLUMS. I yield to the gentleman from Arizona.

Mr. KYL. Mr. Chairman, I do not want to take the gentleman's time. I just want to make the point the gentleman and I would like to have more time to debate these kinds of issues because they are critically important, and the gentleman from California makes some very important points that need to be responded to.

Let me just ask the gentleman one question. Is it not correct that the American population would be protected from an accidental launch or a Third World missile attack on the United States?

Mr. DELLUMS. I appreciate the gentleman's argument and I would simply say to my colleagues that the ABM Treaty expressly prohibits a territorial defense. In order to even develop a moderate ALPS Program, small Strategic Defense Initiative Program, it would require abrogation of the ABM Treaty. The ABM Treaty allows 100 launches to protect a specific area. The United States decided to reject that notion because they realized that it gave us nothing.

But if we develop an ALPS Program, it would require territorial defense expressly prohibited by the ABM Treaty.

I would further suggest to my colleagues and the distinguished gentleman from Arizona [Mr. KYL], even if we assumed that ALPS could work, it would only be effective against ICBM's, not cruise missiles, not low trajectory weapons, not bombers, not bombs that could be carried in on

backpacks, and so it is an impotent program.

We ask that Members save the American taxpayers megabillions of dollars and support the Dellums-Boxer amendment that would put this program to sleep. It serves no useful purpose. Let us go to the table and negotiate, use this atmosphere that is pregnant with potential for peace.

I thank the gentleman for his generosity.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, I tracked very carefully what the prior gentleman said, and if the ABM Treaty abrogates this Nation's right to defend ourselves from a terrorist weapon of nuclear capability or from any kind of a Third World strike, given the growing terrorism around the world, then the ABM Treaty is inherently immoral. It is unethical to tell a nation that it cannot defend itself from a terrorist attack.

I just want to underscore a lot of the things that that gentleman from Arizona [Mr. KYL] said yesterday in the debate.

□ 1030

And to point out that if the Bennett amendment gives us a stable program, I do not know what the word "stable" means. What gives us a stable program is the Kyl amendment, which is a no-growth situation.

The Bennett money, even with a small amount allocated to the Department of Energy, is more than a 70-percent cut.

Here are just six points briefly of what it does, again: The national work force currently planned for SDI research would be reduced by 8,000 personnel. Do you think these Ph.D.'s and M.A.'s, these talented men and women, are ever going to be coaxed back into this program again? An initial deployment would be delayed until well after the year 2000. That is two, maybe three Presidents from now, with no provision for any follow-on systems to offset the Soviet countermeasures to the initially deployed system.

All aspects of the system would be fund-limited rather than free to advance at a pace which the technology develops. If we are to continue development of layered defenses that meet the JCS requirements, directed energy and advanced technology programs for follow-on systems would all have to be canceled and/or minimally funded.

Fifth, U.S. funding for most allied cooperative programs would be terminated unless of course we fence the money for political purposes to some countries, which I will end up supporting but which is certainly an insult to other allied nations.

A final point: The funding level could not support the research and testing needed to make an informed decision within 4 years, which is what I thought we all wanted.

Mr. PICKETT. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I rise in support of the Dellums-Boxer amendment.

Back in 1983, Ronald Reagan had a dream. The Russians were the Evil Empire, we were going to be Luke Skywalker, and star wars weapons were going to defend us against Soviet missiles. We all know who inspired Reagan's dream, it was ET. Not the cuddly little alien from the Steven Spielberg movie, but the original ET: Edward Teller.

When the program started out back in 1983 and 1984, the x-ray laser was the superstar of star wars and Edward Teller was telling senior Reagan administration officials not to reach any arms control agreements that limited SDI because we were just 3 years away from getting an x-ray laser that would allow "a single x-ray laser module the size of an executive desk which applied this technology [to] potentially shoot down the entire Soviet land-based missile force, if it were to be launched into the module's field-of-view."

But we soon found that there weren't going to be any desk-sized x-ray lasers to eliminate the threat of nuclear war. Those in charge of x-ray laser program now acknowledge that they are 10 years and a billion dollars away from even establishing the basic feasibility of the x-ray laser.

With the early expiration of the desk-sized x-ray laser, the star warriors came up with a new scheme—electro-magnetic railguns. But we soon found we didn't have the technology for high velocity railguns and could do better job with traditional anti-missile rockets at lower velocities.

When these problems derailed the rail gun the star warriors turned to the neutral particle beam. But technical problems soon neutralized the neutral particle beam and sent the star warriors scurrying back to their drawing boards where they came up with a new idea: Free electron lasers.

When they found that free electron lasers weren't going to be a free ride either, the star warriors turned to kinetic kill vehicles, also known as KKV's or smart rocks. KKV's were anti-missile missiles that were going to be housed in orbiting satellite "garages" from which they would await a Soviet missile launch. Then someone figured out that those KKV smart rock garages were really going to be big dumb sitting ducks in space.

Today, the star warriors have now come up with a new pet rock called

brilliant pebbles, which has been brought to us by the same guys who gave us the desk-sized x-ray laser—Edward Teller and Lowell Wood.

Brilliant pebbles are small KKV's without the garages. Lowell Wood claims to be able to develop computer the size of a deck of playing cards that have the power of our most sophisticated Cray supercomputers. He wants to put up to 100,000 of these pebbles up in space and promises it will cost us only \$50,000 to \$100,000 apiece.

If you believe this latest scheme will work, I've got a desk-size x-ray laser I'd like to sell you.

Like all of its predecessors, brilliant pebbles will ultimately be ground down into dumb dust when they're hit by the cold reality of cost and counter-measures. By this stage in the game we've seen enough to know that when those brilliant pebbles crumble, the star warriors will come right back in with another scheme to bilk the American taxpayer. We'll be seeing viewgraphs on "genius dust" and leaks in Aviation Week about "magnificent microbes," or other fancy new scheme which is supposed to make America safe from nuclear war.

I say its time we called a halt to the star wars shuffle, and turned this program back into a basic research effort.

It's time we passed the Dellums-Boxer amendment.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ROHRBACHER].

Mr. ROHRBACHER. Mr. Chairman, what will keep America safe and at peace, what our adversaries fear most, is not our numbers or our courage, but instead our scientific genius and our technological capabilities.

In 1983, President Reagan challenged America's best minds to develop a new system to protect our country from nuclear attack, not by a threat to obliterate any potential enemy, but instead to offer a degree of protection.

In the years since, few programs have come under such verbal attack and ridicule than SDI. Opponents first said it could never work, they then said it was too expensive. It was called a fantasy.

Nevertheless, when I was part of a delegation to the Soviet Union in 1985, it was crystal clear that nothing we were doing so concerned the bosses in the Kremlin than America's commitment to developing its strategic defenses.

If SDI is a waste of money, if it is unworkable, an impossible dream—why have our adversaries been so focused on it? If this system is as impractical as our opponents suggest, why would the Soviet Union not be encouraging us to waste our resources?

We are now in our sixth year of SDI research and the program is already an overwhelming success. The cost es-

timates for providing America a degree of protection has been going down, not up. Our adversaries in the Soviet Union are in total disarray, which, I believe, is in no small degree due to our commitment, made during the Reagan years, to rebuilding our defenses, including the development of SDI.

We have in these 6 years reached an agreement to, for the first time, reduce the number of nuclear weapons in the arsenals of the United States and the Soviet Union. Our commitment to SDI has been an incentive to our adversary to reach such agreements.

In the future, it will give us the means of achieving even more extensive arms reduction agreements. The fear that one side may be cheating is far less frightening if a system is in place that affords some protection, while threatening no one.

This is not a time to turn back. America can expand the potential for the cause of peace and freedom, if we are willing to stay on course and bring to play our greatest asset, our scientific and technological genius, we can create a more peaceful world. Instead of a sword to the throat of our adversaries, let us build a shield for ourselves.

I urge my colleagues to keep faith with the future. I urge full funding for SDI and the cause of technology, peace, and freedom.

Mr. DICKINSON. Mr. Chairman, I yield 2½ minutes, the balance of our time, to the distinguished gentleman from Arizona [Mr. KYL] in order to close debate.

Mr. KYL. Mr. Chairman, there has been a lot of discussion here about a stable level of funding. I want all of our colleagues to be very clear about one thing: The Bennett amendment does not represent a stable level of funding. The Bennett amendment calls for DOD funding level of \$2.8 billion. That is \$1 billion below last year's DOD funding level of \$3.8 billion.

So the Bennett amendment does not equal stable funding, it represents a deep, deep, significant cut in SDI funding.

Now my funding level, the Kyl amendment, is at \$3.8 billion, exactly what we spent last year. It is a zero-growth figure.

If we are interested in stable funding, the Kyl amendment is the amendment to support.

Second, Mr. Chairman, a lot of our colleagues who oppose SDI have said, "we don't know whether it will work. Let's don't spend too much money on this until we know what we are doing, until we know whether it will work."

Mr. Chairman, that is what R&D funding is for, to find out the answers to these questions.

We know that the technology we have been developing is extremely promising. That is what the Soviets are concerned about, as my colleague from California just spoke about a moment ago.

If they were not so concerned about it, they would not be holding up SDI as the one obstacle to some kind of arms agreement. So, clearly, the Soviets are concerned that our R&D is going to show that these concepts do work.

My colleagues cannot have it both ways. If you want to know the answers to the questions, if you really want to know the answers, then you have got to be willing to support funding on at least a level that will answer these questions, at a stable level of funding, no less than zero growth.

My amendment should provide enough money to provide those answers.

Finally, Mr. Chairman, let there be no doubt about the actual impact of the Bennett level of funding.

I am going to refer to a Department of Defense paper on the potential impact of SDI at various levels and, I would say the probable impact of the Bennett amendment. These are the results of the Bennett level of funding:

□ 1040

Space surveillance and tracking systems, this is SSTS critical components of SDI: canceled. The exoatmospheric interceptor [ERIS]: canceled. Space-based interceptor: canceled. HEDI: canceled. Airborne optical adjunct: canceled. ARROW missile: canceled. Extended range interceptor: canceled. Chemical laser, free electron laser, neutral particle beam: all canceled.

We cannot have the Bennett level and still continue with a program that will actually find out the answers to the questions about SDI.

Mr. RICHARDSON. Mr. Chairman, New Mexico is taking a leadership role in SDI's directed energy program. The critical ground-based free electron laser project is located at the White Sands Missile Range in New Mexico. The purpose of this experiment is to determine that a high-energy, free-electron laser beam can be generated and propagated through the atmosphere from a ground-based facility. This technology is leading to significant advances with incalculable applications.

First and foremost, this program is designed to eliminate the threat of ballistic missiles and provide increased United States and allied security.

Second, the SDI Office for Technology Applications is applying laser technology to a host of medical applications with exceptional results, such as purging leukemia cells from bone marrow. Laser technology is also shortening the time for delicate surgical procedures, such as the placement of fractured hip joints in elderly patients.

Third, the directed energy program has also created over 800 procurement opportunities

for small minority and disadvantaged businesses in 21 States. The associated general contractors estimates that for every \$1 spent at the White Sands project, an additional expenditure of approximately \$2.50 is generated in local economies.

Mr. Chairman, the SDI Program has advanced significantly since its inception in 1983 while costing less than 1 percent of the cumulative defense budget. In view of this progress, I am particularly concerned about reductions in the design and construction phase for the ground-based laser program over the last several years by SDIO. The present level of \$5.6 million is a substantial reduction from the anticipated level of between \$40 to \$57 million. The continued success of this experiment requires state-of-the-art facilities.

Mr. Chairman, I urge that every effort be made by SDIO to ensure that the ground-based laser program continues to be a priority of the strategic defense initiative.

The CHAIRMAN pro tempore. It is now in order to consider the amendments relating to the strategic defense initiative printed in part 1 of House Report 101-168, by, and if offered by, the following Members or their designees, which shall be considered in the following order only: by Representative KYL; by Representative DELLUMS or Representative BOXER; and by Representative BENNETT.

If more than one of said amendments is adopted, only the last such amendment which is adopted shall be considered as finally adopted and reported back to the House.

AMENDMENT OFFERED BY MR. KYL

Mr. KYL. Mr. Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KYL:

At the end of part B of title II (page 50, after line 18), insert the following new section:

SEC. 223. FUNDING FOR THE STRATEGIC DEFENSE INITIATIVE.

(a) **FUNDING LEVEL.**—Notwithstanding any other provision of this Act, of the amount provided in section 201 for Defense Agencies, \$3,836,000,000 shall be available for the Strategic Defense Initiative.

(b) **FUNDING ADJUSTMENTS.**—(1) The amount provided in section 201 for the Army is hereby reduced by \$70,000,000. None of such amount shall be available for the Chemical Verification program, \$36,000,000 of such amount shall be available for the Tactical Missile Defense program, and \$20,000,000 of such amount shall be available for the Infrared Focal Plane.

(2) The amount provided in section 201 for the Navy is hereby reduced by \$30,000,000. None of such amount shall be available for the Torpedo Detection Processor program and \$2,000,000 of such amount shall be available for the Laser Sub Communication program.

(3) The amount provided in section 201 for the Air Force is hereby reduced by \$153,000,000. Of such amount, \$157,000,000 shall be available for the National Aero-

space Plane and \$10,400,000 shall be available for the Satellite Survivability program.

(4) The amount provided in section 201 for the Defense Agencies is hereby increased by \$251,500,000. Of such amount, \$10,000,000 shall be available for the Light-sat program and \$24,500,000 shall be available for the Nuclear Monitoring program.

The CHAIRMAN pro tempore (Mr. BRUCE). Pursuant to the rule, the gentleman from Arizona [Mr. KYL] will be recognized for 5 minutes in support of his amendment, and the gentleman from California [Mr. DELLUMS] will be recognized for 5 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Arizona [Mr. KYL].

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. DICKINSON. It is my understanding there will be no vote at the conclusion of the debate on each of the three amendments proposed to be offered, but if a vote is requested, at the end of all three, they will be bunched and voted on at that time, is that correct?

The CHAIRMAN pro tempore. The Chair has that discretion, under the rule, but the Chair has not been advised that he should exercise that discretion. The Chair presently plans to put the question on each amendment at the conclusion of debate on each amendment.

Mr. DICKINSON. Mr. Chairman, it was my understanding that they would be bunched, and I did not know if the rule provided that or simply makes it discretionary by the Chair. Is it the Chair's ruling that he intends to vote on each at the end of the ten-minute segments?

The CHAIRMAN pro tempore. The Chair is willing to consult with Members during the pending amendment, but at the present time it is the Chair's intention to allow the vote at the conclusion of debate on each amendment, but obviously the Chair will consult with Members.

The gentleman from Arizona [Mr. KYL] is recognized for 5 minutes in support of his amendment.

Mr. KYL. Mr. Chairman, I am going to take a minute to reiterate something I said a moment ago, because we are now at the question of what funding level we will provide for SDI for the upcoming fiscal year.

My amendment is for \$3.8 billion for the Department of Defense funding level. That represents zero growth. If my colleagues are really interested in stable funding for this program, I do not understand how they could reject the Kyl amendment which is precisely stable funding. It represents zero real growth.

The Bennett amendment, on the other hand, and the Dellums-Boxer amendment, would drastically cut the

SDI funding even further—to a point, as I said a moment ago, that very significant elements of the program would have to be canceled. Mr. Chairman, the point is this: If we are really going to find out the answer of the questions so many of my colleagues have raised, as to whether or not the program will work, we need to fund the program at the levels that will provide Members with those answers. That is what the stable funding level, zero growth level of the Kyl amendment—\$3.8 billion—will do.

Mr. Chairman, my amendment could not be more reasonable. It is supported by the administration. I urge my colleagues to support it.

I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Chairman, I would like to respond to the argument of "stability" that we have heard in support of Kyl amendment.

Make no mistake about it, \$3.8 billion was last year's aggregate DOD funding level. Not the House version, but last year's aggregate. As today is Tuesday, we know, for a fact, that when this measure goes to conference with the other body there will be substantial additions as is historically the case when the House funds SDI at a lower level. The proponents of the Kyl amendment are not asking for stability. They are really asking for more. Every Member in support of the Kyl amendment knows that once it goes into conference, we can anticipate a \$400 to \$800 million added on.

Do not be misled or beguiled by the argument that the Kyl amendment provides stability in funding. It does not. Proponents are looking for more. We should not give it to them.

Mr. KYL. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. ROHRBACHER].

Mr. ROHRBACHER. Mr. Chairman, we are not responsible for what the other House of this Congress does. We are responsible for setting out a policy that we believe will bring our country to a position of peace and protect our freedom.

I urge support for the Kyl amendment because any other approach would be either a hesitation or a reversal on a path that has brought America to a point where we have reached agreement with the Soviet Union for reductions of our nuclear arsenals. We have come a long way, because we have looked into a new potential, our scientific genius has been mobilized, and now is not the time to turn off the light, but to increase the electricity going into that light in order to seek out new potential for the future.

America needs not another sword to put at the throats of our enemies but

instead to develop a field that will protect Americans. Protection is a moral method that we should look at, and that the President of the United States in 1983 mobilized the scientific community behind. We should not be turning back. I urge support of this amendment.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Let me simply take a little time to respond to some of the arguments I have written down. One of my distinguished colleagues on the other side of the House quoted the Kyl amendment, suggesting that the Soviets are worried about strategic defense initiatives. Of course they are, because the SDI can also be an antisatellite capability. Not only able to shoot down missiles, but also shoot down satellites, to shoot down command patrol, very potentially frightening and potentially very, very dangerous.

The fact of the matter is, Mr. Chairman, that one of the reasons why the Soviets are frightened of this program is that they perceive it as part of a nuclear war fighting strategy, and I suggest anyone who believes that we can engage in a nuclear war fighting scenario is living in an absurd and insane world calculated to destroy human life on this planet beyond our comprehension.

The second argument my colleague makes, is the Soviet Union is now in disarray. Granted, but I would suggest that if the Member picks up a newspaper of every major city in this country, our children are dying all over America, we are in disarray with poverty and hunger and disease and drug addiction and violence associated with it, and rendering ourselves impotent in our capacity to cope in the real world, to save a generation of our children while engaging in an abstract idea, while the moment is pregnant with the potential of peace, not violence, peace not war, and we ought to be getting away from the obsolete notion of the cold war, and engaged in the realities of the possibility of arms control and negotiation and not spending mega billions of dollars, pouring it down a rathole for some illusory defense weapon. We ought to be addressing the realities.

Finally, the argument that is made that people think it will not work. We have not cast our major argument in the impossibilities of the technological capacity of this thing to work. We have stated that we have challenged the irrationality of the strategic idea itself. It will indeed abrogate the ABM Treaty, with all due respect to my distinguished colleague from Arizona, I have a different conclusion. That is, I do not believe the American people will support abrogation of the ABM Treaty. I believe that once the American people realize that they have been

sold a propagandized bill of goods, that this is not a program designed to protect them, but to protect military assets, they will realize that we are back in the old mad bag we have been before, and they will reject this notion.

I reserve the balance of my time.

The CHAIRMAN pro tempore. The Chair would advise the gentleman from California [Mr. DELLUMS] he has 1 minute remaining.

□ 1050

PARLIAMENTARY INQUIRY

Mr. KYL. Mr. Chairman, I have a parliamentary inquiry.

First of all, Mr. Chairman, how much time do we have remaining on this side, and, second, do I have the right to close debate on my amendment?

The CHAIRMAN pro tempore (Mr. BRUCE). The gentleman from Arizona [Mr. KYL] has 3 minutes remaining, and the gentleman from Arizona has the right to close debate.

Mr. KYL. Mr. Chairman, I yield myself 1 minute to respond to the two arguments that have just been made.

My colleague, the gentleman from Pennsylvania [Mr. RINGEL], made the argument that obviously we are going to make a deal with the Senate and, therefore, we need to have a low-funding level here because the Senate level is much higher and we would end up with stable funding if we have a very low level coming out of the House. The truth of the matter is that, based on last year's funding level, the only way we can come out with a funding level close to last year's with not even real growth, is to have the committee mark, which will only occur if all the amendments are defeated here.

The only way to have zero real growth, that is to say, last year's funding level plus inflation, is to adopt the Kyl amendment and then agree in conference to an even split with the Senate Armed Services Committee level.

So if we are talking about a compromise with the Senate, splitting the difference with them in order to come out at last year's funding level is to support the Kyl amendment.

Mr. DELLUMS. Mr. Chairman, it is my pleasure to yield the remainder of my time, 1 minute, to the distinguished gentleman from Oregon [Mr. AUCCOIN].

Mr. AUCCOIN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, there is only one thing to know about star wars: If we build it, the Soviets are going to build one, too, and a Soviet SDI will help the Russians zap us between the eyes.

If star wars works, it will work better as a first strike offense than as a defense. Star wars will depend on satellites, but if star wars works for us

against Soviet missiles, it will work even better for the Soviets to blow our star wars satellites out of the sky, including our early warning satellites. That leaves us a blind victim of Soviet aggression.

I do not think that star wars supporters intentionally want to give the Soviets a first strike, but if it works and it is affordable, that is what they are going to be doing. So if we in the Chamber value America's security, we should ban star wars. We should not build it.

Mr. Chairman, we can begin by defeating the Kyl amendment and supporting the Dellums-Boxer amendment.

Mr. KYL. Mr. Chairman, I yield myself the balance of my time, 2 minutes.

Mr. Chairman, in response to a comment made by my colleague just a moment ago, I think the American people would much rather have an arms race if it involves a race in defensive weapons, weapons that we cannot use to strike each other, than they would to have the current situation where the only arms race is with offensive weapons, which can obviously do both sides great damage.

We have been relying on the notion of mutually assured destruction, although the Soviets have never bought off on that theory—the idea that if they strike us, we will retaliate by striking them, and, therefore, they will not try to strike us.

How much longer can we afford to rely upon that outmoded doctrine? Is it not better to have a defense which so complicates the Soviets planning that they would be deterred from attacking us in the first place? And if, as my colleagues suggest, that causes the Soviets to engage in an arms race with us to develop their own defense, then I say, more power to them. It is much better to have a race in defensive weapons than it is to have a race in offensive weapons.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield briefly to me?

Mr. KYL. I just have a limited amount of time; in a moment.

Mr. Chairman, my colleague, the gentleman from California, suggested that the American people would not support abrogating the ABM Treaty. I suggest to my colleagues that when it comes to protecting themselves, for example, from an accidental launch or from a Third World country attack, I think the American people would be willing to abrogate the treaty for that purpose.

Mr. Chairman, I will yield very briefly to my colleague, the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I would simply say that because we know you can overwhelm the strategic defense initiative, it will not just be a

defense arms race but a corresponding offensive arms race as well.

Mr. KYL. Mr. Chairman, I appreciate my colleague's making that point, but our arms negotiators are very supportive of the SDI Program and do not want us to give away that point unilaterally now. Congress' underfunding of the SDI Program this year will work against our arms negotiators at the very time they are trying to negotiate these very deep offensive arms reductions with the Soviets. So I think that, while arms negotiations are not the justification for SDI, they certainly are an argument for it.

Mr. Chairman, I think it is much better to build shields than to build swords. The Kyl funding level is for zero real growth, and I urge my colleagues to support the Kyl amendment.

Mr. FRENZEL. Mr. Chairman, the committee's mark of \$3.8 billion is admittedly short of the amount required, about \$4.1 billion, to keep SDI at current spending levels. However, with the Senate at \$4.5 billion, and assuming the normal split, the committee's figure would seem to bring us out somewhere near a freeze.

Because I believe the SDI technology ought to go forward until limited by mutual agreement with other nations, I support the extension of the program. I do not, however, want to see SDI expenses escalate too rapidly.

Therefore, I shall vote against the Kyl amendment because I believe it will result in a final figure well above last year's spending.

I shall also vote against amendments to reduce the committee's mark. One, the Delums amendment, seems to me to be a radical reduction which would amount to killing the SDI Program. Others, like the Bennett amendment, which provide for smaller reductions, are harder to assess. That one, again assuming the usual split with the Senate, would slow down the program a bit, but not ruin it.

However, in case of doubt, I usually side with the Commander in Chief, who is charged with the responsibility to defend the country and who must negotiate with our adversaries. Hence my vote for the committee's figure, and against all amendments.

Mr. GARCIA. Mr. Chairman, the strategic defense initiative [SDI], or the so-called star wars program, is typical of so many of the defense plans proposed by President Reagan and now President Bush. It is too expensive, untested, unproven, and according to many experts, impossible, and unnecessary.

When originally proposed, star wars was billed as a peace shield which would keep the entire United States under an umbrella of lasers and magically shoot down incoming Soviet missiles. Despite the protests of highly knowledgeable scientists who denounced the plan as technologically unfeasible, the administration continued support and funding for SDI.

When more facts became known about the improbability of such a device ever working, the scope of star wars changed. No longer would the cities and general population of the United States be protected, only strategic

bases and missile sites would be protected by the revised systems of electron lasers, projectiles, and brilliant pebbles which would intercept the thousands of speeding missiles. No longer was it a peace shield, but an expensive peace sieve, which would according to the Joint Chiefs of Staff, ward off only 30 percent of incoming ICBM's, 30 percent of the SLBM's, and zero percent of the air launched missiles. This rate of success does not provide a very strong deterrence to launching the thousands of missiles and ICBM's which the Soviets have in their arsenals. Yet research and development continued at billions of dollars per year.

It is time that we faced the reality of budget constraints and current technology. Star wars will not work, and we are spending too much money on a program which may hamper strategic arms reductions more than bring the Soviets to the bargaining table. Pursuing this program may lead the United States to violate 1972 Anti-Ballistic Missile Treaty and reverse the progress we have made in negotiating arms reductions with the Soviet Union.

It is possible that the research of such technologies will lead to a breakthrough in defense weapons or nondefense applications. However, the levels of funding which SDI has received are outrageous considering what we have sacrificed to produce such tiny results. Education, housing, the environment, AIDS research, drug programs, transportation. All of these important social programs have been cut to the bone to provide money for such unproven and unneeded measures such as star wars.

The days of unlimited defense spending and waste are over. We must now face the dilemma of how to restore the cuts on our society which have been made in the past 9 years. We must concentrate on educating our children, housing our homeless, feeding our hungry, curing our sick, and employing our jobless. Tough decisions need to be made, but one thing is clear. We cannot afford to spend billions of dollars on a program which is unproven and impractical when we desperately need money to help people get off the streets, off drugs, and off welfare. I urge my colleagues to vote against continued funding for the strategic defense initiative.

Mr. GARCIA. Mr. Chairman, the recent roll down the runway and following flight of the B-2 Stealth bomber was touted as a remarkable breakthrough in aviation and defense technology. What is remarkable about this first flight, however, is not any new technology or deterrence capability, but is rather the amount of time, money, and resources which have been used in getting this project this far.

The B-2, which will supposedly be nearly invisible to enemy radar, have extended range, and use new radar jamming technology, is neither affordable nor necessary. It is already the most expensive single weapon system in history, costing over \$70 billion. Experts estimate that the cost of a single Stealth bomber will exceed \$600 million, and \$75 billion for the whole 132-plane program. \$23 billion was spent on this plane before its first flight. This is no reason to spend an additional \$50 billion on a plane whose technology is questionable and its mission undefined.

We need only to look at the problems we have encountered with the B1-B to determine what types of challenges we will face with the B-2. The B-1 used relatively mature and proven technologies and designs. Billions of dollars were spent on research and development of this bomber before it was produced, and still we learn about the problems with its radar and jamming systems. The B-2 incorporates much more radical and controversial airframe designs, avionics, and stealth technology, all of which must be developed and tested. And yet, even though the costs are enormous and the technology questionable, the administration wants us to purchase 132 of these planes for \$70 billion. Before we spend this much money on anything, we should know what we are buying.

Not only is the expense of the B-2 a strong deterrent for supporting it, the mission of the Stealth bomber is undefined and flawed. Its original mission was supposed to be to attack strategic mobile targets and hardened missile silos deep inside the Soviet Union. The Air Force now admits that the technology to find and destroy mobile targets is years away, and hardened silos can be hit by cruise missiles and sea-launched ballistic missiles at a fraction of the cost. Neither would I support sending a half-a-billion dollar plane on an anti-terrorist mission when we have much less expensive F-14's, F-16's, F-111's, E-6's, and other attack planes which are well suited to the job.

Recent GAO reports indicate that the Defense Department will have a \$125 billion funding deficit over the next 5 years. It is not logical to spend great sums of money on a questionable product when so many other tried and tested projects can be produced with these funds. The \$50 billion which we can save by mothballing the production line for the B-2 could feed millions of hungry people, buy thousands of books for our schools, house many of New York City's homeless for years, wipe out the drug violence epidemic, and still have pocket change to spare. This measure would not eliminate our budget deficit, but it would go a long way toward funding many other more necessary and practical programs.

I urge my colleagues to vote against any further funding for the B-2 Stealth bomber.

Mr. LEWIS of Florida. Mr. Chairman, I rise in strong support of the F-14 Tomcat fighter. The F-14 is simply our best and most versatile carrier based fighter. It makes no sense to cut it with the slim hope that the advanced tactical fighter, which is still on paper, will be ready to take over its mission. Even if the ATF is ready in time, the Navy will have an unacceptable shortfall in the mid-1990's.

The argument that this will save money is without merit. This money will not go back to the Treasury, it will be used for other military projects.

Leaving the obvious arguments on the merit of the F-14 aside, there are several other reasons for keeping the F-14. First, cutting the F-14 will leave only one major supplier of naval combat aircraft, McDonnell-Douglas. While McDonnell-Douglas is a reputable company, we should have learned the dangers

posed by a lack of competition a long time ago.

In addition, the Grumman corporation invested several hundred million dollars to retool their production lines because they had every reason to believe that the Navy would not back out on their agreement to buy F-14's. What kind of message are we sending to all our Government contractors if we lead them on to invest, and then back out of our agreement?

Mr. Chairman, it was F-14 Tomcats that shot down two Libyan fighters in 1982 and flew support during the Grenada invasion. As late as January of this year, F-14's were once again called upon to engage and shoot down two Soviet-made Libyan jets. Clearly, the Tomcat's usefulness is far from over.

Many of the opponents of the F-14 frame their debate in terms of tough choices. However, as I explained earlier, cutting the F-14 will not save the taxpayer money.

Finally, Mr. Chairman, I am not one to avoid tough choices. But I am one who will oppose bad choices. Cutting out the F-14 is a bad choice. We must ensure that our carrier fleets are adequately protected, and that our naval aviation industry remains strong and competitive.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Arizona [Mr. KYL].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. KYL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 117, noes 299, not voting 15, as follows:

[Roll No. 151]

AYES—117

Armey	Gillmor	Miller (WA)
Ballenger	Gilman	Moorhead
Barnard	Goss	Morrison (WA)
Bartlett	Hall (TX)	Myers
Barton	Hammerschmidt	Oxley
Bentley	Hancock	Packard
Billrakis	Hansen	Parris
Bliley	Harris	Pashayan
Boehlert	Hastert	Patterson
Broomfield	Hefley	Paxon
Browder	Herger	Quillen
Brown (CO)	Hill	Rhodes
Bunning	Holloway	Richardson
Burton	Hutto	Ritter
Callahan	Inhofe	Robinson
Coleman (MO)	Ireland	Rohrabacher
Coleman (TX)	James	Roth
Combest	Kasich	Rowland (CT)
Cox	Kolbe	Sarpalius
Craig	Kyl	Schaefer
Crane	Lagomarsino	Schiff
Dannemeyer	Lewis (CA)	Shaw
DeLay	Lewis (FL)	Shumway
DeWine	Livingston	Shuster
Dickinson	Lowery (CA)	Skeen
Dornan (CA)	Lukens, Donald	Slaughter (VA)
Douglas	Madigan	Smith (MS)
Dreier	Marlenee	Smith (NE)
Edwards (OK)	Martin (IL)	Smith (TX)
Emerson	Martin (NY)	Smith, Robert
Fawell	McCandless	(NH)
Fields	McCollum	Solomon
Flippo	McCrery	Spence
Gallegly	McEwen	Stangeland
Gekas	Miller (OH)	Stearns

Stump
Thomas (CA)
Upton
Vucanovich
Walker

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Baker
Bateman
Bates
Bellenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Buechner
Bustamante
Byron
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Conte
Conyers
Cooper
Costello
Coughlin
Coyne
Crockett
Darden
Davis
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost

Walsh
Weber
Whittaker
Wilson
Wolf

NOES—299

Gallo
Garcia
Gaydos
Gedjenson
Gephardt
Gibbons
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray
Green
Guarini
Hall (OH)
Hamilton
Hatch
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hochbrueckner
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Jacobs
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lightfoot
Lloyd
Long
Lowe (NY)
Lukens, Thomas
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillan (MD)
McNulty
Meyers
Miller (CA)
Mineta

Wyllie
Young (AK)
Young (FL)
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Rahall
Rangel
Ravenel
Ray
Regula
Ridge
Rinaldo
Roberts
Roe
Rogers
Rose
Rostenkowski
Roukema
Rowland (GA)
Roybal
Russo
Sabo
Salki
Sangmeister
Savage
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (VT)
Smith, Denny
(OR)
Smith, Robert
(OR)
Snowe
Solarz
Spratt
Staggers
Stallings

Stark
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Valentine
Vento
Visclosky
Volkmmer
Walgren
Watkins

Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—15

Archer
Collins
Courter
de la Garza
Florio
Gingrich
Gunderson
Hunter
Hyde
Lipinski
Mfume
Michel
Molinar
Schuette
Vander Jagt

The Clerk announced the following pairs:

On the vote:

Mr. Gingrich for, with Mr. Florio against.
Mr. Michel for, with Mr. Mfume against.
Mr. Hunter for, with Mrs. Collins against.

Messrs. THOMAS A. LUKEN, SEN. SENBRENNER, JONES of Georgia, WAXMAN, PEASE, GOODLING, and PORTER changed their vote from "aye" to "no."

Mr. McCOLLUM changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DELLUMS:

Strike out section 221 (page 48, line 19 through page 49, line 6) and insert in lieu thereof the following:

SEC. 221. STRATEGIC DEFENSE INITIATIVE LIMITATIONS.

(a) TERMINATION OF SIDO.—The Secretary of Defense shall terminate the organization within the Department of Defense known as the Strategic Defense Initiative Organization and shall reassign the functions of that organization to the military departments and the Defense Agencies as the Secretary considers appropriate.

(b) LIMITATION OF FUNCTIONS TO BASIC RESEARCH.—Fund appropriated or otherwise made available for the Strategic Defense Initiative for fiscal year 1990 may only be obligated for basic research programs.

(c) FISCAL YEAR 1990 FUNDING.—Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for fiscal year 1990 for research, development, test, and evaluation, not more than \$1,300,000,000 may be obligated for the Strategic Defense Initiative. The amount provided in section 201 for the Defense Agencies is hereby reduced by \$2,238,000,000.

The CHAIRMAN pro tempore. (Mr. BRUCE). Pursuant to the rule, the gentleman from California [Mr. DELLUMS] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Mr. KYL. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Arizona (Mr. KYL) will be recognized for 5 minutes in opposition to the amendment.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

□ 1120

Mr. DELLUMS. Mr. Chairman, I yield one-half of my time, 2½ minutes, to the gentlewoman from California [Mrs. BOXER], coauthor of the amendment.

Mrs. BOXER. Mr. Chairman, in this business we really need a sense of humor as well as a serious side, and the ever changing nature of star wars, it seems to me, lends itself to some humor.

Two comedians come to mind. First, there is the late Gilda Radner. She had a character called Emily Latella. We remember Emily Latella; every time she got caught in a fix, she would say, "Never mind," and then she would try again. Then there was Maxwell Smart. When he was caught in a tall tale, he would say, "Would you believe," and then he would spin another.

Star wars is the "Would-you-believe, never-mind" system of the military budget, and now the gentleman from Arizona [Mr. KYL] in his debate, I think, brought some more of a sense of humor to this debate when he says that America spends almost as much on panty hose as it does on star wars. I cannot help but bring a sense of humor to that analogy.

My colleagues, take it from me, panty hose is affordable. Star wars is not. Panty hose has a clear function. Star wars does not. Panty hose gives us 100 percent support. Star wars does not. Panty hose has a mission that does not change every day. The star wars mission has changed from a protective shield to military installation defense to accidental launch protection to brilliant pebbles to terrorist deterrence. Let us face it, star wars has changed more times than Imelda Marcos has changed her shoes.

Mr. Chairman, I say it is time to bring some reality to this program. The Dellums-Boxer amendment, by taking the program back to \$1.3 billion, would allow us to have a good and robust research program. It is the right thing to do. It is what we should do if we believe in arms control. It is what we should do if we believe in budgetary control.

I thank the Members for their attention.

PARLIAMENTARY INQUIRY

Mr. DELLUMS. Mr. Chairman, I have a parliamentary inquiry.

Mr. CHAIRMAN pro tempore (Mr. BRUCE). The gentleman will state his parliamentary inquiry.

Mr. DELLUMS. Mr. Chairman, I rise just to inquire, as author of the

amendment, we are, indeed, entitled to close debate? Is that not correct?

The CHAIRMAN pro tempore. The Chair would advise that under these circumstances, the gentleman from California [Mr. DELLUMS] will be allowed to close debate.

Mr. DELLUMS. Mr. Chairman, may I further inquire, did the gentlewoman from California yield back any of the 2½ minutes?

The CHAIRMAN pro tempore. The gentlewoman used exactly her 2½ minutes.

Mr. DELLUMS. Mr. Chairman, I reserve the balance of my time.

Mr. KYL. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Chairman, throughout this decade, the United States of America and the Soviet Union have embarked on unprecedented negotiations. We all in this House hailed that historic intermediate nuclear force treaty when we for the first time in history began to reduce an entire class of nuclear weapons.

We now know that there are many in this House and many around the country who have consistently said that star wars, the strategic defense initiative, as I like to call it, is a fantasy and it will never work. The fact of the matter is that while there are people in the United States who believe that it will not work, we know full well that the Soviets truly believe that it will work. They believe it will work, because we know that they have spent some 8 to 10 times as much on their own strategic defense as we have in the United States.

We also know that as we look toward the prospect of continued negotiations, the goal of eliminating SDI would seriously jeopardize any chance for continued negotiations, and that is why the gentleman from Arizona [Mr. KYL] offered a truly balanced approach, zero real growth, last year's level plus inflation.

□ 1130

This proposed package by my good friends from California, Mr. DELLUMS and Ms. BOXER, is a package which will in fact endanger the chance for us to bring about a further reduction in nuclear weapons.

It was March 23 of 1983 that President Reagan threw out his proposal for the peace shield. Many on both sides of the aisle have said that goal was impractical. But I do believe, Mr. Chairman, that that goal is one which we should pursue, and proceeding with research and development is something that we must do.

I urge opposition to this amendment which truly could jeopardize continued peace.

Mr. KYL. Mr. Chairman, I yield 1 minute to my distinguished colleague,

the gentleman from Colorado [Mr. BROWN].

Mr. BROWN of Colorado. Mr. Chairman, I thank the gentleman from Arizona for yielding time to me.

Mr. Chairman, I believe the decision before the House with this amendment is a very simple and straightforward one. Do Members believe in unilateral reductions in SDI or do they believe in mutual reductions.

The record shows that mutual disarmament is far more effective. If Members believe that, they are going to conclude that reductions in spending not only in SDI but in other functions should be negotiated, and they ought to be mutual. The Soviet Union ought to reduce its expenditures in this area, not just the United States.

If we pass this amendment, Members are saying they think the best way to handle this area is to unilaterally cut advanced weapons research in this area. The record is very clear, when we have insisted that disarmament be mutual, we have had a promising reaction from the Soviet Union. When we try unilateral disarmament, our record has been unsuccessful.

Adoption of this amendment sends the wrong message. Unilateral concessions make lasting peace less likely.

Mr. KYL. Mr. Chairman, I yield myself my remaining time.

Mr. Chairman, I would like to close the debate on our side by first of all acknowledging the humor of the gentlewoman from California [Ms. BOXER] with respect to pantyhose. I appreciate the injection of a little humor into this debate.

But, Mr. Chairman, as all of us here who have been debating this issue have acknowledged, this is a very serious proposition. The deterrence to attack by the Soviet Union is an extremely serious matter. The argument is made here that SDI is not "100 percent effective." That is to say, a missile might get through or some missiles might get through. I hope my colleagues understand that the purpose of SDI is not to provide a perfect shield over the globe. Rather, it is to provide enough of a deterrent effect to so complicate the Soviet planning for an attack that they would never choose to attack in the first place. That is the whole idea of deterrence, and I hope that my colleagues are not persuaded by the argument that any weapon has to be 100 percent effective in order to be funded.

That gets us to the final point. A lot of my colleagues have said they are just not sure whether it will work. Mr. Chairman, the point here is to provide a funding level sufficient to find out the answer to that question.

My amendment would have done that. The gentleman from Florida [Mr. BENNETT] will argue that his amendment will do it. I do not think it

will. But I think all of us understand that the Boxer-Dellums amendment will not even begin to get close to providing those funds necessary to conduct the tests to find out whether SDI will work so that we can make an informed judgment.

The level of funding that the Dellums-Boxer amendment would provide is only sufficient for basic research to understand what the Soviets are doing. It will never get us to that level necessary for us to make an informed decision, to know whether or not we can deploy SDI.

So I would urge my colleagues to vote no on the Dellums-Boxer amendment. It would not provide the level of funding necessary to make the crucial decisions that the President has asked the Congress to make. It would result in the elimination of thousands of jobs, minimum of 8,000 jobs. Obviously, it is not a level of funding sufficient to actually carry out the program.

Therefore, I urge my colleagues to vote no on the Dellums-Boxer amendment.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. PEASE].

Mr. PEASE. Mr. Chairman, I rise in support of the Dellums-Boxer amendment.

Mr. Chairman, since former President Reagan started us tilting at the SDI windmill in 1984, with illusory promises that it would "render nuclear weapons impotent and shield all of us from the scourge of nuclear attack," America has spent more than \$21 billion on SDI. What do we have to show for this enormous outlay of public funds, while we have been running up record deficits as far as the eye can see? The answer is: Very little.

I rise in support of the Dellums-Boxer amendment to limit SDI activities to \$1.3 billion next year. For America to continue to spend at least \$3 billion a year on SDI is illogical and wrong-headed.

At the end of May, no less authorities than the Joint Chiefs of Staff warned against recklessly moving away from and abandoned the 1972 Anti-Ballistic Missile Treaty in pursuit of rapid deployment of Anti-missile defenses, assuming that such SDI-related defense become feasible at any time. They understand that SDI, in whatever form, does not offer civilian protection against cruise and other low-trajectory missiles, bomber attacks, or small tactical weaponry. To continue to proceed with funding as though we have an unassailable right to deploy SDI-related defenses invites the very costly nightmare and instability that the ABM Treaty was negotiated to prevent—defensive as well as offensive arms races.

I give the Bush administration credit for owning up to the fact that SDI cannot possibly provide a secure nuclear umbrella for all of the American people. Rather they now seek increased SDI funding primarily to develop better systems to protect our ICBM's, not our civilian population. But isn't that also the principal mission for the funding in this bill for more mobile land-based missile systems like

the Midgetman and the rail-based MX weaponry?

In view of these considerations and our ongoing budget crisis, the time has come to stop SDI funding, other than for the most basic research programs.

Mr. DELLUMS. Mr. Chairman, I yield myself my remaining time.

Mr. Chairman, we come to the close of the debate on this issue. All of the issues, it seems to me, have been addressed. My colleagues are clearly aware what this amendment does. It would, in effect, terminate the Strategic Defense Initiative Program, allow for \$1.3 billion to continue to engage in basic and fundamental research.

In the time that I have remaining, I would like to respond to two points.

First of all, it is important for all of my colleagues to understand that once you abandon the concept of the astrodome, that is defending the American population, what you really are down to are defending ICBM's, other missiles. Think about this. In order to enhance the survivability of our ICBM's, you want the strategic defense initiative that will cost us hundreds of billions of dollars, the MX Missile Rail Garrison, costing us billions of dollars, the Midgetman that will cost us billions of dollars. All of these programs are designed to enhance the survivability not of the American people, but of missiles. We are back to mutual assured destruction. This is not some new concept.

Finally, let me make one other argument, if I can have the attention of my colleagues. It is extremely difficult, Mr. Chairman. I think the American people frankly ought to be ashamed of how we conduct ourselves on a matter of such great importance when we are talking about national security, and we have 15 or 20 conversations going on that can go off of this floor and at least allow those of us who are serious about the issue we are talking about to be able to command the attention of our people.

Mr. Chairman, I make this final argument: I think many of my colleagues are very serious when they suggest that our amendment would in some way endanger arms control negotiations. I want to make this assertion very aggressively. It is the strategic defense initiative that will endanger arms control, and let me tell Members why.

The gentleman from Arizona [Mr. KYL] suggests that this would only create a defensive arms race. Yet when he yielded to me, he agreed that it would also create a corresponding offensive arms race, because you can overwhelm a strategic defense initiative. Think about this.

If the other guy knows that you are going to build the strategic defense initiative, you can overwhelm it with offensive weapons, why then should the person sit down and negotiate a re-

duction in their own offensive weapons? I would suggest in no uncertain terms that you remove the incentive for arms control and you make the world a more dangerous place.

If Members really want arms control, do not lift up the strategic defense initiative, removing the Soviets' incentive to come to the table for arms control. Gorbachev is saying let us remove nuclear weapons from our lives by the year 2000. We owe this to our children and our grandchildren.

Reject the strategic defense initiative. Make the world a better place for all Americans and the entire world. Join us in supporting the Dellums-Boxer amendment to bring back some sanity and save the American people \$3 billion to allow us to address other issues.

Mr. MFUME. Mr. Chairman, I join my colleagues in strong support of the Dellums-Boxer amendment to limit funding for SDI activities to \$1.3 billion which would be used for basic research.

We have spent more than \$16 billion on SDI and still do not know in what direction this program takes us. In the early 1980's, the SDI Program was presented to the American people as a financially and technologically feasible ballistic defense system. Supposedly, it is capable of protecting our cities and missile silos from a Soviet missile attack. Now, 5 years later and after spending billions of dollars, I haven't seen enough progress to warrant increased funding of this program other than for basic research as provided by the amendment offered by the gentleman from California [Mr. DELLUMS].

Before we invest \$69.1 billion which only pays for the first phase of the program, let's make sure that the SDI Program is consistent with our current treaty agreements and objectives. In fact, a deployed SDI system as presented would certainly be in direct conflict with the 1972 ABM Treaty. I do, however, support continued research to keep pace with advancing technology until we can better define how this program can and should proceed.

Furthermore, the United States and the Soviet Union are at a critical juncture in seriously negotiating substantive arms control agreements. When we may have an opportunity to move forward with negotiations stemming from the INF Treaty, it would be foolish to push for advance deployment of a defensive system that would only serve to thwart those efforts. The Soviets have already indicated that their response to developing a deployable system will be to build more ICBM's at a much cheaper cost to overwhelm SDI capabilities. Our only response would be to spend hundreds of billions of dollars on additional defensive systems or resume building our offensive arsenal which would lead back a costly arms race.

Mr. Chairman, in light of the uncertainties of the program and the difficulty of allocating funds to increasingly scarce resources for all of the programs competing in the defense budget, I urge my colleagues to support the Dellums-Boxer amendment.

Mr. DURBIN. Mr. Chairman, I rise in support of the Dellums-Boxer amendment to H.R. 2461, the Defense Authorization Act of 1989. I do so because I strongly believe that the Nation's scarce resources are being squandered on the strategic defense initiative [SDI], and that it is time to put this idea to rest once and for all.

The SDI was not the product of careful, thoughtful scientific research, but the brainchild of a handful of self-interested nuclear theorists. Before this costly and complicated idea could be scrutinized by independent scientists, President Reagan mounted an enormous public relations campaign for the SDI. Before any research had gotten underway, President Reagan had already announced that the United States favored scrapping our longstanding commitment to the ABM treaty in order to pursue the SDI fantasy. Even as mounting budget deficits suggested that we needed to take a second look at programs like the SDI, the President refused to listen and urged even higher levels of spending.

Mr. Chairman, we have already spent \$20 billion pursuing President Reagan's pipe-dream. First we were promised a comprehensive defensive shield against incoming ballistic missiles. Scientist after scientist said it couldn't be done, but the SDI project went forward anyway. When research indicated the scientists were right, supporters of SDI came up with the idea of a limited defensive shield that would enhance deterrence by stopping some unknown percentage of incoming missiles. When scientists again demonstrated the flaws of this limited shield, the SDI boosters developed the "Brilliant Pebbles" concept, a space-based defense depending on small rockets being able to intercept enemy missiles during the boost phase.

So what have we bought at the end of this mad search? Certainly not a defensive shield. Certainly not a feasible, affordable defensive system that would enhance our security. Certainly not commercial applications of the SDI technology. No, what we have bought is a huge budget deficit and a pile of glossy briefing books describing our former President's dream.

That is why the Joint Chiefs of Staff this past April recommended a significantly lower level of spending for SDI and stated that the United States "should not insist on the explicit right eventually to deploy extensive antimissile defenses." I share the skepticism of the Joint Chiefs, and their concern for the ABM treaty, and I suggest that in this time of budgetary constraints, we do the smart thing and abandon the goal of quick deployment of SDI technologies.

Let us instead rely on the proven worth of our strategic deterrent, pursue arms control talks with the Soviet Union, and keep SDI research at the reasonable level proposed in the Dellums-Boxer amendment.

□ 1140

The CHAIRMAN pro tempore (Mr. BRUCE). All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. DELLUMS].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KYL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 137, noes 286, not voting 8, as follows:

[Roll No. 152]

AYES—137

Ackerman	Gray	Panetta
Akaka	Hall (OH)	Payne (NJ)
Atkins	Hawkins	Pease
AuCoin	Hayes (IL)	Pelosi
Bates	Hertel	Perkins
Bellenson	Jacobs	Poshard
Berman	Johnson (SD)	Rahall
Bonior	Jones (NC)	Rangel
Boucher	Jontz	Roybal
Boxer	Kanjorski	Russo
Brennan	Kastenmeier	Sabo
Brooks	Kennedy	Sangmeister
Bruce	Kennelly	Savage
Bryant	Kildee	Sawyer
Campbell (CA)	Kiecicka	Scheuer
Carper	Kolter	Schneider
Carr	LaFalce	Schroeder
Clay	Leach (IA)	Schumer
Conte	Lehman (CA)	Shays
Conyers	Lehman (FL)	Sikorski
Coyne	Leland	Skaggs
Crockett	Levin (MI)	Slaughter (NY)
DeFazio	Levine (CA)	Smith (FL)
Dellums	Lewis (GA)	Solarz
Dingell	Lowey (NY)	Staggers
Dixon	Markey	Stark
Dorgan (ND)	Matsui	Stokes
Downey	Mavroules	Studds
Durbin	McDermott	Swift
Dymally	McHugh	Synar
Early	Mfume	Torres
Eckart	Miller (CA)	Towns
Edwards (CA)	Mineta	Trafficant
Engel	Moakley	Traxler
Espy	Moody	Udall
Evans	Morrison (CT)	Unsoeld
Feighan	Mrazek	Vento
Flake	Murphy	Visclosky
Foglietta	Nagle	Waxman
Ford (MI)	Neal (MA)	Weiss
Ford (TN)	Nowak	Wheat
Frank	Oakar	Williams
Garcia	Oberstar	Wolpe
Gejdenson	Obey	Wyden
Gephardt	Owens (NY)	Yates
Glickman	Owens (UT)	

NOES—286

Alexander	Bunning	Donnelly
Anderson	Burton	Dornan (CA)
Andrews	Bustamante	Douglas
Anunzio	Byron	Dreier
Anthony	Callahan	Duncan
Applegate	Campbell (CO)	Dwyer
Archer	Cardin	Dyson
Armey	Chandler	Edwards (OK)
Aspin	Chapman	Emerson
Baker	Clarke	English
Ballenger	Clement	Erdreich
Barnard	Clinger	Fascell
Bartlett	Coble	Fawell
Barton	Coleman (MO)	Fazio
Bateman	Coleman (TX)	Fields
Bennett	Combest	Fish
Bentley	Cooper	Filippo
Bereuter	Costello	Frenzel
Bevill	Coughlin	Frost
Bilbray	Cox	Galleghy
Bilirakis	Craig	Gallo
Bliley	Crane	Gaydos
Boehlert	Dannemeyer	Gekas
Boggs	Darden	Gibbons
Borski	Davis	Gillmor
Broomfield	de la Garza	Gilman
Browder	DeLay	Gingrich
Brown (CA)	Derrick	Gonzalez
Brown (CO)	DeWine	Goodling
Buechner	Dickinson	Gordon
	Dicks	Goss

Gradison	McCandless	Saxton
Grandy	McCloskey	Schaefer
Grant	McCollum	Schiff
Green	McCrery	Schulze
Guarini	McCurdy	Sensenbrenner
Gunderson	McDade	Sharp
Hall (TX)	McEwen	Shaw
Hamilton	McGrath	Shumway
Hammerschmidt	McMillan (NC)	Shuster
Hancock	McMillen (MD)	Sisisky
Hansen	McNulty	Skeen
Harris	Meyers	Skelton
Hastert	Michel	Slattery
Hatcher	Miller (OH)	Slaughter (VA)
Hayes (LA)	Miller (WA)	Smith (IA)
Hefley	Mollohan	Smith (MS)
Hefner	Montgomery	Smith (NE)
Henry	Moorhead	Smith (NJ)
Herger	Morella	Smith (TX)
Hiler	Morrison (WA)	Smith (VT)
Hoagland	Murtha	Smith, Denny
Hochbrueckner	Myers	(OR)
Holloway	Natcher	Smith, Robert
Hopkins	Neal (NC)	(NH)
Horton	Nelson	Smith, Robert
Houghton	Nielson	(OR)
Hoyer	Olin	Snowe
Hubbard	Ortiz	Solomon
Huckaby	Oxley	Spence
Hughes	Packard	Spratt
Hunter	Pallone	Stallings
Hutto	Parker	Stangeland
Inhofe	Parris	Stearns
Ireland	Pashayan	Stenholm
James	Patterson	Stump
Jenkins	Paxon	Sundquist
Johnson (CT)	Payne (VA)	Tallon
Johnston	Penny	Tanner
Jones (GA)	Petri	Tauke
Kaptur	Pickett	Tauzin
Kasich	Pickle	Thomas (CA)
Kolbe	Porter	Thomas (GA)
Kostmayer	Price	Thomas (WY)
Kyl	Pursell	Torricelli
Lagomarsino	Quillen	Upton
Lancaster	Ravenel	Valentine
Lantos	Ray	Vander Jagt
Laughlin	Regula	Volkmer
Leath (TX)	Rhodes	Vucanovich
Lent	Richardson	Walgren
Lewis (CA)	Ridge	Walker
Lewis (FL)	Rinaldo	Walsh
Lightfoot	Ritter	Watkins
Livingston	Roberts	Weber
Lloyd	Robinson	Weldon
Long	Roe	Whittaker
Lowery (CA)	Rogers	Whitten
Lukens, Thomas	Rohrabacher	Wilson
Lukens, Donald	Rose	Wise
Machtley	Rostenkowski	Wolf
Madigan	Roth	Wylie
Manton	Roukema	Yatron
Marlenee	Rowland (CT)	Young (AK)
Martin (IL)	Rowland (GA)	Young (FL)
Martin (NY)	Saiki	
Mazzoli	Sarpalius	

NOT VOTING—8

Collins	Hyde	Molinari
Courter	Lipinski	Schuetz
Florio	Martinez	

□ 1158

The Clerk announced the following pairs:

On this vote:

Mr. Martinez for, with Mr. Florio against.
Mrs. Collins for, with Mr. Courter against.

Mr. COX changed his vote from "aye" to "no."

Mr. SHAYS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1200

AMENDMENT OFFERED BY MR. BENNETT

Mr. BENNETT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. BRUCE). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BENNETT:

Strike out section 221(a) (page 48, line 21 through page 49, line 2) and insert in lieu thereof the following:

(a) FISCAL YEAR 1990.—Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1990, not more than \$2,844,500,000 may be obligated for the Strategic Defense Initiative. The amount provided in section 201 for Defense Agencies is hereby reduced by \$693,500,000.

Strike out section 3103(a) (page 338, lines 11 through 18) and insert in lieu thereof the following:

(a) PROGRAMS, PROJECTS, AND ACTIVITIES OF THE DEPARTMENT OF ENERGY RELATING TO THE STRATEGIC DEFENSE INITIATIVE.—Of the funds appropriated to the Department of Energy for fiscal year 1990 for operating expenses and plant and capital equipment, not more than \$245,000,000 may be obligated or expended for programs, projects, and activities of the Department of Energy relating to the Strategic Defense Initiative.

The CHAIRMAN pro tempore. The gentleman from Florida [Mr. BENNETT] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair will inquire, is the gentleman from Alabama [Mr. DICKINSON] in opposition to the amendment?

Mr. DICKINSON. I am, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Alabama will be recognized for 5 minutes in opposition.

The Chair recognizes the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I support strategic defense, but in the case of SDI, less may just be more. A cut in the SDI budget could actually be a plus for the program. It would lengthen the time horizon for deployment, to be sure, I readily admit that, but it could also lift the sights of SDI's managers to a further horizon, causing them to concentrate more on longer term technologies, like the free electron laser that held the promise perhaps of providing a strategic defense, and lesson near term choices, like Zenith Star and Brilliant Pebble, which are not survivable and probably will not be cost effective.

Second, in my opinion, we need to go in low, at the level of Bennett-Ridge, to come out of conference at about where SDI ought to be. At this level the SDI budget is likely to be flattened out or a little less for the next couple of years or for next year at least. The Bush administration wants

to spend \$32 billion over the next 5 years on SDI, \$6 billion in 1992, \$7 billion in 1993, and \$8 billion in 1994.

Mr. Chairman, by voting for Bennett-Ridge, we position ourselves for conference and serve notice on the administration to bring this futuristic program down into the world of budget reality.

Mr. DICKINSON. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, this is not the first time we have had this debate.

Mr. Chairman, the purpose of this amendment, I think, is laudible. The gentleman from Florida [Mr. BENNETT] would like to see more funds allocated to the conventional weaponry of this country and less to our strategic defense. As far as increasing our conventional weapons capability, it is true and it is fact that we need to do more. We have neglected it in the past, and we need to do more.

For the Army, we have cut back on our production of tanks and we are decimating Army aviation by terminating the AHIP and the Apache helicopters.

Yes, we need more funds. The problem is, however, that we are taking them from the wrong source. Each year we make a run at SDI, and SDI becomes a "cash cow," a pool to dip into to fund various other programs. There comes a point when, if we keep embezzling from this particular program, we are going to kill it.

Everyone who has spoken on SDI, whether they are for or against a funding cut, recognizes that it is essential for us to continue with robust research and development, and to continue to work to prove its feasibility. At a minimum, this is necessary to force the Soviets to negotiate with us seriously in Geneva. We would not have had an INF Treaty if we had not deployed the Pershing II's and GLCM's which brought the Soviets to the table. We deployed the capability, they came to the table, and they negotiated with us.

What we are doing here is systematically killing the SDI Program by "nickel-and-diming" it to death. The causes we are funding, whether it be toxic cleanup, whether it be drug wars, or whether it be contention armaments are worthwhile. But we are killing the SDI Program in the meantime.

Mr. Chairman, I urge the Members to support the committee position and vote against the \$3.1 billion Bennett amendment. Let us at least maintain the committee position of \$3.5 billion, which is still negative spending over last year's budget.

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. HOCHBRUECKNER].

Mr. HOCHBRUECKNER. Mr. Chairman, let me remind my colleagues that I come from an engineer-

ing background, and I look at things from a very practical point of view. As we all know, we have listened to this debate enough to know that star wars or SDI was sold as an impenetrable shield that would protect the American people. That is no longer the goal of the program.

The fact of the matter is that today star wars is merely another form of deterrence. Its present purpose is to protect our missiles from attack by other missiles, so that American people have very little in SDI to protect them directly. If we want more deterrence, we should buy more deterrence, but there are less expensive ways to buy more deterrence than fielding SDI. Buy the Midgetman or other missiles, what-have-you. We do not need to support star wars to the extent requested.

I realize that we must avoid technological surprise on the part of the Russians. Therefore, it makes sense to continue a robust research effort. Clearly, the \$3.1 billion is more than enough funding to provide a continuing appropriate research program for star wars.

Mr. Chairman, I support the Bennett amendment, and I hope all the Members will support that amendment.

Mr. DICKINSON. Mr. Chairman, I yield one minute to the gentleman from California [Mr. HUNTER].

□ 1210

Mr. HUNTER. Mr. Chairman, the gentleman from New York [Mr. HOCHBRUECKNER] who preceded me and many others talked about deterrence and buying deterrence. Deterrence requires one prime ingredient. It requires rationality on the part of one's adversary, and we have always hoped for that rationality in the Politburo in Moscow, but we have to look now for deterrence not to Moscow. We have to look in the near future, I think, to Libya. We may be looking to North Korea.

In fact, Mr. Chairman, our projections by our intelligence agencies tells us that by the year 2000 some 15 nations will have intercontinental ballistic missile capability. That means a deterrence that might have worked with the Soviet Union may not work in Libya. It may not work in North Korea. It may not work in China.

Mr. Chairman, SDI is an experiment to see if defense will work. We have to spend the money to get the answers, and I would urge my colleagues to deny this amendment to take us below the House position.

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. OLIN].

Mr. OLIN. Mr. Chairman, the Bennett amendment is not only the com-

promise position on this issue. It really is the only one that makes sense.

Three years ago we were looking at forecast funding for the SDI program of 5, 6, 7 and even \$8 billion. It is interesting that this year for the first time even the administration has pulled back some. The gentleman from Arizona [Mr. KYL] is only talking 4.1 billion, and the reason for that is that the plan for SDI never did support funding much over the \$3 billion level.

Mr. Chairman, it is also true that the Armed Services Committee of the Senate has passed 4.5 billion. Bennett is at 3.1. I say to my colleagues, "You compromise those two, you get 3.8, and that's not only enough for the research to continue at 3 billion, but it even supplies money for whatever promotional activities seem to be necessary."

Mr. Chairman, this is the common-sense provision. I hope that Members of the House in general will take a look at it. It makes sense. It supports the research. It stabilizes the program at a level that is plenty adequate for all purposes.

Mr. DICKINSON. Mr. Chairman, I yield my remaining 1½ minutes to the gentleman from Arizona [Mr. KYL].

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of the strategic defense initiative and the amendment offered by Mr. KYL of Arizona to fund the SDI at its fiscal year 1989 level of \$3.8 billion. I am strongly opposed to the Delums-Boxer amendment which, in reality, kills the SDI Program and the Bennett amendment which further reduces critical SDI funding.

It should be recognized that the Armed Services Committee has already slashed SDI funding by 22 percent authorizing only \$3.8 billion of the administration's requested \$4.9 billion. If we are to provide America with the strategic defense shield it needs, which I strongly believe we should, we must provide realistic, sufficient funding for the program. The Kyl amendment does just that.

The concept of pursuing defenses is not new. In fact, it is wholly consistent with deterrence. It was actually being pursued during the Carter administration, but not in a very comprehensive or cohesive way. The reasoning behind the SDI is very logical and responsible. The policy of mutually assured destruction [MAD] has worked so far, but the costs of a potential breakdown are too great. I believe it is far safer and certainly less threatening to protect America with a shield rather than rely on the sword of nuclear holocaust as we presently do. In addition, an effective strategic defense can enhance deterrence by greatly complicating the war plans of the attacking nation. If greater uncertainty about the outcome of initiating such an attack can be achieved, defenses will have contributed to deterrence and stability.

Many of my colleagues believe the answer to strategic security lies not with the SDI but only in reaching further arms control agree-

ments. Unfortunately, history has proven that arms control agreements alone do not provide security and safety. Recent Soviet violations of arms control agreements—accords we unilaterally uphold—dictate that we back up arms control with some sort of insurance. The SDI provides that. Examining the track record of Soviet compliance—or lack thereof—with arms control agreements dictates that realism, not blind trust, will lead to successful, effective arms control measures equally beneficial to both sides.

Critics assert that the SDI cripples arms control. This is not true. Obviously the Soviets believe that the two, arms control and strategic defense, go together. They are pursuing both. I will give Mikhail Gorbachev credit for what he is trying to do and for the slick PR work he has done. His propaganda against our defensive efforts have pulled the wool over the eyes of many. In discrediting our legitimate defensive needs, he has managed to distract attention from his own, greater, more intensive strategic defense system. Within the last decade the CIA estimates that the Kremlin has spent over \$150 billion on its version of the SDI. During an interview with "NBC News" General Secretary Gorbachev admitted that the Soviets are working on their own SDI. According to respected Soviet dissident scientists, including some we in Congress helped emigrate, the Soviets devote much more of its efforts and resources into its SDI Program than we do into ours. They also warned that the Soviet Union would likely continue to proceed with its SDI even if it signed an agreement not to. They recommended that we not yield on development of the strategic defense peace shield.

In addition, the Soviets continue to strengthen their antiballistic missile capability, often in violation of the ABM Treaty. The Krasnoyarsk radar clearly proves that. The development of a two-layer ABM system, modernization of the galosh ABM system around Moscow and advances in laser technology also indicate that regardless of the ABM treaty, the Soviets are moving along rapidly toward deploying their SDI while we debate about funding research and development of our system. In fact, Soviet ballistic missile defense activities are so extensive that Moscow now has the potential to break out of the ABM Treaty much more rapidly than the United States can respond. Incidentally, our SDI Program remains, by law, within the confines of the ABM Treaty.

SDI has enhanced arms control. As Zbigniew Brzezinski, President Carter's National Security Advisor, said, the Soviets would not even be at the negotiating table with us had it not been for President Reagan's commitment to the SDI. The SDI is a very promising arms control mechanism. By providing a defensive shield, it reduces the need for nuclear missiles making reduction agreements—like the ongoing start talks to cut our strategic nuclear arsenals in half—more attractive and obtainable. The SDI coupled with arms reductions makes the argument that the Soviets can overwhelm our defense moot. Even at partial effectiveness, the SDI denies any power the ability to carry out a successful first strike, thereby even further enhancing deterrence and making arms reduction proposals more acceptable. To those who still disagree I point

out that over the past few years we have made real progress in arms reduction—the INF Treaty and new progress on START and conventional arms cuts. All this has happened while we have been pursuing the SDI.

Clearly the SDI has helped, not hurt arms control. And, that's only natural because SDI works best with arms control and vice-versa. However, if we were to damage the SDI Program by further cuts, as advocated by the Bennett amendment or the killer Delums/Boxer amendment, we are weakening the position of our negotiators in Geneva and lessening the chances for real progress on start and other agreements.

With Gorbachev's new policies of Glasnost and Perestroika, some believe the Soviets and their nuclear missiles to be less of a threat. While encouraging rhetoric is coming from behind the Iron Curtain, the Soviets continue to modernize and expand their war machine—including their strategic nuclear weapons systems. Furthermore, as recent events in China have shown, the reforming Communist Government can quickly and harshly reverse themselves. It is important for us to remain strong and maintain a credible defense.

While many focus on the threat from the Soviets, the SDI is critical to American security because we also face other nuclear missile threats. The chaotic events in China further underscore the need for SDI. The same leaders who ordered the massacre in Tiananmen Square also control China's strategic nuclear arsenal. Of even greater concern is the control, or possible lack thereof, over China's nuclear weapons should the present or some future political turmoil factionalize the military and top Communist leadership. While the power struggles and factionalization apparently have been kept to a manageable level at this time, the history of chaos and violence associated with governing Communist China and the real potential for future anarchy provide very valid and serious reasons for the SDI.

Other countries around the globe are also developing ballistic missiles. While some of these countries do not, at present, have nuclear weapons some do have chemical and biological weapons. Both Iraq and Iran are developing missiles and both have used chemical weapons. The SDI would provide protection against any threats posed by these missiles—whether they were armed with nuclear, chemical, biological or conventional warheads.

Today the United States has absolutely no protection against ballistic missiles. We have no way to protect against any of the threats I've mentioned. Again, the SDI would provide that protection.

Some critics claim the SDI will not work. However, great strides have been made in our ability to track and intercept missiles before they reach their targets in many different stages of flight. In this debate, opponents of the SDI will cite Nobel laureates and other distinguished physicists in arguing that the SDI is neither feasible nor safe. I urge my colleagues to carefully examine the details of the reports they are quoting. Unfortunately, many are flawed in important respects and include misleading information. Last year during debate on the SDI, I provided members with an article

detailing these flaws. I stand ready to share it again this year.

Throughout history there have been expert nay-sayers who argued we could never fly, make a steam engine, or reach the Moon. They were wrong. I submit that many of today's critics fall into that same category.

Since President Reagan proposed the SDI, we have continued to make outstanding progress. Now is not the time to stop. It is important for us to continue to show the world that we are committed to peace and security based on full armor—a shield and a small sword, not just the sword. I strongly urge my colleagues to support the Kyl amendment and oppose the Dellums/Boxer and Bennett amendments.

Mr. KYL. Mr. Chairman, I thank the gentleman from Alabama [Mr. DICKINSON] for yielding.

Mr. Chairman, I rise in opposition to this amendment. The choice now is between the Bennett amendment at \$2.8 billion and the committee mark of \$3.5 billion. I think we ought to support the committee mark of \$3.5 billion and reject the Bennett amendment.

Mr. Chairman, my colleague, the gentleman from South Carolina [Mr. SPRATT] said that at this juncture we have to make a decision whether to fund the short-term SDI Program or the long-term SDI Program.

My colleagues, that is not really a choice presented by the Bennett level. As a matter of fact, the gentleman from New York [Mr. HOCHBRUECKNER], our colleague, just confirmed that point when he said that the Bennett amendment will allow enough funding for a basic research program. That is correct, but I think it will allow precious little more than that.

As a result, Mr. Chairman, I do not think we can say that we are going to be funding a robust SDI Program with the Bennett level. As a matter of fact, according to the Department of Defense, the potential impacts on long-term projects like the chemical laser, the free-electron laser and the neutral particle beam are to cancel all three of those programs, and those are all long-range programs.

So, let us not be deceived. This level of funding will not permit us to move forward. It provides essentially for a basic level of research only.

Mr. Chairman, in conclusion, the Bennett amendment is not the compromise position. Last year SDI was funded at a little bit over \$4 billion. The Senate's position this year in the committee was \$4.3 billion. The House committee mark is \$3.5 billion, and the Bennett amendment is \$2.8 billion.

Mr. Chairman, the Bennett amendment is not the compromise at this point. The Bennett amendment is the low mark. I urge my colleagues to support the Committee on Armed Services' mark, the level that the Committee on Armed Services overwhelmingly voted to support at \$3.5 billion, by re-

jecting the Bennett amendment of \$2.8 billion.

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Chairman, in the few moments I have in this debate I would like to share a few thoughts with my colleagues.

Right now the SDI Program consumes about 10 percent of the Pentagon's research budget. If we let the proposed funding escalation occur over the next 4 years, it will be in excess of 20 percent of all the Pentagon's research.

What the gentleman from Florida [Mr. BENNETT] tries to do in a reasonable, rationale way is put a cap on it, provide some stable funding so that research for this year, and hopefully foreseeable years, is around 10 percent.

The gentleman from Florida [Mr. BENNETT] and I are not dictating the research that should be done. We are not trying to micromanage. We are just saying to them, "You're going to realize funding somewhere between \$3.1 billion and \$4.5 billion. You know what needs to be done for short-term or long-term deployment. You must prioritize, make a decision, but you can't fund everything."

Mr. Chairman, we think there is certainly enough money in that range, between \$3.1 and \$4.5 billion, for the Pentagon to engage in a long-term research program with short-run deployment possibilities. My colleagues, politicians and generals can say what they want for SDI, but it is clear that we should only listen to the scientists to identify what they need. The scientific community will say that they need what the gentleman from Florida [Mr. BENNETT] has suggested, \$3.1 billion. I urge my colleagues to support his amendment.

Mr. BENNETT. Mr. Chairman, I yield myself the remaining 1 minute to close the debate.

Mr. Chairman, this amendment of 3.1 is arrived at after hearings, after study, as being the proper figure. It is actually a little more generous than the evidence that we had before as to what is needed for a good SDI research program. It is not something picked out of space. It is based upon hearings which were actually had.

Mr. Chairman, we feel like the action of the Joint Chiefs of Staff spoke eloquently on this matter when they chose the least of the alternatives which were offered to them for support for research of SDI, and my colleagues will note this amendment does not do any micromanaging at all. All the micromanagement that has been done on this floor today has been done by people who oppose this amendment. They have suggested things will have to be cut, but this amendment does not suggest that at

all. It leaves the alternatives with the actual management of SDI.

Mr. Chairman, I think this is a reasonable amendment, and I hope it will overwhelmingly pass.

Mr. FAZIO. Mr. Chairman, I rise today in strong support of the Bennett-Ridge-Fazio-Olin-Shays-Hochbrueckner amendment to the Department of Defense authorization bill for fiscal year 1990.

The Bennett-Ridge amendment provides \$3.1 billion for the strategic defense initiative [SDI]. This represents a reduction of \$700 million from the funding level reported by the Armed Services Committee and \$1.7 billion from the administration's request. This bipartisan amendment will allow for a generous research and development program without sacrificing modernization of our conventional forces. Scientists associated with the SDI program testified that \$2 billion to \$3 billion per year is adequate for research in advanced weapon technology. In addition, earlier this year, the Joint Chiefs of Staff recommended a much lower level of appropriations for the SDI program than was advocated by civilian Defense Department officials. It is clear that \$4.8 billion for SDI is unrealistic and unnecessary.

As Co-Chairman of last year's task force on the Strategic Defense Initiative, I had the opportunity to hear from knowledgeable experts on strategic defense. After 6 months of hearings, meetings and intensive research, the task force developed a number of recommendations. I believe it is important to remember one particular conclusion:

Funding for this research must be based on a realistic assessment of priorities within the defense budget and must not undercut more pressing defense needs, particularly in areas of conventional force improvements. All of our defenses are a deterrent against war; funds spent on strategic defense will be funds not spent to strengthen other forces.

Our amendment today to reduce SDI to \$3.1 billion represents a commitment to research which will allow us to maintain our Nation's qualitative advantage in this critical area, while simultaneously maintaining our commitments to other vital defense programs.

I urge my colleagues to support the amendment.

The CHAIRMAN pro tempore (Mr. BRUCE). All time has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. BENNETT].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BENNETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 248, noes 175, not voting 8, as follows:

[Roll No. 153]

AYES—248

Ackerman	Applegate	Bennett
Akaka	Aspin	Bereuter
Alexander	Atkins	Berman
Anderson	AuCoin	Bilbray
Annunzio	Bates	Boggs
Anthony	Beilenson	Bonior

Borski	Henry	Pelosi	Gallo	Martin (IL)	Saxton
Bosco	Hertel	Penny	Gekas	Martin (NY)	Schaefer
Boucher	Hoagland	Perkins	Gillmor	McCandless	Schiff
Boxer	Hochbrueckner	Petri	Gilman	McCollum	Shaw
Brennan	Horton	Porter	Gingrich	McCrery	Shumway
Brooks	Hoyer	Poshard	Goss	McDade	Shuster
Brown (CA)	Hubbard	Price	Gradison	McEwen	Sisisky
Bruce	Huckaby	Pursell	Gunderson	McGrath	Skeen
Bryant	Hughes	Rahall	Hall (TX)	McMillan (NC)	Skelton
Bustamante	Jacobs	Ray	Hammerschmidt	McMillen (MD)	Slaughter (VA)
Campbell (CA)	Johnson (SD)	Regula	Hancock	Michel	Smith (MS)
Campbell (CO)	Johnston	Ridge	Hansen	Miller (OH)	Smith (NE)
Cardin	Jones (GA)	Roe	Harris	Miller (WA)	Smith (TX)
Carper	Jones (NC)	Rose	Hastert	Mollohan	Smith, Denny
Carr	Jontz	Rostenkowski	Hatcher	Montgomery	(OR)
Chandler	Kanjorski	Roukema	Hayes (LA)	Moorhead	Smith, Robert
Chapman	Kaptur	Roybal	Hefley	Morrison (WA)	(NH)
Clarke	Kastenmeier	Russo	Herger	Murtha	Smith, Robert
Clay	Kennedy	Sabo	Hiler	Myers	(OR)
Clement	Kennelly	Saiki	Holloway	Nelson	Solomon
Coble	Kildee	Sangmeister	Hopkins	Nielson	Spence
Conte	Klecza	Savage	Houghton	Oxley	Stangeland
Conyers	Kolter	Sawyer	Hunter	Packard	Stearns
Cooper	Kostmayer	Scheuer	Hutto	Parker	Stump
Costello	LaFalce	Schneider	Inhofe	Parris	Sundquist
Coughlin	Lancaster	Schroeder	Ireland	Pashayan	Thomas (CA)
Coyne	Lantos	Schulze	James	Patterson	Thomas (GA)
Crockett	Leach (IA)	Schumer	Jenkins	Paxon	Thomas (WY)
de la Garza	Lehman (CA)	Sensenbrenner	Johnson (CT)	Pickett	Upton
DeFazio	Lehman (FL)	Sharp	Kasich	Pickle	Vander Jagt
Dellums	Leland	Shays	Kolbe	Quillen	Vucanovich
Derrick	Levin (MI)	Sikorski	Kyl	Ravenel	Walker
Dicks	Levine (CA)	Skaggs	Lagomarsino	Rhodes	Walsh
Dingell	Lewis (GA)	Slattery	Laughlin	Richardson	Weber
Dixon	Lightfoot	Slaughter (NY)	Leath (TX)	Rinaldo	Weldon
Donnelly	Long	Smith (FL)	Lent	Ritter	Whittaker
Dorgan (ND)	Lowey (NY)	Smith (IA)	Lewis (CA)	Roberts	Whitten
Downey	Luken, Thomas	Smith (NJ)	Lewis (FL)	Robinson	Wilson
Duncan	Machtley	Smith (VT)	Livingston	Rogers	Wolf
Durbin	Manton	Snowe	Lloyd	Rohrabacher	Wylie
Dwyer	Markey	Solarz	Lowery (CA)	Roth	Young (AK)
Dymally	Martinez	Spratt	Lukens, Donald	Rowland (CT)	Young (FL)
Early	Matsui	Staggers	Madigan	Rowland (GA)	
Eckart	Mavroules	Stallings	Marlenee	Sarpalius	
Edwards (CA)	Mazzoli	Stark			
Engel	McCloskey	Stenholm			
Espy	McCurdy	Stokes	Collins	Hyde	Rangel
Evans	McDermott	Studds	Courter	Lipinski	Schuette
Fascell	McHugh	Swift	Florio	Mollinari	
Fazio	McNulty	Synar			
Feighan	Meyers	Tallon			
Fish	Mfume	Tanner			
Flake	Miller (CA)	Tauke			
Foglietta	Mineta	Tauzin			
Ford (MI)	Moakley	Torres			
Ford (TN)	Moody	Torricelli			
Frank	Morella	Towns			
Frost	Morrison (CT)	Trafficant			
Garcia	Mrazek	Traxler			
Gaydos	Murphy	Udall			
Gedjenson	Nagle	Unsoeld			
Gephardt	Natcher	Valentine			
Gibbons	Neal (MA)	Vento			
Glickman	Neal (NC)	Visclosky			
Gonzalez	Nowak	Volkmer			
Goodling	Oakar	Walgren			
Gordon	Oberstar	Watkins			
Grandy	Obey	Waxman			
Grant	Olin	Weiss			
Gray	Ortiz	Wheat			
Green	Owens (NY)	Williams			
Guarini	Owens (UT)	Wise			
Hall (OH)	Pallone	Wolpe			
Hamilton	Panetta	Wyden			
Hawkins	Payne (NJ)	Yates			
Hayes (IL)	Payne (VA)	Yatron			
Hefner	Pease				

NOES—175

Andrews	Brown (CO)	DeLay
Archer	Buechner	DeWine
Arney	Bunning	Dickinson
Baker	Burton	Dornan (CA)
Ballenger	Byron	Douglas
Barnard	Callahan	Dreier
Bartlett	Clinger	Dyson
Barton	Coleman (MO)	Edwards (OK)
Bateman	Coleman (TX)	Emerson
Bentley	Combest	English
Bevill	Cox	Erdreich
Bilirakis	Craig	Fawell
Billie	Crane	Fields
Boehlert	Dannemeyer	Flippo
Broomfield	Darden	Frenzel
Browder	Davis	Galleghy

(b) ARMY MISSILE PROCUREMENT.—The amount specified in section 101 for Army missile procurement is hereby increased by \$41,000,000, to be available for procurement of conventional, nonchemical munition Multiple-Launch Rocket System (MLRS) rockets.

(c) ARMY AMMUNITION PROCUREMENT.—The amount specified in section 101 for Army ammunition procurement is hereby increased by \$30,000,000, to be available for procurement of conventional ammunition war reserve stocks and training rounds.

Page 48, after line 17, insert the following new section:

SEC. 208. INCREASED FUNDING FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR CONVENTIONAL FORCES FOR FISCAL YEAR 1990.

The amount specified in section 201 for research, development, test, and evaluation for Defense Agencies is hereby increased by \$32,000,000, to be available for the Balanced Technology Initiative.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Florida [Mr. BENNETT] will be recognized for 7½ minutes, and the gentleman from Arizona [Mr. KYL] will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, this bipartisan amendment is offered by myself and Congressmen TOM RIDGE, VIC FAZIO, JIM OLIN, GEORGE HOCHBRUECKNER, and CHRISTOPHER SHAYS. It is a special pleasure to work with the gentleman from Pennsylvania, TOM RIDGE, who is an infantry soldier like myself, and who has contributed enormously to our national defense.

Our amendment would add back \$150 million for important conventional forces. It would not compete for dollars with any other add-back amendment which will be considered later today.

Since this is a modest amendment, I would like to emphasize that about \$1 billion was already cut from the SDI budget request in committee, which used those funds for conventional forces in two ways. First, some \$400 million went to new initiatives, including technology base enhancements that will allow breakthroughs in the capability of our conventional forces. Second, and more importantly, the general availability of the \$1 billion from SDI meant that the committee could fund many more conventional forces than would have been true otherwise. These include the F-14D, the V-22, the Guard and Reserve enhancements, and others. Some of these might not have been possible if SDI hadn't been reduced by \$1 billion in committee.

The amendment we are offering today was crafted to respond to the priorities of our military. Our top soldier, the chairman of the Joint Chiefs of Staff, Admiral Crowe, testified to

NOT VOTING—8

Hyde	Rangel
Lipinski	Schuette
Mollinari	

□ 1236

Mr. KLECZKA changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. It is now in order to consider the amendments relating to the SDI add-backs printed in part 1 of House Report 101-168, by, and if offered by, the following Members or their designees, which shall be considered in the following order only: by Representative BENNETT; by Representative SPRATT; and by Representative MAVROULES.

AMENDMENT OFFERED BY MR. BENNETT

Mr. BENNETT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BENNETT: Page 36, after line 16, insert the following new section:

SEC. 128. INCREASED FUNDING FOR PROCUREMENT OF CONVENTIONAL FORCES FOR FISCAL YEAR 1990.

(a) ARMY AIRCRAFT PROCUREMENT.—The amount specified in section 101 for Army aircraft procurement is hereby increased by \$47,000,000, to be available for procurement of additional spare parts and supplies needed during fiscal year 1990 to repair Army helicopters damaged in recent storms.

the Armed Services Committee April 25 that:

The most glaring weakness in our global posture is our inability of adequately defend Western Europe conventionally.

Our amendment would add funds for four conventional items. These were chosen because they are high military priorities, because they are procurement success stories, and because they make sense in an era of tight budgets and possible arms control.

First, the amendment would provide full funding, \$47 million, to repair Army helicopters damaged by the severe storms at Fort Hood, TX, on May 13, 1989. The Army has made an urgent request to Congress for these funds. Because the storm happened after the President's budget came to Congress, the bill as reported contains no money for this important item. Our amendment would fully fund repair of these helicopters.

Second, the amendment would restore funding for MLRS Army artillery rockets closer to last year's level. The MLRS rocket is the Army's best artillery fire support weapon, and the Army has recently doubled its requirement for these rockets from 400,000 to 800,000. But the bill as reported would halve procurement of MLRS rockets compared to last year. The most efficient rate or procurement of these rockets is 72,000 per year. But the budget request and the bill as reported would procure MLRS rockets at an extremely inefficient rate—24,000 per year. This stretchout would cause a 21-percent increase in the cost of each rocket compared to last year.

The amendment increases funding for these rockets by \$41 million, enough to boost rocket procurement to almost 30,000 per year.

Third, the amendment restores some funds, \$30 million, for Army ammunition. Army ammunition was cut in the budget request and bill by \$300 million compared to last year. Since 1985, funding for ammunition procurement has declined by almost 50 percent after inflation. As a former infantry soldier, I assure you that having enough ammunition should be a No. 1 concern of our defense posture. However, Gen. Thomas Richards, the Deputy Commander in Chief of the U.S. European Command, has testified to Congress that: "all the services—Army, Navy, Air Force, Marine Corps—all have shortages, severe shortages of preferred munitions."

That is why our amendment would add some money, and leave it up to the Army to decide which type of conventional ammunition most needs an increase.

Fourth, the amendment would restore funds for the Balanced Technology Initiative [BTI], a conventional weapons research program started in 1986 by Senator SAM NUNN and myself. Our amendment adds \$32 million to

bring the total BTI funding back to the original funding level requested by President Reagan, \$238 million, before reductions in the Bush budget request.

The BTI was started as a counter to SDI, which had been gobbling up military research funds. The purpose of the BTI is to address gaps in our conventional defense by applying breakthrough technologies that potentially render obsolete entire elements of the enemy defense structure.

I hope Members can support this amendment.

□ 1240

Mr. KYL. Mr. Chairman, I yield back the balance of my time.

Mr. BENNETT. Mr. Chairman, I yield the remainder of my time to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Chairman, this amendment is as important for what it says as for what it does. I would like to just share a few thoughts with Members about it.

Clearly the gentleman from Florida [Mr. BENNETT] and I are trying to restore some dollars to provide for funding in the conventional arena. We are preoccupied today and tomorrow with very, very expensive, high-technology, very sophisticated, complex equipment and the procurement of that equipment. The gentleman from Florida and I feel that during the defense debate over the past 3 or 4 years we have truly lost sight of what should be an equally important priority, and that is our conventional fighting capability.

One of the four items contained in the Bennett amendment, and one of the four items that we are trying to restore, ladies and gentlemen, is basic ammunition. We will talk about \$3 billion or \$4 billion for SDI, and we are going to talk about \$500 million for each Stealth bomber. But while these debates have been going on the past couple of years, we have seen a depletion of our ammunition stores in NATO. So what the gentleman from Florida is trying to do is bring us back to Earth to think about our conventional capability.

Ultimately the soldier in any kind of conflict must take and retain ground. It is the toughest physical and psychological warfighting mission. If you are engaged in combat, your ultimate mission is to take and retain ground.

We can talk about SDI and we can talk about Stealth bombers, and we can talk about a lot of other expensive strategic and nuclear systems, but we also better start talking about readiness, we had better start talking about sustainability, we had better start talking about what kind of equipment we give to those men who are conventional fighters, who have the toughest, the most important mission in the Department of Defense.

One of my personal frustrations throughout the defense debate over the past 3 or 4 years has been the absence of any interest in this body to provide our infantry with an effective light antitank weapon, a light, shoulder-held antitank weapon. That is not real sexy, not too many headlines are written for those with an interest in conventional armaments. Next to his M-16 or whatever rifle he may employ, the antitank weapon is the most important piece of equipment an infantry soldier can carry. A few of us have tried for 3 years to convince them to have a test of the six or seven available antitank weapons in the world today. We want them to be tested under realistic, live fire conditions, and then we want the best one purchased and delivered to our soldiers.

I would just congratulate the gentleman from Florida [Mr. BENNETT] for elevating in this very small but significant way the whole question of conventional capability and urge my colleagues to support this amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). The question is on the amendment offered by the gentleman from Florida [Mr. BENNETT].

The question was taken; and the Chairman announced that the yeas appeared to have it.

RECORDED VOTE

Mr. BENNETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 375, yeas 43, not voting 13, as follows:

[Roll No. 154]

AYES—375

Ackerman	Brown (CA)	Dixon
Akaka	Brown (CO)	Donnelly
Alexander	Bruce	Dorgan (ND)
Anderson	Bryant	Dornan (CA)
Andrews	Buechner	Douglas
Annunzio	Bunning	Downey
Anthony	Burton	Dreier
Applegate	Bustamante	Duncan
Archer	Byron	Durbin
Armedy	Callahan	Dwyer
Aspin	Campbell (CO)	Dyson
Atkins	Cardin	Eckart
AuCoin	Carr	Edwards (CA)
Baker	Chapman	Edwards (OK)
Ballenger	Clarke	Emerson
Barnard	Clay	Engel
Bartlett	Clement	English
Barton	Clinger	Erdreich
Bateman	Coble	Espy
Bennett	Coleman (MO)	Evans
Bentley	Coleman (TX)	Fascell
Bereuter	Combest	Fawell
Berman	Conte	Fazio
Bevill	Cooper	Feighan
Bilbray	Costello	Fields
Bilirakis	Cox	Fish
Bliley	Craig	Flake
Boehliert	Crane	Foglietta
Boggs	Dannemeyer	Ford (MI)
Bonior	Darden	Ford (TN)
Borski	Davis	Frank
Bosco	de la Garza	Frost
Boucher	DeLay	Galleghy
Boxer	Derrick	Gallo
Brennan	DeWine	Garcia
Brooks	Dickinson	Gaydos
Broomfield	Dicks	Gekas
Browder	Dingell	Gephardt

Gibbons	Matsui	Sarpalius
Gillmor	Mavroules	Sawyer
Gilman	Mazzoli	Saxton
Gingrich	McCandless	Schaefer
Glickman	McCloskey	Schiff
Gonzalez	McCollum	Schneider
Gordon	McCrery	Schroeder
Goss	McCurdy	Schulze
Gradison	McDade	Schumer
Grandy	McDermott	Sharp
Grant	McEwen	Shaw
Gray	McGrath	Shays
Green	McHugh	Shuster
Guarini	McMillan (NC)	Sikorski
Gunderson	McMillen (MD)	Siskis
Hall (OH)	McNulty	Skaggs
Hall (TX)	Meyers	Skeen
Hamilton	Mfume	Skelton
Hammerschmidt	Michel	Slattery
Hansen	Miller (CA)	Slaughter (NY)
Harris	Miller (OH)	Slaughter (VA)
Hastert	Miller (WA)	Smith (FL)
Hatcher	Mineta	Smith (IA)
Hawkins	Moakley	Smith (MS)
Hayes (IL)	Mollohan	Smith (NE)
Hayes (LA)	Montgomery	Smith (NJ)
Hefley	Moorhead	Smith (TX)
Hefner	Morella	Smith (VT)
Hertel	Morrison (CT)	Smith, Denny
Hiler	Morrison (WA)	(OR)
Hoagland	Mrazek	Smith, Robert
Hochbrueckner	Murphy	(OR)
Hopkins	Murtha	Snowe
Horton	Myers	Solarz
Houghton	Nagle	Spence
Hoyer	Natcher	Spratt
Hubbard	Nelson	Staggers
Hughes	Nielson	Stallings
Hunter	Nowak	Stangeland
Hutto	Oakar	Stark
Inhofe	Oberstar	Stearns
Ireland	Olin	Stenholm
Jacobs	Ortiz	Stokes
James	Owens (UT)	Studds
Jenkins	Oxley	Stump
Johnson (CT)	Packard	Sundquist
Johnson (SD)	Pallone	Swift
Johnston	Panetta	Synar
Jones (GA)	Parker	Tallon
Jontz	Parris	Tanner
Kanjorski	Pashayan	Tauzin
Kaptur	Patterson	Thomas (CA)
Kasich	Paxon	Thomas (GA)
Kennedy	Payne (NJ)	Thomas (WY)
Kennelly	Payne (VA)	Torres
Kildee	Pease	Torricelli
Klecza	Pelosi	Towns
Kolbe	Penny	Trafcant
Kolter	Perkins	Traxler
Kostmayer	Pickett	Udall
Kyl	Pickle	Unsoeld
Lagomarsino	Poshard	Upton
Lancaster	Price	Valentine
Lantos	Pursell	Vander Jagt
Laughlin	Quillen	Visclosky
Leach (IA)	Rahall	Volkmer
Leath (TX)	Rangel	Vucanovich
Lehman (CA)	Ravenel	Walgren
Lehman (FL)	Ray	Walsh
Lent	Regula	Watkins
Levin (MI)	Rhodes	Waxman
Levine (CA)	Richardson	Weber
Lewis (CA)	Ridge	Weldon
Lewis (FL)	Rinaldo	Wheat
Livingston	Ritter	Whittaker
Lloyd	Roberts	Whitten
Long	Robinson	Williams
Lowery (CA)	Roe	Wilson
Lowe (NY)	Rogers	Wise
Luken, Thomas	Rohrabacher	Wolf
Lukens, Donald	Rose	Wolpe
Machtley	Rostenkowski	Wyden
Madigan	Roukema	Wyllie
Manton	Rowland (CT)	Yates
Markey	Rowland (GA)	Yatron
Marlenee	Russo	Young (AK)
Martin (IL)	Sabo	Young (FL)
Martin (NY)	Saiki	

NOES—43

Bates	Conyers	Dellums
Beilenson	Coughlin	Dymally
Campbell (CA)	Coyne	Early
Carper	Crockett	Frenzel
Chandler	DePazio	Gejdenson

Goodling	Neal (MA)	Sensenbrenner
Hancock	Obey	Shumway
Henry	Owens (NY)	Smith, Robert
Herger	Petri	(NH)
Holloway	Porter	Solomon
Huckaby	Roth	Tauke
Kastenmeier	Roybal	Vento
LaFalce	Sangmeister	Walker
Lewis (GA)	Savage	Weiss
Lightfoot	Scheuer	

NOT VOTING—13

Collins	Jones (NC)	Moody
Courter	Leland	Neal (NC)
Flippo	Lipinski	Schuetz
Florio	Martinez	
Hyde	Molinari	

□ 1305

Mr. LEWIS of Georgia changed his vote from "aye" to "no."

Mr. SMITH of Vermont changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SPRATT:

In title XXXI, page 327, line 25, strike out: "\$1,119,639,000, to be allocated as follows:" and insert in lieu thereof "\$1,419,639,000. Of that amount, \$1,119,639,000 shall be allocated as follows:"

The CHAIRMAN pro tempore. Under the rule, 15 minutes of debate is allowed on this amendment, 7½ minutes on each side.

The Chair recognizes the gentleman from South Carolina [Mr. SPRATT] for 7½ minutes in support of his amendment.

Mr. SPRATT. Mr. Chairman, the effect of this amendment is to add \$300 million for defense, waste, and environmental restoration in the DOE Department of Energy component of this Defense Authorization bill.

That means we will be appropriating, authorizing next year \$1,636,000,000 for defense, waste, and environmental restoration. In effect, closing the loop.

The Committee on the Budget first came to the floor with a budget resolution, accompanied by a committee report, recommending that we plus up this account by \$300 million. Our committee followed suit and looked favorably, the subcommittee on energy and water development of the Committee on Appropriations has already beat Members to the punch. They brought to the floor a bill which provided for a \$5 million increase in these accounts.

Our bill contains \$35 million of that in the way of authorization. We are now providing the \$300 million addition to it. This particular amendment affects States all over the United States. There are 17 States where the defense production complex for nucle-

ar materials are located including Washington State, California, Colorado, Idaho, South Carolina, Tennessee and Ohio.

One of those States is Tennessee, and I yield 1 minute to the gentlewoman from Tennessee [Mrs. LLOYD]

Mrs. LLOYD. Mr. Chairman, I rise in support of the amendment offered by my colleague from South Carolina to increase funding for the Department of Energy's defense waste management and environmental restoration account by \$300 million.

Solving the waste management and environmental problems associated with the Department of Energy's nuclear weapons complex will require tremendous dedication from the Department, as well as billions of dollars from Congress over the next two decades. Secretary of Energy, Admiral Watkins, has pledged to devote the time and energies of his Department to solving its environmental problems. He has promised to usher in a new era at DOE, an era in which environmental concerns are as important as production of nuclear materials. For this the Secretary deserves high praise and our full support.

The Oak Ridge DOE complex has been working very hard since 1983 to correct its environmental problems. The Department has been successful in changing attitudes about waste handling and caring for the environment on the Oak Ridge reservation. DOE instituted a waste minimization program throughout the Oak Ridge operations. Oak Ridge has performed at a commendable level considering the financial limitations we have placed on them. It is time that we give Oak Ridge and other DOE facilities working to solve their environmental problems the resources they need to get the job done.

We can begin today by agreeing to this amendment and adding \$300 million to the Department's defense waste and environmental restoration account. This would increase the total funding in this account to just over \$1.6 billion. Secretary Watkins has announced his support for congressional efforts to add \$300 million to the cleanup account. This measure is also supported by the Armed Services Committee, and by passing this amendment we would bring the authorizing legislation into agreement with the appropriations legislation, which provided for an additional \$300 million for the cleanup account.

It is no longer possible for DOE to place production goals ahead of environmental considerations when operating facilities in the nuclear weapons complex. Our national security requires that both be given equal time and consideration. Secretary Watkins has pledged to do so. By passing this amendment, the Congress will be

pledging its support for this goal and giving the Secretary the resources he needs to carry it out.

If we are serious about wanting the weapons complex cleaned up, and if we plan to hold DOE responsible for that activity, it is critical that we give the Department the support, tools, and most importantly, the funding to carry out that mission. Mr. Chairman, I urge my colleagues to support this amendment.

□ 1310

The CHAIRMAN pro tempore (Mr. DURBIN). The Chair will inquire, does the gentleman from Alabama [Mr. DICKINSON] seek recognition on this amendment?

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Chairman, I have a parliamentary inquiry.

Is there a division of time on this? Do I control part of the time?

The CHAIRMAN pro tempore. Is the gentleman opposed to the amendment?

Mr. DICKINSON. I am, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] is entitled, then, to 7½ minutes, under the rule.

Mr. DICKINSON. That being the case, Mr. Chairman, I yield 2 minutes to the lovely and very distinguished gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman for his generosity in yielding time to me, and I rise in strong support of the amendment.

Mr. Chairman, since the House with my support has adopted an amendment to cut SDI funding, I now rise in support of the Spratt amendment which would transfer \$300 million in SDI funds to environmental restoration activities at the Nation's nuclear weapons facilities. This amendment would simply bring the defense bill in line with the House-passed fiscal year 1990 energy and water appropriations bill and thereby authorize \$1.6 billion next year for this important purpose. I believe this amendment makes eminently good sense.

The environmental degradation at Rocky Flats, CO; Fernald, OH; Savannah River, SC; and Hanford, WA, and other facilities will cost this Nation untold billions in cleanup expenditures in decades to come. The General Accounting Office has estimated that up to \$155 billion will be required in the next 20 years to clean up these facilities. As if the S&L mess wasn't enough for the American taxpayer.

Under the delusion that "the Russians are coming," the managers of the Nation's nuclear weapons facilities for too long have put health and safety a distant second to production. Last week, the House took a strong step toward correcting these outra-

geous abuses by rejecting gutting amendments to the Eckart bill which will rightly subject Federal Government facilities to the same environmental standards that the Federal Government imposes on businesses and local governments.

But, we need to do more. If we delay in committing adequate resources to control the presently out-of-control environmental problems at these facilities, the cost to the taxpayer will only skyrocket in the future. Let's not change the meaning of S&L to "safety later." For the American taxpayer and for the environment, health, and safety of this Nation, vote "yes" on the Spratt amendment.

Mr. SPRATT. Mr. Chairman, one State that is particularly affected by this matter is the State of Colorado, and I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from South Carolina for yielding time to me, and I want to say that this is really a very, very important amendment.

For so long, DOE thought that they were above the Federal laws, the environmental laws, and in fact in my very State of Colorado, when they got sued by the EPA for a number of violations, they went to the Justice Department and said, "You can't enforce this against us. It is a Federal agency suing a Federal agency."

Nobody wants to see that kind of thing continue. I think that having some money for cleanup is absolutely essential.

I had hoped to be able to offer an amendment which the Rules Committee did not allow me to offer to go even one step further, to take some more money and put it out there for safety enforcement by State health departments and other agencies that are looking at this, because I think that is the only way DOE facilities are going to be able to continue. This is the way they can continue to have some trust, which they do not have now. This would be a beginning, that we are really going to enforce DOE's new life.

Mr. Chairman, I support the amendment, and I urge an "aye" vote on the amendment.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I was the author of the language that provided the original \$300 million for the cleanup and that was cosponsored with the Speaker of the House, Mr. FOLEY. We have Fernald and Mound located in Ohio. We have a tremendous problem and tremendous responsibility to clean up the waste that exists in our nuclear plants. At Fernald in Ohio, even the

Government inspectors refused to enter the plant, it was so dangerous.

People in the area are very worried about their health for the long term, with not only short-term but long-term implications from this problem.

What we are simply doing here is adding a little bit more money to probably what is about a \$110 billion problem, according to the GAO. It is going to take a long time. The gentleman from Arizona [Mr. KYL] has done a very good job on this, along with the gentleman from Georgia [Mr. RAY]. Everybody is trying to focus on how we can responsibly find the resources over the long haul to address this problem.

Mr. Chairman, I ask the Members to support the amendment, and I am pleased to say that I believe we are about to adopt this amendment.

Mr. SPRATT. Mr. Chairman, I thank the gentleman from Ohio [Mr. KASICH] for his comments, and I should say that he started the ball rolling, taking the initiative in the Budget Committee to get this approved.

Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. DICKS], whose State is also affected by this problem.

Mr. DICKS. Mr. Chairman, I want to say that this is one amendment that the gentleman from Ohio [Mr. KASICH] and I agree upon.

The cleanup of the waste at the defense facilities around the country is a pressing national priority. It has been estimated by GAO that the cost of this cleanup could be as high as \$150 billion to \$200 billion.

I want to compliment the new administration for taking an enlightened approach, but clearly the Spratt amendment is necessary. It is needed to keep us moving down that road.

The State of Washington has entered a consent agreement with the Department of Energy. We have got to turn around the public perception, which is that the Department of Energy and the Department of Defense are not doing a good job at these facilities, that there are serious health risks there because of this waste not being taken care of.

I want to commend the gentleman from South Carolina [Mr. SPRATT] for his leadership on this and the gentleman from Wisconsin [Mr. ASPIN], the chairman of the committee, for putting this ad hoc group together and giving them the authority to work. I have enjoyed being a member of it, and I think it is essential that we pass the Spratt amendment.

The CHAIRMAN pro tempore. The gentleman from South Carolina [Mr. SPRATT] has 3 minutes remaining, and the gentleman from Alabama [Mr. DICKINSON] has 4½ minutes remaining.

Mr. DICKINSON. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I think that this is a very good purpose to which these funds will be put. For that reason, we are not fighting the amendment.

I was opposed to making the cuts, but once the cuts have been made, I think toxic cleanup is a fine purpose. I would caution all the Members and say that, when we go to conference, if part of the SDI funds are restored, then the restoration has got to come from somewhere. I would think that these things we are putting back now would be a logical target.

So, Mr. Chairman, I raise that issue as a caution flag and a point of interest for the Members.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Idaho [Mr. STALLINGS].

Mr. STALLINGS. Mr. Chairman, I rise in strong support of the Spratt amendment.

Mr. Chairman, I think it is critical not only to the people of the State of Idaho but to the national nuclear defense facilities. I believe the people of this Nation are crying out for the Government to clean up the mess they have created around these nuclear facilities. I believe that it is becoming their No. 1 concern.

The people of Idaho have told me loud and clear that cleanup should not take a back seat to new production facilities and should not take a back seat to new programs.

It should be the top priority, they say, and I certainly agree.

This amendment and how the department uses the money will make a difference in how the public perceives and accepts or rejects those nuclear facilities. So I believe it is incumbent upon this Congress to do something that we have not done for the last 40 years, and that is to take care of the waste we have generated at these facilities.

Our Governor of Idaho, I think, set the trend when he told the department that Idaho would accept no more waste, and I think that has created an atmosphere in which this department must deal with the issue or we are going to close down these nuclear facilities.

Mr. SPRATT. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Chairman, I rise in strong support of the Spratt amendment, and I ask that it be adopted.

Mr. DICKINSON. Mr. Chairman, since I have no further requests for time, I yield myself the balance of my time.

Mr. Chairman, I would like to re-emphasize what I said earlier. I think the add-back for drug enforcement is a salutary, commendable purpose to which these funds can be put. The same is true with toxic waste; something must

be done to deal with the problem. The point is there are funds that are already being used for these purposes. But since SDI cuts have been made, I have no problem with allocating them for the purposes which have been announced.

I do want to emphasize though, to all the Members, that if any of the SDI funds are restored in conference, the restoration has to come from somewhere. I would anticipate that these things that are being added back because of SDI funding cuts would be very likely targets, to be diminished by the amount of the add-back.

Mr. Chairman, I just thought that the Members might be interested in knowing the practical problem that we will have in dealing with this matter in the conference. Certainly, the purpose to which the funds are being put after the cut is something that we have no problem with.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The gentleman from South Carolina [Mr. SPRATT] has 2 minutes remaining.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I rise in strong support of this amendment.

Mr. Chairman, I think that even the old Secretary of Energy, James Watkins, has acknowledged that one of the major tasks of the Department of Energy is not to build more nuclear weapons but to cleanup the existing problems, whether they be at Fernald, OH, at Rocky Flats, or at numerous other facilities around the country.

I would like to ask the author of the amendment, in terms of the research and development for the cleanup of some of these facilities, what role does the gentleman foresee for the Los Alamos and Sandia laboratories and Oak Ridge, those that have been in the vanguard of building some of these weapons? Does the gentleman see a role in the cleanup for these institutions?

□ 1320

Mr. SPRATT. Mr. Chairman, before we determined the amount, we asked the department for a list of projects that were worthwhile to undertake, and they gave us such a list, and there are waste problems at the laboratory for the first part.

Second, Admiral Watkins has emphasized that he wants to apply new technology to find solutions for the radioactive and toxic waste problems, and the labs should be essential to that.

Mr. RICHARDSON. Mr. Chairman. I submit an article I wrote on waste cleanup research.

[From the Albuquerque (NM) Tribune, July 17, 1989]

NEW MEXICO LABS SHOULD TAKE LEAD IN WASTE CLEANUP RESEARCH

(By Bill Richardson)

The Department of Energy faces a difficult task: cleaning up its own back yard.

Potentially explosive material lingers in waste sites. Volatile organic compounds threaten our ground water. Solvents and gasoline contaminate our aquifers. The highly publicized environmental troubles at DOE facilities are so severe that corrective action must be taken immediately.

The question is no longer "are we going to clean up the sites?" The question is "how are we as a nation going to do it now?"

Surprisingly, many of the major problems at the DOE weapons facilities involve not radiation but non-nuclear hazardous and toxic wastes. Because these problems are similar to those faced by the Department of Defense and segments of United States industry, technologies developed for the DOE could have much broader applications.

I propose a tough but flexible program that uses the strengths of our national laboratories, government agencies, universities and private industry.

In this comprehensive program, national laboratories, working with industry and universities, will develop new technologies and apply them in pilot programs at the laboratories. Once we know these technologies are effective, industry can take them over and begin large-scale cleanup. It makes no sense to clean up the DOE complex with dump-truck technology, merely moving waste from one site to another.

The national laboratories should take a leadership role in resolving our federal facilities' environmental problems. I am now working with the DOE to put our two New Mexico laboratories, Los Alamos and Sandia, in this leadership position.

In a hearing before the House Energy and Commerce Committee, I emphasized to Energy Secretary James D. Watkins that the national laboratories have the expertise and experience to play a significant role in cleaning up the DOE complex.

Secretary Watkins responded positively and spoke of a "lead laboratory" concept to focus and utilize specialty capabilities currently available in the DOE laboratories.

Most recently, in a major move, the secretary announced the implementation of a series of 10 initiatives to strengthen environmental protection and waste management activities at DOE's production, research and testing facilities. I commend the secretary's foresight and support for the laboratories' environmental management technologies.

Los Alamos and Sandia have already begun researching many of these environmental technologies. At Los Alamos, creative approaches to waste disposal and cleanup have brought far-reaching accomplishments. Lab scientists are experimenting with bacteria that "eat" explosives and organic chemicals, making them biodegradable in as little as six months. This biological remediation is one-tenth the cost of hauling off the explosives and burning or burying them.

Enhanced oil recovery technologies from the petroleum industry have potential application to hazardous-waste problems. Working with the petroleum industry and universities, Los Alamos is exploring ways to use these techniques to isolate and clean up "in situ" underground plumes of hazardous

materials. These technologies can be applied to contaminated ground water and inactive waste sites. In addition, several of the methods used for petroleum recovery or mining should apply to removal of underground contaminants.

Also under way is the development of a portable instrument that will change waste-site chemical analysis from a complicated process lasting several days to an easy 10-minute task. Other projects include using certain strong acids called superacids to process radioactive elements. Using superacids, the separation of plutonium from radioactive waste takes only minutes while alternative techniques normally require four to six hours.

Meanwhile, at Sandia, scientists are working to use sunlight in conjunction with tailored catalysts to destroy toxic chemicals in waste streams. Two processes are under development: one for decontaminating large volumes of slightly contaminated wastewaters, the other for high-temperature destruction of concentrated wastes.

Sophisticated numerical codes are being modified at Sandia to help predict chemical migration so that safe disposal sites can be identified. In addition, Sandia is pioneering the application of robotics and artificial intelligence to waste management activities. Cutting-edge techniques, first developed for radioactive waste handling, will be applied to hazardous chemical problems.

Cleanup of the DOE weapons facilities must be a top government priority because the public's health is at risk. New Mexico's laboratories for decades have been at the top of technological innovation when approaches to solving national problems are needed. The laboratories are once again in the position to take the lead on this matter of extreme national importance—environmentally related research and development technologies. Collaboration among our national laboratories, universities, and industry is an innovative, efficient, and cost-effective approach.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from South Carolina [Mr. SPRATT] has 1 minute remaining.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, I thank the gentleman from South Carolina [Mr. SPRATT] for yielding to me. I appreciate his good work on this amendment, and I urge my colleagues to support the amendment.

As my colleagues know, when it comes to bomb production and the cleaning up of the wastes that are attendant to bomb production in this country, the Department of Energy's sense of priorities has basically been bomb production has an A, if one is going to go on an alphabetical list of priorities, and cleaning up the wastes is about a Z. What the gentleman's amendment does is turn those priorities around and clean up the mess as we are producing these weapons.

Mr. Chairman, I think that it is long overdue that Congress take concrete steps, such as the gentleman from South Carolina [Mr. SPRATT] proposes, so that those who make bombs in the name of protecting us insure that the

DOD, the DOE does something to prohibit this Nation from being poisoned through the wastes that are being created through the production of these weapons.

So, Mr. Chairman, I thank the gentleman from South Carolina [Mr. SPRATT] for his good work, and I am happy to have worked with him on his efforts.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from South Carolina [Mr. SPRATT].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SPRATT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 400, noes 22, not voting 9, as follows:

[Roll No. 155]

AYES—400

Ackerman	Coleman (TX)	Gejdenson
Akaka	Conte	Gephardt
Alexander	Conyers	Gibbons
Anderson	Cooper	Gillmor
Andrews	Costello	Gilman
Annunzio	Coughlin	Gingrich
Anthony	Cox	Glickman
Applegate	Coyne	Gonzalez
Archer	Craig	Gordon
Armey	Crockett	Goss
Aspin	Darden	Gradison
Atkins	Davis	Grandy
AuCoin	de la Garza	Grant
Baker	DeFazio	Gray
Ballenger	DeLay	Green
Barnard	Dellums	Guarini
Bartlett	Derrick	Gunderson
Bateman	DeWine	Hall (OH)
Bates	Dicks	Hall (TX)
Bellenson	Dingell	Hamilton
Bennett	Dixon	Hammerschmidt
Bentley	Donnelly	Harris
Berman	Dorgan (ND)	Hastert
Bevill	Dornan (CA)	Hatcher
Bilbray	Douglas	Hawkins
Bilirakis	Downey	Hayes (IL)
Billey	Dreier	Hayes (LA)
Boehlert	Duncan	Hefley
Boggs	Durbin	Hefner
Bonior	Dwyer	Henry
Borski	Dymally	Herger
Bosco	Dyson	Hertel
Boucher	Early	Hiler
Boxer	Eckart	Hoagland
Brennan	Edwards (CA)	Hochbrueckner
Brooks	Edwards (OK)	Hopkins
Broomfield	Emerson	Horton
Browder	Engel	Houghton
Brown (CA)	English	Hoyer
Brown (CO)	Erdreich	Hubbard
Bruce	Espy	Hughes
Bryant	Evans	Hunter
Buechner	Fascell	Hutto
Bunning	Fawell	Inhofe
Burton	Fazio	Ireland
Bustamante	Feighan	Jacobs
Byron	Fields	James
Callahan	Fish	Jenkins
Campbell (CO)	Flake	Johnson (CT)
Cardin	Flipppo	Johnson (SD)
Carper	Foglietta	Johnston
Carr	Ford (MI)	Jones (GA)
Chandler	Ford (TN)	Jones (NC)
Chapman	Frank	Jontz
Clarke	Frenzel	Kanjorski
Clay	Frost	Kaptur
Clement	Galleghy	Kasich
Clinger	Gallo	Kennedy
Coble	Garcia	Kennelly
Coleman (MO)	Gaydos	Kildee

Klecza	Nielson	Skeltion
Kolbe	Nowak	Slattery
Kolter	Oakar	Slaughter (NY)
Kostmayer	Oberstar	Slaughter (VA)
Kyl	Obey	Smith (FL)
LaFalce	Olin	Smith (IA)
Lagomarsino	Ortiz	Smith (MS)
Lancaster	Owens (NY)	Smith (NE)
Lantos	Owens (UT)	Smith (NJ)
Laughlin	Oxley	Smith (TX)
Leach (IA)	Panetta	Smith (VT)
Leath (TX)	Parker	Smith, Denny
Lehman (CA)	Parris	(OR)
Lehman (FL)	Pashayan	Smith, Robert
Leland	Patterson	(NH)
Lent	Paxon	Smith, Robert
Levin (MI)	Payne (NJ)	(OR)
Levine (CA)	Payne (VA)	Snowe
Lewis (CA)	Pease	Solarz
Lewis (FL)	Pelosi	Spence
Lewis (GA)	Penny	Spratt
Livingston	Perkins	Staggers
Lloyd	Petri	Stallings
Long	Pickett	Stangeland
Lowery (CA)	Pickle	Stark
Lowey (NY)	Porter	Stearns
Lukens, Thomas	Poshard	Stenholm
Lukens, Donald	Price	Stokes
Machtley	Pursell	Studds
Madigan	Quillen	Sundquist
Manton	Rahall	Swift
Markey	Rangel	Synar
Martin (IL)	Ravenel	Tallon
Martin (NY)	Ray	Tanner
Martinez	Regula	Tauke
Matsui	Rhodes	Tauzin
Mavroules	Richardson	Thomas (CA)
Mazzoli	Ridge	Thomas (GA)
McCandless	Rinaldo	Torres
McCloskey	Ritter	Torricelli
McCollum	Roberts	Towns
McCrery	Robinson	Trafficant
McCurdy	Roe	Traxler
McDade	Rogers	Udall
McDermott	Rohrabacher	Unsoeld
McEwen	Rose	Upton
McGrath	Rostenkowski	Valentine
McHugh	Roth	Vander Jagt
McMillan (NC)	Roukema	Vento
McMillen (MD)	Rowland (CT)	Visclosky
McNulty	Rowland (GA)	Volkmer
Meyers	Roybal	Vucanovich
Mfume	Russo	Walgren
Michel	Sabo	Walker
Miller (CA)	Salki	Walsh
Miller (OH)	Sangmeister	Watkins
Miller (WA)	Sarpalius	Waxman
Mineta	Savage	Weber
Moakley	Sawyer	Weiss
Mollohan	Saxton	Weldon
Montgomery	Schaefer	Wheat
Moody	Scheuer	Whittaker
Moorhead	Schiff	Whitten
Morella	Schneider	Williams
Morrison (CT)	Schroeder	Wise
Morrison (WA)	Schulze	Wolf
Mrazek	Schumer	Wolpe
Murphy	Sharp	Wyden
Murtha	Shaw	Wylie
Myers	Shays	Yates
Nagle	Shuster	Yatron
Natcher	Sikorski	Young (AK)
Neal (MA)	Sisisky	Young (FL)
Neal (NC)	Skaggs	
Nelson	Skeen	

NOES—22

Barton	Goodling	Packard
Bereuter	Hancock	Sensenbrenner
Campbell (CA)	Hansen	Shumway
Combest	Holloway	Solomon
Crane	Huckaby	Stump
Dannemeyer	Kastenmeier	Thomas (WY)
Dickinson	Lightfoot	
Gekas	Marlenee	

NOT VOTING—9

Collins	Hyde	Pallone
Courter	Lipinski	Schuetz
Florio	Molinar	Wilson

□ 1342

Mr. McEwen changed his vote from "no" to "aye."

Mr. TRAFICANT changed his vote from "present" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

LEGISLATIVE PROGRAM

(By unanimous consent, Mr. GEPHARDT was allowed to proceed out of order.)

Mr. GEPHARDT. Mr. Chairman, I take this moment to try to give Members a sense of what the rest of the day might look like, although we never know for sure, but so they can have a better plan of their time for the rest of the day.

We are now going to have the Mavroules amendment, according to the schedule. That will then be followed by the amendment by the gentlewoman from Colorado [Mrs. SCHROEDER] and the gentleman from Florida [Mr. IRELAND] on burdensharing. I am told that that may not take as long as we thought it would, and in fact the amendments this morning in some cases have not taken as long as we thought they would. That amendment by the gentlewoman from Colorado [Mrs. SCHROEDER] and the gentleman from Florida [Mr. IRELAND] will be followed by a series of amendments, what we call section 2 amendments. We would like to, by this announcement, be telling Members who have amendments in that section that they need to be on the floor in the next 3 hours in order to make those amendments, and then following those, we will try to move to the amendment by the ranking member, the gentleman from Alabama [Mr. DICKINSON], better known as the Dickinson amendment.

We believe now, and we could be wrong, but we believe all of that business may be able to be accomplished by around 7 o'clock this evening. If we see or feel that that cannot be done, our hope was to have a period of time for Members to be able to go to dinner around 6 o'clock, and then resume voting after that at 7 or 7:30. It now appears that we can finish what we had scheduled for today by about 7 o'clock, and if we can do that, we intend to do that.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. GEPHARDT. I am happy to yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I just want to make sure that my understanding of it is the same as has been announced.

Following the Mavroules amendment, which deals with allocation of part of the SDI funds as an add-back for drug enforcement, then as the gentleman said, we would go to two amendments, one by the gentleman from Florida [Mr. IRELAND], and one by the gentlewoman from Colorado [Mrs. SCHROEDER], dealing with burdensharing. Then we get into the section 2 amendments.

In my discussion with the chairman, these were of two types. One had nothing to do with money, but the procurement types we had discussed the possibility of, and if I might have the chairman's attention, of letting those come after the Cheney amendment, since they were directly impacted by the Cheney amendment, so we would handle everything that had nothing to do with Cheney, dispose of those, take up the Cheney, and then if it passed, it would affect those money amendments, and if it did not pass, then the money amendments would just be taken up in due course. That was my informal understanding with the chairman.

Mr. Chairman, I wonder if the majority leader would explain if what he has said changes that. Is that different?

Mr. ASPIN. Mr. Chairman, will the majority leader yield?

Mr. GEPHARDT. I am happy to yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, let me just, in regard to the question raised by the gentleman from Alabama, say that it would be my understanding that the arrangement that he and I made still holds, that we would do when we come to consideration of the part II amendments, which we would proceed with right after the Schroeder and the Ireland amendment, that we would deal with those part 2 amendments which did not relate to procurement. There are six or seven of those part 2 amendments that relate to procurement.

In order to be fair to the authors of those amendments and in order to be fair to the author of the Cheney amendment, we would not want to cloud up the debate by passing those before we considered Cheney.

It would be the intention of the chairman of the committee that we would put those off until another time. I would point out to the gentleman from Alabama that according to the rule which the Committee on Rules granted, there are two other points at which we will consider part 2 amendments, one tomorrow and another on Thursday.

It would be my intention to consider those amendments relating to procurement at that time and not deal with them today.

Mr. DICKINSON. If the majority leader will continue to yield, I thank the gentleman. This was what we had agreed to, because those amendments that were in the part 2 amendments dealt directly with procurement. Cheney deals only with procurement. So the outcome of the Cheney amendment directly affects those that follow after that, and so this, we felt, was the most commonsense approach to it, and if what the majority leader has said does not alter that, we all are in har-

mony, and I think we could proceed most expeditiously and perhaps get out early today.

I just might say on the drug thing to follow and on the Schroeder-Ireland, I do not anticipate any big fight about it. I think we pretty well are in accord, which expedites things more, and it seems like the authors of the amendment, out of our pride of authorship, are asking for the votes. We are not asking for them over here. That time could be saved if they did not want the credit.

Mr. GEPHARDT. That is correct. That is our understanding.

Mr. HOPKINS. Mr. Chairman, will the majority leader yield?

Mr. GEPHARDT. I am happy to yield to the gentleman from Kentucky.

Mr. HOPKINS. Mr. Chairman, would the majority leader clarify his most recent target for today then? Would it be for the final vote to occur around 7:00? Is that correct?

Mr. GEPHARDT. Mr. Chairman, I do not want to mislead Members and say that we know that that can happen. I am just trying to alert Members to the fact that the schedule we envisioned that would have taken us into the evening tonight is beginning to change, because we are going through amendments faster than we thought we could, and it could be that we can finish all of the business we had scheduled today by 7. If we cannot do that, we will continue on until we finish.

We had also hoped, if we were going to 10 or 11 or 9, to have a dinner hour so that Members could eat dinner between, say, 6 and 7 o'clock. If we see later that the schedule is going to go to 9 or 10, we will still try to cluster votes to get that dinner hour.

□ 1350

But if we can finish everything by 7, that is what we are going to do.

Mr. HOPKINS. Mr. Chairman, will the gentleman yield further?

Mr. GEPHARDT. I yield to the gentleman from Kentucky.

Mr. HOPKINS. If that target changes, will the gentleman from Missouri keep us advised a little bit later on?

Mr. GEPHARDT. We will endeavor to keep Members updated.

AMENDMENT OFFERED BY MR. MAVROULES

Mr. MAVROULES. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MAVROULES: Strike out title XI (page 220, lines 1 through line 24), and insert in lieu thereof the following:

TITLE XI—MILITARY DRUG INTERDICTION AND LAW ENFORCEMENT SUPPORT

SEC. 1101. FINDINGS.

Congress makes the following findings:

(1) The large volume for illegal drugs entering the United States from foreign sources poses a direct and immediate threat to the national security of the United States.

(2) The Department of Defense has the responsibility to protect and defend the United States against all threats, foreign and domestic.

(3) The Department of Defense has vast air, ground, and sea reconnaissance, tracking, and intercept capabilities which can be readily adapted to the mission of drug interdiction.

(4) In light of these capabilities, title XI of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456), assigned the following three missions to the Department of Defense specifically related to preventing the transit of illegal drugs into the United States:

(A) Being the lead Federal agency responsible for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States.

(B) Having responsibility to integrate into an effective communications network the command, control, communications, and technical intelligence assets of the United States that are dedicated to drug interdiction.

(C) Having responsibility to oversee an enhanced drug interdiction and law enforcement role for the National Guard under the direction of State governors.

(5) Assignment of these missions to the Department of Defense, at no additional cost to the taxpayer, is intended—

(A) to use Department of Defense capabilities to permit law enforcement agencies to eliminate or reduce their performance of certain functions and more efficiently focus their effort on direct law enforcement; and

(B) to make additional funding available for demand reduction programs.

(6) There is a need for the Department of Defense to increase and focus its actions in implementing the provisions of the National Defense Authorization Act, Fiscal Year 1989, related to drug interdiction and law enforcement support, as evidenced by the following:

(A) Required reports concerning the role of the Armed Forces in drug interdiction have been poorly prepared, late, and incomplete.

(B) Agreements between the Department of Defense and all Federal law enforcement agencies involved in drug interdiction have not been completed.

(C) The amended budget request of the President for fiscal year 1990 for the Department of Defense and the most recent five-year defense program submitted to Congress under section 114(g) of title 10, United States Code, do not contain any provisions for the funding of the drug interdiction effort by the Department of Defense.

(D) The Department of Defense and law enforcement agencies have not established an effective intelligence sharing network.

(E) The Department of Defense has failed to undertake policies to eliminate duplication of effort between the Department of Defense and law enforcement agencies involved in drug interdiction.

(F) The Department of Defense has assigned few personnel to the joint task forces created for drug interdiction.

SEC. 1102. TRAINING EXERCISES IN DRUG-INTERDICTION AREAS.

(a) EXERCISES REQUIRED.—Subsection (b) of section 371 of title 10, United States Code, is amended to read as follows:

“(b)(1) The Secretary of Defense shall direct that the armed forces, to the maximum extent practicable, shall conduct military training exercises (including training exercises conducted by the reserve components) in drug-interdiction areas.

“(2) Not later than December 1 of each year, the Secretary shall submit to the Congress a report on the implementation of paragraph (1) during the fiscal year ending on September 30 of that year. The report shall include—

“(A) a description of the exercises conducted in drug-interdiction areas and the effectiveness of those exercises in assisting civilian law enforcement officials; and

“(B) a description of those additional actions that could be taken (and an assessment of the results of those actions) if additional funds were made available to the Department of Defense for additional military training exercises in drug-interdiction areas for the purpose of enhancing interdiction and deterrence of drug smuggling.

“(3) In this subsection, the term ‘drug-interdiction areas’ includes land and sea areas in which, as determined by the Secretary of Defense, the smuggling of drugs into the United States occurs or is believed by the Secretary to have occurred.”

(b) FIRST REPORT REQUIRED.—The first report required by section 371(b)(2) of title 10, United States Code (as added by subsection (a)), shall be submitted not later than December 1, 1990.

SEC. 1103. OPERATION OF EQUIPMENT USED AT POINTS OF ENTRY OR USED TO TRANSPORT CIVILIAN LAW ENFORCEMENT PERSONNEL.

(a) PURPOSES FOR WHICH EQUIPMENT MAY BE OPERATED.—Section 374(b)(2) of title 10, United States Code, is amended—

(1) by striking out subparagraph (C) and inserting in lieu thereof the following new subparagraph:

“(C) Inspection of cargo, vehicles, vessels, and aircraft at points of entry into the land area of the United States.”; and

(2) by striking out “, and the Attorney General” and all that follows through “outside the land area of the United States” in subparagraph (E) and inserting in lieu thereof “and the Attorney General (and the Secretary of State in the case of a law enforcement operation outside of the land area of the United States)”.

(b) CONFORMING AMENDMENTS.—(1) Section 374(b) of title 10, United States Code, is further amended—

(A) by striking out paragraph (3);

(B) by redesignating paragraph (4) as paragraph (3); and

(C) by striking out “paragraph (4)(A)” both places it appears and inserting in lieu thereof “paragraph (3)(A)”.

(2) Section 379 of such title is amended—

(A) by striking out “section 374(b)(4)(A)” in subsection (c) and inserting in lieu thereof “section 374(b)(3)(A)”;

(B) by striking out “section 374(b)(4)(B)” in subsection (d) and inserting in lieu thereof “section 374(b)(3)(B)”.

SEC. 1104. SUPPORT NOT TO AFFECT ADVERSELY MILITARY PREPAREDNESS TO A SUBSTANTIAL DEGREE.

(A) CHANGE IN LIMITATION ON SUPPORT.—Section 376 of title 10, United States Code, is amended—

(1) by inserting “the Secretary of Defense determines that” after “under this chapter if” in the first sentence; and

(2) by inserting “to a substantial degree” before the period in both sentences.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

“§ 376. Support not to affect adversely military preparedness to a substantial degree”.

(2) The item relating to such section in the table of sections preceding section 371 of such title is amended to read as follows:

“376. Support not to affect adversely military preparedness to a substantial degree”.

SEC. 1105. REIMBURSEMENT.

(A) IN GENERAL.—Section 377 of title 10, United States Code, is amended to read as follows:

“§ 377. Reimbursement

“Notwithstanding section 1535 of title 31 or any other provision of law, a civilian law enforcement agency to which support is provided under this chapter is not required to reimburse the Department of Defense for that support.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to support provided by the Department of Defense after the date of the enactment of this Act.

SEC. 1106. ENHANCED DRUG INTERDICTION AND LAW ENFORCEMENT SUPPORT BY THE DEPARTMENT OF DEFENSE

(a) IN GENERAL.—(1) Subtitle A of title 10, United States Code, is amended by inserting after section 380 the following new sections:

§ 381. Detection and monitoring of aerial and maritime transit of illegal drugs: Department of Defense to be lead agency

“(a) The Department of Defense shall serve as the single lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs into the land area of the United States.

“(b)(1) To carry out subsection (a), Department of Defense personnel may operate equipment of the Department to intercept a vessel or an aircraft detected outside the land area of the United States for the purposes of—

“(A) identifying and communicating with that vessel or aircraft; and

“(B) directing that vessel or aircraft to go to a location designated by appropriate civilian officials.

“(2) In cases in which a vessel or an aircraft is detected outside the land area of the United States, Department of Defense personnel may begin or continue pursuit of that vessel or aircraft over the land area of the United States.

“(c) The limitation on providing support to civilian law enforcement officials specified in section 376 of this title shall not apply to the activities of the Department of Defense under this section.

§ 382. Drug interdiction and law enforcement support: budget proposals

“The Secretary of Defense shall include in the annual budget of the Department of Defense submitted to Congress a separate budget proposal for the activities of the Department of Defense related to drug interdiction and support for civilian law enforcement agencies.

§ 383. National Guard: enhanced drug interdiction and enforcement role

"(a) If the Governor of a State or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard submits a plan to the Secretary of Defense under subsection (b), the Secretary may provide to that Governor or commanding general sufficient funds for the pay, allowances, clothing, subsistence, gratuities, travel and related expenses of personnel of the National Guard of that State or the District of Columbia used—

"(1) for the purpose of drug interdiction and enforcement operations; and

"(2) for the operation and maintenance of the equipment and facilities of that National Guard used for that purpose.

"(b) A plan referred to in subsection (a) shall—

"(1) specify how personnel of the National Guard are to be used in drug interdiction and enforcement operations;

"(2) certify that those operations are to be conducted at a time when the personnel involved are not in Federal service; and

"(3) certify that participation by National Guard personnel in those operations is service in addition to annual training required under section 502 of title 32.

"(c) Before funds are provided under subsection (a), the Secretary of Defense shall consult with the Director of National Drug Control Policy regarding the adequacy of the plan submitted under subsection (b).

"(d) Nothing in this section shall be construed as a limitation on the authority of any unit of the National Guard of a State or the District of Columbia, when such unit is not in Federal service, to perform law enforcement functions authorized to be performed by the National Guard by the laws of the entity concerned.

"(e) The Secretary of Defense shall prescribe and enforce training criteria for the National Guard to enhance the capability of the National Guard to assist in drug interdiction and law enforcement support.

"(f) In this section, the term 'State' means each of the several States, the Commonwealth of Puerto Rico, and any territory and possession of the United States.

"§ 384. Annual report on drug interdiction

"Not later than December 1 of each year, the Secretary of Defense shall submit to Congress a report on the drug interdiction activities of the Department of Defense under this chapter and other applicable provisions of law during the preceding fiscal year. The report shall include—

"(1) specific information as to the size, scope, and results of Department of Defense drug interdiction operations;

"(2) specific information on the nature and terms of interagency agreements with other law enforcement agencies relating to drug interdiction; and

"(3) any recommendations for additional legislation that the Secretary determines would assist in furthering the ability of the Department to perform its mission under this chapter or to assist other agencies."

(2) The table of sections preceding section 371 of such title is amended by adding at the end the following new items:

"381. Detection and monitoring of aerial and maritime transit of illegal drugs: Department of Defense to be lead agency.

"382. Drug interdiction and law enforcement support: budget proposals.

"383. National Guard: enhanced drug interdiction and enforcement role.

"384. Annual report on drug interdiction."

(b) **CONFORMING REPEALS.**—Sections 1102 and 1105 of the National Defense Authorization Act, Fiscal Year 1989 (102 Stat. 2042, 2047), are repealed.

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall take effect on October 1, 1989.

SEC. 1107. RESTRICTION ON DIRECT PARTICIPATION BY MILITARY PERSONNEL.

Section 375 of title 10, United States Code, is amended to read as follows:

"§ 375. Restriction on direct participation by military personnel

"The Secretary of Defense shall prescribe such regulations as may be necessary to ensure that any activity (including the provision of any equipment or facility or the assignment or detail of any personnel) under this chapter does not include or permit direct participation by a member of the Army, Navy, Air Force, or Marine Corps in a search and seizure, an arrest, or other similar activity unless participation in such activity by such member is otherwise authorized by law."

SEC. 1108. AUTHORIZATION OF APPROPRIATIONS RELATED TO DRUG INTERDICTION.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to the amounts otherwise authorized to be appropriated by this Act, there is hereby authorized to be appropriated to the Department of Defense—

(1) \$450,000,000 for fiscal year 1990; and

(2) \$600,000,000 for fiscal year 1991.

(b) **OPERATIONS OF THE DEPARTMENT OF DEFENSE.**—Of the amounts appropriated pursuant to subsection (a), \$135,000,000 of the amount appropriated for fiscal year 1990 and \$275,000,000 of the amount appropriated for fiscal year 1991 shall be available only to carry out the mission of the Department of Defense relating to drug interdiction and law enforcement support (other than for purpose specified in subsections (c) through (g)).

(c) **NATIONAL GUARD.**—Of the amounts appropriated pursuant to subsection (a), \$70,000,000 shall be available during each of the fiscal years 1990 and 1991 shall be available only to provide assistance to the National Guard under section 383 of title 10, United States Code (as added by section 1106).

(d) **INTEGRATION OF C31 ASSETS.**—Of the amounts appropriated pursuant to subsection (a), \$50,000,000 of the amount appropriated for fiscal year 1990 and \$60,000,000 of the amount appropriated for fiscal year 1991 shall be available only to continue the activities of the Department of Defense under section 1103 of the National Defense Authorization Act, Fiscal Year 1989 (10 U.S.C. 374 note).

(e) **AIRCRAFT CONVERSION.**—Of the amounts appropriated pursuant to subsection (a), \$49,000,000 of the amount appropriated for fiscal year 1990 and \$48,000,000 of the amount appropriated for fiscal year 1991 shall be available only to convert existing Marine Corps Reserve OV-10A aircraft for improved drug interdiction performance.

(f) **USE OF CERTAIN FACILITIES.**—Of the amounts appropriated pursuant to subsection (a), \$20,000,000 shall be available during each of the fiscal years 1990 and 1991 only to carry out—

(1) research and development activities under the plan prepared pursuant to section 6163(a) of the Anti-Drug Abuse Act of 1988 (102 Stat. 4350), and

(2) other research and development related to drug interdiction and law enforcement support.

(g) **CIVIL AIR PATROL.**—Of the amounts appropriated pursuant to subsection (a), \$1,000,000 of the amount appropriated for fiscal year 1990 and \$2,000,000 of the amount appropriated for fiscal year 1991 shall be available only to support Civil Air Patrol activities in support of civil law enforcement agencies.

(h) **DETECTION AND MONITORING EQUIPMENT.**—Of the amounts appropriated pursuant to subsection (a), \$125,000,000 shall be available during each of the fiscal years 1990 and 1991 only for the purchase of detection and monitoring systems and associated equipment.

SEC. 1109. REPORTS.

(a) **BY THE PRESIDENT.**—Not later than April 1, 1990, the President shall submit to Congress a report—

(1) describing the progress made on implementation of the plan required by section 1103 of the National Defense Authorization Act, Fiscal Year 1989 (10 U.S.C. 374 note);

(2) containing an analysis of the feasibility of establishing a National Drug Operations Center for the integration, coordination, and control of all drug interdiction operations; and

(3) describing how intelligence activities relating to narcotics trafficking can be integrated, including—

(A) coordinating the collection and analysis of intelligence information;

(B) ensuring the dissemination of relevant intelligence information to officials with responsibility for narcotics policy and to agencies responsible for interdiction, eradication, law enforcement, and other counternarcotics activities; and

(C) coordinating and controlling all counternarcotics intelligence activities.

(b) **BY THE DIRECTOR OF NATIONAL DRUG CONTROL POLICY.**—(1) Not later than December 1, 1989, the Director of National Drug Control Policy shall submit to Congress a report—

(A) on the feasibility of detailing not more than 200 officers in the Judge Advocate General's Corps of the military departments to the Department of Justice to assist in the prosecution of drug cases in areas in which there is a lack of sufficient prosecutorial resources; and

(B) on the feasibility of permitting the employment of former and retired members of the Armed Forces as law enforcement officers even though they are over age 35 at the time of initial employment.

(2) In preparing the report required by paragraph (1), the Director of National Drug Control Policy shall consult with the Attorney General, the Secretary of Defense, and other appropriate heads of agencies.

(c) **BY THE SECRETARY OF DEFENSE.**—(1) Not later than December 1, 1989, the Secretary of Defense shall submit a report to Congress—

(A) on the specific drug-related research and development projects to be funded, and the planned allocation of funding for such projects, under section 1108(f); and

(B) containing a plan to increase the employment of the resources and personnel of the Special Operations Command in drug interdiction and law enforcement support.

(2) Not later than April 1, 1990, the Secretary of Defense, in coordination with the Secretary of Transportation and Director of National Drug Control Policy, shall submit a report to Congress on—

(A) the feasibility of establishing aerial and maritime navigational corridors by which civilian aircraft and vessels may

travel through drug interdiction areas, as defined in section 371(b)(3) of title 10, United States Code (as added by section 1102);

(B) the feasibility of requiring the submission of navigational plans for all civilian aircraft and vessels that will travel in such areas; and

(C) the funding considered necessary to implement a plan to carry out the matters referred to in subparagraphs (A) and (B).

SEC. 1110. TECHNICAL AND CLERICAL AMENDMENTS RELATING TO DRUG INTERDICTION.

(a) CHAPTER HEADING.—(1) The heading of the chapter following chapter 17 of title 10, United States Code (relating to drug interdiction and military cooperation with civilian law enforcement officials), is amended to read as follows:

"CHAPTER 18—DRUG INTERDICTION AND SUPPORT FOR CIVILIAN LAW ENFORCEMENT AGENCIES".

(2) The items relating to such chapter in the table of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, of such title are amended to read as follows:

"18. Drug Interdiction and Support for Civilian Law Enforcement Agencies..... 371".

(b) REFERENCE TO TARIFF SCHEDULES.—Section 374(b)(3) of such title (as redesignated by section 1103(b)) is amended by striking out "general headnote 2 of the Tariff Schedules of the United States" in subparagraph (A)(iii) and inserting in lieu thereof "general note 2 of the Harmonized Tariff Schedule of the United States".

(c) CROSS-REFERENCE AMENDMENT.—Section 374(c) of such title is amended by striking out "paragraph (2)" and inserting in lieu thereof "subsection (b)(2)".

The CHAIRMAN pro tempore. Under the rule, 15 minutes of debate is allotted for this amendment.

The gentleman from Massachusetts [Mr. MAVROULES] will be recognized for 7½ minutes.

Is the gentleman from Alabama [Mr. DICKINSON] rising in opposition to the amendment?

Mr. DICKINSON. Mr. Chairman, in order to control the time in opposition, I would have to say that I was opposed to the amendment, is that correct?

The CHAIRMAN pro tempore. The gentleman is correct. Is the gentleman from Alabama opposed to the amendment?

Mr. DICKINSON. In order to control the time, Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] will be recognized for 7½ minutes in opposition to the amendment.

The Chair recognizes the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today, the gentleman from Kentucky, my colleague and ranking member on Investigations Subcommittee, and I bring before the House a drug interdiction package based on extensive hearings and staff

work. This is a package that the House can be proud of—not a quick response to the floor action and politics of the moment.

In last year's Defense authorization bill, the Congress seized the initiative and, under the leadership of our late colleague, Bill Nichols, created a new role for the military in drug interdiction. Today, we clarify, strengthen and fund that new role.

Let me tell you what this package is not:

It is not the answer to the enormous drug problem in this country.

It is not a program which will destroy the readiness of the Armed Forces.

It is not a plan to put the military on the streets enforcing the laws of this country.

This package calls upon the military to help fight the real threat to our national security in a way that enhances conventional readiness, without making the military a law enforcement agency.

Last year we put our money where our mouth was to the tune of \$300 million. We are making progress. We have seen some successes, some changing patterns of smuggling, and some changing attitudes on the part of the Department of Defense. This year we put our money where our mouth is to the tune of \$450 million.

Here is what we fund: \$100 million for operations—steaming days and flying hours, \$125 million for equipment such as radars and aerostats and associated communications, \$70 million for State National Guard operations, \$50 million for interoperable communications gear for law enforcement agencies, \$48 million for aircraft conversions (Marine OV-10), \$35 million for intelligence support, \$20 million for drug-related R&D for law enforcement agencies, and \$1 million for Civil Air Patrol flying hours in support of law enforcement agencies.

Once again Congress must seize the initiative because the President's and Defense Secretary's budget contained no funding for drug interdiction. We know what the people of this country are concerned about in the area of national security—and drugs is their number one concern. Make no mistake about it, this is a national security matter. Congress must respond and this package keeps the initiative in the Congress. I urge my colleagues on both sides of the aisle to get behind this program and send a clear message to our citizens and the drug smugglers alike.

The CHAIRMAN pro tempore. The gentleman from Massachusetts [Mr. MAVROULES] has consumed 3½ minutes.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the ranking member, the distinguished gentleman from Kentucky [Mr. HOPKINS].

Mr. HOPKINS. Mr. Chairman, I thank my colleague for yielding time to me.

Mr. Chairman, I am proud to join my friend and Chairman of the Investigations Subcommittee, Nick MAVROULES, in bringing this comprehensive military drug interdiction amendment before the House. I want to extend my congratulations to the gentleman for his leadership in this area.

Everyone in this Chamber knows that the war on drugs is being lost.

Look at our schools, look at our streets, look at the borders and in our Nation's Capital City the drug smugglers and drug traffickers are laughing at the best efforts of our law enforcement community. They need help.

It should be clear that America must deploy whatever resources, like the military and use them where prudent and necessary.

For the past 2 years, the House has adopted amendments during this debate strongly directing the Department of Defense to help out in this war on drugs.

Last year, the House-Senate conference yielded an agreement which established a brand new mission for the military in the area of drug interdiction.

Predictably, the military's immediate knee-jerk reaction was one of skepticism and opposition, but I believe this is changing. They wouldn't volunteer, so we drafted them.

After a number of hearings and extensive consultation with the Joint Chiefs of Staff, I am pleased to report that progress is being made.

The Department of Defense is beginning to formulate the necessary plans and resources to put together a credible and effective drug enforcement plan.

Last year, we not only gave them the charter, we also gave them funds to get this effort off the ground and meet the challenge head on.

With our amendment today, we are ready to take the second step.

We have crafted a responsible, measured and effective package which deserves the strong support of this House.

In the future—consider using—special operations like SEAL teams who I think would welcome to help with drug interdiction.

But for now, vote "yes" on the MAVROULES drug interdiction amendment.

Mr. MAVROULES. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. HUGHES] for the purpose of a colloquy.

Mr. HUGHES. Mr. Chairman, I want to thank the gentleman from Massachusetts for yielding me 1 minute, and want to thank him and his colleague the gentleman from Kentucky for doing good work in this entire area. I have a question of the gentleman.

I appreciate the work the gentleman has done to strengthen and refine the role of the military in drug interdiction. I agree that the military can help, but I want to confirm that the gentleman's amendment, by implication or expressly, does not place the military in the position of being directly involved in law enforcement.

Mr. MAVROULES. Mr. Chairman, if the gentleman will yield, absolutely not. As a matter of fact, at the suggestion of the gentleman, we have strengthened and expanded the statutory prohibition against military participation in direct law enforcement. We do not want the military enforcing the law on the streets of this country and this amendment reinforces that clear and important public policy.

Mr. HUGHES. Mr. Chairman, I thank the gentleman, and I support his amendment.

□ 1400

Mr. DICKINSON. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, I rise in strong support for this amendment because it emphasizes that illegal drugs pose a direct and immediate threat to the national security of our country. And that message needs to be hammered home throughout our Government.

We have been studying the drug issue in the Intelligence Committee for several months, and I am convinced we are in danger of turning our so-called war on drugs into a costly failure.

The Defense Department—and all our agencies—need to understand that we are changing priorities in this country—that the drug war is a crucial mission. This is new, and uncomfortable for both DOD and the intelligence community. But they must adjust their thinking. DOD's 1990 budget request did not contain any provisions for funding drug interdiction efforts, and that reflects a mindset that has got to change.

But this amendment is one step in the right direction. The crucial test of our commitment to the war on drugs will come when Bill Bennett submits his master plan to the President on September 5. It will not be worth the paper it's written on unless the drug czar is given the authority and responsibility to run this war. Right now Bill Bennett is a general without an army. Our war on drugs is going off in many, well-meaning, uncoordinated directions. Heightening and defining DOD's responsibilities, as this amendment does, is progress, but this war is going to be lost unless a unified command is created to run the show.

Mr. MAVROULES. Mr. Chairman, I yield such time as he may consume to

the gentleman from New York [Mr. GARCIA].

Mr. GARCIA. Mr. Chairman, I rise in strong support of this amendment. If we ever needed an amendment to this bill, this is it.

Mr. MAVROULES. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment. Let me say that the use of the National Guard in drug interdiction has been a total success.

Mr. Chairman, I had the privilege last fall of going down to Florida and watching the Guard working with Customs officers. It is a good program. Under this amendment, \$70 million would be added to drug interdiction to go to the National Guard.

They are now getting \$40 million in the budget. This money will be helpful in that all 50 States, Mr. Chairman, have submitted plans to have drug interdiction with the National Guard doing that work.

Actually, if you were going to use the military, the best way to go at it is to use the Guard forces because the Governors of the States can call these guardsmen up, call up a certain number, and the Federal Government does not have to federalize these National Guardsmen. They can give them the mission to each of the different States, the Governors call up these National Guardsmen.

They are paid by the Federal Government. Drug interdiction is working with the Guard, and I support the amendment.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I just wanted to say to the gentleman from Mississippi [Mr. MONTGOMERY] that the Guard and Reserve have performed admirably under the plan that we put into effect last year. They have caught thousands of pounds of cocaine and marijuana, hundreds of thousands of rounds of ammunition have been captured by the Guard and Reserve in their interdiction operations.

Let me thank the gentleman from Massachusetts [Mr. MAVROULES] for his wonderful work on this and also the gentleman from Kentucky [Mr. HOPKINS].

Let me commend also the gentleman from Alabama [Mr. DICKINSON], who had the temerity last year to go against the chairman of the full committee and offer the bill that basically gave the Guard and the Reserve and the DOD the lead agency role in detection of drug planes and drug ships coming in.

Mr. DICKINSON offered the Hunter-Robinson amendment that got the wheels moving.

Senator WILSON, on the other side, offered that counterpart.

We moved out and we have this thing basically in effect right now. It has been very effective, particularly with respect to the Guard and Reserve elements.

I want to especially thank the chairman for his sticking to this very important critical problem.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the very distinguished gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Chairman, I thank the gentleman for yielding, and I rise in support of this amendment.

Mr. Chairman, I would like to take this opportunity to commend my colleague from Massachusetts and the gentleman from Kentucky for their hard work and effort that they put into this package. This amendment is a result of this subcommittee's effort to develop the military's role in the war on drugs.

Mr. Chairman, 2 months ago I met with an advisory committee on crime and drugs. It was a distinguished group of experts in Rhode Island who gave me an insight into how best to fight the drug problem.

Mr. Chairman, I came away from that meeting with a clear message that we are in fact at war. We are being invaded, our shores are being invaded, and they are penetrating our airspace.

They are the drug lords and the drug dealers.

Let us today in this historic Chamber declare that war against drugs. Let us send a message to these people that we will use whatever military force is available and appropriate to win this war.

Mr. Chairman, we must protect our shores. I urge strong support of this amendment.

Mr. MAVROULES. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Chairman, I rise to support the amendment being offered by the distinguished gentleman from Massachusetts. I do so because I am convinced that the magnitude of the drug problem in this country demands the involvement of the assets of the military, especially those of the National Guard in each of our 50 States.

I emphasize the National Guard because of its nationwide presence and because of the diversity of skills and capabilities contained in its many units. In addition, Guard units operate under the control of their respective Governor, all of whom must confront the drug problem within their jurisdictions.

No one is suggesting the use of military units, active or reserve, in a law enforcement role. We seek only to use military resources to supplement and complement the herculean work being done by the thousands of men and women in law enforcement agencies at every level of government in this country.

There is no doubt that military units can be of invaluable assistance to those agencies. Operations coordinated between law enforcement and the military have already resulted in documented success. Military aircraft have assisted in the apprehension of aircraft used in drug trafficking. National Guard units have participated in the seizure of tons of marijuana and cocaine. Those smuggling this chemical poison into our country are finding that they must contend with military technology and equipment and the great skill of those operating it.

This amendment is being offered because the administration regrettably chose not to include funds for drug interdiction in its Defense Department request. I urge my colleagues to rectify this deficiency by supporting this amendment.

Mr. MAVROULES. Mr. Chairman, I yield one-half minute to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. I thank the gentleman for yielding.

Mr. Chairman, this amendment is simple; it is trading star wars for drug wars. It is trading an ephemeral war which we hopefully and probably will never fight, for a war that the people of our country wage on their streets every day.

We cannot be the greatest power in the world unless we deal with the crime problem that is ravaging our streets, unless we deal with the human resources that are wasted by it, unless we deal with the real problem that our people face every day when they wake up in the morning.

Mr. Chairman, this is a good amendment. I compliment the gentleman from Massachusetts [Mr. MAVROULES] for introducing it.

Mr. DICKINSON. Mr. Chairman, I yield the balance of my time to the very distinguished gentleman from Florida [Mr. SHAW].

The CHAIRMAN pro tempore. The gentleman from Florida is recognized for 30 seconds.

Mr. SHAW. I thank the gentleman for his great generosity.

Mr. Chairman, this is a very important amendment. We have been very proud of the successes that our military have scored in the war against drugs.

□ 1410

We have the whole underbelly of the United States undefended by aerostat. This will expedite this program.

Every place that we have gotten the military involved we have had successes. We must get them even more involved. This is a very important amendment, and this is a very important first step in a long, long journey that we must go together to get the military even more involved if we are going to win this war against drugs.

Mr. MAVROULES. Mr. Chairman, I yield the final minute to the gentleman from Maine [Mr. BRENNAN].

Mr. BRENNAN. Mr. Chairman, I strongly support the very important Mavroules amendment which adds \$450 million to our Defense Department action in the war on drugs.

If we are serious about addressing the drug epidemic that is plaguing this country, support for this amendment is needed. Every single day we are confronted with more news about drug-related crime. Here in our Nation's capital we are seeing violence that threatens to wipe out an entire generation. Witness the tragic death of a 13-year-old boy just yesterday.

As a Nation, we can do a lot better than we are doing in the war against drugs. As a member of the Subcommittee on Investigations, I have heard Defense Department witnesses testify with very tepid endorsements of their role in the drug war. I believe our military must play an active and aggressive role in fighting drugs if our Nation is to win the war against drugs. We can show our commitment to fighting drugs by supporting this badly needed funding for our military's role, and I hope the military gets the message that this Congress is serious about that war. It is very important.

Mrs. LLOYD. Mr. Chairman, I rise today in support of the amendment offered by my distinguished colleague from Massachusetts to authorize \$450 million in fiscal year 1990 and \$600 million in fiscal year 1991 for drug interdiction and law enforcement activities by the military.

Last year, during debate on the fiscal year 1989 Defense authorization bill, Congress approved an amendment which assigned the military a role in this Nation's war against drugs. The military was assigned responsibility for detecting and monitoring the transit of illegal drugs into the United States. The Congress also established a special program to fund State National Guard anti-drug efforts. I supported these actions because I felt one of the gravest threats to our national security was the flow of illegal drugs into this country. I continue to believe that one of the Nation's top priorities must be its war against drugs, and I believe that the amendment before us today steps up that war and builds upon the successes of the past year.

During the past year the active forces and the Guard and Reserve have been of tremendous assistance to America's civilian law enforcement agencies fighting the war against drugs. Aircraft attempting to smuggle drugs into the United States have been detected by military radar and communication centers,

such as the command and control center at NORAD, tracked by Guard and Reserve aircraft who have provided the smugglers' landing point to law enforcement officials, allowing them to arrest the smugglers at the point of contact before their cargo was allowed to poison the streets and communities of this country.

The amendment before us today authorizes \$70 million to expand the National Guard's involvement in drug interdiction activities, \$125 million to purchase five aerostats, radars, sites, and deployment, and \$50 million for communications equipment for loan to law enforcement agencies. This will allow the military to better utilize the capabilities it has in the fight against drugs.

Mr. Chairman, the United States faces a grave threat to its security in the flow of drugs across its borders and into its schools, streets, and communities. We need to do all we can to fight and win the war against drugs. I urge my colleagues to support this amendment as a method of doing just this.

The CHAIRMAN pro tempore (Mr. DURBIN). The question is on the amendment offered by the gentleman from Massachusetts [Mr. MAVROULES].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MAVROULES. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 410, noes 10, not voting 11, as follows:

[Roll No. 156]

AYES—410

Ackerman	Bryant	Dornan (CA)
Akaka	Buechner	Douglas
Alexander	Bunning	Downey
Anderson	Burton	Dreier
Andrews	Bustamante	Duncan
Annunzio	Byron	Durbin
Anthony	Callahan	Dwyer
Applegate	Campbell (CA)	Dymally
Archer	Campbell (CO)	Dyson
Armey	Cardin	Early
Aspin	Carper	Eckart
Atkins	Carr	Edwards (CA)
AuCoin	Chandler	Edwards (OK)
Baker	Chapman	Emerson
Ballenger	Clarke	Engel
Barnard	Clay	English
Bartlett	Clement	Erdreich
Barton	Clinger	Espy
Bateman	Coble	Evans
Bates	Coleman (MO)	Fascell
Beilenson	Coleman (TX)	Fawell
Bennett	Combust	Fazio
Bentley	Conte	Feighan
Bereuter	Cooper	Fields
Berman	Costello	Fish
Bevill	Coughlin	Flake
Bilbray	Cox	Flippo
Billakis	Coyne	Foglietta
Bliley	Craig	Ford (MI)
Boehlert	Crane	Ford (TN)
Boggs	Crockett	Frank
Bonior	Darden	Frenzel
Borski	Davis	Frost
Bosco	DeFazio	Gallely
Boucher	DeLay	Gallo
Boxer	Dellums	Garcia
Brennan	Derrick	Gaydos
Brooks	DeWine	Gedden
Broomfield	Dickinson	Gekas
Browder	Dicks	Gephardt
Brown (CA)	Dixon	Gibbons
Brown (CO)	Donnelly	Gillmor
Bruce	Dorgan (ND)	Gilman

Gingrich Matsui
Glickman Mavroules
Gonzalez Mazzoli
Gordon McCandless
Goss McCloskey
Gradison McCollum
Grandy McCreery
Grant McCurdy
Gray McDade
Green McEwen
Guarini McGrath
Gunderson McHugh
Hall (OH) McMillan (NC)
Hall (TX) McMillen (MD)
Hamilton McNulty
Hammerschmidt Meyers
Hancock Mfume
Hansen Miller (CA)
Harris Miller (OH)
Hastert Miller (WA)
Hatcher Mineta
Hawkins Moakley
Hayes (IL) Mollohan
Hayes (LA) Montgomery
Hefley Moody
Hefner Moorhead
Henry Morella
Herger Morrison (CT)
Hertel Morrison (WA)
Hiler Mrazek
Hoagland Murphy
Hochbrueckner Murtha
Holloway Myers
Hopkins Nagle
Horton Natcher
Houghton Neal (MA)
Hoyer Neal (NC)
Hubbard Nelson
Huckaby Nielson
Hughes Nowak
Hunter Oaker
Hutto Oberstar
Inhofe Obey
Ireland Olin
Jacobs Ortiz
James Owens (NY)
Jenkins Owens (UT)
Johnson (CT) Oxley
Johnson (SD) Packard
Johnston Pallone
Jones (GA) Panetta
Jones (NC) Parker
Jontz Parris
Kanjorski Pashayan
Kaptur Patterson
Kasich Paxon
Kennedy Payne (NJ)
Kennelly Payne (VA)
Kildee Pease
Klecza Pelosi
Kolter Penny
Kostmayer Perkins
Kyl Petri
LaFalce Pickett
Lagomarsino Pickle
Lancaster Porter
Lantos Poshard
Laughlin Price
Leach (IA) Pursell
Leath (TX) Quillen
Lehman (CA) Rahall
Lehman (FL) Rangel
Leland Ravenel
Lent Ray
Levin (MI) Regula
Levine (CA) Rhodes
Lewis (CA) Richardson
Lewis (FL) Rinaldo
Lewis (GA) Ritter
Lightfoot Roberts
Livingston Robinson
Lloyd Roe
Long Rogers
Lowery (CA) Rohrabacher
Lowey (NY) Rose
Luken, Thomas Rostenkowski
Lukens, Donald Roth
Machtley Roukema
Madigan Rowland (CT)
Manton Rowland (GA)
Markey Roybal
Marlenee Russo
Martin (IL) Saiki
Martin (NY) Sangmeister
Martinez Sarpaluis

NOES—10
Dannemeyer Michel
Goodling Ridge
Kastenmeier Sabo
Kolbe Shumway

NOT VOTING—11
Collins Dingell
Conyers Florio
Courtner Hyde
de la Garza Lipinski

□ 1430

Mr. DICKINSON and Mr. BEREUTER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1430

The CHAIRMAN pro tempore (Mr. DURBIN). It is now in order to consider the amendments related to burden-sharing printed in part 1 of House Report 101-168 by and if offered by the following Members or designees which shall be considered in the following order: First, by the gentlewoman from Colorado [Mrs. SCHROEDER]; second, by the gentleman from Florida [Mr. IRELAND].

For what purpose does the gentlewoman from Colorado [Mrs. SCHROEDER] rise?

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. SCHROEDER:

At the end of title XII (page 253, after line 15), insert the following new section:

SEC. 1243. LIMITATION ON FUNDING FOR UNITED STATES MILITARY FACILITIES IN CERTAIN FOREIGN COUNTRIES.

(a) LIMITATION.—The Secretary of Defense may not use any funds appropriated for the Department of Defense to operate, construct, or maintain facilities at a United States military installation in a foreign country unless the Secretary of Defense determines that the agreement with that foreign country providing for the use of such installation is not conditioned, directly or indirectly, on—

(1) the provision of economic or security assistance to that country by the United States; or

(2) an agreement by an official of the executive branch to use best efforts to obtain economic or security assistance to that country by the United States.

(b) EFFECTIVE DATE.—(1) Subsection (a) shall not apply with respect to an agreement in effect before the date of enactment of this Act.

(2) With respect to an amendment to an agreement referred to in subsection (a), subsection (a) shall apply to an amendment entered into on or after the date of enactment of this Act.

(3) The limitation in subsection (a) shall not apply with respect to funds appropriated before the enactment of this Act.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentlewoman

from Colorado [Mrs. SCHROEDER] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I ask unanimous consent to offer a modification to that amendment.

The CHAIRMAN pro tempore. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as modified, offered by Mrs. SCHROEDER:

At the end of title XII (page 253, after line 15), insert the following new section:

SEC. 1243. LIMITATION ON FUNDING FOR UNITED STATES MILITARY FACILITIES IN NATO MEMBER COUNTRIES.

(a) LIMITATION.—The Secretary of Defense may not use any funds appropriated for the Department of Defense to operate, construct, or maintain facilities at a United States military installation in a foreign country which is a member nation of the North Atlantic Treaty Organization (NATO) unless the Secretary of Defense determines that the agreement with that country providing for the use of such installation is not conditioned, directly or indirectly, on—

(1) the provision of economic or security assistance to that country by the United States; or

(2) an agreement by an official of the executive branch to use best efforts to obtain economic or security assistance to that country by the United States.

(b) EFFECTIVE DATE.—(1) Subsection (a) shall not apply with respect to an agreement in effect before the date of enactment of this Act.

(2) With respect to an amendment to an agreement referred to in subsection (a), subsection (a) shall apply to an amendment entered into on or after the date of enactment of this Act.

(3) The limitation in subsection (a) shall not apply with respect to funds appropriated before the enactment of this Act.

Mrs. SCHROEDER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

The CHAIRMAN pro tempore. The unanimous-consent request is still pending before the House for the modification.

Mr. MARTIN of New York. Mr. Chairman, reserving the right to object, and under my reservation I am going to ask the gentlewoman from Colorado [Mrs. SCHROEDER] to explain not only the amendment, but the modification. As it was originally drafted, it was this Member's feeling that he would have to voice strenuous objection because of the substantial reduction in the flexibility it gives the U.S. Government in negotiating base rights agreements, and we do not now

know about situations down the road where we might require, in times of emergency particularly, a great deal of flexibility. As I understand the gentlewoman from Colorado [Mrs. SCHROEDER] and her modification amendment, it resolves at least this gentleman's problem.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of New York. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, at the suggestion of Congressman SOLARZ, I decided to modify my amendment to just cover NATO countries. The effect of this modification is to exclude the Philippines from the limitation.

Frankly, I think there should be no linkage between base rights and foreign aid for the Philippines as for other countries. Nevertheless, we are about to enter into base rights negotiations with the Philippines. An abrupt change in the ground rules, which enactment of my amendment would surely cause, might be viewed in the Philippines as directed specifically at that country. It might be seen as a sign of decreased American support for the government of Corazon Aquino. My amendment does not carry that message. To avoid any possibility of misunderstanding, I have agreed to modify my amendment to only cover NATO nations.

There are some special circumstances which apply to NATO nations. They are on the front lines with the Eastern bloc. As such, these countries should best understand the value of their mutual defense arrangements with the United States.

Moreover, Europe is about to become economically unified in 1992. As such, the appropriateness of American foreign aid to NATO nations becomes questionable.

That said, I still think this limitation should apply worldwide and expect to attempt to expand it in future years.

The CHAIRMAN pro tempore. The Chair desires to announce that this discussion in relation to the modification is coming from the time allotted to the debate on this issue.

Does the gentleman from New York [Mr. MARTIN] persist in his reservation?

Mr. MARTIN of New York. Mr. Chairman, further reserving the right to object, I would like to say at this point that we are going to do everything we can to expedite this, and I think, as modified, there will be no requirement, in the interests of time, to have a vote on this.

However, Mr. Chairman, I think it is important under the reservation to say to the gentlewoman from Colorado [Mrs. SCHROEDER], and I discussed this with her, that in the report language, as well as when we go to conference,

we want to make sure that the concern over words in the amendment, direct or indirect, are explained so that every little side conversation at a negotiating city would not be considered as something violative of this provision.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of New York. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I think the gentleman from New York [Mr. MARTIN] knows that would be our intent. Obviously that is why we specifically limited it in the modification to the Secretary of Defense and what he understands the general purpose was rather than getting into also the Secretary of State, which would then bring in every little nuance and every little thing that went along.

So, we tried to do it by doing it in that way, and I understand some people are nervous about that selection. We will be happy to talk to them about it, but the real thing is that we do not want the direct linkage, the strong, direct linkage, that we have been seeing going on and that I think that the State Department and the Defense Department are trying to change.

Mr. MARTIN of New York. Mr. Chairman, I have no objections as long as we have that modification.

Mr. Chairman, I withdraw my reservation of objection.

Mr. WALKER. Mr. Chairman, I reserve the right to object.

Mr. Chairman, I reserve the right to object simply to comment that this is one of those areas where there is a penalty involved in writing rules as strictly as we have written the rule on this particular bill. The advantage to writing these kinds of rules is the fact that we do get efficiency. The committee does know what amendments are coming at it. The committee does have some feel for what Members may be doing with regard to their bill in the floor, and the membership itself has some feel for the kinds of amendments that are going to be before us.

Mr. Chairman, the problem is that we also find ourselves then locked into amendments as they were presented to the Committee on Rules. Now I understand that what the gentlewoman from Colorado [Mrs. SCHROEDER] is attempting to do with her modification is to take care of problems that have arisen since that language was submitted to the Committee on Rules, and I appreciate her willingness to attempt to compromise the language.

I would also have to say that I am concerned that this may become a pattern in the course of the deliberations on this bill.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I will yield to the gentlewoman from Colorado [Mrs. SCHROEDER] in just a moment.

Mr. Chairman, I am concerned that we may get into a pattern here where amendments that were presented to the Committee on Rules and are defined by the rule will be modified, will be changed, will be substantially revised, and that we will end up then having the rule only apply one way, and that would be a concern.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I think the concern of the gentleman from Pennsylvania [Mr. WALKER] really goes in the other direction. I announced in full committee that we would be offering this; our burden-sharing panel was talking about this. It was not offered in the Committee on Armed Services because of the joint referral problems, so we tried to specifically narrow it that way.

Mr. Chairman, it has been printed, it has been around, and just in the last hour we heard discussions about how they would like it narrowed to just NATO, so our modification is attempting to be agreeable.

I personally would like to have all bases decoupled from foreign aid. I think that is the way we should go. However I was convinced, and people said to me, "Well, let's narrow it. There's been too many things going on."

So, I hear the concern of the gentleman from Pennsylvania [Mr. WALKER], but actually this went just the opposite way, trying to narrow rather than expand it.

Mr. WALKER. Mr. Chairman, further reserving the right to object, I do not think it alleviates my concern. I think it, in fact, demonstrates the concern that I have, and that is that we have had an amendment which has been around now for weeks, and all of a sudden at the very end of the process, then we modify it on the floor by unanimous consent.

Mr. Chairman, what I am suggesting to the gentlewoman from Colorado [Mrs. SCHROEDER] is that, if we were operating under the 5-minute rule, there would be absolutely no problem with this process. Somebody can come with an amendment to the amendment of the gentlewoman from Colorado [Mrs. SCHROEDER], and we would have absolutely no problem with the process. Operating by the process that we are now under, it does in fact limit the Members, and it strangles off some of the ability of members to modify that which is brought to the floor.

□ 1440

I do not intend to object to this request, but I am putting the Members

on notice that this is probably the last one that will not have an objection to it, because I am using this opportunity to present fair warning that if we have a series of these modifications and so on, this gentleman is not going to be willing to allow those modifications to take place.

Mr. MARTIN of New York. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from New York.

Mr. MARTIN of New York. Mr. Chairman, I would point out to the gentleman, and I agree with what he is saying, and in this particular instance it was this gentleman that requested the modification.

Mr. WALKER. I understand, and for that reason, I will not object.

Mr. MARTIN of New York. I was put on notice months ago about this amendment.

Mr. WALKER. The Members did not have an opportunity to understand what the position of this gentleman would be, but I will say I do not think this should become a pattern of modifying amendments by unanimous consent under the rule under which we are operating.

Mr. MARTIN of New York. Mr. Chairman, I thank the gentleman.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The CHAIRMAN pro tempore (Mr. DURBIN). Is there objection to the request of the gentlewoman from Colorado for the modification of her amendment?

There was no objection.

The CHAIRMAN pro tempore. The modification to the amendment of the gentlewoman from Colorado is agreed to.

Mrs. SCHROEDER. Mr. Chairman, I ask unanimous consent that the time consumed during this debate on the modification be restored to me.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

Mr. CHAIRMAN pro tempore. Pursuant to the rule, 30 minutes is allotted to the amendment, as modified; 15 minutes to the gentlewoman from Colorado and 15 minutes to a Member in opposition.

Is there a Member in opposition to this amendment?

Mr. DICKINSON. Mr. Chairman, in order to control the time, I will go on record as opposing it; but I must say that on the last vote I did the same thing then. I went on record as opposing it, but I was so overwhelmed by the eloquence of the arguments and the persuasiveness and the common sense that was put forth that in the final conclusion I had to change my vote and vote for it.

I will go on record as opposing this amendment and ask to control the time from the table.

The CHAIRMAN pro tempore. The Chair takes note of that phenomenon and will recognize the gentleman from Alabama [Mr. DICKINSON] in opposition to the amendment.

The Chair now recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, my amendment would sever the link between base rights and foreign aid in NATO countries. Today, the United States is being held up to the tune of \$2 billion a year worldwide in foreign aid payments to nations with U.S. bases. This is nearly one-quarter of our foreign aid budget. Just 15 years ago, we spent only \$200 million for the same purpose.

My amendment takes foreign aid off the table in base rights negotiations. It tells our negotiators to work agreements with host nations based on all the other matters which are negotiated in base rights talks: mutual defense, domestic security, local employment, access, construction preference, and, where necessary, rent. But, the amendment says that our negotiators may not promise any foreign aid or any "best efforts" to secure foreign aid.

Is this realistic? You bet it is. Up until recently, no one ever thought to link foreign aid to base rights. And, just last year, we negotiated a new base rights agreement with Spain which explicitly eliminated any use of foreign aid as a condition for base rights. The United States can secure base rights without paying for them through the foreign aid budget.

Currently four nations—the Philippines, Turkey, Greece, and Portugal—receive foreign aid under base rights agreements. My amendment would only relate to three of these countries and exclude the Philippines. It would not undo these base rights agreements. It would not force us to leave these countries. Rather, my amendment applies only to new agreements and says that any new base rights agreement could not be conditioned on foreign aid.

Now, some have argued that my amendment would effectively have us withdraw from these countries. Nonsense. The Government of Turkey will make its decision on whether to extend our base rights at Incirlik, Ankara, and Izmir based on factors like Turkish national security, the effect of bases on mutual security obligations, domestic politics, jobs of Turkish citizens, and economic stimulus. The Greek Government will decide whether to extend our base rights at Hellenikon based on similar factors.

My amendment also does not cut off foreign aid to these, or any other, countries. I am a big supporter of foreign aid to Turkey. I think we should be doing more and should be encour-

aging Japan and our NATO allies to provide far more untied developmental assistance to Turkey. I just do not want this aid linked to base rights.

In considering this amendment, keep in mind the reason for our bases around the world. The United States has mutual defense pacts which oblige us to defend the territory of allies, including Turkey, Greece, and Portugal. One important reason we have bases in these countries is to meet these mutual defense obligations. It is bewildering to me how we got ourselves in the position of paying for the privilege of protecting our allies.

This is really the heart of burden-sharing. We and our allies have a common defense burden. Yet, we have been paying huge sums to meet this burden while our allies have kept their defense budgets low. I think we should say, fine. You assess your defense needs and fund them accordingly. And, we will decide on our own vital interests and fund them. No longer can you depend on us to provide your defense needs for you. When the proposition is put this way, I am confident that our allies will decide that American base rights are in their interest, even without a linkage to foreign aid.

I urge support of the amendment.

Mr. MARTIN of New York. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from New York.

Mr. MARTIN of New York. Mr. Chairman, about the questions and concerns I had, and appreciate that the gentlewoman recognizes that sensitive negotiations are ongoing.

I agree wholeheartedly on the expanded version, if that would work in the practical world, but unfortunately, for every country with their different mores, different societies, different politics, we find that if we do not have flexibility, it would be difficult to have any type of arrangement or agreement with all of them. That is the reason why I appreciate the gentlewoman restricting it to the NATO countries. There have been abuses in the past, without question, but many times it is in our best interests to give our Government and foreign governments the flexibility they need to reach an agreement.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from New York and I appreciate his help on this matter.

Mr. DICKINSON. Mr. Chairman, I have no requests for time, and I yield back the balance of my time.

Mrs. SCHROEDER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER], as modified.

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. IRELAND

Mr. IRELAND. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. IRELAND:

At the end of part B of title III (page 68, after line 9), insert the following new section:

SEC. 316. REDUCTION IN THE NUMBER OF CIVILIAN PERSONNEL ASSIGNED TO DUTY IN EUROPE.

(a) REDUCTION REQUIRED.—The number of civilian officers and employees of the Department of Defense assigned to duty in Europe on the date of the enactment of this Act shall be reduced by a number equal to the number of employment assignments for officers and employees of the department that—

(1) were related to intermediate-range nuclear forces on December 8, 1987; and

(2) are unnecessary as a result of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-range and Shorter-range Missiles, signed on December 8, 1987 (commonly referred to as the "INF Treaty").

(b) TIME FOR REDUCTION. The reduction in the number of employment assignments required by subsection (a) shall be completed not later than October 1, 1991.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Florida [Mr. IRELAND] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Is there a Member in opposition to the amendment? If not, the gentleman from Florida [Mr. IRELAND] is recognized for 15 minutes.

Mr. IRELAND. Mr. Chairman, I rise to offer my last and final amendment relating to DOD personnel assigned to ground launched cruise and Pershing missile units slated for deactivation under the INF treaty.

The pending amendment would reduce the number of DOD civilians on duty in Europe by 1,017—the number assigned to INF units there.

The bill, as presented on the floor today, incorporates the bulk of my INF initiative, which has two parts: First, it lowers the troop ceiling in Europe from 326,414 to 311,627—a reduction of 14,787; and second, it cuts Air Force end-strength by an additional 4,385. Since the Army had already planned to cut its INF personnel, no further Army end-strength cuts were in order. Proposed cutbacks would be phased in over 2 years to coincide with the schedule for unit deactivations.

Mr. Speaker, I want to extend a special word of thanks to the able chairwoman of the Military Personnel Subcommittee BEVERLY BYRON and her staff assistant Debbie Lee for their advice, assistance, and support. Somehow they were able to bring order and direction to a complex issue.

While the main part of the INF issue was resolved at the committee level, the full committee decided to defer action on the civilian employees assigned to INF units, pending further investigation. I then asked the GAO and DOD to provide me with the latest available information on the disposition of those employees. Information papers were subsequently provided by DOD and GAO, indicating that most of these employees are scheduled to be eliminated from the work force by the end of fiscal year 1991.

With that information in hand, I decided to modify and refocus the final piece of the INF initiative.

Consistent with my amendments relating to military personnel assigned to INF units, the modified amendment, which I offer today, reduces the number of DOD civilians in Europe by 1,017. The recommended reduction would take effect by the end of fiscal year 1991.

The approach taken in the case of the civilians is identical to the approach taken in the case of military personnel: First, reduce the number of personnel in Europe; and second, cut the end-strength or work force. Another approach would be to establish a ceiling on civilian personnel in Europe, but I know the committee is adamantly opposed to such a policy, so I selected a more acceptable approach.

A United States-Soviet treaty has been signed, ratified, and taken effect. That treaty eliminates an entire mission and class of weapons. The need for those civilians no longer exists, therefore the total number of DOD civilians assigned to duty in Europe should be decreased accordingly.

The latest DOD information suggests, however, that the trend is in the opposite direction—civilian strength in Europe is creeping upward. Between September 30, 1988, shortly after the INF treaty took effect, and March 31, 1989, the number of civilians in Europe increased from 105,284 to 106,630—an increase of 1,346. This is the continuation of a trend that began in the early 1980's when there were about 95,000 civilians in Europe. And there is room for expansion. A large number of authorized and funded civilian positions in Europe lie vacant. The Air Force, for example, which has 96 percent of the INF civilians in Europe (974 of 1,017), has close to 900 vacant slots in Europe.

Further increases in the number of DOD civilians in Europe must be halted. This trend must be reversed, or else the Appropriations Committee will put a much tighter lid on the number of civilians overseas and in Europe, and I will help them to it. My approach is a more reasonable one.

The need for 1,017 civilian positions in Europe no longer exists. I urge you to support my amendment.

Mr. Speaker, in conclusion, I would like to thank the chairman of the Readiness Subcommittee the gentleman from Florida [Mr. HURTT] and his assistant, Will Confer, for their support and cooperation. I understand that the committee is prepared to accept my amendment. If that is indeed the case, then I urge its adoption.

Reports referred to follow:

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,

Washington, DC, July 17, 1989.

HON. ANDY IRELAND,
House of Representatives,
Washington, DC.

DEAR MR. IRELAND: After the issuance of our June 8, 1989, report ("INF Treaty: Army and Air Force Personnel Reductions", GAO/NSIAD-89-173FS), Mr. Charlie Murphy of your staff asked us to verify the disposition of the 1,099 Air Force civilian positions scheduled to be eliminated as a result of the Intermediate Range Nuclear Forces [INF] Treaty. According to the Department of Defense, all civilian billets associated with INF have been taken out of its budget submission.

After reviewing Air Force Justification of Estimates for fiscal years 1990/1991 submitted to the Congress in January 1989, we have documented that these civilian positions are scheduled to be eliminated by 1991. All positions are included in the Operations and Maintenance Justification Book Tracks. Of the 1,099 positions, 432 are scheduled to be eliminated in fiscal year 1989, 31 positions in fiscal year 1990, and 636 positions in fiscal year 1991.

If you have any additional questions, please call Albert H. Huntington, III, Assistant Director on 557-1469, or Mary K. Quinlan, Evaluator-in-Charge, on 557-1524.

Sincerely yours,

JOSEPH E. KELLEY,
Director, Security and
International Relations Issues.

FACT ISSUE PAPER

Question. Reference 1,142 civilian personnel reductions as a result of INF implementation, Mr. Murphy requests an information paper which lays out the accounts in which the reductions occurred and, if these spaces have been applied elsewhere, identify the accounts and the number of spaces by which they have been increased.

Answer. All Air Force civilian manpower associated with the GLCM program has been eliminated from the operation and maintenance account of the FYDP—resulting in a 1,099 Air Force civilian end strength reduction. The following table shows the GLCM manpower baseline in FY 88 (prior to INF) and tracks the annual GLCM end strength changes through FY 91 (there is no difference in GLCM end strength between the Reagan and Bush budgets).

GLCM CIVILIAN END STRENGTH TRACK

(In fiscal years)

	1988-89 PBA		1990-91 Reagan/Bush Budgets					
			1989		1990		1991	
GLCM end strength	CONUS	EUR	CONUS	EUR	CONUS	EUR	CONUS	EUR
Programmed.....	125	974	125	542	111	525	0	0
Drawdown.....	0	0	0	-432	-14	-17	-111	-525

Note.—Increases in other high priority Air Force requirements in NATO Europe were accommodated through offsets from other programs across the Air Force. GLOM savings were not used to fund these NATO Europe requirements. In fact, GLOM savings were not applied against any other programs throughout the Air Force—they were reduced from the FYDP.

Source: Provided by Office of the Comptroller of the Department of Defense, July 20, 1989.

□ 1450

Mr. HUTTO. Mr. Chairman, will the gentleman yield?

Mr. IRELAND. I am happy to yield to the gentleman from Florida.

Mr. HUTTO. Mr. Chairman, as the gentleman knows, in our committee markup when he offered the amendment, I asked him if he would hold off on it until we could gather more information. I appreciate the way the gentleman has gone about this and his working with us.

The amendment that he has now is acceptable to the Subcommittee on Readiness and to the committee on this side of the aisle.

As I understand it, the modified amendment appears at section 316 of the report on providing for the consideration of this bill. It is acceptable to the committee and to the Department of Defense now because all civilian positions will have been eliminated by September 30, 1991, which is 1 day before that required by the amendment. The amendment is a good one and is completely acceptable.

Mr. IRELAND. Mr. Chairman, I thank the gentleman for his words and also for his assistance and help.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. IRELAND. I am happy to yield to the gentleman from Colorado.

Mrs. SCHROEDER. I want to congratulate the gentleman from Florida for being so tenacious on this. He has been very, very good in following through and getting the right numbers, and it has not been an easy task.

One would think that this would be a very simple task. It is really not at all. I really appreciate him, and I think this is going to save lots of money.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. IRELAND. I am happy to yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, we have studied the amendment on this side of the aisle, and I think it is a good amendment. We will certainly be willing to accept it.

Mr. IRELAND. Mr. Chairman, I yield back the balance of my time.

Mr. DURBIN. Mr. Chairman, I rise in support of the amendment offered by my colleague, Mr. IRELAND, that would reduce by 1,017 the number of U.S. troops stationed in Western Europe.

Forty years ago, in the aftermath of World War II, the United States took the lead in rebuilding and defending the war-torn nations of Europe and Japan. Through the formation of the North Atlantic Treaty Organization [NATO] and the Marshall Plan, we were able to con-

tain the spread of communism and allow the economic recovery of Europe and Japan. The decision to aid our allies was both right and farsighted.

Now, however, the situation has changed dramatically. Our adversary throughout the could war, the Soviet Union, is struggling with ethnic and labor unrest at home and political liberalization in the neighboring Warsaw Pact countries of Hungary and Poland. At the same time, our European allies and Japan are enjoying stronger economic growth and lower budget deficits than is true in the United States, where we face enormous budget deficits and a trillion dollar debt.

Despite these changes, the Department of Defense has estimated that 60 percent of the U.S. defense budget can be attributed to the defense of our European allies and Japan. In 1990 alone, the U.S. contribution will total over \$180 billion, or almost three times the cost of the entire B-2 program.

Mr. Chairman, the United States can no longer afford to be the principal guarantor of our allies' defense. It is unfair to ask American citizens to continue paying \$1,300 in taxes to pay for the defense of our allies when the average Japanese citizen only pays \$130. It is unfair for the United States to contribute over 6.8 percent of its GDP to defense when our allies only contribute 3.3 percent of their GDP on average.

In 1977, each of the NATO allies pledged to increase defense expenditures annually by 3 percent above inflation. Yet from 1978 through 1985, when the United States increased defense spending by 5.7 percent, the allies only averaged 2.2 percent growth in defense spending. Despite numerous new studies documenting this gap in contributions to the common defense, and despite repeated promises from our allies to shoulder a greater share of the burden, the situation has not changed.

The plain fact is that our allies are being treated to a free ride on the back of the American taxpayer, and they will not get off until we tell them to. We need to say to them, directly and candidly, that we will not help them unless they begin to help themselves.

The amendment offered by Mr. IRELAND is a modest step in the right direction. It advances the principle that the savings realized by arms control agreements such as the INF pact should be reflected in reduced numbers of troops stationed in Europe.

I had hoped that we could have a more far-reaching debate on defense burdensharing. In particular, I think we need to explore the possibility of reducing the number of U.S. troops in Europe and transferring some of the money saved to our National Guard programs. An increased commitment to our National Guard programs would save money, would keep spending on defense within the United States where it would bolster local economies, and would tie the defense of our great country more closely to our communities.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida [Mr. IRELAND].

The amendment was agreed to.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore (Mr. DURBIN). Without objection, the gentleman from Wisconsin [Mr. ASPIN] is recognized for 5 minutes.

Mr. ASPIN. Mr. Chairman, a point of inquiry: We are now going to go to the section 2 amendments, which is the 5-minutes-on-a-side amendments. I have a question of the Chair: Is it the intention of the Chair to put the amendments, if we come to votes on the amendments, put them together en bloc at the end of the process here today?

The CHAIRMAN pro tempore. Under the rule that decision is within the discretion of the Chair, and the Chair would exercise that discretion, after consultation with the floor managers on both sides.

Mr. ASPIN. Mr. Chairman, it would be, I think, our hope that we would do that. I would like to get the gentleman from Alabama into the discussion. I think it was our anticipation that if we got to that, if we could get the Chair to use his discretion in putting the amendments en bloc, with a 15-minute vote for the first one and 5 minutes for the subsequent votes. That would be all right with the gentleman on this side.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I am happy to yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, this was our discussion, and it was for this reason that we urged the Committee on Rules to make this in order. They had made it at the discretion of the Chair, which is fine. We felt that this would be very time-saving in view of the number of hours that are already scheduled for the floor. We thought this would be very beneficial and helpful to the Members, and I would urge on the Chair that that would be the procedure that we follow.

The CHAIRMAN pro tempore. The Chair is inclined to exercise its discretion in that manner. I think at this time we should proceed with the amendments under section 2.

Mr. ASPIN. Mr. Chairman, I also would like to announce that pursuant to the prior discussion with the gentleman from Alabama, the section 2 amendments numbered 1, 2, 3, 5, 6, and 7 will be deferred until a point later in the proceedings.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. WEISS

Mr. WEISS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WEISS: Page 36, after line 16, insert the following new section:

SEC. 128. PROHIBITION OF RETROFITTING TRIDENT SUBMARINES TO CARRY D-5 MISSILES.

(a) PROHIBITION.—The Secretary of the Navy may not carry out the conversion of any Trident submarine to enable it to carry Trident II (D-5) missiles.

(b) REDUCTION IN FUNDING.—The amount specified in section 102(d) for Other Procurement for the Navy for fiscal year 1990 is hereby reduced by \$6,800,000.

The CHAIRMAN pro tempore. The gentleman from New York [Mr. Weiss] will be recognized for 5 minutes, and Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York [Mr. Weiss].

Mr. WEISS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, let me at the outset address the issue which I thought was being discussed earlier just a moment ago about the sequence of votes. I think that it is difficult enough when one has amendments of great substance which are limited to 5 minutes of debate on each side, but, OK, one can sort of accept that. But the rule proviso which then says we are going to lump our votes together at the end, I think, is a real travesty. I understand the Committee on Rules had little choice, because they were given directions as to how much time they could provide for this bill, but coming from a nonsupported amendment where the committee opposed it, under the best of circumstances, it is difficult to get serious consideration when, in fact, one then has a 2-hour delay between the debate on that amendment and the final vote. That is fact removes whatever chance there is of serious consideration, and that, I think, is absolutely wrong.

Mr. Chairman, I would hope that if there is discretion to be exercised by the Chair, that he would keep that in mind. Beyond that, I would hope that we are never faced with this kind of situation again.

Mr. Chairman, Let me say that this D-5 amendment, the Trident II missile, is different from those that we have offered in years preceding.

Mr. Chairman, for the past 4 or 5 years this gentleman has offered amendments to delete funding for the D-5 missile program, and we have lost, and that fight is really over. At this point, the amendment that I offer has nothing to do with canceling the D-5 program.

Mr. Chairman, I rise in support of the amendment. This amendment would cancel the D-5 refit program. It is a modest amendment. It is a practical amendment.

The D-5 program is moving full steam ahead. After some delay due to problems in the testing phase, the first Trident submarine equipped with D-5 missiles is scheduled for deployment in March of 1990.

Let me underscore that this is not an amendment to cancel the D-5 pro-

gram. I understand that there have been some misconceptions about my amendment in this regard.

The amendment we are discussing would not prohibit the continuation of the D-5 program. It would, however, cancel a portion of the program which is strategically and fiscally unnecessary. My amendment would eliminate the \$6.8 million in this year's authorization for the refit program and prohibit any further funding for the program in the future.

From now on, every Trident submarine deployed will carry D-5 missiles. Eventually this submarine force will exceed 20 according to the Navy's 5-year defense plan. In addition, the Navy, beginning in 1993, plans to call back all eight Tridents currently equipped with C-4 missiles and replace them with D-5's. The so-called refit program is expected to cost in excess of \$6 billion. This particular section of the D-5 program is the subject of my amendment.

Many Members of Congress are excited about the new D-5 missile. The missile has an incredibly high yield and pinpoint accuracy. With the D-5, the United States will, for the first time, have the capacity to strike Soviet hard targets from the sea leg of our nuclear triad. While we have debated the merits of this program in the past, this new capability is a fait accompli. No matter what your views on that debate, I believe supporting this amendment is entirely consistent.

People say, "I'm a supporter of the D-5. I can't support this amendment." This is fundamentally untrue. Even with the passage of this amendment, the United States will deploy 660 D-5 missiles equipped with either 12 Mark IV warheads, or 8 of the more powerful Mark V warheads.

However, it is important to keep in mind that the primary purpose of our sea-launched ballistic missiles is to deter a Soviet first strike. In fact, the C-4 missiles have served this purpose quite adequately. C-4's have over 100 times the explosive yield of the bombs dropped on Hiroshima and Nagasaki. No one questions the retaliatory capability of the C-4.

In fact, C-4 missiles can do almost everything the D-5's can do. They can destroy airfields, troop concentrations, naval bases, industrial facilities, and governmental centers. The C-4 can reach its target in 10 to 20 minutes, the same as the D-5, and has the same range—4,000 to 6,000 miles, depending on payload. The only significant difference is that the D-5 can dig Soviet land-based missiles out of their silos.

Today's amendment deals with the eventual makeup of our seabased missile force. If there were no refit program, our Trident force would contain at least 12 submarines equipped with D-5's. These submarines would have

the capacity to aim well over 2,000 hard-target warheads. For point of reference, the Soviet Union has a total under 1,300 silo-based ICBM's. I remind those supporters of the D-5 program to consider this fact.

Clearly, even without the additional capability that would result from backfitting the first eight Trident subs with D-5's, our sea-based hard-target capability would be overwhelming. When land- and air-based forces are taken into account, our ability to strike hard targets would be much greater still. Mr. Chairman, the Navy admits that our sea-based missile force will target not only hard targets but also those softer targets covered by C-4's. That is to say, the Navy plans to replace the C-4's with D-5's even though our C-4's are more than adequate to destroy their current targets. For \$6 billion, we can aim D-5's at targets which are already adequately covered by C-4's.

This is not an anti-D-5 amendment. It in no way compromises our strategic forces. And it has no impact on our ability to deter Soviet aggression.

Instead, this amendment allows for a commonsense way to save a significant sum of money without altering the strategic assumptions of the D-5 program. The United States no longer has the luxury of deploying every weapon system that may appeal to us. In the future, decisions about military spending must be made much more stringently. The D-5 refit program simply does not pass the test of a strategically necessary program.

Mr. BENNETT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in strong opposition to the Weiss amendment. In short, this amendment would relegate eight of our most survivable, stable, and capable strategic systems to second-rate status for their entire lifetimes. Not only would this be a detriment to our strategic capability, it would also be a terrible waste of the taxpayers' money. Allow me to elaborate.

This body has agonized over the years and will no doubt do so this year over the survivability of various parts of our strategic triad. Raging debates over the MX rail garrison basing mode, the mobile Midgetman missile, the B-1 and B-2 bombers, and other systems all revolve around the bedrock issue of survivability and how to achieve it. But in all of these debates one system stands out as a beacon of survivability; an example of a system that does not suffer from the "use it or lose it" syndrome. That system is the Trident submarine. And so, Mr. Chairman, I submit that we should ensure that each of these survivable platforms has all of the capability we can muster for it. In the case of the

Trident submarine that means the D-5 missile.

From the very outset nearly two decades ago the Trident submarine has been conceived, designed, and outfitted to carry the larger, more capable Trident II or D-5 missile. To date the Congress has authorized 16 of these ships, with the 17th in this bill. The taxpayers of this country have bought and paid for this capability. They expect us to follow through on our promise made many years ago to make all Trident submarines fully capable. That means equipping them with the D-5 missile. At the beginning, we were able to build the submarines faster than the missiles, so eight of these ships initially went to sea with the older, less capable Trident I or C-4 missile. We are now nearing the point when we will fulfill our promise and equip them with the D-5 missile, the missile for which they were built.

This body has rejected attempts to halt production of the D-5 missile seven times in recent years. Why is this so? Simply put, it is because the D-5 can carry either greater payloads or equivalent payloads to longer ranges than its predecessor, thereby providing a much greater scope of opportunities to our strategic planners, opportunities that mean greater flexibility and survivability for our strategic forces.

Relegating our first eight Tridents to second-rate status may save money in the short run. But the savings would be illusory. The Navy estimates that perpetuation of the C-4 missile system in just these eight boats would cost over \$1 billion more than if they carried D-5 missiles over the next decade and a half. This is truly a false economy. The added costs come from: First, the necessity of extending the life of C-4 missiles by 20 years and; second, the added upkeep costs for two versus one system.

If the proponents of this amendment are worried about the potential effects of a START agreement on the size of the Trident force I would invite their attention to two matters. First, if it became necessary to reduce warheads at sea the Navy has assured the committee it could reduce the number of missile tubes per submarine. And if that is insufficient, I would invite proponents of this amendment to join me in examining a slowdown of the Trident submarine building rate in the future. If they wish to save money on strategic programs that would be the way to do it, not but foregoing improvements to submarines already built.

In summary, Mr. Chairman, this amendment would prevent us from realizing the full capability of our most survivable and stable strategic platforms for some inflated claims of cost savings. I urge my colleagues to

join me in voting to defeat this amendment.

□ 1500

Mr. WEISS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the C-4 missiles can do almost everything the D-5's can do. They can destroy airfields, troop concentrations, naval bases, industrial facilities, and government centers. They can reach their targets in about the same time as the D-5. They have the same range, 4,000 to 6,000 miles. They have 100-kiloton capacity or power compared to the D-5's 475-kiloton capacity, and that is because the D-5 really was constructed to dig missiles out of silos, land-based silos.

But what it is important to remember is that the Navy has said all along that even after the D-5's come on line there will still be soft target utilization capacity that will be required so that all we are saying is that since the 12 D-5 submarines that will be coming on line will be more than enough to overwhelm the hard targets that the Soviet Union has, for example, we can save \$6 billion by simply allowing the C-4's that are on the Trident submarines right now to be used for soft target capacity.

I think the time has long since gone when we can afford the most exotic weapons and two of every kind just because somebody decided to have it. This is not necessary in this instance. It does not deter any of our strategic considerations. In fact, it is a simple, clear-cut way of saving \$6 billion over the course of the next 5 to 8 years. I would think that this body should want to do that.

I urge that the membership vote for this amendment when it comes time to do so.

Mr. BENNETT. Mr. Chairman, I yield the balance of my time to the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Chairman. I rise in opposition to the amendment. This amendment is simply "old wine in new bottles." It seeks to curtail, in a new way, the Trident II D-5 missile program, something this body has refused to do seven times in the recent past.

I would like to concentrate on two aspects of this amendment that are especially troubling: The loss of effectiveness it would impose on our strategic forces, and the inflated claims of cost savings being made by the proponents.

We already know that the Trident submarine is our most survivable, stable, and enduring strategic system. So it makes sense to make these submarines as capable as we can. Failing to backfit the first eight ships with the D-5 missile would preclude us from realizing the full potential of the Trident. Without the backfit program, for example, we would be unable to

cover all potential targets from both oceans; we would not have the missile accuracy to reduce collateral damage; and we would lose the deterrent value of the D-5 missile's greater range, payload, and accuracy.

Contrary to the proponents' claims we need these additional hard-target capable warheads at sea. Counting one warhead per Soviet missile silo significantly understates the requirement for such capability.

Now let me address the cost savings issue for a moment. Claims of savings of \$6 billion for failing to backfit the first eight Tridents are inflated, because they simply ignore the costs of maintaining the older, less capable C-4 missile system over 20 years longer than originally intended. When account is taken of the costs of maintaining two separate missile systems into the 21st century; the cost of extending the C-4 design life for 20 more years; and the costs of replacing aging C-4 missiles, this amendment could end up costing us in excess of \$1 billion more over the next decade and a half!

In short, Mr. Chairman, this amendment would result in a less-than-fully capable Trident force and could very well end up costing us money. Doesn't make much sense, does it? I urge my colleagues to join me to defeat this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from New York [Mr. WEISS].

The question was taken; and the Chairman pro tempore announced that the yeas appeared to have it.

RECORDED VOTE

Mr. WEISS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore (Mr. DURBIN). Pursuant to the provisions of paragraph 5 of section 2, House Resolution 211, and the Chair's prior announcement, the vote on the amendment offered by the gentleman from New York [Mr. WEISS] will be postponed until after consideration of amendment No. 29 to be offered by the gentleman from Michigan [Mr. BROOMFIELD] in part two of House Report 101-168.

The next amendment before the committee is the amendment of the gentleman from California [Mr. DELLUMS].

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DELLUMS:

At the end of part A of title II (page 48, after line 17) insert the following new section:

SEC. 208. LIMITATION ON FUNDING FOR FOLLOW-ON-TO-LANCE MISSILE PROGRAM.

(a) **LIMITATION.**—None of the funds appropriated or otherwise made available to the Department of Defense for fiscal year 1990 may be used for full-scale development for the Follow-on-to-Lance missile program. Of amounts appropriated for fiscal year 1990 for research, development, test, and evaluation for the Army, not more than \$16,000,000 shall be available for the Follow-on-to-Lance missile program, which may be used only for continuation of studies.

(b) **REDUCTION IN FUNDING.**—The amount provided in section 201 for the Army is hereby reduced by \$16,819,000.

The **CHAIRMAN** pro tempore. Under the rule, the gentleman from California [Mr. DELLUMS] is recognized for 5 minutes in support of the amendment.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in the brief time that I have I would like to point out that what this amendment would do is cut \$16 million from the R&D portion of this budget for the purposes of full-scale development of the weapons system known as Follow-on-to-Lance.

For Members who are not aware of the history, in the 1983 Montebello Agreement, the NATO allies came together and agreed upon a program to modernize their nuclear weapons.

However, I would like to point out that since 1983, a new development has occurred. That is the INF Agreement where the United States and the Soviet Union signed a treaty to limit our intermediate-range nuclear weapons. The Follow-on-to-Lance is an effort to modernize our short-range nuclear weapons.

The present range of the so-called aging Lance missile is 20 kilometers. I find it fascinating and interesting, Mr. Chairman, that the range of the anticipated follow-on to Lance is some 480 kilometers, interestingly enough only 20 kilometers short of the 500-kilometer limitation proposed in the INF Treaty.

I would suggest, Mr. Chairman, that this is a modernization program of the aging Lance. First of all, we already have a modernized conventional missile delivered by the Lance system, so why is there need for us to engage in modernization of our nuclear weapon version of the Lance missile? Under what scenario, Mr. Chairman, would there be a tactical nuclear war? Anyone who believes that we can engage in a surgical strike, a limited nuclear war, is living in never-never land. Once the genie is out of the bottle, the nuclear genie will expand and include us in a global, strategic war. Make no mistake about that.

What scenario would allow us to just use tactical nuclear weapons given the

incredible capacity of our awesome nuclear arsenal, including the French as well as the British?

□ 1510

There is no convincing argument, in my humble opinion. Therefore, if you remove the usefulness of our follow-on to the Lance in a tactical nuclear war, there are only two reasons why you would go forward with this modernization. One is deterrence, and the second is as a bargaining chip.

With respect to deterrence, I would humbly point out that we already have the enormous capacity to deter nuclear war in Europe.

The Soviets are clearly aware of that.

At this incredible period of budget austerity, why are we marching down the road to begin to spend millions that will, in turn, become the billions of dollars on a new weapons system when we already have deterrence?

This small additional menace that would be created by this weapons system is grossly offset by the enormous capacity of our weapons system.

If it is for a bargaining chip, I would suggest that it is unlikely useful as a bargaining chip since the Soviet Union has already said, "Let us go to the table to negotiate removal of short-range nuclear weapons, expand the INF agreement to include short-range nuclear weapons."

I hasten to point out that we are the Nation that has at this point refused to do so.

So if it is a bargaining chip, the door is already open, the Soviets are already prepared to go to the table to negotiate this weapon.

Therefore, I would suggest that my amendment would allow for research on a modernized weapon but would not allow limited full-scale development of these weapons.

This is intended, Mr. Chairman, and members of the committee, first to allow West Germany to deal with the political question of whether or not they will allow these weapons on their soil. And you and I know that is an extremely controversial matter.

Second, it would provide time for the United States and the Soviet Union to negotiate their limitation.

Therefore, I am asking my distinguished colleagues to join with me in this amendment to remove \$16 million from full-scale development.

Mr. Chairman, I reserve the balance of my time for the purpose of closing debate.

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the amendment, and I yield 5 minutes to the distinguished gentleman from Missouri [Mr. COLEMAN].

Mr. COLEMAN of Missouri. Mr. Chairman, I thank the gentleman for yielding me his time.

Mr. Chairman, in response to the gentleman from California's amendment, let me say that he mentioned the German position on this. I think that is a very important thing to consider. When you really cut it in half, the research and development moneys are for a follow-on to the Lance missile, the whole issue of modernizing the Lance, has of course precipitated recent concerns between Germany and NATO and United States/German relations.

Resolution of this was made by the President prior to the NATO conference with the German Government. That was to provide a framework in which negotiations might proceed after the conventional arms negotiations in Vienna were to proceed and to be successful.

In other words, we want the conventional forces to be addressed first but continue to possibly hold open the possibility of an SNF negotiation later on.

This placated the German officials and the German Government and really put off until after their 1990 December elections the issue of whether or not to totally modernize the Lance missiles.

I recently was in Bonn and asked the chancellor, Helmut Kohl, a direct question about the concerns of the German Government regarding this research and development money because it was, at least, quoted in the press as being a divisive issue.

The chancellor, in direct response to the question I made on it, said it was good for America to continue to research and develop the follow-on to Lance. In other words, I think he recognizes that to not do so, to vote for the Dellums amendment, would be to undermine our negotiating position with the Soviets on the SNF negotiations that might occur.

The Germans have not yet closed the door on the Lance or the follow-on to Lance, they have not closed the door on any modernization issue. Yes, it is a political question. Yes, we are addressing ourselves to political questions this entire week on this bill.

So I think that what we need to say to the Germans and to our NATO allies and, yes, to the Soviets, is that we support full funding of the R&D on the follow-on to Lance. To do otherwise I think is actually breaking the word that we gave to both our NATO allies, the Germans and certainly sends the wrong signal to the Soviet Union at this very important time.

Mr. Chairman, I yield back the balance of my time to the gentleman from Alabama [Mr. DICKINSON].

The **CHAIRMAN** pro tempore (Mr. DURBIN). The gentleman from Missouri [Mr. COLEMAN], yields back 2 minutes to the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume and then will yield part of it to my colleague, the gentleman from Arizona [Mr. KYL].

Let me say, Mr. Chairman, that we have on three different occasions, in Montebello in 1983, again in 1985 and in 1988, we made an agreement; a solemn agreement with our NATO allies that we would modernize our nuclear forces in Europe. We are attempting to do this; there will be no deployment decision made until 1992. This is matter of common sense if we need to modernize.

Let me comment to the analogy that my friend from California made about negotiating without having any chips when we sit down at the table. I do not know if my good friend plays poker or not, but if he and I decided to play poker, we would sit down at the table and he would say "would you play?" and I would say "yes". I would say "put your chips on the table." He puts his on the table, and wants me to put chips on the table that I do not have.

How are we going to play? No, because there is nothing to negotiate. If we do not have any chips, you cannot even begin to talk.

Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. KYL].

Mr. KYL. I thank the gentleman for yielding.

Mr. Chairman, I am going to ask that we insert in the RECORD at the conclusion of my remarks three letters, one from the National Security Adviser, Brent Scowcroft to our ranking minority Member; the second from Secretary Cheney; and the third one from the Secretary of the Air Force. In all three of these letters officials of our administration are asking the Congress to fund the follow-on to the Lance program at its full level.

I would point out that the Committee on Armed Services, by a very wide margin, supported full funding for the follow-on to Lance.

The existing Lance is an old weapon, it is close to out of date, and would be by the mid-1990's. FOTL is simply the new technology.

Yes, it has longer range than the old Lance. Our guys in the field appreciate that. It makes it safer for them.

Our NATO allies want us to continue with this program, the administration wants us to continue with this program and, therefore, I would urge that our colleagues vote "no" on the Dellums amendment.

THE WHITE HOUSE,

Washington, DC, June 22, 1989.

Hon. WILLIAM DICKINSON,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN DICKINSON: I am writing to add my concern to that expressed by Secretary Cheney about the funding cuts proposed in the Defense Authorization bill for the follow-on to LANCE (FOTL) and the

Short-Range Attack Missile-Tactical (SRAM/T).

Both of these systems represent long-standing NATO requirements. In particular, last month's NATO Summit reaffirmed Alliance support for continued U.S. development of the FOTL. The President strongly supports continued development of both these systems, as vital components of our theater nuclear deterrent.

Our successes at the NATO Summit were possible because we have a firm and stable security posture. One of the most serious mistakes we could make would be to begin anticipating arms control progress, and, by our own actions, undermine our security posture.

I urge you to support the modest funding levels for both FOTL and SRAM/T in our budget request. Failure to do so would not only send the wrong signal to other NATO countries, but would also foreclose NATO's options to deploy these systems in the future.

Sincerely,

BRENT SCOWCROFT.

THE SECRETARY OF DEFENSE,
Washington, DC, June 21, 1989.

Hon. WILLIAM L. DICKINSON,
Ranking Member, Subcommittee on Research and Development, Armed Services Committee, House of Representatives,
Washington, DC.

DEAR BILL: I am writing to express my deep concern about funding cuts proposed in the Defense Authorization bill for two critical programs to maintain our theater nuclear deterrent—the follow-on to Lance (FOTL) and the Short-Range Attack Missile-Tactical (SRAM/T).

I am concerned over the misperception that the SRAM/T circumvents the spirit of INF. The requirement for SRAM/T predates the INF Treaty and is in no way a circumvention of the spirit or letter of the Treaty. It is widely supported throughout NATO as a system that will enhance aircraft survivability and permit significant reductions in NATO's nuclear stockpile.

Our theater nuclear forces requirements are based on the overall Warsaw Pact threat—both conventional and nuclear—and what we require to maintain deterrence. In this context, the Soviet Union maintains a massive superiority in theater nuclear forces—the result of an aggressive, decade-long modernization program. This program includes replacement of the old and inaccurate Frog rocket with the much more advanced and highly accurate SS-21 missile, and replacement of the SS-23 missile with the Scud missile as the SS-23s are eliminated under the INF treaty. The Scud missile, with a range of 300 kilometers, is being improved qualitatively. The Soviets have also modernized their air-delivered missile forces, including the introduction of the new AS-16 tactical air-to-surface missile.

Both the FOTL and the SRAM/T programs represent long-standing requirements. In 1983, NATO Ministers agreed at Montebello, Canada, to reduce the nuclear stockpile in Europe by 1400 weapons, while at the same time agreeing that the remaining weapons must be responsive, survivable, and effective. In order to implement the Ministerial decision, the Supreme Allied Commander, Europe (SACEUR) specified in 1985—and reaffirmed in 1988—a number of modernization requirements for NATO's nuclear forces, including FOTL and SRAM/T. SACEUR determined that deployment of these systems is needed to maintain a credible

nuclear deterrent and to shift the emphasis to longer ranges. This requirement is in response to the Warsaw Pact posture and not a consequence of the INF Treaty.

The Montebello Decision and further work by NATO's Nuclear Planning Group have provided a clear road map for ensuring the continued credibility of NATO's deterrent strategy with a minimum number of nuclear weapons. While we have agreed at the recent NATO Summit that specific deployment decisions from our Allies are not needed now, the requirements for FOTL and SRAM/T remain valid, and NATO nations have consistently and publicly—most recently at the Summit—expressed their continued support for U.S. research and development efforts to meet those requirements and provide needed options for future deployment decisions.

The current LANCE system does not meet NATO requirements. Its limited range, complex loading procedures, and the limited number of launchers from which the system can be fired all degrade significantly the system's survivability. A FOTL of longer range—and which is fully compliant with the INF Treaty—will enhance deep target coverage, including important fixed and mobile targets. Moreover, FOTL will permit increased use of NATO's dual-capable aircraft (DCA) for even deeper targets and will allow these aircraft to be available for their important conventional roles. It will provide for enhanced system survivability by permitting greater setback and will provide greater operational flexibility, such as support to adjacent corps. Use of the MLRS launcher for FOTL will ensure opportunities for widespread basing, which demonstrates Alliance solidarity and underlines the collective contribution and commitment of NATO to Alliance security objectives.

Similarly, a tactical air-to-surface missile for NATO's dual-capable aircraft is essential. The role of DCA in providing deterrence and coupling the defense of Europe to U.S. strategic forces will increase with the elimination of INF missiles. A TASM, widely deployed on NATO DCA, will counter improvements in Warsaw Pact air defenses and improve our capability to hold at risk heavily defended targets, especially those deep in Warsaw Pact territory. The extension of effective DCA range, enhanced aircraft survivability, and increased penetrability associated with deployment of TASM will measurably enhance NATO's deterrent posture.

In conclusion, I urge you to support full funding in FY90 for FOTL and SRAM/T. Failure to do so would send the wrong signal to our NATO Allies, who fully support our continued research and development efforts to provide options for future deployment decisions. It would also jeopardize NATO's capability to maintain a credible nuclear deterrent to support Alliance strategy in the future. The requirement remains valid and consistent with past INF Warsaw Pact actions, not a circumvention of INF.

Best regards,

DICK CHENEY.

SECRETARY OF THE AIR FORCE,
Washington, DC.

Hon. RONALD V. DELLUMS,
Chairman, Subcommittee on Research and Development, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: During Air Force testimony before your committee in March, you expressed concern over a potential INF

treaty violation by acquiring the Short Range Attack Missile—Tactical (SRAM-T). This letter further clarifies the justification for the SRAM-T and substantiates why it will not violate the INF treaty.

The INF Treaty specifically addresses ground-launched missiles with a range of 500 to 5,500 kilometers. SRAM-T is air-launched with a maximum range well under 500 kilometers. These are critically important distinctions. NATO air delivered weapons were carefully excluded from the INF treaty as were comparable Soviet weapons, such as their AS-X-16 Kickback missile and the longer range AS-3 and AS-4 missiles carried on the Backfire bomber.

Additionally, the SRAM-T promotes nuclear arms reduction. Deploying the SRAM-T will decrease overall nuclear stockpile requirements for Europe, without jeopardizing our deterrent capability, due to its projected high reliability and survivability, and the inherent flexibility of air delivery. This lessens the requirement for other air delivered nuclear weapons which would otherwise be required to achieve an acceptable level of deterrence. Thus, developing SRAM-T directly supports NATO's 1983 Montebello decision to unilaterally reduce Western Europe's nuclear stockpile by replacing numerous older weapons with fewer, more modern weapons. It will fill a crucial role in continuing the credibility of NATO's doctrine of flexible response.

We remain committed to our national efforts for arms reduction, but we must also continue to develop and deploy weapons that meet our validated military requirements. We stand ready to discuss the SRAM-T program and provide you with any additional information you may require.

Sincerely,

DONALD B. RICE.

Mr. DELLUMS. Mr. Chairman, I will have to speak very quickly.

As I tried to argue with respect to the intermediate-range weapons, when Members try to make the military-strategic arguments I said deploying those weapons is really political, not military. It turned out that it was political.

We spent hundreds of millions of dollars deploying weapons in Europe that make no sense.

We built towns in Europe when we ought to be dealing with the homeless in this country; that made no sense then. This is a political issue.

If it is a political issue, our major allies have deferred the issue until 1990 and we can defer the issue of full-scale development.

What I do is allow the research and development to go forward. We do not have to build these weapons at this particular point. Let us go forward with the conventional talks. If the Germans can put off a decision until 1990, we certainly can put off a decision to go forward with full-scale development.

The research-and-development funds are there, Mr. Chairman.

Again, this is an incredible waste of time, waste of energy, waste of money to develop a weapons system that ultimately we and the Soviets will sit down to negotiate.

But what can you do once you have built these weapons? You cannot feed people, our American people, you cannot house American people, you cannot educate American children. You have wasted these resources.

We have a modernized conventional weapon, we have enormous nuclear forces in Europe. This is the time we ought to reap the benefits of the potential for peace. Let us sit down and negotiate. Let us not waste \$16 million to go ahead with full-scale development.

I ask my colleagues to support the amendment.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. DELLUMS].

RECORDED VOTE

Mr. DELLUMS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

□ 1520

Pursuant to the provisions of paragraph 5, section 2, House Resolution 211, and the Chair's prior announcement, the vote on the amendment offered by the gentleman from California [Mr. DELLUMS] will be postponed until after consideration of amendment No. 29 in part 2 of Report No. 100-168.

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DELLUMS.

At the end of part A of title II (page 48, after line 17) insert the following new section:

SEC. 208. DENIAL OF FUNDING FOR SRAM-T MISSILE PROGRAM.

(a) LIMITATION.—None of the funds appropriated or otherwise made available to the Department of Defense for fiscal year 1990 may be used for research, development, test, and evaluation for the SRAM-T missile program.

(b) REDUCTION IN FUNDING.—The amount provided in section 201 for the Air Force is hereby reduced by \$55,000,000.

The CHAIRMAN pro tempore. The gentleman from California [Mr. DELLUMS] will be recognized for 5 minutes and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I might preface my remarks by saying that I realize this is an efficient rule, but it certainly does not permit any substantive discussion of critical issues. The issue of the follow on to LANCE, the weapon I am going to talk about, and the SRAM-T, these are issues that most Members do not know about. The response will be knee jerk.

We have awesome responsibility as members of the Committee on Armed Services to attempt to be educative, but I suggest it is difficult to be educative in the context of this march forward approach with 5 minutes to discuss major concerns.

Having said that, what this amendment will do is, it will save the American taxpayers \$55 million in R&D funds for the weapons system known as SRAM-T. This is a tactical air-to-surface missile that we have designed or prepared to design to again deploy in Europe. I find it fascinating, Mr. Chairman, that this is an air-to-surface missile with roughly the same range as the limitations again of the INF agreement. As a matter of fact, sitting in my capacity as chairman of the Subcommittee on Research and Development, I asked the Air Force general in charge of this program, "Are you attempting to regain the capability with the SRAM-T missile that we have ostensibly given up in the INF treaty?" In a moment of candor, he said, "Yes, that is what we are attempting to do, but we are not in violation of the treaty." Of course, not in technical violation of the treaty, because the INF treaty deals with ground launch weapons, not air-to-surface missiles.

However, I ask all of my colleagues, why should we go forward with a missile system that we allow the Pentagon to undermine the spirit of the INF agreement by taking a weapon that was a limited ground launch weapon, limited in the INF treaty, tack it onto a plane and continue to have the same capability? The American people thought that we were limiting these weapons in the INF agreement.

I am suggesting, under the guise of modernizing our nuclear forces, we have developed a SRAM-T missile that, in my humble opinion, regains the capability. I do not think we need it. I think while it is not technically violative of the INF, it undermines the purpose. We are attempting to save \$55 million. Let Members stop this program at this point. I make the same argument I made with respect to the follow on to LANCE.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman from California [Mr. DELLUMS] has 2 minutes remaining.

Mr. KYL. Mr. Chairman, I rise in opposition to the amendment. I think it is important for our colleagues to know that the President of the United States, the Secretary of Defense, the National Security Adviser, the Secretary of the Air Force, all support the SRAM-T.

Let me read a letter from Gen. Brent Scowcroft, National Security Adviser. He said:

I am writing to add my concern to that expressed by Secretary Cheney about the funding cuts proposed in the Defense Authorization bill for the follow-on to LANCE (FOTL) and the Short-Range Attack Missile-Tactical (SRAM-T).

Both of these systems represent longstanding NATO requirements. In particular, last month's NATO Summit reaffirmed Alliance support for continued U.S. development of the FOTL. The President strongly supports continued development of both these systems, as vital components of our theater nuclear deterrent.

Our successes at the NATO Summit were possible because we have a firm and stable security posture. One of the most serious mistakes we could make would be to begin anticipating arms control progress, and, by our own actions, undermine our security posture.

I urge you to support the modest funding levels for both FOTL and SRAM-T in our budget request. Failure to do so would not only send the wrong signal to other NATO countries, but would also foreclose NATO's options to deploy these systems in the future.

Mr. Chairman, the Committee on Armed Services overwhelmingly supported the SRAM-T. It is not an expensive program. The level of funding that is requested for this program for this fiscal year is \$55 million. The total of the research and development costs, including the integration in the F-15E aircraft, are projected to be only \$270 million. This weapon is needed because there is currently no standoff nuclear weapon for technical dual capabilities aircraft in Europe. Dual capability meaning for our allies there, for their aircraft as well as our own.

The requirement for the SRAM-T grew out of the 1983 Montebello decision and was officially established by the SACEUR in 1985, and reconfirmed in 1988. So this is nothing new.

Clearly, the requirement was established prior to the INF treaty, and therefore, is not some kind of knee-jerk reaction to the treaty's limitation. As a matter of fact, the weapon that we are talking about right now, the SRAM-T, is SACEUR's No. 1 priority. NATO's dual capability aircraft with the SRAM-T will have the capacity of theaterwide, all-weather, 24-hour-a-day flying. That is very, very important for that part of the world. The SRAM-T increases aircraft survivability because it allows the targets to be attacked from a standoff range rather than requiring aircraft to fly over the target.

Finally, the standoff capability, in combination with specific missile characteristics that allow it to attack hardened and defended targets, provides great target flexibility for SACEUR. As a result, Mr. Chairman, this is one of those weapons that all of our NATO allies are asking the United States to develop. It is time now to fund this weapon.

As my colleague pointed out just a moment ago, it is not the time to begin

negotiating away these weapons at the very time we are sitting down at the bargaining table with the Soviets. It is NATO's possession of exactly this kind of theater type of weapon, not a strategic weapon but a theater type of weapon, that has brought the Soviets to the negotiating table to talk about reducing their overwhelming superiority in conventional arms. The whole purpose of those negotiations is to get them to reduce their conventional arms to a level that does not threaten NATO.

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I want to commend the gentleman on his argument. He is absolutely right, by the United States showing the will of the West and going forward with the ground launch cruise missile and the Pershing missile, we brought the Soviets to the bargaining table. Members could use exactly the same argument that it was a waste of money to have ever built these in the first place, but the facts are, if we had not built these, the Soviets would never have removed the SS-20 that they were intimidating our allies with.

This is a very important manifestation of the will, not only of this country but of the Western alliance. Mr. Gorbachev has been over there driving the wedge, and we need to show our allies that it has not worked, and show our adversaries that it has not worked. I commend the gentleman.

Mr. KYL. Mr. Chairman, SRAM-T is the No. 1 priority of SACEUR, a weapon that our National Security Adviser and Secretary of Defense have written to us saying, whatever you do, do not reduce the funding of this very, very important program.

As a result, Mr. Chairman, I urge all Members to vote no on the Dellums amendment to zero out the funding for this very important tactical weapon in Europe, the SRAM-T. I urge all Members to vote no on the Dellums amendment.

Mr. DELLUMS. Mr. Chairman, first, I suggest that we already have the SRAM-T missile. The opponents of my amendment suggest that the SRAM-T missile being deployed in Europe is unsafe, it would not meet European standards, but the SRAM-T is deployed here. I find that fascinating. That is not acceptable on the context of Europe, but it is acceptable to be deployed here among the American people. I do not understand that argument.

No. 2, we still have assigned to NATO 1,500 warheads, plus bombers, plus Trident submarines, assigned to NATO. Fifteen hundred warheads, bombers, and Trident submarines, but not enough, not only to destroy Europe, but the entire world. Why

would we need these two additional weapons systems?

My colleagues suggest that R&D is only \$270 million. That is just the nose under the tent.

□ 1530

Once we go to full scale development, once we go to production, we are talking about billions of dollars, and now we are talking about real money. We are not talking about simply R&D; we are talking about billions of dollars to build these weapons that we do not need and that we can negotiate away.

Finally, Mr. Chairman, I would suggest to my colleagues that we ought to wake up and smell the coffee. The world is changing, the cold war is over. Let us quit marching into the well talking about the "Evil Empire." This is not the cold war era. If Margaret Thatcher, who is no flaming radical by any stretch of the imagination, can awaken to the reality that the cold war is over, can we not in this body understand that there are new emerging realities in the world?

We do not need SRAM-T, and we do not need the follow-on to Lance. What we need is people with enough courage and enough heart to sit down and exploit the potential of this movement, to take the world toward peace, to take the world toward disarmament. We continue to be the hawks here, assuming that we can engage in nuclear war.

Mr. Chairman, our children do not need it. Neither do our children's children. I ask the Members to join me in stopping this \$55 billion.

Mrs. LLOYD. Mr. Chairman, I want to voice my opposition to the amendment to eliminate authorization for the SRAM-T. With all due respect to my honorable colleague from California, I do not believe that in funding the SRAM-T the Air Force violated the spirit of the INF Treaty.

The INF Treaty is very clear as to the types and ranges of the missiles it sought to eliminate. They were ground-launched missiles with a range of 500 to 5,000 kilometers. The SRAM-T missile is air launched and its maximum range would be well under 500 kilometers. Further discussion of this point is not possible because we are in open session.

Furthermore, I wish to point out that in developing a missile such as the SRAM-T, the United States will match an already existing Soviet capability. Soviet missile systems, such as the AS-X-16 Kickback, and the longer range AS-3 and AS-4, carried on Backfire bombers, are all comparable to the SRAM-T. During negotiations, which I hasten to point were painstaking and thorough, a decision was made to exclude such missiles from the INF Treaty. This coupled with the fact that similar Soviet systems already exist, suggest that in no way is the SRAM-T a violation of the spirit of the INF Treaty.

Mr. Chairman, I urge my colleagues to restore funding to the SRAM-T Program. Devel-

oping and deploying the system is consistent with U.S. and NATO interests.

The CHAIRMAN pro tempore (Mr. DURBIN). All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. DELLUMS].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DELLUMS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to the provisions of paragraph 5 of section 2 of House Resolution 211 and the prior announcement of the Chair, the vote on the amendment offered by the gentleman from California [Mr. DELLUMS] will be postponed until after consideration of amendment No. 29 in part two of House Report 101-168.

AMENDMENT OFFERED BY MR. HOPKINS

Mr. HOPKINS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOPKINS: At the end of title XII (page 253, after line 15), insert the following new section:

SEC. 1243. ARMY HELICOPTER PROGRAMS.

(a) DENIAL OF FUNDING FOR LHX PROGRAM.—None of the amount appropriated for fiscal year 1990 for research, development, test, and evaluation for the Army shall be available for the Light Armed Scout Helicopter (LHX) program. The amount provided in section 201 for the Army is hereby reduced by \$240,728,000.

(b) ARMY HELICOPTER IMPROVEMENT PROGRAM.—Of the amount provided in section 101 for procurement of aircraft for the Army for fiscal year 1990, \$240,728,000 shall be available for continued production of the Army Helicopter Improvement Program (AHIP). The amount provided in that section for aircraft for the Army is hereby increased by \$240,728,000.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Kentucky [Mr. HOPKINS] will be recognized for 5 minutes in support of the amendment, and a Member in opposition will also be recognized for 5 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. HOPKINS].

Mr. HOPKINS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, with this amendment, Members of the House will have an opportunity to say no to a new expensive and totally unnecessary program that will eventually cost \$42 billion.

The program in question is the LHX helicopter. Its price tag is outrageous. It adds nothing to national security, and in short, we cannot afford it, we do not need it, we should not start it, we ought to kill it, and the time to do that is right now.

It zeroes out the \$240 million proposed in the bill to fund the startup costs of LHX and transfers those funds to the Army's current fleet of proven, workable, more affordable, and needed helicopters like the AHIP.

Mr. Chairman, this is no time to commit the American taxpayer to a new \$42 billion extravaganza when we can get the same results for a tiny fraction of the cost.

Mr. Chairman, I reserve the balance of my time.

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] is recognized for 5 minutes.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment to delete the funding for the LHX.

The Army has designated the LHX as its follow-on to current helicopter programs with an admittedly optimistic assessment of a 1995 initial operating capability. All three military services keep follow-on programs on the drawing board because the development time is lengthy—usually 12 to 14 years. So, the Army has the LHX just as the Air Force has its ATF and the Navy its ATA.

The Army has the LHX as its own follow-on to existing helicopter programs. It will be a light, maneuverable, air-to-air capable helicopter. It is not an insignificant program.

We took a vote on Mr. HOPKINS' anti-LHX amendment in committee. While the AHIP add back was not a part of it, the committee rejected the anti-LHX initiative on a vote of 41 to 8.

Mr. Chairman, I support the AHIP. I think it is a good program, but we would be foolish to kill the LHX in order to get it. There will be another amendment offered by my colleague from Texas [Mr. LEATH] to restore the AHIP with Army-identified offsets. We do not have to kill the LHX to buy the AHIP. So the AHIP should not be a player in this debate. The Army wants LHX. The LHX is the linchpin of the Army's future in aviation. They have planned their aviation future around the LHX, and we would be very shortsighted indeed to terminate the program.

Mr. Chairman, I urge all Members to vote no on the Hopkins amendment because if enacted, it would deny the Army a capability it needs very much.

Mr. DARDEN. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I would be pleased to yield to the gentleman from Georgia.

Mr. DARDEN. Mr. Chairman, I appreciate the gentleman's yielding.

Mr. Chairman, I reluctantly rise in opposition to the amendment offered

by my friend, the gentleman from Kentucky [Mr. HOPKINS], which would cancel the LHX Program and restore funding for the Advanced Helicopter Improvement Program known as AHIP.

I am going to support AHIP today as well because I think AHIP is a good program. However, I do not think it ought to be restored if it has to be restored at the expense of the LHX.

Mr. Chairman, the Army wants AHIP today to fix its most pressing aviation deficiency—seeing the battlefield at night. They wanted it bad enough that during the DOD budget process they identified two sources of funding to reinstate the AHIP program. LHX was never on either list.

AHIP is a good day-night reconnaissance aircraft and, when armed provides an excellent solution for the armored cavalry units—replacing both the Cobras and older OH-58 with one aircraft. But it is a modification to existing aircraft—and there is little potential to modify it again to incorporate 21st century technology. For the future we need LHX.

LHX is an attempt to bring in new technology whose design should support future technology growth—keeping its capabilities ahead of the emerging threat. LHX is the future and without it, our future Army aviators will be at a distinct disadvantage. We simply cannot afford to terminate this program. As needed as AHIP is, it is not worth terminating LHX.

I urge my colleagues not to support this amendment.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] has 1 minute remaining, and the gentleman from Kentucky [Mr. HOPKINS] has 4 minutes remaining.

Mr. HOPKINS. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, let me tell the Members what happened and go back into history, as the gentleman from Alabama [Mr. DICKINSON] said. Someone in the Defense Department said, "We need a new helicopter that will do everything, and let's call it the LHX."

In the meantime, the Army said that to help pay for this \$42 billion helicopter, we will have to downsize the regular Army helicopter units and we have to downsize the National Guard and Reserve units, and we will even have to eliminate some National Guard helicopter units.

But, Mr. Chairman, we still have not seen an LHX that has been built. Not one of them has been built. We have good helicopters in the Apaches, the Blackhawks, the Cobras, and the AHIP. The Army's aim is to take helicopters away from the Guard and the

Reserve and someday they say we will get the LHX.

Mr. Chairman, the Guard and the Reserve have got to have something that will fly. The army is taking these helicopters away, and they are going to sell these helicopters, when they take them from the Reserve, to the U.S. Forest Service. That is not right.

Mr. Chairman, this is a good amendment, and we should eliminate the LHX.

□ 1540

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. McCurdy].

Mr. McCURDY. Mr. Chairman, I rise in strong opposition to the amendment of the gentleman from Kentucky [Mr. HOPKINS].

The Army needs a new Scout helicopter with air-to-air capability. This has gone through the Research and Development Subcommittees, and it has strong bipartisan support. The full committee rejected this amendment previously by a vote of 8 in favor and 41 against. The Apache has too large an airframe to be survivable in the future, and the new technology should reduce maintenance and increase maneuverability.

Mr. Chairman, today we have invested over \$644 million in this technology. The Army should be able to make a decision. The Army wants to have a modernized helicopter fleet, rotor fleet, and I think the LHX is a good program.

Mr. Chairman, we have done a lot to address the concerns of technologists and other people who have opposed it in the past. I think the Army has finally settled on a program. We are making progress. We should continue the progress. We should not cling to the outdated programs of the past.

Mr. Chairman, it is time to move forward, and I urge a no vote on the amendment of the gentleman from Kentucky [Mr. HOPKINS].

Mr. HOPKINS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. My colleagues, I support the amendment of the gentleman from Kentucky [Mr. HOPKINS] for the simple reason that the LHX in my estimation is clinging to the programs of the past. It is not a quantum leap in technology, and the experts who will come over and brief us will admit that the LHX will be a system that can be shot down by a peasant operating a .51-caliber machine gun. Most of the helicopters that we lost in Vietnam were lost to gunfire. They were not lost as a result of having too large a radar signature.

In fact what happened; the gentleman from Mississippi stated it exactly right, is that the Army had a bag of deficiencies, and they tried to build

this into a single system, and that is what LHX is going to do.

The V-22 is a quantum leap in technology, and, if the Army had bought onto V-22, the Marine Corps system, they would not have moved forward with LHX.

It is true that Mr. Cheney has said that we have too many programs. We cannot nickel-and-dime the programs to death. Some of them will absolutely have to be eliminated.

Mr. Chairman, the gentleman from Kentucky [Mr. HOPKINS] had the good sense to move this amendment. I think we ought to kill this \$42 billion program because we have Apache that flies at night, and we have a good Scout helicopter, and we need V-22.

Mr. HOPKINS. Mr. Chairman, I yield myself 1½ minutes, the balance of my time.

Mr. Chairman, I ask my colleagues a simple question: What are we getting for \$42 billion? Are we really going to get \$42 billion worth of national security? I ask my colleagues to keep in mind that this is the most single most expensive Army program ever proposed. Yet not even its proponents can offer convincing evidence that the LHX program can justify a \$42 billion expenditure.

Mr. Chairman, I hear my colleagues on the other side, the great salesmen that they are, trying to make it easier for the rest of us, telling us to take out our little credit cards and put them in the box because today is just a small down payment. Only \$240 million. But they do not say that the total cost is going to be \$42 billion.

My colleagues, we have all bought cars where the salesman says, "It's so easy. Just one small little payment." But I am here to tell my colleagues that the taxpayers will grow weary in the years ahead when payments continue year after year and when the tires get slick and the muffler starts dragging on the LHX, the taxpayer's you committed them to, got a very bad deal.

Today is the day to stop it, stop it while it is still just on paper. There is time, I think, Mr. Chairman, to use some economic discipline.

I ask my colleagues to vote yes on the Hopkins amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). All time under the rule has expired.

The question is on the amendment offered by the gentleman from Kentucky [Mr. HOPKINS].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HOPKINS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to the provisions of paragraph (5) of section 2, House Resolution 211,

and the Chair's prior announcement, the vote on the amendment offered by the gentleman from Kentucky [Mr. HOPKINS] will be postponed until after consideration of amendment No. 29 in part 2 of House Report 101-168.

AMENDMENT OFFERED BY MR. OWENS OF UTAH

Mr. OWENS of Utah. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OWENS of Utah: Strike out section 251 (page 50, line 20 through page 52, line 4) and insert in lieu thereof the following:

SEC. 251. IDENTIFICATION OF BIOLOGICAL AGENTS USED IN BIOLOGICAL DEFENSE RESEARCH PROGRAM.

(a) ANNUAL PUBLICATION IN FEDERAL REGISTER.—(1) Chapter 139 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2370. Identification of biological agents used in Biological Defense Research Program: publication in Federal Register

"(a) IDENTIFICATION REQUIRED.—Not later than December 1 of each year, the Secretary of Defense shall publish in the Federal Register a report with respect to research conducted by the Department of Defense during the preceding fiscal year under the Biological Defense Research Program. Each such report shall identify the following:

"(1) Each biological agent used in, or the subject of, research conducted under that program during that fiscal year.

"(2) The unique and complete biological properties of each such agent.

"(3) With respect to each such agent, the location at which research under that program involving that agent is conducted and the amount of funds expended during that fiscal year under the program at that location.

"(4) The biosafety level used in conducting that research.

"(b) TYPES OF RESEARCH PROJECTS AFFECTED.—Subsection (a) applies to all research conducted under the Biological Defense Research Program, including research performed by contract with, or by grant to, educational or research institutions or private businesses or with other agencies of the United States.

"(c) EXCEPTION FOR CLASSIFIED INFORMATION.—(1) Subsection (a) does not require the identification of a biological agent used in, or the subject of, research conducted under the Biological Defense Research Program if the Secretary determines that identification of that agent or subject would involve the disclosure of classified information.

"(2) If in any year the Secretary withholds, under paragraph (1), identification of a biological agent, or the subject of research, otherwise required to be identified in a report under this section, the Secretary shall—

"(A) prepare a classified version of the report required by subsection (a) which includes all the information required by that subsection; and

"(B) submit that report to Congress not later than the date on which the unclassified report for that year is published in the Federal Register.

"(d) DEFINITIONS.—In this section:

"(1) The term 'biosafety level' means the applicable biosafety level described in the publication entitled 'Biosafety in Microbiological and Biomedical Laboratories' (CDC-NIH, 1984).

"(2) The term 'research' means research, development, test, and evaluation."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2370. Identification of biological agents used in Biological Defense Research Program: publication in Federal Register."

(b) **EFFECTIVE DATE.**—Section 2370 of title 10, United States Code, as added by subsection (a), shall take effect with respect to fiscal year 1989. Notwithstanding the time specified in subsection (a) of that section for publication of reports under that section, the report with respect to fiscal year 1989 shall be published not later than (1) December 1, 1989, or (2) 60 days after the date of the enactment of this Act, whichever is later.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Utah [Mr. OWENS] is recognized for 5 minutes in support of the amendment, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, the horrors of biological warfare—the rampant, indiscriminate destruction wrought by these weapons—have been known ever since the 14th century, when the Tartars catapulted the dead bodies of their own plague-infested soldiers into enemy cities. Today, with the advent of sophisticated delivery systems and genetically engineered or other highly infectious agents, the prospects of a biological war are all the more terrifying.

Our best deterrent against biological proliferation is the 1972 Biological Weapons Convention, which outlaws the production or use of biological weapons. The United States and 100 other countries are signatories to that treaty. To maintain our defensive posture, however, the Department of the Army conducts the Biological Defense Research Program in at least 29 different States throughout the country. This research, using highly lethal and contagious micro-organisms, develops protective measures and treatments to counter potential biological warfare agents.

Over the last 8 years, there has been a 400-percent increase in funding for our Biological Defense Program. Unfortunately, this sharp increase in funding has not been accompanied by a corresponding increase in public information. While all the work done under this program is unclassified, public health officials around the country—the people whose job it is to respond to biological disasters—are forced to rely on often incomplete or fragmented information.

Of world significance, this unnecessary secrecy also raises concerns internationally that the United States is producing biological weapons. By publishing readily accessible unclassified information on the Biological Defense Program, we send a clear signal that our research is strictly defensive.

This amendment, which is strongly endorsed by two past presidents of the American Public Health Association, requires the DOD to publish in the Federal Register four things:

One, a list of each unclassified biological agent used in its research program; two, the biological properties of each unclassified agent; three, the location at which biological research is conducted, and the amount of funds expended at each facility; and four, the biosafety level used in conducting the research.

This amendment does not, in any way, require the publication of classified material. The Biological Defense Research Program is unclassified to begin with. All of their research is available to the public. By the terms of this amendment, any information which reveals U.S. deficiencies, vulnerability, significant technological breakthroughs—in short, all classified information—will be exempt from the publication requirement.

The bill before us today already requires that a classified and an unclassified report be submitted with this information to the Armed Services Committee in the House and Senate. This amendment will only supply vital information to the people who need it most, without uncertainty and without red tape. This amendment will give public health officials the tools they need to combat lethal biological warfare agents in the event of an emergency. I urge your support.

Mr. HANSEN. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Utah [Mr. OWENS].

Mr. Chairman, this particular amendment has been offered before. We saw this amendment in committee, and we thought we had resolved it in committee, that we had some agreement that this was worked out.

Let me point out that many people really do not understand biological warfare. We are talking BL2, BL3, and BL4 facilities. These facilities handle different types of things that could be very, very detrimental.

Mr. Chairman, for us to take this information and now publish it in the Federal Register, it just kind of amazes me a little bit. We might as well send a copy of it to Qadhafi and everyone else of our enemies.

What does this mean? It means we turn around and say, "What effect does biological warfare have on the use of a helicopter and a person using a certain rifle? What does this mean with someone who has a certain type of suit that he is wearing? What can a

man or woman do as they are operating under a very serious situation with this particular type of thing?"

So, Mr. Chairman, we looked at those areas, and I really do not think it would be wise for us to take it upon ourselves to now publish this in the Federal Register. If we are going to do that, we might as well do away with biological warfare.

□ 1550

Let me point out that the committee was concerned about that. If you turn to page 51 of the bill, you will see what we have said should not have happened, on line 4:

(b) **CONTENT OF REPORT.**—The report shall address the following matters:

(1) Each biological or infectious agent used in, or the subject of, research, development, test, and evaluation conducted under that program during that fiscal year and not previously listed in the Center for Disease Control Guidelines.

It goes on to talk about these; so in response to my friend, the gentleman from Utah, let me just say that I really do not see a need for this. I think it is opening this up way beyond where we want to go. I think it would be detrimental to the security of America, and I would ask that we resist this amendment and vote "no" on the amendment.

Mr. OWENS of Utah. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. Mr. Chairman, I appreciate my colleague, the gentleman from Utah, yielding me this time.

Mr. Chairman, as a member of the Armed Services Committee, I rise in strong support of the Owens amendment.

In section 251 of the bill, the committee has already approved the text of this amendment. Section 251 requires the Secretary of Defense to submit a report to the House and Senate Armed Services Committees disclosing all etiological or infectious agents used in research, development, testing, and evaluation that is conducted by the Department of Defense under the Biological Defense Research Program.

All the Owens amendment does is expand on the committee position and ensure that this information is made available to the general public.

Mr. Chairman, there is no question that research on biological elements is potentially hazardous. The American people have a right to know just exactly what is being tested, where it is being tested, and how safe the tests are.

I must also point out that this amendment does not call for the disclosure of any classified materials or information. But, this amendment ensures that those biological agents and tests that are unclassified will be made public.

The committee bill supports disclosing this information to the appropriate congressional committees. I believe we should disclose this information to the American people.

Mr. HANSEN. Mr. Chairman, I really have no argument on the right to know. I am sure we all feel comfortable about that, but we have asked the Secretary to give us a classified and an unclassified area, so we have put the onus on the Secretary. He can say, "Yes, there is a right to know in certain areas, and I will make that open to the American public."

But there is not a right to know in other areas, so that has already been taken care of.

I personally feel that we handled this in the committee. The gentleman from California [Mr. DELLUMS] and I worked this out. I can see no reason at all why we should have to go ahead with this amendment. I really feel it would be detrimental to those people who are working so diligently in the BL-3 and BL-4 institutions.

Mr. OWENS of Utah. Mr. Chairman, I yield my last 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague, the gentleman from Utah [Mr. OWENS]. I am pleased to be a cosponsor of the legislation which underlies this amendment, H.R. 806, the Biological Defense Safety Act, and I wish to commend the gentleman and our assembled colleagues for taking the opportunity to consider this important measure.

Mr. Chairman, this amendment will require the disclosure of nonclassified information relating to the properties and contents of chemicals and biological materials used in the Biological Defense Research Program [BDRP]. While the United States does not produce biological weapons, there nonetheless has been a 400-percent increase in funding for biological weapons research over the last 8 years. This amendment will rectify the significant public health threat which this research entails by allowing public health officials to make adequate preparations necessary to ensure the public safety.

Mr. Chairman, it is my understanding that this amendment will require the disclosure of no information which would be deemed to compromise U.S. national security interests. Rather, this amendment will merely require the Secretary of Defense to codify information which is otherwise publicly available into one coherent and complete list for publication in the Federal Register. This information will allow local safety officials to take adequate precautions and ensure against calamity as we pursue the important research efforts necessary to provide for our common defense.

Mr. Chairman, this amendment represents an important effort to protect the public health and safety in the conduct of our defense policy. Accordingly, I urge my colleagues to fully support the measure.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Utah [Mr. OWENS].

The question was taken; and the Chairman pro tempore announced that the yeas appeared to have it.

RECORDED VOTE

Mr. OWENS of Utah. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to the provisions of paragraph (5) of section 2, House Resolution 211, and the Chair's prior announcement, the vote on the amendment offered by the gentleman from Utah [Mr. OWENS] will be postponed until after consideration of amendment No. 29 in part 2 of House Report 101-168.

AMENDMENT OFFERED BY MR. EVANS

Mr. EVANS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. EVANS: At the end of title V (page 118, after line 2), insert the following new section:

SEC. 510. PROHIBITION AGAINST REQUIRING CIVILIAN EMPLOYEES OF THE NATIONAL GUARD TO WEAR MILITARY UNIFORMS WHILE PERFORMING CIVILIAN SERVICE.

(a)(1) Subchapter I of chapter 59 of title 5, United States Code, is amended by adding at the end thereof the following:

"§ 5904. Prohibition against requiring civilian employees of the National Guard to wear military uniforms while performing civilian service

"(a) A civilian employee of the National Guard may not be required, by regulation or otherwise, to wear a military uniform while performing civilian service.

"(b) For the purpose of this section—

"(1) the term 'civilian employee of the National Guard' means an employee appointed by an adjutant general designated by the Secretary concerned under section 709(c) of title 32;

"(2) the term 'military uniform' means the uniform, or a distinctive part of the uniform, of the Army or Air Force (as defined under regulations prescribed by the Secretary of Defense); and

"(3) the term 'civilian service' means service other than service compensable under chapter 3 of title 37."

(2) The analysis for chapter 59 of title 5, United States Code, is amended by adding after the item relating to section 5903 the following:

"5904. Prohibition against requiring civilian employees of the National Guard to wear military uniforms while performing civilian service."

(b) Section 5903 of title 5, United States Code, is amended by striking out "this subchapter." and inserting in lieu thereof "sections 5901 and 5902 of this title."

(c) The amendments made by this section shall take effect as of the first pay period

beginning after the expiration of the sixty-day period beginning on the date of the enactment of this Act.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Illinois [Mr. EVANS] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Chairman, I am offering an amendment to prohibit the National Guard from requiring civilian technicians to wear military uniforms during the performance of their civilian duties. For too long, civilian technicians have been forced by the National Guard to wear military uniforms, for no apparent reason, at the expense of the American taxpayer. It is time for this wasteful practice to end.

The differences between civilian technicians and military personnel are obvious. Civilian technicians are classified and paid in the same manner and at the same rates as other civilian employees of the Department of Defense. They participate in normal Guard activities for one weekend a month and for 2 weeks of annual training. In this capacity, on annual training and on weekend training, they train as members of the National Guard units to which they belong, and they proudly wear their uniforms; but otherwise they are asking for the right not to be coerced to wear those uniforms.

Civilian technicians are not given the medical or dental care given to military personnel; they receive no housing allowance; and they have no post exchange or commissary privileges. They are not military employees, they hold no military rank, and they do not enjoy the same privileges as military personnel. Civilian technicians are not even covered by military regulations, they are covered by civilian personnel regulations. Yet, they are still required to wear costly and inappropriate military uniforms to their civilian jobs every working day of the year—at a cost to the Federal Government now estimated to be around \$10 million a year. Since the early 1970's, the Federal Service Impasses Panel, a Federal labor relations panel, has heard arguments from a number of State units of the Association of Civilian Technicians, the National Federation of Federal Employees and National Guard units from those States concerning the wearing of military uniforms by nonmilitary civilian technicians. In nearly every case, the panel agreed that these employees should have the option of wearing either the military uniform or agreed-upon civilian attire without the display of military rank.

Civilian technicians are proud to wear the uniform when in military service, but they object when they are

required to wear the uniform in the performance of their civilian duties. They are not asking for any special privileges, just for the right to perform these duties, unhindered, as civilians. This means being treated the same as their civilian colleagues throughout the Department of Defense. We should end the false notion that they are something that they are not once and for all. I urge you to vote for my amendment.

Mr. BATEMAN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Illinois [Mr. EVANS] to prohibit the National Guard from requiring military technicians to wear military uniforms while they are serving in a civilian pay status.

Military technicians are Federal employees whose job is to train and administer the National Guard and maintain its equipment. They are one element in a cadre of full-time support personnel responsible for the readiness and day-to-day operation of the National Guard—a military element of the total force. Military technicians are there basically to ensure that the part-timers get maximum benefit from their weekend drills. The day-to-day duties of the technicians are military in nature; their work environment is governed by military standards, policies, and regulations. The military chain of command and the requirement that they be active members of the National Guard make it clear that the National Guard technician is not a regular civil service employee.

Wearing the military uniform has a rational relationship to the military purpose of full-time support manning in the National Guard. I urge my colleagues to defeat this ill-advised amendment.

□ 1600

Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the amendment from my good friend who has offered this, the gentleman from Illinois [Mr. EVANS].

Mr. Chairman, the amendment says that guardsmen on work during their duty hours would not have to wear the uniform of the National Guard or the uniform of this country.

The Enlisted Association of the National Guard of the United States, which represents all of these enlisted personnel, says this is a bad amendment: "We want to wear the uniform when we work."

I am not trying to be too hard on my fellow guardsmen, but if they do not want to wear the uniform, then I would say let them get out of the National Guard and get other jobs. These

technician jobs are some of the best jobs in the Federal Government, and these people ought to be proud that they serve our country and that they can wear the uniform.

Let me set an example of why it is so important that these guardsmen wear these uniforms during the workday. Take the Sioux City, flight 232, crash of that airliner. There is an Air Guard unit on base there. They were wearing their uniforms when the crash came about. They were over there, over 100 of them, and participated in their uniforms. They did things that had to be done, helping out these passengers that were in trouble. Can anyone imagine walking over in civilian clothes and not knowing whether they were in the Guard or what they were doing there?

I have a great admiration for my friend, the gentleman from Illinois, but, quite frankly, this is a bad, bad amendment. These technicians, as I said earlier, have some of the best jobs in the Federal Government, and if they are going to serve in the National Guard, serve our country, they have to wear the uniform.

Mr. BATEMAN. Mr. Chairman, I yield the balance of my time, 2 minutes, to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Chairman, as chairman of the Subcommittee on Military Personnel and Compensation, I rise in opposition to the gentleman's amendment. I would add that the Department of Defense and the National Guard oppose this measure as well.

Mr. Chairman, the Army National Guard and the Air National Guard are an integral part of the first line military defenses of the United States. To fulfill its Federal role, the National Guard trains toward readiness for immediate response to, deployment with, and integration into the active Army and Air Force. National Guard technicians are Federal employees employed to train and administer the National Guard and maintain its equipment. Those affected by this amendment are required by Federal law to hold and maintain military status and compatible military rank and duties as National Guardsmen as a prerequisite to employment as technicians. Technicians, while Federal employees, have always been considered military technicians. They work in a completely military environment.

It is the universally held position of military command authorities that the wearing of the military uniform by technicians when performing National Guard duties is essential to the mission of the National Guard. Wearing of the uniform fosters military discipline, promotes uniformity and regularity, encourages esprit de corps, increases readiness for early deployment, but more importantly, enhances the identification of the National

Guard as a professional, prepared military organization in the eyes of the local community, our allies, and hostile nations.

This regulation governing the wear of the military uniform by military technicians has withstood a variety of judicial and administrative challenges by individuals and unions. Circuit courts, district courts, and the Federal Labor Relations Authority have all held that the military uniform requirement for technicians is reasonably related to the military purposes of the National Guard. In a series of recent decisions, five circuit courts ruled that State National Guards need not negotiate, in collective bargaining, the requirement for wearing of the military uniform. The courts affirmed that the military uniform requirement is a management right negotiable only at the election of the agency.

In short, Mr. Chairman, this amendment is bad policy. I urge my colleagues to reject this measure.

The courts have said no; the Guard has said no; the Committee has said no; and now we can say no.

Mr. EVANS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I will briefly summarize. The Association of Civilian Technicians and the National Federation of Federal Employees, representing the civilian technicians themselves, support this amendment.

We do all, of course, commend the Iowa National Guard for their quick response, but I will remind my chairman, the gentleman from Mississippi [Mr. MONTGOMERY], that most of those Air National Guard and National Guard members responding so quickly were in their civilian outfits when the crash occurred and responded very quickly.

We just want to give these civilian technicians the same rights that Army and Air Force Reserve technicians have. They are able to wear civilian clothing when they are working as technicians and wear their military uniforms when serving on active duty with Army and Air Force Reserve units. We just want to give the same right to National Guard civilians.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. EVANS. I am happy to yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I have been listening to the gentleman's words. Let me ask him just straight out, because I really do not understand this: If one were going to work for the National Guard and they have a requirement that they wear a uniform, and the individual understands that when he goes to work, and just like going to work in a hotel, a bellhop is required to wear a bellhop uniform, and if they are a doorman, they expect

the employee to wear a doorman's uniform, or whatever it is. That is the job.

Why should not a technician working for the National Guard wear a military uniform when he is working? I do not understand that. Why not?

Mr. EVANS. Reclaiming my time, the balance of my time, basically they are not on active military service at that time. It is confusing, I think, to the personnel to assume that those members wearing a uniform are then on active duty.

Mr. DICKINSON. Is he working in the armory? Is he working on military property? Is he working in the armory?

Mr. EVANS. They are not on military status at that time.

Mr. DICKINSON. Is he working in the military establishment at that time? Is he in the armory, or is he on the military reservation?

Mr. EVANS. The gentleman is correct.

Mr. DICKINSON. Why should he not wear a military uniform? He has the job. I do not understand that.

Mr. BONIOR. Mr. Chairman, I would like to express my support for the Evans amendment to H.R. 2461, the National Defense Authorization Act. My good friend and colleague, Congressman LANE EVANS, has introduced an amendment which would change National Guard policy by not requiring civilian technicians to wear military uniforms while performing civilian service.

The amendment is a commonsense piece of legislation. Not only would this amendment end the current discrepancy between the treatment of civilian technicians and military personnel, but this amendment would also save the Federal Government \$10 million per year. Today we have debated some very costly weapon systems. It is refreshing to support an amendment that would both simplify current policies and save us a considerable amount of money.

The issue we are dealing with in this amendment is very clear. Civilian technicians are not military employees, they hold no military rank. Yet civilian technicians are required to wear costly and inappropriate military uniforms to their civilian jobs every working day of the year. Civilian technicians are classified and paid the same rates as other civilian employees of the Department of Defense. Civilian technicians do not receive the medical care, housing allowances, or commissary privileges given to military personnel. In this instance, the only similarity between civilian technicians and military personnel is the uniform they wear.

Civilian technicians are responsible for maintaining our vital National Guard units which contribute greatly to the defense of our country. Under the current National Guard policy, civilian technicians' uniforms reflect only their rank in the National Guard but do not accurately reflect their position as civilian technicians. Constituents of mine who happen to be senior-ranking civilian technicians may wear uniforms with military rankings that are far below their civilian stature. Although civilian technicians are not part of the military

chain of command, in their uniform they are indistinguishable from military personnel.

Frequently, military personnel of higher rank give orders to civilian technicians who, according to their uniforms, are of lesser rank but as civilian technicians do not fit into the military hierarchy and are, therefore, not subject to a military officer's authority. This disparity between civilian technicians' uniforms and their actual responsibilities has reduced morale among civilian technicians.

The Department of Defense supplies civilian technicians their uniforms at a cost of \$10 million per year. Changing this needless policy would allow this \$10 million to be diverted to programs more essential to our national security. This amendment affords us a rare opportunity to save some money, improve morale, and shore up our national defense. Mr. Speaker, it is time that we change the National Guard policy which forces civilian technicians to wear military uniforms.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Illinois [Mr. EVANS].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. EVANS. Mr. Chairman, I demand a recorded vote.

A recorded vote, was ordered.

The CHAIRMAN pro tempore. Pursuant to the provisions of paragraph 5 of section 2, House Resolution 211, and the Chair's prior announcement, the vote on the amendment offered by the gentleman from Illinois [Mr. EVANS] will be postponed until after consideration of amendment No. 29 in part 2 of House Report 101-168.

AMENDMENT OFFERED BY MR. EVANS

Mr. EVANS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. EVANS: At the end of part D of title III (page 82, after line 6), insert the following new section:

SEC. 344. PROTESTS AND JUDICIAL REVIEW OF DECISIONS RELATING TO CONVERSION TO CONTRACTOR PERFORMANCE.

(a) IN GENERAL.—(1) Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2468. Conversion to contractor performance: protests and judicial review

"(a) APPLICABILITY OF PROTEST SYSTEM TO CONVERSION CONTRACTS.—(1) The procurement protest system under subchapter V of chapter 35 of title 31 shall apply to any contract awarded for the purpose of converting any commercial or industrial type activity from performance by civilian employees of the Department of Defense to contractor performance of such activity.

"(2) For purposes of applying the protest system to such a contract—

"(A) the term 'protest' includes an objection that a relevant performance work statement is inaccurate or incomplete;

"(B) the term 'interested party' includes—

"(i) any labor organization accorded, under section 7111 of title 5, exclusive recognition to represent an appropriate unit (determined under section 7112 of such title) that includes the employees referred to in paragraph (1); and

"(ii) in any case in which no labor organization has been accorded exclusive recognition, any representative of a majority of such employees, determined as provided in regulations issued by the Comptroller General; and

"(C) the term 'regulation' includes Office of Management and Budget Circular A-76 and any other order or directive issued by the President, the Director of the Office of Management and Budget, or the head of an agency (as defined in section 2302(1) of this title) that sets out standards, procedures, or requirements for converting any commercial or industrial type activity from performance by civilian employees of the Department of Defense to contractor performance of such activity.

"(b) JUDICIAL REVIEW.—(1) A determination by the head of an agency (as defined in section 2301(1) of this title) to award a contract for the purpose of converting any commercial or industrial type activity from performance by employees of the Department of Defense to contractor performance of such activity (including any executive agency action in connection with such a determination) is subject to judicial review pursuant to chapter 7 of title 5. The reviewing court may conduct a trial de novo in order to determine the facts relevant to such determination, including the accuracy and completeness of a performance work statement relevant to such contract.

"(2) For purposes of chapter 7 of title 5, each of the following parties shall be considered an aggrieved person with respect to a contract or proposed contract referred to in paragraph (1):

"(A) Any labor organization accorded under section 7111 of title 5, exclusive recognition to represent an appropriate unit (determined under section 7112 of such title) that includes the employees referred to in paragraph (1).

"(B) In any case in which no labor organization has been accorded exclusive recognition, any representative of a majority of such employees.

"(3) Section 701(a)(2) of title 5 does not apply to a determination or an executive agency action referred to in paragraph (1)."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2468. Conversion to contractor performance: protests and judicial review."

(b) EFFECTIVE DATE.—Section 2468 of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts for which solicitations are issued after the end of the -day period beginning on the date of the enactment of this Act.

The CHAIRMAN. Under the rule, the gentleman from Illinois [Mr. EVANS] is recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I am offering an amendment to the fiscal year 1990-91 Defense authorization bill that addresses one aspect of an issue that has received considerable attention by Members of Congress in the past.

This amendment provides DOD employees with the same opportunities for appeal which are currently afforded to private contractors who lose Government bids under contracting out procedures.

In 1983 the Office of Management and Budget's Circular A-76, which provides the guidelines for governing the contracting out of commercial and industrial activities, was revised to provide the administration with unprecedented authority to transfer Federal functions to the private sector. This revision resulted in the loss of thousands of Federal jobs and has cost the Government in terms of contract abuses, shoddy workmanship, and cost overruns.

As my colleagues might recall, the issue of contracting out certain functions was a controversial issue during last year's House-Senate conference on the Defense authorization bill. The House bill contained a provision prohibiting contract conversions in certain instances and even annulled the contracting out of trainer aircraft maintenance jobs. The Senate, though, successfully opposed that legislation, and the contract for aircraft maintenance was let. It is no secret, however, that in less than a year from the issuance of the contract to a private contractor, the Air Force admitted that the contract was fatally flawed and would have to be totally reworked.

The Department of Defense spends billions of dollars annually to private contractors for essential goods and services. Thousands of other activities performed by DOD employees are under continuous review for possible transfer to the private sector. Yet, the requirements for converting Federal activities, such as proper cost comparison studies, which are outlined in OMB Circular A-76 are constantly abused and ignored.

While it is extremely important that A-76 reviews are properly conducted, it is also critical that the interested parties have the right to appeal the award of the contract. Federal employees who perform the function know better than anyone whether a contractor has made a realistic bid. Under existing law, when employees observe what they believe to be an improperly written contract, they can only appeal using internal appeal procedures, the scope of this internal appeals process is narrow and heavily biased to uphold the original award of the contract. On the other hand, private contractors who believe a contract was unfairly awarded can take their case directly to

an independent authority at the GAO for resolution.

By amending the Competition in Contracting Act, we will provide DOD employees, whose Government function is contracted out the right to appeal under the General Accounting Office procurement protest system if they believe the performance of the function was improperly awarded to a contractor. According to the GAO, the average time to resolve a contractor's bid protest is 32 days. If DOD employees or their representatives use internal appeal procedures, then attempt to appeal to an arbitrator under a negotiated grievance procedure, the case can take months or even years.

In allowing employees the right to appeal to GAO, we can avoid situations in which the Government accepts unreasonably low bids by contractors, who within months of receiving the contract, request costly modifications that result in the taxpayers' paying even more for the performance of the function than they would have if the work had stayed in-house. I believe that an adequate appeals process for all interested parties is critical to ensure that taxpayer dollars are spent wisely.

Mr. Chairman, I have long been a staunch opponent of the contracting out process, it is my strong belief that in most cases the process works to greatly weaken the morale of local workers and usually results in wasteful spending. However, whether one believes contracting out is effective or not, it is inconceivable how anyone can argue that the system should not treat all parties involved equally. That is why I am offering this amendment today. Thank you.

□ 1610

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Illinois [Mr. EVANS] has 1 minute remaining.

Mr. HUTTO. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Florida [Mr. HUTTO] is recognized for 5 minutes.

Mr. HUTTO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in reluctant opposition to the amendment by my good friend, the gentleman from Illinois, because I too have felt for a long time that the Defense Department often times has gone overboard in contracting out. As a matter of fact, the Defense Department has contracted out far more than any other agency of the Federal Government it is my understanding.

But we have never had any hearings on this particular procedure being proposed by the gentleman from Illinois. And although the Defense Department has a goal of studying 30,000 civilian positions a year, they have only studied about 11,000. This amendment

I believe goes a little too far. There is already a provision for the aggrieved civilian employees, for the civilian who have been studied and then contracted to go through to try to get some kind of relief. Of course, they are also offered first refusal by the contractor of a job, and if that is not satisfactory, often times they could be transferred to another position within the Federal Government.

So I reluctantly oppose the amendment of the gentleman. I think it will clog up the works, so to speak, and hamper the orderly process that we are going through on contracting out. Certainly we cannot go overboard, but I think we are looking to try to protect and make sure that we do not go overboard.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. HUTTO. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I thank the gentleman for yielding.

I have to confess I really do not feel that I am in a position to appreciate the full impact or import of the gentleman's amendment. Has the subcommittee of the gentleman from Florida or whatever subcommittee where it properly would come had an opportunity to have hearings on this subject?

Mr. HUTTO. No, we have not had hearings on this procedure.

Mr. DICKINSON. I have received word that the Department of Defense strongly opposes this amendment because it really makes substantial interference with their ability to even comply with what they have been directed to do in the past in studying additional jobs.

But I would hope that next year, if this does not pass, and I do not know if the offeror of the amendment would be willing to withdraw it, but I would hope with the assurance that we will give this serious consideration, and let us have hearings, let us let the Department of Defense come in and tell us why it is bad, because I do not know that much about it, except that they say it is going to mess them up and they think it is bad, but I say let us give the proponents their day in court, let them come in and make a case, and let the Department of Defense convince us, if they can, why it is a bad thing. I would hope the gentleman from Illinois would be willing to do that, with the assurance that we will get a hearing, and we will set a date and have all sides heard, if that would be reasonable.

Mr. EVANS. Mr. Chairman, will the gentleman yield?

Mr. HUTTO. I yield to the gentleman from Illinois.

Mr. EVANS. Mr. Chairman, I thank the ranking Republican member for making that suggestion, and I would be willing to withdraw my amendment

if we could have the assurance of some hearings.

Mr. HUTTO. As the chairman of the Subcommittee on Readiness, I assure the gentleman from Illinois that we will be happy to hold a hearing on this subject.

Mr. EVANS. Mr. Chairman, I ask unanimous consent to withdraw my amendment at this time.

The CHAIRMAN pro tempore (Mr. DURBIN). Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

Mr. ASPIN. Mr. Chairman, we are awaiting the author of the next amendment, the gentleman from California [Mr. BERMAN], but he is not here. The other amendments have all been put en bloc and are not going to be offered today.

I would suggest that the Chair call on the gentleman from Ohio [Mr. TRAFICANT], who has amendment No. 21.

The CHAIRMAN pro tempore. Is there objection to pursuing the order as described by the gentleman from Wisconsin?

There was no objection.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT: At the end of title IX (page 212, after line 21), add the following new section:

SEC. 903. BUY-AMERICAN REQUIREMENT.

(a) DETERMINATION BY SECRETARY OF STATE.—(1) If the Secretary of State, with the concurrence of the United States Trade Representative and the Secretary of Commerce, determines that the public interest so requires, the Secretary of Defense may award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(A) the final product of the domestic firm will be completely assembled in the United States;

(B) when completely assembled, not less than 50 percent of the final product of the domestic firm will be domestically produced; and

(C) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

(2) In determining under this subsection whether the public interest so requires, the Secretary of State shall take into account United States international obligations and trade relations.

(b) LIMITED APPLICATION.—This section shall not apply to the extent to which—

(1) such applicability would not be in the public interest;

(2) compelling national security considerations require otherwise; or

(3) the United States Trade Representative determines that such an award would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(c) LIMITATION.—This section shall apply only to contracts for which—

(1) amounts are authorized by this Act to be made available; and

(2) solicitations for bids are issued after the date of the enactment of this Act.

(d) REPORT TO CONGRESS.—The Secretary of Defense shall submit to Congress a report on contracts covered under this section and entered into with foreign entities in fiscal years 1990 and 1991, including—

(1) the number of contracts that meet the requirements of subsection (a) but that are determined by the United States Trade Representative to be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party; and

(2) the number of contracts for which amounts are authorized by this Act and which are awarded pursuant to this section.

(e) DEFINITIONS.—For purposes of this section—

(1) the term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States; and

(2) the term "foreign firm" means a business entity not described in paragraph (1).

The CHAIRMAN. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, the Pentagon, in terms of assets, is bigger than the top 30 Fortune 500 companies in America.

Democrats keep saying around election time they want to cut massive defense spending and waste. Republicans keep saying they want to cut the deficit. There are not too many places, but I say this is one.

The reason I say that, Mr. Chairman, is that it is common accounting knowledge that the best-run corporations in America have a 10-percent waste factor. I am saying that we have no more defense than we had in 1980. What we have are some high-priced, high-ticket items. We have Trident missiles that are like Shamu, they do cartwheels, and our level of spending has increased by 80 percent since 1980.

I have discussed with the leadership my Buy America amendment, which is so important to me, and they have agreed with some modifications to accept the language.

I would like to engage in a brief colloquy here before that amendment is called forward. We have discussed some modifications and changes. If the subcommittee chairman would so provide this information, we have talked with staff and worked out some arrangements on my Buy American language, and I would like to know if the chairman and if both sides of the aisle are going to accept that modification so that I can move forward on this.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, as staff has explained it to me, this amendment has been significantly modified. I think the gentleman has provided for a 6-percent figure instead of 50 percent. I think it is a fair amendment, and we would be prepared to accept it over here, if the majority will.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. Mr. Chairman, we also have reviewed this very carefully. Changes have been quite significant. I think they are very meaningful, by the way, and therefore we do not have an objection, and we would accept the amendment at this point, and would be delighted to accept it.

MODIFICATION OFFERED BY MR. TRAFICANT TO THE AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that the modification language to the Buy American language be placed to order.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN pro tempore. The amendment is modified.

The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as modified offered by Mr. TRAFICANT: At the end of title IX (page 212, after line 21), add the following new section:

SEC. 903. BUY-AMERICAN REQUIREMENT.

(a) DETERMINATION BY SECRETARY OF STATE.—(1) If the Secretary of State, with the concurrence of the United States Trade Representative and the Secretary of Commerce, determines that the public interest so requires, the Secretary of Defense may award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(A) the final product of the domestic firm will be completely assembled in the United States;

(B) when completely assembled, not less than 50 percent of the final product of the domestic firm will be domestically produced; and

(C) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

(2) In determining under this subsection whether the public interest so requires, the Secretary of State shall take into account United States international obligations and trade relations.

(b) LIMITED APPLICATION.—This section shall not apply to the extent to which—

(1) such applicability would not be in the public interest;

(2) compelling national security considerations require otherwise; or

(3) the United States Trade Representative determines that the application of this section would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party and the country in which

the foreign firm produces the item does not discriminate against U.S. products of the same type.

(c) **LIMITATION.**—This section shall apply only to contracts for which—

(1) amounts are authorized by this Act to be made available; and

(2) solicitations for bids are issued after the date of the enactment of this Act.

(d) **REPORT TO CONGRESS.**—The Secretary of Defense shall submit to Congress a report on the amount of DOD purchases with foreign entities in fiscal years 1990 and 1991, including—

(1) the amount of DOD purchases that meet the requirements of subsection (a) but that are determined by the United States Trade Representative to be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party; and

(2) the amount of DOD purchases for which amounts are authorized by this Act and which are awarded pursuant to this section.

(e) **DEFINITIONS.**—For purposes of this section—

(1) the term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States; and

(2) the term "foreign firm" means a business entity not described in paragraph (1).

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Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. DURBIN). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, I offer the amendment, as modified.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment, as modified, was agreed to.

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that amendment No. 15 in part 2 relating to the 6 percent cut be withdrawn.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT OFFERED BY MR. BERMAN

Mr. BERMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BERMAN: Page 250, after line 21, insert the following new part (and redesignate the succeeding part and sections accordingly):

PART E—MISSILE TECHNOLOGY CONTROL REGIME

SEC. 1241. POLICY.

(a) **IN GENERAL.**—It should be the policy of the United States to take all appropriate measures—

(1) to discourage the proliferation, development, and production of the weapons, ma-

terial, and technology necessary and intended to produce or acquire missiles that can deliver weapons of mass destruction;

(2) to discourage Communist-bloc countries from aiding and abetting any states from acquiring such weapons, material and technology;

(3) to strengthen the Missile Technology Control Regime and other aspects of the United States control regime to prohibit the flow of United States materials, equipment, and technology that would assist countries in acquiring the ability to produce or acquire missiles that can deliver weapons of mass destruction, including missiles, warheads and weaponization technology, targeting technology, test and evaluation technology, and range and weapons effect measurement technology.

(4) to discourage private companies in non-Communist countries from aiding and abetting any states in acquiring such material and technology; and

(5) to monitor closely the development, sale, acquisition, and deployment of missiles, destabilizing offensive aircraft, and other weapons delivery systems which can be used to deliver weapons of mass destruction, and to make every effort to discourage such activity when such delivery systems seem likely to be used for such purposes.

(b) **MULTILATERAL DIPLOMACY.**—The United States should seek to pursue the policy described in subsection (a) to the extent practicable and effective through multilateral diplomacy.

(c) **UNILATERAL ACTIONS.**—The United States retains the right to and should take unilateral actions to pursue the objective in subsection (a) until such multilateral efforts prove effective and, at that time, to support and enhance the multilateral efforts.

SEC. 1242. ENFORCEMENT OF MISSILE TECHNOLOGY CONTROL REGIME.

(a) **DETERMINATION BY THE PRESIDENT.**—Whenever there is reliable evidence, as determined by the President—

(1) that a United States person—

(A) is exporting, transferring, or otherwise engaged in the trade of any MTCR item in violation of the provisions of section 38 of the Arms Export Control Act (22 U.S.C. 2778) or section 5 or 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404 or 2405), or any regulations issued under any such provisions,

(B) is conspiring to or attempting to engage in such export, transfer, or trade, or

(C) is knowingly facilitating such export, transfer, or trade by any other person, or

(2) that a foreign person—

(A) is exporting, transferring, or otherwise engaged in the trade of any MTCR item for which an export license would be denied if such export, transfer, or trade were subject to those provisions of law and regulations referred to in paragraph (1)(A),

(B) is conspiring to or attempting to engage in such export, transfer, or trade, or

(C) is knowingly facilitating such export, transfer, or trade by any other person, or

(3) that a less developed state or entity—

(A) is importing MTCR items or long-range missile systems for the delivery of weapons of mass destruction, or

(B) is equipping its forces with new or additional missile systems or other weapons delivery systems configured to use weapons of mass destruction,

then, subject to subsection (c), the President shall impose not less than one of the applicable sanctions described in subsection (b).

(b) **SANCTIONS.**—

(1) The sanctions which apply to a United States person under subsection (a) are the following:

(A) Denying such United States person all export licenses under section 38 of the Arms Export Control Act (22 U.S.C. 2778) and sections 5 and 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404 and 2405).

(B) Prohibiting all contracting with, or procurement of any products and services from, such United States person by any department, agency, or instrumentality of the United States Government.

(C) In a case in which the President determines that the violation under subsection (a) is an initial violation and is nondestabilizing, the sanctions described in subparagraphs (A) and (B), but only with respect to MTCR items.

(2) The sanctions which apply to a foreign person under subsection (a) are the following:

(A) Denying the issuance of any export license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) or section 5 or section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404, 2405) if such foreign person is the designated consignee or end-user in the application for such export license or if the President has reason to believe that such foreign person will benefit from the issuance of such export license.

(B) Prohibiting all contracting with, or procurement of any products and services from, such foreign person by any department, agency, or instrumentality of the United States Government.

(C) In a case in which the President determines that the violation under subsection (a) is an initial violation and is nondestabilizing, the sanctions described in subparagraphs (A) and (B), but only with respect to MTCR items.

(3) The President shall take appropriate steps to dissuade less developed states or entities from developing and deploying destabilizing offensive missiles. Whenever the President determines that such missiles may be used to deliver weapons of mass destruction, one or more of the following sanctions shall be applied to a state or entity under subsection (a):

(A) Denying or reducing all technical assistance.

(B) Denying transfer of all or selected technology in aviation, electronics, missiles, or space systems or equipment under the control of the United States Government.

(4) Sanctions shall be imposed under this section for a period of not less than 2 years and not more than 5 years.

(c) **WAIVER.**—The President may waive the imposition of sanctions on a person under subsection (a) with respect to a product or service if the President certifies to the Congress that—

(1) the product or service is essential to the national security of the United States;

(2) such person is a sole source supplier of the product or service, the product or service is not available from any alternative reliable supplier, and the need for the product or service cannot be met in a timely manner by improved manufacturing processes or technological developments; and

(3) the end-user of such product or service is the United States Government.

(d) **INAPPLICABILITY TO FOREIGN PERSONS LICENSED BY AN MTCR COUNTRY.**—If a foreign person has been issued an export license by the government of an MTCR country under any provision of law of such country similar to a provision of law or regula-

tions referred to in subsection (a)(1)(A) and such foreign person is a national of such country or, in the case of a business entity, is established pursuant to the laws of such country, subsection (a) does not apply with respect to any exporting, transferring, or other trading activity covered by such export license.

SEC. 1243. REPORTS ON THE PROLIFERATION OF LONG-RANGE MISSILE AND DESTABILIZING OFFENSIVE AIRCRAFT.

(a) **REPORTS.**—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader and Minority Leader of the Senate, the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs of the House of Representatives and the Select Committee on Intelligence, the Committee on Foreign Relations, and the Committee on Banking, Housing, and Urban Affairs of the Senate a report described in subsection (b).

(b) **CONTENTS OF REPORT.**—(1) Each report referred to in subsection (a) shall detail the efforts of all foreign countries to acquire long-range missiles and destabilizing offensive aircraft, and to acquire the material and technology to produce and deliver such weapons, together with an assessment of the present and future capability of those countries to produce and deliver such weapons.

(2) Each report under this section shall include an assessment of whether and to what degree any communist-bloc country has aided or abetted any foreign country in its efforts to acquire weapons systems, material, and technology described in paragraph (1).

(3) Each such report shall also list—

(A) each company which in the past has aided or abetted any foreign country in those efforts; and

(B) each company which continues to aid and abet any foreign country in those efforts, as of the date of the report.

(4) Such report shall also include an assessment as to whether any company listed in paragraph (3)(A) or (3)(B) aware that the assistance provided was for the purpose of developing a long-range missile or offensive aircraft.

(5) Each report under this section shall provide any confirmed or credible intelligence or other information that any non-Communist country has aided or abetted any foreign country in those efforts, either directly or by selling such missiles or aircraft or by facilitating the activities of the companies listed in paragraph (3)(A) or (3)(B), but took no action to halt or discourage such activities.

(c) **INTERPRETATION.**—Nothing in this section—

(1) requires the disclosure of information in violation of Senate Resolution 400 of the Ninety-fourth Congress or otherwise alters, modifies, or supersedes any of the authorities contained in that resolution; or

(2) shall be construed as requiring the President to disclose any information which, in his judgment, would seriously—

(A) jeopardizes the national security of the United States;

(B) undermine existing and effective efforts to meet the policy objectives outline in section 1241; and

(C) compromise sensitive intelligence operations, with resulting grave damage to the national security of the United States.

(d) **EXCLUDED INFORMATION.**—If the President, consistent with subsection (c)(2), decides not to list any company or countries in that part of the report required under paragraphs (3) and (5) of subsection (b) which would have been listed otherwise, the President shall include that fact in that report, and his reasons therefor.

SEC. 1244. REVIEW BY THE SECRETARY OF STATE OF CERTAIN LICENSE APPLICATIONS.

Section 6(a)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(a)(5)) is amended by adding at the end thereof the following: "The Secretary shall refer all license applications for the export of missile equipment and technology that is not contained on the United States Munitions List to the Secretary of State for review by the Secretary of State, in consultation with the Secretary of Defense."

SEC. 1245. DEFINITIONS.

For purposes of this part:

(1) The term "United States person" means "United States person" as defined in section 16(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(2)).

(2) The term "foreign person" means any person other than a United States person.

(3) The term "person" means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and includes the singular and plural of such natural persons and entities, and any successors of such entities.

(4) In the case of Communist-bloc countries, where it may be impossible to identify a specific governmental entity, "person" shall mean all activities of that government relating to the development or production of any technology affected by the Missile Technology Control Regime, plus all activities of that government affecting the development or production of aircraft, electronics, and space systems or equipment.

(5) The term "otherwise engaged in the trade of" means, with respect to a particular export or transfer, to be a freight forwarder or designated exporting agent, or a consignee or end user of the item to be exported or transferred.

(6) The term "MTCR item" means any item listed in the Equipment and Technology Annex of the Missile Technology Control Regime which was adopted by the governments of Canada, France, the Federal Republic of Germany, Italy, Japan, the United Kingdom, and the United States on April 7, 1987, and in accordance with which the United States Government agreed to act beginning on April 16, 1987.

SEC. 1246. REGULATORY AUTHORITY.

The President may issue such regulations, licenses, and orders as are necessary to carry out this part.

The **CHAIRMAN** pro tempore. Under the rule, the gentleman from California [Mr. BERMAN] will be recognized for 5 minutes in support of the amendment and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I ask unanimous consent that the amendment be modified.

The **CHAIRMAN**. The clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as modified, offered by Mr. BERMAN: Page 250, after line 21, insert the following new part (and redesignate the succeeding part and sections accordingly):

PART E—MISSILE TECHNOLOGY CONTROL REGIME

SEC. 1241. POLICY.

(a) **IN GENERAL.**—It should be the policy of the United States to take all appropriate measures—

(1) to discourage the proliferation, development, and production of the weapons, material, and technology necessary and intended to produce or acquire missiles that can deliver weapons of mass destruction;

(2) to discourage Communist-bloc countries from aiding and abetting any states from acquiring such weapons, material and technology;

(3) to strengthen the Missile Technology Control Regime and other aspects of the United States control regime to prohibit the flow of United States materials, equipment, and technology that would assist countries in acquiring the ability to produce or acquire missiles that can deliver weapons of mass destruction, including missiles, warheads and weaponization technology, targeting technology, test and evaluation technology, and range and weapons effect measurement technology;

(4) to discourage private companies in non-Communist countries from aiding and abetting any states in acquiring such material and technology; and

(5) to monitor closely the development, sale, acquisition, and deployment of missiles, destabilizing offensive aircraft, and other weapons delivery systems which can be used to deliver weapons of mass destruction, and to make every effort to discourage such activity when such delivery systems seem likely to be used for such purposes.

(b) **MULTILATERAL DIPLOMACY.**—The United States should seek to pursue the policy described in subsection (a) to the extent practicable and effective through multilateral diplomacy.

(c) **UNILATERAL ACTIONS.**—The United States retains the right to and should take unilateral actions to pursue the objectives in subsection (a) until such multilateral efforts prove effective and, at that time, to support and enhance the multilateral efforts.

SEC. 1242. ENFORCEMENT OF MISSILE TECHNOLOGY CONTROL REGIME.

(a) **DETERMINATION BY THE PRESIDENT.**—Subject to subsection (c), the President shall impose not less than one of the applicable sanctions described in subsection (b) whenever there is reliable evidence, as determined by the President, of any of the following:

(1) That a United States person—

(A) is exporting, transferring, or otherwise engaged in the trade of any MTCR item in violation of the provisions of section 38 of the Arms Export Control Act (22 U.S.C. 2778) or section 5 or 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404 or 2405), or any regulations issued under any such provisions,

(B) is conspiring to or attempting to engage in such export, transfer, or trade, or

(C) is knowingly facilitating such export, transfer, or trade by any other person.

(2) That a foreign person—

(A) is exporting, transferring, or otherwise engaged in the trade of any MTCR item for which an export license would be denied if such export, transfer, or trade were subject

to those provisions of law and regulations referred to in paragraph (1)(A).

(B) is conspiring to or attempting to engage in such export, transfer, or trade, or

(C) is knowingly facilitating such export, transfer, or trade by any other person.

(3) That a developing country—

(A) is importing MTCR items or long-range missile systems for the delivery of weapons of mass destruction, or

(B) is equipping its forces with new or additional missile systems or other weapons delivery systems configured to use weapons of mass destruction.

(b) SANCTIONS.—

(1) The sanctions which apply to a United States person under subsection (a) are the following:

(A) Denying such United States person all export licenses under section 38 of the Arms Export Control Act (22 U.S.C. 2778) and sections 5 and 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404 and 2405).

(B) Prohibiting all contracting with, or procurement of any products and services from, such United States person by any department, agency, or instrumentality of the United States Government.

(C) In a case in which the President determines that the violation under subsection (a) is an initial violation and is nondestabilizing, the sanctions described in subparagraphs (A) and (B), but only with respect to MTCR items.

(2) The sanctions which apply to a foreign person under subsection (a) are the following:

(A) Denying the issuance of any export license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) or section 5 or section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404, 2405) if such foreign person is the designated consignee or end-user in the application for such export license or if the President has reason to believe that such foreign person will benefit from the issuance of such export license.

(B) Prohibiting all contracting with, or procurement of any products and services from, such foreign person by any department, agency, or instrumentality of the United States Government.

(C) In a case in which the President determines that the violation under subsection (a) is an initial violation and is nondestabilizing, the sanctions described in subparagraphs (A) and (B), but only with respect to MTCR items.

(3) The sanctions which apply to a developing country under subsection (a) are the following:

(A) Denying or reducing all technical assistance in aviation, electronics, missiles, or space systems or equipment under the control of the United States Government.

(B) Denying transfer of all or selected technology in aviation, electronics, missiles, or space systems or equipment under the control of the United States Government.

(4) Sanctions under this section shall be imposed for a period of not less than two years and not more than five years.

(c) WAIVER.—The President may waive the imposition of sanctions on a person under subsection (a) with respect to a product or service if the President submits to Congress a certification that—

(1) the product or service is essential to the national security of the United States;

(2) such person is a sole source supplier of the product or service, the product or service is not available from any alternative reli-

able supplier, and the need for the product or service cannot be met in a timely manner by improved manufacturing processes or technological developments; and

(3) the end-user of such product or service is the United States Government.

(d) INAPPLICABILITY TO FOREIGN PERSONS LICENSED BY AN MTCR COUNTRY.—If a foreign person has been issued an export license by the government of an MTCR country under any provision of law of such country similar to a provision of law or regulations referred to in subsection (a)(1)(A) and such foreign person is a national of such country or, in the case of a business entity, is established pursuant to the laws of such country, subsection (a) does not apply with respect to any exporting, transferring, or other trading activity covered by such export license.

SEC. 1243. SEMI-ANNUAL REPORTS ON THE PROLIFERATION OF LONG-RANGE MISSILE AND DESTABILIZING OFFENSIVE AIRCRAFT.

(a) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to Congress a report described in subsection (b).

(b) CONTENTS OF REPORT.—(1) Each report under subsection (a) shall describe in detail the efforts of all foreign countries to acquire long-range missiles and destabilizing offensive aircraft and to acquire the material and technology to produce and deliver such weapons and shall include an assessment of the present and future capability of those countries to produce and deliver such weapons.

(2) Each report under subsection (a) shall include an assessment of whether and to what degree any Communist-bloc country had aided or abetted any foreign country in its efforts to acquire weapons systems, materials, and technology described under paragraph (1).

(3) Each such report shall also list—

(A) each company which in the past has aided or abetted any foreign country in those efforts; and

(B) each company which continues to aid and abet any foreign country in those efforts, as of the date of the report.

(4) Each such report shall also include an assessment as to whether any company listed under paragraph (3)(A) or (3)(B) was aware that the assistance provided was for the purpose of developing a long-range missile or offensive aircraft.

(5) Each such report shall also provide any confirmed or credible intelligence or other information that any non-Communist country has aided or abetted any foreign country in those efforts, either directly or by selling such missiles or aircraft or by facilitating the activities of the companies listed under paragraph (3)(A) or (3)(B), but took no action to halt or discourage such activities.

(c) INTERPRETATION OF SECTION.—Nothing in this section—

(1) requires the disclosure of information in violation of Senate Resolution 400 of the Ninety-fourth Congress or otherwise alters, modifies, or supersedes any authority contained in that resolution; or

(2) shall be construed as requiring the President to disclose any information which, in his judgment, would seriously—

(A) jeopardize the national security of the United States;

(B) undermine existing and effective efforts to meet the policy objectives outlined in section 1241; and

(C) compromise sensitive intelligence operations, with resulting grave damage to the national security of the United States.

(d) EXCLUDED INFORMATION.—If the President, consistent with subsection (c)(2), decides not to list any company or countries in that part of the report required under paragraphs (3) and (5) of subsection (b) which would have been listed otherwise, the President shall include that fact in that report, and his reasons therefor.

SEC. 1244. REVIEW BY THE SECRETARY OF STATE OF CERTAIN LICENSE APPLICATIONS.

Section 6(a)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(a)(5)) is amended by adding at the end thereof the following: "The Secretary shall refer all license applications for the export of missile equipment and technology that are not contained on the United States Munitions List to the Secretary of State for review by the Secretary of State, in consultation with the Secretary of Defense."

SEC. 1245. DEFINITIONS.

For purposes of this part:

(1) The term "United States person" has the meaning given that term in section 16(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(2)).

(2) The term "foreign person" means any person other than a United States person.

(3)(A) The term "person" means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and any successor of any such entity.

(B) In the case of Communist-bloc countries (where it may be impossible to identify a specific governmental entity) the term "person" means—

(i) all activities of that government relating to the development or production of any technology affected by the Missile Technology Control Regime; and

(ii) all activities of that government affecting the development or production of aircraft, electronics, and space systems or equipment.

(4) The term "otherwise engaged in the trade of" means, with respect to a particular export or transfer, to be a freight forwarder or designated exporting agent, or a consignee or end user of the item to be exported or transferred.

(5) The term "MTCR item" means any item listed in the Equipment and Technology Annex of the Missile Technology Control Regime which was adopted by the governments of Canada, France, the Federal Republic of Germany, Italy, Japan, the United Kingdom, and the United States on April 7, 1987, and in accordance with which the United States Government agreed to act beginning on April 16, 1987.

(6) The term "developing country" means a country that is listed as a country with a low-income economy or a middle-income economy on pages 164 and 165 of the report of the World Bank entitled "World Development Report 1989", published by Oxford University Press.

SEC. 1246. REGULATORY AUTHORITY.

The President may issue such regulations, licenses, and orders as are necessary to carry out this part.

SEC. 1247. EFFECTIVE DATE.

Section 1242(a) shall take effect at the end of the six-month period beginning on the date of the enactment of this Act.

Mr. BERMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN pro tempore. Is there objection to the initial request of the gentleman from California [Mr. BERMAN] that the amendment be modified?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from California [Mr. BERMAN] is recognized for 5 minutes in support of his modified amendment.

Mr. BERMAN. I thank the chairman very much.

Mr. Chairman, I appreciate the opportunity to offer my amendment to the Department of Defense authorization bill.

My amendment deals with the dangerous problem of ballistic missile technology proliferation.

The amendment is based on legislation I originally introduced last year along with my colleagues, Congressman SOLOMON, KASICH, LEVINE of California and DOWNEY. The amendment, like the bill, mandates the denial of certain privileges of doing business with the United States to companies which irresponsibly transfer dangerous missile equipment and technology to other countries.

Missiles, because of their speed, their ability to carry weapons of mass destruction and because they are unrecallable, pose a unique threat to world stability.

Already the U.S.S.R. has provided at least eight countries in the Middle East, Africa, and Asia with ballistic missiles; China has supplied them to one country. Iran, Israel, North Korea and South Korea are producing missiles. Argentina, Brazil, Egypt, India, Taiwan, Iraq, Pakistan and South Africa are trying to gain the capability too. Some of these may have developed certain components by themselves, but most have acquired missile technology from the industrialized countries.

Two years ago the United States and six of its allies decided to adhere to a set of export guidelines, incorporated in the missile technology control regime, which forbid the export of goods and technology to ballistic missile programs in other countries.

Yet practically every day, even after we have entered into this regime with our allies, we see an example of how a usually Western company evades the principles embodied in the MTCR, so far without punishment in the several instances with which I am familiar.

Some of these companies continue to do serious defense business with the United States. It has been alleged in

numerous public documents that some of the technology transferred to one joint project of Argentina, Iraq, and Egypt—the Condor project—was state-of-the-art United States Pershing technology transferred via scientists who worked on both projects.

This kind of behavior is simply unacceptable. I understand that some member countries are trying to toughen up their laws to crack down on the violating countries, but I think we can effect the desired halt in this kind of activity with tools readily at our disposal.

The amendment before you would require the President to make a determination as to whether a company was exporting MTCR items in a way which would be prohibited in the United States.

If he so determined, he would be required to impose at least one sanction on that company. The sanctions include denial of U.S. Government contracts and denial of advanced technology which requires a U.S. Government export license.

A separate provision of the amendment, section 1244, assures that missile technology items listed on the MTCR annex which are only on the commodity control list, but not on the munitions list, are reviewed by both the State and Defense Departments.

In addition, the legislation provides the President with a range of options to dissuade less-developed countries from acquiring ballistic missile technology. These include denial or reduction of U.S. technical assistance or high-technology goods to that country.

While I was not initially drawn to the idea of sanctions against these importing countries, stories such as the one that appeared in last week's papers incline me more and more toward parallel efforts toward that end.

The most recent story was of Brazil's attempts to squeeze out of France ballistic missile technology in return for awarding French companies a contract sought also by other companies, including American ones. Brazil, according to the deal, would give the French company the contract to launch two Brazilian communications satellites in return for technology related to the Viking liquid rocket engine France uses to launch the Ariane space-launch vehicle. McDonnell Douglas, Ariane's competitor, is forbidden to transfer such kind of technology to Brazil.

It is important and instructive to note that there is a longstanding association between Brazil and Libya in developing ballistic missiles. Libya has offered to pay \$2 billion for Brazil's latest theater ballistic missiles. There have been numerous reports of its financing much of Brazil's missile development. This kind of activity is atro-

cious, and I think it is within our power to do something about it.

Fundamentally, the superpowers seek to try to approach stability to arms control through sensible rationalization of our defense systems.

We find that more and more of this question of ballistic missile proliferation and ancillary proliferation of chemical weapons and nuclear weapons adds to the instability in the world. We in the United States, our Western allies and the Soviet Union have a high interest in bringing a halt to this proliferation. I think this amendment is a helpful step along that road, and I would ask for its adoption.

Mr. WELDON. Mr. Chairman, I rise in opposition to the Berman amendment, and I have several objections.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON. Mr. Chairman, I rise reluctantly in opposition to my friend and colleague from California [Mr. BERMAN] on this amendment. I have several objections.

First, on procedure, I am disturbed that the Committee on Rules has made this amendment, which would not be referred to the Committee on Armed Services, in order while barring consideration of dozens of amendments that are germane to this particular piece of legislation.

This amendment was not considered by our committee because it is not germane to our bill.

The sponsors apparently could not get their bill out of their own committee of jurisdiction and have now gone shopping for a vehicle.

My second objection relates to what is contained in the bill. It is a very blunt instrument. The philosophy is to force the President to use the brute force of sanctions against foreign countries or companies that export missile technology. The amendment says we are not being tough enough on the Germans and the French and the Italians, so let us clobber them over the head. It is not terribly subtle.

My third objection is the arrogance implicit in the bill. It seeks to impose on others our standards. If you look at section 1242(d), it states that sanctions will be imposed on a foreign firm even if it holds a valid export license from its own government, if that license was not issued under a law or regulation similar to American laws or regulations. If a British company is given a license by the British Government to export an item we would not license for export, the President is supposed to impose sanctions on that British company. Ladies and gentlemen, what would you think if the British Government tried to impose British standards on American firms? What would you think if the German Government im-

posed sanctions on us for not abiding by the standards of the German Government in our trade with third countries?

□ 1630

This is a doctrine of extraterritoriality. When other countries do it to the United States, we scream. There is such an arrogance when we then do it to others.

My fourth objection is to what is not in the bill. Mr. Chairman, this bill assumes that there is a fixed standard, understood by all, as to what the International Agreement on Missile Technology Control means. On the contrary, there are hassles every day within the administration, within our Government, over precisely what is or is not covered by the agreement. Before we start trying to discipline others, I think we ought to get our own shop in order.

Mr. Chairman, very simply put, this amendment does not belong on this bill. As a freestanding piece of legislation, it was referred to the Committee on Foreign Affairs, not to the Committee on Armed Services. The principal sponsor of the bill sits on the principal committee of jurisdiction. Just last month, the House considered a 600-page bill, brought to Members by the Committee on Foreign Affairs. The amendment now before us relates to the Arms Export Control Act. The amendment before us last month rewrote the Arms Control Export Act. This amendment did not make it into that massive rewrite. It appears that this amendment has little standing with the members of the principal committee of jurisdiction.

Now we are being asked to respond to it in a 10-minute debate on the floor of the House with no hearings before the full committee or any of our subcommittees. This amendment proposes to make major changes in import policy. It may or may not be a good idea. I have only listed a few concerns, but I do not think we want to make such major changes with no committee report before us on a mere 10 minutes of floor debate. The proper thing to do, Mr. Chairman, is to send this amendment back to the proper committee of jurisdiction. Let them act on it before it comes to the floor for final consideration. We should not be dealing with a topic like this so offhandedly.

Mr. Chairman, I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, first on the substantive point, if the gentleman turned to page 7 of the amendment, he would see very clearly that the provision entitled "Inapplicability to foreign persons licensed by an MTCR country," member country who grants export license, subsection does not apply in this case, which is direct-

ly opposite to the point the gentleman made.

Mr. WELDON. That may be the case. If there is a consideration, I should have looked at it. I apologize.

However, the point is, we have not considered this legislation in the committee. It is unfair to ask members in the Committee on Armed Services to add a substantive piece of legislation in this nature without giving members the opportunity to debate to air the pros and cons, and to have 5 minutes back and forth on this issue. I do not think we should vote.

Mr. BERMAN. If the gentleman would yield further, procedurally, the Committee on Foreign Affairs has conducted hearings on this subject.

The committees to which this bill has been referred in its freestanding form have consented to the jurisdiction of this committee. The chairman of the Committee on Armed Services was informed of this amendment.

Mr. WELDON. Mr. Chairman, why was it not part of the bill last month on the Arms Control Export Act rewriting?

Mr. BERMAN. If the gentleman will further yield, because at that point, it was not ready.

The CHAIRMAN pro tempore (Mr. DURBIN). All time has expired.

The question is on the amendment, as modified, offered by the gentleman from California [Mr. BERMAN].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BERMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to the provisions of paragraph 5, section 2, House Resolution 211, and the Chair's prior announcement, the vote on the amendment, as modified, offered by the gentleman from California [Mr. BERMAN] will be postponed until after consideration of amendment No. 29, part 2, of House Report 101-168.

AMENDMENT OFFERED BY MR. RAVENEL

Mr. RAVENEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RAVENEL: Page 220, after line 24, insert the following new section:

SEC. 1102. REPORT REGARDING THE USE OF THE ARMED FORCES TO STOP THE AERIAL AND MARITIME TRANSIT OF ILLEGAL DRUGS INTO THE UNITED STATES.

(a) REPORT REQUIREMENT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing—

(1) a detailed plan under which the Armed Forces would be used to stop the aerial and maritime transit of illegal drugs into the United States;

(2) legislative proposals to provide authority to the Secretary to carry out the plan; and

(3) an estimate of the funds necessary to implement the plan.

(b) CONTENT.—(1) The report required by subsection (a), shall include proposals to—

(A) designate authorized corridors by which civilian aircraft and vessels may travel through drug-interdiction areas; and

(B) require the submission of navigational plans for all civilian aircraft and vessels that will travel in drug-interdiction areas.

(2) For purposes of this subsection, the term "drug-interdiction area" has the meaning given that term in section 379(d) of title 10, United States Code.

(c) TIME FOR SUBMISSION.—The report required by subsection (a) shall be submitted not later than 180 days after the date of the enactment of this Act.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from South Carolina [Mr. RAVENEL] will be recognized for 5 minutes in support of his amendment, and the gentleman from Massachusetts [Mr. MAVROULES] will be recognized for 5 minutes in opposition to the amendment.

Mr. RAVENEL. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, our country continues to lose the war on drugs because we persist in waging the war with our hands tied and most of our weapons sheathed. It is my often-voiced opinion that we are not going to win this war until we actively employ our military to stop the flow of drugs pouring into our country.

What we need to do is close our borders except for strictly designated, well-published and constantly patrolled corridors of exit and entry for civilian ships and planes. All crafts seeking to enter the United States outside these corridors should then, upon some identification, be shot down or sunk by our Armed Forces.

To those who say the task cannot be done, cannot be accomplished by the military, I say then what is our military for? If we cannot stop the invasion of drugs into the United States, how can they be expected to defend our shores from invasions by foreign countries? Our military can win this war on drugs, and they can do it quickly.

I have advocated this course of action in a meeting with our drug czar, William Bennett, who is not adverse to my contention. Endless talk, bleeding-heart wailing, and short-term jail sentences in comfortable quarters for our enemies never won any war. This conflict against drugs will ultimately be won with the assistance of air-to-air missiles and ship-to-ship missiles. How many more millions of American lives will be ruined or lost before we really get serious and fight to win?

All that the current law and that proposed in this bill for the military in this losing war is a standard, "Hi, fellows," to the enemy when they have

been detected and are on their way into our country with their lethal cargo. Currently, invading units routinely are throwing our people the bird, literally, then turning around and going home to make their run at another time.

What a farce. What has America come to? Where is our will to fight to win? What an immediate difference air-to-air missiles blowing these scum to bits will have in this war, and to the applause, pride, and satisfaction of the American people.

Mr. Chairman, I reserve the balance of my time.

Mr. MAVROULES. Mr. Chairman, I rise in great reluctance in opposition to the proposed amendment put forth by the gentleman from South Carolina [Mr. RAVENEL].

Let me assure him that the frustrations he is feeling certainly are being felt by this Member and all Members throughout the country. I think today we made a very significant move with relation to a drug war on the part of DOD. Four hundred and fifty million dollars that was added back, and hopefully next year we can improve upon that, would give the country the necessary funds to really, really put on a good war on interdiction.

However, I must rise in opposition to my colleague's amendment, and I want to make a couple of points, very briefly. The drug interdiction package passed by the House earlier today contained many, many, many of the gentleman's provisions. We worked with him and incorporated, including studying navigation corridors for vessels and aircraft entering this country.

No. 2, what we could not incorporate and cannot now support is any implications, even by requiring a report, that we favor the military being involved in direct law enforcement, much less shooting down civilian aircraft. So I tell my colleague that we believe firmly that the military has a proper role to play in drug interdiction, and that we must strengthen and support this role.

□ 1640

But we must be very, very careful to oppose any suggestion that the military get into the direct law enforcement. Therefore, Mr. Chairman, I say to my colleagues that I very reluctantly as a matter of fact oppose the amendment and urge the House to oppose the gentleman's amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Massachusetts [Mr. MAVROULES] has 3 minutes remaining, and the gentleman from South Carolina [Mr. RAVENEL] has 2 minutes remaining.

Mr. RAVENEL. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the language in my amendment does not provide for the unleashing of any missiles. All it does

is instruct the Secretary of Defense to prepare a detailed plan under which our military would be used to stop the aerial and maritime transit of illegal drugs into the United States if and when called upon. It is just providing some preliminary planning.

Mr. Chairman, I say to my colleagues that full military involvement is what is ultimately coming if this Congress can ever find the guts to win this war. So I ask why not let us get ready for it?

Mr. Chairman, I yield back the balance of my time.

Mr. MAVROULES. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. RAVENEL].

The amendment was rejected.

POSTPONEMENT OF CONSIDERATION OF CERTAIN AMENDMENTS

The CHAIRMAN pro tempore. The Chair will inquire of the gentleman from New Mexico [Mr. RICHARDSON], does the gentleman have an amendment at the desk?

Mr. RICHARDSON. I have two amendments at the desk, Mr. Chairman, and I am asking for unanimous consent to put these off until tomorrow. I yield to the chairman of the committee for an answer. I understand the minority agrees.

Mr. ASPIN. Mr. Chairman, if the gentleman will withhold his request, let me ask unanimous consent to strike the last word.

The CHAIRMAN pro tempore. Without objection, the gentleman from Wisconsin is recognized for 5 minutes.

There was no objection.

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from New Mexico for an explanation. Do I understand that what the gentleman is saying is that he would like to take up his two amendments having to do with Los Alamos tomorrow and not today; is that true?

Mr. RICHARDSON. Yes, Mr. Chairman, and if the gentleman will yield, the reason is that the minority and I are working on an accommodation. This would avoid a recorded vote today which I would ask for, but hopefully we can work it out tomorrow.

Mr. ASPIN. Mr. Chairman, let me yield to the gentleman from Alabama [Mr. DICKINSON]. If it is all right with him, it is all right with me.

Mr. DICKINSON. Mr. Chairman, it is my understanding that there is in the works an agreement or an accommodation that could possibly settle the whole issue without a vote or without a formal amendment, and they are in the process of negotiating at the present time. I think in the interest of comity and common sense also perhaps, putting it off until tomorrow would give them an opportunity to ne-

gotiate, at which time, if they are not successful, we could then have a vote and not lose anything. So I would like to go along with the gentleman's request.

Mr. ASPIN. Mr. Chairman, that would be all right with us, so let us put that one off until tomorrow.

Let me also announce to the Chair and to the Members that amendment No. 28, the amendment to be offered by the gentleman from Texas [Mr. COLEMAN], is now in acceptable form, and we are putting it in the en bloc amendments.

If I could, I would like to enter into a colloquy with the gentleman from Alabama and talk a little bit about where we are. We are then left with one remaining amendment, which is the only other amendment we are going to consider in the category B amendments this afternoon, and that is the amendment of the gentleman from Michigan [Mr. BROOMFIELD], who I see is here. At that point we are finished with those amendments. So I would like to announce to the members of the full committee at this point that the last amendment now that we are going to consider before we start the clustered voting is an amendment that is allotted 10 minutes, 5 pro and 5 con, the amendment from the gentleman from Michigan [Mr. BROOMFIELD].

Without the amendment offered by the gentleman from Michigan, my count is that we have eight votes. I do not know what the count of the Chair is. Does the Chair concur?

The CHAIRMAN pro tempore. It is the Chair's opinion that we have seven votes, not counting the amendment offered by the gentleman from Michigan [Mr. BROOMFIELD].

Mr. ASPIN. The Chair is correct. We have 7 votes, not counting the vote on the amendment offered by the gentleman from Michigan. Depending on how that turns out, we will have either 7 votes or 8 votes, at which point, as I understand the way the Chair has been putting the question, the first of those 7 votes would be a 15-minute vote, and it would be followed by 6 or 7 votes, depending upon the disposition of the Broomfield amendment, and those votes would be 5-minute votes. Is that the understanding of the Chair?

The CHAIRMAN pro tempore. Yes, that is the understanding of the Chair.

Mr. ASPIN. At that point we would have finished with the category B amendments for the day, and the rest of the schedule, according to the rule granted by the Rules Committee, is that we would go to the next order of business, which is the offering of the Cheney budget by the ranking Republican, the gentleman from Alabama [Mr. DICKINSON]. That would be a 40-

minute debate, pro and con, and a 15-minute vote. If that amendment is defeated, it is the end for the day. If that amendment carries, we would then have in order the Weldon amendment, which would also be a 40-minute debate and a vote.

So we will have a series of votes coming up right now, followed by a 40-minute debate and a vote on the amendment on the Cheney budget, and then after that perhaps followed by 40 minutes of debate on the Weldon amendment.

Is that the understanding of the gentleman from Alabama and the Chairman of the Committee of the Whole?

Mr. DICKINSON. Mr. Chairman, if the gentleman will yield, that is our understanding. In discussing this matter with the staff, the statement of the chairman of the committee is correct, as I understand it, and it is certainly agreeable with this side of the aisle.

Mr. ASPIN. That is fine.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The Chair would advise the members of the committee that the first vote is likely to occur near 5 p.m. after consideration of the amendment offered by the gentleman from Michigan [Mr. BROOMFIELD].

AMENDMENT OFFERED BY MR. BROOMFIELD

Mr. BROOMFIELD. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BROOMFIELD: Page 359, after line 7 insert the following:

TITLE XXXV—ARMS CONTROL

SEC. 3501. SENSE OF CONGRESS ON ARMS CONTROL NEGOTIATIONS AND UNITED STATES MILITARY ACQUISITION POLICY.

(a) FINDINGS.—The Congress finds as follows—

(1) The government of the United States is currently engaged in a wide range of arms control negotiations in the area of strategic nuclear forces, strategic defenses, conventional force levels, chemical weapons, and security and confidence building measures.

(2) On May 30, 1989, the NATO allies issued a "Comprehensive Concept on Arms Control and Disarmament" which placed a special emphasis on arms control as a means of enhancing security and stability in Europe.

(3) President Bush has stated that arms control is one of the United States' highest priorities in the area of security and foreign policy and that the United States will pursue a dynamic, active arms control dialogue with the Soviet Union and the other Warsaw Pact countries.

(4) The United States has already made major proposals at the Conventional Forces in Europe Talks, convened on March 6, 1989, which would result in a dramatic reduction in Soviet and Warsaw Pact conventional forces.

(5) The United States' position on chemical weapons, originally presented by Presi-

dent Bush in 1984, continues to be the centerpiece of the chemical weapons negotiations under way in Geneva which have as their goal the global elimination of all chemical weapons.

(b) SENSE OF CONGRESS.—It is therefore the sense of Congress that—

(1) The President of the United States should be commended for pursuing a wide array of arms control initiatives in the context of a multitude of arms control negotiations, all of which have been designed to enhance global security and result in meaningful, militarily significant reductions in military forces;

The Congress of the United States fully supports the arms control efforts of the President and encourages the government of the Soviet Union to respond favorably to U.S. arms control proposals which would require the Soviet Union to reduce its massive quantitative superiority in military weaponry; and

(3) The Congress should refrain from taking legislative actions which undermine United States negotiating positions at existing arms control negotiations though attempting to impose budgetary or other limitations or restrictions intended to force the Executive branch to undertake new arms control negotiations or unilaterally restricting the development or production of weapon systems by the United States solely for arms control purposes sought by the Congress but not yet negotiated by the Administration.

The CHAIRMAN pro tempore. The gentleman from Michigan [Mr. BROOMFIELD] is recognized for 5 minutes in support of his amendment.

Mr. BROOMFIELD. Mr. Chairman, it is not necessary for me to take a great deal of time—there is nothing controversial about the amendment I am offering. My amendment expresses the emerging feeling of strong support here in Congress for President Bush's overall arms control efforts.

During the Presidency of Ronald Reagan, several of our colleagues—wrongly I believe—questioned the administration's commitment to arms control. "The proof is in the pudding." There is no need for such questioning now.

Under President Bush's able stewardship, the United States is engaged in a wide range of arms control negotiations. Strategic arms reductions, conventional force reductions, chemical weapons elimination—these are just a few of the important arms control negotiations currently underway.

And what is happening at these negotiations? Virtually every week there is progress on a major proposal or counterproposal.

If anything, some people say that arms control is moving too fast. But I believe the President is pursuing arms control in the same deliberate, methodical, and cautious way as President Reagan did. And it is clear that President Bush is more than willing to take full advantage of arms control op-

portunities which genuinely enhance and preserve our Nation's security.

For all of these reasons, I believe that my amendment offers all of us an opportunity to express our strong support and appreciation for President Bush's arms control efforts. I would urge my colleagues to support this amendment and send a strong message to Mr. Gorbachev—the American people and their Representatives in Congress stand united behind President Bush in this most important area.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Does any Member wish to rise in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Michigan [Mr. BROOMFIELD].

The amendment was agreed to.

□ 1650

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. DURBIN). Pursuant to the provisions of paragraph 5 of section 2, House Resolution 211, the Committee will now resume proceedings postponed earlier today on which recorded votes were ordered. The votes will be taken in the following order:

Amendment No. 4 offered by the gentleman from New York [Mr. WEISS] relative to the D5; amendment No. 8 offered by the gentleman from California [Mr. DELLUMS] relative to the follow-on-to Lance Program; amendment No. 9 offered by the gentleman from California [Mr. DELLUMS] relative to the SRAM-T Missile Program; amendment No. 10, offered by the gentleman from Kentucky [Mr. HOPKINS] relative to the LHX Program; amendment No. 12 offered by the gentleman from Utah [Mr. OWENS] relative to the biological agents used in research; amendment No. 13 offered by the gentleman from Illinois [Mr. EVANS] relative to civilian employees of the National Guard; and amendment No. 20 offered by the gentleman from California [Mr. BERMAN] relative to missile technology control.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. WEISS

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered by the gentleman from New York [Mr. WEISS].

The Clerk designated the amendment.

The CHAIRMAN pro tempore. The pending business is the vote on the amendment offered by the gentleman from New York [Mr. WEISS] relative to the D5 on which a recorded vote is ordered.

The vote was taken by electronic device, and there were—yeas 83, nays 341, not voting 7, as follows:

[Roll No. 157]

AYES—83

Ackerman	Frank	Pelosi
Atkins	Garcia	Penny
AuCoin	Gephardt	Poshard
Bates	Hawkins	Rangel
Bellenson	Hayes (IL)	Roybal
Bonior	Jones (NC)	Russo
Boxer	Jontz	Sabo
Bruce	Kastenmeier	Sangmeister
Cardin	Kennedy	Savage
Carr	Kildee	Scheuer
Clay	LaFalce	Sikorski
Conyers	Lehman (FL)	Skaggs
Costello	Leland	Stark
Coyne	Lewis (GA)	Stokes
Crockett	Lowe (NY)	Studds
DeFazio	Markey	Swift
Dellums	Mavroules	Towns
Dorgan (ND)	McHugh	Trafficant
Downey	Miller (CA)	Unsoeld
Durbin	Moakley	Vento
Dymally	Moody	Walgren
Edwards (CA)	Morrison (CT)	Waxman
Engel	Nagle	Weiss
Evans	Oberstar	Wheat
Feighan	Obey	Williams
Flake	Owens (NY)	Wolpe
Ford (MI)	Panetta	Yates
Ford (TN)	Payne (NJ)	

NOES—341

Akaka	Craig	Hamilton
Alexander	Crane	Hammerschmidt
Anderson	Dannemeyer	Hancock
Andrews	Darden	Hansen
Annunzio	Davis	Harris
Anthony	de la Garza	Hastert
Applegate	DeLay	Hatcher
Archer	Derrick	Hayes (LA)
Armey	DeWine	Hefley
Aspin	Dickinson	Hefner
Baker	Dicks	Henry
Ballenger	Dingell	Herger
Barnard	Dixon	Hertel
Bartlett	Donnelly	Hill
Barton	Dornan (CA)	Hoagland
Bateman	Douglas	Hochbrueckner
Bennett	Dreier	Holloway
Bentley	Duncan	Hopkins
Bereuter	Dwyer	Horton
Berman	Dyson	Houghton
Bevill	Early	Hoyer
Bilbray	Eckart	Hubbard
Billirakis	Edwards (OK)	Huckaby
Billey	Emerson	Hughes
Boehlert	English	Hunter
Boggs	Erdreich	Hutto
Borski	Espy	Inhofe
Bosco	Fasell	Ireland
Boucher	Fawell	Jacobs
Brennan	Fazio	James
Brooks	Fields	Jenkins
Broomfield	Fish	Johnson (CT)
Browder	Flippo	Johnson (SD)
Brown (CA)	Foglietta	Johnston
Brown (CO)	Frost	Jones (GA)
Bryant	Gallegly	Kanjorski
Buechner	Gallo	Kaptur
Bunning	Gaydos	Kasich
Burton	Gejdenson	Kennelly
Bustamante	Gekas	Kiecicka
Byron	Gibbons	Kolbe
Callahan	Gillmor	Kolter
Campbell (CA)	Gilman	Kostmayer
Campbell (CO)	Gingrich	Kyl
Carper	Glickman	Lagomarsino
Chandler	Gonzalez	Lancaster
Chapman	Goodling	Lantos
Clarke	Gordon	Laughlin
Clement	Goss	Leach (IA)
Clinger	Gradison	Leath (TX)
Coble	Grandy	Lehman (CA)
Coleman (MO)	Grant	Lent
Coleman (TX)	Gray	Levin (MI)
Combest	Green	Levine (CA)
Conte	Guarini	Lewis (CA)
Cooper	Gunderson	Lewis (FL)
Coughlin	Hall (OH)	Lightfoot
Cox	Hall (TX)	Livingston

Lloyd	Pashayan	Smith (MS)
Long	Patterson	Smith (NE)
Lowery (CA)	Paxon	Smith (NJ)
Lukens, Thomas	Payne (VA)	Smith (TX)
Lukens, Donald	Pease	Smith (VT)
Machtley	Perkins	Smith, Denny
Madigan	Petri	(OR)
Manton	Pickett	Smith, Robert
Marlenee	Pickle	(NH)
Martin (IL)	Price	Smith, Robert
Martin (NY)	Pursell	(OR)
Martinez	Quillen	Snowe
Matsui	Rahall	Solarz
Mazzoli	Ravenel	Solomon
McCandless	Ray	Spence
McCloskey	Regula	Spratt
McCollum	Rhodes	Staggers
McCrery	Richardson	Stallings
McCurdy	Ridge	Stangeland
McDade	Rinaldo	Stearns
McDermott	Ritter	Stenholm
McEwen	Roberts	Stump
McGrath	Robinson	Sundquist
McMillan (NC)	Roe	Synar
McMillen (MD)	Rogers	Tallon
McNulty	Rohrabacher	Tanner
Meyers	Rose	Tauke
Mfume	Rostenkowski	Tauzin
Michel	Roth	Thomas (CA)
Miller (OH)	Roukema	Thomas (GA)
Miller (WA)	Rowland (CT)	Thomas (WY)
Mineta	Rowland (GA)	Torres
Molinari	Saiki	Torricelli
Mollohan	Sarpalius	Traxler
Montgomery	Sawyer	Udall
Moorhead	Saxton	Upton
Morella	Schaefer	Valentine
Morrison (WA)	Schiff	Vander Jagt
Mrazek	Schneider	Visclosky
Murphy	Schroeder	Volkmmer
Murtha	Schuetz	Vucanovich
Myers	Schulze	Walker
Natcher	Schumer	Walsh
Neal (MA)	Sensenbrenner	Watkins
Neal (NC)	Sharp	Weber
Nelson	Shaw	Weldon
Nielson	Shays	Whittaker
Nowak	Shumway	Whitten
Oakar	Shuster	Wilson
Olin	Sisisky	Wise
Ortiz	Skeen	Wolf
Owens (UT)	Skelton	Wyden
Oxley	Slattery	Wyllie
Packard	Slaughter (NY)	Yatron
Pallone	Slaughter (VA)	Young (AK)
Parker	Smith (FL)	Young (FL)
Parris	Smith (IA)	

NOT VOTING—7

Collins	Frenzel	Porter
Courter	Hyde	
Florio	Lipinski	

□ 1711

Messrs. ESPY, HUTTO, and REGULA changed their votes from "aye" to "no."

Mr. YATES and Mr. LAFALCE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FRENZEL. Mr. Chairman, when the House voted on the amendment of the gentleman from New York [Mr. WEISS] I missed the vote due to other legislative business. Had I voted, my vote would have been "no."

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to the provisions of paragraph 5, section 2, House Resolution 211, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each

amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 8 OFFERED BY MR. DELLUMS

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered by the gentleman from California [Mr. DELLUMS].

The Clerk designated the amendment.

The CHAIRMAN pro tempore. The pending business is the vote on the amendment offered by the gentleman from California [Mr. DELLUMS], on which a recorded vote is ordered.

The vote was taken by electronic device, and there were—ayes 96, noes 329, not voting 6, as follows:

[Roll No. 158]

AYES—96

Ackerman	Garcia	Oberstar
Atkins	Gejdenson	Obey
AuCoin	Gray	Owens (NY)
Bates	Hall (OH)	Payne (NJ)
Bellenson	Hawkins	Pelosi
Berman	Hayes (IL)	Rangel
Bonior	Hertel	Roybal
Boxer	Jacobs	Russo
Brennan	Johnson (SD)	Sabo
Brown (CA)	Jones (NC)	Savage
Bruce	Jontz	Scheuer
Cardin	Kastenmeier	Schroeder
Clay	Kennedy	Schumer
Conyers	Kildee	Sikorski
Coyne	Lehman (FL)	Skaggs
Crockett	Leland	Stark
DeFazio	Lewis (GA)	Stokes
Dellums	Markey	Studds
Dorgan (ND)	Martinez	Synar
Downey	McCloskey	Towns
Durbin	McDermott	Trafficant
Dymally	Mfume	Traxler
Edwards (CA)	Miller (CA)	Udall
Engel	Mineta	Unsoeld
Espy	Moakley	Walgren
Evans	Moody	Waxman
Feighan	Morrison (CT)	Weiss
Flake	Murphy	Wheat
Foglietta	Nagle	Williams
Ford (MI)	Neal (MA)	Wolpe
Ford (TN)	Nowak	Wyden
Frank	Oakar	Yates

NOES—329

Akaka	Bustamante	Douglas
Alexander	Byron	Dreier
Anderson	Callahan	Duncan
Andrews	Campbell (CA)	Dwyer
Annunzio	Campbell (CO)	Dyson
Anthony	Carper	Early
Applegate	Carr	Eckart
Archer	Chandler	Edwards (OK)
Armey	Chapman	Emerson
Aspin	Clarke	English
Baker	Clement	Erdreich
Ballenger	Clinger	Fasell
Barnard	Coble	Fawell
Bartlett	Coleman (MO)	Fazio
Barton	Coleman (TX)	Fields
Bateman	Combest	Fish
Bennett	Conte	Flippo
Bentley	Cooper	Frenzel
Bereuter	Costello	Frost
Bevill	Coughlin	Gallegly
Bilbray	Cox	Gallo
Billirakis	Craig	Gaydos
Billey	Crane	Gekas
Boehlert	Dannemeyer	Gephardt
Boggs	Darden	Gibbons
Borski	Davis	Gillmor
Bosco	de la Garza	Gilman
Boucher	DeLay	Gingrich
Brooks	Derrick	Glickman
Broomfield	DeWine	Gonzalez
Browder	Dickinson	Goodling
Brown (CO)	Dicks	Gordon
Bryant	Dingell	Goss
Buechner	Dixon	Gradison
Bunning	Donnelly	Grandy
Burton	Dornan (CA)	Grant

Green
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Inhofe
Ireland
James
Jenkins
Johnson (CT)
Johnston
Jones (GA)
Kanjorski
Kaptur
Kasich
Kennelly
Klecza
Kolbe
Kotler
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Marlenee
Martin (IL)
Martin (NY)
Matsui
Mavroules
Mazzoli

McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (OH)
Miller (WA)
Molinar
Mollohan
Montgomery
Moorhead
Morella
Morrison (WA)
Mrázek
Murtha
Myers
Natcher
Neal (NC)
Nelson
Nielsen
Olin
Ortiz
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (VA)
Pease
Penny
Perkins
Petri
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Saiki
Sangmeister
Sarpalius
Sawyer

Saxton
Schaefer
Schiff
Schneider
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (MS)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny
(OR)
Smith, Robert
(NH)
Smith, Robert
(OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stearns
Stenholm
Stump
Sundquist
Swift
Tallon
Tanner
Tauke
Tausin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Upton
Valentine
Vander Jagt
Vento
Visclosky
Voikmer
Vucanovich
Walker
Walsh
Watkins
Weber
Weldon
Whittaker
Whitten
Wilson
Wise
Wolf
Wylie
Yatron
Young (AK)
Young (FL)

NOT VOTING—6

Collins
Courter

Florio
Hyde

Lipinski
Porter

□ 1721

Ms. SCHNEIDER changed her vote from "aye" to "no."

Mr. TRAXLER and Mr. SCHUMER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1723

AMENDMENT NO. 9 OFFERED BY MR. DELLUMS

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered by the gentleman from California [Mr. DELLUMS].

The Clerk designated the amendment.

The CHAIRMAN pro tempore. The pending business is the vote on the amendment offered by the gentleman from California [Mr. DELLUMS] relative to the SRAM-T Missile Program, on which a recorded vote is ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 73, noes 350, not voting 8, as follows:

[Roll No. 159]

AYES—73

Ackerman
Bates
Beilenson
Bonior
Boxer
Bruce
Cardin
Clay
Conte
Coyle
Crockett
DeFazio
Dellums
Dixon
Dorgan (ND)
Downey
Durbin
Dymally
Edwards (CA)
Evans
Flake
Foglietta
Ford (MI)
Ford (TN)
Garcia

Gejdenson
Hawkins
Hayes (IL)
Hertel
Johnson (SD)
Jontz
Kastenmeier
Kennedy
Kildee
Lehman (FL)
Leland
Lewis (GA)
Markey
Mfume
Miller (CA)
Mineta
Mrázek
Murphy
Nagle
Neal (MA)
Oakar
Oberstar
Obey
Owens (NY)
Payne (NJ)

Pelosi
Perkins
Rahall
Rangel
Roybal
Russo
Savage
Scheuer
Schroeder
Sikorski
Stark
Stokes
Studds
Towns
Traficant
Unsoeld
Vento
Walgren
Waxman
Weiss
Wheat
Williams
Yates

NOES—350

Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Billey
Boehlert
Boggs
Borski
Bosco
Boucher
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bryant
Buechner
Bunning
Burton

Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Carper
Carr
Chandler
Chapman
Clarke
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Cooper
Costello
Coughlin
Cox
Craig
Crane
Dannemeyer
Darden
Davis
de la Garza
DeLay
Derrick
DeWine
Dickinson
Dicks
Dingell
Donnelly
Dornan (CA)
Douglas
Dreier
Duncan
Dwyer
Dyson
Early
Eckart

Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flippo
Frank
Frenzel
Frost
Gallo
Gallagher
Gallo
Gaydos
Gekas
Gephardt
Gibbons
Gillmor
Girman
Gilrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt

Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnston
Jones (GA)
Jones (NC)
Kanjorski
Kaptur
Kasich
Kennelly
Klecza
Kolbe
Kotler
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli

McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (OH)
Miller (WA)
Moakley
Molinar
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Murtha
Myers
Natcher
Neal (NC)
Nelson
Nielsen
Nowak
Olin
Ortiz
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (VA)
Pease
Penny
Petri
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Sabo
Saiki
Sangmeister
Sarpalius
Sawyer
Schiff
Schneider

Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (MS)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny
(OR)
Smith, Robert
(NH)
Smith, Robert
(OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stearns
Stenholm
Stump
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tausin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Traxler
Udall
Upton
Valentine
Vander Jagt
Visclosky
Voikmer
Vucanovich
Walker
Walsh
Watkins
Weber
Weldon
Whittaker
Whitten
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

NOT VOTING—8

Collins
Conyers
Courter

Florio
Hyde
Lent

Lipinski
Porter

□ 1728

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. HOPKINS

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered by the gentleman from Kentucky [Mr. HOPKINS].

The Clerk designated the amendment.

The CHAIRMAN pro tempore. The pending business is the vote on the amendment offered by the gentleman from Kentucky [Mr. HOPKINS], on which a recorded vote is ordered.

The vote was taken by electronic device, and there were—ayes 148, noes 275, not voting 8, as follows:

[Roll No. 160]

AYES—148

Ackerman	Hopkins	Ravenel
Anthony	Hubbard	Ridge
Ballenger	Hunter	Ritter
Barton	Hutto	Roberts
Bates	Inhofe	Rogers
Bellenson	Ireland	Rohrabacher
Bentley	Johnson (SD)	Roukema
Bevill	Jones (NC)	Roybal
Bosco	Kaptur	Russo
Boxer	Kasich	Saiki
Browder	Kastenmeier	Sangmeister
Brown (CA)	Kleccka	Sarpalius
Brown (CO)	Kostmayer	Savage
Bruce	LaFalce	Scheuer
Bunning	Laughlin	Schiff
Burton	Leach (IA)	Schneider
Byron	Lehman (CA)	Schroeder
Clay	Lehman (FL)	Schuetz
Clement	Leland	Schulze
Coyne	Lewis (GA)	Schumer
Crockett	Lowey (NY)	Sensenbrenner
Dannemeyer	Lukens, Donald	Shumway
Dellums	Madigan	Smith (MS)
Dixon	Marlenee	Smith (VT)
Dreier	Martin (IL)	Smith, Robert
Duncan	Martinez	(OR)
Durbin	Mavroules	Snowe
Dyson	Mazzoli	Stangeland
Early	McCollum	Stark
Eckart	Meyers	Stearns
Edwards (CA)	Miller (CA)	Stenholm
Erdreich	Montgomery	Stokes
Espy	Moody	Studds
Fawell	Natcher	Tauke
Fazio	Nielson	Torres
Flake	Obey	Towns
Flippo	Ortiz	Trafficant
Ford (MI)	Owens (NY)	Unsoeld
Garcia	Packard	Upton
Gekas	Parker	Vander Jagt
Grandy	Patterson	Walgren
Grant	Paxon	Walker
Green	Payne (NJ)	Waxman
Gunderson	Pease	Weiss
Harris	Pelosi	Whittaker
Hawkins	Perkins	Williams
Hayes (IL)	Petri	Yates
Hefley	Pursell	
Henry	Rahall	
Holloway	Rangel	

NOES—275

Akaka	Brooks	Davis
Alexander	Broomfield	de la Garza
Anderson	Bryant	DeFazio
Andrews	Buechner	DeLay
Annunzio	Bustamante	Derrick
Applegate	Callahan	DeWine
Archer	Campbell (CA)	Dickinson
Armey	Campbell (CO)	Dicks
Aspin	Cardin	Dingell
Atkins	Carper	Donnelly
AuCoin	Carr	Dorgan (ND)
Baker	Chandler	Dornan (CA)
Barnard	Chapman	Douglas
Bartlett	Clarke	Downey
Bateman	Clinger	Dwyer
Bennett	Coble	Dymally
Bereuter	Coleman (MO)	Edwards (OK)
Berman	Coleman (TX)	Emerson
Bilbray	Combest	Engel
Bilirakis	Conte	English
Bliley	Cooper	Evans
Boehrlert	Costello	Fascell
Boggs	Coughlin	Feighan
Bonior	Cox	Fields
Borski	Craig	Fish
Boucher	Crane	Foglietta
Brennan	Darden	Ford (TN)

Frank	Long	Rowland (CT)
Frenzel	Lowery (CA)	Rowland (GA)
Frost	Lukens, Thomas	Sabo
Galleghy	Machtley	Sawyer
Gallo	Manton	Saxton
Gaydos	Markey	Schaefer
Gejdenson	Martin (NY)	Sharp
Gephardt	Matsui	Shaw
Gibbons	McCandless	Shays
Gillmor	McCloskey	Shuster
Gilman	McCrery	Sikorski
Gingrich	McCurdy	Sisisky
Glickman	McDade	Skaggs
Gonzalez	McDermott	Skeen
Goodling	McEwen	Skelton
Gordon	McGrath	Slattery
Goss	McHugh	Slaughter (NY)
Gradison	McMillan (NC)	Slaughter (VA)
Gray	McMillen (MD)	Smith (FL)
Guarini	McNulty	Smith (IA)
Hall (OH)	Mfume	Smith (NE)
Hall (TX)	Michel	Smith (NJ)
Hamilton	Miller (OH)	Smith (TX)
Hammerschmidt	Miller (WA)	Smith, Denny
Hancock	Mineta	(OR)
Hansen	Moakley	Smith, Robert
Hastert	Molinar	(NH)
Hatcher	Mollohan	Solarz
Hayes (LA)	Moorhead	Solomon
Hefner	Morella	Spence
Herger	Morrison (CT)	Spratt
Hertel	Morrison (WA)	Staggers
Hiller	Mrazek	Stallings
Hoagland	Murphy	Stump
Hochbrueckner	Murtha	Sundquist
Horton	Myers	Swift
Houghton	Nagle	Synar
Hoyer	Neal (MA)	Tallan
Huckaby	Neal (NC)	Tanner
Hughes	Nelson	Tauzin
Jacobs	Nowak	Thomas (CA)
James	Oakar	Thomas (GA)
Jenkins	Oberstar	Thomas (WY)
Johnson (CT)	Olin	Torricelli
Johnston	Owens (UT)	Traxler
Jones (GA)	Oxley	Udall
Jontz	Pallone	Valentine
Kanjorski	Panetta	Vento
Kennedy	Parris	Volkmer
Kennelly	Payne (VA)	Vucanovich
Kildee	Penny	Walsh
Kolbe	Pickett	Watkins
Kolter	Pickle	Weber
Kyl	Poshard	Weldon
Lagomarsino	Price	Whitten
Lancaster	Quillen	Wilson
Lantos	Ray	Wise
Leath (TX)	Regula	Wolf
Lent	Rhodes	Wolpe
Levin (MI)	Richardson	Wyden
Levine (CA)	Rinaldo	Wyllie
Lewis (CA)	Robinson	Yatron
Lewis (FL)	Roe	Young (AK)
Lightfoot	Rosen	Young (FL)
Livingston	Rostenkowski	
Lloyd	Roth	

NOT VOTING—8

Collins	Florio	Pashayan
Conyers	Hyde	Porter
Courter	Lipinski	

□ 1738

Messrs. DYMALLY, NEAL of Massachusetts, EMERSON, and LOWERY of California changed their vote from "aye" to "no."

Mr. ACKERMAN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. OWENS OF UTAH

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered by the gentleman from Utah [Mr. OWENS].

The Clerk designated the amendment.

The CHAIRMAN pro tempore. The pending business is the vote on the amendment offered by the gentleman from Utah [Mr. OWENS], on which a recorded vote is ordered.

The vote was taken by electronic device and there were—ayes 274, noes 151, not voting 6, as follows:

[Roll No. 161]

AYES—274

Ackerman	Frank	Molinar
Akaka	Frost	Montgomery
Andrews	Gallo	Moody
Annunzio	Garcia	Morella
Applegate	Gejdenson	Morrison (CT)
Aspin	Gephardt	Mrazek
Atkins	Gibbons	Murphy
AuCoin	Gilman	Nagle
Baker	Glickman	Natcher
Barnard	Gonzalez	Neal (MA)
Bartlett	Gordon	Neal (NC)
Bates	Gradison	Nelson
Bellenson	Grandy	Nowak
Bennett	Gray	Oakar
Berman	Green	Oberstar
Bevill	Guarini	Obey
Bilbray	Hall (OH)	Olin
Boehrlert	Hamilton	Owens (NY)
Boggs	Hammerschmidt	Owens (UT)
Bonior	Harris	Pallone
Borski	Hawkins	Panetta
Boucher	Hayes (IL)	Parker
Boxer	Hayes (LA)	Payne (NJ)
Brennan	Hefner	Payne (VA)
Brooks	Hertel	Pease
Browder	Hoagland	Pelosi
Brown (CA)	Hochbrueckner	Penny
Brown (CO)	Hoyer	Perkins
Bruce	Hubbard	Petri
Bryant	Hughes	Pickle
Campbell (CA)	Hutto	Porter
Campbell (CO)	Jacobs	Poshard
Cardin	Jenkins	Price
Carper	Johnson (CT)	Pursell
Carr	Johnson (SD)	Rahall
Chapman	Johnston	Rangel
Clarke	Jones (GA)	Regula
Clay	Jones (NC)	Richardson
Clement	Jontz	Rinaldo
Coleman (MO)	Kanjorski	Roe
Coleman (TX)	Kaptur	Rose
Conte	Kastenmeier	Rostenkowski
Conyers	Kennedy	Roukema
Cooper	Kennelly	Rowland (CT)
Costello	Kildee	Rowland (GA)
Coyne	Kleccka	Roybal
Crockett	Kolbe	Russo
Darden	Kolter	Sabo
Davis	Kostmayer	Saiki
DeFazio	LaFalce	Sangmeister
Dellums	Lancaster	Savage
Derrick	Lantos	Sawyer
Dicks	Leach (IA)	Saxton
Dingell	Lehman (CA)	Scheuer
Dixon	Lehman (FL)	Schneider
Donnelly	Leland	Schroeder
Dorgan (ND)	Lent	Schulze
Downey	Levin (MI)	Schumer
Duncan	Levine (CA)	Sensenbrenner
Durbin	Lewis (GA)	Sharp
Dwyer	Lloyd	Shays
Dymally	Long	Sikorski
Dyson	Lowey (NY)	Sisisky
Early	Lukens, Thomas	Skaggs
Eckart	Machtley	Slattery
Edwards (CA)	Manton	Slaughter (NY)
Emerson	Markey	Smith (FL)
Engel	Martinez	Smith (IA)
English	Matsui	Smith (MS)
Erdreich	Mavroules	Smith (NJ)
Espy	Mazzoli	Smith (TX)
Evans	McCloskey	Smith (VT)
Fascell	McDermott	Snowe
Fawell	McHugh	Solarz
Fazio	McMillan (NC)	Spratt
Feighan	McMillen (MD)	Staggers
Fish	McNulty	Stallings
Flake	Meyers	Stark
Flippo	Mfume	Stokes
Foglietta	Miller (OH)	Studds
Ford (MI)	Mineta	Swift
Ford (TN)	Moakley	Synar

Tallon
Tanner
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld

Valentine
Vento
Visclosky
Volkmer
Walgren
Walsh
Waxman
Weiss
Wheat
Whitten

Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Yates
Yatron

NOES—151

Alexander
Anderson
Anthony
Archer
Arney
Ballenger
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Bosco
Broomfield
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Chandler
Clinger
Coble
Combest
Coughlin
Cox
Craig
Crane
Dannemeyer
de la Garza
DeLay
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Edwards (OK)
Fields
Frenzel
Gallegly
Gaydos
Gekas
Gillmor
Gingrich
Goodling
Goss
Grant
Gunderson
Hall (TX)
Hancock
Hansen
Hastert

Hatcher
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Huckaby
Hunter
Inhofe
Ireland
James
Kasich
Kyl
Lagomarsino
Laughlin
Leath (TX)
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Lukens, Donald
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
Michel
Miller (WA)
Mollohan
Moorhead
Morrison (WA)
Murtha
Myers
Nielson
Ortiz
Oxley
Packard
Parriss
Pashayan
Patterson
Paxon
Pickett

Quillen
Ravenel
Ray
Rhodes
Ridge
Ritter
Roberts
Robinson
Rogers
Rohrabacher
Roth
Sarpalius
Schaefer
Schiff
Schuette
Shaw
Shumway
Shuster
Skeen
Skelton
Slaughter (VA)
Smith (NE)
Smith, Denny
(OR)
Smith, Robert
(NH)
Smith, Robert
(OR)
Solomon
Spence
Stangeland
Stearns
Stenholm
Stump
Sundquist
Taufe
Tauzin
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Watkins
Weber
Weldon
Whittaker
Whitten
Wilson
Wolfe
Wyllie
Young (AK)
Young (FL)

NOT VOTING—6

Collins
Courter

Florio
Hyde

Lipinski
Miller (CA)

□ 1745

Mr. KASICH changed his vote from "aye" to "no."

Mr. COLEMAN of Missouri and Mr. SAXTON changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 13 OFFERED BY MR. EVANS

The CHAIRMAN pro tempore (Mr. DURBIN). The Clerk will designate the amendment offered by the gentleman from Illinois [Mr. EVANS].

The Clerk designated the amendment.

The CHAIRMAN pro tempore. The pending business is the vote on the amendment offered by the gentleman from Illinois [Mr. EVANS] on civilian

employment in the National Guard, on which a recorded vote is ordered.

The vote was taken by electronic device, and there were—ayes 156, noes 269, not voting 6, as follows:

[Roll No. 162]

AYES—156

Ackerman
Alexander
Annunzio
Bellenson
Bereuter
Berman
Bevill
Bilirakis
Boehrlert
Bonior
Borski
Boucher
Boxer
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Campbell (CO)
Carper
Clay
Clement
Conte
Conyers
Coyne
Craig
Crockett
Leland
Darden
de la Garza
DeFazio
Dellums
Dingell
Donnelly
Dorgan (ND)
Durbin
Dymally
Edwards (CA)
Engel
Erdreich
Evans
Fazio
Fish
Flake
Ford (MI)
Ford (TN)
Frank
Garcia
Gedden
Gilman
Glickman
Gonzalez
Gordon

Grant
Green
Guarini
Hamilton
Hatcher
Hawkins
Hayes (IL)
Hertel
Hochbrueckner
Holloway
Horton
Hoyer
Jacobs
Johnson (SD)
Johnston
Jones (NC)
Jontz
Kaptur
Kasich
Kastenmeier
Kennedy
Kildee
Klecka
Kostmayer
Lehman (CA)
Lehman (FL)
Leland
Levine (CA)
Lewis (GA)
Long
Lowey (NY)
Machtley
Markey
Marlenee
Martinez
McCloskey
Miller (CA)
Mineta
Moakley
Molinar
Moody
Morella
Mrazek
Murphy
Neal (MA)
Nielson
Nowak
Oakar
Oberstar
Ortiz
Owens (NY)
Owens (UT)

Paxon
Payne (NJ)
Pelosi
Petri
Rahall
Rangel
Rinaldo
Robinson
Roe
Roybal
Russo
Sabo
Sangmeister
Savage
Schaefer
Schauer
Schneider
Schroeder
Sharp
Shays
Sikorski
Skaggs
Slattery
Slaughter (NY)
Staggers
Stangeland
Stark
Stokes
Studds
Tanner
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vento
Visclosky
Walgren
Walsh
Waxman
Weiss
Wheat
Williams
Wise
Wolpe
Wyden
Yates
Yatron

NOES—269

Akaka
Anderson
Andrews
Anthony
Applegate
Archer
Arney
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Bennett
Bentley
Blibray
Bliley
Boggs
Bosco
Brennan
Broomfield
Browder
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan

Campbell (CA)
Cardin
Carr
Chandler
Chapman
Clarke
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Cooper
Costello
Coughlin
Cox
Crane
Dannemeyer
Davis
DeLay
Derrick
DeWine
Dickinson
Dicks
Dixon
Dornan (CA)
Douglas
Downey
Dreier
Duncan
Dwyer
Dyson
Early

Eckart
Edwards (OK)
Emerson
English
Espy
Fascell
Fawell
Feighan
Fields
Filippo
Foglietta
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gekas
Gephardt
Gibbons
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Gray
Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Hancock
Hansen

Harris
Hastert
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hiler
Hoagland
Hopkins
Houghton
Hubbard
Huckaby
Hughes
Hunter
Hutto
Inhofe
Ireland
James
Jenkins
Johnson (CT)
Jones (GA)
Kanjorski
Kennelly
Kolbe
Kolter
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lowery (CA)
Lukens, Thomas
Lukens, Donald
Madigan
Manton
Martin (IL)
Martin (NY)
Matsui
Mavroules
Mazroui
McCandless
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath

McHugh
McMillan (NC)
McMillan (MD)
McNulty
Meyers
Mfume
Michel
Miller (OH)
Miller (WA)
Mollohan
Montgomery
Moorhead
Morrison (CT)
Morrison (WA)
Murtha
Myers
Nagle
Natcher
Neal (NC)
Nelson
Obey
Olin
Oxley
Packard
Pallone
Panetta
Parker
Parriss
Pashayan
Patterson
Payne (VA)
Pease
Penny
Perkins
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Ritter
Roberts
Rogers
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Salki
Sarpalius

Sawyer
Saxton
Schiff
Schuette
Schulze
Schumer
Sensenbrenner
Shaw
Shumway
Shuster
Siskiy
Skeen
Skelton
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (MS)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny
(OR)
Smith, Robert
(NH)
Smith, Robert
(OR)
Snow
Solomon
Spence
Spratt
Stallings
Stearns
Stenholm
Stump
Sundquist
Swift
Synar
Tallon
Taufe
Tausz
Thomas (CA)
Thomas (GA)
Thomas (WY)
Vander Jagt
Volkmer
Vucanovich
Walker
Watkins
Weber
Weldon
Whittaker
Whitten
Wilson
Wolf
Wyllie
Young (AK)
Young (FL)

NOT VOTING—6

Collins
Courter

Florio
Hyde

Lipinski
Solarz

□ 1730

Mr. HUGHES changed his vote from "aye" to "no."

Mr. YATES and Mr. MARKEY changed their vote from "no" to "aye."

So the amendment was rejected.

The results of the vote was announced as above recorded.

AMENDMENT NO. 20 OFFERED BY MR. BERMAN

The CHAIRMAN pro tempore (Mr. DURBIN). The Clerk will designate the amendment as modified, offered by the gentleman from California [Mr. BERMAN].

The Clerk designated the amendment.

The CHAIRMAN pro tempore. The pending business is the vote on the amendment as modified, offered by the gentleman from California [Mr. BERMAN], on which a recorded vote is ordered.

The vote was taken by electronic device, and there were—ayes 417, noes 9, not voting 5, as follows:

[Roll No. 163]

AYES—417

Ackerman	Dorman (CA)	Jenkins
Akaka	Douglas	Johnson (CT)
Alexander	Downey	Johnson (SD)
Anderson	Dreier	Johnston
Andrews	Duncan	Jones (GA)
Annunzio	Durbin	Jones (NC)
Anthony	Dwyer	Jontz
Applegate	Dymally	Kanjorski
Armey	Dyson	Kaptur
Aspin	Early	Kasich
Atkins	Eckart	Kastenmeier
AuCoin	Edwards (CA)	Kennedy
Baker	Edwards (OK)	Kennelly
Ballenger	Emerson	Kildee
Barnard	Engel	Kolbe
Bartlett	English	Kolter
Barton	Erdreich	Kostmayer
Bateman	Espy	Kyl
Bates	Evans	LaFalce
Beilenson	Fascell	Lagomarsino
Bennett	Fawell	Lancaster
Bentley	Fazio	Lantos
Bereuter	Feighan	Laughlin
Berman	Fields	Leach (IA)
Bevill	Fish	Leath (TX)
Billbray	Flake	Lehman (CA)
Billirakis	Flippo	Lehman (FL)
Billey	Foglietta	Leland
Boehlert	Ford (MI)	Lent
Boggs	Ford (TN)	Levin (MI)
Bonior	Frank	Levine (CA)
Borski	Frost	Lewis (CA)
Bosco	Gallegly	Lewis (FL)
Boucher	Gallo	Lewis (GA)
Boxer	Garcia	Lightfoot
Brennan	Gaydos	Livingston
Brooks	Gejdenson	Lloyd
Broomfield	Gekas	Long
Browder	Gephardt	Lowery (CA)
Brown (CA)	Gibbons	Lowey (NY)
Brown (CO)	Gillmor	Lukens, Thomas
Bruce	Gilman	Lukens, Donald
Bryant	Gingrich	Machtley
Buechner	Glickman	Madigan
Bunning	Gonzalez	Manton
Burton	Goodling	Markey
Bustamante	Gordon	Marlenee
Byron	Gradison	Goss
Callahan	Grandy	Martin (IL)
Campbell (CA)	Grant	Martin (NY)
Campbell (CO)	Gray	Martinez
Cardin	Green	Matsui
Carper	Guarini	Mavroules
Carr	Gunderson	Mazzoli
Chandler	Hall (OH)	McCandless
Chapman	Hall (TX)	McCloskey
Clarke	Hamilton	McCollum
Clay	Hammerschmidt	McCrery
Clement	Hancock	McCurdy
Clinger	Hansen	McDade
Coble	Harris	McDermott
Coleman (MO)	Hastert	McEwen
Coleman (TX)	Hatcher	McGrath
Combest	Hawkins	McHugh
Conte	Hayes (IL)	McMillan (NC)
Conyers	Hayes (LA)	McMillen (MD)
Cooper	Hefley	McNulty
Costello	Hefner	Meyers
Cox	Henry	Mfume
Coyne	Herger	Michel
Craig	Hertel	Miller (CA)
Crane	Hiler	Miller (OH)
Crockett	Hoagland	Miller (WA)
Dannemeyer	Hochbruckner	Mineta
Darden	Davis	Moakley
Davis	de la Garza	Mollinari
de la Garza	DeFazio	Mollohan
DeFazio	DeLay	Montgomery
Dellums	Dellums	Moody
Derrick	Derrick	Moorhead
DeWine	Dickinson	Morella
Dickinson	Dicks	Morrison (CT)
Dicks	Dingell	Morrison (WA)
Dingell	Dixon	Mrazek
Dixon	Donnelly	Murphy
Donnelly	Dorgan (ND)	Murtha
Dorgan (ND)		Myers
		Natcher
		Neal (MA)

Neal (NC)	Rowland (GA)	Stark
Nelson	Roybal	Stearns
Nielson	Russo	Stenholm
Nowak	Sabo	Stokes
Oakar	Saiki	Studds
Oberstar	Sangmeister	Stump
Obey	Sarpalius	Sundquist
Olin	Savage	Swift
Ortiz	Sawyer	Synar
Owens (NY)	Saxton	Tallon
Owens (UT)	Schaefer	Tanner
Oxley	Scheuer	Tauke
Packard	Schiff	Tauzin
Pallone	Schneider	Thomas (CA)
Panetta	Schroeder	Thomas (GA)
Parker	Schuetz	Thomas (WY)
Parris	Schulze	Torres
Pashayan	Schumer	Torricelli
Patterson	Sensenbrenner	Towns
Paxon	Sharp	Traficant
Payne (NJ)	Shaw	Traxler
Payne (VA)	Shays	Udall
Pease	Shuster	Unsoeld
Pelosi	Sikorski	Upton
Penny	Siskis	Valentine
Perkins	Skaggs	Vander Jagt
Petri	Skeen	Vento
Pickett	Skelton	Visclosky
Pickle	Slattery	Volkmer
Porter	Slaughter (NY)	Vucanovich
Poshard	Slaughter (VA)	Walgren
Price	Smith (FL)	Walker
Pursell	Smith (IA)	Walsh
Quillen	Smith (MS)	Watkins
Rahall	Smith (NE)	Waxman
Rangel	Smith (NJ)	Weber
Ravenel	Smith (TX)	Weiss
Regula	Smith (VT)	Weldon
Rhodes	Smith, Denny	Wheat
Richardson	(OR)	Whittaker
Ridge	Smith, Robert	Whitten
Rinaldo	(NH)	Williams
Ritter	Smith, Robert	Wilson
Roberts	(OR)	Wise
Robinson	Snowe	Wolf
Roe	Solarz	Wolpe
Rogers	Solomon	Wyden
Rohrabacher	Spence	Wylie
Rose	Spratt	Yates
Rostenkowski	Staggers	Yatron
Roukema	Stallings	Young (AK)
Rowland (CT)	Stangeland	Young (FL)

NOES—9

Archer	Ireland	Ray
Coughlin	Kieccka	Roth
Frenzel	Nagle	Shumway

NOT VOTING—5

Collins	Florio	Lipinski
Courter	Hyde	

□ 1801

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

LEGISLATIVE PROGRAM

(By unanimous consent Mr. DICKINSON was allowed to proceed out of order.)

Mr. DICKINSON. Mr. Chairman, I would like to ask the chairman of the Armed Services Committee, if I might, if he would give us an idea as to what we might expect next and for the rest of the evening, as much as is possible.

It is my understanding that the next item of business will be for me to offer the Cheney budget amendment. Could the chairman amplify on that?

Mr. ASPIN. Mr. Chairman, if the gentleman will yield, the gentleman is correct. We have moved the schedule along here a lot better than was anticipated when the rule was sent up. We thought we would be going until about

9 o'clock tonight. It looks like we will be out sooner than that.

The next order of business, the only order remaining on the agenda that we will do today is the issue having to do with the Cheney budget.

The gentleman from Alabama [Mr. DICKINSON] has an amendment which is the next order of business. There will be 40 minutes of debate on that, 20 minutes to each side. At that point we will have a vote on the Dickinson amendment, which if it passes will reinstate the Cheney budget in the procurement area.

I would point out that all the amendments that we have dealt with today so far have not been involved with the procurement budget. We dealt with the R&D budget and the SDI. All these smaller amendments we dealt with today were either in the personnel area or R&D or they were into O&M or some other area of the bill.

So the vote that is coming up now will be a vote on whether the House of Representatives wants to go with the Cheney procurement budget, and it is not at variance with anything that we have done so far today. Everything that affects the procurement part of the bill is now beginning with the Cheney budget vote.

Mr. DICKINSON. Well, if the committee chairman would help me clarify one point, I have been asked by a number of Members what would be the effect of the passage of the so-called Cheney budget on what we have just done to SDI when we deleted funds and then added them back.

It has been my answer to them that this is not a part of the Cheney budget. If the Cheney budget passes, it is not the intent or understanding of either the chairman of the full committee or myself that it would have any impact on the add-backs from the SDI funds.

I wonder if the gentleman would elucidate on that.

Mr. ASPIN. Mr. Chairman, if the gentleman will yield further, the gentleman is correct.

I think what we were dealing with was the SDI part of the budget. We cut the R&D part of the budget. We cut the SDI program. We allocated those spendings. Those were R&D dollars. It will not be undone no matter what happens with the Cheney budget vote that is coming up.

Mr. DICKINSON. So the money that was added back for drugs, the money added back for toxic cleanup, and the money that was added back for conventional arms, will not be affected regardless whether the Cheney budget passes or not.

Mr. ASPIN. That is correct.

Let me just finish the explanation, and then I will yield to the gentleman from Wisconsin [Mr. Moony].

Following the vote on the amendment to be offered by the gentleman from Alabama [Mr. DICKINSON], there is yet the Weldon amendment on the notice for the rule.

If the Dickinson amendment passes and the Cheney budget passes, the Weldon amendment is in order and the Weldon amendment would be to put in the money for the V-22, the F-14 and the Guard and the Reserve; so there is a possibility of two votes tonight, at least one more vote tonight, maybe two more, but they will both come with 40 minutes of debate, followed by a vote.

Mr. DICKINSON. Mr. Chairman, if I might recap what has just been said, there was an understanding of a coupling between the Weldon amendment and the so-called Cheney budget. If I am successful when I offer my amendment to reinstate the Cheney budget, then following on the heels of that, the gentleman from Pennsylvania [Mr. WELDON] has the opportunity to offer an amendment with another 40 minutes of debate to restore those three things that were added in the committee, the V-22, the F-14D and the National Guard Reserve money. That would be the next vote in the package. That would be the second vote. If that passes or not passes, the committee will rise for the rest of the day.

Mr. ASPIN. Mr. Chairman, the gentleman is correct.

Mr. MOODY. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I am pleased to yield to the gentleman from Wisconsin.

Mr. MOODY. Mr. Chairman, I would like to ask the chairman or anyone, what are the implications of this for the votes scheduled tomorrow regarding the B-2 and those things? If the amendment of the gentleman from Alabama passes, then does that imply what we would do tomorrow?

Mr. ASPIN. Mr. Chairman, if the gentleman will yield, it does not affect the votes tomorrow. The votes tomorrow on the B-2 will be working off whether the Cheney package passes or not, but it will not affect the votes tomorrow.

Mr. MOODY. The Cheney package could pass, and we could still work on the B-2, the MX and all that tomorrow?

Mr. ASPIN. All that happens tomorrow, regardless.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I am very pleased to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, I would like to ask the Chairman of the committee, it is also true, though, if the Dickinson-Cheney budget amendment is defeated tonight, we will not have to stay here

another hour to take up the Weldon amendment, is that not correct, and we will be through?

Mr. DICKINSON. Now, Mr. Chairman, I did not yield to the gentleman for that purpose.

Mr. ASPIN. Mr. Chairman, if the gentleman will yield, the gentleman from Mississippi is correct.

The CHAIRMAN pro tempore (Mr. DURBIN). It is now in order to consider amendment No. 9 relating to procurement alternatives printed in part 1 of House Report 101-168 by, and if offered by, the gentleman from Alabama [Mr. DICKINSON] or his designee.

If the amendment offered by the gentleman from Alabama [Mr. DICKINSON] is agreed to, it shall be in order to consider amendment No. 10 printed in part 1 of House Report 101-168 by the gentleman from Pennsylvania [Mr. WELDON].

AMENDMENT OFFERED BY MR. DICKINSON

Mr. DICKINSON. Mr. Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DICKINSON: Page 32, strike out lines 7 through 10 (and redesignate the succeeding subsections accordingly).

At the end of title I (page 43, after line 25), insert the following new section:

SEC. 137. FUNDING AT LEVELS AND FOR PROGRAMS AS SUBMITTED IN REVISED BUDGET OF THE PRESIDENT.

Notwithstanding any other provision of this Act, the amounts authorized to be appropriated pursuant to this title for fiscal year 1990 for procurement for the Armed Forces (and the programs for which such amounts are authorized) shall be in the amounts and for the programs as submitted to Congress in the amended budget of the President submitted in April 1989 (other than with respect to programs and accounts within the jurisdiction of the Seapower and Strategic and Critical Materials Subcommittee of the Committee on Armed Services of the House of Representatives).

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Alabama [Mr. DICKINSON] will be recognized for 20 minutes and the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman, this is probably the most significant vote we will cast during the entire debate on the defense authorization bill. This is, you might say, where the rubber meets the road. This is where you stand up and be counted, whether you are really sincere about economy in government, good government, elimination of pork, whether you want to get the best buy for the buck in our defense budget.

□ 1810

Mr. Chairman, as the funds available for defense continue to decline, and this year's budget represents the fifth consecutive year of negative growth, many Members are finally recognizing we cannot afford to throw tens of millions of dollars to various projects that are not requested by the Secretary of Defense simply to satisfy narrow parochial interests of individual Members or as a jobs bill for back home.

Members are being far more conscientious in placing national interests ahead of local interests. I think this is a good and healthy situation.

In the Committee on Armed Services markup on June 20, the chairman, the gentleman from Wisconsin [Mr. ASPIN], and I joined forces in sponsoring an amendment to keep intact the procurement portion of the Cheney budget. Despite widespread partisan support, the amendment lost by a 16 to 26 tie vote. Why did this unprecedented amendment attract half the votes on the committee, we who have the reputation of being big spenders and buying all the weapons systems that the Pentagon wants? As the chairman, the gentleman from Wisconsin [Mr. ASPIN], pointed out, he and others recognize the futility of trying to accommodate over \$7 billion of add-ons that he and the committee received from various Members of the House.

There are many good reasons to support the Cheney amendment. A yes vote is a conscientious choice for good government. Some Members will argue that a vote for Cheney is an abrogation of our oversight responsibilities, but I contend just the contrary is true. We are making a conscious, affirmative decision when we support good government by cutting out waste, fraud, abuse, redundancy, and weapons systems that are not needed or are not affordable. A "yes" vote is a vote of confidence for the Secretary of Defense, Dick Cheney.

For years my colleagues and I have urged previous Secretaries of Defense to make the hard choices. There is not a person within the sound of my voice here or watching on closed television at home who does not remember that time after time we have asked the Secretary, "Mr. Secretary, we cannot buy everything that is in the requested budget. What is the most important? Would you prioritize?" The answer traditionally has been in the negative. For the first time now, the Secretary of Defense has done what we have asked him to do, he has made the tough choices. It is not popular. It is not easy, but he has made the tough choices, instead of stretching out programs and buying everything. If we fail to eliminate any programs, but stretch out the programs, we pay more

for them later, and this is a terribly inefficient way to do business.

The Secretary has done what we have asked him to do. He has made the tough choices. They are not popular, as I said when he came before the committee. Some people thought he cut too much. Some people thought he did not cut enough. Everybody agreed that he cut the wrong thing. I do not like everything that was in the budget. I think he made some mistakes, but overall, I said at that time and I still say, I will support the budget if it is kept intact. I think it is that the Secretary has done a courageous thing. I think he has done what we have asked him to do. I think he has done what the American people expect him to do, by eliminating those programs that are not affordable, that are not financially and economically viable, and he has done just that.

Mr. Chairman, I would say that the Secretary has called our bluff. We have been asking him to do this, and so all of a sudden we have a Secretary who says, "OK, I will do it."

What I am asking the Members to do is to get on board and let us vote for a responsible budget for defense. Let us make the tough vote. Members have an opportunity, even if this passes, to add their amendments to restore things that they think were improperly cut, even if this amendment passes.

Let me clear up one thing that the chairman and I just discussed in our colloquy before we started this vote. The result of this vote, if the Cheney budget passes, it has no impact on what we have just done in the SDI portion of the bill, on R&D, the adding back of money for drug interdiction, for toxic-waste cleanup, for conventional arms. The passage of this budget amendment which supports Cheney, as the chairman of the full committee has said to the Members, and as I understand it, has no impact on what we have done today on the SDI portion of the bill.

A "yes" vote on Cheney does not preclude adjustments. As I have said, anybody who wants to offer an amendment hereafter is perfectly welcome and capable of doing so, and let each one stand on its own merit.

If the Cheney procurement amendment passes, And I certainly hope it will, the Members will have an opportunity to make the necessary and desirable adjustments, but the important vote is that of giving Secretary Dick Cheney our support and recognizing that small adjustments in his procurement budget may be desirable.

In summary, I would urge all of my colleagues to cast a vote for good government, to vote for defense acquisition reform which this budget means, to vote against pork and for the national interest. Give our former colleague, Dick Cheney, a strong vote of

confidence by joining with him in his efforts to improve the management of the Pentagon. If there are adjustments in the Cheney budget, that will be made, vote yes on Cheney, and then vote yes on whatever adjustments Members feel would be indicated or necessary.

I think this is a good-government amendment. Dick Cheney has called our bluff. He has put his cards on the table. Are we going to cut and run now and say that all this talk we have had about economy in government, waste, fraud, and abuse in the Pentagon, that we want to change the way of doing business, is that rhetoric, is that just talk, or do we mean it? This is the time to stand up and be counted.

Mr. Chairman, I would urge all of my colleagues to vote, first, for good government, support the cuts contained in the Cheney budget as it came over, which is included in my amendment, and then before the bill is over, further amendments are offered to make adjustments, and each one of those then can be addressed on its individual merits.

Please support my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MONTGOMERY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in opposition to the Cheney-Dixon amendment.

I would like to point out to my colleagues tonight that Secretary Cheney, in this bill, is getting over 90 percent of what he wanted. There are only three items that are changed from the Cheney budget that came over from the Defense Department, and I think we have enough abilities on the Committee on Armed Services, and we have more experience, and Mr. Cheney knows that, that at least we can put some amendments in that we think have merit to it, and certainly I do not think we should be locked in by the Cheney budget.

Mr. Cheney has been over there less than 50 days in the Defense Department. We made the three changes of the F-14, V-22, and needed equipment for the National Guard and Reserve.

I want to talk about the Guard and Reserve. That is my amendment, and it was not really an add-on. It was the needed equipment for the Guard and Reserve of \$1.2 billion. The Defense Department has never asked for enough money for the Guard and Reserve. They expected us to do it over here. It is the wrong procedure, and that is the way the Defense Department does it.

They put in 1.8 percent of the total \$76 billion budget for procurement, 1.8 percent which will go to the National Guard and Reserve.

Mr. Chairman, the Guard has 50 percent of the combat missions of the Army, which are in the National Guard.

Fifty percent of the combat missions are in the Army Guard. Thirty-three percent of the Air Guard and Air Reserve missions are for them, for the Air Force.

My amendment will add about another 2 percent, so the Guard and Reserve, under this amendment, and if Members vote against this amendment, this \$1.2 billion will stay for the Guard and Reserve and will give them about 3 percent of this total \$76 billion.

This is not a lot to ask for. This equipment will go to every State and to Members' districts, and this equipment will not go overseas.

I would hope that the Members would defeat the Dickinson amendment.

□ 1820

The CHAIRMAN pro tempore (Mr. DURBIN). The time of the gentleman from Mississippi [Mr. MONTGOMERY] has expired.

Mr. RAY. Mr. Chairman, could I request that the gentleman from Mississippi have one more minute?

The CHAIRMAN pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] is in control of the time in opposition to the Dickinson amendment.

Mr. MONTGOMERY. Mr. Chairman, I really do not have any time.

Mr. RAY. Mr. Chairman, I request one more minute.

The CHAIRMAN pro tempore. The gentleman from Mississippi would have to yield the time.

Mr. MONTGOMERY. Mr. Chairman, I would suggest that the gentleman get the time from the gentleman from Alabama on the other side of the aisle.

Mr. RAY. Mr. Chairman, will the gentleman from Alabama [Mr. DICKINSON] yield 1 minute?

Mr. DICKINSON. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Chairman, I just have one question, and the gentleman from Mississippi knows that I support the Guard. But I wanted to ask would the \$550 million in Air Force spare parts still be in the set-aside to be offset?

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. RAY. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, it sure is, and I hope if we have some extra moneys, and I have talked to the chairman, that it would be for a ship, but I think it is more important that we give this extra equipment to the National Guard and the Reserves and quit worrying about a few spare parts.

Mr. RAY. The gentleman knows my argument in that respect, and it affects the logistics centers, and they

cannot repair the Guard planes, and in that respect I just have to oppose the amendment, Mr. Chairman.

Mr. MONTGOMERY. The gentleman from Georgia has just about as much National Guard as any other Member in this Chamber tonight, and I certainly cannot quite understand the gentleman's argument.

Mr. RAY. I have 15,000 people in the logistics center at Robins Air Force Base, and 88,000 in the five logistics centers who will be affected by the spare parts. They repair the Guard planes.

Mr. MONTGOMERY. I think the gentleman has been sold a bill of goods, and I think he is overexaggerating about spare parts.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oklahoma [Mr. McCURDY].

Mr. McCURDY. Mr. Chairman, I have sat on the Armed Services Committee for 9 years and have been able to watch the performance of a number of Secretaries of Defense. But I must say that Secretary Cheney in just a few short months has done a phenomenal job. He has made tough choices. He had to cut close to \$10 billion out of the defense budget this year and that was difficult.

But let me tell Members, it is going to be even worse next year. Next year we will have to cut probably close to \$20 billion, and if Members thought it was tough this year, just wait.

For 8 years we have been criticizing Secretary of Defense Weinberger and that administration, and we criticized the Carlucci administration for not making choices, for not setting priorities and for just throwing money at the problems. My colleagues, Secretary Cheney did make some tough choices. I did not agree with him 100 percent. None of us do. However, Congress needs to work when at all possible with the Department to make a policy that makes sense.

We are adding on programs that create a wedge, that are going to provide funding for expenses and expenditures in the future that are murder. For all of my colleagues who have campaigned on the issue of procurement reform or campaigned on behalf of the Packard Commission report and for eliminating pork in the defense budget, whoever argued for increasing the efficiency of the Department of Defense should consider voting for the Cheney budget.

Many of my colleagues from this side say that Democrats should not vote for a Republican proposal. But my friends, many have criticized the chairman of this committee, but the chairman knows, as did a number of Democrats on the Armed Services Committee, that by adding programs we create these wedges in the budget that grow out of control in the future.

If Members put policy above pork, now is the time to make that statement. This is not a partisan issue. It is an issue of setting policy above parochial concerns.

Mr. Chairman, I urge you and ask you to seriously consider voting for the Dickinson amendment, which is the Cheney budget.

Mr. MONTGOMERY. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to the Dickinson amendment. We are being told today that a vote for the Cheney procurement package is a vote for good government and fiscal responsibility.

Based on an initial look at the procurement requirements of this budget, that could appear to be the case, but take a closer look. Take the V-22 Osprey versus proposed alternatives, for example. After the first few years, the cost for helicopter alternatives increases and then balloons. In the end, the alternatives cost as much and more than the V-22, and we end up with 20-year-old aircraft with 40-year-old technology. And on top of that, the Marine Corps and DOD have both admitted on the record that the alternatives have yet to be tested.

It looks like the Pentagon pencil pushers have finessed the art of smoke and mirrors. Rejecting the Pentagon budgeteers' package is no more pork barrel politics than rubberstamping it is fiscal responsibility.

The supporters of the Cheney package are trying to portray the committee budget as pork. The only thing close to pork is their argument. It is pure hogwash.

Mr. Chairman, we began the hearings for the DOD bill on February 22 of this year and ended on June 7 of this year. We held a total of 138 subcommittee hearings and markup sessions, six full committee sessions and four markups.

The committee restored the V-22, the most cost-effective alternative and revolutionary aircraft. We restored the F-14D to address a shortfall in naval aviation, and we restored critical aircraft to our Guard and Reserve, and the votes were not ties. The vote to restore the V-22 and the F-14 was a 28-to-15 division, a bipartisan majority. The vote to support the Guard and Reserve package was a 34-to-19 vote, clear and decisive wins, based upon the debate that we heard in those 138 sessions.

These are not programs that benefit only local interests at the expense of national needs. I urge in the strongest terms that my colleagues vote down the Dickinson amendment and vote for the choice that we have in this

body to effect our defense budget decisions.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to our distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Chairman, I rise in support of the Cheney budget as embodied in the amendment offered by the gentleman from Alabama [Mr. DICKINSON], the distinguished ranking member.

We owe it to our former colleague to back him up in the tough choices that he has had to make. If I remember correctly, the Secretary told us at the outset of assuming his office that he had to take a \$10 billion hit right off the bat. In the procurement budget he presented, he took us at our word. We said as a body, not necessarily this Member, but as a body we said cut the defense budget, so he told us exactly how he was going to do it in an age of glasnost and the budget crunch.

The Armed Services Committee then I guess confronted him, eyeball to eyeball, with his honest defense budget. And what did the committee do? It blinked on a 26-to-26 vote.

For years we have been hearing howls from the House about the need to do away with smoke and mirrors in the defense budget. So hurricane Cheney blows away the smoke, shatters the mirrors, and what do we do? Some of us start building smoke machines of our own and installing fun house mirrors all around the place. Pet projects take precedence over sound national security policy.

The author of the amendment, the distinguished ranking member of our committee, the gentleman from Alabama, Mr. BILL DICKINSON, said the defeat of the Cheney budget in the committee was "a bad day for good government," and I agree. It was a bad day for our credibility around here.

We howl about the need for cuts, but when the cuts are not to our liking, we howl even louder.

The Cheney budget is an honest one, it is responsive to our needs, and to our demands, and it is responsible, and yes, I say it is courageous in view of all of the facts surrounding it.

Mr. Cheney blew through this institution with great force, but it is exactly what we needed, a cleansing, powerful, direct assault on the complicity that has made the Congress a partner in a number of defense spending fiascos that we have been witness to.

I would strongly urge the House to adopt this amendment, not for the Secretary's sake alone, or for the President's, but for the integrity and the credibility of this institution. To do anything less is to make a mockery of all our Pentagon calls for Pentagon reform.

We asked for the cuts, and the new Secretary gave us cuts, and did it in

such a way as to preserve the triad that we need across the board.

□ 1830

That is a delicate balance to have to strike when you are under the kind of restraints that we imposed upon him.

And then, with all that consideration, then to have the top defense man responsible in the country, second only to the President, have his choices undermined the way we have, I would say we have to give the Secretary all the chance and opportunity to do the job that he has been obliged to do.

The medicine may be bitter, but the disease has to be cured, not tomorrow but on this very afternoon.

Mr. MONTGOMERY. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I want to point out to the minority leader, our good friend, that Mr. Cheney added the mobile Midgetman missile of \$30 billion. So he was not too careful about cuts then. He added an additional \$30 billion.

We are not trying to add that much at all.

Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. McCloskey].

Mr. McCLOSKEY. Mr. Chairman, one of the most disappointing and ludicrous aspects of the dialog so far on the Cheney procurement budget has been the tendency of some to characterize the Committee on Armed Services' mark, somehow, as bad government. A vote for the V-22 and two other items is not a vote for bad government but it is a vote to save lives. An indepth Navy report recently showed that during 6 months of sustained combat the Marines would lose three to four times as many air crews in the UH-60, the states alternative, as in the V-22's.

Marine Corps Deputy Chief of Staff for Aviation, General Pitman, told me in an Armed Services Committee hearing that without the V-22 mission capacity would be severely degraded.

No wonder the V-22 continues to be the highest procurement and aviation priority of the Marine Corps.

It also is playing reckless with the facts to argue a vote against Dickinson is a vote for additional defense spending. In reality it would be approximately the same but with different priorities for a mere 2.3 percent of the procurement budget.

To disagree with 2.3 percent, a fraction of the defense budget is not a mark of disloyalty against Mr. Cheney, who already is doing a very fine job.

The truth is we want funding for the V-22, the F-14D and additional Guard and Reserve equipment. The Dickinson amendment would have that money go to the Stealth bomber, the MX and Midgetman missiles and SDI,

as envisioned by the administration; a budget-buster program if there ever was one.

Taxpayers have a stake in the Osprey with nearly \$2.4 billion already spent on a plane nearly 80 percent complete.

Why scuttle this now when a Marine Corps report showed that the Cheney alternative to the V-22 in the long run would cost at least \$1 billion more and only deliver half the capabilities?

Vote for better government. Vote for the committee and against the Dickinson amendment.

Mr. MONTGOMERY. I thank the gentleman.

Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. I thank the gentleman for yielding.

Quite frankly I was not going to get up and speak on this issue but I think we are making a lot of nothing out of nothing, quite frankly, if that makes any sense at all.

In committee I made a commitment to support the Cheney budget, personally, with a condition, of course, that if it did not carry in committee all bets were off and I would come back to the floor and try to be supportive of a good defense bill.

But what we are doing here, I believe, if the Cheney budget passes tonight, what we ought to do quite frankly is eliminate the next 2 days of work in the Committee on Armed Services.

I mean this is a joke. If the Cheney budget passes tonight, there is no need to have all these amendments tomorrow because you are playing with smoke and mirrors.

If we are talking about acquisition reform, let me remind my colleagues acquisition reform did not begin with Mr. Cheney or for that matter with Mr. Reagan. Acquisition reform began with this committee and we are able to get a program through. That is the reason I rose to speak.

Mr. MONTGOMERY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. Downey).

PARLIAMENTARY INQUIRY

Mr. MONTGOMERY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore [Mr. DUBIN]. The gentleman will state it.

Mr. MONTGOMERY. Mr. Chairman, who has the right to close debate?

The CHAIRMAN pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] has the right to close the debate.

Mr. MONTGOMERY. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. Mr. Chairman, I rise in opposition to the Cheney budget be-

cause it denies, it savages, and starves our National Guard and Reserves at a critical time in our Nation's changing defense posture.

Our Guard and Reserves are modern forces with missions critical to our total force structure. Let us give them the tools they need with which to do the job.

The Air National Guard bears a staggering 86 percent of the continental air defense of our country. As a matter of fact, from Syracuse, NY, we have three old Air Force F-14's stationed down there at Charleston. They pick up the Bear bombers and monitor them as they go on down the coast. But in comparison to the operation and maintenance authorization for the Air Force in fiscal year 1990 in the Cheney budget, it only gets 8.9 percent of the financial resources.

With the committee-passed package \$163 million will go to address the O&M shortfalls as well as for recruitment modernization.

Old friends, this is not Federal pork for a bunch of so-called weekend warriors; this is requisite funding for well-trained, highly capable forces which share a tremendous portion of the defense burden of our Nation but do not get a fair shake from that crowd over at DOD.

The \$49 million of the Montgomery package goes to improve F-15 and F-16's already in use by the Guard and Reserves.

While these planes are presently operational, they will not be able to shoulder the responsibilities of the Air National Guard unless they are modernized. The Air Guard and the Reserves have 33 percent of the combat missions of the total Air Force, and DOD does not want to modernize the few modern aircraft that the Guard and the Reserve possess? It just does not make any sense.

For these reasons and others I do not have the time to go into, I feel compelled to vote against the Cheney budget.

Mr. MONTGOMERY. Mr. Chairman, I yield 2 minutes to the gentleman from the State of Virginia [Mr. SISISKY].

Mr. SISISKY. I thank the gentleman from Mississippi.

To my colleagues I played a fairly active part in the committee on this issue. The first thing that got my attention was national interest versus local interest. I confess that I had a local interest. The local interest was very simple; I have a Guard and a Reserve unit there and I knew they needed more equipment.

Guilty. But it is also a national interest.

I do not make a bolt or a screw or anything for the V-22 or the F-14. Why did I get involved? National interest.

Nothing against Secretary Cheney, whom I admire greatly. The issue is not what Secretary Cheney and the Department of Defense put into the bill. It is what my colleagues said on the number of committee meetings they had, on what we, as Members of this Congress and as members of the Committee on Armed Services could put into the bill.

The Department of Defense got 98 percent of what they wanted. We got 2 percent.

But you must understand something, and I think it has to be made clear: The amount of money that we put into this budget for the three items did not raise the deficit 1 cent.

□ 1840

We got the money from somewhere else, and I can tell Members, just looking at the budget, how did it come to be involved with the F-14? I knew we had a shortfall of F-14a, and I knew that it would be a problem. I would hope that the Members and my colleagues would vote against this amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Mississippi [Mr. MONTGOMERY] has 8½ minutes remaining and the gentleman from Alabama [Mr. DICKINSON] has 5 minutes remaining.

Mr. MONTGOMERY. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. MARTIN].

Mr. MARTIN of New York. Mr. Chairman, I yield to the gentleman from New York [Mr. LENT].

Mr. LENT. Mr. Chairman, I am opposed to the amendment.

I rise in opposition to the amendment offered by the gentleman from Alabama [Mr. DICKINSON] which would cut funding for the F-14D jet fighter, or well as the vital programs for defense.

As we consider this amendment on the F-14, Mr. Chairman I hope we will look beyond whose budget proposal it is. The question of whether or not F-14 funding is in the committee bill or the Cheney proposal should be immaterial to our considerations. Instead, we should examine the F-14 on the merits, on whether or not it can do the mission for which it was designed, and whether or not the Navy has a sufficient number of F-14's to defend American interests around the world. Those are the key questions before us today.

First of all, it's important to note that even the opponents of the F-14 concede that it is an excellent airplane with a proven record in combat. From the *Mayaguez* incident and *Achilles Leuro* hijacking to action over Libya and Grenada, the F-14 has been and remains the mainstay of Naval aviation. Former Navy Secretary John Lehman has testified that the F-14 is the only fully tested, reliable combat aircraft the Navy has and I believe that if the Navy brass were free to speak their mind today they would agree and formally request more from the Congress. Two months ago I visited the aircraft carrier *Coral Sea* on duty in the Caribbean and was told repeatedly by

Navy pilots that the F-14 enjoys a clear advantage in sustained combat because of its long-range capacity. A capacity not shared by the Navy's other jet fighter, the F-18 which burns gas at a tremendous rate and must be constantly refueled.

Even Dick Cheney will tell you it's a good plane, and the Pentagon bureaucracy admits as much by virtue of the fact that it wants Grumman to remanufacture old F-14's, updating them to the new "D" version. The question is, and this brings me to my second point, will that remanufacture program be cost-effective and will it keep the Navy adequately supplied with F-14's?

On the issue of cost effectiveness the remanufacture is justified by the Pentagon on the basis of a grossly inflated figure for the per unit cost of a new F-14D. The Pentagon first used figures indicating that a new F-14 would cost \$75 million a copy, later revised to \$70 million. But to achieve this figure the Pentagon employed a strange computation method which when used to compute the cost of a remanufactured F-14—as opposed to a new one—comes out to \$129 million a copy. In any event the actual flyaway unit cost of the F-14D—and the number on which the Armed Services Committee bases their calculations—is \$50 million per copy. And for that you get a new airplane, not a revamped old one that has undergone years of wear and tear.

But whether the plane is old or new, there is the paramount consideration of whether we will have enough F-14's to do the job the situation demands. The Navy needs 458 fighter aircraft in inventory for its carrier task forces around the world. The Pentagon has said that it has a surplus in fighter aircraft that will endure for several years, at least until the Navy advanced tactical fighter [NATF] is brought on line in the year 2002.

That is partially true, but the surplus turns to deficit in fiscal year 1995 even if the NATF is on schedule. If NATF delivery slips by just 3 years—not an unreasonable assumption given the recent history of DOD programs—we see a devastating shortfall of 53 percent in the Navy's fighter inventory in the year 2007. This is an important point because it takes into consideration something the Pentagon has conveniently chose to ignore—the normal attrition rate for any jet fighter—occasional accidents, retirement of old aircraft, and so on.

Finally, Mr. Chairman, there is the important point of our defense industrial base and the presence of more than one aircraft manufacturer in competition for contracts. If new production of the F-14 is shut down, Grumman will go out of business of making aircraft for the Armed Forces. The F-14 remanufacture program proposed by the Pentagon is simply not enough to keep the production lines going and Grumman in a position to bid on new contracts for aircraft.

In the wake of the Pentagon procurement scandal—one of the biggest scandals in our history that filled the newspapers for weeks and prompted calls for reform and more competition, not less—we face a Pentagon proposal to put a major manufacturer out of business and leave only one company—McDonnell Douglas—making planes for the Navy. We all suffer from selective amnesia from time

to time but this is ridiculous. Mr. Chairman, we need and will continue to need new F-14's in the Navy inventory until we have concrete assurance that the NATF—now just a paper airplane on the drawing board—will come on line as scheduled. We also need to ensure that we have adequate competition in the procurement process. The gentleman's amendment strikes at the heart of both these essential elements of sound defense policy. I urge my colleagues to defeat the amendment.

Mr. MARTIN of New York. Mr. Chairman, I rise in support of the committee bill and in opposition to the Dickinson amendment, as I opposed it in committee. The committee reported this bill to the floor by a vote of 45 to 4. In the committee there were not many amendments to the procurement section, but those which were offered and were passed, passed by a substantial margin.

The gentleman from Mississippi's [Mr. MONTGOMERY] National Guard/Reserve amendment passed by a vote of 34 to 19. In the naval aviation package, the V-22 and the F-14D passed by a larger margin. As a matter of fact, it passed on a division, 28 to 15. There was not even a need for a recorded vote.

What kind of way is this to do business? I have no objection to the Committee of the Whole working their will on the bill as they did here today. Just to accept the budget as it was sent down here from the Pentagon to me is the equivalent of a "no brainer" in a gin rummy game; a person's dealt a hand and that is what the player does with it, without thought.

This is not a question of Dick Cheney. We gave Dick Cheney 98 percent of what he came with. The first day I went to him and said one of the big problems we have is the naval aviation package. What is he going to put on the carrier decks in the mid-1990's? The advanced tactical fighter? I want to give Members a bulletin, folks. Yesterday, the Appropriations Subcommittee cut out all the R&D money for the advanced tactical fighter. No member of the Department of Defense staff, and no member here is willing to say that the advanced tactical fighter is going to be here in time.

Do the right thing for defense, for those Marines, and those naval aviators, and vote down the Dickinson amendment.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Chairman, I rise in support of the amendment of the gentleman from Alabama to restore procurement funding levels to those in the Cheney package.

Mr. Chairman, I've been in Congress for 7 years, and for 10 years prior to that I was associated with the other body. During those 17 years, I have seen Congress ask again and again for

the Pentagon to send over a budget which was realistic—that attempted to accurately forecast defense spending levels and reconcile these with our Nation's defense mission.

For the first time, we have received a budget from the Pentagon that gave us a legitimate blueprint to work from. Our committee has also recognized that defense spending will not continue to grow over the next 5 years and we can't afford to continue all the programs we now have in the pipeline.

So, Secretary Cheney bit the bullet and made the tough choice and it's time the Congress made them too. He chose to terminate programs, not just stretch them out. And even with these cuts, we still face a shortfall of more than \$100 billion during the next 5 years.

Mr. Chairman, I may not agree completely with every choice Secretary Cheney made, but I continue to support him because the alternative we are considering here today does not make the tough choices—it continues funding on all programs, many in inefficient and expensive ways.

It is time this Congress faced up to the fact that if we are going to continue to reduce defense spending, some programs have to die. The fallacy of the defense bill before Congress today is it pretends we can still afford everything—and we can't. If we are going to restore programs, we need to do it by terminating others—and not put off the tough choices another year.

We are entering a new era—an era where the decision to fund defense programs must be based on a combination of mission requirements, affordability, and priority. The Cheney budget attempts to do this and for that reason, I will support it today.

The CHAIRMAN pro tempore. The gentleman from Mississippi has 6½ minutes remaining.

Mr. MONTGOMERY. Mr. Chairman, it is my pleasure to yield 2 minutes to the majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Chairman, I rise not to criticize Secretary Cheney or to criticize Mr. DICKINSON, who is involved in this amendment. It is a very important amendment, and I think it really will define what this bill is ultimately about.

Secretary Cheney came to the Department and he made some choices, and he thinks they are the right choices. I do not agree with those choices. I think we can do better than that. I think in the main, the committee did that. The choice the committee made was not to fund the strategic defense initiative or the B-2 bomber to the extent that the Secretary wanted, but instead to add some dollars for interdicting drugs, to add some dollars for cleaning up nuclear waste, and to add some dollars to conventional

forces. I think these are things that most Members agree need to be done.

The charge is that by not passing the Cheney budget, we will be adding pork. I resent that charge. If it is made, I do not think it is true. The V-22 is a good system that enhances our conventional capability. The F-14 is needed for our nuclear aircraft carriers, and I think they are good and strong arguments that can be made for both.

John Kennedy once said that to govern is to make choices. We are making a very important choice in the passage of this bill. I simply rise to respectfully suggest that the choices Secretary Cheney makes should not be our choices, but that we have an opportunity in essentially supporting the committee's decision to make better choices. That is what I hope the Members will do.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I rise in support of the Dickinson amendment and in support of the Cheney budget.

Our colleague, the gentleman from Mississippi [Mr. MONTGOMERY] has suggested that there is only a difference of three items between the Cheney budget and what the committee did. That is true in a general sense, but those three changes represent \$1.58 billion totals. The result of that is to throw, way out of whack, the very carefully constructed budget that Secretary Cheney presented to Members. This \$1.587 billion was achieved by cutting some very important programs, and has been pointed out by colleagues. For example, by cutting out spare parts, by single-year procurement instead of multiple year procurement, which costs more in the long run, and by reducing host nation support.

On the subject of spare parts, on the order of \$524 million in spare parts were removed. This added to 1989 which was one of the worst spare parts funding years in recent history, meaning that any leveling of the 1990 budget would impact every aircraft in our inventory and add to a negative trend already seen in 1989 readiness, and accelerate the current erosion in sustainability.

This is what we criticized the Carter budgets for, back in that Presidency, for providing Members with ships that did not sail and airplanes that did not fly. We are about to do that again as a result of the choices that are being made here.

My courageous colleague, the gentleman from Oklahoma [Mr. McCURDY] was correct when he said that Secretary Cheney did what we asked him to do, what we told him to do, make those tough choices. It is not a partisan issue. The American people want Members to prioritize. We cannot

afford everything, and that is what the Cheney budget does.

In conclusion, Mr. Chairman, my esteemed colleague from Massachusetts [Mr. MAVROULES] said that the Cheney budget meant that the next 2 days are irrelevant. They are not.

□ 1850

Mr. Chairman, my colleagues can support the Cheney budget and still vote against one item or two items, if they choose to do so in the next 2 days, but they have the opportunity to vote aye on the Cheney budget, aye on the Dickinson amendment.

Mr. MONTGOMERY. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND of Georgia. Mr. Chairman, I rise in opposition to the Dickinson amendment.

Mr. Chairman, I rise in opposition to the Dickinson amendment reinstating the defense budget as requested by the Bush administration.

I appreciate the tough budgetary decisions the administration's request represents. However, I disagree strongly with one aspect of this proposal: the elimination of the Grumman F-14D Tomcat.

I do not think that it makes good military or economic sense to eliminate an excellent producer of military aircraft—and that is exactly what this amendment does. It puts Grumman out of the military aircraft business. This does not bode well in terms of our national security. Our capability to produce naval fighter aircraft would be severely reduced due to the reduction this amendment creates in our industrial base.

The F-14D is a tried-and-true component of our defense arsenal and future production of this aircraft should not be terminated in this hasty manner.

I urge my colleagues to oppose the Dickinson amendment.

Mr. MONTGOMERY. Mr. Chairman, I yield such time as he may consume to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Alabama [Mr. DICKINSON].

Regardless of the arguments that might be made in support of big-ticket items—notably the B-2 bomber—in the so-called Cheney budget. I think the committee has already considered well the greater priorities in this tight budgetary climate—especially as it affects the National Guard and Reserves and the V-22 Osprey.

After much consideration of our budgetary constraints and the tough decisions faced by Secretary Cheney, I think his decision to cut the V-22 was shortsighted. This helicopter/airplane hybrid will vastly increase the capabilities of our fighting forces—getting troops where they are needed faster with a better

chance of survival. Moreover, a close look at costs suggest that with this increased capability, we are getting quite a bargain; this new tiltrotor aircraft is certainly competitive if not less expensive than existing alternatives.

As if these points were not enough, this aircraft will provide special operations options simply not available with existing helicopters or aircraft. In short, Mr. Chairman, we have here a defense system that will be a significant improvement in our defense capabilities. Moreover, the V-22 has exciting implications for our country's commercial aviation industry. At a time when America's preeminence in aviation is being challenged by our allies as much as by our foes, potential commercial application of an aircraft like the Osprey cannot be ignored. I, therefore, urge my colleagues to defeat the Dickinson amendment.

Mr. MONTGOMERY. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. Mr. Chairman, I certainly appreciate the gentleman from Mississippi [Mr. MONTGOMERY] for yielding me this time, and I want to take a moment to commend him for his leadership on the Committee on Armed Services to strike a proper balance in the total force for the National Guard and Reserve and their important component to go along with the professional military forces.

Mr. Chairman, I would like to say to my colleagues that, "If you vote for this amendment, as a Member of Congress you ought to send Secretary Cheney a check for your salary for the entire year because you've done nothing. You've done nothing except say, 'Go ahead, Mr. Cheney. It's all yours. You don't need a Congress. You don't need an Armed Services Committee. You don't need an Appropriations Committee. Just go ahead, give us your orders, and we'll accept them.'"

Mr. Chairman, I happen to think that my 434 other colleagues, perhaps me excluded, understand and appreciate the defense of this country and the need that we have to look after all of our priorities here, and, Mr. Chairman, it appears to me that while I support Mr. Cheney, and he certainly is a bright man; he has done a good job for President Bush in the short time that he has been over there, I think there is some talent here in the House of Representatives and in the Senate that, in essence, there are things to be learned from the advice that can come from here.

So, Mr. Chairman, if my colleagues as Members of Congress think that they ought to give Secretary Cheney a blank check, then that is their business, but I would say this in conclusion, Mr. Chairman, that we have a responsibility, and it is an absolute dereliction of our duty to vote for the amendment of the gentleman from Alabama [Mr. DICKINSON] and give

away all of our congressional prerogatives just for the purpose of making something fit.

In conclusion, Mr. Chairman, this Dickinson amendment ought to be voted down overwhelmingly, and I urge its rejection.

Mr. MONTGOMERY. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. BORSKI].

Mr. BORSKI. Mr. Chairman, I rise in opposition to the Dickinson amendment.

Mr. Chairman, I rise today in support of the V-22 Osprey Program and in opposition to the Dickinson amendment.

Mr. Chairman, the Armed Services Committee did a good job in restoring funding for the V-22 Osprey. But opponents of the V-22 say that its mission is too narrow and its cost is prohibitive.

I say the V-22 is the most cost-effective means for its prime mission: to carry more Marines into combat, farther, faster, and safer than the helicopters currently used.

And, the V-22 can go beyond that. Its unique ability to take off vertically, like a helicopter, and fly at high speeds like a conventional airplane, make the V-22 capable of a wide variety of military missions.

The Osprey could be utilized by the Navy for antisubmarine warfare, by the Air Force to rescue downed pilots and by the Army to evacuate wounded soldiers. The V-22 could also quickly deploy to hot spots around the world or be used to fight terrorism, perhaps the greatest threat to our national security in the years to come. That does not sound like a narrow mission to me.

The V-22's revolutionary tilt-rotor technology also makes it one of the most important recent advances in aviation. Development of this technology could be a big boost to the U.S. commercial aviation industry. Tilt-rotor aircraft could be used to relieve congestion at airports around the country as commuters and short-distance travelers would be diverted to heliports.

The V-22 is not cheap. However, canceling the V-22 Program will not save money.

CH-53 and CH-60 helicopters, the alternatives to the V-22, are old and will cost more than the V-22. Some reports indicate that with maintenance, operation, and support costs, the helicopters could cost from \$1 to \$10 billion more than the V-22.

In addition, the V-22 is safer than the alternative choppers. These aircraft were not designed to carry out the primary mission of the V-22. The Osprey has them beat in speed and survivability. In terms of lives saved, the cost of the V-22 is not prohibitive.

The committee bill provides a total of \$508 million for the V-22, \$351 mil-

lion for research and development and \$157 million for procurement of 12 Ospreys. These are adequate funds for continuing the V-22 Program.

The Dickinson amendment would eliminate the procurement funds for the V-22. I urge my colleagues to oppose the Dickinson amendment and support a cost-effective, versatile aircraft that will enhance our national security: the V-22 Osprey.

Mr. MONTGOMERY. Mr. Chairman, I yield such time as she may consume to the gentleman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, I rise in opposition to the Dickinson amendment to restore the Cheney procurement title.

When the Cheney budget came before the armed services committee, only 1.7 percent was devoted to the Guard and Reserve Forces.

Yet, the Guard and Reserve is responsible for 50 percent of the combat missions in the Army, 33 percent of the combat missions in the Air Force, 15 percent of the combat missions in the Navy, and 25 percent of the combat missions in the Marine Corps.

With these numbers in mind the committee voted to increase the percentage of the defense budget devoted to the Guard and the Reserve to 3.3 percent.

This is a small investment to make given the size of the investment the Guard and Reserve makes in defending our country.

The Dickinson amendment would eliminate this badly needed funding.

By passing this amendment we would do the Guard and Reserve Forces of this country a great disservice.

Mr. MONTGOMERY. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. LANCASTER].

Mr. LANCASTER. Mr. Chairman, I rise in opposition to this amendment because of my strong support of the V-22. At a time when the prospects of the horror of the nuclear holocaust seem to be diminishing, our national security continues to be threatened by limited regional conflicts and terrorist activities. Few military programs are as well suited for supporting these low intensity conflict operations as the V-22.

Within the Department of Defense, we have two organizations to counter the threats involved in low intensity conflict—the Marine Corps and the Special Operations Forces. I remind my colleagues that it was Congress, not the Department of Defense, that saw to it that a unified command was established to deal with special operations and low intensity conflict. Both the Marine Corps and the Special Operations Command have declared the V-22 to be their top priority. Again, it falls upon Congress to support this essential military mission.

The assault helicopter the Marines now use is some 30 years old. It must be replaced to do the job against the

emerging threat. Budget realities dictate that any replacement aircraft will also have to last about 30 years. We must provide our forces with new state-of-the-art aircraft that will give them a survivable combat advantage up to the year 2020. The replacement aircraft proposed in the Cheney budget were developed in the late 1960's and early 1970's, and in my view this is dangerous.

During the Falklands conflict the British learned, at the expense of a great loss of life, that an amphibious landing task force near a beach is vulnerable to air attack. Our Marine Corps has been developing the capability to attack from over the horizon where a large zone can exist for adequate air defense. Essential to the mission of doing over the horizon assaults is the ability to get marines ashore quickly, and this cannot be done without the V-22. After the battle is over there is an equally important need to be able to extract our forces quickly and safely. For the conflicts we are most likely to be involved with in the future, and for the kinds of missions these conflicts will dictate, the V-22 will be essential for increasing the likelihood of success and reducing the loss of lives of our fighting forces.

We cannot allow the Department of Defense to cancel the V-22 and substitute helicopters from the past that will cost more in long term dollars, cost lives, and be less survivable. I urge my colleagues to support H.R. 2461 and defeat this amendment.

Mr. DICKINSON. Mr. Chairman, I yield the remaining 1½ minutes to the very distinguished gentleman from Connecticut [Mr. ROWLAND].

Mr. ROWLAND of Connecticut. Mr. Chairman, I am confused. I have sat through dozens of committee hearings in the Committee on Armed Services where we have talked with former Secretaries of Defense, administration officials, military experts, demanding that these individuals set priorities, demanding that they come up with cancellations and proposals to cut back on the various budgets.

What happened this year was quite simple. We came up with the budget summit and an economic number that was \$10 billion less than the Reagan budget. We threw the ball to Mr. Cheney. We demanded that he come up with a proposal to cut some \$10 billion from the Reagan budget.

Much to our surprise, Mr. Chairman, and perhaps to the dismay of some, he did just that. We were startled. Members quickly looked around, and, rather than coming up with other plans, rather than offering other proposals to reduce \$10 billion, within days of the Cheney budget we came up with over \$7 billion in add-ons.

Yes, no one agrees with all of the positions that the Cheney budget took. We do not agree with all the cancella-

tions, but I can assure my colleagues, and I think most Members agree, the decisions that were made will save money. If we delay cancellations, if we delay terminations, we merely push the tougher choices into the future.

The gentleman from Alabama [Mr. DICKINSON] later on in the week will also offer an amendment which will add back dollars to the National Guard and Reserve in his motion to recommit. For those of us that are concerned about those positions, as I am, and of course the chairman of the Committee on Veterans' Affairs, we can protect that position later.

Mr. Chairman, I would encourage everyone on both sides of the aisle to support the amendment of the gentleman from Alabama [Mr. DICKINSON].

Mr. MONTGOMERY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. HOCHBRUECKNER].

Mr. HOCHBRUECKNER. Mr. Chairman, I rise in opposition to the Dickinson amendment.

Mr. MONTGOMERY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Chairman, let me just say that there is no one I have a higher regard for than the gentleman from Alabama [Mr. DICKINSON], nobody I take more advice from and pay more attention to on defense issues. He is a great defender of this Nation, and he always has been, but I disagree with him on this particular case.

Mr. Chairman, I think Dick Cheney, after he has been over there a while, he is going to turn out to be a great Secretary of Defense, and I have great admiration for him.

However let me tell my colleagues about these programs that I think are so important. The V-22 is absolutely essential to the Marine Corps. The Marine Corps put a lot of money into this thing down the road. They put other programs on the shelf in order to fund the offspring, and they needed to get the troops into the field. This is a troop-funding program. The F-14 in my estimation is a mature program. We are 56 airplanes short, no matter how we look at it, and we ought to buy that program out as we go to the follow-on fighter, and there is no question about the National Guard and the shortages.

Mr. Chairman, all of us, I think, agree, and it is absolutely essential that we defeat the amendment of the gentleman from Alabama [Mr. DICKINSON] and go forward with this bill.

□ 1990

Mr. MONTGOMERY. Mr. Chairman, in closing the debate, I want to point out to my colleagues that we do have a new Secretary of Defense and a wonderful person, but Mr. Cheney is

not running this House and is not running this committee.

We only added three amendments to the Cheney budget. I think that in fairness we are entitled to that, and I hope that this committee will stay with the Armed Services Committee and vote down the Cheney-Dickinson amendment.

Mr. Chairman, I ask for a no vote.

Mr. DICKINSON. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore (Mr. DURBIN). Is there objection to the request of the gentleman from Alabama?

Mr. MONTGOMERY. Mr. Chairman, reserving the right to object, I will not object, but I do not know what the gentleman is driving at. Would the gentleman explain his request?

Mr. DICKINSON. I think I have the right to strike the last word.

The CHAIRMAN pro tempore. Not under the rule, if there is objection heard. There is a rule limiting debate. All the time under that rule has expired. If the gentleman is asking unanimous consent to have additional time to argue, then the Chair will ask the committee to consider that request, and if there is objection, it will not be granted. If there is no objection, it will be granted.

Mr. DICKINSON. Mr. Chairman, this gentleman did not ask for unanimous consent. It was my understanding that under the rule the chairman or the ranking member has the right to strike the requisite number of words.

The CHAIRMAN pro tempore. That is not the wording of the rule this year. The gentleman will have to ask unanimous consent.

The question is on the amendment offered by the gentleman from Alabama [Mr. DICKINSON].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DICKINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 143, noes 278, answered "present" 1, not voting 9, as follows:

[Roll No. 164]

AYES—143

Archer	Clinger	Duncan
Aspin	Coble	Edwards (OK)
Baker	Coleman (MO)	Emerson
Ballenger	Combest	English
Bateman	Cooper	Fawell
Bereuter	Coughlin	Fish
Bilirakis	Cox	Frenzel
Bliley	Craig	Gallely
Broomfield	Crane	Gallo
Brown (CO)	Dannemeyer	Gekas
Bunning	Davis	Gillmor
Burton	DeLay	Gingrich
Callahan	DeWine	Goss
Campbell (CA)	Dickinson	Gradison
Cardin	Douglas	Grandy
Chandler	Dreier	Grant

Gunderson	McCurdy	Shays	Obey	Russo	Synar
Hammerschmidt	McEwen	Shumway	Ortiz	Sabo	Tallon
Hancock	McMillan (NC)	Shuster	Owens (NY)	Sangmeister	Tanner
Hansen	Meyers	Skeen	Owens (UT)	Sarpallius	Tauzin
Hastert	Michel	Skelton	Pallone	Savage	Thomas (GA)
Hefley	Moorhead	Slaughter (VA)	Panetta	Sawyer	Torres
Herger	Morrison (CT)	Smith (IA)	Parker	Scheuer	Torricelli
Hiler	Morrison (WA)	Smith (TX)	Patterson	Schneider	Towns
Hoagland	Myers	Smith (VT)	Payne (NJ)	Schroeder	Trafigant
Holloway	Nagle	Smith, Denny	Payne (VA)	Schulze	Traxler
Hopkins	Nielson	(OR)	Pease	Schumer	Udall
Houghton	Oxley	Smith, Robert	Pelosi	Sensenbrenner	Unsoeld
Huckaby	Packard	(NH)	Penny	Sharp	Valentine
Hunter	Parris	Smith, Robert	Perkins	Sikorski	Vento
Inhofe	Pashayan	(OR)	Pickett	Slasky	Visclosky
Ireland	Paxon	Solomon	Pickle	Skaggs	Volkmer
Johnson (CT)	Petri	Stangeland	Poshard	Slattery	Walgren
Kasich	Porter	Stearns	Price	Slaughter (NY)	Walsh
Kastenmeier	Quillen	Stenholm	Pursell	Smith (FL)	Waxman
Kolbe	Ray	Sundquist	Rahall	Smith (MS)	Weiss
Kyl	Regula	Tauke	Rangel	Smith (NE)	Weldon
Lagomarsino	Rinaldo	Thomas (CA)	Ravenel	Smith (NJ)	Wheat
Leach (IA)	Robinson	Thomas (WY)	Rhodes	Snowe	Whittaker
Lewis (CA)	Rohrabacher	Upton	Richardson	Solarz	Whitten
Lowery (CA)	Roth	Vander Jagt	Ridge	Spence	Williams
Lukens, Donald	Roukema	Vucanovich	Ritter	Spratt	Wilson
Machtley	Rowland (CT)	Walker	Roberts	Staggers	Wise
Madigan	Salki	Watkins	Roe	Stallings	Wolpe
Marlenee	Saxton	Weber	Rogers	Stark	Wyden
Martin (IL)	Schaefer	Wolf	Rose	Stokes	Yates
McCandless	Schiff	Wylie	Rostenkowski	Studds	Yatron
McCollum	Schuette	Young (AK)	Rowland (GA)	Stump	Young (FL)
McCrery	Shaw		Roybal	Swift	

NOES—278

Ackerman	Durbin	Kaptur
Akaka	Dwyer	Kennedy
Alexander	Dymally	Kennelly
Anderson	Dyson	Kildee
Andrews	Early	Klecza
Annunzio	Eckart	Kolter
Anthony	Edwards (CA)	Kostmayer
Applegate	Engel	LaFalce
Armey	Erdreich	Lancaster
Atkins	Espy	Lantos
AuCoin	Evans	Laughlin
Barnard	Fascell	Leath (TX)
Bartlett	Fazio	Lehman (CA)
Barton	Feighan	Lehman (FL)
Bates	Fields	Leland
Beilenson	Flake	Lent
Bennett	Flippo	Levin (MI)
Bentley	Foglietta	Levine (CA)
Berman	Ford (MI)	Lewis (FL)
Bevill	Ford (TN)	Lewis (GA)
Bilbray	Frank	Lightfoot
Boehlert	Frost	Livingston
Boggs	Garcia	Lloyd
Bonior	Gaydos	Long
Borski	Gejdenson	Lowey (NY)
Bosco	Gephardt	Lukens, Thomas
Boucher	Gibbons	Manton
Boxer	Gilman	Markey
Brennan	Glickman	Martin (NY)
Browder	Gonzalez	Martinez
Brown (CA)	Goodling	Matsui
Bruce	Gordon	Mavroules
Bryant	Gray	Mazzoli
Buechner	Green	McCloskey
Bustamante	Guarini	McDade
Byron	Hall (OH)	McDermott
Campbell (CO)	Hall (TX)	McGrath
Carper	Hamilton	McHugh
Carr	Harris	McMillen (MD)
Clarke	Hatcher	McNulty
Clay	Hayes (IL)	Mfume
Clement	Hayes (LA)	Miller (CA)
Coleman (TX)	Hefner	Miller (OH)
Conte	Henry	Miller (WA)
Conyers	Hertel	Mineta
Costello	Hochbrueckner	Moakley
Coyne	Horton	Molinari
Crockett	Hoyer	Mollohan
Darden	Hubbard	Montgomery
de la Garza	Hughes	Moody
DeFazio	Hutto	Morella
Dellums	Jacobs	Mrazek
Derrick	James	Murtha
Dicks	Jenkins	Natcher
Dingell	Johnson (SD)	Neal (MA)
Dixon	Johnston	Neal (NC)
Donnelly	Jones (GA)	Nelson
Dorgan (ND)	Jones (NC)	Nowak
Dornan (CA)	Jontz	Oakar
Downey	Kanjorski	Oberstar

ANSWERED "PRESENT"—1

Olin

NOT VOTING—9

Brooks	Courter	Hyde
Chapman	Florio	Lipinski
Collins	Hawkins	Murphy

□ 1919

Mr. RITTER and Mr. ROHRBACHER changed their vote from "no" to "aye."

Mrs. ROUKEMA changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1920

Mr. ASPIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. LEHMAN of California] having assumed the chair, Mr. DURBIN, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H.R. 2461) to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes, had come to no resolution thereon.

CORDELL BANK NATIONAL MARINE SANCTUARY

Mr. BOSCO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 281) to approve the designation of the Cordell Bank National Marine Sanctuary, to disapprove a term of that designation, to prohibit

the exploration for, or the development or production of, oil, gas, or minerals in any area of that sanctuary, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Page 2, strike out all after line 17, over to and including line 2, on page 4.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. DAVIS. Mr. Speaker, reserving the right to object, I will not object, but I yield to the gentleman from California [Mr. Bosco] for an explanation of the joint resolution.

Mr. BOSCO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, earlier this year the Bush administration set aside a 400-square-mile area off the coast of northern California as a marine sanctuary known as the Cordell Bank Marine Sanctuary.

This resolution makes it clear that there will be no oil or mineral development within the confines of that sanctuary.

Mr. DAVIS. Mr. Speaker, I am aware of no minority objection at this time to this joint resolution.

The administration is not opposed to House Joint Resolution 281, and it was reported favorably from the Committee on Merchant Marine and Fisheries on June 21, and passed by the House by voice vote 6 days later.

Therefore, we have no objection to the measure.

Mr. JONES of North Carolina. Mr. Speaker, I rise in support of this motion to pass House Joint Resolution 281 as amended by the Senate.

Mr. Speaker, on Monday, July 24, the Senate passed this resolution after removing my amendment that would have required the Department of the Interior to prepare an environmental impact statement prior to approving an oil and gas exploration plan on certain tracts offshore North Carolina.

I am pleased to announce that the State of North Carolina, the Department of the Interior, and the Mobil Oil Corp. reached an agreement on July 14, 1989, that eliminates the need for my amendment.

Specifically, Mr. Speaker, the agreement establishes a timetable within which the Department of the Interior will complete an "environmental report" tailor made for North Carolina on the exploration plan submitted by Mobil Oil.

I am pleased with the agreement and believe, as does North Carolina Governor Martin, that it responds to the many questions and concerns raised about the Mobil drilling proposal.

For several months I have been trying to get the parties involved to reach just such a voluntary agreement. When there seemed to be little interest in doing so, I took steps to re-

quire, through the amendment to House Joint Resolution 218, an environmental impact statement before Mobil's exploration plan could be approved.

Mr. Speaker, I have consistently said that I would not object to the removal of my E.I.S. requirement on the Cordell Bank Marine Sanctuary bill if the parties reached an agreement.

In a letter dated July 13, 1989, Governor Martin graciously acknowledged the influence that the amendment had in bringing the parties together and went on to relieve the North Carolina congressional delegation of any further action on the proposal.

Having taken care of the concerns expressed by the residents of the State of North Carolina, it is time to turn our attention to successfully enacting the Cordell Bank Marine Sanctuary bill. I would like to acknowledge the tireless work of our colleague, DOUG BOSCO, in securing passage of this bill and the other body for its cooperation and prompt action on this matter.

Mr. DAVIS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOSCO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution and Senate amendment thereto just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT OF THE DEATH OF THE HONORABLE JAMES N. COLLINS

(Mr. BARTLETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT. Mr. Speaker, I rise to announce the death last Friday of a retired Member of this House, Congressman James N. Collins, who passed away last Friday afternoon in Dallas, TX. His funeral was held yesterday afternoon in Dallas at 4 p.m.

He served in this House after a special election was held in 1968 through 1982. He served as a member of the Energy and Commerce Committee. He was a well-respected Member in this body.

Mr. Speaker, I want my colleagues to know that we will be taking a special order on Congressman Collins next week, either Monday or Tuesday, as a way of paying tribute to his service in this body.

RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT OPERATIONS AND COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Government Operations and the Committee on Public Works and Transportation:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 20, 1989.

Hon. THOMAS FOLEY,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I am writing to inform you that due to my appointment to the Committee on Rules, I must resign my position as a member of the Committee on Government Operations and the Committee on Public Works and Transportation.

Please feel free to contact me if I can be of any further assistance.

Sincerely,

LOUISE M. SLAUGHTER,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There is no objection.

INTRODUCTION OF HEALTH BILL

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. McDERMOTT. Mr. Speaker, Americans deserve a health care system that works like a system, not like a lottery. In my State of Washington, we have a system. It is called the Washington Basic Health Plan, and it is the first State program in the country to provide low-cost health insurance to the working poor.

I know other States have good ideas on how to bring affordable care to their citizens. That is why today I am introducing legislation to provide planning grants for States to develop their own programs for their uninsured families.

Robert LaFollette called State legislatures "the laboratories of democracy" and I believe the States can help us—by showing what works and what doesn't. That is how Canada's health care system developed—through the provinces.

We need a national system of health insurance in this country. We will develop one, based on our circumstances and experience, but we may develop it the same way as Canada—through our States. The most effective programs, and the most humane and caring programs, are developed at the local level. I believe that given the opportunity, one of our 50 States will find a way to cover the uninsured at an affordable cost that will work for the rest of the

country. I ask my colleagues to join me in supporting this effort.

Today I want to join many of my colleagues and millions of Americans across the country in the struggle to bring affordable health care to all of our citizens. Our current health care system is the world's most expensive—but it still leaves 1 in 6 Americans without coverage. It is a national scandal that continues to defy effective Federal response.

We spend over 11 percent of our gross national product on health care—more than twice what we spend on national defense and more than any other nation in the world. Every other industrial democracy spends far less on health care and covers its entire population. Yet we still have more than 30 million people who are uninsured. If America spent the same percentage of GNP on health care as Canada does, we could free up something like \$200 billion in our economy—enough to balance the Federal budget, reduce taxes, or dramatically increase Federal spending for other purposes.

Everyone knows something is drastically wrong. A recent poll found that 89 percent of Americans agreed that our health care system needs "fundamental change." Americans want a health care system that works like a system, not like a lottery. Proposals for change have come from national commissions, Members of Congress, academic experts, health care organizations, and many others. Most of them would be improvements over our current fragmented non-system. Most of them have elements that should be part of any reform. And most of them are nationwide in scope, requiring extensive Federal legislation and involving major uncertainties about cost, quality, and other issues.

As a physician, I am especially aware of the tragic gaps in our health care system, and I have seen the consequences first-hand. I am a strong supporter of national health insurance and a cosponsor of the Basic Health Benefits for All Americans Act (H.R. 1845), authored by Senator KENNEDY and Congressman WAXMAN. I am also a cosponsor of Congressman SABO's Comprehensive Health Care Improvement Act (H.R. 872), and the Universal Health Insurance Act by Congressman PEASE (H.R. 2218). I continue to hope this Congress will enact comprehensive national legislation, but I think we must also explore other approaches to the problem of access to health care.

The Federal Government is not the only source of innovation, creativity, or courage in dealing with public policy issues. The most effective programs, and the most humane and caring programs, are often developed at the State and local level. We all know examples where individual States have shown the way—have served, in Robert LaFollette's words, as "the laboratories of democracy." Many of our social institutions—worker's compensation, unemployment compensation, universal education, public health, and others—began in individual States, spread to other States, evolved through trial and error, and finally became part of our national fabric.

Sometimes States need encouragement to develop innovative programs, and sometimes they need flexibility under Federal laws.

Sometimes they make mistakes, and sometimes they come up with approaches that become national models. I believe that, with the right encouragement and with the necessary flexibility, some of our 50 laboratories of democracy will find the way to make affordable health care the basic right it should be in any democracy.

In my State of Washington, we have begun our own experiment in bringing health care to the uninsured. It's called the Washington Basic Health Plan, and it is America's only State-sponsored system of managed health coverage for the unemployed and the working poor. This experiment was developed over several years from legislation I first introduced in the state legislature in 1985, and this past January it began operation as a series of pilot projects.

Right now, the Washington Basic Health Plan offers basic benefits to 5,300 residents of the State's three largest counties. Their average household income is \$8,700, and they include children, families, and young and middle aged adults. Many have jobs that do not provide health insurance and many are unemployed. The average premium they pay, based on income, is \$34 per month per person. The State legislature has provided \$39 million to expand the program to 25,000 people in the next 2 years.

We are excited about bringing affordable health care to our citizens in Washington, and I am sure other States want to do the same thing. I am pleased today to introduce the Managed Health Care Access and Cost Containment Act of 1989—an effort to encourage other States to develop their own basic health plans.

The bill authorizes a one-time appropriation of \$25 million, an average of \$500,000 per State, in planning grants to help States that want to design their own basic health plans for the uninsured. These funds are to be provided to States that apply for them, as a population-based entitlement, for demographic study, benefit design, resource assessment, financial planning, and development of legislation. Planning can be done by a State health department, a State university, a legislative committee, a specially created commission, or any other public body the State chooses. Either the executive or the legislative branch of a State government can do this work, or they can work together. A State like Washington, which has already developed a basic health plan, can use its grant to develop improvements, study long-term financing options, or for similar purposes.

One problem, I want to encourage States to address is the issue of cost containment. Real reform of our health care system will not succeed unless we address this issue. The history of health care reform in this country has been a series of swings between expanding access and containing costs. Our failure to address these issues together is one reason we spend so much money for so little coverage of our population.

Trying to control medical costs has been compared to punching a balloon—whenever you make a dent, you make a bulge somewhere else. There are a lot of reasons why this is true, but among the most important are

fee-for-service pricing and a fragmented delivery system.

Fee-for-service pricing compensates providers for each test or procedure they perform, so controlling fees can result in the multiplication of fee-generating services. The proliferation of health care delivery mechanisms—hospitals, clinics, outpatient surgi-centers, office practices, and so on, usually under different ownerships—means controls over costs in one setting, such as the hospital, can result in shifting patients and services to other settings, such as the surgi-center or even the doctor's office.

I think part of the answer is the concept of managed health care—the concept on which health maintenance organizations are based. Managed health care systems do not charge fees to patients or to their public or private third-party insurers. Instead, they act as both insurers and providers of care, receiving premiums and using them to provide services as needed. Managed care means everyone has an incentive to avoid unnecessary hospitalizations, tests, and procedures. It means the payment system rewards preventive care instead of penalizing it. And it places the responsibility to control costs on the provider, who knows best how to maintain health and the quality of care while doing so.

In my State of Washington, managed care is a well-accepted concept. We have been using it, along with fee-for-service systems, for more than 40 years. Studies have shown that a well-run managed care system can provide better quality care than a fee-for-service system at 25 percent less cost. Managed care systems can be mismanaged, as they have been in California, Florida, and some other places when quality took a back seat to cost-cutting. But I think managed care offers real hope for a way to break the cycle of expanding access and controlling costs.

That is why I insisted on a managed care delivery system for the Washington Basic Health Plan. The basic health plan emphasizes prenatal and pediatric care, checkups and prevention, immunizations, and family medicine. It provides hospitalization, surgery, and similar coverage, but it aims to keep people from getting sick whenever possible. That's a natural effect of a managed care system, and a critical part of any cost-control strategy.

It's too early to tell how successful Washington State will be in combining expanded access with cost containment—a problem that has eluded Washington, DC, for the quarter century the Federal Government has been trying to pursue both goals. And my State's approach is surely not the only one demonstrating promise. Other States are also trying to innovate in different ways.

I believe one of these States, or more likely a combination, will find a way to cover the uninsured at an affordable cost before we in the Federal Government can get the votes and the Presidential commitment to do it here. And I think those State efforts will help us develop the national system we need—by showing what works and what doesn't. That is how Canada's health care system, which is looking better and better as our looks worse, developed. In this country we will develop our own system, based on our circumstances and ex-

perience, but we may develop it the same way—through the States.

The Managed Health Care Access and Cost Containment Act is meant to offer another opening for innovation and creativity in getting us to the national health care system Americans need and deserve. It is meant to complement proposals to require employer-sponsored coverage, to expand Medicaid, to create insurance pools, and to innovate in other ways at the Federal level. It is meant to support efforts already underway in many States. I hope it will meet with a favorable reception in this Congress. I want to thank especially Congressman WAXMAN and Congressman STARK for their cosponsorship of this bill, and I ask my colleagues for their support as well. The need for affordable health care for all Americans is too urgent for us to ignore any strategy.

H.R. —

A bill to provide Federal assistance to States in planning and developing means of providing access to affordable health care for the uninsured

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Managed Health Care Access and Cost Containment Act of 1989".

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) The term "Secretary" means the Secretary of Health and Human Services.

(2) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

(3) The terms "State basic health plan" and "State plan" mean a system of enrollment and payment for basic health care services to enrollees, administered by a State agency through participating managed health care systems and, at the State's option, other health care facilities and providers.

(4) The term "managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the State basic health plan and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population enrolled in the State plan and in the managed health care system.

(5) The term "enrollee" means, with respect to a State plan, an individual (or an individual and the individual's spouse and dependent children), each of whom is under the age of 65 and not otherwise eligible for benefits under title XVIII of the Social Security Act, who resides in the State, whose gross family income does not exceed limits set by the State plan, who chooses to obtain basic health care coverage in return for periodic payments to the State plan, and who does not have access to employer-sponsored health coverage as defined by the State plan.

(6) The term "designated State planning body" means, any governmental organization designated by the chief executive officer or the legislature of a State as eligible to receive planning grants from the Secretary under this Act. A designated State planning

body may be an existing State agency (including a college, university, board, or commission, or legislative committee) or a State agency (including a board, commission, or special legislative committee) created by legislative or executive action for the purpose of receiving grants and conducting studies under this Act.

SEC. 3. GRANTS.

(a) **IN GENERAL.**—From funds appropriated as authorized by this Act, the Secretary shall make grants to designated State planning bodies applying for such grants to enable them to study, plan, and develop State basic health plans to meet the needs of their uninsured residents for access to affordable basic health care.

(b) **USE OF FUNDS.**—Designated State planning bodies may use grant funds under this Act for any or all of the following purposes:

(1) To develop demographic information about the numbers and characteristics of individuals residing in the State who lack access to affordable basic health coverage and might become enrollees in a State basic health plan.

(2) To define one or more schedules of health care benefits that could be provided to enrollees as part of a State basic health plan.

(3) To study and determine the availability of health care resources in the State, including existing managed health care systems and other health care providers and facilities, to provide defined benefits to enrollees in a State basic health plan.

(4) To design financing mechanisms for the State (A) to purchase defined benefits from managed health care systems, and, at the State's option, from health care facilities and providers other than managed health care systems, and (B) to collect from enrollees premiums varying with enrollee family incomes. Such financing mechanisms shall not rely on Federal funds to pay for health care services to any individual who is not otherwise eligible for federally funded health care.

(5) To identify changes in State law necessary to create a State basic health plan and prepare any legislation for that purpose.

(c) **ALLOTMENT OF FUNDS.**—Every designated State planning body submitting an application to the Secretary for a grant under this Act, for any of the purposes specified in subsection (b), shall be entitled to receive a grant in an amount which bears the same ratio to the total amount appropriated as authorized by this Act as the State's population bears to the total population of the United States.

(d) **STATE PLANNING BODIES.**—(1) Designated State planning bodies may enter into contracts for any part of the study and planning activities funded from grants under this Act.

(2) Every designated State planning body receiving a grant under this Act shall hold at least one public hearing as part of the development of the State basic health plan.

(3) Every designated State planning body receiving a grant under this Act shall prepare a written report summarizing its findings, conclusions, and any recommendations for a State basic health plan. Copies of the report shall be furnished to the Secretary, to every Member of Congress from the State, and to the public.

SEC. 4. RULES.

The Secretary may promulgate and adopt rules and regulations to administer the grant program authorized by this Act.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act \$25,000,000 for fiscal year 1990.

FLORIDA A&M UNIVERSITY BAND HONORED

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. NELSON] is recognized for 5 minutes.

Mr. NELSON of Florida. Mr. Speaker, I am pleased today to call attention to the outstanding performance of the Florida A&M University Marching Band in Paris on the 20th anniversary of Bastille Day, July 14.

The excellent musicians of the Rattler Band, with their high-stepping style, honored our Nation as the only band representing the United States. Dr. William P. Foster, whose inspired choreography has brought distinction to the band and Florida A&M, has reason to be proud of his achievements and those of his musicians.

As one of only 16 bands worldwide invited by the Government of France to join in the celebration, the band has achieved the international recognition it deserves.

All Floridians can be proud that the Rattler Band was selected to represent the Sunshine State and the United States during the celebration of 200 years of freedom in France.

My hat is off to you, Rattlers.

VOLUNTARY RESTRAINT AGREEMENTS ON STEEL IMPORTS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, I had requested time this evening to ask some of our colleagues to join with me in urging the President to extend the voluntary restraint agreements on steel imports for an additional 5 years. Since I asked for this time—the White House came to its decision—which was announced early this afternoon. And I must say I am disappointed in the provisions of the new so-called extension.

Rather than the 5 years of an orderly market guaranteed to give our domestic industries time to recover some of the heavy losses of the early 1980's—\$12 billion—and gain profits to pay back the investments in modernization—the President's proposed extension of restraints begins to unravel almost immediately as it is put into place.

Quotas will rise after the first year at 1 percent per year through the end of the second year—at which time the restraints are out at the end of 6 more months. Granted that the President's statement qualifies that: "this increase will be allocated to countries that undertake and abide by disciplines to address trade-distorting practices."

However, in steel markets, 2 years of rising quotas is nothing—the new VRA's can be waited out. And if that is not the attitude of our trading part-

ners, why then the story in the Journal of Commerce this very day reporting that non-Communist steel output was up in June:

NON-COMMUNIST STEEL OUTPUT UP IN JUNE

BRUSSELS, BELGIUM.—Crude steel production in the non-communist world rose by 2.8% to 40.1 million tons in June from the corresponding year-earlier month, according to the International Iron and Steel Institute.

In the first six months of 1989, output rose by 3.7% to 245.35 million tons from the year-earlier period.

The June rise was led by Japan, where steel companies increased output by 5% to 8.96 million tons from June 1988. Production in the United States edged up by 1.6% to 7.4 million tons.

Our steel industry was clipped, pruned, and sheared over this decade because we were told that there was overproduction of steel in the world. And that our industry was fat, lazy, and obsolete—that with untrammelled free trade, it would be forced to compete—no holds barred—with steel being dumped in here from all over the world. And, dumped it was.

The only reason that we got voluntary restraints in the first place was to forestall case after case being brought before the ITC, and before the Commerce, charging illegal trading practices against foreign steel producers.

With this article today in the Journal of Commerce, it looks like our trading partners are positioning themselves to take advantage of this same free trade atmosphere in steel returning to the United States.

As a matter of fact, some other reports—this year—suggest that not only the Japanese, but the French and the Italians—the Spanish, the Brits and the Germans were anticipating the decision of the White House.

Note this:

In June, the French granted a \$225.5 million subsidy to its steel company, Ulsinor-sacilor.

In April, West Germany forgave a steel company, Arbed Saarstahl, from paying \$374 million owed to the Government.

Early in the year, Spain provided its steel companies with a package of subsidies and cut-rate loans totaling more than \$600 million.

And in December 1988, British steel was privatized for \$4 billion. And in Italy, \$3.8 billion was granted to the state-owned Finsider steel company. Currently, an additional subsidy for \$2 billion is being considered.

That is the "Free Trade" atmosphere of the European Community which our steel companies face. Is that a level playing field from which they are all talking of? I think not. All the subsidies are being loaded in ahead of time. And to add to that, every European nation rebates an average of 19-20 percent—a return of the value added tax to the steel compa-

nies—on the value of every steel shipment which goes into the export markets.

In like manner, when a ton of United States steel reaches Europe, 19-20 percent is added on for the VAT—even though the value has been added in the United States and United States' State and income taxes have not been rebated to the United States' producers.

The President is promising that in the Uruguay round of multilateral trade negotiations, efforts will be made to reach an international consensus to provide effective disciplines over government aid and intervention in the steel sector—and to lower barriers to global trade in steel.

I am also directing Ambassador Hills to seek to negotiate, through the Uruguay Round of Multilateral Trade Negotiations and complementary bilateral agreements, an international consensus to provide effective disciplines over government aid and intervention in the steel sector and to lower barriers to global trade in steel. The international consensus will contain three elements:

Strong disciplines over trade-distorting government subsidies;

Lowering of trade barriers so as to ensure market access; and

Enforcement measures to deal with violations of consensus obligations.

However, no efforts have ever been made to compensate our exporters for the addition of the value added tax, nor to rebate U.S. taxes to our companies on export shipments.

It is a major barrier.

I also hope steel capacity is also going to be addressed. If there is overcapacity in the world, take it out of someone else's hide. We have given and lost enough to bring steel production in the world into balance.

Look at our Rust Belt; look at the capacity which we have been able to maintain. Right now—in an all-out crunch—we could not produce enough steel domestically for our own needs. And I believe that we are the only industrialized nation in the world left in this condition.

To request that the United States continue on with voluntary restraints against foreign steel—considering what other nations do for their steel companies—is little enough and certainly, in comparison, not one of those nations could criticize or complain.

Level playing field—let's level some of the field abroad.

The importance of having integrated steel capacity seems not to be recognized in all of this. We are told of the successes of the mini-mills processing scrap steel. And I think it's great. It is wise to have a market for scrap—and to use it—where appropriate. But surely, no American could believe that the United States will continue as a major nation in the global economy without an integrated steel industry.

We have spent the day on the Defense budget—imagine, just imagine, if the tremendous demand which exists inside Defense for steel had to be supplied mainly offshore. How strong would we be then? And what would be the size of our trade deficit?

And it could happen.

If we return to the U.S. steel market of the early eighties—between 1982 and 1986—4 short years—of no-holds-barred steel shipments, then, we will see another shakeout of our steel producers, another series of lost jobs and layoffs. The U.S. market was destroyed in that period of time. It can happen again.

Looking at billions being spent on all manners of things, the steel industry is not asking for any money—it is only asking for a fair chance. And for that reason, when the steel caucus meets in the morning, I am sure that the issue of legislation will be discussed as a remedy for this disappointing proposal from the administration.

Many of our colleagues are very concerned and desire to continue the old VRA Program.

Under the expiring VRA agreements, the steel industry has been able to:

Reduce import's share of U.S. consumption from a high of 30 percent in the third quarter of 1984 to under 21 percent today.

Stop the hemorrhaging of an industry vital to America's national security, industrial base, and infrastructure, by producing additional cash-flow that has prevented further equity losses and bankruptcies—to this day, 15 percent of the industry remains in Chapter 11 bankruptcy.

A major factor in fostering the industry's continuing recovery, enabling U.S. producers to ship at least 8 million additional tons of steel.

Benefit steel consumers by allowing U.S. producers to begin taking major steps toward their goal of becoming fully competitive by international standards.

Not cause harm to consumers, because they have not caused any significant price increase or shortages. In fact, prices actually dropped in the program's first 2 years and, since substantial amounts of steel from VRA countries went unshipped in 1987 and 1988, VRA's could not possibly be the cause of any recent price increases or alleged shortages.

And there is an old adage which I think fits wonderfully in closing—if it's not broke—if it's working, don't fix it.

□ 1940

Mr. Speaker, I yield to the gentleman from Indiana [Mr. Visclosky].

Mr. VISCLOSKY. Mr. Speaker, I would like to congratulate the gentleman for her tenacity for fighting on behalf of the domestic steel industry

and her vigorous and strong participation in the Caucus, and for having the foresight for having time set aside to night on an important issue. That is the President's proposal of the renewal of the VRA. If the gentlewoman would indulge me for a moment or two.

Today, President Bush announced his plan for extending the VRA's. He calls for a 2½-year extension of the program with some modifications.

The President's proposal sets the import limit at 18.4 percent—the current target is 20.2 percent—and gives the U.S. Trade Representative the option to increase that limit if she finds that participating countries are trading in good faith.

The President is essentially breaking his campaign pledge to the U.S. steel industry. His proposal does not ensure that the industry can continue its recovery and modernization efforts because the VRA's will be extended for only 2½ years instead of the full, 5-year extension that I had hoped for and which 247 of my colleagues prefer as cosponsors of H.R. 904.

Furthermore, I am concerned because the President's long-term goal of rendering VRA's obsolete through the elimination of unfair trade practices is based upon obtaining an elusive international consensus.

I am dubious of the proposal's ambitious objective of reaching an international consensus because it relies too heavily upon the success of the Uruguay Round negotiations of the General Agreement on Tariffs and Trade [GATT]. Ninety-six countries are members of the GATT. In theory, a multilateral solution to steel subsidization is sound, but in reality such a solution will be difficult to achieve.

At its mid-point in December, 1988, there was general disappointment with the fact that the Uruguay Round was moving extremely slowly and that it had not made headway on the plethora of contentious issues that it had hoped to solve. Agricultural subsidization is one of those issues, and there is a long way to go before that problem will be resolved.

In fact, if we look at the marginal progress that the GATT has made to date regarding agricultural subsidies, I am wary of placing too much hope in using the GATT to eliminate the widespread subsidies that many foreign governments give to their domestic steel producers.

The President's proposal mentions an enforcement mechanism, but precisely how an international consensus on eliminating unfair trading practices would be enforced is not yet clear. There is no enforcement mechanism contained in the GATT—one of its fundamental weaknesses.

In sum, a multilateral solution is appealing, but will it really materialize?

Can we gamble the revitalization of the U.S. steel industry on an international consensus that has to be accomplished in a relatively short amount of time? The Uruguay round is scheduled to end in December 1990.

According to industry sources, the industry has only halfway completed its modernization process. Two and one-half years will not be enough time for the industry to complete its efforts because it will not only have the burden of completing modernization, but the industry will most surely be required to meet new clean air standards.

On a more positive note, I am encouraged to see that provisions to improve the VRA program's short-supply process are included in the administration's proposal. These recommendations are in part due to a General Accounting Office investigation that I requested.

The damage caused by the President's procrastination is already an accomplished fact. The current program is due to expire on September 30, just 67 days from today. I think it will be difficult for the United States to effectively implement these proposals between now and September 30.

Overall, the President's proposal is too little, too late.

Mrs. BENTLEY. Mr. Speaker, I commend the gentleman from Indiana for his request of the GAO study on all of this, and also to point out the importance of time and the fact that the industry has only halfway recovered in these 5 years of VRA's. They just need that much more time. Again, I thank the gentleman from Indiana for joining here today.

Mr. Speaker, I yield to the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Speaker, I come before you tonight to enlist your support for an extension of the steel voluntary restraint agreements. As you know, the President announced today his proposal for an extension of the steel VRA Program. While I regret that he is only recommending a 2½-year extension, I am pleased that he recognizes that unfair, illegal subsidies and trade barriers continue to exist, and that he is pledging a more aggressive approach in the GATT negotiations and enforcement of U.S. trade laws. Congress provided the tools in last year's trade bill, especially the super 301 provision, to eliminate unfair trade practices and punish those nations which refuse to compete on a level playing field.

American steel producers are forced to compete in a world market dominated by foreign government intervention. In most steel producing countries, decisions about investment, disinvestment, production and pricing are influenced by the government. This level of government intervention inevitably places American producers at a

disadvantage. In addition, many foreign producers remain heavily protected from foreign competition by high tariffs, quotas, restrictive import licensing and other non-tariff barriers. These restrictive measures, coupled with heavy government subsidization, severely restrict U.S. producers' ability to compete in global and domestic markets.

Under the steel VRA Program, the U.S. steel industry has made excellent progress toward its goal of regaining its competitiveness. Costs have been lowered sharply, labor productivity has been increased dramatically, and production quality has been improved greatly. However, much remains to be done. Substantial new investment and modernization, on a sustained basis, is needed if the steel industry is to match the competitiveness of its leading foreign competitors.

We must provide an atmosphere in which our basic industries, such as the steel industry, are able to compete in global and domestic markets, in order to survive as an independent Nation. I am hopeful that the Congress and the President can now work together to extend the steel VRA Program in an expeditious manner. Again, this must be coupled with a clear message to the administration, particularly the Secretary of Commerce and the U.S. Trade Representative, that we in Congress will hold them to the promises made by the President today about rigorous enforcement of our trade laws. We must also send a clear message to our trade partners during these international trade negotiations that the eventual expiration of the steel VRA Program is not a green light to resume anticompetitive trade-distorting measures.

□ 1950

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman from Alabama [Mr. HARRIS], and I would ask him to engage in a colloquy with me for a moment or two.

Mr. Speaker, I want to commend the gentleman from Alabama [Mr. HARRIS] for pointing out the fact that we did pass the Trade Act last year, and perhaps at this time, now that we know what the VRA Program is, it would behoove us to take the contents of the Trade Act of 1987, and balance it out against what is being provided for us under this 2½-year extension, and then see in which direction we will have to move to help the industry, to continue to help the industry.

Mr. HARRIS. Mr. Speaker, I look forward to working with the gentleman from Maryland [Mrs. BENTLEY] in that regard because we have seen progress, but we are not there yet. We have got to keep this program in place so that we can keep a very important industry, not only to our part of the country, certainly to the part of

the country of the gentlewoman from Maryland [Mrs. BENTLEY], but to the whole Nation.

Mr. Speaker, it is so important for our defensive posture that we keep certain basic industries in place.

Mrs. BENTLEY. Mr. Speaker, I do not think we can emphasize too much its importance to the defense base of this country, and again I want to thank the gentleman from Alabama [Mr. HARRIS] for joining us tonight.

Mr. DINGELL. Mr. Speaker, today I rise in support of H.R. 904, a bill introduced by the Honorable JOHN MURTHA, of Pennsylvania, proposing a 5-year extension of the President's authority to negotiate steel VRA's. The recovery of our Nation's steel industry is still incomplete and the threat posed by foreign subsidies and unfair trade practices is still present.

When the legislation providing this authority to the President was first enacted in October of 1984 the American steel industry was confronted with its gravest crisis since the Great Depression. Massive foreign steel subsidies, totaling \$40 billion in the European Community over the past 10 years, lead to a chronic oversupply of steel. Rather than subject themselves to the discipline of the marketplace and make the necessary cutbacks in production, some Nations chose to simply dump their artificially maintained excess on the American market. Imports market share approached one-third of the market in the third quarter of 1984.

The result was disaster for the American steel industry. The industry was caught in a vicious circle where modernization was desperately needed to remain competitive, yet even with the efforts of our domestic industry to modernize plants, unfair trade practices including subsidization and dumping undercut the positive impact that modernization could produce. From 1983 to 1986, industry losses exceeded \$12 billion and 20 percent of the productive capacity was in chapter 11 of the Bankruptcy Code. Layoffs were immense and permanent. The steel mills which once forged the foundation of our national defense were closing down, some never to reopen. In my home district, McLouth Steel was on the verge of bankruptcy and Rouge Steel was considering a shut down. The term rust belt came into being, a sad but true testament to the frightful loss our Nation experienced in those dark days.

In October 1984 both Congress and the Reagan administration worked together in a bipartisan manner to stop this hemorrhaging of a vital American industry. Congress passed the Steel Import Stabilization Act which I strongly supported, giving the President the power to negotiate and enforce steel VRAs. The act limited foreign market share to 20 percent and required the domestic industry to reinvest all profits made off of their steel operations back into their steel operations.

The steel VRA Program made the difference. Over the past 5 years, the industry has spent \$9 billion on modernization. In my own district, McLouth Steel Products Corp. can now compete. After uncertainty regarding its future, Rouge Steel is still open and produc-

ing, and Great Lakes Steel has made significant improvements to its facilities. Even though the United States does not have policy of directly subsidizing its steel industry like some other countries, in areas such as product yield, energy efficiency, and continuous casting rates, the performance of American industry in the face of such unfair practices is encouraging. Costs are down 35 percent, productivity is up 40 percent, and quality is tremendously improved. But there is still room for even more improvement.

The VRA's are due to expire in September. VRA's have made a difference. The market share of imports is back around 20 percent. Modernization is proceeding. The industry has finally become marginally profitable again. But the recovery is fragile. World oversupply of steel is still around 150 million tons due mainly to foreign subsidization. The steel industries balance of payments for the past decade, even with the recovery of the past several years, is a \$6.4 billion dollar deficit. Now is the wrong time to subject our steel industry to a foreign competition artificially manipulated by subsidies and dumping when it is only beginning to recover. Until the larger international problems of oversupply and widespread foreign subsidization are addressed, American interests will be best served by refusing to sacrifice a vital American industry to those insist on sheltering themselves from the discipline of the marketplace. The VRA Program will allow our steel industry the opportunity to complete their modernization efforts free from the interference of dumping, subsidies, and other unfair trade practices.

I urge my colleagues to support H.R. 904.

Mr. NOWAK. Mr. Speaker, I would like to take this opportunity to express my strong support for the Steel Import Stabilization Extension Act, legislation currently pending in the House which would extend the current voluntary restraint agreement an additional 5 years.

Prior to the implementation of the VRA's, the domestic steel industry was at a severe disadvantage when competing with foreign producers in the international marketplace. Subsidization, import quotas, and restrictive import licenses all worked against the American producer trying to sell his product overseas. In addition, foreign producers were dumping excess steel at below cost prices on the American market. Foreign steel's share of the U.S. market went from 15 percent in 1979 to 30 percent in 1984. Between 1982 and 1986 the American Steel industry lost \$12 billion.

Since the original agreement went into effect, the domestic steel industry has been afforded the time needed to begin rebuilding and modernizing. After reinvesting \$9 billion from 1982 through 1987 the industry has cut production costs by 35 percent while improving productivity by 40 percent. Today, the American steel industry produces steel approximately \$130 a ton cheaper than Japan.

While the domestic industry has become much more competitive, it still faces several challenges. First, it must continue to improve plant operations in such areas as energy efficiency and product yield through additional reinvestment of capital.

Importantly also, it must still compete against foreign companies which are heavily subsidized by their governments. For example, this past spring the Italian Government invested \$3.8 billion into Finsider, its ailing steel enterprise, with an additional \$2 billion investment expected next year. British steel was given an \$8 billion government subsidy.

Against competition operating with such an unfair advantage, the VRA's must be extended for an additional 5 years. The VRA's have been instrumental in reviving a moribund industry. Their extension is essential if this industry, vital to America's economic health and a key component of our national defense, is to complete its metamorphosis.

Mr. WALSH. Mr. Speaker, as a steel caucus member, I am pleased to add my remarks today in a special order called by my esteemed colleague, HELEN BENTLEY, in support of voluntary restraint agreements.

Though we had asked for a 5-year extension, I am pleased President Bush extended the VRA program for another 2½ years, improving the availability of steel in the United States and promoting price competition. I hope that before this extension expires, the program will be reevaluated and extended once again if necessary.

A few years ago, we faced a crisis in the U.S. steel industry. Then, the Government did what it is supposed to do. We listened to our manufacturers and we acted. The crisis, and Government action, led to the VRA program, one of the most innovative programs in American economic history—a major factor in the slow but sure recovery of our ailing steel industry.

Steel is a basic commodity. It is traded worldwide. Each and every country, industrialized or developing, wants its own steel industry. No one wants to rely on another country for steel. It is part of America's growth, in every sense of the word.

Now, we need an extension of the VRA program. We must allow the recovery of one of our most important industries to continue—and allow the people who make up this vital industrial community to keep peace with their Japanese and European competition. Additionally, we must send a strong signal to foreign governments that the United States is serious about negotiating a global agreement that bans trade distorting practices in steel.

Today, VRA's are working well. They have effectively limited the harmful economic impact of unfairly traded steel imports. They spurred growth in the U.S. steel industry in 1984 by way of new plants, new equipment designs, and new continuous casting technology.

This was not the time to terminate voluntary restraint agreement programs. Our steel industry is now beginning to stand on its own. Had the President not extended this program, a major American industry would have received a blow from its own government, instead of a push.

On behalf of my district's interests and out of great concern for the betterment of our Nation, I urge my colleagues in the future to support the extension of voluntary restraint agreements whenever necessary.

GENERAL LEAVE

Mrs. BENTLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. LEHMAN of California). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LIPINSKI (at the request of Mr. GEPHARDT), for today and the rest of the week, on account of family business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mrs. BENTLEY, for 60 minutes, July 21, Aug. 1, 2, and 3.

Mr. KYL, for 60 minutes, September 5, 6, 7, and 8.

Mr. BURTON of Indiana, for 60 minutes, on Aug. 1, 2, and 3.

Mr. BARTLETT, for 60 minutes, on July 31.

(The following Members (at the request of Mr. DE LUCA) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 60 minutes, today.

Mr. OWENS of New York, for 60 minutes, on July 31, Aug. 1, 2, 3, and 4.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DYMALLY and to include extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost \$3,535.

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mr. PORTER.

Mr. RITTER.

Mr. CRAIG.

Mr. FIELD.

Mr. FRENZEL.

Mrs. MORELLA.

Mr. WALKER.

Mr. GILMAN.

Mr. DORNAN of California.

Mr. GINGRICH.

Mr. GUNDERSON.

(The following Members (at the request of Mr. DE LUCA) and to include extraneous matter:)

Mr. McHUGH.
Mr. MARTINEZ.
Mr. TRAFICANT.
Mr. DYMALLY.
Mr. MONTGOMERY.
Mr. LAFALCE.
Mr. BRYANT.
Mr. GUARINI.
Mrs. LLOYD.
Mr. PALLONE.
Mr. DINGELL.
Mr. LELAND.
Mr. CARDIN.
Mr. FLORIO.
Mr. SKAGGS.
Ms. KAPTUR.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 83. An act to establish the United States Enrichment Corporation to operate the Federal uranium enrichment program on a profitable and efficient basis in order to maximize the long-term economic value to the United States, to provide assistance to the domestic uranium industry, and to provide a Federal contribution for the reclamation of mill tailings generated pursuant to Federal defense contracts at active uranium and thorium processing sites; to the Committees on Interior and Insular Affairs; Energy and Commerce; Science, Space, and Technology.

S. 358. An act to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States, and to provide for administrative naturalization, and for other purposes; to the Committee on the Judiciary.

ADJOURNMENT

Mr. HARRIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 52 minutes p.m.), and under its previous order, the House adjourned until tomorrow, Wednesday, July 26, 1989, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1507. A communication from the President of the United States, transmitting amendments to the request for appropriations for fiscal year 1990 and an appropriations language amendment for fiscal year 1991, pursuant to 31 U.S.C. 1107 (H. Doc. No. 101-88); to the Committee on Appropriations and ordered to be printed.

1508. A communication from the President of the United States, transmitting a report on the analysis of alternative strategic nuclear force postures for the United States under a potential START treaty; to the Committee on Armed Services.

1509. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend section 5131 of title 31, United States Code, to eliminate the General Services Administration's statutory responsibilities concerning the repair and improvement of the U.S. Mint at Philadelphia, PA; to the Committee on Banking, Finance and Urban Affairs.

1510. A letter from the Director, National Vaccine Program, transmitting the first report on the implementation of the National Vaccine Program and activities planned for fiscal year 1989 that are related to the long-term goals of the National Vaccine Plan, pursuant to 42 U.S.C. 300aa-4; to the Committee on Energy and Commerce.

1511. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of the intent to continue assistance for El Salvador under the Anti-Terrorism Assistance Program, pursuant to 22 U.S.C. 2349aa-3(a)(1); to the Committee on Foreign Affairs.

1512. A letter from the Chairman, the Board of Foreign Scholarships, transmitting the 25th annual report on the Fulbright Program, pursuant to 22 U.S.C. 2457; to the Committee on Foreign Affairs.

1513. A letter from the Acting Administrator, General Services Administration, transmitting notice of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(r); to the Committee on Government Operations.

1514. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS area, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1515. A letter from the Secretary of Commerce, transmitting a report on the effects of plastic materials on the marine environment, pursuant to Public Law 100-220, section 2203 (101 Stat. 1466); to the Committee on Merchant Marine and Fisheries.

1516. A letter from the Administrator, Federal Aviation Administration, transmitting a report on the \$100,000 Maximum Civil Penalty and the Civil Penalty Assessment Demonstration Program, pursuant to 49 U.S.C. app. 1475 nt. to the Committee on Public Work and Transportation.

1517. A letter from the Acting Administrator, Agency for International Development, transmitting the Agency's report on metric usage, pursuant to Public Law 100-418, section 5164(b); to the Committee on Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROYBAL: Committee on Appropriations. H.R. 2989. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1990, and for other purposes. (Rep. 101-170). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1755. A bill to transfer administration of bridges and causeways over navigable waters

from the Secretary of Transportation to the Secretary of the Army, and for other purposes; with an amendment (Rep. 101-171, Pt. 1). Ordered to be printed.

Mr. NATCHER: Committee on Appropriations. H.R. 2990. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1990, and for other purposes (Rep. 101-172). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Iowa: Committee on Appropriations. H.R. 2991. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary and related agencies, for the fiscal year ending September 30, 1990, and for other purposes (Rep. 101-173). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROYBAL:

H.R. 2989. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1990, and for other purposes.

By Mr. NATCHER:

H.R. 2990. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1990, and for other purposes.

By Mr. SMITH of Iowa:

H.R. 2991. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1990, and for other purposes.

By Mr. ANDREWS:

H.R. 2992. A bill to amend the Internal Revenue Code of 1986 to provide special rules for certain gratuitous transfers of employer securities for the benefit of employees; to the Committee on Ways and Means.

By Mr. BEREUTER:

H.R. 2993. A bill to extend, under certain circumstances, nondiscriminatory treatment to the products of nonmarket economy countries that are currently ineligible for such treatment; to the Committee on Ways and Means.

By Mr. BROWN of Colorado:

H.R. 2994. A bill to amend the Clean Air Act to provide for the testing of motor vehicles at high altitudes; to the Committee on Energy and Commerce.

By Mr. GEJDENSON (for himself,

Mr. BATES, Mrs. BOXER, Mr. LIPINSKI, Mr. ACKERMAN, Mr. FAUNTROY, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. WISE, Mr. OWENS of New York, Mr. MILLER of California, Mrs. COLLINS, Mr. FROST, Mr. DE LUCA, Mr. RICHARDSON, Mr. EVANS, and Mr. VENTO):

H.R. 2995. A bill to amend title 18, United States Code, to provide penalties for retaliation against congressional witnesses, and for other purposes; to the Committee on the Judiciary.

By Mr. McDERMOTT (for himself, Mr. WAXMAN, Mr. STARK, Mr. BONIOR, Mrs. BOXER, Mr. DeFAZIO, Mr. DICKS, Mr. DONNELLY, Mr. FAZIO, Mr. FRANK, Mr. GRAY, Mr. HOAGLAND, Ms. KAPTUR, Mr. McCLOSKEY, Mr. MILLER of California, Mr. MILLER of Washington, Mr. OBERSTAR, Mr. PEASE, Mr. SABO, Mr. SWIFT, Mr. SIKORSKI, Mrs. UNSOELD, Mr. WILLIAMS, Mr. SANGMEISTER, Mr. GEJDENSON, and Mr. WYDEN):

H.R. 2996. A bill to provide Federal assistance to States in planning and developing means of providing access to affordable health care for the uninsured; to the Committee on Energy and Commerce.

By Mr. MACHTLEY:

H.R. 2997. A bill to establish an interagency task force to carry out a program to provide surplus property to States for very low and lower income housing developments; jointly, to the Committees on Banking, Finance and Urban Affairs and Government Operations.

By Mr. MONTGOMERY (for himself and Mr. STUMP) (both by request):

H.R. 2998. A bill to provide for the realignment or major mission change of certain medical facilities of the Department of Veterans Affairs; jointly, to the Committees on Veterans' Affairs and Rules.

By Mr. BROWN of California (for himself, Mr. MATSUI, Mr. ANDERSON, and Mr. LEWIS of California):

H.R. 2999. A bill to amend part A of title IV of the Social Security Act to require compensation paid for damages suffered by victims of major disasters to be disregarded in determining their eligibility for aid to families with dependent children; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. ROE, Mr. LENT, Mr. WALKER, Mr. FLORIO, Mr. WALGREN, Mr. RITTER, Mr. BOEHLERT, Mr. AKAKA, Mr. ALEXANDER, Mr. ANDREWS, Mr. ARCHER, Mr. ASPIN, Mr. ATKINS, Mr. AUCCOIN, Mr. BARNARD, Mr. BATEMAN, Mr. BATES, Mr. BENNETT, Mrs. BENTLEY, Mr. BLAZ, Mr. BLILEY, Mr. BORSKI, Mr. BOUCHER, Mrs. BOXER, Mr. BROOMFIELD, Mr. BROWN of California, Mr. BRUCE, Mr. BRYANT, Mr. BUECHNER, Mr. BURTON of Indiana, Mr. BUSTAMANTE, Mr. CHANDLER, Mr. CLAY, Mr. COLEMAN of Missouri, Mrs. COLLINS, Mr. COOPER, Mr. CONTE, Mr. COSTELLO, Mr. COUGHLIN, Mr. De LUGO, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. ECKART, Mr. ENGLISH, Mr. ERDREICH, Mr. EVANS, Mr. FAUNTROY, Mr. FAWELL, Mr. FAZIO, Mr. FEIGHAN, Mr. FISH, Mr. FOGLETTA, Mr. FORD of Michigan, Mr. FRANK, Mr. GARCIA, Mr. GEJDENSON, Mr. GEPHARDT, Mr. HALL of Texas, Mr. HAMILTON, Mr. HAYES of Louisiana, Mr. HENRY, Mr. HERTEL, Mr. HOCHBRUECKNER, Mr. HOUGHTON, Mr. JENKINS, Mr. JOHNSTON of Florida, Mr. JONES of Georgia, Ms. KAPTUR, Mr. KLECZKA, Mr. KOSTMAYER, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LEWIS of Florida, Mr. LIPINSKI, Mrs. LLOYD, Mrs. LOWEY of New York, Mr. THOMAS A. LUKE, Mr. MACHTLEY, Mr. MADIGAN, Mr. MANTON, Mr. MARKEY, Mrs. MARTIN of Illinois, Mr. MARTIN of New York, Mr. MARTINEZ, Mr. MAVROULES, Mr. MCCURDY, Mr. McDADE, Mr. McMILLEN of Maryland, Mr. MINETA, Mr.

MOODY, Mrs. MORELLA, Mr. MORRISON of Washington, Mr. MURTHA, Mr. NAGLE, Mr. NEAL of Massachusetts, Mr. NELSON of Florida, Mr. NIELSON of Utah, Mr. NOWAK, Ms. OAKAR, Mr. OBERSTAR, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. OXLEY, Mr. PACKARD, Mr. PALLONE, Mr. PARRIS, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. PERKINS, Mr. PETRI, Mr. PURSELL, Mr. RANGEL, Mr. RICHARDSON, Mr. RINALDO, Mr. ROBINSON, Mr. ROHRBACHER, Mr. ROWLAND of Georgia, Mr. SCHEUER, Mr. SCHIFF, Ms. SCHNEIDER, Mr. SCHUETTE, Mr. SENSENBRENNER, Mr. SHARP, Mr. SIKORSKI, Mr. SKAGGS, Mr. SLATTERY, Mr. SMITH of Florida, Mr. SMITH of Texas, Mr. STALLINGS, Mr. STANGELAND, Mr. SWIFT, Mr. SYNAR, Mr. TANNER, Mr. TAUZIN, Mr. TORRICELLI, Mr. TRAFICANT, Mr. TRAXLER, Mr. VALENTINE, Mr. VANDER JAGT, Mr. VOLKMER, Mr. WALSH, Mr. WAXMAN, Mr. WELDON, Mr. WHITTAKER, Mr. WOLPE, and Mr. WYDEN):

H.R. 3000. A bill to require that certain fasteners sold in commerce conform to the specifications to which they are represented to be manufactured, to provide for accreditation of laboratories engaged in fastener testing, to require inspection, testing, and certification, in accordance with standardized methods, of fasteners used in critical applications to increase fastener quality and reduce the danger of fastener failure, and for other purposes; jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

By Mr. CHAPMAN:

H.R. 3001. A bill to condition payment to Iran of any compensation for the downing of Iran Air Flight 655 by the U.S.S. Vincennes on July 3, 1988, on the release of the United States citizens being held hostage in the Middle East; jointly, to the Committees on Foreign Affairs and the Judiciary.

By Mr. DAVIS (for himself, Mr. OBEY, Mr. JONES of North Carolina, Mr. HERTEL, Mr. LIPINSKI, Mr. SABO, Mr. ROSTENKOWSKI, Mr. VANDER JAGT, Mr. PEASE, Mr. DINGELL, Mr. KLECZKA, Mr. HENRY, Mrs. MARTIN of Illinois, Mr. OBERSTAR, Mrs. COLLINS, Mr. PETRI, Mr. SAVAGE, Mr. WOLPE, Mr. FEIGHAN, Ms. OAKAR, Mr. PURSELL, Mr. ROTH, Mr. RUSSO, Ms. KAPTUR, Mr. KASTENMEIER, Mr. GUNDERSON, Mr. TRAXLER, Mr. HORTON, Mr. DORGAN of North Dakota, Mr. KILDEE, Mr. SENSENBRENNER, and Mr. PENNY):

H.R. 3002. A bill to amend the Merchant Marine Act, 1936, to preserve the percentage of certain agricultural commodities exported from Great Lake ports; to the Committee on Merchant Marine and Fisheries.

By Mr. DAVIS (for himself and Mr. HERTEL):

H.R. 3003. A bill to provide for the response to oil spills and manning and safe navigation of tank vessels, on the Great Lakes; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. EVANS (for himself, Mr. LANCASTER, Mr. BONIOR, Mr. FLORIO, Mr. JOHNSON of South Dakota, Mr. JONTZ, Ms. LONG, Mr. MORRISON of Connecticut, Mr. STAGGERS, Mr. PALLONE, Mr. PANETTA, Mr. AUCCOIN, Mr. BEREUTER, Mr. DeFAZIO, Mr. HOAGLAND, Mr. LAUGHLIN, Mr. LIPINSKI, Mr. MRAZEK, Mr. POSHARD, Mr.

SKAGGS, Mrs. UNSOELD, Mr. WEISS, Mr. ACKERMAN, Mr. BEVILL, Mrs. BOXER, Mr. De LUGO, Mr. DYMALLY, Mr. FAUNTROY, Mr. FRANK, Mr. HAWKINS, Mr. HAYES of Illinois, Mr. HOCHBRUECKNER, Ms. KAPTUR, Mrs. LOWEY of New York, Mr. MARTINEZ, Mr. PAYNE of New Jersey, Mr. RANGEL, Mr. ROSE, Mr. STARK, Mr. TRAFICANT, Mr. WISE, Mr. DOWNEY, Mr. BROWN of California, Mr. BRYANT, Mr. SLAUGHTER of New York, Mr. HUGHES, Ms. PELOSI, Mr. ATKINS, Mr. KOSTMAYER, Mr. BORSKI, Mr. BATES, Mr. SHARP, Mr. OWENS of New York, Mr. BRUCE, Mr. NAGLE, Mr. GLICKMAN, Mr. BUSTAMANTE, Mr. TORRES, Mr. ORTIZ, Mr. MARKEY, Mr. WOLPE, Mr. HERTEL, Mr. RUSSO, Mr. KOLTER, Mr. WHEAT, Mr. SYNAR, Mr. LEVIN of Michigan, Mr. RICHARDSON, Mr. VISCLOSKEY, Mr. BOUCHER, Mr. DELLUMS, Mr. LELAND, Mr. BERMAN, Mr. FEIGHAN, Mr. SCHUMER, Mr. TOWNS, Mr. STOKES, Mr. JACOBS, Mr. LEWIS of Georgia, and Mr. MOODY):

H.R. 3004. A bill to amend title 38, United States Code, to provide a presumption of service connection between certain diseases experienced by veterans of active service in Vietnam during the Vietnam era and exposure to certain toxic herbicide agents used in Vietnam; to provide for permanent benefits for veterans of such service who have certain diseases; to improve the reporting requirements relating to the "Ranch Hand Study," and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FEIGHAN (for himself, Mr. SMITH of New Jersey, and Mr. LEVINE of California):

H.R. 3005. A bill to prohibit negotiations with any representative of the Palestine Liberation Organization who has directly participated in an act of terrorism against a United States citizen; to the Committee on Foreign Affairs.

By Mr. FLORIO (for himself and Mr. PALLONE):

H.R. 3006. A bill to amend the National Housing Act to expand the demonstration program of insurance of home equity conversion mortgages for elderly homeowners; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HUGHES:

H.R. 3007. A bill to amend the Contract Services for Drug Dependent Federal Offenders Act of 1978 to provide additional authorization for appropriations; to the Committee on the Judiciary.

H.R. 3008. A bill to require the Commandant of the Coast Guard to submit to the Congress a report regarding the appropriateness of using the Coast Guard Training Center at Cape May, NJ, as an official site for recognizing the bicentenary of the U.S. Coast Guard; to the Committee on Merchant Marine and Fisheries.

By Mr. PEASE:

H.R. 3009. A bill to strengthen the Steel Import Stabilization Act; to the Committee on Ways and Means.

By Mr. WHEAT (for himself and Mr. COLEMAN of Missouri):

H.R. 3010. A bill to temporarily suspend the duty on 0,0-Dimethyl-S-[(4-oxo-1,2,3-benzotriazin-3(4H-yl)methyl]phosphorodithioate; to the Committee on Ways and Means.

H.R. 3011. A bill to suspend temporarily the duty on 4-Fluoro-3-phenoxy benzaldehyde.

hyde; to the Committee on Ways and Means.

By Mr. FOGLIETTA (for himself, Mr. VENTO, Ms. PELOSI, Mrs. MORELLA, Mr. FASCELL, Mr. CONTE, Mr. GONZALEZ, Mr. RUSSO, Mr. GARCIA, Mr. LAFALCE, Mr. FUSTER, Mrs. COLLINS, Ms. KAPTUR, Mr. RANGEL, Mr. EMERSON, Mr. BATES, Mr. HENRY, Mr. FROST, Mr. DYMALLY, Mr. ENGEL, Mr. WELDON, Mr. PALLONE, Mr. FAZIO, Mr. BORSKI, and Mr. KANJORSKI):

H.J. Res. 374. Joint resolution proclaiming Christopher Columbus to be an honorary citizen of the United States; to the Committee on the Judiciary.

By Mr. FOGLIETTA (for himself, Mr. KOSTMAYER, Mr. WOLF, Mr. HANCOCK, Mr. TOWNS, Ms. KAPTUR, Mr. SMITH of Florida, Mr. ALEXANDER, Mr. HUGHES, and Mr. DYSON):

H.J. Res. 375. Joint resolution to designate September 17, 1989, as "Constitution Day"; to the Committee on Post Office and Civil Service.

By Ms. OAKAR (for herself and Mr. ROBERTS):

H. Res. 212. Resolution providing for upgrading of one position and establishment of six additional positions on the Capitol Police for duty with respect to the House of Representatives; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

210. By the SPEAKER: A memorial of the Legislature of the State of Maine, relative to Chinese students; to the Committee on Foreign Affairs.

211. Also, memorial of the General Assembly of the State of Illinois, relative to Chanute Air Base and Fort Sheridan; to the Committee on Armed Services.

212. Also, memorial of the House of Representatives of the State of Illinois, relative to Joseph Patrick Thomas Doherty; to the Committee on the Judiciary.

213. Also, memorial of the House of Representatives of the State of Illinois, relative to the Federal budget deficit; to the Committee on Ways and Means.

214. Also, memorial of the General Assembly of the State of Illinois, relative to the steel voluntary restraint arrangements and the Steel Import Stabilization Extension Act; to the Committee on Ways and Means.

215. Also, memorial of the Legislature of the State of California, relative to the home mortgage interest deduction; to the Committee on Ways and Means.

216. Also, memorial of the Legislature of the State of California, relative to United States and Mexico relations; jointly, to the Committees on Foreign Affairs and the Judiciary.

217. Also, memorial of the General Assembly of the State of Illinois, relative to the people in rural Illinois; jointly, to the Committees on Ways and Means and Energy and Commerce.

218. Also, memorial of the General Assembly of the State of Illinois, relative to the Joliet Army Ammunition Plant; jointly, to the Committees on Energy and Commerce; Armed Services; and Science, Space, and Technology.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. SIKORSKI.
H.R. 12: Mr. SIKORSKI.
H.R. 24: Mr. CARR and Mr. NEAL of North Carolina.

H.R. 45: Mr. ACKERMAN and Mr. DE LUGO.
H.R. 82: Mr. LANTOS, Mr. COYNE, Mr. ECKART, Mr. WATKINS, Mr. FEIGHAN, Mr. OBEY, Mr. MOLLOHAN, Mr. RUSSO, Mr. McNULTY, and Mr. KOLBE.

H.R. 145: Mr. BRUCE and Mr. CLARKE.
H.R. 522: Mr. BILIRAKIS.
H.R. 638: Mr. BORSKI and Mr. RUSSO.
H.R. 780: Mr. BOEHLERT.

H.R. 1028: Mr. MAZZOLI, Mr. FLORIO, Mr. LAUGHLIN, Mr. CARPER, Mr. ROSE, Mr. THOMAS of Georgia, Mr. SARPALIUS, Mr. ASPIN, Mr. McMILLEN of Maryland, Mr. LEVINE of California, Mr. TANNER, Mr. ENGEL, Ms. SLAUGHTER of New York, Mr. RUSSO, Mr. DARDEN, Mr. ROWLAND of Georgia, Mr. CROCKETT, Mr. HOAGLAND, Mrs. SCHROEDER, Mr. STAGGERS, Mr. SWIFT, Mr. OWENS of New York, Mr. CARR, Mr. MOLLOHAN, Mr. BROWN of California, Mr. HALL of Ohio, Mr. MINETA, Mr. MORRISON of Connecticut, and Mr. HAYES of Illinois.

H.R. 1087: Mr. AKAKA.
H.R. 1175: Mr. JONTZ.
H.R. 1188: Mr. KENNEDY.
H.R. 1200: Mr. LENT and Mr. HOLLOWAY.
H.R. 1276: Mr. PEASE.
H.R. 1333: Mr. PEASE.
H.R. 1406: Mr. BRENNAN.
H.R. 1525: Mr. KENNEDY.

H.R. 1593: Mr. ENGEL, Mr. JONTZ, Mrs. MEYERS of Kansas, Mr. CLINGER, Mr. MRZEK, Mr. EVANS, Mr. BURTON of Indiana, Mr. HUBBARD, Mr. EMERSON, Mr. ROWLAND of Connecticut, Mr. BALLENGER, Mr. CALLAHAN, Mr. WATKINS, Mr. SAXTON, Mr. WHITTAKER, Mr. BUNNING, Mr. RAHALL, Mr. ROGERS, Mr. STANGELAND, and Mr. MOLLOHAN.

H.R. 1730: Mr. BUECHNER and Mr. COSTELLO.

H.R. 1863: Mr. MARTIN of New York and Mr. BOEHLERT.

H.R. 2021: Mr. HOLLOWAY and Mr. HERGER.
H.R. 2051: Mr. MARTINEZ.
H.R. 2116: Mr. LIGHTFOOT.
H.R. 2144: Mr. HUBBARD.

H.R. 2223: Mr. FUSTER and Mr. EVANS.
H.R. 2228: Mr. TRAXLER.
H.R. 2269: Mr. BROWN of Colorado.

H.R. 2288: Mr. HAWKINS, Mr. WEISS, Mr. BORSKI, and Mr. ACKERMAN.

H.R. 2331: Mr. VISCLOSKEY.
H.R. 2395: Mr. ACKERMAN.

H.R. 2403: Ms. LONG.
H.R. 2418: Mr. ATKINS, Mr. BOEHLERT, Mr. CHANDLER, Mr. JONTZ, Mr. HERGER, and Mr. JAMES.

H.R. 2436: Mr. GRADISON, Mr. DEWINE, Mr. SOLOMON, Mr. OXLEY, Mr. WYLIE, and Mr. PEASE.

H.R. 2529: Mr. CAMPBELL of California, Mr. KOLBE, Mr. FROST, Mr. RANGEL, Mr. TOWNS, and Mr. SIKORSKI.

H.R. 2580: Mr. DYMALLY, Mrs. COLLINS, Mr. McNULTY, Mr. HAWKINS, Mr. ACKERMAN, Mr. FRANK, Mr. MATSUI, Mr. DE LUGO, Ms. PELOSI, Mr. RANGEL, Mrs. KENNELLY, Mrs. SAIKI, Mrs. BENTLEY, Mr. FROST, Ms. KAPTUR, and Mr. ATKINS.

H.R. 2584: Mr. TALLON, Mr. PALLONE, Mr. BRENNAN, Mr. WOLPE, and Mr. TOWNS.

H.R. 2604: Mr. SKAGGS.
H.R. 2606: Mr. ECKART and Mr. MACHTLEY.

H.R. 2620: Mr. FORD of Michigan, Mr. DELUMS, Mr. THOMAS of Georgia, Mr. HOLLOWAY, and Mr. ORTIZ.

H.R. 2642: Mr. SLAUGHTER of Virginia and Mr. GINGRICH.

H.R. 2648: Mrs. LOWEY of New York, and Mr. HAMILTON.

H.R. 2712: Mr. COX, Mr. NAGLE, Mr. HUTTO, Mr. PEASE, Mr. SOLOMON, Mr. GONZALEZ, Mr. JACOBS, Mr. CALLAHAN, Mr. HUCKABY, Mr. STANGELAND, Mr. CLEMENT, and Mr. BARTLETT.

H.R. 2737: Mr. DANNEMEYER, Mr. RANGEL, and Mr. NIELSON of Utah.

H.R. 2738: Mr. DANNEMEYER, Mr. RANGEL, and Mr. NIELSON of Utah.

H.R. 2760: Mr. DYMALLY, Mr. RANGEL, Mr. BERMAN, Mr. AKAKA, Mr. PAYNE of New Jersey, Mr. FAUNTROY, and Mr. FROST.

H.R. 2853: Mr. TOWNS, Mr. WOLPE, and Mr. BATES.

H.R. 2869: Mr. SHAYS, Mr. GRANDY, Mr. HARRIS, Mr. SARPALIUS, and Ms. LONG.

H.R. 2926: Mr. FAUNTROY, Mr. TOWNS, Mr. ROSE, Mr. RANGEL, Mr. PEASE, Mr. KENNEDY, Mr. McCLOSKEY, Mr. EVANS, Mr. DWYER of New Jersey, Mr. HOYER, Mr. SMITH of Florida, Mr. LELAND, Mr. WISE, Mr. ENGEL, Mr. WILLIAMS, Mr. TORRES, Mr. STUDDS, Mr. HAWKINS, Mr. WOLPE, Mrs. MEYERS of Kansas, Mr. MARTINEZ, and Mr. SIKORSKI.

H.R. 2941: Mr. DYMALLY and Mr. GALLO.

H.J. Res. 81: Mr. HANCOCK and Mr. STUMP.

H.J. Res. 115: Mr. SPENCE, Mr. PARKER, Mr. EVANS, and Mrs. BENTLEY.

H.J. Res. 164: Mr. CROCKETT, Mr. JONES of Georgia, and Mr. SUNDQUIST.

H.J. Res. 204: Mr. SCHUETTE, Mr. PURSELL, Mr. UPTON, Mr. PACKARD, Mr. AKAKA, Mr. ROHRBACHER, Mr. FORD of Michigan, Mr. DAVIS, and Mr. ATKINS.

H.J. Res. 209: Mr. ROWLAND of Georgia, Mr. JONES of Georgia, Mr. GINGRICH, Mr. HALL of TEXAS, Mr. BROOMFIELD, Mr. FLORIO, and Mr. RITTER.

H.J. Res. 256: Mr. FROST and Mr. FISH.

H.J. Res. 257: Mr. SHUMWAY, Mr. FASCELL, Mr. McHUGH, Mr. HAWKINS, Mr. PANETTA, Mr. RUSSO, Mr. BURTON of Indiana, Ms. SLAUGHTER of New York, Mr. PARRIS, Mr. FOGLIETTA, Mr. NIELSON of Utah, Mr. HALL of Ohio, Mr. SUNDQUIST, Mr. HASTERT, Mr. OLIN, Mr. HILER, Mr. DE LUGO, Mr. PAYNE of New Jersey, Mr. KASICH, Mr. DARDEN and Mr. MAVROULES.

H.J. Res. 278: Mr. MOLINARI, Mr. FROST, Mr. STENHOLM, Mr. POSHARD, Mr. ASPIN, Mr. LEACH of Iowa, Mr. DANNEMEYER, Mr. RUSSO, Mr. SMITH of Mississippi, Mr. WEBER, Mr. JOHNSON of South Dakota, and Mr. VANDER JAGT.

H.J. Res. 372: Mr. FUSTER.

H. Con. Res. 13: Mr. WALGREN, Mr. PASHAYAN, Mr. HERTEL, and Mr. LEATH of TEXAS.

H. Con. Res. 37: Mr. MARKEY, Mr. ALEXANDER, and Mr. NEAL of North Carolina.

H. Con. Res. 156: Mrs. PATERSON, Mr. DYMALLY, Mr. BRENNAN, Mr. GILLMOR, Mr. JONES of North Carolina, Mr. MILLER of Ohio, Mr. FROST, Mr. ALEXANDER, and Mr. CRAIG.

H. Con. Res. 161: Mr. DYMALLY and Mr. WEBER.

H. Con. Res. 171: Mr. BILIRAKIS.

H. Res. 41: Mr. FLORIO and Mr. PAYNE of New Jersey.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

70. By the SPEAKER: A petition of county of Clinton, Plattsburgh, NY, relative to placing a waste site within 60 miles of a State or international border; jointly, to the

Committees on Interior and Insular Affairs
and Energy and Commerce.

71. Also, petition of city of Hyattsville, MD. relative to the Medicare Catastrophic

Coverage Act of 1988; jointly, to the Committees on Ways and Means and Energy and Commerce.

EXTENSIONS OF REMARKS

WOMEN'S BUSINESS PROCUREMENT ASSISTANCE ACT OF 1989

HON. JOHN J. LAFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. LAFALCE. Mr. Speaker, last week I introduced on behalf of myself and Congresswoman LINDY BOGGS, the Women's Business Procurement Assistance Act of 1989, H.R. 2947. This legislation, which is also a component of the Economic Equity Act of 1989, is designed to promote greater access to Federal procurement opportunities by requiring numerical goals to be established by Federal agencies for both prime contracts and subcontracting plans, by mandating affirmative action to identify and solicit procurement offers from women-owned businesses, and by designating a women's business specialist in each agency who will be responsible for implementing programs to assist women-owned businesses.

The Women's Business Procurement Assistance Act builds on the work and intent of the Women Business Ownership Act of 1988, Public Law 100-533. Indeed, the Women's Business Ownership Act as I introduced it last year contained language identical to that now found in H.R. 2947. The procurement provisions were dropped from last year's bill only because they were subject to multicommittee jurisdiction, which, given the press of legislative activity toward the end of the 100th Congress, could have delayed the bill's passage beyond 1988. At that time, however, I did pledge to revisit this issue and have chosen to introduce it as part of the Economic Equity Act to demonstrate my ongoing commitment to improving the economic status of American women.

Like last year's legislation, the Women's Business Procurement Assistance Act is an effort to lower barriers faced by women entrepreneurs. This is not a charitable notion; it makes good business sense and is timely national policy. Women-owned businesses are the fastest growing segment of the entrepreneurial community. It is predicted that by early in the next century more than 50 percent of all small businesses will be owned by women. Can the U.S. Government afford to waste the products, services, and human resources women entrepreneurs offer? Absolutely not. Yet during a series of hearings before the Committee on Small Business last year, women business owners testified to the difficulties and frustrations they encounter trying to do business with the Federal Government. They noted that women-owned businesses receive a mere 1 percent of all Federal procurement dollars.

As chairman of the Committee on Small Business, I am pleased that the committee

has been able to forge a highly productive partnership between the Congress and the women's business community. The outstanding example of this is the Women's Business Ownership Act of 1988. In addition to breaking new ground in addressing the particular problems and concerns of women entrepreneurs, provisions of that law will also complement and further the goals of the Women's Business Procurement Assistance Act of 1989. For example, the Women's Business Council, created by Public Law 100-533, is empowered to recommend to the President and the Congress specific goals to support women-owned businesses, and I am sure that increasing access to Federal procurement activities will be a priority topic for the council's consideration. Before the end of this Congress the Small Business Committee intends to look closely at the council's recommendations, as well as the recommendations of Congressman SILVIO CONTE and others as contained in H.R. 2351, and the provisions of the Women's Business Procurement Assistance Act of 1989.

Mr. Speaker, the makeup of the workplace—both employers and employees—is changing dramatically; and public policy must take these changes into account. If women-owned businesses are afforded little access to the Federal marketplace, we all lose.

Mr. Speaker, the text of the Women's Business Procurement Assistance Act of 1989 follows:

H.R. 2947

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women's Business Procurement Assistance Act of 1989".

PROCUREMENT ASSISTANCE FOR WOMEN-OWNED BUSINESSES

SEC. 2. GOAL SETTING.

Subsection (g) of section 15 of the Small Business Act (15 U.S.C. 644) is amended to read as follows:

"(g) The head of each Federal agency shall, after consultation with the Administration, establish goals for the participation by small business concerns, small business concerns owned and controlled by women, and by small business concerns owned and controlled by socially and economically disadvantaged individuals, in procurement contracts of such agency. Goals established under this subsection shall be jointly established by the Administration and the head of each Federal agency and shall realistically reflect the potential of small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals to perform such contracts and to perform subcontracts under such contracts. Whenever the Administration and the head of any Federal agency fail to agree on established goals, the disagreement shall be sub-

mitted to the Administrator of the Office of Federal Procurement Policy for final determination. For the purpose of establishing goals under this subsection, the head of each Federal agency shall make consistent efforts to annually expand participation by small business concerns from each industry category in procurement contracts of the agency, including participation by small business concerns owned and controlled by women and small business concerns owned and controlled by socially and economically disadvantaged individuals. The head of each Federal agency, in attempting to attain such participation, shall consider—

"(1) contracts awarded as the result of unrestricted competition; and

"(2) contracts awarded after competition restricted to eligible small business concerns under this section and under the program under section 8(a)."

SEC. 3. REPORTING.

Subsection (h) of section 15 of the Small Business Act (15 U.S.C. 644) is amended to read as follows:

"(h) At the conclusion of each fiscal year, the head of each Federal agency shall report to the Administration on the extent of participation by small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals in procurement contracts and subcontracts of such agency. Such reports shall contain appropriate justifications for failure to meet the goals established under subsection (g) of this section. The Administration shall submit to the Committee on Small Business of the Senate and the Committee on Small Business of the House of Representatives information obtained from such reports, together with appropriate comments."

SEC. 4. SUBCONTRACTING.

(a) STATEMENT OF POLICY.—Paragraph (1) of section 8(d) of the Small Business Act (15 U.S.C. 637(d)(1)) is amended to read as follows:

"(d)(1) It is the policy of the United States that small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals, shall have the maximum practicable opportunity to participate in the performance of contracts let by any Federal agency, including contracts and subcontracts for subsystems, assemblies, components, and related services for major systems. It is further the policy of the United States that its prime contractors establish procedures to ensure the timely payment of amounts due pursuant to the terms of their subcontracts with small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals."

(b) CONTRACT CLAUSE.—Section 8(d)(3)(A) of the Small Business Act (15 U.S.C. 637(d)(3)(A)) is amended to read as follows:

"(3) The clause required by paragraph (2) shall be as follows:

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

"(A) It is the policy of the United States that small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals shall have the maximum practicable opportunity to participate in the performance of contracts let by any Federal agency, individuals contracts and subcontracts for subsystems, assemblies, components, and related services for major systems. It is further the policy of the United States that its prime contractors establish procedures to ensure the timely payment of amounts due pursuant to the terms of their subcontracts with small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals."

(c) DEFINITIONS.—Subparagraph (C) of section 8(d)(3) of the Small Business Act (15 U.S.C. 637(d)(3)(C)) is amended to read as follows:

"(C)(i) As used in this contract, the term 'small business concern' shall mean a small business as defined pursuant to section 3 of the Small Business Act and relevant regulations promulgated pursuant thereto.

"(ii) The term 'small business concern owned and controlled by socially and economically disadvantaged individuals' shall mean a small business concern—

"(I) which is at least 51 per centum owned by one or more socially and economically disadvantaged individuals; or in the case of any publicly owned business, at least 51 per centum of the stock of which is owned by one or more socially and economically disadvantaged individuals; and

"(II) whose management and daily business operations and controlled by one or more of such individuals.

"The contractor shall presume that socially and economically disadvantaged individuals include Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, and other minorities, or any other individual found to be disadvantaged by the Administrative pursuant to section 8(a) of the Small Business Act.

"(iii) The term 'small business concern owned and controlled by women' shall mean a small business concern—

"(I) which is at least 51 per centum owned by one or more women; or in the case of any publicly owned business, at least 51 per centum of the stock of which is owned by one or more women; and

"(II) whose management and daily business operations are controlled by such women.

"The contractor shall presume that women have been subjected to gender based discrimination."

(d) REPRESENTATIONS.—Subparagraph (D) of section 8(d)(3) of the Small Business Act (15 U.S.C. 637(d)(3)(D)) is amended to read as follows:

"(D) Contractors acting in good faith may rely on written representations by their subcontractors regarding their status as either a small business concern, a small business concern owned and controlled by women, or a small business concern owned and controlled by socially and economically disadvantaged individuals."

(e) PLAN REQUIREMENTS.—Subparagraph (D) of section 8(d)(4) of the Small Business Act (15 U.S.C. 637(d)(4)(D)) is amended to read as follows:

"(D) No contract shall be awarded to any offeror unless the procurement authority

determines that the plan to be negotiated by the offeror pursuant to this paragraph provides the maximum practicable opportunity for small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals to participate in the performance of the contract."

(f) INCENTIVES.—Subparagraph (E) of section 8(d)(4) of the Small Business Act (15 U.S.C. 637(d)(4)(E)) is amended to read as follows:

"(E) Notwithstanding any other provision of law, every Federal agency, in order to encourage subcontracting opportunities for small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals as defined in paragraph (3) of this subsection, is hereby authorized to provide such incentives as such Federal agency may deem appropriate in order to encourage such subcontracting opportunities as may be commensurate with the efficient and economical performance of the contract: *Provided*, That, this subparagraph shall apply only to contracts let pursuant to the negotiated method of procurement."

(g) CONTENT OF PLAN.—(1) Subparagraph (A) of section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)(A)) is amended to read as follows:

"(A) Percentage goals for the utilization as subcontractors of small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals;"

(2) Subparagraph (C) of section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)(C)) is amended to read as follows:

"(C) a description of the efforts the offeror or bidder will take to assure that small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals will have an equitable opportunity to compete for subcontracts;"

(3) Subparagraph (F) of section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)(F)) is amended to read as follows:

"(F) a recitation of the types of records the successful offeror or bidder will maintain to demonstrate procedures which have been adopted to comply with the requirements and goals set forth in this plan, including the establishment of source lists of small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals; and efforts to identify and award subcontracts to such small business concerns."

(h) SMALL BUSINESS ADMINISTRATION RESPONSIBILITIES.—Subparagraph (B) of section 8(d)(10) of the Small Business Act (15 U.S.C. 637(d)(10)(B)) is amended to read as follows:

"(B) review any solicitation for any contract to be let pursuant to paragraphs (4) and (5) to determine the maximum practicable opportunity for small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals to participate as subcontractors in the performance of any contract resulting from

any solicitation, and to submit its findings, which shall be advisory in nature, to the appropriate Federal agency; and"

(i) SUBCONTRACT REPORTING.—Paragraph (11) of section 8(d) of the Small Business Act (15 U.S.C. 637(d)(11)) is amended to read as follows:

"(11) At the conclusion of each fiscal year, the Administration shall submit to the Senate Committee on Small Business and the Committee on Small Business of the House of Representatives a report on subcontracting plans found acceptable by any Federal agency which the Administration determines do not contain maximum practicable opportunities for small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals to participate in the performance of contracts described in this section."

(j) EXCLUSION.—No business concern shall be deemed eligible for any contract or other assistance pursuant to section 1207 of Public Law 99-661 due solely to the provisions of this section.

SEC. 5. WOMEN-IN-BUSINESS SPECIALISTS.

Subsection (k) of section 15 of the Small Business Act (15 U.S.C. 644(k)) is amended by—

(1) striking out "and" at the end of paragraph (6)(B);

(2) striking out "subsection." at the end of paragraph (7) and by inserting in lieu thereof "subsection; and"; and

(3) by inserting immediately after paragraph (7) the following new paragraph:

"(8) designate an employee of such office to be a Women-in-Business Specialist responsible for the implementation and execution of programs designed to assist small business concerns owned and controlled by women."

SEC. 6. OUTREACH.

Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end thereof the following new subsection:

"(p) Each Federal agency having procurement powers shall engage in affirmative efforts to identify and solicit offers from small business concerns owned and controlled by women and small business concerns owned and controlled by socially and economically disadvantaged individuals. To the maximum extent practicable, a representative number of such concerns shall receive solicitation packages for each proposed acquisition for which such concerns may be eligible to compete."

IACOCCA INSTITUTE

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. RITTER. Mr. Speaker, I am pleased to include in the RECORD an essay entitled "The Era of Japan Inc. Is Ending" which was written by my constituent, Laurence W. Hecht. It previously appeared in the Allentown, PA, newspaper, the Morning Call.

Mr. Hecht is executive director of the Iacocca Institute at Lehigh University in Bethlehem, PA. The Institute operates with an advisory board chaired by Lee A. Iacocca, and its mission is to promote the goals of global competitiveness throughout industry. Mr. Hecht

joined the Institute after a distinguished career with Owens-Illinois and he has substantial experience in international high technology management. He is an expert on Japan, and his views will interest all who are concerned with United States-Japan relations.

THE ERA OF JAPAN INC. IS ENDING
(By Laurence W. Hecht)

The last two decades can be properly called the period of Japan Inc. in the world economy. In recent years many have said that Japan would take over the world economy in a commercial sense. This has a familiar ring. Following World War II Europeans were fearful that the U.S. would take over the world economy. The growth and prosperity of American business during the 1950's and 1960's were called by Europeans "The American Challenge". The American challenge disappeared about 1965 and the era of Japan Inc. in the world economy is coming to an end today. During the 1970's and 1980's the success story known as Japan Inc. was due in large part to an unusual degree of unanimity between Japanese corporations, workers within these corporations, Japanese government, and the major Japanese banks. Continuing informal discussions between government ministries, the banks, and the major corporations guided the economy. Exports were emphasized built on a strong and growing technical base, hard work, a high savings rate by workers, a low cost of capital and a weak yen.

Stock holders were not considered of primary importance to most Japanese companies. Instead the banks, customers, major suppliers, employees and the Japanese government all took a higher priority. Many important ties continued from the pre-World War II Japanese trading and industrial groups, which while formally disbanded, continued to influence former member companies. Since stock holder interests were considered secondary, corporations felt quite justified taking significantly more risk than would have been considered prudent for major U.S. and European corporations. Japanese government encouraged this risk taking to promote maximum competitiveness in exports. Banks felt protected by the assets of the corporations and implicit guarantees that the government would bail them out should that become necessary. Workers felt protected since, if a major corporation failed, the government, the banks and other corporations would do their best to insure that the workers still had jobs. This highly unusual unanimity of feeling was the basis of Japan Inc. In the last few years the consensus has been broken and the results will become more apparent in the years to come.

What are the sources of these changes? The stronger yen in world economic circles is of great importance. But in reality this has only accelerated the process which had already begun throughout the Japanese economy. More important are changes in Japanese companies, Japanese banks and significant changes in outlook among a new generation of Japanese workers.

Japanese corporations have been forced to make significant changes. In the face of protectionist pressures export oriented Japanese corporations have relocated their production out of Japan and into end markets in the United States and Europe. Toyota and General Motors have built a plant in California, Mazda and Ford in Michigan. To evade import prohibitions aimed at Japan and benefit from lower wage costs, Japanese

production also expanded into other south-east Asian countries. Now black and white televisions are made in Korea under Japanese license and sold back to Japanese electronics corporations for final sale in the United States.

Goals have evolved in the American and European subsidiaries of Japanese companies that are different from those at headquarters and from those of the Japanese government. For example, both management and workers at the Sony plant in San Diego are at least as interested in the U.S. economy as they are in Japan's. Many Japanese corporations are becoming truly international and much less enthusiastic members of Japan Inc.

A second party to the consensus of the 1970's and early 1980's in Japan was the banking community. Throughout the 1970's the success of the Japanese economy and the high savings rates of Japanese workers resulted in an significant pool of funds which the banks invested by loaning it to major Japanese corporations for expansion in Japan. In the early 1980's corporations began to pay down these debts as expansion of manufacturing facilities in Japan declined. These payments freed bank funds and banks were able to invest in ownership of Japanese corporations rather than fund corporate debt. Increased accumulation of funds within the banks also fueled the continuing internationalization of the yen. Banks began to look outside of Japan for investments as Japan began to move strongly toward being a creditor nation rather than a debtor nation. As the yen strengthened, the Japanese government and the banks could no longer control exchange rates as they had been able to do in the past. As exchange rates changed, the cost of capital in Japan also began to creep up to more internationally competitive levels. Today with major investments in the U.S. and Europe the banks are very interested in the economic health of these economies, not simply the Japanese economy.

Changes in the Japanese work force have also had a profound impact on Japan Inc. The young, aggressive work force of the 1970's in Japan has aged, with a substantial number of retirees who are spending their savings for living expenses. In addition, as Japanese workers gained a new affluence in the 1970's and 1980's they found that greater earnings did not mean a better lifestyle. They still worked long hours, had inadequate housing, and were faced with high prices for products and services. Despite tax incentives to encourage savings and discourage consumption, the new generation now realizes that workers in other countries have a significantly better quality of life with lower incomes. They are demanding lower prices, more leisure time, and in many ways dropping out of Japan, Inc.

Just as the American challenge faded twenty years ago, the era of Japan Inc. is fading today. Japan's competitive edge is eroding because the game has changed and once-loyal players are being replaced by free agents. Entrenched managements and cultural forces will slow the erosion of consensus, but internationalization will inevitably mean continuing evolution of goals in corporations, banks and workers away from the goals of Japan Inc.

The goals of NEC and Toshiba have already begun evolving toward those of IMB, as the goals of The Bank of Tokyo have begun evolving toward those of Citibank. As the playing field becomes more level, there is an opportunity for U.S. industry to dra-

matically improve its worldwide competitive position. The American Challenge ended twenty years ago, the era of Japan Inc. is ending today.

CONGRATULATIONS MARC CRAIG

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. CRAIG. Mr. Speaker, I rise today to recognize a resident of my district who was recently honored by the Public Employees Roundtable Organization. Marc Craig, of Cottonwood, ID, was chosen to receive the 1989 Public Service Scholarship, for his outstanding essay entitled, "How My Chosen Government Career Affects the Quality of Life in America." Of the more than 450 people nationwide who took part in this contest, Marc was one of only eight winners.

As a Representative of the State of Idaho, I am honored to extend my congratulations for this achievement. The award serves as testament to Marc's many hours of hard work, in his quest for excellence.

Mr. Speaker, I wish to be among the first to pay tribute to Marc Craig for his outstanding efforts. I am proud to say that he is a resident of the State of Idaho.

HOW MY CHOSEN GOVERNMENT CAREER AFFECTS THE QUALITY OF AMERICAN LIFE

Biological diversity, spotted owls, visual corridors, community stability, timber shortage; these are buzz words to today's forest manager. The American public is better educated, more informed and very concerned with the condition of the environment. This public concern, their desire for many different uses of our natural resources and "Mother Nature's" unpredictability make public land forest management a challenging and exciting profession.

With the urban sprawl steadily converting once productive lands into concrete forests, it is the desire of many Americans to preserve and protect as many of the diverse ecotypes found in the United States as possible. Forest managers are given the task of accomplishing this, while providing the timber industry and ultimately the American consumer with a wide variety of forest products. This takes meticulous planning and coordination between the other resource managers and the forest management staff. By properly coordinating timber sales, a mosaic of vegetation patterns can be created providing both forage and hiding cover for wildlife and creating optimal growing conditions for the greatest number of plant species. There are instances when the highest use of a resource is the non-utilization of the resource; this may be the case in the territory inhabited by the spotted owl, our old growth Douglas-fir forests.

The spotted owl is currently the most controversial animal in the country. Environmentalists correlate the decline of the spotted owl with the degradation of our environment while the timber industry claims the plight of the spotted owl is being exaggerated to stop the harvest of timber from federal lands. Which group is correct? This question can not presently be answered as our knowledge of the owls needs is very limited, but it is important for forest managers to

work with both organizations to attempted to meet the needs of both. This will take tremendous effort, and it is the biggest challenge to today's forest manager.

As well as being home to spotted owls, old growth forests are aesthetical pleasing. Scenic river and highway corridors, and scenic vistas also pose a new wrinkle for the forest manager to smooth. More and more the public is demanding these qualities and by manipulation of harvesting techniques and varying regeneration methods, they are being accomplished while still providing wood products to the timber industry. Forest managers are using low-impact harvest methods, such as helicopter and balloon logging, and regenerating stands using partial cutting as opposed to clearcut in visual areas to lessen the impact and maintain a flow of raw materials to timber dependent communities.

Many of the small mountain communities of the West developed around the timber industry. Seattle began as a logging camp and grew to the population center of Washington. Not all communities are blessed with the diversity of Seattle and they remain small communities dependent on the timber industry for their income base. A clause in the mandate creating our public lands specified that they would be managed for stability of timber dependent communities using a multiple-use framework. The housing boom of the 1960's and '70's saw private timber owners overcutting to meet the demand for wood products. Today, mills are faced with a shortage of private timber and are looking to federal lands to provide the needed raw materials to allow them to remain open and at full employment. We, as public forest managers, have to balance the needs of the forest laborers and industry with the multiple-use demands being placed on the public forests. There will be localities where the maintenance of sustained-yield on public lands and lack of private timber will not produce the volumes needed by the mills to remain open. The short-run impact will be severe in these areas, but the long term benefit to the country and even the affected area will justify these actions.

Decisions made by forest managers of our public forests will have long-term effects on the environmental health of the entire country. The maintenance of a broad spectrum of plant and animal life will lead to a healthier environment and ultimately a healthier country. Integrating the demands of the recreational public with that of the consumptive public will continue increasing in importance as we find we have more leisure time. These challenges make public lands forestry an exciting profession and one I plan to dedicate my life to.

EAST MEETS WEST

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. DORNAN of California. Mr. Speaker, in December 1988 a commendable step forward was taken in building relations with the Eastern bloc. Edward Peterson, of the Garden Grove Symphony, conducted the Pazardjik Symphony in Plovdiv, Bulgaria, as part of the first Conductor Exchange Program.

For a week "East Met West" in the Symphony Hall of Plovdiv, Bulgaria. Mr. Peterson rehearsed with the all Bulgarian Orchestra for

nearly 6 days. Then, when the cooperative effort finally sounded on opening night, he observed that "the music from both sides of the podium was being made from our hearts." Music is universal, it knows not the bounds of language or dialect and it is a welcomed catalyst in forging East-West cultural relations.

"The Reagan administration began building relations in this part of the world. We are continuing to build bridges. This project may seem like only a drop in the bucket, but it takes many drops to create a river. Music can be an expression of friendship and love and a binding force all over the world no matter what political differences may exist," declared Mr. Peterson. I sincerely commend Edward Peterson for his contribution to the betterment of East-West relations and I hope his was a first drop of the cultural sunburst.

The following is a letter Edward Peterson wrote from Plovdiv detailing his experience in Bulgaria and it provides one man's personal insight into a rare achievement.

GARDEN GROVE SYMPHONY,
OF ORANGE COUNTY,
Plovdiv, Bulgaria, Dec. 5, 1988.

DEAR SYMPHONY SUPPORTER: The first half of the Conductor Exchange Program, "When East Meets West" has been completed. The impact here in Bulgaria was greater than we could have ever imagined! While they are still fresh in my mind and I am still in this country, allow me to share a few precious moments and observations with you.

The whole week was a growing experience for me—from being a stranger the first day, to finally knowing each person in the orchestra. By the end of this time of being so close to the music and the emotional level it takes to produce it, the music from both sides of the podium was being made from our hearts. Except for a few technicalities during rehearsals, the music was a more than adequate means of communication.

I felt as close as a family to the orchestra by the final rehearsal; on stage, as if I were at home in Garden Grove.

Not being sure how the audience here would respond to American music, it was apparent by the time the first piece was completed that it was as Americanized an audience as we could possibly perform for. The audience responded on such an emotional level that the orchestra was inspired to perform to its highest potential.

BITS AND PIECES

I am the first American conductor to conduct the Pazardjik Symphony during its 20 years of existence. This concert was the first full concert of music by contemporary American composers to be presented in Bulgaria. The music will remain a part of the permanent repertoire in Bulgaria—a gift from the Garden Grove Symphony.

I had a special interview with Radio Sofia just before the concert. The concert and interview will be broadcast in full this week all over Bulgaria and parts of Yugoslavia, Romania and Greece.

We were extremely honored to have the American Embassy represented in the audience and at the impressive ceremony at City Hall, where we presented the key to the city of Garden Grove and gifts to the Mayor of Pazardjik.

It was very special to have Dick & Ruth Hain, Dr. John & Barbara Sulzbach, Janet Pankopf, Melva Nielsen, John Ahn, Yaakov Dvir, Barbara Ness, and especially my wife, Nancy, here with me as part of this first exchange.

On a lighter note, I became the "godfather" to the Pazardjik Symphony Concertmaster's new Moskwich car, which he had waited for for 15 years (standard waiting period after initial deposit here in Bulgaria.)

The cello section insisted I must be part of the Kennedy family—the highest compliment, since John F. Kennedy was loved by all in Bulgaria.

A group of about 20 young people from the Pazardjik English speaking high school refused to leave the auditorium until I came out to answer all of their questions. By the time they finished with an especially moving "Auld Lang Syne," only the cleaning crew remained in the hall.

I could not believe the expressions of love and appreciation, with several standing ovations, bouquets of flowers from the American Embassy, the musicians, the City of Pazardjik, and the English speaking school. Each member of the orchestra wanted my autograph; the section leaders who received Garden Grove pins wore them proudly.

At the end of the concert we presented a meaningful and touching musical gift—a special arrangement by Joseph Alfuso of a beloved Bulgarian tune. The entire audience joined in singing as I turned to conduct them, with tears in every eye.

The Reagan Administration began building relations in this part of the world. We are continuing to build bridges. This project may seem like only a drop in the bucket, but it takes many drops to create a river. Music can be an expression of friendship and love, and a binding force all over the world no matter what political differences may exist.

I hope that I have been able to give you a small taste of my experience here in Bulgaria. I have been proud to represent you here. We look forward now to Maestro Ivan Spasov of the Pazardjik Symphony conducting the Garden Grove Symphony next October.

Yours,

EDWARD PETERSON,
Conductor.

ZAIRE OUTLASTED MARXIST NATIONS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. FIELDS. Mr. Speaker, Zaire is perhaps America's best friend in Africa, as illustrated by the following article by Georgie Anne Geyer. Under the able leadership of President Mobutu Sese Seko, Zaire has made great strides in improving its human rights record and in mediating conflicts across the breadth of the African continent. I am pleased to call to the attention of my colleagues this article about an important African friend.

[From the Houston Post, July 6, 1989]

ZAIRE OUTLASTED MARXIST NATIONS

(By Georgie Anne Geyer)

My, how things do change! Remember the last two decades when Mobutu Sese Seko, the president of Zaire, was perpetually decried as the rankest reactionary by all those new, "progressive" African states?

Remember how this canny, ruthless man edged out the legendary, leftist Patrice Lumumba in the mid-60s? How Lumumba, international Marxism's favorite, was mysteriously assassinated during the race to

grasp power in Zaire, nee The Congo? Remember how Ernesto "Che" Guevara fought haplessly in the Congo in 1965? How Angola, Mozambique and Ethiopia all went fervidly Marxist between 1974 and 1978, while traditionalist Mobutu sat it all out in the center?

President Mobutu came to Washington the other day no longer than man of the past, sitting alone and outcast on the throne of the richest country in Africa. No longer Africa's political bogeyman of the heart of darkness, he emerges now as the mediator for what is in effect the peaceful dissolution of the African Marxist states that have so long excoriated him.

"People may wonder whether I'm the chief of state of Zaire, or whether I'm just going around mediating," he joked at a meeting with a few of us political journalists after visiting with President Bush. But his position in Africa is no longer any joke.

BUSY MEDIATOR

Mobutu is physically an impressive man. Square in body and strong of face, he is clearly a natural leader, a total autocrat and the old-as-time African chief who is now busily mediating away the artificial ideologies imposed after independence.

Angola? Only a week before becoming the first African head of state officially to visit the Bush presidency, he brought together the two bitter antagonists—the Marxist President Eduardo dos Santos and the Western supported Jonas Savimbi.

"The two brothers from Angola were able to shake hands, sit down and eat together," he said of the historic meeting, attended by a bevy of other African leaders, that may well finally portend the end of the bitter 15-year-old Angolan civil war. "This is very important for the African mentality."

Although he would not speculate on how the two sides would eventually work things out inside Angola, he did say: "Now that that is done, I believe most of the work is over. I believe Angola is now an internal matter."

Mozambique? He sighed, then said that, yes, the Marxist Mozambican leader was at the conference and stayed a day longer and "asked me to help out" there, where Marxism has also led to chaos.

South Africa, the most perverse problem of all? Yes, after a great deal of thought, he had been meeting with the South African leaders, discussing the apartheid situation with them, and getting them to stop the execution of many oppositionists. "In the last few years, everything has changed there," insisted Mobutu.

If that is not enough to indicate the contours of the "new Africa," this man who has been called everything from the "peacemaker of Africa" to the "brutal dictator of Zaire" has also mediated in Chad, in Ethiopia, in Rwanda-Burundi and in the Sudan.

THE SURPRISE PEACEMAKER

On his trip to Washington, this billionaire—known for his Versailles-style palaces, for his brazenness in allegedly skimming off Zaire's rich copper monies, and for his brutal police and military practices—was hammering away at congressmen, and others on the costs of peacemaking!

As he was seeking more American aid from his "good friends" in Washington, he did not hesitate to hammer home that the recent Angola conference cost him \$57,000 in air fuel for the seven chiefs of states alone, that he had at his own cost served their contingents 500 meals three times a day, and that his help to the West in Chad had personally cost him \$159 million.

Still, despite the imperfections of Mobutu's Zaire, one has the feeling that it has emerged from these tumultuous postcolonial years as one of the more authentically African countries in a phantasmagoria of alien and wholly inappropriate ideologies. It is certain that the Marxist governments that were so fashionable in the 1960s and '70s have utterly failed. Indeed, Mobutu is in a sense the black-suited undertaker of their dreams. In the end, workable imperfection outlasted all those would-be utopias. My, how things do change!

RECOGNITION OF LAW AND PUBLIC SERVICE MAGNET HIGH SCHOOL, CLEVELAND, OH

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. STOKES. Mr. Speaker, I am proud to rise today and recognize Cleveland's Law and Public Service Magnet High School [LPS] for winning the 1989 Public Service Curriculum Award given by the Public Employees Roundtable. The award recognizes the school's efforts in developing an innovative public service curriculum for young people. I would like to congratulate the teachers and students at the LPS Magnet and the faculty and staff of the Cleveland State University [CSU] Colleges of Law and Urban Affairs for collaborating on the production of an outstanding entry.

Mr. Speaker, the LPS Magnet is committed to providing young people with alternative methods of instruction. Combining theory with practice is a successful method for the LPS Magnet, which can boast a high attrition rate for its graduating classes. Within a strong social studies curriculum, the LPS Magnet provides an interdisciplinary program emphasizing skill development and experiential learning, using the community as a laboratory.

In response to the need for an integrated, alternative program for a 4-year high school, the LPS Magnet was conceived through a joint partnership between the Cleveland Public Schools and CSU's Colleges of Law and Urban Affairs. The result of this joint venture is the award-winning curriculum of the LPS Magnet which emphasizes the attainment of skills valued in the workplace. Students participating in this program are exposed early to constructive and valuable work experiences and environments from the ninth grade through graduation.

The percentage of these students who pursue higher education is evidence enough that alternative forms of education do work. The LPS Magnet is an excellent example of magnet schools around the Nation that are offering young people choices. Such programs stimulate and challenge young people to develop skills which are highly desirable in today's demanding workplace. In addition, such programs are breeding grounds for encouraging young people to pursue public service careers.

Mr. Speaker, I applaud Cleveland Public Schools and Cleveland State University for investing in the future of Cleveland youth. I hope my colleagues join me in saluting the

Law and Public Service Magnet for making this successful model program work.

VEAL CALF PROTECTION ACT

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. BENNETT. Mr. Speaker, I have introduced the Veal Calf Protection Act (H.R. 84), on which a hearing was held last month before the Agriculture Subcommittee on Livestock, Dairy, and Poultry. I thank Chairman STENHOLM and his subcommittee for holding the hearing, and I hope we can move forward with this needed legislation.

I insert in the RECORD the following article by David B. Kopel, published in the Houston Post, which describes the cruelty endured by some veal calves in this country.

[From the Houston Post, Apr. 24, 1989]

CALF CRUELTY IS NOT NECESSARY

(By David B. Kopel)

In the United States, we sometimes condemn the "barbaric" animal cruelty in other nations such as bull-fighting in Mexico, or eating dogs in Korea. Yet those practices pale in comparison to a form of animal cruelty invented in the United States, which results in the torture of hundreds of thousands of animals per year. That practice is production of "milk-fed" veal.

For many years, gourmets in Europe have enjoyed the delicate meat of veal calves which are fed on mother's milk, and slaughtered a week or two after birth.

But the American producers did not imitate the French methods. Instead, the Americans began using much larger, sixteen-week-old calves (with greater weights, and hence greater profits). The U.S. producers then devised methods to make their older meat look like the younger, pale white European meat. This "great white hoax" results in tremendous cruelty to the American calves.

Separated from their mothers only a few hours after birth, the calf is chained in a stall so small that he cannot even turn around. The total confinement system keeps the calf from developing any reddish muscle. And by preventing the calf from burning calories in normal exercise, the confinement system maximizes rapid weight gain. Stalls are so tiny that the calf cannot even stretch out his legs to sleep, but must lay hunched on top of them.

To keep the older calf's meat looking young and white, the calf is fed an iron-poor liquid diet. Diners ordering from a restaurant menu might think that "milk-fed" means mother's milk. Far from it.

The calf drinks only from a plastic bucket filled with a mixture of powdered milk replacer, water, vitamins, sulfa drugs, mold inhibitors, and antibiotics. It receives no drinking water, because adequate water would make it drink less of the skim milk/drug mixture, and therefore gain less weight. The water in the milk replacer is specially treated to remove iron.

A calf has 4 stomachs, but the inadequate diet only allows one to develop. His first stomach, the rumen, breaks down cellulose, but the diet contains no cellulose, and no roughage. Hence the calf will often develop

stomach ulcers and suffer from chronic diarrhea.

With no place to defecate the calf must lie in feces and breath ammonia gas, which causes respiratory disorders. In an effort to ingest iron, a calf may lick his urine off the floor for its iron content.

The "milk-fed" veal calves are extremely susceptible to every kind of disease, including intestinal disease, septicemia (blood poisoning), fungal infections, and pneumonia. About 10 percent of a typical group dies before slaughter. The death percentage would be even higher, but for the high doses of drugs. Antibiotics, particularly oxytetracycline, are used daily.

As a result, veal calves' bodies become breeding grounds for "super-salmonella"—bacterial strains resistant to antibiotics. Dr. Kenneth Stoller at the Children's Clinic in Pasadena, warns: "These mutant bacteria infect human beings, as well as animals." The Journal of the American Medical Association and The New England Journal of Medicine has linked antibiotic animal feeds with food poisoning in humans.

None of the torture is necessary. Quantock, Britain's leading veal producer, has developed the "strawyard" system: calves are raised in barns with natural light, in groups of 20, and fed a healthier diet from rubber teats. As of 1990, the veal crate will be illegal in Britain. Sweden recently began a 10 year phase-out. The European Parliament has taken the first steps toward a ban on the veal crate.

Here in America, Rep. Charles Bennett, D-Fla., has introduced HR 84, which prohibits the confinement of veal calves in small crates, and makes it illegal to deliberately feed calves a diet deficient of solid food and iron. Fifty-five representatives have already cosponsored it.

Consumers, though, don't have to wait for the government to act—they can stop paying six to ten dollars a pound for an anemic imitation of European gourmet veal. Restaurants can drop anemic veal from their menus, and offer meat raised in more humane conditions.

A million calves a year suffer through the anemic veal nightmare. When the American public wakes up, and learns the truth about the production of anemic veal, that nightmare will end.

BUDGET MESS: THE JOKER LIVES

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. PORTER. Mr. Speaker, the Joker—Batman's arch enemy—would chortle over OMB's mid-session budget review. The Riddler might enjoy it too.

For fiscal year 1990, policy changes boost outlays by \$7 billion from the February estimate. Changes in economic assumptions—assumptions created by the White House and sanctioned by Congress in our knee-slapper of a budget resolution—kick in another \$11 billion. Technical reestimates—pay attention riddlers—add another \$6 billion.

Mr. Speaker, tally them up and voilà: \$24 billion in new outlays. What a surprise! What a riddle! What a joke!

But it's not really a surprise or a joke, Mr. Speaker, it's a disgrace. Every year we fudge

the numbers at the start and reestimate them later. All this does is to force more carving away at discretionary programs, more hiding of the operating deficit behind the Social Security surplus, more smoke, and more mirrors.

We need a budget batman, Mr. Speaker, to police this numbers game. But that, of course, is make-believe. Instead, we will keep faking the estimates and prove that truth is stranger than fiction.

BLM REAUTHORIZATION

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. CRAIG. Mr. Speaker, I rise today to express my deep concern about an action taken by this body on Monday, July 17, 1989—an action that will no doubt adversely affect my State of Idaho. Specifically, I am referring to the approval of H.R. 828, a bill which would reauthorize the Bureau of Land Management. Before I do this, however, I would like to applaud the efforts of my colleagues who debated so persistently against the legislation.

As was the case with many of my colleagues, I had no objection to H.R. 828 in its original form. Unfortunately, since the legislation was introduced as a 10-line bill, it has been "enhanced" to include several additional pages, known as title II. These pages drastically changed the legislation and led me to oppose H.R. 828 as it was debated in the Interior Committee. While in committee, many of my colleagues joined me in addressing some of the more objectionable provisions of the bill. However, far too many still remain. The amendments proposed to the Federal Land Policy Management Act would seriously disrupt the BLM's efforts to pursue the Nation's mandate for the multiple use of our public lands.

Among the provisions most alarming to me are those creating Areas of Critical Environmental Concern [ACEC's] and requiring the BLM to "support increases in the number and types" of plant and wildlife populations. Both of these greatly affect the BLM's ability to provide the necessary balance between preservation and the wise use of public resources. For example, ACEC's would protect resources in areas that are defined in very vague terms, leaving the process open to interpretation by courts and leaving the average user of public lands powerless during lengthy court battles. The affect of these potential "buffer zones" could be devastating to those who depend on public lands for their livelihoods. In addition, BLM plans could likely exclude oil and gas exploration in areas where certain species exist. For example, lands identified as prime wolf habitat could be taken away from their traditional grazing use. The public lands that we depend on and enjoy so much would come under a new mission—one that leaves the vast majority of public land users in a losing position.

I also have reservations about H.R. 828's provisions relating to the ability of the National Guard and Reserves to enter into cooperative agreements with the BLM. I wholeheartedly support the efforts made by Mr. HANSEN in addressing this issue. Without his leadership, the bill would have been in far worse shape. However, even with Mr. HANSEN's amendment, I am concerned that Idaho's National Guard will be precluded from renewing or expanding its existing facilities. This language needs to be stricken from the BLM reauthorization bill.

Mr. Speaker, although H.R. 828 has been passed by the House, I am confident that my colleagues in the Senate will not let the points I have raised go unnoticed and am hopeful that they will correct these problems. In the event that H.R. 828 is passed by the Senate in its current form, I would urge President Bush to veto it and hope that my colleagues would join me.

THE SPIRIT

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25 1989

Mr. MARTINEZ. Mr. Speaker, I would like to share with my colleagues and the American people an inspiring poem from one of my constituents written for the Fourth of July celebration. In fact, I found the work even more uplifting when I discovered that the source of the piece was 20-year-old Jamie Cadenas of Commerce, CA. The poem is titled "The Spirit," and it really exhibits the spirit of this great country.

THE SPIRIT

The spirit is here on the Fourth of July,
You see it so clearly on land, sea, and sky.
It's a beautiful feeling I get, and I'll share it
with you,
I'll say some words and you're sure to feel it
too!
There's;
Freedom, Tom Jefferson and Red, White
and Blue,
Prosperity, pride and freedom for you to be
you.
America, free religion and beautiful land,
There's hard work, dedication and love for
fellow man.
There's family, honor and tradition at it's
best,
There's unity and courage when put to the
test.
Now, we both have the spirit, isn't it great,
isn't it grand,
It's lasted more than 200 years on this land.
What a country our forefathers made so
long ago,
We accept the challenge of making it grow.
We know what to do, in fact it's perfectly
clear,
Keep sharing that great spirit from year to
shining year.

A TRIBUTE TO MRS. SADA IWATAKI

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. DYMALLY. Mr. Speaker, I rise today to pay tribute to a very extraordinary individual and super lady, my friend and constituent, Mrs. Sadae Iwataki, supervisor of Adult English as a Second Language Programs for the Los Angeles Unified School District.

As a teacher, curriculum development specialist and administrator, Mrs. Iwataki has been a leading educator in addressing the English language acquisition needs of adults in the Los Angeles area. At the end of July, she will be retiring after 32 years of service.

Indeed, her hard work, energy and sheer determination has paid off. She brought the AESL program to acclaim as an excellent provider of instruction to students with language acquisition needs, making the department a dynamic force in both the division and district. Through her work and recognition, she has brought honor to the division.

Highlights of her career include serving as Supervisor for 8 years at LAUSD. This position involved staff development, the supervised planning, organization, implementation, and evaluation of the ESL Programs, coordination of on-site inservices, direction of two annual district-wide inservices, and her involvement of input and guidance to principals and teachers in improving ESL instruction. Mrs. Iwataki was also responsible for curriculum, and the supervision of ESL teacher committees which resulted in instructional support materials. In 1978 until 1981, she served as a consultant and assistant to the supervisor.

Her tenure in the education field began in 1957, as an ESL teacher with the Los Angeles Unified School District. Her other positions include project director of "Bridging the Asian Language and Culture Gap" between 1971 until 1974. She also served as instructor between 1975-82, teaching "Methods and Materials in Teaching English to the Foreign Born Adult," as part of the extension program at UCLA. In addition, she was curriculum coordinator between 1969-71 at Cambria (Evans) Community Adult School.

Mrs. Iwataki holds numerous memberships and affiliations having served as CATESOL president (1981-82), TESOL, member of the Large Executive Board (1977-80) and conference presenter.

Mrs. Iwataki has long been recognized for her outstanding contributions to the community having received the E. Manfred Evans Award in 1982, the CATESOL Regional Service Award in 1986, the CATESOL Service Award in 1987, and the James E. Alatis Award TESOL in 1988, a personal award established in her honor.

In honoring Mrs. Iwataki on the special occasion of her retirement, the parents, teachers, educators, and students in Los Angeles wish to extend a thank you from their hearts, for your invaluable contributions to the community. We wish you the very best for continued success and prosperity in the future.

You will be sorely missed, but never forgotten.

REPEAL OF THE SOCIAL SECURITY EARNINGS TEST

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. GILMAN. Mr. Speaker, for a number of years I have been seeking to amend or to repeal the archaic Social Security earnings test. H.R. 2328, a bill I introduced earlier in this session, would completely repeal the earnings test for older Americans between the ages of 65 and 70, and would raise the earnings limitation cap for those seniors under the age of 65.

Recently, I was pleased to receive a letter from the Commissioner of Social Security, Dorcas R. Hardy, in favor of outright repeal of the retirement earnings test.

Mr. Speaker, under current law, Social Security beneficiaries under the age of 70, who are employed or self-employed, receive their full benefits unless their earnings exceed the annual earnings limitation. This earnings limitation serves to deter retired older Americans from returning to the work force. The existing earnings limitation cap is set at \$6,480 for seniors between the ages of 62 and 65, and at \$8,880 for seniors between the ages of 65 and 70.

We are all too familiar with the heavy financial burden already borne by our senior citizens. This, coupled with the depression and solitude that often accompanies one's later years, speaks for the need to encourage older Americans to continue being productive, enterprising members of our community. Furthermore, older Americans have continually stressed the need for this repeal since they are willing and eager to return to work.

Accordingly, I am pleased that the Social Security Commissioner is in favor of the repeal of the earnings test. Mr. Speaker, I ask that the full text of the commissioner's letter be inserted at this point in the CONGRESSIONAL RECORD:

THE COMMISSIONER OF SOCIAL SECURITY,
Baltimore, MD, July 18, 1989.

HON. BENJAMIN A. GILMAN,
House of Representatives, Washington, DC.

DEAR MR. GILMAN: Based on my many experiences as Commissioner of Social Security and in talking with workers and Social Security beneficiaries throughout the country, I remain strongly convinced that the single most important and necessary legislative improvement in Social Security would be to eliminate the retirement earnings test. I am disappointed that the test has not been eliminated for workers age 65-69 while I served as Commissioner. However, I am encouraged that the earnings test's days are numbered, as more and more Members of Congress recognize its adverse impact on our country's older workers and on our Nation's economy.

As a Nation with a rapidly growing aged population, we can no longer afford a law that discourages our older citizens from working. Economists believe that in the decades ahead a shrinking labor force will re-

quire American industry to rely more heavily on the knowledge and skills which older workers possess. We also need to keep in mind that the physical and mental health of the elderly often depends on their ability to lead active, fulfilling lives. For many, this means having a real opportunity to continue working.

The traditional argument in favor of the earnings test is that it is an objective measure of loss of earnings due to retirement, one of the risks that the Social Security program is designed to protect workers against. Although this argument may have been valid in the past, it fails to reflect the societal and economic changes that our country has already experienced and is blind to the trends that are developing for the future.

The practical effect of the earnings test in today's environment is that it forces senior citizens into retirement at a time when they can continue to contribute to society. After participating in Social Security for decades, they are presented at age 65 with the choice between productive labor and the benefits they have paid for and counted on. Over 1 million people faced with this dilemma sacrifice some or all of their benefits each year. Perhaps more significantly, an estimated 300,000 beneficiaries reluctantly decide that the loss of their benefits is too great a penalty for working and therefore restrict or terminate their work activity.

Many other beneficiaries, pressured by financial need, unfortunately arrange to work "off the books" so that their earnings will not be reported to the Social Security Administration. By joining the gray underground economy to avoid the earnings test, they avoid Social Security taxes and income taxes as well.

Although the work disincentive aspect is the most important reason for eliminating the earnings test at age 65, there are other valid objections to it. It places beneficiaries with earned income at a disadvantage compared with beneficiaries with substantial amounts of income from savings and investments, since the earnings test only applies against earned income. Also, I can assure you from personnel knowledge that the test is very difficult for the public to understand and comply with and very costly for the Social Security Administration to administer.

There is enormous support throughout the country for eliminating the earnings test. The large number of sponsors and co-sponsors of bills to eliminate the test, the letters I have received from the public, and the newspaper editorials that have been published on this issue indicate that my views are shared by many Americans. The enclosed newspaper editorials and articles reflect the widespread public feeling that the test should be eliminated.

I take a great deal of satisfaction in seeing this issue being seriously addressed by both the House of Representatives and the Senate, and I hope that the determination that you and many of your colleagues have shown leads to elimination of the test in the near future.

Sincerely,

DORCAS R. HARDY,
Commissioner of Social Security.

THE CONGRESSIONAL WITNESS
PROTECTION ACT OF 1989

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. GEJDENSON. Mr. Speaker, on May 19, 1987, Mr. Florian Sever of Sitka, AK, testified before the Committee on Interior and Insular Affairs Subcommittee on Energy and Environment regarding H.R. 1516, the Tongass Timber Reform Act. One month before the hearing, Mr. Sever, a striking millwright who had been employed with the Alaska Pulp Corp. for 10 years, was placed on the company's eligibility list to be rehired after the strike was settled. Mr. Sever subsequently testified in favor of H.R. 1516, which was strongly opposed by the Alaska Pulp Corp. because it would have terminated a lucrative agreement the company had with the Federal Government. Shortly after giving testimony, Mr. Sever was fired by Alaska Pulp.

On June 30, 1988, I chaired the Interior Subcommittee on General Oversight and Investigation's hearing on whether Mr. Sever was fired as a result of his congressional testimony. Based on testimony provided by Alaska Pulp officials, by Mr. Sever, and by an administrative law judge from the National Labor Relations Board, the subcommittee determined that Mr. Sever had been fired as a direct result of his testimony.

The subcommittee concluded that the termination of Mr. Sever's employment as the result of his testimony constituted obstruction of proceedings before congressional committees. The subcommittee then referred the matter to the Department of Justice for criminal prosecution. The subcommittee also referred sworn testimony to the Department of Justice to review for possible perjury prosecution. Finally, the subcommittee recommended that Congress enact legislation making it a felony to knowingly terminate or threaten an individual's employment, or to threaten an individual's property or person as a result of providing testimony before Congress.

I recently received a response from the Department of Justice declining prosecution in this case because the Department "believes there is insufficient evidence to prove that [the witness] 'willfully' made a false statement to the subcommittee." The response omits any reference to obstruction of justice. It is my belief that Congress must statutorily create a specific and express prohibition on threatening witnesses in any manner, shape, or form so the Department of Justice has the necessary tools to prosecute when warranted.

The seriousness of retaliating against a congressional witness cannot be overstated. The hearing process is the primary source of information for the Congress, making it the lifeblood of this legislative body. It is absolutely essential to the Congress to hear from all factions of our society so that we may legislate effectively. Nowhere is the protection of our citizens' right of free speech more important than before their duly elected representatives.

Unless our citizens can come before the Congress and speak their minds without fear of retribution, the congressional hearing process is rendered meaningless. If individuals believe they may lose their jobs if they voice opposition against those who employ them, then the very fabric of our democratic institution will be torn. Protecting free expression is especially important in cases where the individual is vulnerable to the forces against which he or she speaks.

It is for these reasons that I am introducing today the Congressional Witness Protection Act of 1989. This bill would amend title 18 of the United States Code to provide an express and specified prohibition against threats of or actual retaliation against congressional witnesses. The language of the bill states,

Whoever knowingly causes economic loss to, or injury to the business or profession of, a witness in a proceeding before the Congress and thereby retaliates against the witness for such witness' testimony or provision of information in such proceeding shall be fined under this title or imprisoned not more than five years, or both."

I urge all Members to cosponsor this bill, so that we may ensure the integrity of the congressional factfinding process.

FIRST SAVINGS AND LOAN OF
BAYONNE MARKS 100TH ANNIVERSARY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. GUARINI. Mr. Speaker, on August 19, 1989 the First Savings and Loan of Bayonne will celebrate its 100th anniversary.

On August 19, 1889, William C. Farr, a former mayor of Bayonne, and Horace Roberson, a local lawyer, got together and founded what was then to become known as the Centerville Building and Loan Association. One thousand shares were offered publicly to subscribers at a price of \$1 per share. Some residents purchased 25 shares, while the majority bought only 1 share in the loan association. Following the election of officers, Farr became the bank's first president.

The \$1,000 taken in at the close of the meeting was then loaned to a Bayonne police officer for the construction of his house. From that moment on the bank began to grow. At the close of the first year in business, the bank showed assets of \$37,000.

It was nearly 22 years later that the bank reached a milestone—\$1 million in assets.

Today, some 100 years after inception, First Savings and Loan of Bayonne has grown to three branch offices; employs 155 community residents; and has over 60,000 accounts and more than \$500 million in assets.

It was not until 1945 that the Centerville Building and Loan Association changed its name to First Savings and Loan Association of Bayonne. The name was changed to comply with Federal regulations.

The bank has had five presidents since 1889, namely: William C. Farr, Thomas Brady, Samuel A. Roberson, Patrick J. Fraher, and Patrick F.X. Nilan.

According to its current president, Patrick F.X. Nilan, "We're planning a big party celebration for the community as our way of

saying thank you to our depositors and friends for helping us to become and remain the big one in Bayonne over the past 100 years. Without them and their support and trust, we would not be here today."

The 29-year bank president, whose daily chores have kept the lending institution one of the strongest and soundest in the Nation, also paid tribute to the bank's founding fathers. The bank and the settlers worked together through some very difficult times and that has become an inspiration to us here at First Savings. The banking industry is constantly changing, and we are always looking for new challenges that would enable us to provide better services for our customers.

To prove its strength through growth, First Savings and Loan of Bayonne is getting ready to open yet another branch office, bringing to four the number of banks it will have in Bayonne. No date has been set for the opening of the branch on 46th Street. This new branch would strengthen the bank's services in the uptown area. The other three branch offices are located at 26th, 20th and 6th Streets, all on Broadway.

Patrick F.X. Nilan's career has been both interesting and inspiring. At the age of 16, while still in high school, he went to work for the Bayonne Trust Co. as a part-time messenger. The money he earned was used to help his family make ends meet. His parents, Patrick and Julia, were born in Bayonne, but his grandparents had migrated from Ireland. He, his brothers, Clement, Robert William and sister Veronica were born in Bayonne.

After graduating from Public School No. 12 and Henry Harris Junior High School, he attended Bayonne Junior College and Seton Hall. He then joined the First Savings of Bayonne in 1954 as a bank teller. Three years later, he was moved up to the loan department. Nilan caught the eye of Patrick J. Fraher, then president, and in a news article printed in the Bayonne Times, Fraher referred to Nilan as "a rising star in the banking industry."

In 1959, Nilan became assistant bank manager, one step away from becoming president. Two years later, he became the youngest bank president in the State at that time. Nilan also became the bank's first full-time president, and in 1963, the only president to serve on the board of directors. He currently serves in both capacities.

He has been active in the community, providing help to the Bayonne Council of Boy Scouts of America, Holy Family Academy, the Bayonne PAL, the United Way, the Bayonne Kiwanis Club and the Bayonne Hospital. He is the recipient of the gold medallion from the National Conference of Christians and Jews. The Kiwanis Club, PAL and Ireland 32 Club have all honored him as their "Man of the Year."

He served as past president of the Hudson County Savings League, is a member of the Financial Managers Society and serves on many committees of the U.S. Savings League.

The First Savings of Bayonne is an intricate part of the entire Bayonne family, a very close-knit progressive community always working to make a good thing better. The history of Bayonne goes back more than 300 years when Henry Hudson first anchored in

what is now the Hudson River. It is a community which has earned my respect and the respect of all those in the entire State of New Jersey who have come in contact with its excellent leadership, productiveness, and community spirit.

I am certain my colleagues here in the House of Representatives wish to join me in this well-deserved salute to the First Savings and Loan of Bayonne, extending congratulations to Patrick F.X. Nilan and all those affiliated with the bank on its 100th anniversary and best wishes for its continued success and prosperity.

CORNELL'S MERRILL SCHOLARS

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. McHUGH. Mr. Speaker, at a time when our Nation has often focused its attention on the quality of teaching and education, I would like to take a moment to highlight a noteworthy program in the congressional district I am privileged to represent—the Merrill Presidential Scholars program at Cornell University.

This Cornell program to promote excellence in scholarship and teaching has been cited in a number of editorials and columns by the media for honoring outstanding students, and for recognizing the vital role that both secondary school teachers and college professors play in the educational development of our youth.

The 35 scholars themselves, approximately 1 percent of the graduating seniors, are chosen from each of Cornell's seven undergraduate colleges for their "intellectual drive, energetic leadership abilities, and a propensity to contribute to the betterment of society," as well as for sheer scholastic achievement.

The high school teachers brought to Cornell University in Ithaca, NY, from across the Nation and in one case even from Cyprus were named as their inspirators by the honored students. According to Cornell University president Frank H.T. Rhodes, the purpose of the scholars program is "to emphasize the continuity of teaching not just in the conveyance of knowledge but in the inspiration of students. We feel it is important to recognize the unique contributions these excellent teachers have made to the lives of our best students."

I certainly agree with President Rhodes that this scholars program, by honoring outstanding college students and the high school teachers who inspired them, does indeed "highlight the integral relationship between high school and college education."

I salute all those students, secondary teachers, and university professors who have made our Nation greater through the exercise of extraordinary talent, leadership, and wisdom. I am also proud to note that this year's Merrill Scholars include four young people from my congressional district: Robert W. Balder of Ithaca, NY, who named William L. Davis of Ramsey High School in Ramsey, NJ, as the high school teacher who inspired him; Lisa J. Carpenter of Trumansburg, NY, who selected

Lynn Boruchowitz of Charles O. Dickerson High School in Trumansburg, NY; David Stasavage of Ithaca, NY, who chose Maryterese Pasquale-Bowen of Ithaca High School in Ithaca, NY; and Patrick R. Pakel of Endicott, NY, who named Robert Gallagher of Union-Endicott High School in Endicott, NY.

AVIATION FUNDS PUT IN JEOPARDY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. ANDERSON. Mr. Speaker, I call to the Members' attention the recent reconciliation action of the Ways and Means Committee to suspend the aviation trigger tax and divert almost \$1 billion in aviation user taxes from the Aviation Trust Fund to the General Fund.

Along with many of my colleagues on the Public Works Committee I strongly oppose this, especially the diversion of funds.

To help explain our opposition, I would like to include for the record a recent letter from the American Association of State Highway and Transportation Officials. That letter accurately demonstrates the current needs—development, modernization and safety—of our Nation's aviation system that would be put at risk if this proposal were to become reality. On behalf of our committee, I would like to commend AASHTO for its initiative and foresight in addressing this matter.

In addition, I urge Members to support my effort at the Rules Committee to delete the diversion portion of the Ways and Means proposal.

AMERICAN ASSOCIATION OF STATE
HIGHWAY AND TRANSPORTATION
OFFICIALS,
July 19, 1989.

HON. GLENN ANDERSON,
Chairman, Public Works and Transportation Committee, Washington, DC.

DEAR MR. CHAIRMAN: When our Policy Committee met this week on July 17 and 18, it considered and approved a resolution concerned with adequate funding of the Airport Improvement Program. A copy of the resolution, identified as PR-18-89 and titled "Airport Improvement Program Funding for Airport Capacity Solutions," is enclosed. It was adopted by more than the required two-thirds majority of our 52-member departments of highways and transportation.

The resolution has two basic components, as expressed in the two resolves. The first resolve calls upon Congress to appropriate the full amounts authorized for the Airport Improvement Program in fiscal years 1990 and beyond, for the reasons stated in the several "Whereas" clauses. In the judgment of state transportation officials, this funding is required now by our nation's airports.

The second resolve is directed to last week's proposal by the House Ways and Means Committee to divert aviation user fee tax revenues to the General Fund. Our member departments are strongly opposed to such diversion, for two reasons. First, as stated in the resolution, the Airport Improvement Program requires more funding than is now being appropriated, to meet pressing needs. Any diversion in the face of such needs should not occur.

Second, we oppose the Ways and Means Committee proposal because it would set a serious precedent by diverting transportation user fees from a transportation program to the general fund, where the revenues could be used for non-transportation purposes. AASHTO believes that all transportation user fees should be used solely for transportation purposes.

Should you have any questions with regard to the enclosed resolution, we will be pleased to respond.

Very truly yours,

FRANCIS B. FRANCOIS,
Executive Director.

RESOLUTION: AIRPORT IMPROVEMENT PROGRAM FUNDING FOR AIRPORT CAPACITY SOLUTIONS

Whereas the continuous increases in air passenger traffic require additional airport capacity to safely accommodate the increasing airport operations associated with greater demand; and

Whereas it is vitally important to the future of the nation's air transportation system that sufficient funds be available to address the problems associated with airport capacity constraints; and

Whereas recent FAA industry surveys reveal that numerous large hub airports are already operating at or near physical capacity and traffic increases at medium size hubs are expected to average about five percent annually through the year 2000; and

Whereas one of the primary objectives of the Airport and Airway Safety and Capacity Expansion Act of 1987 is to ensure that sufficient funds are available to support system capacity solutions; and

Whereas an efficient and readily available capacity solution to relieve current and forecast congestion in large and medium hub airports is to make more extensive use of nearby, well-equipped airports; and

Whereas Airport Improvements Program (AIP) funding in recent years has been below authorized levels resulting in inadequate funding available nationwide for airport capacity solution; and

Whereas it appears that the House Ways and Means Committee, in its effort to respond to the Congressional Budget Resolution request to raise \$5.3 billion in revenues for the FY 1990 budget, may seek to repeal the aviation "trigger tax" provision of the Airport and Airway Safety and Capacity Expansion Act of 1987; and

Whereas the Committee is purportedly planning to divert the revenues from that portion of the tax that would have expired on January 1, 1990 into the General Fund; and

Whereas such action, if approved by the Congress, would divert funds from the Airport and Airways Trust Fund at a time when there is national concern for aviation safety, security and congestion issues, and manifest unmet airport needs; and

Whereas such action, if approved by the Congress, would set a serious precedent by diverting transportation user fees away from a transportation program, to the General Fund; where the revenues could be used for non-transportation purposes.

Now, therefore, be it resolved, by the Policy Committee of the American Association of State Highway and Transportation Officials that:

1. Congress should appropriate the full amounts authorized for AIP in fiscal years 1990 and beyond.

2. Congress should oppose the House Ways and Means Committee's proposed di-

version of aviation user fee tax revenues to the General Fund, and instead continue to place all aviation user fee revenues into the Airport and Airways Trust Fund for aviation capital purposes.

Be it further resolved that copies of this resolution be immediately forwarded to the appropriate members of the Congress.

PERSONAL EXPLANATION

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. MARTINEZ. Mr. Speaker, I wish to apologize for my absence during several important votes on amendments earlier this afternoon, and state my position on these amendments for the public record. I was called away on urgent official business first at the Labor Department, and later at the White House, and returned as early as I was able in order to miss as few votes as possible.

The votes I missed were in regards to SDI funding. Had I been present, I would have voted for the lowest funding level choice out of the three amendments offered. This is the Dellums and Boxer amendment which puts SDI funding levels at \$1.3 billion. The SDI Program simply is not a proven defense mechanism, and clearly will not acquire the successes it was reported to be capable of accomplishing. I voted yes on the Bennett amendment as the second lowest choice of funding, and no on the Kyl amendment which would have increased funding for SDI.

I also was not present for the Bennett SDI add-on vote to provide \$150 million for conventional forces once the Bennett funding amendment was passed. I would have voted in favor of this amendment as I did for the Mavroules and Spratt SDI add-on amendments.

I apologize again for not being able to attend the earlier votes.

A TRIBUTE TO LEN HALPERT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. LaFALCE. Mr. Speaker, I rise today to pay tribute to Leonard Halpert, who will be retiring this week after 9½ years of exemplary service as editorial page editor of the Buffalo News. I have known and worked with Len throughout my entire congressional career and have had the highest regard for his intellect, fairness and dedication to the principles of good journalism. He set a standard of excellence that will guide his successors for many years to come.

What follows are the words of Murray B. Light, editor of the Buffalo News, who writes in today's editions about the past and future of this newspaper's excellent editorial page.

[The text follows:]

HALPERT RETIRING AS CHIEF OF NEWS
EDITORIAL PAGE

Leonard Halpert retires at the end of this week as editorial page editor of The Buffalo News. Succeeding him in this key position is Barbara Ireland.

Halpert's retirement is a major loss to The News and to the community as a whole, but none can begrudge his desire to step aside and view life from another perspective.

Mrs. Ireland is admirably suited to replace Halpert by virtue of her past newspaper roles, including that of an editorial writer at The News since January 1985; her educational and life-experience background, and her high level of intelligence and common sense.

Assisting Mrs. Ireland will be Laurence Paul as deputy editorial page editor. Paul has been a member of The News Editorial Board for 23 years and a newspaperman for 31 years.

Two firsts are involved in these changes. Mrs. Ireland becomes the first woman editorial page editor in the 108-year history of this newspaper, and Paul is the first officially designated deputy editorial page editor.

Halpert's departure is one we tried to forestall, feeling that his effectiveness has not diminished one iota. A man of great intellectual capacity and in-depth knowledge of an infinite number of issues, his contributions to the development of an effective editorial page are too numerous to tabulate. Halpert, however, persisted in his desire to step down at age 65 and played a major role in the selection of his successor.

Editorial page editor since January 1980, Halpert joined The News as a reporter in September 1948 and left the staff from August 1950 to March 1951 to become an editorial writer for the Washington Times Herald. He returned to The News as an editorial writer when he found that "conscience and a sense of ethics are too strong within me" to remain on a paper that espoused many policies with which he disagreed.

Working closely with Halpert since he became editorial page editor has been an enriching experience for me. A stickler for detail, for accuracy, for use of the exact word, he has been a fine editor as well as a first-rate word craftsman.

His particularly intimate knowledge of Buffalo-area issues, the U.S. Constitution and any subject that assumed headline status through the years is most impressive. The News Editorial Board each year meets with hundreds of individuals and groups, and the individual invariably best prepared with insightful questions has been Halpert.

Extremely dedicated to his work, Halpert spent long hours at his desk and countless hours each week at home reading newspapers and periodicals and watching news and news-related shows on TV.

Work and his wife, Shirley; his daughter, Melinda, and his two grandchildren have been the entire foundation and structure of Halpert's adult life. Although he is giving up the work element, we know he never will cast aside his deep interest in and thirst for knowledge of the area and world we live in.

Succeeding Halpert will not be an easy task, but we are extremely confident that Mrs. Ireland will perform admirably. Her goal is "to produce an editorial page that is informed, thoughtful and fair and to encourage a lively and balanced discussion in our letters column and on our Viewpoints pages. I believe in a strong emphasis on local and statewide issues where our voice can make the most difference. But our readers are also citizens of the nation and the world, and we want to be equally thought-provoking on issues making news outside our immediate area."

A Phi Beta Kappa graduate of Cornell University, Mrs. Ireland joined The News in

October 1977 as a copy editor and was editor of the Sunday magazine from 1980 to 1984. When a vacancy on the Editorial Board opened in January 1985, we invited Mrs. Ireland to become the first woman ever to serve on the board, and her performance has validated that choice.

Mrs. Ireland, 43, is a Genesee County native and started in the newspaper business at the Auburn (N.Y.) Citizen in 1973 as a reporter and moved to the Knickerbocker News in Albany in 1977. She taught high school English for two years after a variety of other job experiences before and after college, ranging from farm wife to soldering on an assembly line.

Mrs. Ireland was awarded a prestigious John S. Knight Fellowship at Stanford University and spent the period from October 1988 to June 1989 attending classes and seminars in areas she felt would enhance her professional career. She and her husband, Corydon, also a journalist, have four children.

Paul, the new deputy editorial page editor, was a reporter at the Utica Observer Dispatch starting in 1958 and joined The News in April 1966 as an editorial writer. A graduate of the University of New Hampshire, he earned his graduate degree from the University of Illinois.

A SALUTE TO LARRY MEINWALD AND RAY QUATTRINI

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1989

Mr. GILMAN. Mr. Speaker, our 22d Congressional District of New York is deeply impressed by the outstanding restoration of the village of Goshen, NY, by Larry Meinwald and Ray Quattrini of the Goshen Corp.

This firm, founded by real estate investor Larry Meinwald and builder Ray Quattrini, has transformed the village of Goshen, NY, one of the loveliest municipalities in the mid-Hudson region, into an even more attractive community.

Larry Meinwald, a self-made man, is an immigrant from Poland who worked long and hard to build up a highly successful real estate business in the mid-Hudson Valley. Larry is now 75 years young, and he, his wife Carolyn, and their three daughters are popular neighbors, committed to making Goshen a better place to work and to live.

Ray Quattrini, who has been in the construction business for 25 years, first met Larry when he was hired to build Larry's home. Ray, who is 41 years old, was brought up in Bergen County, NJ. However, the attractions of the Goshen, NY area attracted him some 16 years ago, when he opened his homebuilding business.

Mr. Speaker, I would like to insert at this point in the RECORD a recent article, "Restoring Goshen's Glory", which recently appeared in Orange County magazine outlining the accomplishments of these talented builders:

RESTORING GOSHEN'S GLORY

(By Terrence Laughlin)

Architecture that fits well with its surroundings is sometimes referred to by the

term "vernacular." The vernacular of 19th century architecture includes a vocabulary of elements such as springblocks, keystones or capstones, and corbels. Terms like these have disappeared from the vernacular of modern architecture to be replaced by unadorned steel, glass and prefabricated concrete. But they belong to a period in history when builders were craftsmen and the structures they erected were infused with a timeless grace and elegance.

In a village like Goshen, venerable buildings, built in a traditional style, lend the village its character. They are also a source of irony, as the 19th century charm of the village, while threatened by rapid growth, is one of the major factors that makes it a desirable place to live.

There has been an uncharacteristic chorus of acclaim for a highly visible commercial development project in the center of town, a group of professional office buildings named Five Corners Plaza (the name was picked in a public contest). These buildings reflect Goshen's 19th century feeling, and are being built by the Goshen Corporation on Main Street, near Lawyer's Row.

The Goshen Corporation is a partnership between Larry Meinwald, a real estate investor who moved to Goshen in 1983, and Ray Quattrini, a local builder and 16-year Goshen resident. The pair purchased a number of neglected buildings in the village's historic district, and set out to restore them in a way that respected the character of the surrounding 19th century architecture. Their initial focus was to stimulate redevelopment in the retail district, through quality restoration of their own properties.

"A lot of these buildings were in bad shape, but there was an underlying quality of past glory," Quattrini recalls. "We thought if we assembled enough parcels to create a pattern of quality restoration in harmony with the village's historic character, then other property owners would do the same."

Meinwald adds: "Modern architecture in the midst of all this timeless beauty would be blight on local sensibilities. We wanted to recapture the character of old Goshen and blend it with the Goshen of today."

When the Goshen Corporation first arrived on the scene, Goshen's downtown was just starting to recover from decades of neglect. The village had been fortunate in retaining most of its architectural heritage, but whole blocks of the business district had fallen into disrepair. Chamber of Commerce members had formed Goshen Restoration Unlimited to try to turn things around.

"When we first met, the downtown area was in bad shape," recalls one member, "but it was only skin-deep. We could see that the existing architecture was harmonious and cohesive."

"The buildings we bought had been quite neglected, but when we looked around Goshen, we knew the nucleus was intact to make it a model for the entire county of what a revitalized downtown area could be like," Meinwald remembers. "The best way to create the Goshen of tomorrow is by restoring its glorious yesterdays."

Meinwald and Quattrini set out to painstakingly restore or recreate that gracious past.

The first piece of the puzzle was a three-story brick Victorian at 77 West Main St. on which restoration began in November of 1986. Under the direction of architect John Henningsen, the entire building was structurally reinforced and given a new "antique" facade with a canopy roof over the

doorway. Then the entire building was painted in historic color combinations.

Before restoration was completed in April of 1987, the search began for the first tenant, and in Meinwald's plan there was little doubt about what manner of business that would be.

"The central gathering point of any small town was always the drugstore or ice cream parlor. The old-time Goshen had always had one, and we felt there should be one again."

Coincidentally, John Bierling, a Newburgh fire chief, was anxious to realize his own long-time dream of opening an old-fashioned ice cream parlor, The Creamery, in Middletown, when the restoration work on the West Main Street building caught his eye.

"I came and sat across the street, watching them work on the building and I thought immediately that it just looked like the perfect place for an ice cream parlor," Bierling recalls. "I talked to Ray Quattrini and he was immediately excited about the idea of having The Creamery in their building." Today The Creamery is a popular stop for ice cream lovers.

Next, Meinwald and Quattrini began planning their modest but influential professional office park. They purchased a group of buildings on the west side of Main Street, adjacent to the Five Corners. Among them were the Flatiron Building at 25 Main St., dating to 1870, and next to it at 55 Main St., Wilcox Livery, an automotive repair shop which had originally been built in 1840 and had served, during the 19th century, as a stable for the neighboring Cataract Fire Company.

The idea was to create a cohesive block of prime office space by renovating both buildings in a way that would complement the beauty of nearby Lawyer's Row, a block of 19th century offices acclaimed as one of the most attractive blocks in Orange County. In the end, though, only the livery building could be saved, as the Flatiron Building was found to be beyond repair. Architect John Henningsen of Centerport, Long Island, was given the assignment of designing a renovation on the stable and a new building to replace the Flatiron Building, both of which would have to be complementary of each other and of the 100-year-old buildings nearby.

Henningsen began his assignment by walking around the village photographing its most interesting buildings, taking special note of architectural elements that gave them a traditional flavor. The architect was delighted to have the opportunity to do work that tested his skill and imagination, that prodded him to go beyond conventional forms to arrive at a timeless design.

"It's an architect's dream to work for a client who is willing to bear the extra expense to achieve something that's special and memorable," he says.

The location of the new office plaza presented Henningsen with a particular test. "That's the most prominent site in Goshen," he says, "so it was important to make a strong design statement that respects the historical perspective and to create 'future history' that will stand out."

For Wilcox Livery, Henningsen's challenge was to plan the metamorphosis of a strictly utilitarian structure—a service station—into an esthetically pleasing office building. Quattrini, acting as construction manager, supervised the work.

"We completely gutted the interior and reinforced the building with new steel gird-

ers, installed a new concrete floor, a total new roof with skylights, and changed the dimensions and location of nearly every window," recalls Quattrini. Following Henningsen's design, expert masons added brick arches and decorative stone sculpture. A traditional-style vestibule and main entrance were added, and large palladian windows with ornamental grillwork prominently installed. These windows will be a unifying signature for restoration projects of the Goshen Corp.

Accolades were not long in coming. Last spring, Goshen Restoration Unlimited honored the Goshen Corporation with its first prize for transforming an unsightly service station into an elegant office building. "This is a very special project, and we are very pleased," commented Mary Gray Griffith, president of Goshen Restoration Unlimited, a non-profit volunteer group formed to encourage historically-sensitive redevelopment of the village's historic downtown area. "It makes the community feel good about itself. It makes the village more attractive and a place where people want to locate their business." Several months later, the Orange County Board of Realtors indicated approval by adding its Best Historic Commercial Renovation Award to the earlier honor.

Goshen village trustee and mayoral candidate Bob Weinberger commented that he'd like to see other property owners follow Quattrini and Meinwald's lead. "The quality of their work is admirable: they're setting a model for future development of that nature."

While such a painstaking renovation is costly, Meinwald also hopes his example proves influential. "We want to make an indelible impression by doing buildings that are attractive and functional, and in harmony with the historic area."

The second phase, which began in August of last year, included the demolition of the Flatiron to allow a new building to be put up in its place. Henningsen recalls, "We had hoped to save it and renovate, but it would have been a nightmare." Periodic additions between 1870 and 1890 left a legacy of a hodgepodge of confused levels, a maze of small rooms, cracked wood beams and masonry walls, which made it, in Henningsen's words, "completely non-functional for modern office space and non-conforming with current building code requirements." So it fell to the wrecker's ball.

The building that is rising in its place contains arches, palladian windows, spring-blocks (supporting components at the base of a masonry arch) and capstones (the piece at the top of the arch that provides the compression that holds the arch together)—elements of period architecture that are virtually never seen in commercial construction these days. Those elements, which yield a memorable piece of architecture, are difficult and costly to build.

There's a thread of efficiency that runs through the modern age. Mass production, whether in agriculture, manufacturing, or construction, streamlines the production process and reduces costs, but a certain grace and character are lost. Though modern building methods are efficient, fast and cost-effective, many of the structures that result are forgettable boxes.

In building along 19th century lines, efficiency must be sacrificed for form. Quality and character in construction are labor intensive, requiring special talents, hours of careful work and close supervision. Decorative brickwork requires expert masons capable of lining up bricks and joints perfectly

on a plywood form to fashion an arch without being able to see their work until it's done. Custom wood windows are twice as expensive as aluminum, but without them a small but telling ingredient in traditional character is lost.

Replicating a 19th century building provides a rare opportunity for local artisans such as Rick Gentile. Gentile, a Goshen artist who specializes in fine woodworking and stoneworking, crafted the old-fashioned cupola on the restored Goshen railroad station that now houses the village police. For the past year he's been working almost full-time for the Goshen Corporation.

His work will be particularly prominent at Five Corners Plaza in the decorative stonework that distinguishes the two buildings. Larry Meinwald had collected numerous odd pieces of stone sculptures salvaged from old buildings in New York City. Gentile prepared them for a new life in Goshen.

"Since the pieces originally came from a number of different buildings, many of them didn't match. Some were terra cotta and some glazed ceramics. I coated them with water-proofing, which will help preserve them and evens out their color differences, giving them all a stucco-like textured surface." He also sculpted and molded with a cement mixture to match two lion's head springblocks on the building's east face.

The most prominent decorative elements are two enlarged stone medallions, portray-

ing an eagle and what might be the head of Mercury, which resemble Roman coins. These were salvaged from the old State Theatre on Broadway in Manhattan, after it was torn down. Black with grime from years of exposure to the Manhattan environment, Gentile acid-washed them to restore their original terra-cotta hue. Mounted on the building's narrow-profiled prow, facing a brick-paved plaza on the southern exposure, they bring a little bit of Broadway to what Meinwald refers to as "the Times Square of Goshen."

Like architect Henningsen, Gentile appreciates his rare opportunity to pursue a vanishing craft. "There isn't another building in Orange County being built like this from the ground up," he says. "Most commercial buildings are bare minimum buildings. Adding these decorative elements adds thousands of dollars in extra expense, but doesn't bring in any extra rent. You really have to have a love of old buildings to do something like this."

Ray Quattrini agrees. "We could have put up a strictly functional building for probably two-thirds the cost," he explains, "but it wouldn't have been in harmony with the character of the village. Besides, when you put up a quality building, you attract quality tenants who go the extra mile to create a beautiful office inside."

Larry Meinwald thinks Goshen's revival is well on its way, but to reach its full poten-

tial will require a team effort by those who care. "We're looking for the cooperation of the village fathers to provide the necessary parking to allow the downtown to thrive; we're doing our part by offering public parking at our projects."

Several of the downtown merchants second that sentiment when they say that there isn't enough walk-in traffic right now to allow them to prosper fully, primarily because there isn't enough parking downtown to afford convenience to those who might be interested in shopping there. The Goshen Corporation is providing 100 parking spaces for tenants and visitors of Five Corners Plaza.

Village trustee Bob Weinberger credits them for having done so. "I'm very pleased with the fact that they bought additional property in close proximity to satisfy the parking demands. Off-street parking is absolutely essential downtown."

Quattrini estimates that exterior work on the building will be completed in late spring, while interior work will be done according to the needs of tenants. Two banks have indicated strong interest in the Flatiron Building's first floor. Landscaping and elements such as oldtime lampposts salvaged from Goshen's gaslight days will complete the picture and unify the property into a cohesive whole.

SENATE—Wednesday, July 26, 1989

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable THOMAS A. DASCHLE, a Senator from the State of South Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Thus saith the Lord, Let not the wise man glory in his wisdom, neither let the mighty man glory in his might, let not the rich man glory in his riches; but let him that glorieth glory in this, that he that understandeth and knoweth me, that I am the Lord which exercises loving kindness, judgment, and righteousness in the earth; for in these things I delight, saith the Lord.—Jeremiah 9:23, 24.

Eternal God, sovereign Lord of history, Ruler of the nations, the word of Jeremiah reminds us of the dead ends to which human wisdom, might, and riches inevitably lead when we live indifferent to Thee and absolute values. Help us to be alert to the destructive tendencies social decay increasingly exposes. Help us to remember that if we refuse to be governed by God, we will be ruled by tyrants. Grant us grace to take seriously the wisdom of the prophet.

In His name who was the model of human perfection. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 26, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable THOMAS A. DASCHLE, a Senator from the State of South Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DASCHLE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order the

acting majority leader, the distinguished Senator from the State of Georgia, is recognized.

THE JOURNAL

Mr. FOWLER. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. FOWLER. Mr. President, this morning, following the time reserved for the two leaders, there will be a period for morning business not to extend beyond the hour of 10 o'clock with Senators permitted to speak therein for up to 5 minutes each. At 10 o'clock, the Senate will resume consideration of the Department of Defense authorization bill until the hour of 11 a.m., when the Senate will lay aside the Defense bill and begin consideration of H.R. 2688, the Interior appropriations bill.

Mr. President, I will reserve the time for the majority leader and yield to the distinguished minority leader, Mr. DOLE.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. Under the standing order the Republican leader is now recognized.

Mr. DOLE. Mr. President, I will just take a minute. I know there are other speakers who need to speak. I reserve any time I do not use.

SUPPORT FOR A CONSTITUTIONAL AMENDMENT REMAINS STRONG AND UNFLAGGING

Mr. DOLE. Mr. President, self-deception is an all too common disorder. We can all deceive ourselves. We can all believe that something is true—even when this belief is directly contradicted by the facts—by hard, cool reality.

SELF-DECEPTION

In an article published yesterday, the Washington Post seems to be engaging in a little self-deception of its own. It wants to believe—wants desperately to believe—that the American people do not care about the so-called flag issue; and that the constitutional amendment to protect the flag from

desecration does not enjoy much support.

I do not know about other Senators, but this Senator has received more than 400 letters from all across the country backing our efforts to protect the flag.

In fact, I brought in about 400 letters, a rather substantial amount. I have not answered them all, but there is some of the mail coming in on the flag and the constitutional amendment. Maybe the Post does not get much mail. Maybe the liberals do not write as much as the people outside the beltway.

So here is the proof—Americans care.

Nevertheless, the liberals are out there with their "spin," hoping that the constitutional amendment flies permanently at halfstaff.

The issue is not going to go away. Some would like it to go away and some of the leading liberal newspapers who keep saying it is an infringement on the first amendment, in my view, are engaging in deception.

THE SIMPLE TRUTH

But what is the simple truth? The simple truth is that the vast majority of the American people want a constitutional amendment—by 71 percent, according to the latest Gallup poll. Americans want to protect our flag from the desecrators.

They want a lasting, permanent, solution to a Supreme Court decision that they believe was a grave mistake. And they do not want a solution that may work. They want a solution that is guaranteed to work.

THE PEOPLE OF KANSAS

I know that the hard-working people of Salina, KS, feel this way. In my hand, I have a petition signed by many of my friends in Salina, KS. In addition to the letters, there are hundreds of names on the petition. They are just good, hard-working people. They do not take the Washington Post. They do not take the New York Times. They go to work every day. They attend memorial services. If my colleagues ever had any question about not only the symbolism but the importance of the American flag, I would recommend to those who have not attended a memorial service for a veteran or someone who has given their life for our country, that they do so.

This petition could not be any clearer:

We, the undersigned, believe that any defiant desecration of the flag should be a criminal offense, punishable by fines and imprisonment. We believe that an amendment to the Constitution should be immediately instituted. * * *

I think that is some proof the issue has not gone away.

Let me also share with you the heartfelt words of Tobin Melroy, a young Boy Scout from Pratt, KS. Tobin writes:

As a Boy Scout, I have learned to respect the flag and what it stands for. Even though the people are angry with the American system of Government—or with America itself—I do not feel that they should be allowed to destroy what so many people have fought to preserve.

Mr. President, I ask unanimous consent the full letter be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOLE. Mr. President, Tobin Melroy is right on target. And so are the more than 400 Americans who have personally written to me urging the speedy adoption of a constitutional amendment.

CONCLUSION

So, let us set the record straight. The American people care about this one, despite what you might read in the newspapers.

Mr. President, I reserve the remainder of my time.

EXHIBIT 1

PRATT, KS,
July 19, 1989.

HON. BOB DOLE,
Washington, DC.

DEAR SENATOR DOLE: My name is Tobin Melroy and I live in Pratt, Kansas. I am a Boy Scout in Troop 201 in the Kanza Council District and am currently working toward my Life and Eagle ranks. One of the merit badges I need to earn is Citizenship in the Nation. This badge requires that I learn about our government system and that I write to each of the representatives from my state about a current government situation.

The situation that I am most upset about at this time is the Supreme Court decision to let people burn the American flag. I understand that freedom of speech needs to be protected; however, I feel that sometimes special considerations need to be made. The American Flag represents so many things—pride, freedom, soldiers who have fought for our country, and America. The flag should only be burned when it's old and worn out and needs to be retired and then it should be burned only during a special ceremony.

As a Boy Scout, I have learned to respect the flag and what it stands for. Even though people are angry with the American system of government or with America itself, I do not feel they should be allowed to destroy what so many people have fought to preserve especially not on American soil. We protect the Eagle which is another symbol of America, why can't we protect the American flag? I hope that you will sup-

port any legislation that will prohibit the burning of the flag.

Sincerely,

TOBIN R. MELROY.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the order, there will now be a period for the transaction of morning business, not to exceed the hour of 10 o'clock, with Senators permitted to speak therein for not to exceed 5 minutes. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I intend to make a statement at this time on the nomination of William Lucas. I see we do not have too many Senators here. I am going to need a bit more than 5 minutes.

Does my colleague wish to proceed first? I will be glad to yield to Senator SIMPSON. I would like permission to proceed for 10 minutes.

Mr. SIMPSON. Mr. President, I would appreciate it if the Senator from Pennsylvania would yield and I will complete my remarks within the 5-minute period.

Mr. SPECTER. I will be delighted to do that. I yield to the distinguished Senator from Wyoming.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

CLEAN AIR

Mr. SIMPSON. Mr. President, I speak with regard to the clean air issue. I have been in this one now for about 11 years. I have observed carefully that for the last 8 years, Congress has failed to pass a Clean Air Act reauthorization. I would fairly acknowledge that the previous administration was not exactly actively "leading the charge" on the clean air issue, but we were trying. Efforts were being made in Congress to reauthorize the act, but those efforts always seemed to fizzle out.

Now we have a very active President who is very concerned about our environment. George Bush has nominated some fine people like Bill Reilly and others to key positions—men and women who share the President's view that we need to clean up the environment.

The President has placed this authorization at the very top of his priority list, and has been directing DOE, EPA, and OMB in developing a clean air rewrite. Last week in the Rose Garden the President officially transmitted his new clean air bill. Unfortunately, the reaction by some environmental groups and some Democrat Members of Congress was quite predictable—though very disappointing. The extreme environmental groups are saying the President "weakened" his own bill. "Weakened" is one of the favorite buzz words of the environ-

mental extremists. Anyone who does not ask their litmus test of purity is always said to be supporting "weakening" amendments to the Clean Air Act, even when those amendments are quite constructive. They have to put out their shrill press releases that tell of wretched Members "weakening" and "gutting" the Clean Air Act. I think those tactics are exactly the reason we never get a clean air bill finished up around here. I think the environmental groups should shoulder a good portion of the blame for the Senate not completing action on a clean air bill last year, and I do not want to let them off the hook.

They like to throw bombs, even at their friends like Senator MITCHELL and Senator CHAFFEE. Senator Gary Hart—when he was on the committee—called it "Mau Mau politics," and I agree with him. We never get the clean air bill done because of the legislative gridlock created by the hype, fear, and emotion interest groups on both sides of this issue utilize instead of facts. If we are ever going to get a clean air bill passed, we are going to have to compromise. Some of us will have to bite our tongues and agree to provisions that represent a middle ground.

So now this White House, new to the area, did one incredible job in crafting a clean air bill. What has happened in the Congress since the bill was transmitted to the Hill is troubling to me. I see a new and troubling trend that is like a dark cloud on the horizon, darker than any acid rain.

It seems some Democrats are trying to make clean air a partisan issue. I am referring to some of the same good people who stood here on the floor and declared that environmental issues should be bipartisan. I have heard disturbing rumors about some in the Democratic leadership urging Members not to cosponsor the President's bill because it is "too weak" or it is viewed as a "Republican initiative." I have to say, frankly, that I was genuinely disappointed by the remarks of the majority leader that were reported in the Washington Post yesterday morning.

There are things in the President's clean air bill that do not please me at all. I am certain that is true for many Members on both sides of the aisle, but I am going to cosponsor this bill because I think it is a genuine, honest, credible attempt to break the logjam the Congress does not seem to be able to break.

I trust the majority of the Senate will approve this bill. It is our last best shot at getting something done on acid rain. Year after year, the Senate Environment and Public Works Committee reports a bill, crank it out to the desk and it rots there. We see environmental groups work their magic like last

year when they torpedoed a compromise that Senator BYRD, Senator MITCHELL and I were working on.

When does their arrogance cease? When we ram it to them, that's when. Now we hear this partisan ring about the clean air bill. I hear the keyword "weaken" and I cannot help but wonder if we can get a bill done in that type of negative climate.

Certainly the American people deserve a clean air bill. The question looms large: Are we willing to put aside partisan concerns, all of our litmus tests, our geographical posturing and pandering, and pettiness and finally reach a real compromise?

Critics of the President's bill talk about the auto standards and the air toxic standards not being tough enough, but at the same time the very critics ignore the remarkable program the President has crafted with their help, in regards to acid rain.

Yes, we have a problem with smog. Yes, we need to reduce toxic air but acid rain is still the most visible issue in the clean air debate and it has been for the last decade and this fine President has not received the praise he is due for his work on this issue. This is not the last administration; this is a new administration.

I think it is most unfortunate and most unfair to put a partisan twist on this one. I have heard the recent round of tales of key Democrats talking some Senators out of cosponsoring the clean air bill. I have heard of Democratic Senators who would like to cosponsor it but are afraid to, afraid of alienating some of their more partisan colleagues. I must say I am quite appalled at that behavior. If the Environment and Public Works Committee and its members are really serious about getting the bill done this year they would all cosponsor the President's bill and use it as a markup vehicle. That is what we should have done with Senator Hart's Clean Air Commission's recommendations a few years ago. I was ready to do that. We could have done it then but, no, it was not pure enough. It would be so refreshing to see a kind of bipartisanship on this issue now.

Mr. President, I hope we get off our duffs and do something. It is our country. Why be petulant because George Bush might be on a roll? That is what I think is happening. Let's be bigger than that. Neither party will win in some race to see which one loves to pollute the planet. We ought to give up that kind of rhetoric. Democrats ought to give it up. Republicans ought to give it up. What tripe.

We know what the bill will do. Let us do it. It would be a very refreshing change to pull together and do it, about as refreshing as the air we would breathe after we do the job. I have no further comments.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Pennsylvania.

WILLIAM LUCAS—NOMINEE FOR ASSISTANT ATTORNEY GENERAL, CIVIL RIGHTS DIVISION

Mr. SPECTER. Mr. President, as I said before in yielding to Senator SIMPSON, I am going to make a statement on William Lucas. I ask my colleagues for indulgence and I ask unanimous consent to be permitted to speak for 10 minutes at this time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, as I have reviewed the newspaper reports over the weekend, I have become very much concerned that William Lucas is being pilloried in the course of consideration for his nomination for Assistant Attorney General in the Civil Rights Division.

There have been many changes in position on those who had supported him. I have frankly wondered what there was after looking at this man's 61-year history which could change in the course of a day or 2 or a week or 2. I decided candidly to expedite my review of the record and to come to an early decision on this matter and to announce it, because it seemed to me that Bill Lucas' nomination was unfairly in jeopardy.

I have reviewed the notes of testimony. I had intended to speak out yesterday, but Mr. Lucas was out of town on Monday and I was able to meet with him yesterday. Today I am in a position to announce my support for him and to state my intention to vote for William Lucas when the matter comes before the Judiciary Committee, which I hope will be at an early time.

I have wondered candidly, Mr. President, exactly what was to be expected of William Lucas. In terms of what he has had to say in the committee on not differing with the President, his appointor, and not differing with the Attorney General, the man for whom he must work.

When Mr. Lucas appeared before the Judiciary Committee, he said that he would not disagree with the decisions of the Supreme Court of the United States recently on affirmative action, but instead would monitor those decisions to see if they were strong enough, and to see if there was adequate enforcement of the civil rights within the purview of those statutes.

Frankly, Mr. President, those recent decisions concern me. But I was not surprised to hear an appointee say that he would follow the lead of the President and the Attorney General on this subject. If, as, and when the Congress chooses to change those laws, and I do believe consideration

ought to be given to that, it is a matter which the Judiciary Committee can take up and can make changes if, as, and when we see that as necessary. I hope we do take it up promptly.

Mr. President, in William Lucas, we have a man who has a long, well-established record. He is a man who worked his way through college, working at nights in the kitchen of Horn and Hardart in New York City. He is a man who worked some 10 years for the New York City Police Department, and went to law school at night.

He is a man who left tenure in the New York City Police Department, had established half the period of time necessary for a pension, to join the Civil Rights Division, to join the Department of Justice, first in the Criminal Division and later in the Civil Rights Division.

He then went to work for the FBI, one of the first blacks to do so, and in a context where he had contacts with Mr. Hoover. And I said, "Mr. Lucas, did you know J. Edgar Hoover?" He said, "No, candidly, I didn't, Senator, but J. Edgar Hoover knew me."

He worked in the FBI, and later ran for elective office in Wayne County, IL. He became the under sheriff, then sheriff, and elected county administrator of Wayne County, a governmental unit more populous than 26 States in the United States.

Mr. President, I would suggest that that demonstrates ability, tenacity, determination, and integrity recognized by the people in a major county in this country who voted him into office and reelected him.

Then he changed parties, not exactly an unforgivable sin in this country, and ran for the governorship of the State of Michigan, one of the major States in this country.

This is a good record, Mr. President. This is a record which shows a person who is experienced in the problems of discrimination; a man who was one of the first blacks in the FBI, and who has climbed the ladder and who has testified in a candid way that he knows more about discrimination than you read in the books. He has smelled the cross burning on the lawn. He has smelled the fear which comes from that kind of a matter.

Frankly, Mr. President, I would prefer an Assistant Attorney General in the Civil Rights Division who understands civil rights in his stomach as opposed to one who understands the niceties of the Supreme Court decisions in his head.

But let me say this about Mr. Lucas. When he appeared before the Judiciary Committee, he discussed the law in some detail. In response to questions from Senator SIMON, he discussed Ward's Cove versus Antonio and responded on the Patterson case in a manner which Senator KENNEDY

said he would accept either as to substance or interpretation of the law.

I questioned him about the Supreme Court decisions and it may be that I should have talked to him about Ward's Cove instead of Lorraine, but he showed a reasonable familiarity with these decisions.

The newspapers have said that my questions appeared hostile. I am a little surprised at that characterization when I have opposed nominees or opposed their positions. I do not think there was any appearance it was categorical. I said to Mr. Lucas that I would suggest I reread the cases and he reread the cases, but I found him both at the hearings and in the course of some three meetings to be conversant with the civil rights law and certainly able to enforce it with a battery of attorneys which he will have available to assist him in the Department of Justice in the Civil Rights Division.

Mr. President, I am very much concerned about the specifics of the cases that Mr. Lucas will have to deal with, and during the course of the hearings I discussed three cases with him: *Perez versus FBI*, a Texas case involving a claim of discrimination against Hispanic FBI agents; the Donald Rochon case, the FBI agent in Philadelphia who recently transferred from Chicago, who has claims of civil rights abuses; and the *MOVE* case, the celebrated case in Philadelphia where an entire block was destroyed with an incendiary and the fire was not put out and some 11 people lost their lives, a case that I have spoken about publicly and expressed my concern when Mr. Edward Dennis appeared for confirmation for Assistant Attorney General for the Criminal Division.

Mr. Lucas has assured me, and I want to state this emphatically, in a lengthy discussion I had with him yesterday that he would go into these matters in depth if, as, and when he is confirmed. He told me that he had reviewed the matters preliminary, between the time I arranged to meet with him between last Wednesday and yesterday, but he has not had access to the files of the Justice Department because he is not permitted to do that.

Mr. President, I do not support William Lucas because he is black, but I do believe that his background will give him special insights into enforcement of the civil rights laws.

When Senator Heinz and I—and I see my distinguished colleague on the floor at the moment—were considering a nominee for U.S. attorney for the Eastern District of Pennsylvania, we actively sought a qualified black, and we recommended Mr. Edward Dennis to the President because we believed that in the Eastern District of Pennsylvania there were many minority concerns which required special analysis and consideration, not in derogation or to exclude the interests of all

of the people of the district, and we sought to have Mr. Dennis appointed and he was. I regret to say that he was the only black U.S. attorney in the 92 districts in the United States. We have another black available today, and I do not think it is a matter of tokenism. I repeat, I do not support him because he is black, but I do believe that he has special insights for the position.

Mr. President, it has become a great American sport to use nominees for target practice in Washington, DC. Sometimes it goes beyond nominees and sometimes it goes to incumbents as well. I believe that if this persists we are going to have the lowering of the quality of people who are willing to seek office and hold office in this country. There have been many dissenting groups who have opposed nominees and have succeeded. But how happy have they been with those who have replaced the nominees who were defeated? Whom do they expect to take this position—Thurgood Marshall or Bill Coleman or Rudy Giuliani?

I believe we have a qualified man here who ought to be confirmed as Assistant Attorney General in charge of the Civil Rights Division.

After three meetings with Mr. William Lucas, after considering his background, education, and experience, and after studying the transcript of his confirmation hearing, I have decided to vote to confirm him for Assistant Attorney General for the Civil Rights Division because I believe he is qualified.

His life's history demonstrates ability and tenacity. From very modest and difficult circumstances, he worked hard to graduate from college and law school. While attending college, he worked nights as a dishwasher at the Horn & Hardart Restaurant in New York City. He attended law school at night while working as a New York City policeman. He left a secure position in the New York City Police Department to take on the challenges of working in the U.S. Department of Justice including the Civil Rights Division in the 1960's.

Mr. Lucas climbed a tough ladder to become undersheriff and then the sheriff of Wayne County. He was then elected county executive of Wayne County, a governmental unit more populous than 26 States in the United States. He then ran for Governor of Michigan. Albeit a loss, there was no shame, but much credit due him for that effort.

I find Mr. Lucas to be a man of talent and determination, a man who has been elected by his fellow citizens to important public positions and then sought by a major political party as its candidate for highest State office.

In my considered opinion, Bill Lucas' major asset for this position in his 61 years of tough experience as a member

of a minority which deserves special attention from the civil rights laws of this country. In my meetings with this man, I have been very much impressed with his keen sensitivity to injustice. In the public hearings, he testified poignantly that he has "smelled" the burning cross and has "smelled" the fear it brings. I do not support Mr. Lucas merely because he is black, but I firmly believe that life experience is a critical factor in motivation for the Nation's leading civil rights advocate where the nominee has otherwise established his qualifications.

I had the same view when Senator HENIZ and I recommended Edward Dennis to be U.S. attorney for the eastern district of Pennsylvania. In addition to established qualifications, I thought a black attorney would have special insights to enforce the civil rights laws in a district where minority rights needed special attention. This, in my view, adds to his ability to enforce the Federal law generally for all citizens. I was disappointed that Mr. Dennis was the only black U.S. attorney among the 92 lawyers who hold those positions in our country.

I consider Bill Lucas' life experience to be much more important in evaluating him for that job than his ability to articulate the refined nuances of Supreme Court decisions in this area over the past two decades.

It takes a full-time professor of constitutional law to work through the legal thicket created by the Supreme Court and lower Federal courts on what it takes to prove disparate impact or the requisite intent given the subtleties and changes in the law regarding burden of persuasion to require the other side to go forward, statistical evidence, sufficiency of evidence, and the ultimate burden of proof. At his hearing, he showed a familiarity with the relevant cases. In response to questions from Senator SIMON, he discussed *Ward's Cove v. Antonio* (N.T. 49-52) and responded on the *Patterson* case in a manner which Senator KENNEDY said he would "accept" (N.T. 72-3). Mr. Lucas' further answer to Senator KENNEDY's questions on the *Ward's Cove* decision showed a knowledge of the case (N.T. 77-8). On my questioning of Mr. Lucas, it appears that it may be that he thought *Ward's Cove* versus *Antonio* was a closer case in dealing with *Griggs* versus *Duke Power Co.* than *Lawrence v. AT&T* (N.T. 101-4). Contrary to newspaper reports, the record does not show an unfamiliarity with the distinction between *de facto* and *de jure* (N.T. 152) and his reference to the *Bob Jones* case was obviously a slip of the tongue which even the questioner did not pick up (N.T. 173-4). Mr. Lucas later said to me that he had intended to refer to the *Grove*

City case but made an inadvertent mistake.

Given his basic competency as a lawyer and in law enforcement, I believe it is more important for Mr. Lucas to sense injustice in his stomach than to master legal technicalities in his head. I have tried enough cases to know that judgment on what the ultimate result should be can lead an attorney to marshal the facts to satisfy the most exacting legal standards; or to modify the legal standards where necessary to achieve justice in the face of a compelling factual situation.

In a meeting with Mr. Lucas on July 25, 1989, after the hearing, I discussed with him the three cases which I had raised at the hearing: Perez versus FBI which involved the charge of discrimination against Hispanic FBI agents; the case of Donald Rochon, the FBI agent who claimed harassment while serving for the FBI in Chicago before being transferred to Philadelphia; and the MOVE case involving the deaths of eleven Philadelphians and the destruction of a city block.

Mr. Lucas advised me that he had reviewed these three matters since the hearing of July 19, 1989, although he was not allowed to review all of the Civil Rights Division files since he does not now have access to such materials. Mr. Lucas advised me that, based on his preliminary review of the facts and allegations involved in Perez, Rochon and MOVE, he would personally review these matters in depth from the Civil Rights Division files if, as and when confirmed, with a view to determining whether criminal prosecutions were warranted in any of those cases by the Civil Rights Division of the U.S. Department of Justice.

In my July 25 meeting, I asked for and received assurances from Mr. Lucas that he would make it a top priority to review personally the factual allegations of civil rights violations. I advised Mr. Lucas that I felt his broad experience made him uniquely well-qualified to make such a factual review as contrasted with the other duties of the head of the Civil Rights Division. He agreed and assured me that would be done if, as and when he was confirmed.

I was pleased with Mr. Lucas' answers at his hearing that he would have acted on the allegation that Dr. William Bennett did not comply with EEOC requirements at the National Endowment for the Humanities (N.T. 55); and I was similarly encouraged by Mr. Lucas' assurance that he would pursue enforcement action involving the recently enacted housing legislation and the Americans with Disabilities Act (N.T. 75-6).

Mr. Lucas' strengths arise, as he put it, from his knowledge of what is "taking place on the streets" and his ability "to pick that phone up" and contact colleagues around the country

to determine what is happening in specific cases were civil rights violations are alleged. He pointed out that he was involved in many organizations such as the National Sheriffs' Association, the National Organization of Black Law Enforcement Executives, the International Association of Chiefs of Police, and the Police Executive Research Forum, which give him special access to key people to find out what is really happening.

I am also mindful of the practical facts of life that there is not a choice on this appointment between Bill Lucas or Bill Coleman. Opponents of nominees have taken delight in their defeat, but how often have those opponents been satisfied with the next nominee who was confirmed?

It has become a major American sport to use nominees—and frequently incumbents—for target practice. If we are not careful, we may see a decline in the quality of those willing to stand up to be shot at.

At bottom, I support Bill Lucas because I believe he is qualified and will make a good Assistant Attorney General for the Civil Rights Division.

BILL LUCAS—PROFILE IN COURAGE; LIBERAL CRITICS—PROFILE IN POLITICS; A DISGRACEFUL EPISODE ON CAPITOL HILL

Mr. DOLE. Mr. President, George Bush sent a strong, positive, and caring signal to minorities all across America this year when he nominated Bill Lucas to head up the Justice Department's Civil Rights Division.

I congratulate my friend from Pennsylvania, Senator SPECTER, for a very strong statement, a very good statement indicating his support for Bill Lucas just a few moments ago on the floor.

The President chose a man who does not have to read a book to "find out" about civil rights; or growing up black in America; or knowing first hand the cruel sting of discrimination—Bill Lucas has lived it—all of it.

Yet, Bill Lucas is getting the cold shoulder from the civil rights establishment and its liberal special interest allies, who talk a good game on fairness and compassion, but are out to destroy this decent, dedicated, and highly qualified black American. Frankly, it is a disgrace.

They are out to get him because he does not agree with them—on everything. They don't like it because he won't be a rubberstamp for their agenda.

If anyone has the right stuff to do the right job at the Justice Department, it is Bill Lucas: A good man, driven to make it in life whatever the odds, whatever the obstacles, whatever the prejudice.

Mr. President, I urge my colleagues to take a look at what is happening in the Judiciary Committee. And I urge them to please read a column in yesterday's Washington Post by George Will, which I ask unanimous consent to have printed in the RECORD.

There being on objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 25, 1989]

THE LUCAS MATTER: A LIBERAL LYNCHING

(By George F. Will)

Another colored boy (the language suits the moment) is acting uppity in Washington, but there are enough liberals left to lead a lynching. The intended victim is William Lucas, President Bush's choice to be assistant attorney general for civil rights.

Last week Chairman Joseph Biden (D-Del.) and some colleagues on the Senate Judiciary Committee were reportedly "stunned" by Lucas' testimony. Lucas' congressman, John Conyers Jr. (D-Mich.), who warmly praised Lucas when introducing him to the committee, rushed back to recant his endorsement, so shocked was he by Lucas' testimony.

What Lucas said was that he considered two recent Supreme Court rulings "sound." Can't have that, can we, in the Justice Department, people agreeing with the court?

Let there be no doubting the white liberal senators' sincerity. Of course they were "stunned." Blacks are supposed to think what white liberals tell them to think. If insubordination like Lucas' is not nipped in the bud, no telling where it might lead among blacks, the last bloc Democrats can take for granted.

One of the court rulings Lucas considers sound is that a statistical disparity between the racial composition of the community and that of a firm's work force is not sufficient to demonstrate discrimination. Discrimination must be proved, not assumed. The other court ruling is that whites injured by reverse-discrimination arrangements that they were not involved in formulating can challenge them in court. Are you "stunned"? Grab a rope, tie a noose, find a branch.

Lucas, son of immigrants from the Caribbean, orphaned at 14, grew up in Harlem and put himself through Fordham Law School while working as a New York City policeman. In Wayne County, Mich., which surrounds Detroit, he ran successfully as a Democrat for sheriff four times and then was elected county executive. He administered a county with a population four times that of Biden's Delaware. In 1986 he changed parties and won the Republican nomination for governor, but lost to the incumbent.

Some opposition to Lucas relates to Michigan politics and his change of parties. Benjamin Hooks, head of the NAACP, has no stomach for resisting his largest dues-paying chapter, in Detroit. Conyers plans to run for mayor of Detroit. Jesse Jackson, who never stops running (and never runs for an office he might win), endorsed Lucas and then recanted after saying that the Supreme Court rulings were similar to positions taken by China's regime toward the protesters in Tiananmen Square.

The professional civil-rights lobbyists, who sit in Washington acknowledging one another as "leaders" of the civil-rights "movement," began, as usual, by feigning

"concern" about fly specks on Lucas' record. Then they professed themselves shocked that Lucas has little experience practicing law—this from people who revere Robert Kennedy, who became attorney general with zero experience as a litigator.

Such is the cynicism surrounding these Judiciary Committee spectacles, no one feels any need to tell the truth, which is that Lucas' scarlet sin is deviationism. The civil rights movement and its poodles on the committee are whip-cracking overseers of the last plantation. They enforce the principle that blacks must be kept in their place, which place is trudging along in lockstep with the orthodoxy defined by liberal thought police.

Lucas is skeptical of reverse discrimination and quotas, the apparatus of the racial spoils system. Let such blacks get away with independent thinking, who will the "leaders" lead? Let the likes of Lucas advance the idea that America is not irredeemably racist and that blacks should not be wards of the state, what then becomes of the civil-rights lobby that makes its living mediating between the state and its wards?

The Judiciary Committee's role is, as usual, sensitivity-mongering. We have seen this before, in the Bork hearings. Then, committee liberals had the brass to say their concern was "balance" on the court—no one here but us pluralists. But the Lucas case reveals the real spirit of contemporary liberalism: the choice is orthodoxy or lynching.

So there they sit, a row of white liberal senators, soggy with self-approval, Lucas' mortal tutors and sensitivity-trainers, instructing him about sensitivity to black experiences and needs. Senatorial power-grabbing and political cowardice are once again dressed up as intellectual and moral scrupulousness.

What will they do when they have had their fill of the fun of trashing Lucas? They will turn their unspent indignation toward Clarence Thomas, the black Yale law graduate who is President Bush's choice to fill the seat vacated by Bork on the District of Columbia Court of Appeals. Thomas is conservative. More deviationism. A liberal's work is never done.

Mr. DOLE. Mr. President, Mr. Will's piece is right on target. It cuts through the liberal media's lethal spin on this story, it exposes the hypocrisy surrounding the anti-Lucas attack, and best of all, makes a clear and convincing case why Bill Lucas deserves to be confirmed, in committee and on the floor of the Senate.

We already know the media and the liberal establishment have stabbed Bill Lucas in the back; and we already know that some of his former supporters now look ridiculous, including my good friend JOHN CONYERS, who dumped on Bill Lucas in the process of announcing that he—Mr. CONYERS—would be running for the mayor of Detroit.

Mr. President, Bill Lucas is a "profile in courage." What we are seeing with the Lucas nomination is a "profile in politics."

Mr. President, I reserve the remainder of my leader's time.

DRUG LORDS LIVE LAVISHLY IN MEXICO

Mr. DECONCINI. Mr. President, last week during the Senate action on the State Department Authorization Act, I sponsored a sense of the Congress amendment relating to Mexico anti-drug efforts. The amendment, which was adopted by the Senate on a 62-to-37 vote, brought no sanctions against the Government of Mexico. It simply praised President Salinas for his strong willingness to expand and improve Mexico's antinarcotics and corruption activities and asked that Mexico enter into negotiations with the United States on several antidrug efforts.

The sense of the Congress amendment seeks Mexican cooperation on several items, including: Conclusion of the prosecution of the murderer of DEA Agent Camarena; joint United States-Mexico border enforcement and interdiction operations; making bank records available to the United States to assist in narcotics-related investigations; and negotiations with the United States on joint overflight and hot pursuit operations within that country with Mexican officials on board.

I believe that the Senate vote on my amendment demonstrated this body is serious about the drug issue and believes President Salinas must continue to move forward in his efforts to attack the drug enforcement problem.

Mr. President, I ask unanimous consent to print in the RECORD an article that was published in the Washington Post on Friday, July 21. The article, which appeared after the Senate vote on my amendment, describes the prison living conditions of the two major drug traffickers accused of kidnapping, torturing, and murdering DEA Agent Camarena.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TWO DRUG LORDS LIVED LAVISHLY IN MEXICO CITY CELLBLOCKS

(By William Branigin)

MEXICO CITY, July 20.—A major new corruption scandal has erupted over the opulent living conditions of two top drug kingpins at a Mexico City prison and the discovery of guns, cash and communications equipment in their quarters.

Until their recent transfer to maximum security facilities, the two drug lords, Rafael Caro Quintero and Ernesto Fonseca Carrillo, had lived with bodyguards and dozens of friends and relatives, including women and children, in adjacent cellblocks designed to hold 250 inmates, the new director of Mexico City's prisons revealed this week.

In a formal complaint delivered Wednesday to the federal attorney general's office, prison director Alfonso Cabrera Morales indicated that the two convicts had bribed prison officials to allow them to turn the two-story cellblocks into virtual villas, where they lived like sultans within the otherwise crowded Reclusorio Norte prison.

Caro Quintero and Fonseca have been jailed since 1985 on drugs and weapons charges, and both are also wanted by the United States in connection with the February 1985 torture-murder of U.S. Drug Enforcement Administration agent Enrique Camarena. Caro Quintero, currently serving a 34-year term, is awaiting sentencing on Mexican murder charges in the Camarena case.

It had long been known generally that the two wealthy traffickers had continued to live in style even in prison, but details of the luxuries they had managed to acquire nevertheless stunned the Mexican public after local reporters were given a tour of their former "cells" Tuesday. In Cellblock No. 10, where Caro Quintero lived, reporters found a fully equipped kitchen with two large refrigerators, living and dining rooms, an office furnished with a large desk, marble bathrooms and several bedrooms including a master bedroom with wall-to-wall carpeting, a king-size bed and satin sheets.

Wardrobes contained 35 new silk shirts, 20 pairs of cowboy boots and a number of cowboy hats from Caro Quintero's home state of Sinaloa in northern Mexico.

In a garden outside were fruit trees, lounge chairs, a basketball court and a volleyball net. A room off the garden contained a billiard table.

Reporters found Fonseca's adjacent cellblock furnished in an equally elaborate manner, but in somewhat better taste. One of five bedrooms contained a canopied bed, and another was fitted out in Oriental style, complete with Chinese ceramics. Expensive toys were scattered about, evidence that children had been living there. Also discovered were a large aquarium with tropical fish, a fireplace and a sauna.

Cabrera, who took over as director of Mexico City prisons in March, led the tour three days after Caro Quintero and Fonseca accused him through their lawyers of trying to extort \$1 million from them. The two convicted drug traffickers claimed that Cabrera demanded the payment in return for leaving them alone and not transferring them to maximum-security cells.

In a press conference that coincided with the tour, Cabrera categorically denied the charge, accusing the two of trying to discredit him. He said he had ordered the transfers after personally leading a search of Caro Quintero's quarters in May during an investigation of prison corruption. During the search, he said, seven handguns were discovered in the drug lord's quarters, along with ammunition, car telephones, large-screen television sets, stereos, video-cassette recorders and liquor. A subsequent search of Fonseca's quarters turned up \$109,000 in U.S. currency, jewelry and a similar variety of electronic goods and luxury items, Cabrera said.

U.S. officials have said in the past that Caro Quintero and Fonseca apparently were continuing to run at least part of their drug-trafficking empires from behind the prison walls. The discovery of the communications equipment appeared to bolster this charge, although Mexican officials made no mention of what the equipment was used for.

Cabrera said Caro Quintero and Fonseca had each lived with five other prisoners who served as bodyguards. In addition, up to 20 other persons who were not inmates, including friends, relatives and "assistants," lived in each cellblock, the prisons director said. The cellblocks also were occasionally used for large parties in which dozens of invited

guests were entertained by mariachi bands, he said.

"It was an unjust situation," Cabrera said of the drug lords' lifestyles within the crowded prison. He attributed their privileges to corruption in the prison system but did not accuse any officials by name.

Cabrera's predecessor as prisons director was Gen. Santiago Salinas Magana, who government officials said is no relation to President Carlos Salinas de Gortari. The general's whereabouts and current status could not immediately be determined.

The complaint filed with the attorney general's office was made out against "whoever was responsible" for the traffickers' living conditions. The attorney general's office said today it would investigate.

"Heads will roll," said an office spokesman, who declined to specify who was being investigated. However, newspapers today quoted investigators as saying they were initially seeking interior decorators, equipment suppliers and workmen for questioning on how they were able to get into the prison to transform the cellblocks into luxurious villas.

As the investigation began, dozens of wardens and other employees of the prison and the prisons director's office reportedly failed to show up for work.

Caro Quintero was abruptly transferred to a maximum-security facility across the city at the Reclusorio Sur prison in May for what were described then only as "security reasons." No mention was made at the time of the discovery of weapons in his cellblock or of the opulence of his surroundings. Neither has there been any explanation of the delay in exposing the discoveries until this week.

Fonseca was moved to a similar maximum-security facility earlier this month, having been allowed to stay longer in his posh quarters because he was recovering from prostate surgery, officials said.

In 1987, officials at the Reclusorio Norte were hard pressed to explain an elaborate tunnel that stretched more than 700 feet from a house near the prison to within a few yards of the cellblocks of Fonseca and Caro Quintero. The nearly completed tunnel was "discovered" by police after U.S. Drug Enforcement Administration complained about it, law enforcement officials said.

Mr. DeCONCINI. Mr. President, these living conditions include marble bathrooms, wall to wall carpeting, king size beds, satin sheets, communications equipment, personal bodyguards and personal living conditions with family and friends as they so choose.

I have spoken out for over 4 years about the lack of cooperation from Mexico about the Camarena investigation. I spoke about the country club living that these gentlemen, if you can call them that, are ensconced in Mexico.

I am encouraged that the director of prisons in Mexico City had the courage to step forward and reveal the prison conditions of these drug kingpins. It so happens our Government has known about this for more than 3 years and has failed to make a public issue of it, except where it was made a public issue right here on this floor.

If those who have accused me of slinging and bashing Mexico on the

war on drugs will read this article, they will better understand the frustrations that this country's past efforts has not been able to bring about the real cooperative effort on the part of Mexico. My only regret is the CONGRESSIONAL RECORD cannot print the pictures contained in the Post article.

Mr. President, there is always concerns of our relations with Mexico and our good friends to the south beyond Mexico. Believe me, I think it will improve.

I suspect that the sanctions that this body enacted last year might have had something to do with the new regime in Mexico to bring about a different approach and willingness to work with the United States Government.

Mexico can do more. We must ask them to do more. We must not be afraid to tell our friends that we need help and that we expect some assistance. After all, we are good neighbors; we do not have to apologize to Mexico. We have been a good neighbor with that country and will continue to be so.

I intend to do everything I can to foster that good will between our countries, but I also feel it is important to stand up and ask them to do something about the drug scourge that affects both our countries.

WEAPONS PROPOSALS NEED A SECOND LOOK

Mr. PRESSLER. Mr. President, the problems associated with the Pentagon procurement process are nothing new to this body. Throughout the years, Congress has attempted to solve the problem. We have passed legislation that has helped alleviate the problems of waste, yet I believe we can do far more.

The current defense budget proposal is before both Houses. I think we have a duty to our constituents to carefully scrutinize this proposal. Some weapons proposals need a second look.

One program that especially concerns the people of South Dakota is the B-2 Stealth bomber. As I have said before, I have serious reservations about funding the B-2 before the B-1B is fully operational. I believe we should fix up the B-1B at this point. Far too often, production of weapons has started before we have completed or repaired existing weapons systems.

To correct the problems later costs too much. We need to ensure that a system is fully researched and tested first. We need to iron out the wrinkles in the B-1B before we plunge into a costly new bomber production program. The problems of the B-1B were discovered only after production. The B-1B electronic countermeasures proved to be problematic. However, the flaws were discovered after the delivery to Dyess Air Force Base. According to the commander of the Air Force

Systems Command the problems occurred because its components, 118 black boxes had been tested in isolation but not together in a system.

Two squadrons of B-1B's are stationed at Ellsworth Air Force Base near Rapid City, SD. Some citizens of Rapid City have expressed concern that a B-1B might crash near town with weapons on board. Three B-1B's already have crashed in our Nation, fortunately, away from populated areas. We should commit ourselves to fixing the B-1B bomber before we commit to full production funding for the B-2.

Mr. President, it is important to realize that the B-1B was a very expensive airplane. We should correct the remaining problems with the B-1B. We may need to go back to the contractors for some of the money. I hope the taxpayers do not have to pay the full bill. The B-1B has not operated the way it is supposed to. We should not hurry on to another generation, the B-2, while our B-1B's are left not fully operational.

Premature production of weapons systems is a practice that needs to be stopped. The General Accounting Office recently found that several tank systems, such as the Sergeant York, the Patriot, and the Abrams, moved from development to production before "major problems revealed by the tests were resolved." The GAO also found that some tests were "incomplete, and others were deferred or waived before key decision points." Also, tests sometimes were conducted in "unrealistically favorable environments."

We need to become a more critical customer of defense weapons systems. It is far too costly to throw money down a weapons wishing well, hoping the system will work. We need the facts on a system before it goes into production. These facts should be based on studies conducted under realistic conditions.

We should examine the production process as well. Several factors influence the final price at this stage. We have all heard of the \$340 hammer and the \$640 toilet seat. This costly waste cannot be attributed to one group. Several parties are responsible. The defense contractors are partly to blame. The military is also culpable. The military often requests spare parts in small quantities with stringent guidelines for their manufacture. The contractors have professionals with high salaries do the packaging and processing. Sometimes, they are highly skilled aerospace workers such as technicians or even scientists. Other personnel could do these tasks. Some long-range planning on both sides would keep prices down.

Earlier this year I had extensive discussions with members of the adminis-

tration and received assurances from National Security Adviser Brent Scowcroft and others that Pentagon procurement reform would be one of President Bush's highest priorities. I commend Defense Secretary Richard Cheney for his initiative in this area. I support the transfer of most of the existing duties of the Defense Resources Board to a new Executive Committee. According to the Cheney report, this committee will "meet regularly and serve as the key, senior deliberative and decisionmaking body within the Department of Defense for all major defense issues." It is quite prudent to rest the decisionmaking duties with one committee. This would save much time that is currently wasted on unnecessary duplication of duties.

These reforms are welcome. However, we should not be content with just the present reforms. We must continue to reduce waste and mismanagement.

Mr. President, I supported the Nunn-Warner amendment. The lessons of history should tell us it is in our best interest to encourage full development and research on the B-2 before it reaches the production stage. In the meantime we should improve the existing bomber fleet of the B-1B.

Mr. President, I thank the Chair. I yield the floor.

THE 1,593D DAY OF TERRY ANDERSON'S CAPTIVITY

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,593d day that Terry Anderson has been held in captivity in Beirut.

I ask unanimous consent that a related Los Angeles Times article of October 28, 1988, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Oct. 28, 1988]

CHILDREN SEND BIRTHDAY GREETINGS TO HOSTAGE

A former U.S. hostage in Lebanon joined schoolchildren and hospital patients from a Westminster convalescent home Thursday to sing "Happy Birthday" and collect birthday cards for captive journalist Terry Anderson.

"Each birthday, I wish you were home to celebrate," said Father Lawrence Martin Jenco as he read his greetings to Anderson during a ceremony at Westminster's Liberty Park.

"It's always been a wish of ours in America that you'll soon be released. You're in our hearts, minds and prayers and we hope you feel the love we have for you," Jenco said, adding:

"I hope this consoles you in the loneliness of a prison somewhere in Lebanon. Love you, Marty."

Jenco, a Roman Catholic Priest who is currently chaplain at the University of Southern California Newman Center, was released July 26, 1986, after 18 months of

captivity. Part of his time as a hostage was spent with Anderson.

Anderson, chief Middle East correspondent for the Associated Press, has been held the longest of the 14 foreign hostages in Lebanon. He turned 41 on Thursday, his fourth birthday in captivity.

Anderson was kidnaped March 16, 1985, by the pro-Iranian Shiite Muslim faction called Islamic Jihad, or Holy War.

Along with Jenco and the children—fourth-, fifth- and sixth-graders from St. Luke's Lutheran School—were two residents of Hy-Lond Convalescent Hospital, Mary Galdes and Dorothy Williams, who are adoptive sponsors of Anderson and Jenco.

"We have a very strong feeling of freedom and the benefits of freedom, and we need to remember and pray for the release of those Americans who are hostages because they're Americans," Westminster City Councilwoman Joy Neugebauer said.

In the short ceremony, the children sang "Happy Birthday," "God Bless America" and "This Land is Your Land," and turned their birthday cards over to Jenco, who said he would pass them on to Peggy Say, Anderson's sister.

Jenco, who said he received three letters while in captivity, said he was hopeful that the cards would make their way to Anderson.

"I'm gonna sing and I'm gonna hope [Anderson] gets free," said Cami Burns, an 8-year-old fourth-grader at St. Luke's.

"Our teacher told us he was a very nice guy and we should love him," Cami explained.

VAL BROWNING'S 94TH BIRTHDAY

Mr. HATCH. Mr. President, I rise today to pay tribute to a Utahn whose family is world-renown for their contributions in the field of firearms. Mr. Val A. Browning, former president and current honorary chairman of the board of the Browning Arms Co., the firearms company named for his father, John Browning, will shortly be celebrating his 94th birthday. A native of Ogden, UT, Val Browning has spent his life dedicated to the various Browning companies and to the betterment of the society around him.

In addition to the legendary patents of his father, including the automatic shotgun, the Colt .45 automatic pistol, the Winchester Model 1886 lever-action repeating rifle, and all the machineguns used by U.S. troops from World War I to the Korean war, Mr. Browning himself has over 50 U.S. and foreign patents. As a young lieutenant during World War I, he taught troops how to use the .30 caliber watercool machinegun and the Browning automatic rifle, both invented by his father. He served 5 years in the Army during World War I, and afterward he was placed in charge of the Browning interests in Belgium. In 1935, he returned to his native Ogden, UT, and became president of the UM&MS Browning Co. and Browning Arms Co., the latter a position he held until 1962. He was also president of Browning Industries, Inc., and later became

chairman of the board of both Browning Arms Co. and Browning Industries. In 1977, he became honorary chairman of the board of both companies, a position he holds today.

In addition to his numerous professional accomplishments, Mr. Browning is concerned about the quality of life of others, as is evident when one considers the contributions he has made to schools, hospitals, Boy Scouts, and various performing centers and groups. In short, Mr. President, Val Browning is a man who has changed the lives of many. The vast majority of his contributions have been anonymously given. He enjoys reading, art, and is an ardent music lover.

Mr. Browning was a member of the U.S. Trapshoot Team that won the world live-bird championship in 1933. He also was decorated by King Baudouin of Belgium with the "Chevalier de l'Ordre De Leopold," awarded for his "Outstanding Contribution to the Gun Making Art." He was decorated a second time by King Baudouin with the "Officer de l'Ordre de Leopold II." He also was the honorary Belgium Consul for the State of Utah.

I am pleased to be one of many to honor Val Browning, and I consider it an honor to wish him a very happy birthday.

CONGRATULATIONS TO MISS TEEN U.S.A.

Mr. SYMMS. Mr. President, late last night teenaged girls from each of the 50 States competed for the title of Miss Teen U.S.A. The crown was placed on the head of Brandi Sherwood, from the great State of Idaho. Contestants ranged from age 15 to 18, and every State in the Union was represented. The finals were broadcast on national TV from San Bernardino, CA, and the winner was awarded \$150,000 in cash and prizes.

Brandi is 18 years old and from Idaho Falls, ID. She graduated from high school in the spring, and was a varsity cheerleader, president of Girls Federation, vice president of her dance class, and was involved in Students Against Drunk Driving and Idaho Association of Student Councils. She plans to attend Oklahoma City University next fall to study communications and performing arts. Her future goals include acting, public relations, or television broadcasting.

Brandi was crowned Miss Teen Idaho in August 1988, but is no stranger to beauty pageants. She won the Miss Idaho National Teenager pageant in 1986, and was third runner up in that national competition.

Brandi was chosen from a group of five terrific finalists, the contestants from Kentucky, Vermont, Texas, and North Dakota. There were 50 beautiful and talented girls in the competi-

tion, and all of us in Idaho are proud to have Brandi represent Idaho and the entire Nation. Congratulations, Brandi.

Mr. HEINZ addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Pennsylvania.

Mr. HEINZ. Mr. President, how much time remains for morning business?

The ACTING PRESIDENT pro tempore. Under the order, it is closed.

EXTENSION OF MORNING BUSINESS

Mr. HEINZ. Mr. President, I ask unanimous consent that morning business be extended for not to exceed 5 minutes.

The PRESIDING OFFICER (Mr. KOHL). Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. HEINZ. I thank the Chair.

(The remarks of Mr. HEINZ pertaining to the introduction of S. 1406 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

EXTENSION OF MORNING BUSINESS

Mr. WARNER. Mr. President, I have been conferring with Chairman NUNN. We are about to proceed on the authorization bill, but I ask unanimous consent that the Senator from Virginia might proceed as if in morning business for another 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE LAW ENFORCEMENT IN WASHINGTON, DC

Mr. WARNER. Mr. President, as the greater metropolitan Washington area awakened this morning, they were greeted by a front-page story on the Washington Post, and a picture where law-enforcement officers in the Nation's Capital were conducting a march of individuals across the 14th Street Bridge purportedly for the specific goal of inserting those people into the Commonwealth of Virginia.

This Senator from Virginia, in the 11 years I have been privileged to represent the Commonwealth, has always taken a rather moderated position toward the District of Columbia because I think that is the best way to proceed as we deal with a whole range of problems between the two separate jurisdictions.

Again, this morning I address this issue in a moderated tone. But I do call upon the Mayor of Washington, DC, and the police chief of Washington, DC, to immediately investigate this incident—and I speak with some modest experience having been an assistant U.S. attorney in the Nation's

Capital for some 4 or 5 years—to make an immediate investigation as to the chain of command responsible for the decisionmaking policy which led to this incredible, almost unbelievable, episode in law enforcement.

My hope is that it is an isolated incident, that the culpability likewise can be quickly isolated, that it was at a very low level, that no supervisory personnel were involved, an appropriate disciplinary action can be taken by the Mayor and the police chief, because it is essential that the Commonwealth of Virginia, the State of Maryland, and the District of Columbia coordinate on law enforcement items, No. 1 being drug enforcement, at all times.

And this cannot be, hopefully, held up as an example of a contempt for that type of cooperation that is needed between these three jurisdictions. All of us in public office—the Mayor of the District of Columbia is no different—find within our organizations problems from time to time. And I hope Mayor Barry steps up and faces this one squarely and acts promptly and decisively. I hope that Mayor reaffirms his pledge to work with the adjoining jurisdictions in a wide range of law enforcement problems, and that an incident of this type, which is really an indignity to the Commonwealth of Virginia, will never recur.

I thank the Chair.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1990 AND 1991

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1352, which the clerk will report.

The bill clerk read as follows:

A bill S. 1352 to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes.

The Senate resumed consideration of the bill.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Mr. DIXON. What is the order of business before the Senate at this time, Mr. President?

The PRESIDING OFFICER. The Senate is considering S. 1352.

Mr. DIXON. I thank the Chair. Mr. President, in accordance with the previously arranged agreement of last evening, I would appreciate it if the Chair would recognize the distinguished senior Senator from Nevada for the purpose of offering an amend-

ment that has been agreed to by both sides.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

AMENDMENT NO. 402

(Purpose: To authorize construction of a consolidated medical facility at Nellis Air Force Base, NV)

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 402.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 349, between lines 13 and 14, insert the following: "Nellis Air Force Base, Nevada, \$62,000,000."

On page 350, strike out line 16.

On page 352, line 20 strike out "\$593,500,000" and insert in lieu thereof "\$584,500,000".

On page 352, line 3, strike out "\$219,950,000" and insert in lieu thereof "\$229,950,000".

On page 352, line 26, strike out "\$141,670,000" and insert in lieu thereof "\$122,670,000".

On page 355, between lines 20 and 21, insert the following new section:

"SEC. 2408. CONSOLIDATED MEDICAL FACILITY NELLIS AIR FORCE BASE, NEVADA

"The Secretary of Defense may, in advance of appropriations for the project, enter into one or more contracts for the design and construction of the military construction project authorized by section 24501 to be constructed at Nellis Air Force Base, Nevada, if each contract limits the payments that the United States is obligated to make under the contract to the amount of appropriations available for obligation under the contract as of the time the contract is entered into."

On page 355, line 21, strike out "Sec. 2408" and insert in lieu thereof "Sec. 2409".

Mr. REID. Mr. President, this is an amendment to authorize the construction of an Air Force/VA joint venture hospital at Nellis Air Force Base, NV. The Armed Services Committee and the Readiness Subcommittee have long supported the authorization of this facility and the desperate need for its quick construction. However, due to an unfortunate oversight, authorization for this project was not included in the bill reported by committee. My amendment simply corrects this oversight. Similar language appears in the House version of the Defense authorization bill, and I understand there is sufficient budget authority available to the Military Construction Appropriations Subcommittee to provide money for this project in fiscal year 1990. I also understand my amendment has been accepted by both sides. Chairman NUNN and Senator Dixon

have graciously assisted my efforts to authorize this project both this year and last. I am grateful for this help. Mr. President, I urge the adoption of my amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. DIXON. Mr. President, I thank the distinguished senior Senator from Nevada for his articulation of that which is affecting his State. We are delighted on this side, speaking for the majority, to accept the amendment.

Mr. NICKLES. Mr. President, the Senator from Illinois is correct. The amendment has been cleared by this side, and we are happy to support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nevada.

The amendment (No. 402) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 403

(Purpose: To amend title 10, United States Code, to authorize the retention of Army, Naval, and Air Force Reserve psychologists in an active status after attainment of an age that would otherwise require separation)

Mr. DIXON. Mr. President, we have two amendments by the distinguished senior Senator from Hawaii [Mr. INOUE] that are cleared.

I send to the desk an amendment by the Senator from Hawaii.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Illinois [Mr. DIXON], for Mr. INOUE, proposes an amendment numbered 403.

Mr. DIXON. Mr. President, I ask that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 111, between lines 10 and 11, insert the following:

SEC. 528. RETENTION OF CERTAIN RESERVE PSYCHOLOGISTS IN ACTIVE STATUS.

(a) ARMY.—Section 3855(a) of title 10, United States Code, is amended by inserting “, or any reserve officer in the Army Medical Department designated as a psychologist” before the period at the end.

(b) NAVY.—Section 6392(a) of such title is amended by striking out “or biomedical sciences officer” and inserting in lieu thereof “biomedical sciences officer, or psychologist”.

(c) AIR FORCE.—Section 8855(a) of such title is amended by striking out “or biomedical sciences officer” and inserting in lieu thereof “biomedical sciences officer, or psychologist”.

Mr. INOUE. Mr. President, I offer an amendment designed to correct a

basic inequity in the military health care system.

Under current law, the Navy and Air Force may retain psychologists to age 67. Because of the way the original statute raising the age limit from 62 to 67 was written, the Army may not. My first amendment would simply allow all military psychologists to remain in the military until they are 67 years of age.

My amendment merely corrects an oversight which causes unfair discrimination against psychologists serving in the U.S. Army, and I urge my colleagues' support.

Mr. DIXON. Mr. President, I inform my colleagues that the amendment by Senator INOUE would include reserve psychologists in the category of officers health professionals, who may be retained in an active status until age 67, and that amendment is acceptable by this side.

Mr. NICKLES. Mr. President, this amendment has been reviewed and agreed upon by the Republican side, as well. We urge its adoption.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Hawaii.

The amendment (No. 403) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 404

(Purpose: To amend title 37, United States Code, to authorize special pay for certain officers of the Armed Forces who obtain certain professional board certifications as psychologists)

Mr. DIXON. I send to the desk a second amendment by the distinguished Senator from Hawaii, Senator INOUE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. DIXON], for Mr. INOUE, proposes an amendment numbered 404.

Mr. DIXON. Mr. President, I ask that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 155, between lines 19 and 20, insert the following:

SEC. 630a. ARMED SERVICE OFFICERS SPECIAL PAY.

(a) SPECIAL PAY FOR PSYCHOLOGISTS.—(1) Section 302c(a) of title 37, United States Code, is amended to read as follows:

“(a) An officer who—

“(1) is an officer in the Regular or Reserve Corps of the Public Health Service, an officer in the Army Medical Department, an officer in the Bureau of Medicine and Sur-

gery of the Navy, or an officer of the Air Force,

“(2) is designated as a psychologist, and

“(3) has been awarded a diploma as a Diplomate in Psychology by the American Board of Professional Psychology,

is entitled to special pay, as provided in subsection (b).”.

(2)(A) The section heading of such section is amended by striking out “in the Public Health Service Corps”.

(B) The item relating to section 302c in the table of sections at the beginning of chapter 5 of such title is amended by striking out “in the Public Health Service Corps”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect with respect to pay periods beginning after September 30, 1989.

Mr. INOUE. Mr. President, this amendment addresses the need for a pay bonus for military psychologists. Board certified physicians in the military receive an annual pay bonus currently ranging from \$2,000 to \$5,000, depending on their years of service, while board certified psychologists are not eligible for the pay bonus. My amendment would authorize the Department of Defense to pay board certified psychologists the same bonuses as those received by physicians.

To become a board certified psychologist requires extensive supervised training and passing a difficult national examination. Obviously, a board certified psychologist possesses impressive credentials.

There is a shortage of psychologists in the military, and my amendment would provide a cost-effective retention tool—one that we should adopt.

I believe this amendment is fair and equitable, and I urge my colleagues to support it.

Mr. DIXON. Mr. President, this amendment by the distinguished senior Senator from Hawaii would include active duty-board certified psychologists in the category of officers entitled to board certification special pay. This side has no objection to the amendment, Mr. President.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma.

Mr. NICKLES. Mr. President, we have reviewed the amendment and have agreed upon it and urge its consideration.

The PRESIDING OFFICER. The question occurs on the amendment of the Senator from Hawaii.

The amendment (No. 404) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 405

(Purpose: Expressing the sense of the Senate with regard to soil and water contamination near Mead, NE)

Mr. EXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Nebraska [Mr. EXON], for himself and Mr. KERREY, proposes an amendment numbered 405.

Mr. EXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

Since the United States Army Corps of Engineers is investigating soil and water contamination at the former Nebraska Ordnance Plant near Mead, Nebraska;

Since solvents, polychlorinated biphenyls (PCB's) and RDX, an explosive material used in making ammunitions, have been discovered;

Now therefore be it determined that it is the sense of the Senate that the United States Army Corps of Engineers should carry out this investigation as promptly as possible consistent with other environmental cleanup responsibilities, and should continue to keep interested parties, including potentially affected residents in the area, University of Nebraska officials, and State and local government personnel fully advised of developments relating to the study and activities at the site.

Mr. EXON. Mr. President, this is a brief sense of the Senate amendment that should be noncontroversial. It simply urges the Corps of Engineers to promptly carry out its investigation of soil and water contamination at the former ordnance facility near Mead, NE. It also calls on the corps to keep interested parties, including potentially affected residents of the area, as well as State and local officials, fully apprised of their work.

Contamination at this site was discovered some time ago. It appears at this point that work to remedy the situation is moving along at a reasonable pace and I want to be sure that it continues.

I am afraid we will find more instances of contamination throughout the Nation in the years to come, and I will be using the Mead situation to measure the Defense Department's ability to address them.

I believe this amendment has been approved on both sides and urge its immediate adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. WARNER. Mr. President, the amendment offered by the distinguished member of the Armed Services Committee is cleared on this side.

Mr. DIXON. Mr. President, as I understand it, nothing in this amend-

ment conflicts with DOD's worst case policy for environmental cleanup, and this side is supportive of the amendment by the distinguished senior Senator from Nebraska.

Mr. EXON. I thank my colleague, and I ask for the vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska.

The amendment (No. 405) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 406

(Purpose: To provide certain requirements relating to environmental restoration activities and environmental contamination at Department of Defense facilities)

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. HEINZ] proposes an amendment numbered 406.

Mr. HEINZ. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of part C of title XXVIII insert the following:

SEC. 2836. REQUIREMENTS RELATING TO ENVIRONMENTAL RESTORATION ACTIVITIES AND ENVIRONMENTAL CONTAMINATION.

(a) EXPEDITIOUS REPORTING OF INFORMATION.—The Secretary of Defense shall ensure that all information relating to environmental restoration activities at Department of Defense facilities and required to be provided to regional offices of the Environmental Protection Agency, appropriate State authorities, and local authorities under section 2705 of title 10, United States Code, is expeditiously provided to such offices and authorities.

(b) ASSESSMENTS OF ENVIRONMENTAL CONTAMINATION PLANS.—The Secretary of Defense shall ensure that—

(A) all Department of Defense assessments of the Department's environmental contamination plans and of the Department's emergency and remedial actions to abate or mitigate environmental contamination at Department of Defense facilities are carried out in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510; 94 Stat. 2767) and Environmental Protection Agency regulations; and

(B) each such assessment, plan, and action is made available to and carried out in consultation with the Administrator of the Environmental Protection Agency and the appropriate State or local agency.

(2) The Administrator of the Environmental Protection Agency shall submit to the Secretary of Defense and the appropriate committees of Congress such comments and

recommendations with regard to any assessment, plan, or action referred to in paragraph (1) as the Administrator considers appropriate.

(c) MONITORING CONTAMINATION.—After discovery of a potential environmental contamination at any Department of Defense facility conducting environmental restoration activities, the Secretary of Defense, in consultation with the Administrator of the Environmental Protection Agency and the head of the appropriate State agency, shall program and install such systems for monitoring contamination at such facility as may be appropriate to ensure that there is no release or exposure of environmental contamination that will pose a risk to public health.

(d) EMERGENCY ACTION.—Nothing in this section shall prevent the Secretary of Defense from carrying out such emergency actions as may be necessary to protect the public health or the environment if the Secretary determines that time does not permit consultation with appropriate regulatory agencies.

Mr. HEINZ. Mr. President, I rise to offer an amendment to the DOD authorization bill to address the problem of hazardous waste contamination at Department of Defense facilities, a number of which are located in my home State of Pennsylvania. I preface my remarks by stating that I, like everyone in this chamber, have the utmost respect for our military and particularly the service men and women that are responsible for defending our freedoms around the world and our soil here at home.

But I think it is important for the Defense Department to both literally, as well as figuratively, protect American soil, soil from being lost through its own carelessness or misfeasance. And to me most specifically that means cleaning up hazardous waste at military sites, waste that threatens American communities.

There are commonsense principles that ought to be followed by defense facilities that have polluted their surroundings. The first principle is that citizens in a democracy should be informed of the dangers that face them. For good reason, so they can take action to protect themselves and their families. Simply put, at a very bare minimum, defense facilities should notify their neighbors that there exists a potential threat to human or public health.

The second commonsense principle, it seems to me, is that you take care of a serious problem as soon as possible. Providing notice to local officials will lead defense facilities to respond promptly. Why? Because local officials who are elected to perform are not going to stand for threats to their communities being ignored.

For some time I have been concerned over three separate incidents of hazardous waste contamination at Department of Defense facilities in Pennsylvania. One is at the Navy Ship Parts Control Center, commonly referred to locally as the navy depot, in

Mechanicsburg. Another is nearby in the New Cumberland Army Depot about 10 miles away. The third site is located at the Tobyhanna Army Depot in the Pocono Mountains of northeastern Pennsylvania. In each case, disposal practices have now come back to haunt the Navy and the Army and pose threats to the public health and to the environment. My amendment will ensure that the Navy, Army, and the other service branches in the Department of Defense act responsibly and take steps to protect the communities that surround them.

The situation at the New Cumberland Army Depot is particularly troubling. Recently, evidence has been discovered which tends to indicate that chemical weapons or at least chemical weapons training kits were dumped nearly 30 years ago in the depot's landfill. The Army has yet to determine the exact nature of the contamination at this site. Some years ago, the former landfill was turned into a park where over 600 children a year played regularly. They may have been playing their games, Mr. President, but they have been playing them only a few feet above a chemical munitions dump. The park is now, thank goodness, closed to the public. But, after 3 years of trying, we have yet to determine the true nature of the threat posed by this site.

My amendment is designed to remedy the problems that were experienced by the three sites in Pennsylvania and that are now occurring, or will occur, at other DOD installations, either in our State or in other States. First, my amendment requires DOD to notify the Environmental Protection Agency, and the appropriate State and local public officials, of all related environmental restoration activities at DOD facilities.

Second, my amendment requires that all stages of environmental restoration activities are carried out in accordance with CERCLA, the Comprehensive Environmental Response, Compensation, and Liability Act—better known as Superfund—so that it is properly done.

Finally, my amendment directs that DOD facilities conducting environmental restoration activities install the necessary monitoring systems upon the discovery of potential contamination.

Mr. President, I believe this amendment is not only necessary, I believe it is timely. It reaffirms existing law in carefully defining DOD's responsibilities for hazardous wastes at DOD installations, and it involves no new expenditures. I hope that our colleagues will adopt it.

Mr. WARNER. Mr. President, Senator WIRTH of the committee brought this to the attention of the committee, and I think he is favorably disposed

toward the action sought by the Senator from Pennsylvania.

This is duplicative of existing law. We all acknowledge that. But sometimes we have to take steps such as we are now about to take to bring to the attention of the appropriate executive branch authorities the need to have this matter corrected and corrected promptly.

So I am hopeful that the Senate will accept the recommendation of the Senator from Pennsylvania.

Mr. HEINZ. I thank the Senator. I think this does clarify existing law in a way that it cannot be misinterpreted.

I appreciate the support and understanding of my friend and colleague from Virginia.

Mr. WARNER. Mr. President, the Senator this morning has provided legislative history and the factual basis for, I think, favorable action.

Mr. DIXON. Mr. President, I understand that this amendment is a response to communications problems between DOD officials and State and local officials in Pennsylvania concerning contamination at DOD facilities. I understand further that our side, at the staff level, has talked with the Environment and Public Works Committee, and it is the sense of this side that there is no objection there. There is certainly no objection by this side. We accept the amendment.

Mr. HEINZ. Mr. President, I thank my colleagues and I ask that the amendment be agreed to.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Pennsylvania [Mr. HEINZ].

The amendment No. 406 was agreed to.

Mr. HEINZ. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 407

(Purpose: To require a study on export financing of defense articles and services)

Mr. WARNER. Mr. President, the Senator from Virginia sends to the desk an amendment on behalf of the junior Senator from Missouri [Mr. BOND].

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. BOND, proposes an amendment numbered 407.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . STUDY AND REPORT ON DEFENSE EXPORT FINANCING.

(a) STUDY.—The President shall conduct a study of export financing of defense articles. In the course of the study, the President shall—

(1) examine the effect of export financing on the ability of United States industry to compete in the international market for defense products;

(2) determine the extent to which other countries support commercial financing for defense exports through official government credit programs;

(3) determine the extent to which United States private capital is used to support defense exports and the obstacles that United States lending institutions face in providing additional support; and

(4) determine the feasibility and desirability of using existing or new Government export guarantee programs to provide greater private capital support for United States defense exports.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the President shall transmit to the Congress a report on the findings of the study under subsection (a).

Mr. BOND. Mr. President, I am offering this amendment today because it will allow us to take a small first step toward addressing what I believe is a significant problem for the U.S. defense industry.

The United States alone among the major Western powers provides no export assistance for commercial sales of defense equipment. Needless to say, this puts American companies at a severe disadvantage in competing against firms from other nations. This problem will become even more severe in the years to come as U.S. defense spending drops and defense companies are forced to look overseas for a larger part of their sales.

The amendment I am offering today will allow us to take a first step toward addressing this problem by directing the President to examine the impact of export financing on the ability of U.S. companies to compete in the international defense marketplace and to determine the feasibility of using existing or new Government program to provide greater private capital support for U.S. defense exports to allow them to be more competitive.

Mr. President, the defense industry is a strong contributor to our exporting base. Not only do defense exports contribute to our efforts to eliminate our trade imbalance, they help to lower the cost the Pentagon must pay for weapons for our armed services. At a time when we are trying to reduce our swollen trade deficit, we should be looking for ways to encourage exports and to make our exporters more competitive in the world marketplace. The study called for in my amendment will provide us with the information we need to begin taking steps in that direction. I thank the managers of the bill for agreeing to include it in the bill.

Mr. WARNER. Mr. President, my understanding is that the majority has reviewed this amendment and finds it acceptable.

Mr. DIXON. Mr. President, I understand that this amendment by the distinguished Senator from Missouri requires the President to prepare a report on the financing of defense exports. This side is delighted to accept the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 407) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIXON. Mr. President, I am about to suggest the absence of a quorum, but I would observe, on behalf of the chairman and ranking member, that 25 minutes remain before we take up the Interior appropriations bill at 11 o'clock.

We will remain here until 11 o'clock, Mr. President. I say to every Senator in his or her office that we are prepared to discuss the acceptance of amendments between now and 11 o'clock. We have just disposed of six amendments to this bill in the last half-hour. If there are other amendments out there—we are talking to the distinguished junior Senator from Oklahoma right now about an amendment that he and senior Senator are concerned about—if there are other amendments, we would like to consider them.

I urge Senators to come over here because we are going to take up a couple of other bills before we come back to this bill. This is a bill that always invites a lot of amendments. I hope Senators will strike while the iron is hot. The door is open here now and Senators are encouraged to come over with amendments that can be disposed of very expeditiously between now and 11 o'clock.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Chair. (The remarks of Mr. GRASSLEY pertaining to the introduction of S. 1407 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The Senate is considering Senate bill 1352.

Mr. DIXON. Mr. President, our time is about to expire. The distinguished Senator from Oklahoma has an amendment which we are now prepared to accept that is sponsored by Senator NICKLES and Senator BOREN as well.

Before I do yield for my colleague to proceed with that amendment, may I make this observation: I want to again tell all Senators on both sides of the aisle that the store has been open every day now. The majority leader will come in sometime today or tomorrow asking, and I think not later than sometime tomorrow afternoon, that we have a unanimous-consent agreement and we dispose of this bill.

This bill has a tendency to drag on a long time. I remember one time being here when we had 115 amendments 2 years ago, and I think 56 or 57 roll-calls. We would like to avoid that.

We do not believe that there are that many contentious issues in the bill. We have pretty much dealt with B-52. There will be an amendment on SDI and probably some burden-sharing amendments. It will take some time. Mostly, we do not see other things out that are great problems. I urge Senators to let us know about their amendments.

We are going to take up the Interior appropriations bill in just a moment, but if Senators will call this Senator at his office or call staff in the Armed Services Committee, or anybody who has been around here on the floor, and let us have their amendments, many of these amendments could be agreed to before we go back to the bill. When we dispose of this one amendment, we have disposed of seven this morning in an hour's period of time. There are a lot more out there we can dispose of if Senators will contact us.

The point I want to make, Mr. President, is I hope we do not hear Thursday afternoon we did not have a chance with our amendments. The point I want to make is Senators have a chance to deal with their amendments. Contact us and we will agree, if we can, to the amendment. If we cannot agree, we would like to find a time to dispose of the amendment with limited debate.

Hopefully, we can get time agreements and get rid of this bill. I think there is no reason why every Senator cannot be accommodated if every Senator will simply take the initiative of letting us know about their concerns.

I am delighted to yield to the Senator from Oklahoma.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma.

AMENDMENT NO. 408

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] for himself and Mr. BOREN, proposes an amendment numbered 408.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 332, line 8, strike out "\$25,000,000" and insert in lieu thereof "\$56,800,000".

On page 341, line 12, strike out "\$2,337,740,000" and insert in lieu thereof "\$2,369,540,000".

On page 341, line 15, strike out "\$865,660,000" and insert in lieu thereof "\$897,460,000".

On page 342, line 16, strike out "\$792,008,000" and insert in lieu thereof "\$760,208,000".

Mr. NICKLES. The amendment at the desk is an important amendment dealing with Tinker Air Force Base.

I wish to thank my colleague, Senator WARNER, from Virginia and also my colleague and friend, Senator DIXON, from Illinois for their accommodation.

This is an important amendment. It deals with the B-2, kind of in conjunction with the amendment we had last night. I think the B-2 is a very important program. I am pleased Tinker Air Force Base will play a part in maintaining the B-2 bomber. I appreciate their accommodation with the amendment.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we thank both Senators from Oklahoma for bringing this matter to our attention. We handle a very large volume of matters like this in connection with the military construction.

I am not entirely certain what happened, but the two Senators from Oklahoma immediately caught that and the committee was happy to remedy it. Fortunately the chairman of the committee that has jurisdiction over that, the Senator from Illinois [Mr. DIXON] does his very best to make certain that Senators have an opportunity to express their views and, where possible, the committee, under his guidance, makes the corrections that are necessary. We thank the Senator from Illinois.

Mr. DIXON. Mr. President, I thank the Senator from Virginia, the distinguished ranking member and manager on the other side, for his kind comments. We are, of course, delighted to accept this amendment, and we pay tribute to the continued tenacity of the two Senators from Oklahoma in

matters of this kind. We are willing at this time to accept the amendment.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. EXON. I am not sure I want to prolong this debate, but I wonder if the Senator from Oklahoma can answer a question of the Senator from Nebraska on the matter of the B-2? Will the Senator from Oklahoma please advise me specifically, since this came up so much out of the blue and I was not advised of it, what particularly are we doing if we agree to his amendment?

Mr. NICKLES. To answer the Senator from Nebraska, what we are doing is putting in military construction funds authorized by the House, also requested by the administration, and very strongly requested by the military personnel so we can meet the timetable as provided for in the amendment that was agreed to yesterday in the Senate.

Mr. EXON. This has to do with military construction at what Air Force base?

Mr. NICKLES. Tinker Air Force Base.

Mr. EXON. If I understand it correctly, the Senator is representing that this measure was advanced and requested by the administration.

Mr. NICKLES. The Senator is exactly correct.

Mr. EXON. And it has been accepted by the House of Representatives.

Mr. NICKLES. The Senator is again correct. I appreciate his pointing that out.

Mr. EXON. Are the amounts passed by the House and this amendment, if it is agreed to, identical amounts of money?

Mr. NICKLES. The Senator again is correct. The amounts were exactly that requested by the administration and also authorized by the House of Representatives.

Mr. EXON. Therefore, if we pass this amendment, this would not be a conferenceable item, since the exact amounts have been appropriated by the House and Senate?

Mr. NICKLES. The Senator is exactly correct.

Mr. EXON. Tell me a little more about what type of construction this is. Is this barracks or runways?

Mr. NICKLES. Maintenance and repair facilities for the B-2 bomber.

Mr. EXON. Including hangars and things of that nature?

Mr. NICKLES. The Senator is correct.

Mr. EXON. What is the total amount of the request?

Mr. NICKLES. The total is \$31.6 million.

Mr. EXON. \$31.6 million.

Mr. NICKLES. The Senator is correct.

Mr. EXON. If I understand it correctly, since we are trying to scrub this bill down, when we only talk about \$31.6 million, I would ask the chairman of the committee, the Senator from Illinois, how is this being accommodated? Are other programs being cut to accommodate this?

Mr. NICKLES. I will be happy to answer the Senator. There is an offset provided.

Mr. DIXON. There is an offset. The offset is from Air Force family housing.

Mr. EXON. There is an offset on family housing operations, I am advised by staff. Is that correct?

Mr. DIXON. Yes, that is correct.

Mr. EXON. Is that clear around the United States or just Tinker Air Force Base? It is from a large, unspecified pot of money, I am advised by staff. Assuming that the Air Force is saying this is a priority matter, let me ask specifically now, if we are offsetting this, which I am glad to hear we are, is it being specifically offset just out of a pot or is this money specifically authorized for base personnel and improvement in specific Air Force bases?

Mr. DIXON. Let me tell my distinguished colleague that this is taken out of a line item involving \$792,008,000, so it is taken out of a very substantial line item amount. It reduces that amount to \$760,208,000.

Mr. EXON. If I understand correctly, the amount that the distinguished Senator from Illinois has just referred to is the total line item and not specified as to where that money would be spent?

Mr. DIXON. That is absolutely correct, may I say to my colleague. I think it has already been pointed out this is in the House bill in this amount. We had, frankly, been prepared, may I say candidly to the Senator, to take the House position on this matter in the conference.

Mr. EXON. I thank the Senator.

Mr. NICKLES. I thank the Senator.

Mr. EXON. I wanted to raise those questions.

Mr. President, I thank the Senator and I thank my colleagues.

Mr. NICKLES. Mr. President, I urge adoption of the amendment.

Mr. BOREN. Mr. President, I am pleased to join my colleague, Mr. NICKLES, in expressing our appreciation for agreeing to this amendment to authorize the fiscal year 1990 budget request of \$31.8 million to fund three military construction projects at Tinker Air Force Base in preparation for the maintenance of the B-2 aircraft.

The Air Force, several years ago, prepared the Depot Military Construction Program for the B-2 estimating a budget of \$113 million spread over 4 years for the most cost-efficient manner of providing the necessary ca-

pability to maintain this highly sophisticated weapons system.

Authorizing the funding for these three projects, which were included in the Air Force fiscal year 1990 budget, prevents costly delays. The secure storage facility design will be 100 percent complete by January 1990. The integrated support facility will be 100-percent design complete by early November this year and the avionics facility is already 100-percent design complete.

The House and Senate have voted this week to support the authorization of the procurement of the B-2. This amendment will make it possible to keep the depot activation timely. Again, I thank my colleagues for their support.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment (No. 408) was agreed to.

Mr. NICKLES. Mr. President I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NICKLES. Mr. President, I thank my colleagues for their accommodation.

Mr. DIXON. Mr. President, may I again say to my colleagues in their respective offices around in the separate office buildings that we are still here. The Senate is still on this bill for a period of another 15 or 20 minutes, as I understand it, before we move to the—

The PRESIDING OFFICER. The Senator must ask unanimous consent.

Mr. DIXON. I am asking unanimous consent, Mr. President, that we continue our discussion of the DOD authorization bill for at least another 15 minutes, until such time as we are ready to take up the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. I point out to my colleagues that we can take other amendments. So if anybody has an amendment they want to discuss with us, and several have been called to my attention, I wish they would come over right now and we will try to accommodate them.

I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, I thank Senator HEINZ for sending another amendment over here. We are going to immediately consider it. We will not be able to dispose of it in the limited time remaining before we take up the Interior appropriation bill, but, Mr. President, I want to say to all Members, once again, if Senators would please contact this Senator or the Senate Armed Services Committee, anybody on the staff over there, about any amendments. If they will get those amendments to us any time today, we will carefully examine them, and we will meet with their staff and try to work out differences on the amendments and accommodate all Senators to the best of our ability.

Again, I urge Senators to remember that the majority leader will be here tomorrow asking for a unanimous-consent agreement to dispose of this legislation, which can be a career bill, sometime next week. So I urge Senators to take advantage of the accommodating efforts of our staff to dispose of matters expeditiously.

Mr. President, at this time we are going to close down the shop on this bill right now. I see the distinguished President pro tempore is on the floor, and we will shortly take up the Interior appropriations bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES AP- PROPRIATIONS, FISCAL YEAR 1990

The PRESIDING OFFICER. Under the previous order, the regular order of business is now H.R. 2788, which the clerk will state by title.

The legislative clerk read as follows:

A bill (H.R. 2788) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1990, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2788

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year

ending September 30, 1990, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau of Land Management, **[\$446,296,000]** *\$441,738,000*, of which the following amounts shall remain available until expended: not to exceed \$1,200,000, to be derived from the special receipt account established by section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-6a(i)), and \$22,903,000 for the Automated Land and Mineral Record System Project: *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors.

FIREFIGHTING

For necessary expenses for emergency rehabilitation, forest firefighting, fire suppression, and other emergency costs on **[National Forest System and] Department of the Interior lands, [\$740,393,000]** *\$311,500,000*, to remain available until expended, of which **[\$96,716,000]** *\$193,761,000* is for the Bureau of Land Management, **[\$2,800,000]** *\$16,250,000* is for the United States Fish and Wildlife Service, **[\$21,319,000]** *\$34,464,000* is for the National Park Service, **\$67,025,000** is for the Bureau of Indian Affairs, and **\$552,533,000** is for the Forest Service: *Provided*, That such funds are to be available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes.

CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, **[\$2,400,000]** *\$6,865,000*, to remain available until expended: *Provided*, That necessary procurement documents for construction of the Oregon Trail Visitor Center at Flagstaff Hill, Oregon shall be issued at a time that will permit issuance of a construction contract in February, 1991.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976 (31 U.S.C. 6901-07), **\$105,000,000**, of which not to exceed \$400,000 shall be available for administrative expenses.

LAND ACQUISITION

For expenses necessary to carry out the provisions of sections 205, 206, and 318(d) of Public Law 94-579 including administrative expenses and acquisition of lands or waters, or interest therein, **[\$13,490,000]** *\$11,340,000*, to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on

other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; **[\$64,787,000]** *\$62,332,000*, to remain available until expended: *Provided*, That the amount appropriated herein for road construction shall be transferred to the Federal Highway Administration, Department of Transportation: *Provided further*, That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land grant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876): *Provided further*, That notwithstanding any other provision of law, the Secretary of the Treasury is directed to make available to the Secretary of the Interior, to remain available until expended, an amount equal to 50 per centum of timber receipts received by the Treasury from the harvesting of timber on the revested Oregon and California Railroad grant lands and the Coos Bay Wagon Road grant lands during fiscal year 1989 in excess of \$174,800,000, the 1989 Oregon and California Railroad grant lands and Coos Bay Wagon Road grant lands timber receipts contained in the President's budget proposal for fiscal year 1990: *Provided further*, That this estimate of 1989 receipts shall not be subject to adjustment for the purposes of this section: *Provided further*, That such funds shall be made available concurrent with payment of fiscal year 1989 receipt amounts to counties during fiscal year 1990, and shall be in addition to any funds appropriated in this Act: *Provided further*, That this transaction will not affect, diminish, or otherwise alter the payments to be made on the basis of these receipts in accordance with the Acts of August 28, 1937 (43 U.S.C. 1181f(a)) and May 24, 1939 (43 U.S.C. 1181f-1): *Provided further*, That funds made available to the Secretary of the Interior pursuant to this provision shall be used for necessary expenses relating to the Oregon and California Railroad grant lands and Coos Bay Wagon Road grant lands for reforestation and forest development and timber management: *Provided further*, That not later than 30 days after the submission of the President's fiscal year 1991 budget, the Director of the Bureau of Land Management shall provide a report to the House and Senate Committees on Appropriations on the final amount and distribution of funds made available under this provision and shall include an assessment of resource outputs to be produced in fiscal year 1990, fiscal year 1991, and subsequent years, using funds made available under this provision, and a comparison of the outputs for the program areas listed, achieved in fiscal year 1990 and proposed for fiscal year 1991, with the output levels described in Bureau of Land Management resource management plans in effect at the time of the report required by this provision.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys re-

ceived during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than \$8,406,000, to remain available until expended: *Provided*, That not to exceed \$600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93-153, to be immediately available until expended: *Provided*, That notwithstanding any provision to the contrary of subsection 305(a) of the Act of October 21, 1976 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that subsection, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to subsection 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this or subsequent appropriations Acts by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such forfeiture, compromise, or settlement are used on the exact lands damage to which led to the forfeiture, compromise, or settlement: *Provided further*, That such moneys are in excess of amounts needed to repair damage to the exact land for which collected.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to \$25,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed \$10,000: *Provided*, That appropriations herein made for Bureau of Land Management expenditures in connection with the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures made

under the appropriation "Oregon and California grant lands") shall be reimbursed to the General Fund of the Treasury from the 25 per centum referred to in subsection (c), title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California land grant fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road grant fund": *Provided further*, That appropriations herein made may be expended for surveys of Federal lands and on a reimbursable basis for surveys of Federal lands and for protection of lands for the State of Alaska: *Provided further*, That an appeal of any reductions in grazing allotments on public rangelands must be taken within thirty days after receipt of a final grazing allotment decision. Reductions of up to 10 per centum in grazing allotments shall become effective when so designated by the Secretary of the Interior. Upon appeal any proposed reduction in excess of 10 per centum shall be suspended pending final action on the appeal, which shall be completed within two years after the appeal is filed: *Provided further*, That appropriations herein made shall be available for paying costs incidental to the utilization of services contributed by individuals who serve without compensation as volunteers in aid of work of the Bureau: *Provided further*, That notwithstanding section 5901(a) of title 5, United States Code, the uniform allowance for each uniformed employee of the Bureau of Land Management shall not exceed \$400 annually: *Provided further*, That notwithstanding the provisions of the Federal Grants and Cooperative Agreements Act of 1977 (31 U.S.C. 6301-6308), the Bureau is authorized to negotiate and enter into cooperative arrangements with public and private agencies, organizations, institutions, and individuals, to implement challenge cost-share programs.

UNITED STATES FISH AND WILDLIFE SERVICE RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; and for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than \$1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408, **[\$375,370,000]** **\$397,225,000** of which **[\$5,500,000]** **\$6,000,000**, to carry out the purposes of 16 U.S.C. 1535, shall remain available until expended; and of which \$8,001,000 shall be for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976 (90 Stat. 2921), to compensate for loss of fishery resources from water development projects on the Lower Snake River, and which shall remain available until expended; and of which \$1,000,000 shall be for contaminant sample analysis, and shall remain available until expended: *Provided*, That notwithstanding any other provision of law, a procurement for the National Wetlands Research Center shall be issued which in-

cludes the full scope of the previously issued procurement for the facility: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232-18.

CONSTRUCTION AND ANADROMOUS FISH

For construction and acquisition of buildings and other facilities required in the conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein; **[\$30,457,000]** **\$53,829,000** to remain available until expended, of which **[\$2,000,000]** **\$1,500,000** shall be available for expenses to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a-757g).

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, **[\$65,790,000]** **\$48,810,000**, to be derived from the Land and Water Conservation Fund, to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), **[\$7,645,000]** **\$10,500,000**.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 187 passenger motor vehicles, of which 180 are for replacement only (including 77 for police-type use); not to exceed \$400,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That the United States Fish and Wildlife Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, only those personnel and administrative costs directly related to acquisition of real property shall be charged against the Migratory Bird Conservation Account.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general ad-

ministration of the National Park Service, including not to exceed \$464,000 for the Roosevelt Campobello International Park Commission, and not less than \$1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408, [§774,179,000] \$770,717,000, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of which not to exceed \$55,500,000 to remain available until expended is to be derived from the special fee account established pursuant to title V, section 5201, of Public Law 100-203: *Provided*, That the National Park Service shall not enter into future concessionaire contracts, including renewals, that do not include a termination for cause clause that provides for possible extinguishment of possessory interests excluding depreciated book value of concessionaire investments without compensation: *Provided further*, That of the funds provided herein, \$500,000 is available for the National Institute for the Conservation of Cultural Property: *Provided further*, That no fewer than 90 full-time equivalent positions may be assigned to Cuyahoga Valley National Recreation Area, Ohio: *Provided further*, That \$85,000 shall be available to assist the town of Harpers Ferry, West Virginia, for police force use: *Provided further*, That the National Park Service shall prepare an Environmental Impact Statement in full compliance with the National Environmental Policy Act of 1969 that evaluates alternative levels of development within the Appalachian Trail corridor between the Shrewsbury-Mendon town line, on the south, and the junction of the Appalachian and Long Trails north of Sherburne Pass, on the north, in Rutland County, Vermont: *Provided further*, That negotiations shall be suspended for any land acquisitions or easements in the study area and no acquisitions or easements in the study area shall be executed until 60 calendar days after the final Environmental Impact Statement is filed: *Provided further*, That the Secretary of the Interior shall take no action to give force or effect or implement in any manner the easement signed January 19, 1989, between the National Park Service and Killington, Ltd., Inc., until 60 calendar days after the final Environmental Impact Statement is filed.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, and grant administration, not otherwise provided for, [§16,029,000] \$15,100,000.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), [§30,500,000] \$33,000,000 to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1990: *Provided*, That the Trust Territory of the Pacific Islands is a State eligible for Historic Preservation Fund matching grant assistance as authorized under 16 U.S.C. 470w(2): *Provided further*, That pursuant to section 105(1) of the Compact of Free Association, Public Law 99-239, the Federated States of Micronesia and the Republic of the Marshall Islands shall also be considered States for purposes of this appropriation: *Provided further*, That \$1,000,000 of the amount ap-

propriated herein shall remain available until expended in the Bicentennial Lighthouse Fund, to be distributed on a matching grant basis after consultation among the National Park Service, the National Trust for Historic Preservation, State Historic Preservation Officers from States with resources eligible for financial assistance, and the lighthouse community. Consultation shall include such matters as a distribution formula, timing of grant awards, a redistribution procedure for grants remaining unobligated longer than two years after the award date, and related implementation policies. The distribution formula for fiscal year 1990 shall include consideration of such factors as—

(A) the number of lighthouses on or determined to be eligible for listing on the National Register of Historic Places by March 30, 1990;

(B) the number of river lights and number of historic river sites on or determined to be eligible for listing on the National Register by March 30, 1990; and

(C) the availability of matching contributions in the State: *Provided further*, That no State shall receive more than 15 per centum of the Bicentennial Lighthouse Fund in any one fiscal year, nor more than 10 per centum of the total appropriations to the Fund in any two fiscal year period: *Provided further*, That only the light station structure, itself, shall be counted in determining the number of properties in each State eligible to participate in the Fund: *Provided further*, That the Secretary shall allocate appropriate funds from the Bicentennial Lighthouse Fund to be transferred, without the matching requirement, for use by Federal agencies, in cooperative agreements with the National Park Service and the State Office of Historic Preservation in which the property is located, for properties otherwise eligible for the National Register but owned by the Federal Government.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), [§174,210,000] \$140,601,000, to remain available until expended: *Provided*, That for payment of obligations incurred for continued construction of the Cumberland Gap Tunnel, as authorized by section 160 of Public Law 93-87, \$12,000,000 to be derived from the Highway Trust Fund and to remain available until expended to liquidate contract authority provided under section 104(a)(8) of Public Law 95-599, as amended, such contract authority to remain available until expended.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1990 by 16 U.S.C. 460l-10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, [§81,016,000] \$89,018,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, including \$3,300,000 to administer the State Assistance program: *Provided*, That of the amounts previously appropriated to the Secretary's contingency fund for grants to States, \$406,000 shall be available in 1990

for administrative expenses of the State grant program: *Provided further*, That Public Law 98-146 is amended by adding the following new section:

"The land owner may also use the credits in exchange for excess lands, wherever located, under the jurisdiction of the Secretary of the Interior."

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for operating and maintaining the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, [§15,193,000] \$9,193,000, of which [§10,000,000] \$4,000,000 shall remain available until expended.

ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR COMMISSION

For operation of the Illinois and Michigan Canal National Heritage Corridor Commission, \$250,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 386 passenger motor vehicles, of which 332 shall be for replacement only, including not to exceed 285 for police-type use, 17 buses, and 5 ambulances; to provide, notwithstanding any other provision of law, at a cost not exceeding \$100,000, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service; options for the purchase of land at not to exceed \$1 for each option; and for the procurement and delivery of medical services within the jurisdiction of units of the National Park System: *Provided*, That any no year funds available to the National Park Service may be used, with the approval of the Secretary, to maintain law and order in emergency and other unforeseen law enforcement situations and conduct emergency search and rescue operations in the National Park System: *Provided further*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to add industrial facilities to the list of National Historic Landmarks without the consent of the owner: *Provided further*, That the National Park Service may use helicopters and motorized equipment at Death Valley National Monument for removal of feral burros and horses: *Provided further*, That notwithstanding any other provision of law, the National Park Service may recover unbudgeted costs of providing necessary services associated with special use permits, such reimbursements to be credited to the appropriation current at that time: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis

Island, including the facts and circumstances relied upon in support of the proposed project.

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities: **[\$486,931,000] \$476,909,000**, of which \$59,783,000 shall be available only for cooperation with States or municipalities for water resources investigations: *Provided*, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey shall be available for purchase of not to exceed 27 passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in Public Law 95-224.

MINERALS MANAGEMENT SERVICE

LEASING AND ROYALTY MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only: **[\$175,066,000] \$179,761,000**, of which not less than **[\$52,601,000] \$56,796,000** shall be available for royalty management activities: *Provided*, That notwithstanding any other provision of law, funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721 (b) and (d): *Provided further*, That not to exceed \$3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine clean-up activities: *Provided further*, That of the above enacted amounts, up to \$250,000 proposed for data gathering to help determine the boundary between State and Federal lands offshore of Alaska shall be available only if an equal

amount is provided by the State of Alaska from State revenues to match the Federal support for this project: *Provided further*, That notwithstanding any other provision of law, \$105,231 under this head shall be available for refunds of overpayments made by Samedan Oil Corporation in connection with certain Indian leases in Oklahoma (Case No. MMS-85-0135-IND before the Director of the Minerals Management Service) and by Bow Valley Petroleum Corporation and Mapco in connection with certain Indian leases in Utah in which the Director concurred with the claimed refund due: *Provided further*, That notwithstanding any other provision of law, \$128,033,000 shall be deducted from Federal onshore mineral leasing receipts prior to the division and distribution of such receipts between the States and the Treasury and shall be credited to miscellaneous receipts of the Treasury].

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for conducting inquiries, technological investigations, and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs; to foster and encourage private enterprise in the development of mineral resources and the prevention of waste in the mining, minerals, metal, and mineral reclamation industries; to inquire into the economic conditions affecting those industries; to promote health and safety in mines and the mineral industry through research; and for other related purposes as authorized by law, **[\$161,876,000] \$175,659,000**, of which **[\$97,885,000] \$105,935,000** shall remain available until expended: *Provided*, That none of the funds in this or any other Act may be used for the closure or consolidation of any research centers or the sale of any of the helium facilities currently in operation: *Provided further*, That the Secretary is authorized to convey in fee the *Keyes Helium Plant, Keyes, Oklahoma, to the Cimarron Industrial Park Authority, a public trust of the State of Oklahoma, on or before September 30, 1990, on terms mutually agreed on between the Secretary and the Authority: Provided, further, That prior to conveyance, the Secretary shall complete repair of asbestos insulation on piping and equipment, including cleanup and disposal of asbestos containing debris, at a cost which shall not exceed \$50,000: Provided further, That, as a condition of conveyance, the Cimarron Industrial Park Authority shall accept full responsibility for any remedial actions with respect to hazardous substances remaining at the plant after the date of conveyance.*

ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided*, That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, including the purchase of not to exceed 14 passenger motor vehicles, of which 9 shall be for replacement only; and uniform allowances of not to exceed \$400 for each uniformed employee of the Office of Surface Mining Reclamation and Enforcement; \$101,228,000, and notwithstanding 31 U.S.C. 3302, an additional amount, to remain available until expended, equal to receipts to the General Fund of the Treasury from performance bond forfeitures in fiscal year 1990: *Provided*, That notwithstanding any other provision of law, the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1990 pursuant to the assessment of civil penalties under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That the Secretary of the Interior shall abide by and adhere to the terms of the Settlement Agreement in *NWR v. Miller, C.A. No. 86-99 (E.D. Ky.)*, and not take any actions inconsistent with the provisions of footnote 3 of the Agreement with respect to any State or Federal program: *Provided further*, That the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, including the purchase of not more than 21 passenger motor vehicles, of which 15 shall be for replacement only, **[\$192,772,000] \$192,112,000** to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to utilize up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That of the funds made available to the States to contract for reclamation projects authorized in section 406(a) of Public Law 95-87, administrative expenses may not exceed 15 per centum: *Provided further*, That none of these funds shall be used for a reclamation grant to any State if the State has not agreed to participate in a nationwide data system established by the Office of Surface Mining Reclamation and Enforcement through which all permit applications are reviewed and approvals withheld if the applicants (or those who control the applicants) applying for or receiving such permits have outstanding State or Federal air or water quality violations in accordance with section 510(c) of the Act of August 3, 1977 (30 U.S.C. 1260(c)), or failure to abate cessation orders, outstanding civil penalties associated with such failure to abate cessation orders, or uncontested past due Abandoned Mine Land fees: *Provided further*, That the Secretary of the Interior may deny 50 per centum of an Abandoned Mine Reclamation Fund

grant, available to a State pursuant to title IV of Public Law 95-87, in accordance with the procedures set forth in section 521(b) of the Act, when the Secretary determines that a State is systematically failing to administer adequately the enforcement provisions of the approved State regulatory program. Funds will be denied until such time as the State and Office of Surface Mining Reclamation and Enforcement have agreed upon an explicit plan of action for correcting the enforcement deficiency. A State may enter into such agreement without admission of culpability. If a State enters into such agreement, the Secretary shall take no action pursuant to section 521(b) of the Act as long as the State is complying with the terms of the agreement: *Provided further*, That expenditure of moneys as authorized in section 402(g)(3) of Public Law 95-87 shall be on a priority basis with the first priority being protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices, as stated in section 403 of Public Law 95-87: *Provided further*, That 23 full-time equivalent positions are to be maintained in the Anthracite Reclamation Program at the Wilkes-Barre Field Office.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including such expenses in field offices, **\$1,065,574,000**, including **\$77,000,000** for conversion of tribal contracts and agreements to a calendar year basis as authorized by section 204(d)(1) of Public Law 100-472 (100 Stat. 2291), and **\$964,720,000**, of which not to exceed **\$71,393,000** for higher education scholarships, adult vocational training, and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1991, and of which **\$2,180,000** for litigation support shall remain available until expended, and the funds made available to tribes and tribal organizations through contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.) shall remain available until September 30, 1991: *Provided*, That this carryover authority does not extend to programs directly operated by the Bureau of Indian Affairs unless the tribe(s) and the Bureau of Indian Affairs enter into a cooperative agreement for consolidated services; and for expenses necessary to carry out the provisions of section 19(a) of Public Law 93-531 (25 U.S.C. 640d-18(a)), **\$1,002,000**, to remain available until expended: *Provided further*, That none of the funds appropri-

ated to the Bureau of Indian Affairs shall be expended as matching funds for programs funded under section 103(b)(2) of the Carl D. Perkins Vocational Education Act: *Provided further*, That **\$200,000** of the funds made available in this Act shall be available for cyclical maintenance of tribally owned fish hatcheries and related facilities: *Provided further*, That none of the funds in this Act shall be used by the Bureau of Indian Affairs to transfer funds under a contract with any third party for the management of tribal or individual Indian trust funds until the funds held in trust for such tribe or individual have been audited and reconciled, and the tribe or individual has been provided with an accounting of such funds: *Provided further*, That **\$250,000** of the amounts provided for education program management shall be available for a grant to the Close Up Foundation: *Provided further*, That if the actual amounts required in this account for costs of the Federal Employee Retirement System in fiscal year 1990 are less than amounts estimated in budget documents, such excess funds may be transferred to "Construction" and "Miscellaneous Payments to Indians" to cover the costs of the retirement system in those accounts: *Provided further*, That for the purpose of enabling Indian reservation residents in Arizona who are eligible for General Assistance and who have dependent children to participate and succeed in Jobs Corps training, the Bureau shall pay general assistance support for the dependent children at the full State AFDC A-2 grant level.

CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands and interests in lands; preparation of lands for farming; maintenance of Indian reservation roads as defined in section 101 of title 23, United States Code; and construction, repair, and improvement of Indian housing, **\$134,379,000** **\$119,671,000**, to remain available until expended: *Provided*, That **\$1,000,000** of the funds made available in this Act shall be available for rehabilitation of tribally owned fish hatcheries and related facilities: *Provided further*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project and the Safety of Dams program may be transferred to the Bureau of Reclamation: *Provided*, That not to exceed 6 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau of Indian Affairs: *Provided further*, That hereafter, notwithstanding any other provision of law, amounts collected from grantees by the Secretary as grant repayments required under the Secretary's regulations for the Housing Improvement Program shall be credited in the year collected and shall be available for obligation under the terms and conditions applicable to the Program under that year's appropriation: *Provided further*, That all obligated and unobligated balances of "Road Construction" shall be merged with "Construction".

MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals pursuant to Public Laws 98-500, 99-264, 99-503, 100-383, 100-512, 100-675, 100-580, 101-41, and 100-585, including funds for necessary administrative

expenses, **\$191,864,000**, to remain available until expended, of which not to exceed **\$12,700,000** is made available to the Tohono O'odham Nation for purposes authorized in the Gila Bend Indian Reservation Lands Replacement Act, Public Law 99-503: *Provided*, That notwithstanding any other provision of law, funds appropriated pursuant to Public Law 100-383 shall not be subject to the provisions of 43 U.S.C. 1606(i).

NAVAJO REHABILITATION TRUST FUND

For Navajo tribal rehabilitation and improvement activities in accordance with the provisions of section 32(d) of Public Law 93-531, as amended (25 U.S.C. 640d-30), including necessary administrative expenses, **\$800,000**, to remain available until expended.

REVOLVING FUND FOR LOANS

During fiscal year 1990, and within the resources and authority available, gross obligations for the principal amount of direct loans pursuant to the Indian Financing Act of 1974, as amended (88 Stat. 77; 25 U.S.C. 1451 et seq.), shall not exceed resources and authority available.

INDIAN LOAN GUARANTY AND INSURANCE FUND

For payment of interest subsidies on new and outstanding guaranteed loans and for necessary expenses of management and technical assistance in carrying out the provisions of the Indian Financing Act of 1974, as amended (88 Stat. 77; 25 U.S.C. 1451 et seq.), **\$4,767,000**, to remain available until expended: *Provided*, That during fiscal year 1990, total commitments to guarantee loans pursuant to the Indian Financing Act of 1974, as amended, may be made only to the extent that the total loan principal, any part of which is to be guaranteed, shall not exceed resources and authority available.

MISCELLANEOUS TRUST FUNDS

Notwithstanding any other provision of law, the Secretary shall retain the amount of excess interest drawn from the Treasury during the period of January 1, 1987, to February 28, 1989, to compensate the trust funds for the amount of interest that would have been earned had all available trust funds been invested in the Treasury during the period from June 30, 1985, to December 31, 1986.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans and the Indian loan guarantee and insurance fund) shall be available for expenses of exhibits, and purchase of not to exceed 162 passenger carrying motor vehicles, of which not to exceed 115 shall be for replacement only: *Provided*, That notwithstanding any other provision of law, Tanalian, Incorporated shall be deemed certified as a Native group under the Alaska Native Claims Settlement Act (Public Law 92-203, 85 Stat. 688): *Provided further*, That hereafter, with respect to claims for personal injury, including death, resulting from the performance of functions under a contract, grant agreement, or cooperative agreement authorized by the Indian Self-Determination and Education Assistance Act of 1975, as amended (88 Stat. 2203; 25 U.S.C. 450 et seq.), a tribe or tribal organization is deemed to be part of the Bureau of Indian Affairs in the Department of the Interior while carrying out any such contract or agreement and its employee are deemed employees of the Bureau while acting within the scope of their employment in carrying out the contract or agreement: *Provided further*, That any civil action or proceeding brought against any

tribe, tribal organization or tribal employee covered by this proviso shall be deemed to be an action against the United States and will be defended by the Attorney General and be afforded the full protection and coverage of the Federal Tort Claims Act: Provided further, That beginning with the fiscal year ending September 30, 1991 and thereafter, the Secretary shall request through annual appropriations funds sufficient to reimburse the Treasury for any claims paid in the prior fiscal year pursuant to the foregoing provision.

TERRITORIAL AND INTERNATIONAL AFFAIRS ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of territories under the jurisdiction of the Department of the Interior, **[\$76,789,000]** \$76,789,000, of which (1) **[\$72,843,000]** \$72,843,000 shall be available until expended for technical assistance; maintenance assistance; late charges and payments of the annual interest rate differential required by the Federal Financing Bank, under terms of the second refinancing of an existing loan to the Guam Power Authority, as authorized by law (Public Law 98-454; 98 Stat. 1732); grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for support of governmental functions; construction grants to the Government of the Virgin Islands as authorized by Public Law 97-357 (96 Stat. 1709); grants and construction grants to the Government of Guam, as authorized by law (Public Law 98-454; 98 Stat. 1732); grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) **[\$3,946,000]** \$3,946,000 for salaries and expenses of the Office of Territorial and International Affairs: *Provided*, That the territorial and local governments herein provided for are authorized to make purchases through the General Services Administration: *Provided further*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, shall be audited by the General Accounting Office, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99-396, except that should the Secretary of the Interior believe that the performance standards of such agreement are not being met, operations funds may be withheld, but only by Act of Congress as required by Public Law 99-396: *Provided further*, That **[\$710,000]** \$710,000 of the amounts provided for technical assistance shall be available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations and maintenance needs, improved capability of local operations and maintenance institutions and

agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets).

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 495); grants to the Trust Territory of the Pacific Islands, in addition to local revenues, for support of governmental functions; **[\$34,102,000]** \$34,102,000, including \$3,000,000 to reduce the accumulated deficit of the former Trust Territory Government: *Provided*, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with chapter 35 of title 31, United States Code: *Provided further*, That the government of the Trust Territory of the Pacific Islands is authorized to make purchases through the General Services Administration: *Provided further*, That all Government operations funds appropriated and obligated for the Republic of Palau under this account for fiscal year 1990, shall be credited as an offset against fiscal year 1990 payments made pursuant to the legislation approving the Palau Compact of Free Association (Public Law 99-658), if such Compact is implemented before October 1, 1990: *Provided further*, That any unobligated balances for Palau government operations that remain available on the date of Compact implementation shall be used by the Department of the Interior to reduce the accumulated deficit of the Trust Territory Government.

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, **[\$24,760,000]** \$24,760,000, to remain available until expended, as authorized by Public Law 99-239: *Provided*, That notwithstanding the provisions of Public Laws 99-500 and 99-591, the effective date of the Palau Compact for purposes of economic assistance pursuant to the Palau Compact of Free Association, Public Law 99-658, shall be the effective date of the Palau Compact as determined pursuant to section 101(d) of Public Law 99-658.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of the Interior, **[\$51,295,000]** \$51,295,000, of which not to exceed \$10,000 may be for official reception and representation expenses: *Provided*, That none of the funds under this head are available for an office for the Secretary of the Interior outside Washington, D.C.].

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$25,325,000.

OFFICE OF INSPECTOR GENERAL

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$20,737,000.

CONSTRUCTION MANAGEMENT

For necessary expenses of the Office of Construction Management, \$1,800,000.

NATIONAL INDIAN GAMING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Indian Gaming Commission, pursuant to Public Law 100-497, \$1,000,000: *Provided*, That in fiscal year 1990 and thereafter, fees collected pursuant to and as limited by section 18 of the Act shall be available to carry out the duties of the Commission, to remain available until expended.

OILSPILL EMERGENCY FUND

Funds made available under this head by the "Dire Emergency Supplemental Appropriations and Transfers, Urgent Supplementals, and Correcting Enrollment Errors Act of 1989" shall be available up to a limit equivalent to the amount of funds appropriated by said Act for contingency planning, response, and natural resource damage assessment activities related to any discharge of oil in waters of the United States upon a determination by the Secretary of the Interior that such funds are necessary for the protection or restoration of natural resources under his jurisdiction.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 11 aircraft, 7 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That no programs funded with appropriated funds in the "Office of the Secretary", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, or volcanoes; for contingency planning subsequent to actual oil spills, response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression,

sion, and control of actual or potential grasshopper and Mormon Cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any one year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primary State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, U.S.C.: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued by the General Services Administration for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

[SEC. 107. None of the funds appropriated herein or hereafter or otherwise made available pursuant to this Act shall be obligated or expended to finance changing the name of the mountain located 63 degrees, 04 minutes, 15 seconds west, presently named and referred to as Mount McKinley.]

SEC. [108] 107. Notwithstanding any other provisions of law, appropriations in this title shall be available to provide insurance on official motor vehicles, aircraft, and boats operated by the Department of the Interior in Canada and Mexico.

SEC. [109] 108. No funds provided in this title may be used to detail any employee to

an organization unless such detail is in accordance with Office of Personnel Management regulations.

SEC. [110] 109. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity, on lands within the Eastern Gulf of Mexico planning area of the Department of the Interior which lie south of 26 degrees North latitude and east of 86 degrees West longitude.

SEC. [111] 110. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity, on lands within the North Aleutian Basin planning area.

SEC. [112] 111. No funds provided in this title may be expended by the Department of the Interior for the conduct of [preleasing and] leasing activities (including [but not limited to: calls for information, tract selection, environmental impact statements,] notices of sale, receipt of bids and award of leases), or the approval or permitting of any drilling or other *post leasing* exploration activity within the area identified by the Department of the Interior in the Draft Environmental Impact Statement (MMS 87-0032) for Lease Sale 91 in the Northern California planning area issued December, 1987; in the Calls for Information for Lease Sale 95 in the Southern California planning area, published in the Federal Register on July 9, 1987 (52 Fed. Reg. 25956) and November 17, 1988 (53 Fed. Reg. 46590); or in the Call for Information for Lease Sale 119 in the Central California planning area, published in the Federal Register on November 16, 1988 (53 Fed. Reg. 46422).

SEC. [113] 112. No funds provided in this title may be expended by the Department of the Interior for the conduct of [preleasing and] leasing activities (including [but not limited to: calls for information, tract selection, environmental impact statements,] notices of sale, receipt of bids and award of leases) or the approval or permitting of any drilling or other *post leasing* exploration activity within an area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Atlantic Ocean, bounded by the following line: from the intersection of the seaward limit of the Commonwealth of Massachusetts territorial sea and the 71 degree West longitude line south along that longitude line to its intersection with the line which passes between blocks 423 and 467 on Outer Continental Shelf protraction diagram NK 19-10; then southwesterly along a line 50 miles seaward of the States of Rhode Island, Connecticut, New York, New Jersey, Delaware, and Maryland to its intersection with the 38 degree North latitude line; then westerly along the 38 degree North latitude line until its approximate intersection with the seaward limit of the State of Maryland territorial sea; then northeasterly along the seaward limit of the territorial sea to the point of beginning at the intersection of the seaward limit of the territorial sea and the 71 degree West longitude line.

SEC. [114] 113. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities (including but not limited to: calls for information, tract selection, environmental impact statements, notices of sale, receipt of bids and award of leases) of lands described in, and under the same terms and conditions set forth in section 107

of the Department of the Interior and Related Agencies Appropriations Act, 1986, as contained in Public Law 99-190; or of lands within the 400 meter isobath surrounding Georges Bank, identified by the Department of the Interior as consisting of the following blocks: in protraction diagram NJ 19-2, blocks numbered 12-16, 54-55 and 57-58; in protraction diagram NK 19-5, blocks numbered 744, 788, 831-832, and 1005-1008; in protraction diagram NK 19-6, blocks numbered 489-491, 532-537, 574-576, 578-581, 618-627, 661-662, 664-671, 705-716, 749-761, 793-805, and 969-971; in protraction diagram NK 19-8, blocks numbered 37-40, 80-84, 124-127, and 168-169; in protraction diagram NK 19-9, blocks numbered 13-18, 58-63, 102-105, 107-108, 146-149, 151-152, 191-193, 195-197, 235-237, 240-242, 280-282, 284-286, 324-331, 368-376, 412-420, 456-465, 500-510, 543-554, 587-594, 596-599, 631-637, 640-644, 675-688, 718-733, 762-778, 805-821, 846-865, 887-891, 894-908, 930-950, and 972-994; in protraction diagram NK 19-10, blocks numbered 474-478, 516-524, 560-568, 604-612, 647-660, 692-704, 737-748, 787-792, 830-836, 873-880, 967-968, and 1011-1012; in protraction diagram NK 19-11, blocks numbered 621-632, 665-676, 700, 709-720, 744, 753-764, 785, 797-808, 825-827, 841-852, 856-860, 869, 890-905, 907-909, 929-931, 941-945, 947-949, 973-975, and 985-989; and in protraction diagram NK 19-12, blocks numbered 452-456, 495-499, 536-537, 539-541, 575-577, 579-582, 617-621, 623-624, 661-662, 664-665, and 705-706.

[SEC. 115. Section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334) is amended by adding at the end the following section:

“(j)(1) Any vessel, rig, platform, or other structure used for the purpose of exploration or production of oil and gas on the Outer Continental Shelf south of 49 degrees North latitude shall be built—

“(A) in the United States either by a United States chartered corporation or by a joint venture between a United States chartered corporation and a foreign corporation, with at least 50 per centum of total person hours expended in the United States; and

“(B) from articles, materials, or supplies at least 50 per centum of which by cost, shall have been produced or manufactured, as the case may be, in the United States.

“(2) The requirements of paragraph (1) shall not apply to any vessel, rig, platform, or other structure which was built, or for which a building contract has been executed, on or before October 1, 1989, and shall expire with respect to any vessel, rig, platform, or other structure for which either the bidding or award process has commenced on or after September 30, 1993.

“(3) The Secretary may waive—

“(A) the requirement in paragraph (1)(B) whenever the Secretary determines that 50 per centum of the articles, materials, or supplies for a vessel, rig, platform, or other structure cannot be produced or manufactured, as the case may be, in the United States; and

“(B) the requirement in paragraph (1)(A) upon application, with respect to any classification of vessels, rigs, platforms, or other structures on a specific lease, when the Secretary determines that at least 50 per centum of such classification, as calculated by number and by weight, which are to be built for exploration or production activities under such lease will be built in the United States in compliance with the requirements of paragraph (1)(A).”]

SEC. [116] 114. Notwithstanding any [prior] designation by the Secretary of the Interior [pursuant to section 17 of Public Law 100-440 (102 Stat. 1743)], the [Bureau of Mines] Office of Surface Mining Reclamation and Enforcement headquarters operation is to be relocated to Avondale, Maryland, no later than 90 days after the Administrator of General Services determines that design and alteration of the facility is completed: *Provided*, That no funds in this Act may be expended for the consolidation of the Office of Surface Mining, Reclamation, and Enforcement at the Avondale facility].

SEC. [117] 115. None of the funds made available by this Act may be used for the implementation or financing of agreements or arrangements with entities for the management of all lands, waters, and interests therein on Matagorda Island, Texas, which were purchased by the Department of the Interior with Federally appropriated amounts from the Land and Water Conservation Fund.

SEC. [118] 116. The provision of section [117] 115 shall not apply if the transfer of management or control is ratified by law.

[SEC. 119. Section 4(7)(D) of Public Law 100-497 (102 Stat. 2469) is amended by striking the words "1-year" and inserting after the first "Act" in the subsection "and continuing for 365 days from the date on which the Governor of a State provides written notice to Indian tribes which have requested compact negotiations, that the State has a duly authorized negotiator or negotiating team ready to commence compact negotiations with that tribe".]

SEC. [120] 117. None of the funds available under this title may be used to prepare reports on contacts between employees of the Department of the Interior and Members and Committees of Congress and their staff.

SEC. 118. Section 13 of Public Law 93-531, as amended (25 U.S.C. 640d-12), is hereby amended by inserting the word "and" after the semicolon at the end of subparagraph (b)(2), by striking out the semicolon and the word "and" after the word "subsection" at the end of subparagraph (b)(3) and inserting a period in lieu thereof, and by striking out all of subparagraph (b)(4): *Provided*, That section 32 of Public Law 93-531, as amended (25 U.S.C. 640d-30), is hereby amended by inserting after subsection (d) the following new subsection,

"(e) On September 1st of each year through September 1, 1995, the Navajo Tribe shall submit to Congress a report on how funds in the Navajo Rehabilitation Trust Fund will be expended to carry out the purposes described in subsection (d) of this section. A copy of this report will also be provided to the Office of Navajo and Hopi Indian Relocation." *Provided further*, That section 32 of Public Law 93-531, as amended (25 U.S.C. 640d-30), is further amended by redesignating subsection (e) as subsection (f), and by redesignating subsection (f) as subsection (g).

SEC. 119. Notwithstanding any other provision of law, after October 1, 1991, no vessel transporting petroleum, or liquid petroleum products, may enter any territorial waters of the United States for which there is a prohibition on Outer Continental Shelf pre-leasing studies, leasing, exploration or development.

TITLE II—RELATED AGENCIES DEPARTMENT OF AGRICULTURE

FOREST SERVICE FOREST RESEARCH

For necessary expenses of forest research as authorized by law, [\$149,435,000] \$142,392,000, to remain available until September 30, 1991.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others; and for forest pest management activities, [\$89,906,000] \$101,356,000, to remain available until expended, as authorized by law: *Provided*, That a grant of \$3,000,000 shall be made to the State of Minnesota for the purposes authorized by section 6 of Public Law 95-495: *Provided further*, That notwithstanding any other provision of law, a grant of \$3,600,000 shall be provided to the Washington State Parks and Recreation Commission for completion of the Spokane River Centennial Trail: *Provided further*, That a grant of \$6,000,000 shall be made to the National Arbor Day Foundation as a matching grant for the construction of the National Arbor Day Center in Nebraska City, Nebraska: *Provided further*, That a grant of \$150,000 shall be made to the Western Wood Products Technology Transfer Center.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", "Construction", and "Land Acquisition", [\$1,132,426,000] \$1,131,013,000, to remain available for obligation until September 30, 1991, and including 65 per centum of all monies received during the prior fiscal year as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601-6a): *Provided*, That appropriations in this account remaining unobligated at the end of fiscal year 1989, both annual and two-year funds, and which would otherwise be returned to the general fund of the Treasury, shall be merged with and made a part of the fiscal year 1990 National Forest System appropriation, and shall remain available for obligation until September 30, 1991.

FOREST SERVICE FIREFIGHTING

For necessary expenses for emergency rehabilitation, forest firefighting, fire suppression, and other emergency costs on National Forest System lands, \$556,139,000, to remain available until expended: *Provided*, That such funds are to be available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes.

CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, for construction, [\$222,199,000] \$245,094,000, to remain available until expended, of which [\$39,232,000] \$21,594,000 is for construction and acquisition of buildings and other facilities; and [\$182,967,000] \$223,500,000 is for construction of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205, of which \$1,500,000 shall be available for the Federal share of road reconstruction for the

purpose of improved access to the Monongahela National Forest, West Virginia, which shall be matched on an equal basis by non-Federal participants: *Provided*, That funds becoming available in fiscal year 1990 under the Act of March 4, 1913 (16 U.S.C. 501), shall be transferred to the General Fund of the Treasury of the United States: *Provided further*, That not to exceed \$112,000,000, to remain available until expended, may be obligated for the construction of forest roads by timber purchasers].

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, [\$61,988,000] \$45,013,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS

SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, \$1,068,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended, of which not to exceed 6 per centum shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND REQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), \$30,000 to remain available until expended, to be derived from the fund established pursuant to the above Act: *Provided*, That unexpended balances of amounts previously appropriated for this purpose under the heading "Miscellaneous trust funds, Forest Service" may be transferred to and merged with this appropriation for the same time period as originally enacted.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 185 passenger motor vehicles of which 11 will be used primarily for law enforcement purposes and of which 169 shall be for replacement only, of which acquisition of 132 passenger motor vehicles shall be from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to

exceed two for replacement only, and acquisition of 43 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (c) uniform allowances for each uniformed employee of the Forest Service, not in excess of \$400 annually; (d) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (e) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (f) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (g) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry in the United States Senate and the Committee on Agriculture in the United States House of Representatives.

Any appropriations or funds available to the Forest Service may be used for forest firefighting and the emergency rehabilitation of burned-over lands under its jurisdiction.

The appropriation structure for the Forest Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to reimburse employees for the cost of State licenses and certification fees pursuant to their Forest Service position and that are necessary to comply with State laws, regulations, and requirements.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Office of International Cooperation and Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

Funds previously appropriated for timber salvage sales may be recovered from receipts deposited for use by the applicable national forest and credited to the Forest Service Permanent Appropriations to be expended for timber salvage sales from any national forest, and for timber sales preparation to replace sales lost to fire or other causes, and sales preparation to replace sales inventory on the shelf for any national forest to a level sufficient to maintain new sales availability equal to a rolling five-year average of the total sales offerings, and for design, engineering, and supervision of construction of roads lost to fire or other causes associated with the timber sales programs described above: *Provided, That, notwithstanding any*

other provision of law, moneys received from the timber salvage sales program in fiscal year 1990 shall be considered as money received for purposes of computing and distributing 25 per centum payments to local governments under 16 U.S.C. 500, as amended.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 99-714.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to provide nonmonetary awards of nominal value to private individuals and organizations that make contributions to Forest Service programs.

Funds available to the Forest Service shall be available to conduct a program of not less than \$1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408.

Notwithstanding the provisions of the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301-6308), the Forest Service is authorized to negotiate and enter into cooperative arrangements with public and private agencies, organizations, institutions, and individuals to continue the Challenge Cost-Share Program.

None of the funds made available to the Forest Service in this Act shall be expended for the purpose of issuing a special use authorization permitting land use and occupancy and surface disturbing activities for any project to be constructed on Lewis Fork Creek in Madera County, California, at the site above, and adjacent to, Corlieu Falls bordering the Lewis Fork Creek National Recreation Trail until the studies required in Public Law 100-202 have been submitted to the Congress: *Provided, That any special use authorization shall not be executed prior to the expiration of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt of the required studies by the Speaker of the House of Representatives and the President of the Senate.*

Notwithstanding any other provision of law, the Secretary of the Treasury is directed to make available to the Secretary of Agriculture, to remain available until expended, all National Forest Fund timber receipts received by the Treasury during fiscal year 1989 from the harvesting of National Forest Timber in excess of \$920,000,000, the 1989 National Forest Fund timber receipts contained in the President's Budget proposal for fiscal year 1990: *Provided, [That such excess amount made available shall not exceed \$35,000,000: **Provided further,** That this estimate of 1989 receipts shall not be adjusted for the purposes of this section: **Provided further,** That such funds shall be made available during fiscal year 1990, and shall be in addition to any funds appropri-*

*ated in this Act: **Provided further,** That this transaction will [not affect, diminish, or otherwise alter] be made without reductions for the payments to be made in accordance with the provisions of the Act of May 23, 1908, as amended (16 U.S.C. 500) or the Act of July 10, 1930 (16 U.S.C. 577g): **Provided further,** That funds made available to the Secretary of Agriculture pursuant to this provision shall be used for the necessary expenses, including support costs of the National Forest System programs as follows: 6 per centum for National Forest trail maintenance; 4 per centum for National Forest trail construction; 20 per centum for wildlife and fish habitat management; 20 per centum for soil, water, and air management; 5 per centum for cultural resource management; 5 per centum for wilderness management; 10 per centum for reforestation and timber stand improvement; and 30 per centum for timber sales administration and management, including all timber support costs, for advanced preparation work for fiscal year 1991 and fiscal year 1992 timber sale offerings: **Provided further,** That not later than 30 days after the submission of the President's fiscal year 1991 budget, the Chief of the Forest Service shall provide a report to the House and Senate Committees on Appropriations on the final amount and distribution of funds made available under this section and shall include an assessment of National Forest resource outputs to be produced in fiscal year 1990, fiscal year 1991, and subsequent years, using funds made available under this section, and a comparison of the outputs achieved in fiscal year 1990 and proposed for fiscal year 1991, with the output levels for the program areas listed described in the Forest Service resource management plans in effect at the time of the report required by this section.*

Any money collected from the States for fire suppression assistance rendered by the Forest Service on non-Federal lands not in the vicinity of National Forest System lands shall be used to reimburse the applicable appropriation and shall remain available until expended as the Secretary may direct in conducting activities authorized by 16 U.S.C. 2101 (note), 2101-2110, 1606, and 2111.

Of the funds available to the Forest Service, \$1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

[Notwithstanding section 705(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 539d(a)), not more than \$48,535,000 of new appropriations shall be available for timber supply, protection and management, research, resource protection, and construction on the Tongass National Forest in fiscal year 1990: *Provided, That this funding limitation shall not include those funds available to the Forest Service as Trust Funds, Permanent Funds (other than the Tongass Timber Supply Fund), or Purchaser Road Construction.*]

Notwithstanding any other provision of the law, funds allocated by the Forest Service to a specific national forest for National Forest System trail construction; trail maintenance; wildlife and fish habitat management; soil, water, and air management; cultural resource management; wilderness management; reforestation and timber stand improvement; timber sales administration and management including all timber support costs shall be increased by 10 per centum on October 1, 1990, if the specific national forest attains the annual aver-

age ASQ in fiscal year 1990: *Provided, That these funds shall be made available in fiscal year 1991 from fiscal year 1990 timber receipts returned to the Federal Treasury and shall be available until expended: Provided further, That these funds are in addition to any other funds appropriated for these activities and can be merged into regular appropriated accounts: Provided further, That notwithstanding any other provision of law, the Secretary of the Treasury is directed to make available to the Secretary of Agriculture, upon request of the Secretary of Agriculture, to remain available until expended, all the necessary funds, including timber sale administration and management, timber support, and engineering costs for the preparation of timber sales through the completion of all field work activities for the timber sale volume found to be short of the target of having 125 per centum of the Average Annual Allowable Sale Quantity fully prepared for sale by the beginning of the fiscal year: Provided further, That the amount of volume necessary to have 125 per centum fully prepared are ready to be offered shall be fully documented as to status, reasons for the shortfall, and the total costs to complete through the field preparation phase: Provided further, That the analysis and total cost of the shortfall shall be submitted by the Secretary of Agriculture to the Appropriations Committees before the end of the first quarter of the fiscal year: Provided further, That the funds shall be made available to the Secretary of Agriculture from timber receipts received during the previous fiscal year: Provided further, That these funds shall not be made available before September 30, 1990: Provided further, That such funds shall be in addition to any other funds appropriated in this Act: Provided further, That this transaction will not affect, diminish, or otherwise alter payments to be made in accordance with the provisions of the Act of May 23, 1908, as amended (16 U.S.C. 500) or the act of July 10, 1930 (16 U.S.C. 577g): Provided further, That notwithstanding any other provision of law, the Forest Service is directed to compensate Davis Sheep Company, Montevideo, Idaho, reasonable expenses incurred as a result of mortality of permitted animals and moving permitted animals from one location to another as directed by the Forest Service: Provided further, That in no event should expenses be less than \$112,500: Provided further, That notwithstanding any other provision of law, any appropriations of funds available to the Forest Service may be used to disseminate program information by providing nonmonetary items of nominal value to private and public individuals and organizations.*

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

For necessary expenses of, and associated with, Clean Coal Technology demonstrations pursuant to 42 U.S.C. 5901 et seq., \$600,000,000 shall be made available on October 1, 1990, and shall remain available until expended, and \$600,000,000 shall be made available on October 1, 1991, and shall remain available until expended: *Provided, That projects selected pursuant to a separate general request for proposals issued pursuant to each of these appropriations shall demonstrate technologies capable of retrofitting or repowering existing facilities and shall be subject to all provisos contained under this head in Public Laws 99-190, 100-202, and 100-446 as amended by this Act: Provided further, That the general request for proposals using funds becoming*

available on October 1, 1990, under this paragraph shall be issued no later than June 1, 1990, and projects resulting from such a solicitation must be selected no later than February 1, 1991: *Provided further, That the general request for proposals using funds becoming available on October 1, 1991, under this paragraph shall be issued no later than September 1, 1991, and projects resulting from such a solicitation must be selected no later than May 1, 1992.*

The first paragraph under this head in Public Law 100-446 is amended by striking "\$575,000,000 shall be made available on October 1, 1989" and inserting "[**\$500,000,000**] \$325,000,000 shall be made available on October 1, 1989, [and shall remain available until expended, and **\$75,000,000**] \$100,000,000 shall be made available on October 1, 1990, and **\$150,000,000** shall be available on October 1, 1991, such sum to remain available until expended": *Provided, That these actions are taken pursuant to section 202(b)(1) of Public Law 100-119 (2 U.S.C. 909).*

With regard to funds made available under this head in this and previous appropriations Acts, unobligated balances excess to the needs of the procurement for which they originally were made available may be applied to other procurements for which requests for proposals have not yet been issued: *Provided, That for all procurements for which project selections have not been made as of the date of enactment of this Act no supplemental, backup, or contingent selection of projects shall be made over and above projects originally selected for negotiation and utilization of available funds: Provided, [further,] That reports on projects selected by the Secretary of Energy pursuant to authority granted under this heading which are received by the Speaker of the House of Representatives and the President of the Senate less than 30 legislative days prior to the end of the first session of the 101st Congress shall be deemed to have met the criteria in the third proviso of the fourth paragraph under the heading "Administrative provisions, Department of Energy" in the Department of the Interior and Related Agencies Appropriations Act, 1986, as contained in Public Law 99-190, upon expiration of 30 calendar days from receipt of the report by the Speaker of the House of Representatives and the President of the Senate or at the end of the session, whichever occurs later.*

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, [**\$422,660,000**] **\$407,090,000**, to remain available until expended, of which \$249,000 is for the functions of the Office of the Federal Inspector for the Alaska Natural Gas Transportation System established pursuant to the authority of Public Law 94-586 (90 Stat. 2908-2909), and of which [**\$3,500,000**] **\$4,000,000** shall be available for continued construction of DOE Fossil Energy building B26: *Provided, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.*

Of the funds herein provided, [**\$42,900,000**] **\$37,000,000** is for implementation of the June, 1984 multiyear, cost-shared magnetohydrodynamics program

targeted on proof-of-concept testing: *Provided further, That 35 per centum private sector cash or in-kind contributions shall be required for obligations in fiscal year 1990, and for each subsequent fiscal year's obligations private sector contributions shall increase by 5 per centum over the life of the proof-of-concept plan: Provided further, That existing facilities, equipment, and supplies, or previously expended research or development funds are not cost-sharing for the purposes of this appropriation, except as amortized, depreciated, or expensed in normal business practice: Provided further, That cost-sharing shall not be required for the costs of constructing or operating Government-owned facilities or for the costs of Government organizations, National Laboratories, or universities and such costs shall not be used in calculating the required percentage for private sector contributions: Provided further, That private sector contribution percentages need not be met on each contract but must be met in total for each fiscal year: Provided further, That section 303 of Public Law 97-257 is further amended by reducing the number for the headquarters organization of the Assistant Secretary for Fossil Energy to "not less than 100."*

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, \$192,124,000, to remain available until expended: *Provided, That sums in excess of \$510,000,000 received during fiscal year 1990 as a result of the sale of products produced from Naval Petroleum Reserves Numbered 1 and 3 shall be deposited in the "SPR petroleum account", to remain available until expended, for the acquisition and transportation of petroleum and for other necessary expenses.*

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, [**\$411,367,000**] **\$408,441,000**, to remain available until expended, including, notwithstanding any other provision of law, the excess amount for fiscal year 1990 determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502): *Provided, That \$200,000,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99-509 (15 U.S.C. 4507) and shall not be available until excess amounts are determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502): Provided further, That notwithstanding section 3003(d)(2) of Public Law 99-509 such sums shall be allocated to the eligible programs in the same amounts for each program as in fiscal year 1989: Provided further, That [**\$16,000,000**] **\$15,900,000** of the amount provided under this heading shall be available for continuing research and development efforts begun under title II of the Interior and Related Agencies portion of the joint resolution entitled "Joint Resolution making further continuing appropriations for the fiscal year 1986, and for other purposes", approved December 19, 1985 (Public Law 99-190), and implementation of steel and aluminum research authorized by Public Law 100-680: Provided further, That existing facilities, equipment, and supplies, or previously expended research or development funds are not acceptable as contributions for the purposes of this appropriation, except as amortized, depreciated, or expensed in normal business practice: Provided further, That the total Federal expenditure under this proviso shall be repaid up to*

one and one-half times from the proceeds of the commercial sale, lease, manufacture, or use of technologies developed under this proviso, at a rate of one-fourth of all net proceeds.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, \$18,300,000.

EMERGENCY PREPAREDNESS

For necessary expenses in carrying out emergency preparedness activities, \$6,641,000.

STRATEGIC PETROLEUM RESERVE

For expenses necessary to carry out the provisions of sections 151 through 166 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), \$194,999,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

For the acquisition and transportation of petroleum and for other necessary expenses under section 167 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), as amended by the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35), [\$319,407,000] \$227,820,000, to remain available until expended: *Provided*, [That outlays in fiscal year 1990 resulting from the use of these funds may not exceed \$263,000,000: *Provided further*,] That an additional [\$108,458,000] \$79,625,000 shall be made available until expended beginning October 1, 1990: *Provided further*, That notwithstanding 42 U.S.C. 6240(d) the United States' share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of to other than the Strategic Petroleum Reserve.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$65,232,000, of which \$1,000,000 for computer operations shall remain available until September 30, 1991, and \$2,000,000 for end use energy consumption surveys shall remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until

expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

The Secretary of Energy may transfer to the Emergency Preparedness appropriation such funds as are necessary to meet any unforeseen emergency needs from any funds available to the Department of Energy from this Act.

Notwithstanding 31 U.S.C. 3302, funds derived from the sale of assets as a result of defaulted loans made under the Department of Energy Alcohol Fuels Loan Guarantee program, or any other funds received in connection with this program, shall hereafter be credited to the Biomass Energy Development account, and shall be available solely for payment of the guaranteed portion of defaulted loans and associated costs of the Department of Energy Alcohol Fuels Loan Guarantee program for loans guaranteed prior to January 1, 1987.

Unobligated balances available in the "Alternative fuels production" account may hereafter be used for payment of the guaranteed portion of defaulted loans and associated costs of the Department of Energy Alcohol Fuels Loan Guarantee program, subject to the determination by the Secretary of Energy that such unobligated funds are not needed for carrying out the purposes of the Alternative Fuels Production program: *Provided*, That the use of these unobligated funds for payment of defaulted loans and associated costs shall be available only for loans guaranteed prior to January 1, 1987: *Provided further*, That such funds shall be used only after the unobligated balance in the Department of Energy Alcohol Fuel Loan Guarantee reserve has been exhausted.

Annual appropriations made in this Act and previous Interior and Related Agencies Appropriations Acts shall be available for obligations in connection with contracts issued by the Department of Energy for supplies and services for periods not in excess of twelve months beginning at any time during the fiscal year.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and XXV and sections 208 and 338G of the Public Health Service Act with respect to the Indian Health Service, including hire of passenger motor vehicles and aircraft; purchase of reprints; purchase and erection of portable buildings; payments for telephone service in private residences in the field, when authorized under regulations ap-

proved by the Secretary; [\$1,189,330,000] \$1,160,093,000, [including \$23,000,000 for conversion of tribal contracts and agreements to a calendar year basis as authorized by section 204(d)(1) of Public Law 100-472 (100 Stat. 2291),] together with payments received during the fiscal year pursuant to 42 U.S.C. 300cc-2 for services furnished by the Indian Health Service: *Provided*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121 (the Indian Sanitation Facilities Act): *Provided further*, That funds made available to tribes and tribal organizations through grants and contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall remain available until expended: *Provided further*, That [\$17,000,000] \$15,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund and contract medical care: *Provided further*, That of the funds provided, [\$4,000,000] \$2,000,000 shall be used to carry out a loan repayment program under which Federal, State, and commercial-type educational loans for physicians and other health professionals will be repaid at a rate not to exceed \$25,000 per year of obligated service in return for full-time clinical service: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available for two fiscal years after the fiscal year in which they were collected, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, construction of new facilities, or major renovation of existing Indian Health Service facilities): *Provided further*, That of the funds provided, \$2,500,000 shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act: *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under section 103 of the Indian Health Care Improvement Act and section 338G of the Public Health Service Act with respect to the Indian Health Service shall remain available for expenditure until September 30, 1991: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act and Public Law 100-713 shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended.

INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of portable buildings, and purchases of trailers; and for provision of domestic and community sanitation fa-

cilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, [\$75,420,000] \$65,941,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem equivalent to the rate for GS-18, and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902), and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided*, That none of the funds appropriated under this Act to the Indian Health Service shall be available for the initial lease of permanent structures without advance provision therefor in appropriations Acts: *Provided further*, That non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, if such care can be extended without impairing the ability of the facility to fulfill its responsibility to provide health care to Indians served by such facilities and subject to such reasonable charges as the Secretary of Health and Human Services shall prescribe, the proceeds of which, together with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-53), shall be deposited in the fund established by sections 401 and 402 of the Indian Health Care Improvement Act or in the case of tribally administered facilities, shall be retained by the tribal organization without fiscal year limitation: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That with the exception of Indian Health Service units which currently have a billing policy, the Indian Health Service shall not initiate any further action to bill Indians in order to collect from third-party payers nor to charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy: *Provided further*, That personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full-time equivalent level of the Indian Health Service by the elimination of temporary employees by reduction in force, hiring freeze or any other means without the review and approval of the Committees on Appropriations: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a

budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

DEPARTMENT OF EDUCATION OFFICE OF ELEMENTARY AND SECONDARY EDUCATION INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, the Indian Education Act of 1988, [\$74,149,000, of which \$55,041,000 shall be for subpart 1 and \$16,361,000 shall be for subparts 2 and 3: *Provided*, That \$1,600,000 available pursuant to section 5323 of the Act shall remain available for obligation until September 30, 1991] \$74,149,000, of which \$54,541,000 shall be for subpart 1 and \$16,861,000 shall be for subparts 2 and 3: *Provided*, That the amounts available pursuant to section 5323 of the Act shall remain available for obligation until September 30, 1991.

OTHER RELATED AGENCIES OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, \$36,818,000, to remain available until expended: *Provided*, That none of the funds contained in this or any other Act may be used to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10: *Provided further*, That unexpended balances of amounts previously appropriated for this purpose under the heading "Salaries and expenses, Navajo and Hopi Indian Relocation Commission" may be transferred to and merged with this appropriation and accounted for as one appropriation for the same time period as originally enacted.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by Public Law 99-498, as amended (20 U.S.C. 56, part A), [\$4,650,000] \$3,500,000, of which not to exceed \$350,000 for Federal matching contributions, to remain available until expended, shall be paid to the Institute endowment fund: *Provided*, That notwithstanding any other provision of law, the annual budget proposal and justification for the Institute shall be submitted to the Congress concurrently with the submission of the President's Budget to the Congress.

SMITHSONIAN INSTITUTION SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and pub-

lications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed ten years), and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; [\$231,981,000] \$223,029,000, of which not to exceed \$2,176,000 for the instrumentation program shall remain available until expended and, including such funds as may be necessary to support American overseas research centers and a total of \$125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, \$6,500,000, to remain available until expended.

REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed \$10,000 for services as authorized by 5 U.S.C. 3109, [\$26,869,000] \$26,653,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: *Provided further*, That unexpended balances of amounts previously appropriated for this purpose under the heading "Restoration and renovation of buildings, Smithsonian Institution" may be transferred to and merged with this appropriation and accounted for as one appropriation for the same time period as originally enacted.

CONSTRUCTION

For necessary expenses for construction, [\$12,900,000] \$7,550,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, the Institution is authorized to transfer to the State of Arizona, the counties of Santa Cruz and/or Pima, a sum not to exceed \$150,000 for the purpose of assisting in the construction or maintenance of an access to the Whipple Observatory.

NATIONAL GALLERY OF ART SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase,

repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase, or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, **[\$40,789,000] \$40,744,000**, of which not to exceed \$2,370,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, **[\$1,905,000] \$2,305,000**, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, **[\$4,611,000] \$4,700,000**.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and Humanities Act of 1965, as amended, **[\$144,205,000] \$143,005,000** shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act: *Provided*, That until October 1, 1994, none of the funds provided to the National Endowment for the Arts may be used for a direct grant to the Southeastern Center for Contemporary Art (SECCA) in Winston-Salem, North Carolina or for the Institute of Contemporary Art at the University of Pennsylvania.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$27,150,000, to remain available until September 30, 1991, to the National Endowment for the Arts, of which \$15,150,000 shall be available for purposes of section 5(l): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, **[\$134,630,000] \$126,550,000** shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, of which \$6,400,000 for the Office of Preservation shall remain available until September 30, 1991.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$26,700,000, to remain available until September 30, 1991, of which \$14,700,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, **[\$23,000,000] \$22,350,000**, including not to exceed \$250,000 as authorized by 20 U.S.C. 965(b): *Provided*, That the National Museum Services Board shall not meet more than three times during fiscal year 1990.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), **[\$516,000] \$494,000**.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (99 Stat. 1261; 20 U.S.C. 956a), as amended, **[\$5,000,000] \$5,500,000**: *Provided*, That Public Law 99-190 (99 Stat. 1261; 20 U.S.C. 956a), as amended, is amended further by striking "\$5,000,000" and inserting in lieu thereof "\$7,500,000".

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing an Advisory Council on Historic Preservation, Public Law 89-665, as amended, **[\$1,945,000] \$1,795,000**: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952

(40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, **[\$3,123,000] \$3,133,000**.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92-332 (86 Stat. 401), \$28,000 to remain available until September 30, 1991.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

For necessary expenses, as authorized by section 17(a) of Public Law 92-578, as amended, \$2,375,000, for operating and administrative expenses of the Corporation.

PUBLIC DEVELOPMENT

For public development activities and projects in accordance with the development plan as authorized by section 17(b) of Public Law 92-578, as amended, \$3,150,000, to remain available until expended.

LAND ACQUISITION AND DEVELOPMENT FUND

The Pennsylvania Avenue Development Corporation is authorized to borrow from the Treasury of the United States **[\$12,000,000] \$10,000,000**, pursuant to the terms and conditions in paragraph 10, section 6, of Public Law 92-576, as amended.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96-388, as amended, \$2,315,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

TITLE III—GENERAL PROVISIONS

Sec. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 302. No part of any appropriation under this Act shall be available to the Secretaries of the Interior and Agriculture for use for any sale hereafter made of unprocessed timber from Federal lands west of the 100th meridian in the contiguous 48 States which will be exported from the United States, or which will be used as a substitute for timber from private lands which is exported by the purchaser: *Provided*, That this limitation shall not apply to specific quantities of grades and species of timber which said Secretaries determine are surplus to domestic lumber and plywood manufacturing needs.

Sec. 303. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided*, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

Sec. 304. No part of any appropriation contained in this Act shall be available for

any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 305. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 306. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 307. None of the funds provided in this Act shall be used to evaluate, consider, process, or award oil, gas, or geothermal leases on Federal lands in the Mount Baker-Snoqualmie National Forest, State of Washington, within the hydrographic boundaries of the Cedar River municipal watershed upstream of river mile 21.6, the Green River municipal watershed upstream of river mile 61.0, the North Fork of the Tolt River proposed municipal watershed upstream of river mile 11.7, and the South Fork Tolt River municipal watershed upstream of river mile 8.4.

SEC. 308. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

SEC. 309. Employment funded by this Act shall not be subject to any personnel ceiling or other personnel restriction for permanent or other than permanent employment except as provided by law.

SEC. 310. Notwithstanding any other provision of law, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Energy, and the Secretary of the Smithsonian Institution are authorized to enter into contracts with State and local governmental entities, including local fire districts, for procurement of services in the pre-suppression, detection, and suppression of fires on any units within their jurisdiction.

SEC. 311. None of the funds provided by this Act to the United States Fish and Wildlife Service may be obligated or expended to plan for, conduct, or supervise deer hunting on the Loxahatchee National Wildlife Refuge.

SEC. 312. The Forest Service and Bureau of Land Management are to continue to complete as expeditiously as possible development of their respective Forest Land and Resource Management Plans to meet all applicable statutory requirements. Notwithstanding the date in section 6(c) of the NFMA (16 U.S.C. 1600), the Forest Service, and the Bureau of Land Management under separate authority, may continue the management of lands within their jurisdiction under existing land and resource management plans pending the completion of new plans. Nothing shall limit judicial review of particular activities on these lands: *Provided, however*, That there shall be no challenges to any existing plan on the sole basis that the plan in its entirety is outdated, or in the case of the Bureau of Land Management, solely on the basis that the plan does not incorporate information available subsequent to the completion of the existing plan: *Provided further*, That any and all particular activities to be carried out under existing plans may nevertheless be challenged.

[SEC. 313. None of the funds in this Act may be used to plan, prepare, or offer for

sale timber from trees classified as giant sequoia (*sequoiadendron giganteum*) which are located on National Forest System or Bureau of Land Management lands until an environmental assessment has been completed and the giant sequoia management implementation plan is approved. In any event, timber harvest within the identified groves will be done only to enhance and perpetuate giant sequoia. There will be no harvesting of giant sequoia specimen trees. Removal of hazard, insect, disease and fire killed giant sequoia other than specimen trees is permitted.]

SEC. [314] 313. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 314. Section 9(a)(3) of Public Law 100-580 (102 Stat. 2932) is amended by inserting after the term "Council," the following: "The Yurok Transition Team may receive grants and enter into contracts for Federal programs, including those administered by the Secretary of the Interior and the Secretary of Health and Human Services, with respect to Federal services and benefits for the tribe and its members. Such grants and contracts shall be transferred to the Yurok Interim Council upon its organization."

SEC. 315. The Forest Service is directed to assure an immediate supply of timber from the Kootenai National Forest and to protect the environment: *Provided*, That pending implementation of the Forest Service's final agency action on the Upper Yaak Decision Area, as defined in the Upper Yaak Draft Environmental Impact Statement, the Forest Service is directed to expeditiously sell and harvest timber from the lodgepole pine timber type, as defined in the Upper Yaak Draft EIS, in the Upper Yaak Decision Area: *Provided further*, That adequate environmental assessments for certain timber sales in the Upper Yaak Decision Area have been completed and are adequate, decision notices have been issued, no appeals have been filed, and the time period for appeals as specified in Forest Service regulations has expired: *Provided further*, That the Forest Service actions taken pursuant to this section shall comply with the Kootenai National Forest Plan: *Provided further*, That no construction of new system roads shall be permitted in the Upper Yaak River Drainage: *Provided further*, That this section does not in any manner represent a judgment upon the legal adequacy or in any way affect the final decision made in the development or implementation of the Upper Yaak Final EIS.

SEC. 316. Notwithstanding title 5 of the United States Code or any other provision of law, after September 30, 1984, rents and charges collected by payroll deduction or otherwise for the use or occupancy of quarters of agencies funded by this Act shall thereafter be deposited in a special fund in each agency, to remain available until expended, for the maintenance and operation of the quarters of that agency: *Provided*, That nothing contained herein shall prohibit an agreement between an Indian tribe or tribal organization and the Secretary of the Interior or the Secretary of Health and Human Services, pursuant to the Indian Self-Determination Act (25 U.S.C. 450 et seq.), under which such tribe or tribal organization may retain rents and charges collected by payroll deduction or otherwise for the use and occupancy of quarters and use such rents and charges for the operation, maintenance, and repair of such quarters.

SEC. 317. (a) From funds appropriated under this Act or otherwise made available—

(1) the Forest Service shall award, notwithstanding the provisions of the Federal Timber Contract Payment Modification Act of 1984 (16 U.S.C. 618 (a)(5)(C)), an aggregate timber sale level of 8 billion board feet of net merchantable timber from the national forests in Oregon and Washington for fiscal years 1989 and 1990. Such timber sales shall be consistent with legally valid land and resource management plans except, in the case of the Mapleton Ranger District of the Siuslaw National Forest, Oregon, shall be consistent with the preferred alternative of the draft land and resource management plan and accompanying draft environmental impact statement dated October 1, 1986: *Provided*, That of the 8 billion board foot aggregate timber sale level for fiscal years 1989 and 1990, timber sales awarded from the thirteen national forests in Oregon and Washington known to contain northern spotted owls shall meet an aggregate timber sale level for fiscal years 1989 and 1990 of 6 billion board feet of net merchantable timber; and

(2) the Bureau of Land Management shall award such volumes as are required in fiscal year 1990 to meet an aggregate timber sale level of 2 billion board feet for fiscal years 1989 and 1990 from its administrative districts in Western Oregon.

(b)(1) In accordance with subsection (b)(2) of this section, all timber sales from the thirteen national forests in Oregon and Washington known to contain northern spotted owls prepared pursuant to this section shall minimize fragmentation of the most potentially significant forest stands. "Potentially significant forest stands" are defined as meeting all the following criteria:

(A) that have at least eight trees per acre exceeding 300 years in age or 40 inches in diameter;

(B) that contain more than four snags per acre greater than 15 feet tall and greater than 24 inches in diameter; and

(C) that contain more than four downed trees per acre which are greater than 24 inches in diameter and are greater than 50 feet long.

(2) To the extent any fragmentation is necessary in order to meet the timber sale levels directed by subsections (a)(1) and (a)(2) of this section, the Forest Service and the Bureau of Land Management shall confine such fragmentation to the potentially significant forest stands which have been prioritized from the smallest to the largest on a forest-by-forest and district-by-district basis.

(3) The Forest Service is directed to thoroughly review the relationship between the minimal fragmentation criteria of subsections (b)(1) and (b)(2) of this section and the timber sales program for the Mr. Baker-Snoqualmie and Olympic National Forests. If these forests are unable to meet their proportional share of the allowable sale quantity under the minimal fragmentation criteria, then the Forest Service shall consult with the advisory boards established under subsection (c) of this section and the U.S. Fish and Wildlife Service as established under subsection (e) of this section to identify timber sales to meet the proportional allowable sale quantity, and shall prepare, advertise, offer and award these identified sales. Nothing in this subsection shall be deemed to alter the relationship between the Forest Service and the United States Fish and Wildlife Service under the conferencing process established under section 7(a)(4) of

the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(4), as amended).

(c) The Secretaries of the Interior and Agriculture shall name advisory boards on a forest-by-forest and district-by-district basis which shall be comprised of not more than thirteen individuals who, in the appropriate Secretary's judgement, equally represent a diversity of views. The advisory boards shall be named not later than November 1, 1989. The advisory boards shall assist the Forest Service and Bureau of Land Management in reviewing prospective timber sales which shall meet the timber sale levels directed by this section prior to their award. The members of the advisory boards authorized by this section shall serve without compensation or reimbursement of expenses.

(d) Notwithstanding any other provision of law, there shall be not more than one level of administrative appeal of any decision by the Forest Service and the Bureau of Land Management to undertake any activity directed by this section for timber sales to be prepared, advertised, offered, and awarded during fiscal year 1990 from the thirteen national forests in Oregon and Washington and public lands in western Oregon known to contain northern spotted owls. If an administrative stay is granted in any such appeal the Regional Forester or the Bureau of Land Management State Director shall issue a final decision on the merits within forty five days of the date of issuance of such stay.

(e) The United States Fish and Wildlife Service shall confer with the Forest Service and the Bureau of Land Management, and shall prepare and complete an advisory report which recommends to the Forest Service and the Bureau of Land Management criteria necessary to maintain the viability of the northern spotted owl. The Forest Service and Bureau of Land Management shall use, in their discretion, such of the criteria as they respectively deem appropriate in the preparation of timber sales on the thirteen national forests in Oregon and Washington known to contain northern spotted owls and public lands in western Oregon, respectively, during fiscal year 1990. Such report shall be completed and submitted to the Forest Service and Bureau of Land Management by November 1, 1989. The Forest Service and the Bureau of Land Management shall use this report, together with other relevant information, in the preparation, advertisement, offer, and award of the timber sales directed by this section.

(f)(1) If all parties to the lawsuits referenced in subsection (g)(1) of this section reach and enter into agreements accepted by the relevant courts not later than October 1, 1989, which allows the preparation, advertisement, offer, and award of at least 1 billion board feet of net merchantable timber from those timber sales enjoined on the national forests, and at least 250 million board feet of timber sales on Bureau of Land Management districts in western Oregon enjoined by the orders identified in subsection (g)(1) of this section, then such timber sales selected shall be prepared, offered, awarded and operated and shall not be subject to further judicial review by any court of the United States.

(2) If the agreements specified in subsection (f)(1) of this section is reached, then those timber sales listed in the court orders referenced in subsection (g)(1) of this section but not identified in the agreement in subsection (f)(1) of this section are hereby voided and shall not be offered for resale in fiscal year 1990.

(g)(1) In accordance with the provisions of subsections (b)(1), (b)(2), (b)(3), and (e) of this section, the Forest Service and Bureau of Land Management for fiscal year 1990 shall identify timber sales for preparation, advertisement, offer and award, which may include timber sales from among those listed in the court order dated March 24, 1989, as amended, in the captioned case *Seattle Audubon Society et al. v. F. Dale Robertson*, Civil Number 89-160, consolidated with *Washington Contract Loggers Assoc. et al. v. F. Dale Robertson*, Civil Number 89-99 (order granting preliminary injunction); the opinion entered on May 18, 1989 in *Portland Audubon Society et al. v. Manuel Lujan, Jr.*, Civil Number 87-1160-FR (order granting preliminary injunction), and shall consult with the parties of the aforementioned cases in identifying timber sales which were released so that the timber sale levels directed in subsections (a)(1) and (a)(2) of this section can be attained.

(2) After they are established, the Forest Service and Bureau of Land Management shall consider the recommendations of the advisory boards established pursuant to subsection (c) of this section regarding any timber sale to be awarded in fiscal year 1990 prior to the award of any subsequent timber sale. These recommendations shall be considered regardless of whether the agreements provided in subsection (f)(1) of this section have been reached, entered into, and accepted by the relevant courts.

(h)(1) If all parties to the lawsuits referenced in subsection (g)(1) of this section fail to reach and enter agreements as provided in subsection (f)(1) of this section, then such timber sales selected pursuant to subsections (g)(1) and (g)(2) of this section shall be prepared, advertised, awarded and operated notwithstanding any provision of law that is a basis for any stay, restraining order or injunction issued in a proceeding identified in subsection (g)(1) of this section.

(2) The Forest Service and Bureau of Land Management shall, for each respective timber sale, lift its own stay or apply to the appropriate court for the lifting of the restraining order or injunction whose basis has been withdrawn by this section.

(i) No restraining order, injunction, or void of sale shall be issued by any court of the United States in fiscal year 1990 with respect to any decision to prepare, advertise, offer and award timber sales from the thirteen national forests in Oregon and Washington and public lands in western Oregon known to contain northern spotted owls. The provisions of section 705 of title 5, United States Code shall not apply to any challenge to such a timber sale.

(j) The Forest Service, the Bureau of Land Management, and the United States Fish and Wildlife Service shall submit reports updating their findings and progress as determined by the process established in subsection (e) of this section on a monthly basis to the President of the Senate and the Speaker of the House for appropriate referral. Such reports shall be submitted as directed beginning on December 1, 1989, and ending on September 30, 1990.

(k) This section applies solely to the thirteen national forests in Region Six and Bureau of Land Management districts in western Oregon known to contain northern spotted owls. Nothing contained in this section shall be construed to require the Forest Service or Bureau of Land Management to develop similar policies on any other forest or district in Oregon and Washington.

(l) The advisory committees established under this section shall not be subject to the

Federal Advisory Committee Act (86 Stat. 770).

(m) The provisions of this section shall remain in effect until September 30, 1990.

SEC. 318. (a)(1) Hereafter, none of the funds appropriated by this Act or any other Act may be expended by the recipient of a Federal contract, grant, loan, or cooperative agreement to pay any person, directly or indirectly, for influencing or attempting to influence, directly or indirectly—

(A) an officer or employee of any agency in connection with any Federal action described in paragraph (2);

(B) a Member of Congress to introduce, consider, or otherwise act upon proposed legislation concerning any such Federal action; or

(C) an officer or employee of Congress or an employee of a Member of Congress to consider or otherwise act upon any such proposed legislation.

(2) The prohibition in paragraph (1) applies with respect to the following Federal actions:

(A) The awarding of any Federal contract.

(B) The making of any Federal grant.

(C) The making of any Federal loan.

(D) The entering into of any cooperative agreement.

(E) The extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(b)(1) Each person who requests or receives a Federal contract, grant, loan, or cooperative agreement from an agency or requests or receives from an agency a commitment providing for the United States to insure or guarantee a loan shall file with that agency, in accordance with paragraph (4)—

(A) a written declaration described in paragraph (2) or (3), as the case may be; and

(B) copies of all declarations received by such person under paragraph (5).

(2) A declaration filed by a person pursuant to paragraph (1)(A) with respect to a Federal contract, grant, loan, or cooperative agreement shall contain—

(A) a statement setting forth whether such person—

(i) has made any payment, using funds other than appropriated funds, which would be prohibited by subsection (a) if the payment were paid for with appropriated funds; or

(ii) has agreed to make any such payment; (B) with respect to each such payment (if any) and each such agreement (if any)—

(i) the name and address of each person paid, to be paid, or reasonably expected to be paid;

(ii) the name and address of each individual performing the services for which such payment is made, to be made, or reasonably expected to be made;

(iii) the amount paid, to be paid, or reasonably expected to be paid;

(iv) how the person was paid, is to be paid, or is reasonably expected to be paid; and

(v) the activity for which the person was paid, is to be paid, or is reasonably expected to be paid; and

(C) a certification that the person making the declaration has not made, and will not make, any payment prohibited by subsection (a).

(3)(A) A declaration filed by a person pursuant to paragraph (1)(A) with respect to a commitment providing for the United States to insure or guarantee a loan shall contain a statement setting forth whether such

person has made or agreed to make any payment, directly or indirectly, to influence or attempt to influence, directly or indirectly—

(i) an officer or employee of any agency in connection with any Federal action described in subparagraph (B);

(ii) a Member of Congress to introduce, consider, or otherwise act upon proposed legislation concerning any such Federal action; or

(iii) an officer or employee of Congress to consider or otherwise act upon any such proposed legislation.

(B) The Federal actions referred to in subparagraph (A) are the following:

(i) The insuring and guaranteeing of any loan by the Federal Government.

(ii) The extension, continuation, renewal, amendment, or modification of any loan insurance, loan guaranty, or commitment providing for the United States to insure or guarantee a loan.

(4) A person referred to in paragraph (1)(A) shall file a declaration referred to in that paragraph—

(A) with each submission by such person that initiates agency consideration of such person for award of a Federal contract, grant, loan, or cooperative agreement, or for grant of a commitment providing for the United States to insure or guarantee a loan;

(B) upon receipt by such person of a Federal contract, grant, loan, or cooperative agreement or of a commitment providing for the United States to insure or guarantee a loan; and

(C) immediately upon the occurrence of any event that affects the accuracy of the information contained in any declaration previously filed by such person in connection with such Federal contract, grant, loan, cooperative agreement, loan insurance commitment, or loan guaranty commitment.

(5) Any person who requests or receives from a person referred to in paragraph (1) a subcontract under a Federal contract, a subcontract under a Federal grant, a contract or subcontract to carry out any purpose for which a particular Federal loan is made, or a contract under a Federal cooperative agreement shall be required to file with the person referred to in such paragraph a written declaration referred to in clause (A) of such paragraph.

(6) The head of each agency shall collect and compile the statements filed under this subsection and, on April 30 and October 31 of each year, beginning in 1990, submit to the Secretary of the Senate and the Clerk of the House of Representatives a report containing a compilation of the statements received during the six months preceding the month in which the report is submitted. The report, including the compilation, shall be available for public inspection.

(7) The Director of the Office of Management and Budget shall notify the head of each agency that this section is to be complied with immediately upon enactment. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall issue guidance for agency implementation of, and compliance with, the requirements of this section.

(c)(1) Any person who makes an expenditure prohibited by subsection (a) shall be subject to a civil penalty of \$100,000 for each such expenditure.

(2)(A) Any person who fails to file or amend a declaration required to be filed or amended under subsection (b) shall be subject to a civil penalty of \$100,000 for each such failure.

(B) A filing of a declaration or a declaration amendment on or after the date on which an administrative action for the imposition of a civil penalty under this subsection is commenced does not prevent the imposition of such civil penalty for a failure occurring before that date. For the purposes of this subparagraph, an administrative action is commenced with respect to a failure when an investigating official determines in writing to commence an investigation of an allegation of such failure.

(3) Sections 3803 (except for subsection (c)), 3804, 3805, 3806, 3807, 3808, and 3812 of title 31, United States Code, shall be applied to the imposition and collection of civil penalties under this subsection.

(4) An imposition of a civil penalty under this subsection does not prevent the United States from seeking any other remedy that the United States may have for the same conduct that is the basis for the imposition of such civil penalty.

(5) The head of an agency awarding a contract to, making a grant to, making a loan to, or entering into a cooperative agreement with any person, or making a commitment to any person to insure or guarantee a loan, may terminate or cancel such contract, grant, cooperative agreement, loan, loan insurance, or loan guaranty on the basis of any violation of the requirements of subsection (a) or (b) by that person in connection with that contract, grant, cooperative agreement, loan, loan insurance, or loan guaranty.

(d)(1) The official of each agency referred to in paragraph (3) shall submit to Congress each year an evaluation of the compliance of that agency with, and the effectiveness of, the requirements imposed by this section on the agency, persons requesting or receiving Federal contracts, grants, loans, or cooperative agreements from that agency, and persons requesting or receiving from that agency commitments providing for the United States to insure or guarantee loans. The report shall be submitted at the same time the agency submits its annual budget justifications to Congress.

(2) The report of an agency under paragraph (1) shall include the following:

(A) All alleged violations of the requirements of subsections (a) and (b), relating to the agency's Federal actions referred to in such subsections, during the year covered by the report.

(B) The actions taken by the head of the agency in such year with respect to those alleged violations and any alleged violations of subsections (a) and (b) that occurred before such year, including the amounts of civil penalties imposed by the head of such agency in such year, if any.

(C) The Federal contracts, grants, loans, cooperative agreements, loan insurance, and loan guaranties canceled, terminated, or considered or being considered for cancellation or termination under subsection (c)(5).

(3) The Inspector General of an agency shall prepare and submit the annual report of the agency required by paragraph (1). In the case of an agency that does not have an inspector general, the agency official comparable to an inspector general shall prepare and submit the annual report, and, if there is no such comparable official, the head of the agency shall prepare and submit such annual report.

(e)(1)(A) Subsection (a)(1) does not apply in the case of a payment of reasonable compensation made to an officer or employee of a person requesting or receiving a Federal contract, grant, loan, or cooperative agree-

ment to the extent that the payment is for agency and legislative liaison activities not directly related to a Federal action referred to in subsection (a)(2).

(B) Subsection (a)(1)(A) does not prohibit any reasonable payment to a person for professional or other technical services rendered in connection with meeting requirements imposed by or pursuant to law as a condition for receiving a Federal contract, grant, loan, or cooperative agreement.

(C) Nothing in this paragraph shall be construed as permitting the use of appropriated funds for making any payment prohibited in or pursuant to any other provision of law.

(2) The reporting requirements in subsection (b) shall not apply to any person with respect to—

(a) payments of reasonable compensation made to regularly employed officers or employees of a person requesting or receiving a Federal contract, grant, loan, or cooperative agreement or a commitment providing for the United States to insure or guarantee a loan;

(B) a request for or receipt of a Federal contract, grant, or cooperative agreement that does not exceed \$50,000; and

(C) a request for or receipt of a loan, or a commitment providing for the United States to insure or guarantee a loan, that does not exceed \$150,000.

(3) This section does not apply with respect to Federal contracts, grants, loans, cooperative agreements, loan insurance commitments, and loan guaranty commitments that are entered into or made before the date of the enactment of this Act.

(f) The head of each Federal agency shall take such actions as are necessary to ensure that the provisions of this section are vigorously implemented and enforced in such agency.

(g) As used in this section:

(1) The term "recipient", with respect to funds received in connection with a Federal contract, grant, loan, or cooperative agreement, includes the contractors, subcontractors, or subgrantees (as the case may be) of the recipient.

(2) The term "agency" has the same meaning provided for such term in section 552(f) of title 5, United States Code.

(3) The term "person" includes an individual, corporation, company, association, authority, firm, partnership, society, State, or local government.

(4) The term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, an agency or instrumentality of a State, and a multi-State, regional, or interstate entity having governmental duties and powers.

(5) The term "local government" means a unit of government in a State and, if chartered, established, or otherwise recognized by a State for the performance of a governmental duty, the following entities:

(A) A local public authority.

(B) A special district.

(C) An intrastate district.

(D) A council of governments.

(E) A sponsor group representative organization.

(F) Any other instrumentality of a local government.

(6)(A) The terms "Federal contract", "Federal grant", "Federal cooperative agreement" mean, respectively—

(i) a contract awarded by an agency;

(ii) a grant made by an agency or a direct appropriation made by law to any person; and

(iii) a cooperative agreement entered into by an agency.

(B) Such terms do not include—

(i) direct United States cash assistance to an individual;

(ii) a loan;

(iii) loan insurance; or

(iv) a loan guaranty.

(7) The term "Federal loan" means a loan made by an agency. Such term does not include loan insurance or a loan guaranty.

(8) The term "reasonable payment" means, with respect to professional and other technical services, a payment in an amount that is consistent with the amount normally paid for such services in the private sector.

(9) The term "reasonable compensation" means, with respect to a regularly employed officer or employee of any person, compensation that is consistent with the normal compensation for such officer or employee for work that is not furnished to, not funded by, or not furnished in cooperation with the Federal Government.

(10) The term "regularly employed", with respect to an officer or employee of a person requesting or receiving a Federal contract, grant, loan, or cooperative agreement or a commitment providing for the United States to insure or guarantee a loan, means an officer or employee who is employed by such person for at least 130 working days within one year immediately preceding the date of the submission that initiates agency consideration of such person for receipt of such contract, grant, loan, cooperative agreement, loan insurance commitment, or loan guaranty commitment.

The PRESIDING OFFICER. The Senator from West Virginia, the chairman of the committee, is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc with the exception of those amendments pertaining to section 119, the oil tanker, and section 112, the oil OCS leasing off New Jersey; that they be considered as original text for the purpose of further amendment; and that no points of order be waived thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to en bloc, except amendments pertaining to section 112 and section 119.

Mr. BYRD. Mr. President, it is my pleasure, as chairman of the Senate Committee on Appropriations, to bring before the Senate today the first of 13 fiscal year 1990 appropriations bills. I am especially pleased that this first bill comes from my Department of Interior and Related Agencies Appropriations Subcommittee.

It is my hope that immediately after the disposition of the Interior bill the Senate will proceed to the consideration of the energy and water development bill and then move to the Agriculture and related agencies appropriations bill. However, this, of course, is a matter that is for the majority leader to decide. He has to consider what other measures are pending and

need to be discussed and acted upon. So that is his jurisdiction. But I simply say that those two other bills will be ready once this bill is disposed of.

Since receiving the House Interior appropriations bill on July 12, the Appropriations Committee has moved swiftly to present this bill for Senate consideration. The subcommittee markup occurred on the day before yesterday. The full committee markup occurred on yesterday. I thank the majority leader and I thank the Republican leader for arranging for unanimous consent so that both the 1-day rule and the 2-day rule would not prevent the calling up of this bill today.

The bill before the Senate today represents careful and diligent examination of the budget requests proposed by the President. The subcommittee held 16 hearings involving 31 agencies. The subcommittee received oral and written testimony from 169 individuals, companies, tribes, clubs, associations, States, and towns. The subcommittee received 2,009 amendment requests prior to July 14. That is the most amendments that any subcommittee has received and that is historically, I think, true. Since that time, perhaps another few hundred requests arrived too late to be fully considered by the subcommittee.

I am proud of the funding recommendations made by the committee in this Interior bill. I think it is a good bill that contributes substantially to the health and the well-being of citizens throughout America. The Interior appropriation bill has jurisdiction over the land management funding for approximately one-third of the United States land mass. The bill raises more revenue than does any other appropriation bill, with the exception of the Treasury-Postal Service bill which funds the operation of the Internal Revenue Service.

This year, for example, it is estimated that agencies under the subcommittee jurisdiction will raise a total of \$7.7 billion in receipts for the U.S. Treasury. The Senate Interior appropriation bill raises these revenues and takes care of its vast responsibilities on substantially less money than is recommended in the House-passed version.

We are approximately \$400 million less than the House in budget authority and \$80 million less in outlays. Mr. President, we are less because, as the chairman of Appropriations Committee and chairman of the Subcommittee on the Department of the Interior and Related Agencies appropriations bill, I said, let us be an example. Business cannot be as usual. We are going to have to tighten our belts. And I would say that this year is just a start. Next year, it may be more difficult.

But I gave up \$400 million of budget authority as we set out our allocations,

and I gave \$300 million of that to the Subcommittee on Commerce, Justice because that committee has a very large part of the responsibility for funding the war on drugs, drug abuse, and law enforcement. And I gave up \$80 million in outlays. I was not asked to. I volunteered to do that so that the committee would have more budget authority, more outlays than it would otherwise have had, to try to set the example of some degree of austerity, hoping that other subcommittees will take the cue, as well.

Mr. McCLURE. Will the Senator yield for a question? I hate to interrupt him in his presentation.

Mr. BYRD. Yes.

Mr. McCLURE. But there was a little confusion about the action taken on the committee amendments. You referred to section 112, and there was section designation change. The question is whether it dealt with section 112 in the bill as sent to us or section 112 following the committee action, I understand it to be the latter, but I wanted to make certain.

Mr. BYRD. Yes, it was the latter. Section 112 of the bill, the House bill as reported by the Senate committee, the OCS leasing off New Jersey.

Mr. McCLURE. I thank the Senator. I apologize for the interruption, but the staff was unsure as to which amendments had been adopted.

Mr. BYRD. The Senator owes no apology. I appreciate the opportunity to clarify the matter.

Let me mention a few brief highlights of the bill. But before I do, let me say that the committee-reported bill contains a total of \$10,495,782,000 in discretionary budget authority and an estimated \$10,270,009,000 in outlays. In budget authority, the recommendations are \$24 million—I hope all Senators, if they do not hear this now, that they will understand it later—in budget authority, the recommendations are \$24 million, or just a very thin shade under the 302(b) ceiling. So if we had not given up \$400 million, we would have a little better than just a thin shade. But \$24 million, just a shade under the 302(b) ceiling. And based on preliminary scoring from the Congressional Budget Office—get this, my colleagues—the subcommittee is just over its outlay ceiling—to all those Senators and staffs who may be thinking about offering amendments to this bill, adding moneys—the subcommittee is just over its outlay ceiling by \$9,000.

So perhaps one may think that Senator BYRD should be having second thoughts now about having given up \$80 million in outlays from his subcommittee. But I am not having second thoughts. I think we will find the \$9,000, but I just hope Senators will not make it more difficult by calling up amendments now, asking for

more money, more money. But they have a right to do that. Senators have a right to do that and I recognize that.

I will take just a moment to note that these recommendations that are going to be presented have been worked on in a bipartisan manner with the ranking Republican member, Senator McClure. He has been most cooperative. I have enjoyed working with him as this Interior bill has progressed through the committee. He has a very detailed knowledge of the bill.

He has served as chairman of the subcommittee in the past. He has served as ranking minority member over many years. And he has given his attention assiduously over those years to this bill and he is very knowledgeable of the bill, of the issues, of the policies; may I say, far more knowledgeable than I. Because in all those years when I was chairman of the subcommittee and the years when I was ranking minority member, I was on this floor, standing right in this place where I am now standing, giving my attention to my job as the majority leader of the Senate or minority leader of the Senate, whichever was the case. I had both experiences.

So I was not able to attend the subcommittee hearings in the years past, as was the distinguished Senator from Idaho. And I now feel the effects of that. He certainly has a great knowledge of this, where I am immensely lacking. It will take some time to get into the ball game, much less ever catch up with his knowledge.

But he has been of great assistance. It has been a pleasure to work with him.

Now let me mention a few great and bright highlights of the bill.

The subcommittee recommended significant increases for maintenance funding and operations funding for a number of the public land management agencies.

Conversely, the recommendation includes substantially lower funding for new land acquisition for Federal agencies.

The total in this bill is \$187 million for land acquisition, which is down \$19 million below the President's request.

I believe that this reduction is appropriate and necessary, so that we can maintain our existing facilities at an adequate level before we take on additional lands which in turn would place additional burdens on our operations and maintenance budgets.

Section 317 of the committee bill contains language which provides for the timber program in the Pacific Northwest to continue while taking measures to address protection of the spotted owl and old-growth forests.

With respect to the National Endowment for the Arts, the recommendation includes reduction of \$45,000, the same as the House. This reduction reflects the amount of money provided

for the two controversial arts organizations.

Also, bill language has been included which would prevent these two organizations from receiving grant funding from the Endowment for the next 5 years. Furthermore, \$100,000 has been earmarked for the National Endowment for the Arts to contract with a third party to review the process by which it makes grants to artistic organizations.

The recommendation includes all Outer Continental Shelf leasing and drill prohibitions that are contained in the House bill. However, preleasing studies moratoria included in the House bill have been deleted for all areas, except George's Bank.

The bill contains a provision in section 119 which would prevent the shipment of oil through areas that are under an oil leasing moratorium.

Last, Mr. President, I wish to call the attention of the Senate to section 318 of the bill, which includes my truth-in-lobbying amendment.

The ethical crisis of American Government has many facets, all of which contribute to declining public confidence in public officials. One area of concern has been erosion of respect for the law, highlighted by the Iran arms-for-hostages scandal. Another is the use of money to influence congressional legislation and executive branch decisionmaking in order to steer government largess toward particular interests. The behavior of officials in both Congress and the executive, as well as highly questionable practices in DOD, HUD, EPA, and other agencies all point to a crying need for sustained reform.

In recent months, there has been a constant stream of news articles relating to lobbyists who exert undue influence to steer the executive branch decisionmaking process away from merit selection and toward political favoritism; or who collect exorbitant fees to create projects and have them earmarked in appropriation bills and reports for the benefit of their clients, oftentimes before the prospective recipients have filed their application for such grants.

Projects are created by someone else, by lobbyists, the appropriations are gotten for the projects and then the prospective recipients are helped and assisted in filling out their applications.

In other words, just the reverse of the way it is supposed to operate.

We are all familiar with daily news accounts about abuses that took place at HUD during the past several years—abuses that allowed development firms with the "right" lobbyists to secure loans, and loan guarantees, et cetera, which never should have been granted.

In programs at HUD where applicants were supposed to compete for

limited resources, these well-connected lobbyists apparently were able to get their projects approved without regard to merit. The recommendations of knowledgeable individuals at HUD who had the responsibility to recommend approval or disapproval of these projects were not followed by high-level political appointees, in direct violation of the intent of regulations that required competition and objectivity in the selection of these housing projects.

A recent audit by the inspector general at HUD found that only 204 of the more than 3,000 public housing authorities eligible to receive funding for moderate rehabilitation were selected during a 5-year period, and that 10 States received more than half of the allocations. Under normal HUD guidelines, those States' "fair-share need" would have averaged only 16 percent of total funding.

During this 5-year period, West Virginia, and many other States, had their applications turned down, while political greasemonkeys were having no difficulty getting projects approved by completely bypassing HUD regulations.

Secretary Kemp, to his credit, has moved aggressively to put an end to these abuses, which, he said, have cost the taxpayers as much as \$1 billion.

I heard him even this morning talking about this on television.

But the problem does not stop with the executive branch.

There are also accounts of lobbyists who create projects that receive earmarked appropriations.

The perception is growing that the merit of a project, grant, or contract awarded by the Government has fallen into a distant second place to the moxie and clout of lobbyists who help spring the money out of appropriation bills for a fat fee. As the new chairman of the Senate Appropriations Committee, I have become concerned at the possibility that this practice is widespread.

Inside the Beltway, everyone knows how the game is played. These influence peddlers sell themselves as hired guns to the highest bidder. They claim that they know the password to the backdoors on Capitol Hill. They tout their prowess at being able to deliver the goodies.

They say, if you do not believe we can do it, just take a look at our track record. They are arrogant about their ability to shake the appropriations money tree—for a fat fee.

Every Senator in this body ought to be repulsed by the perception that we will dole out the bucks if stroked by the right consultant.

I urge every Senator to join me in trying to arrest the perception that the accounts of the U.S. Treasury are on the auction block. This provision is

my attempt to put a cement block in the gears and sand in the gas tank of the machinery of influence peddling. The time has come to junk the practice once and for all.

This is not a bill against lobbying.

Ironically, in my own experience, I have found the beneficiary of a worthy Federal grant usually argues his own case best. He really has no need for the consultant, but a conventional wisdom seems to have developed that high-powered consultants in Washington have some secret procedure to get to the Government cash-box. Unable to make a confident assessment of the value of this service, the Washington outsider feels compelled to hire the rainmaker as an important hedge for success.

As far as the Congress is concerned, there is truth in this proposition only to the extent that Americans have lost faith in the good judgment and hard work of the public officials whom they have elected. There is no one who can better argue his case for the worthiness of a grant or contract than he who is destined to get it, and there is no one who will work harder to represent that beneficiary than the official whose reelection depends on this kind of performance.

In response to this problem, I offered an amendment which was unanimously adopted in the Interior Appropriations Subcommittee, which I chair, and the full Appropriations Committee. This amendment, which is included in the bill as section 317, will, upon enactment, preclude the use of Federal funds to pay persons, either directly or indirectly, to influence or attempt to influence executive or legislative decisionmaking in connection with the awarding of any Federal grant, contract, loan, or cooperative agreement.

There is nothing wrong with hiring lobbyists, but the taxpayer should not have to pick up the check. Further, even when tax dollars are not used to pay lobbyists, the awarding of Federal contracts, and so forth, on any basis other than merit is not in the best interests of the country and should not be tolerated.

This legislation will provide Congress with a list of all lobbyists paid with non-Federal funds, how they were paid, and the services performed in connection with all Federal grants, contracts, cooperative agreements, loans, loan guarantees, or loan insurance. All agencies will be required to file, on a semiannual basis beginning on April 30, 1990, such information with the Secretary of the Senate and the Clerk of the House.

The provision also authorizes civil penalties of \$100,000 for each violation of the provision on the use of Federal funds to pay lobbyists, and \$100,000 for each failure to report the information required when lobbyists are paid

with non-Federal funds. In addition, the heads of agencies would be authorized to cancel or terminate any contracts, grants, cooperative agreements, loans, loan guarantees, or loan insurance made with persons who violate these provisions.

It will not, however, prohibit reasonable payments to consultants for professional or other technical services in connection with meeting the agency requirements for receiving Federal grants, contracts, loans, or cooperative agreements.

The Office of Management and Budget, immediately upon enactment of this legislation, will be required to inform all agencies that these provisions are to be compiled with upon enactment. OMB will also have 60 days after the date of enactment to issue guidance for agency implementation of this legislation.

Finally, each year in connection with the submission of their budgets, the inspectors general of all Federal agencies, or their equivalents, will be required to report on compliance with these provisions and to recommend any changes that may be necessary to strengthen the provisions.

The applicability of these provisions is limited to programs under the jurisdiction of the Appropriations Committee—Federal grants, contracts, loans, loan guarantees, and loan insurance because moneys for these flow from the Appropriations Committee of the two Houses. They fund the legislation as authorized. It does not apply to the activities of the lobbyists in dealing with matters coming within the jurisdiction of committees other than the Appropriations Committee.

The American people are fed up. We have too little funding to go around for many critical programs. As the HUD scandals have so amply demonstrated, we cannot afford to have scarce resources frittered away on wasteful projects, simply because they are being promoted by well-connected lobbyists.

The erosion of the public trust in government officials, and, indeed, trust in the entire government structure will continue if steps are not taken to curb rampant abuses such as those that we have seen at HUD and in the activities of certain consultants. This provision is an attempt to clean up in my area of jurisdiction; meaning the Appropriations Committees in both Houses. I believe it is a strong start.

In closing, Mr. President, I would like to thank Jim English and Mary Dewald, of the full committee staff, for their continuing assistance. I would particularly like to thank my Interior Appropriations Subcommittee staff: Charlie Estes, Sue Masica, Rusty Mathews, Shannon Skripka, as well as Jeff Cilek and Debbie Rieman, from the minority staff. A special thanks

goes to Mr. Dan Salisbury, who has served the subcommittee on detail from the executive branch. His contribution to the organization and noted by this chairman. I thank all the individuals whom I have named. They have put in long hours to make it possible for us to be able to consider this bill today.

Mr. President, I yield the floor.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. I thank the Chairman very much for the comments he made in his remarks on my activities in behalf of this bill and in bringing this bill to the floor.

I must protest one thing at the outset. While you have been removed from the detail of the bill over a long period of time, you certainly have given detailed attention to the bill since returning to the Appropriations Committee full time and the activities of this subcommittee. It is obvious to me that you have done your homework, your staff is competent in assisting you in dealing with the detail, and I think the bill benefits from your very close attention to the detail. It is evident to those of us who worked with you and with this legislation that, indeed, the comments I have just made are true.

Mr. BYRD. Mr. President, I thank my friend.

Mr. McCLURE. I thank the Senator. He has been immensely helpful in the process, and I very much appreciate it. I think I can state from past experience that it is an extremely difficult task. There seems to be no end to the requests from individual Members for changes or additions to the bill. I hope that all Members of the Senate recognize and appreciate your efforts on behalf of their interests and that of the Senate.

Let me take just a moment to display the difficulty this subcommittee faces. According to the CBO, the current services base for discretionary spending for the subcommittee is \$10.9 billion in budget authority. The allocation for discretionary spending of the subcommittee is \$10.5 billion in budget authority.

I want to put that into an appropriate context because not every cut around here is a cut from past practice. It is a cut to the size of the increase, but \$400 million is a significant departure from the normal practice in this body with respect to appropriations matters. I commend the chairman for having undertaken the task of bringing more discipline to this committee. I just wish we could do that across the entire panoply of appropriations.

Since the President's budget request was released earlier this year, this subcommittee has received over 2,000 re-

quests from Members of the Senate for items which are not in the budget. This is an increase over fiscal year 1989 when we had 1,700 requests from Members, and as little as 5 years ago, we were in the range of 500 or 600 requests from individual Members.

The chairman has done an excellent job in assembling the priorities of the subcommittee, as well as merging the requests of the Members. Simply put, our allocation does not allow us to fund all of these requests.

The Congressional Budget Office is in the process of scoring the bill, and we get more information and reaction from them almost hourly, but certainly I would underscore what the chairman has said how close we are both on budget authority and on outlays. There is no room to make many changes upward on BA and we obviously have no room at all on outlays. These numbers could change as CBO continues their analysis, but it is clear that amendments, if they are offered, will have to have offsets.

Mr. President, I would also like to compliment the Senator from West Virginia for the legislative effort which he has given to this question of the activities of lobbying for grants. Since the amendment was adopted in the subcommittee and there has been the opportunity for a number of people to look at it, and of course we received comments why it is not right, why it goes too far, why it misses the mark in some respect.

In every instance that I have had those comments I have invited the persons who made the comments to come forward and identify precisely what their problem is, what they think the solution should be; if, indeed, there is a legitimate problem, we would address it. So far I have received no specific language change request.

We may before we have finished this bill, either on the floor today or in conference with the other body, receive those comments. I want to assure everyone that we will listen very carefully to those comments when received, analyze them and if, indeed, it appears they are right we will attempt to make the adjustments. So far as I can tell no one yet has shown the specific ways in which that legislative effort should be changed.

Mr. President, again I wish to thank staff on both sides, not only the minority staff, with whom I work very closely, but majority staff, with whom we work equally close. It has been a very good working relationship. In the years that I have been either the ranking member or chairman of this subcommittee, it has always been a bipartisan effort and that makes the task doable and certainly much more easy.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, I again thank the distinguished Senator from

Idaho, the ranking member of the Interior Appropriations Subcommittee, for his kind remarks. I again thank him for his understanding, his patience and his cooperation.

Mr. President, the bill is open for amendment.

AMENDMENT NO. 409

Mr. SIMON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection the excepted committee amendments will be set aside. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 409.

Mr. SIMON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At an appropriate place in the measure, add:

The Secretary shall report back to Congress within 90 days with recommendations of what steps should be taken to further research on finding an inexpensive means of converting salt water to fresh water.

Mr. SIMON. Mr. President, one of the things everyone agrees, as we look long term, we are going to have to do is find an inexpensive way to convert salt water to fresh water. I had an amendment adopted some months ago asking the White House to designate a lead agency. The Interior Department was designated as the lead agency. I have met with the Secretary of the Interior, Mr. Manuel Lujan, our former colleague in the House, and he has expressed an interest in this area.

This amendment simply asks the Secretary to report back to Congress within 90 days as to what should be done to further this important area that ultimately is extremely important to civilization itself.

As you look at what is happening, our population is going up. Our water resources are going down. Now, you do not need to be a prophet to understand we are headed for some real problems.

This is an amendment that I believe is acceptable both to Senator BYRD and Senator McCURE, and I hope we adopt it.

Mr. BYRD. Mr. President, I have discussed this amendment with staff and it is our feeling this is a worthy amendment, and I am prepared to accept it so far as I am concerned.

Mr. McCURE. Mr. President, I will not belabor the subject. Saline water has been a matter of concern to this country for years and the conversion of saline and brackish waters to either industrial, commercial, or domestic use has been a matter of a great deal of concern.

We at one time had a specific program well funded, well organized, and

well directed, that for years attempted to find the breakthrough points. Much research was done. Some breakthroughs were identified, but certainly the concern that is stated by the Senator from Illinois is correct. I certainly have no objection to the amendment. I commend him for the amendment. I hope it will bring about some fruitful results.

Mr. SIMON. I thank my colleagues.

Mr. President, if I could just add a comment, Senator McCURE is absolutely correct on this. When John F. Kennedy was President of the United States, at one of his news conferences, one of the reporters said, "What great scientific breakthrough would you like to see during your years as President?"

He said, "You have heard me talk about getting a man to the Moon, but infinitely more important than that would be if we could find an inexpensive way to convert salt water to fresh water." He said that would change the geography of the world.

Unfortunately, we have done very little research. It is one of the things that is long term. But by the end of this century, we are going to be reading not about shortages of oil; we are going to be reading about shortages of water.

I appreciate the acceptance of the amendment by the two leaders.

The PRESIDING OFFICER. Is there further debate on the amendment. If not, the question is on agreeing to the amendment of the Senator from Illinois.

The amendment No. 409 was agreed to.

Mr. SIMON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, the Senate Budget Committee has examined, H.R. 2788, the Interior and related agencies appropriations bill and has found that the bill is just under its 302(b) budget authority allocation and is within \$9,000 of its \$10.6 billion 302(b) outlay allocation.

I compliment the distinguished manager of the bill, Senator BYRD, and the distinguished ranking member of the Interior Subcommittee, Senator McCURE, on all of their hard work.

Mr. President, I have a table from the Budget Committee showing the scoring of the Interior appropriations bill and I ask unanimous consent that it be inserted in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 2788—
INTERIOR SUBCOMMITTEE—SPENDING TOTALS (SENATE
REPORTED)

[In billions of dollars]

	Fiscal year 1990	
	Budget authority	Outlays
302(B) BILL SUMMARY		
H.R. 2788, Senate Reported, (new Budget Authority and outlays).....	10.6	7.3
Enacted to date.....	.8	3.5
Adjustment to conform mandatory programs to resolution assumptions.....	-.6	-.2
Scorekeeping adjustments.....		
Bill total.....	10.8	10.6
Subcommittee 302(b) allocation.....	10.8	10.6
Difference.....	-(¹)	+(¹)
Bill total above (+) or below (-):		
President's request.....	1.4	.9
House-passed bill.....	-.4	-.1
House 302(b) allocation.....	-.4	-.1
SUMMIT CAP SUMMARY		
Defense (050) spending in bill.....	0	0
Allocation under defense cap.....	0	0
Difference.....	0	0
International affairs spending in bill.....	0	0
Allocation under international affairs cap.....	0	0
Difference.....	0	0
Domestic discretionary spending in bill.....	10.5	10.3
Allocation under domestic cap.....	10.5	10.3
Difference.....	-(¹)	+(¹)

¹ Less than \$50 million.

Note.—Details may not add to totals due to rounding.

Source: Prepared by Senate Budget Committee Staff.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 410

(Purpose: To transfer \$406,000 in excess funds from Indian Health Service for construction of the Sallisaw outpatient clinic to the Bureau of Indian Affairs for real estate services relating to the completion of cadastral surveys related to the Arkansas Riverbed Authority)

Mr. McCLURE. Mr. President, I send an amendment to the desk on behalf of Mr. NICKLES and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The accepted amendments will be set aside, and the amendment of the Senator from Idaho will be reported by the clerk.

The bill clerk read as follows:

The Senator from Idaho [Mr. McCLURE], for Mr. NICKLES, proposes an amendment numbered 410.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 80, line 2, strike "65,941,000" and insert in lieu thereof "65,535,000", and on page 30, line 3, strike "\$964,720,000" and insert in lieu thereof "\$965,126,000".

Mr. McCLURE. This amendment would transfer \$406,000 in excess funds from Indian Health Service for construction of the Sallisaw outpatient clinic to the Bureau of Indian Affairs for real estate services relating to the completion of cadastral surveys related to the Arkansas Riverbed Authority. It simply transfers the funds from one agency to another within the area of Indian services, within the State of Oklahoma. I think it is cleared on both sides of the aisle.

Mr. BYRD. Mr. President, the amendment has been cleared on this side. As the distinguished Senator from Idaho says, it is merely a transfer of funds from one agency to another within the State of Oklahoma. It does not increase the budget authority.

Mr. McCLURE. I urge adoption of the amendment.

Mr. BYRD. There is no objection.

Mr. NICKLES. Mr. President, the amendment that I am offering here today would provide funds toward the completion of the cadastral surveys of the Arkansas riverbed that are jointly owned by the Cherokee, Chickasaw, and Choctaw Tribes of Oklahoma.

The committee has provided funds totaling \$270,000. An additional \$406,000 is derived from transferring this amount from the funds set aside for the completion of the Sallisaw, OK, Indian Health Clinic. This amount is the difference between the original Indian Health Service estimate of the necessary funds to complete construction of the clinic and the recently revised IHS estimate. The original figure as contained in the Senate report was \$4,165,000. The revised estimate is \$3,759,000 to complete construction at the Sallisaw clinic.

The transfer of these funds will provide a total of \$676,000 toward the completion of the Arkansas riverbed cadastral surveys. To the extent necessary to complete the surveys of the 22,000 acres of riverbed jointly owned by the tribes, the funds are to be used to contract the surveying services out to private parties. It is our desire that the surveys be completed during the 1990 fiscal year.

Mr. President, I want to express my special thanks to the Senate Special Investigating Committee of the Senate

Select Committee on Indian Affairs, and specifically Senator DECONCINI, for focusing attention on this matter. I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? There being no further debate, the question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment (No. 410) was agreed to.

Mr. McCLURE. I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I stand today and urge my colleagues to support H.R. 2788, the Interior appropriations bill.

I compliment the Interior Appropriations Subcommittee for its quick action because this measure is very important to my State of Montana.

A large portion of Montana is federally owned. These funds will provide the wherewithal to properly manage those forests, the land under the Bureau of Land Management, national parks and, of course, wildlife refuges. It also includes the funds for Indian programs, education and health, as well as many support agencies such as the Bureau of Mines and the Geological Survey.

So I urge the Senate's quick approval.

There are two important areas, though, and two additional provisions that are vitally needed in this bill, H.R. 2788. Amendments will be introduced by Senator BAUCUS and myself, with the support of the delegation from Wyoming, and they will give relief to victims of the firestorms of 1988 and the wildlife herds near Yellowstone National Park who seek feed and range during short times and hard winters.

We seek legislative relief for those property owners who lost livestock and facilities from fires that were allowed to burn on Federal lands. There were hundreds of wildfires ignited last summer and mostly they were promptly attacked, but some were not. But in our four cases, the Mink fire, the Clover Mist fire, the Storm Creek fire and the Canyon Creek fire, officials stood by and allowed those fires to burn. They later blew up and out of

control and, of course, on to private land.

It appears as though the Department of Agriculture will determine that the decision to allow those fires to burn was not negligent under the terms of the Tort Claims Act.

The implementation of the Federal policy to allow fires to burn unattended was a primary cause for the loss of private property and suffering to many folks who live in Montana and Wyoming. Their only source of relief is action by the Congress to provide settlement of their claims, some 120 to 130 of them. Congress has seen fit to rectify a moral obligation like this in the past with similar provisions with Public Law 99-500, and I think that was down in Wyoming.

So we seek relief as we had instances in Montana where a fire had its origination on private land and got into Forest Service land and the Forest Service asked the private owners of that land to come up with the wherewithal, the funds, to fight it on Forest Service land.

I guess what I am asking here is that everybody play out of the same rule book.

The second amendment that needs immediate action is to provide funds for the acquisition of private lands to provide winter range just north of Yellowstone Park. I am sure most of my colleagues heard of buffalo and elk that were forced out of the park due to heavy snowstorms which is a sort of double pitted ax. We need that snow this year. Nonetheless, we lost a lot of vital range due to the fire in Yellowstone Park a year ago.

It was necessary for the State of Montana to license hunts of the buffalo to protect the private property from loss and damage. Private landowners have no recourse to recoup their losses. One alternative is to limit the herds to the size that can be supported in the park. This means periods of large hunting bag limits, a procedure not acceptable to critics of hunts. The other solution is to provide a winter habitat to accommodate the herds when the winter drives them out of the park.

The State of Montana committed an additional \$2 million to the Federal amount that we request to help with this problem, and I ask your support on this measure.

I would be remiss if I did not compliment the chairman and the members of the Interior and Related Agencies Appropriations Subcommittee in their recognition of the national timber supply problem that is particularly painful in Montana. Many local communities are suffering from economic hardship because jobs have been lost, timber sales either delayed or stopped, mills are going out of business because timber under contract is at an all-time low or almost nonexistent.

I realize there are many reasons for the timber supply shortage. One solution offered by the committee in the appropriations is to fund the Forest Service to refill the pipeline with more sales than are targeted for offering this year—in other words—"get ahead." This initiative recognizes that to get ahead requires more staff to do field work and to do environmental documentation to comply with NEPA, the National Environmental Protection Act. The committee also wisely recognized the need for an adequate road construction budget, a companion requirement to the Timber Sale Program.

The Forest Service has done an excellent job in reducing road costs and reducing standards to the bare minimum needed for safety. I caution my colleagues to discount any efforts to reduce road construction funds as a ploy to slow sales into unroaded areas. We should not forget that a significant part of the road funds pay for staff salaries and for reconstruction of existing substandard roads.

I also like to provision that any forest which attains its average ASQ [annual sale quantity], will receive 1 percent additional funds to enhance amenity values such as trails, wildlife and fish habitat, soil, water, and air management, cultural resources, wilderness management, and reforestation. Industry and environmental groups alike should see this as an effort to recognize the needs of commodity and amenity outputs from our national forest.

So I urge the Senate to support these timber supply measures that have been passed out of committee. We will be offering some amendments later on.

I thank the leadership for this opportunity, and I yield the floor.

The PRESIDING OFFICER. The Senator from Montana has yielded the floor.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, in a few moments, I will offer an amendment to the Interior appropriations bill. But before I do that, Mr. President, I commend Senator ROBERT BYRD for the very splendid legislation which will, for the first time, require greater, more detailed disclosure regarding the activities of those who are hired to lobby the legislative and executive branches of our Federal Government. I have long believed that full disclosure is a very critical, key element in

ensuring the Government has the facts it needs to make informed decisions about the grants, loans, or contracts it awards. I think with this section, crafted by Senator BYRD, for the first time we will see who hires these particular lobbyists that come to lobby the Congress and the executive branch and who their other clients might be. This is definite progress. I commend Senator BYRD. I am very hopeful that this section of the appropriations bill will be retained by the conferees.

Mr. President, I today rise to offer an amendment to the Interior appropriations bill which is in the same spirit of the Byrd language. This amendment that I will offer in a few moments will cap the amount of money which the Department of the Interior can spend for consulting services.

It is often said that the way to a person's heart is through their stomach. I say that the way to solve the Government's problems with consultants is through its wallet. As is evidenced by the recent HUD scandal in which consultants played a very critical, key role, "Ill Wind" does not just blow at the Pentagon. In many ways the HUD scandal demonstrates what happens when our Government relies too heavily on private contractors, sources with no controls, no boundaries, no limitations, and no accountability.

Last year, I attempted to modestly reduce consultant spending at all of our Federal agencies. HUD fought my attempt and made it very clear that it needed each and every penny possible to hire outside consultants to make HUD more efficient. We saw how efficient it became. The unfolding scandal shows us what they were doing with at least some of this money.

Mr. President, the HUD scandal should not be attributed simply to an overreliance on consultants or contractors, nor should all management problems throughout the Government. However, over the past 20 or 30 years Federal agencies have grown more and more dependent on private contractors to perform the most basic work of the Federal Government. This has occurred for a variety of reasons, Mr. President. Some blame congressional actions, some say it is appropriate to have contractors doing this work. But whatever the reasons, the result has been the creation of a hidden bureaucracy, an unelected government not subject to the rules and regulations that govern the official bureaucracy. The hidden bureaucracy writes reports to the Congress. They draft legislation for the Congress. They write speeches for those Department heads and agency heads who come before our committees. They implement Government programs. They evaluate Government programs. They draft regulations. They comment on GAO reports.

Mr. President, sometimes private consultants are hired to answer the letters that we as Senators write asking for information or status reports on the agencies or projects within those Departments.

Furthermore, in this time of great concern over ethics, it is essential to realize that these private contractors and consultants are not covered by the ethical rules that govern the civil service. They are not covered by President Bush's proposed ethics package. They are not covered under the Ethics in Government Act.

Mr. President, while I think consultants and contractors may have some role to play in making our Government more efficient, this widespread and growing delegation of much of the basic work of Government is a most unhealthy situation. It has created a buddy system and it oils the revolving door that so many of us have talked about for so long.

Last year, I offered nine amendments to the 13 appropriation bills to cut consultant spending. While all nine were successfully adopted, only four of those amendments survived the conference committee. Even with these four surviving amendments, a total of 200 million American tax dollars were saved.

My purpose for offering these amendments was to force the agencies to examine their consultant spending and place priorities on their consulting needs. I hope that we were at least partially successful in causing these agencies to look more carefully at their consultant spending.

This year we are still faced with a massive budget deficit. We still have to cut back. What I propose today is to use an agency's own figures to try to hold the line on consultant spending. I think it is a reasonable and fair approach. I am offering an amendment that will simply cap agency spending at the requested amount.

Under current law, section 1114 of title 31, each agency is required to include in its budget justification the amount of money which it requests for consulting services, as well as a list of appropriation accounts from which the money is to come and a description of the agency's need for consulting services. That today, Mr. President, is in the law.

I propose to take this one step further. I propose to take these agencies at their word. My amendment merely states that since the Department of the Interior for the next fiscal year has requested the total of \$26,540,000 for consultant spending, that is the cap; that is all the Department of the Interior can spend.

The definition of consultant services will be the same, Mr. President, as the definition provided by the Office of Management and Budget Circular A-

120. I will place this definition in the RECORD.

The impetus for this amendment is to force agencies to be accurate and honest about their consultant spending. For instance, the General Accounting Office estimated that the Department of the Interior spent \$46,524,000 on consultant spending in fiscal year 1987. Even if we assume that the Interior Department has not increased its consultant use, the Department has underrequested by \$19,984,000 their need for consulting service. This is dismaying.

The reason we have appropriations committees is so that we can examine an agency's proposed spending. However, if the agency misleads or understates the costs, then that agency is depriving the Appropriations Committee and the Congress as a whole of their ability to make these decisions.

This amendment, Mr. President, capping an agency at its requested amount for consulting services, will force that agency to be more honest in its budget submissions. It will also require them to request permission from the Appropriations Committee before it can take moneys from other appropriated accounts and use those funds for consulting services.

The next section of my amendment, Mr. President, will cause the Federal agencies to literally come unglued.

It is going to require that, for the first time, the Interior Department must give an accurate idea of what it is actually spending on consultant services. It requires the Secretary of the Interior to submit, on a quarterly basis, a report to Congress and the Comptroller General on the funds obligated and expended by the Department during that preceding quarter. The Comptroller General is then requested to review the report submitted by the Secretary and make any comments or recommendations that he or she sees fit.

Mr. President, let me emphasize that I am not offering a complex formula. On the other hand, I propose to use the same figures on consulting services that agencies sent in their requests. This amendment is another step in my quest to pin down exactly how much the Government spends on consultants and what the consultants do for us. I believe this simple approach will enable us to assure the taxpayers that the Federal Government is more carefully monitoring their use of taxpayer dollars.

This amendment states that the Secretary's quarterly list contain all contracts awarded for the procurement of advisory and assistance services during the preceding quarter, as well as the amount of each contract. The list will also include the purpose of the contract; what a private consultant or a consulting firm is actually doing for the Government.

In addition, a very vital part of this amendment is the requirement that the justification for a contract award to a private consulting firm or to a private contractor be included in the list, along with the reason that this work, which is now being farmed out, paid for with billions of American taxpayer dollars, cannot be performed within the system by the civil servants of the Federal Government.

Mr. PRYOR. Mr. President, I ask unanimous consent that the OMB Circular A-120 be printed in the RECORD following my statement.

I conclude, Mr. President, by saying that this could be a very constructive approach to looking at the hidden government, the unelected government, the unaccountable government, that we have created. We are getting ready, should this amendment become law, to shine some sunshine on this very mysterious, and sometimes murky, world of consultants to the Federal Government.

There being no objection, the circular was ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, January 4, 1988.

CIRCULAR NO. A-120

To the heads of executive departments and establishments.

Subject: Guidelines for the Use of Advisory and Assistance Services.

1. *Purpose:* This circular establishes policy, assigns responsibilities, and sets guidelines to be followed by executive branch agencies in determining and controlling the appropriate use of advisory and assistance services obtained from individuals and organizations. This circular supersedes OMB Circular No. A-120 "Guidelines for the Use of Consulting Services," dated April 14, 1980.

2. *Background:* OMB Bulletin No. 78-11, issued May 5, 1978, first required agencies to apply extra controls to the procurement of consultant services. Circular A-120, dated April 14, 1980, provided permanent guidance in lieu of the interim guidance provided by the Bulletin. A Model Control System for consulting services was issued on January 15, 1982, to provide further guidance, which was non-mandatory.

In 1984, the Cabinet Council on Management and Administration (CCMA) completed a study of consulting services to estimate expenditures, review definitions and existing controls, and propose reforms. The study resulted from continuing reports, by GAO and other agencies, of problems in the way the Government manages and uses consulting services.

This revision of Circular A-120 is being issued (1) to expand the coverage of the circular; (2) to mandate controls for the management and reporting of advisory and assistance services; and (3) to clarify the relationship between Circular A-120 and OMB Circular No. A-76 (Revised) "Performance of Commercial Activities," issued August 4, 1983.

3. *Relationship to OMB Circular A-76:* Activities that are reviewed in accordance with the A-76 process are exempt from the provisions of this circular except that when the functions performed by the contractor meet

the definition of advisory and assistance services set forth in this circular, the contracting action must be reported in accordance with Sections 8.A. and 9.A. below. When A-76 contracts are renewed, they are also exempt from the provisions of this circular.

4. Coverage: The provisions of this circular apply to advisory and assistance services obtained by the following arrangements:

- A. Personnel appointment;
- B. Procurement contract; and
- C. Advisory committee membership.

5. Definition: Advisory and Assistance Services are those services acquired from non-governmental sources by contract or by personnel appointment to support or improve agency policy development, decision-making, management, and administration, or to support or improve the operation of management systems. Such services may take the form of information, advice, opinions, alternatives, conclusions, recommendations, training, and direct assistance. Advisory and assistance services include consultant services provided by individuals, as defined in the Federal Personnel Manual, Chapter 304.

A. Advisory and assistance services include activities having any of the following characteristics:

(1) Individual Experts and Consultants. Individual experts and consultants are persons possessing special, current knowledge or skill which may be combined with extensive operational experience. This enables them to provide information, opinions, advice, or recommendations to enhance understanding of complex issues or to improve the quality and timeliness of policy development or decision-making. These named individuals may either work independently or be assembled into panels, commissions, or committees.

(2) Studies, Analyses, and Evaluations. Studies, analyses, and evaluations are organized, analytic assessments needed to provide the insights necessary for understanding complex issues or improving policy development or decision-making. These analytic efforts result in formal, structured documents containing data or leading to conclusions and/or recommendations. This summary description is operationally defined by the following criteria:

a. Objective: to enhance understanding of complex issues or to improve the quality and timeliness of agency policy development or decision-making by providing new insights into, understanding of, alternative solutions to, or recommendations on agency policy and program issues, through the application of fact finding, analysis, and evaluation.

b. Areas of application: all subjects, issues, or problems involving policy development or decision-making in the agency. These may involve concepts, organizations, programs and other systems, and the application of such systems.

c. Outputs: outputs are formal, structured documents containing or leading to conclusions and/or recommendations. Data bases, models, methodologies, and related software created in support of a study, analysis, or evaluation are to be considered part of the overall study effort.

d. Exclusions and exemptions: a complete list of exclusions and exemptions from the provisions of this circular is attached.

(3) Management and Professional Support Services. Management and professional support services take the form of advice, training, or direct assistance for organizations to

ensure more efficient or effective operations of managerial, administrative, or related systems. This summary description is operationally defined in terms of the following criteria:

a. Objective: to ensure more efficient or effective operation of management support or related systems by providing advice, training, or direct assistance associated with the design or operation of such systems.

b. Areas of application: management support or related systems such as program management, project monitoring and reporting, data collection, logistics management, budgeting, accounting, auditing, personnel management, paperwork management, records management, space management, and public relations.

c. Outputs: services in the form of information, opinions, advice, training, or direct assistance that lead to the improved design or operation of managerial, administrative, or related systems. This does not include training which maintains skills necessary for normal operations. Written reports are normally incidental to the performance of the service.

d. Exclusions and exemptions: a complete list of exclusions and exemptions from the provisions of this circular is attached.

(4) Engineering and Technical Services. Engineering and technical services (technical representatives) take the form of advice, training, or under unusual circumstances, direct assistance to ensure more efficient or effective operation or maintenance of existing platforms, weapon systems, related systems, and associated software. All engineering and technical services provided prior to final Government acceptance of a complete "hardware system" are part of the normal development, production, and procurement processes and do not fall within the meaning of this category. Engineering and technical services provided after final Government acceptance of a complete hardware system are within the meaning of this category except where they are prepared to increase the original design performance capabilities of existing or new systems or where they are integral to the operational support of a deployed system and have been formally reviewed and approved in the acquisition planning process.

6. Exclusions: The attachment lists the Government programs and activities that are excluded from the provisions of this circular unless agencies decide to include them (see Section 8A below).

7. Policy:

A. When essential to the mission of the agency, the proper use of advisory and assistance services is a legitimate way to:

(1) obtain outside points of view to avoid too limited judgment on significant issues;

(2) obtain advice regarding developments in industry, university or foundation research;

(3) obtain the opinions, special knowledge, or skills of noted experts whose national or international prestige can contribute to the success of important projects;

(4) enhance the understanding of, and develop alternative solutions to, complex issues;

(5) support and improve the operation of organizations;

(6) ensure the more efficient or effective operation of managerial or hardware systems; and

(7) secure citizen advisory participation in developing or implementing Government programs that, by their nature or by statutory provision, call for such participation.

B. Advisory and assistance services shall not be:

(1) used in performing work of a policy, decision-making, or managerial nature which is the direct responsibility of agency officials;

(2) used to bypass or undermine personnel ceilings, pay limitations, or competitive employment procedures;

(3) awarded on a preferential basis to former Government employees;

(4) used under any circumstances specifically to aid in influencing or enacting legislation;

(5) procured through grants and cooperative agreements; and

(6) obtained for professional or technical advice which is readily available within the agency or another Federal agency, except when the contract is entered into pursuant to the procedures and provisions of Circular A-76.

C. No contracts for advisory and assistance services may be continued longer than five years without being reviewed for continued compliance with this circular.

8. Management Controls:

A. Each agency will assure that it maintains an accounting or information system which effectively monitors and reports advisory and assistance service activities.

B. Each agency's management control system for advisory and assistance services shall at a minimum comply with the Federal Acquisition Regulation. Agencies are encouraged to apply the same control system to other procurements which in their judgment require similar management attention, notwithstanding the exclusion of those functions or programs from the provisions of this circular.

C. Each agency will assure that for all advisory and assistance service arrangements:

(1) the elements of the management control system required by this circular have been observed, and all procurements under this circular are administered in accordance with the requirements of the Federal Acquisition Regulation;

(2) as prescribed by the Federal Acquisition Regulation, written approval of all advisory and assistance services arrangements will be required at a level above the organization sponsoring the activity. Additionally, written approval for all advisory and assistance service arrangements during the fourth fiscal quarter will be required at the second level or higher above the organization sponsoring the activity;

(3) every requirement is appropriate and fully justified in writing. Such justification will provide a statement of need and will certify that such services do not unnecessarily duplicate any previously performed work or services;

(4) work statements are specific, complete, and specify a fixed period of performance for the service to be provided;

(5) acquisition of advisory and assistance services conform to the Competition in Contracting Act of 1984;

(6) appropriate disclosure is required of, and warning provisions are given to, the performer(s) to avoid conflict of interest;

(7) advisory and assistance service arrangements are properly administered and monitored to ensure that performance is satisfactory;

(8) the service is properly evaluated at the conclusion of the arrangement to assess its utility to the agency and the performance of the contractor; and

(9) to the extent practicable, contracts for these services require a written report. Such

reports typically would document the services delivered and may, in part, take the form of software packages.

D. Delegations of Authority:

(1) Each agency head shall designate a single official reporting directly to him or her who shall be responsible and accountable for assuring that the acquisition of advisory and assistance services meets the provisions contained in this circular. The single official shall have minimum responsibility for the procurement of such services.

(2) Each agency will establish specific levels of delegation of authority to approve the need for advisory and assistance services based on the policy and guidelines contained in this circular. The senior official shall review each advisory and assistance services request which exceeds an amount to be determined by the agency.

E. Policy and procedures governing advisory committees and their membership as well as the procurement of advisory and assistance services are contained in General Services Administration regulations, 41 CFR, Part 101-6.

F. The Federal Personnel Manual, Chapter 304, governs policy and procedures regarding personnel appointments.

G. The Federal Acquisition Regulation governs policy and procedures regarding contracts.

9. Data Requirements:

A. Contracted advisory and assistance services shall be reported to the Federal Procurement Data System (FPDS) in accordance with the instructions in the FPDS Reporting Manual.

B. Contract actions of \$25,000 or less reported on the Summary Contract Action Report (\$25,000 or less) (SF 281) are not covered by this reporting requirement.

C. The following data systems will continue to provide information on advisory and assistance service arrangements within the executive branch:

(1) Central Personnel Data File (CPDF), operated by the Office of Personnel Management, provides data on personnel appointments, segregating advisors, experts, and advisory committee members.

(2) The Federal Procurement Data System (FPDS) provides data on contract arrangements that are monitored by the management control system required by Section 8 of this circular.

(3) Advisory committee data is provided in accordance with Section 2 of Executive Order No. 12024 to fulfill the requirements of Section 6(c) of the Federal Advisory Committee Act, as amended (Public Law 92-463, 5 U.S.C., App.).

10. Effective Date: This circular is effective immediately.

11. Inquiries: All questions or inquiries should be submitted to the Office of Management and Budget. Telephone number (202) 395-6903.

JAMES C. MILLER III,
Director.

ATTACHMENT EXCLUSIONS

I. The following activities are excluded from the purview of Circular A-120.

1. Activities that are reviewed in accordance with the A-76 process. (Such activities must be reported in accordance with Sections 8.A and 9.A.)

2. Architectural and engineering services of construction and construction management services.

3. ADP/Telecommunications may be excluded if such functions and related services

are controlled in accordance with 41 CFR 201, the Federal Information Resource Management Regulations.

4. Research on theoretical mathematics and basic medical, biological, physical, social, psychological or other phenomena.

5. Engineering studies related to specific physical or performance characteristics of existing or proposed systems.

6. The day-to-day operation of facilities (e.g., the Johnson Space Center and related facilities) and function (e.g., ADP operations, building maintenance, etc.)

7. Government-owned, contractor operated facilities (GOCOs) (e.g., Oak Ridge National Laboratory, the Holston Army Ammunition Plant in Kingsport, Tennessee). However, any contract for advisory and assistance services other than the basic contract for operation and management of a GOCO shall come under the provisions of this circular.

8. Clinical medicine.

9. Those support services of a managerial or administrative nature performed as a simultaneous part of, and non-separable from, specific development, production, or operational support activities. In this context, non-separable means that the managerial or administrative systems in question (e.g., sub-contractor monitoring or configuration control) cannot reasonably be operated by anyone other than the designer or producer of the end-item hardware.

10. Contracts entered into in furtherance of statutorily mandated advisory committees.

11. Initial training, training aids, and technical documentation acquired as an integral part of the lease or purchase of equipment.

12. Routine maintenance of equipment, routine administrative services (e.g., mail, reproduction, telephone), printing services, and direct advertising (media) costs.

13. Auctioneers, realty-brokers, appraisers, and surveyors.

II. The following programs are excluded from purview of Circular A-120.

1. The National Foreign Intelligence Program (NFIP)

2. The General Defense Intelligence Program (GDIP).

3. Tactical Intelligence and Related Activities (TIARA).

4. Foreign Military Sales.

AMENDMENT NO. 411

Mr. PRYOR. Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. HARKIN). Does the Senator wish to lay aside the pending committee amendment?

Mr. PRYOR. Mr. President, this Senator was not aware there was a pending committee amendment.

The PRESIDING OFFICER. The first excepted committee amendment is the pending business.

Mr. BYRD. Mr. President, I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows: The Senator from Arkansas [Mr. PRYOR] proposes an amendment numbered 411.

Mr. PRYOR. Mr. President, I ask unanimous consent that further read-

ing of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert:

SEC. . (a) Not more than \$26,540,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of the Interior.

(b)(1) Not later than 20 days after the end of each calendar quarter, the Secretary of the Interior shall (A) submit to Congress a report on the amounts obligated and expended by the department or agency during that quarter for the procurement of advisory and assistance services, and (B) transmit a copy of such report to the Comptroller General of the United States.

(2) Each report submitted under paragraph (1) shall include a list with the following information:

(A) All contracts awarded for the procurement of advisory and assistance services during the quarter and the amount of each contract.

(B) The purpose of each contract.

(C) The justification for the award of each contract and the reason the work cannot be performed by civil servants.

(c) The Comptroller General of the United States shall review the reports submitted under subsection (b) and transmit to Congress any comments and recommendations the Comptroller General considers appropriate regarding the matters contained in such reports.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

EXCEPTED COMMITTEE AMENDMENT PERTAINING TO SECTION 112

Mr. BYRD. Mr. President, a little earlier the various committee amendments were agreed to en bloc with certain exceptions. One of those exceptions was the committee amendment related to section 112, New Jersey's Outer Continental Shelf, 21 through 25. I ask unanimous consent that that amendment be agreed to, that it be considered as written text for the purpose of further amendment, no point of order thereby being waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Excepted committee amendment pertaining to section 112 was agreed to.

AMENDMENT NO. 411

Mr. BYRD. I understand the intent of the able Senator from Arkansas, and it is a laudable one. I compliment him for the very fine work that he has done in this area over the years. I have seen him many times on this floor taking up this cause, and he has been effective. He has been certainly a Senator who has been interested in protecting the taxpayers of the country. He has been consistent in the effort. He has been watchful and alert and tenacious.

We should all do everything we can to hold all costs at a minimum, including consultant costs. I do have some

concerns about the effect of the amendment. The figures in this amendment are based on the President's initial budget request. In some cases we have reduced the President's budget request substantially. And this amendment would not take those reductions into account. On the other hand, there are a few areas, such as energy conservation, where we have increased the President's request significantly, and necessary consultant use in those areas could be unfairly capped by the Senator's amendment.

The amendment is not contained in the House bill. So I am willing to accept the amendment and take it to conference. As I say, the effort that the Senator consistently and very effectively is making is a laudable one, and I am willing to take the amendment and go to conference and look at it more closely at that time.

Mr. McCURE. addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCURE. Mr. President, I, too, want to commend the distinguished Senator on the amendment. I have not seen the table that he has used in the explanation with respect to the allocation and, therefore, the amendment of money contained in the President's budget request, and I mention that only because I have had no reason to determine whether or not there has been any change of condition from the administration's standpoint since the original budget request was made.

Now, it is no secret that the administration was somewhat slow in getting recommendations to us with respect to the appointments of senior personnel within the Department. It is also no secret that since those nominations have been received by the Congress, by the Senate of the United States, a good many of those appointments have been, for one reason or another, not completed.

I think it is fair to say that some of that gap is filled by the payment of consultant fees. So there may well have been a change in the departmental requirement for the expenditure of money in these accounts and, therefore, I would like to have the opportunity to check with the Department and see what the impact will be in placing its ceiling, which might have to be revised.

I recognize that that takes some time, that we have the amendment before us and the bill before us today, and we hope to complete action on it very soon. I will take the opportunity to check and verify those figures between now and the time we are at the conference. I, too, share with the distinguished chairman of the committee a willingness to accept the amendment at this time and take it to the conference.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, in response to the distinguished Senator from West Virginia, the chairman of the Appropriations Committee, and the distinguished manager, my friend from Idaho, Senator McCURE, I would like to ask unanimous consent to have printed in the RECORD a letter written to me dated June 20, 1989, from Allan Burman, Deputy Administrator and Acting Administrator, Office of Management and Budget, and this includes the table where it demonstrates that some roughly \$2 billion has been requested for the various agency requests for consulting services.

There being no objection, the letter and table were ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, June 20, 1989.

HON. DAVID PRYOR,
U.S. Senate,
Washington, DC.

DEAR SENATOR PRYOR: This is in further reply to your letter of February 22, 1989 to the Director regarding actions taken by this agency to comply with the provisions of section 114 of title 31, United States Code.

As we noted in our response to you of April 19, 1989, certain of the consulting services budget justifications, as provided to us by the agencies, did not fully comport with the statutory requirements. We requested and have now received revised submissions from those agencies. Those are enclosed, as is the submission of the Environmental Protection Agency. A revised summary of the data from the 19 agencies you identified is also enclosed.

Please contact me if we can be of further service in this regard.

Sincerely,

ALLAN V. BURMAN,
Deputy Administrator and
Acting Administrator

Enclosures.

BUDGET JUSTIFICATIONS FOR CONSULTING SERVICES
(TITLE 31, SEC. 1114(a))

(Dollars in thousands)

Fiscal year—	1988 actual	1989 estimate	1990 estimate
Agriculture.....	\$37,944	\$47,605	\$47,003
Commerce.....	11,409	13,328	9,901
Defense.....	1,605,600	1,616,300	1,639,900
Education.....	16,284	40,278	45,415
Energy.....	34,862	42,816	36,271
Health and Human Services.....	69,412	83,107	91,037
Housing and Urban Development.....	63,822	61,325	64,975
Interior.....			26,540
Justice.....	16,971	16,597	15,361
Labor.....		24,635	26,840
State.....	9,158	9,515	9,858
Transportation.....			16,371
Treasury.....	31,692	18,648	18,893
Veterans' Administration.....	2,716	5,866	10,341
EPA.....	26,417	30,400	34,300
NASA.....	3,686	4,200	4,200
SBA.....			1,500
OPM.....	625	876	1,100
GSA.....	508	719	327
Total.....	1,931,107	2,016,215	2,100,133

Mr. McCURE. Might I just make a comment? I think the Senator said the letter was signed by an acting director at OMB.

Mr. PRYOR. I have sent that letter to the desk. I can retrieve it.

Mr. McCURE. If indeed his title is acting, he is probably a consultant.

Mr. PRYOR. Let me apologize to my friend from Idaho. Mr. Allan Burman, as of June 20, 1989, was the Deputy Administrator and Acting Administrator of the OMB Federal procurement policy. So that whatever that title indicates, that is the title that was on the letter.

Also, I will just take a moment and respond generally to my friend from Idaho when he states that he wants to call the agency, in this case the Department of the Interior, to get their comments on this particular amendment. I can promise my friend from Idaho that when he places that call to the Department of the Interior, the Department of the Interior is going to oppose this amendment, and the reason they are going to oppose this amendment is we are taking away a tremendous amount of their flexibility in granting these contracts for professional private consulting contracting.

We are taking away a great deal of that flexibility and we are simply making this particular agency of the Government, when they submitted their request for consulting services in this case \$26,400,000, we are basically saying that is all you can spend; you cannot go over here and take from another account; you cannot go over here and take from another fund; you cannot go down here and take from a regional headquarters these moneys and go out and hire consultants once they reach the \$26,400,000.

I can only assume that the Department of the Interior is going to oppose this. I know that the Housing and Urban Development is. They will oppose it when I offer it on the HUD appropriation bill. The Department of Justice is going to oppose this. The Department of Defense is going to oppose this. The Department of Agriculture is going to oppose this.

But that is no reason for us to say to the agencies: You submit this request, and if we give you that amount for consultants, you cannot spend any more. This is that simple. And we are keeping what I think is a degree of common sense in the appropriations process and exercising the power of the purse that the bureaucracy has taken away from the Congress of the United States in these expenditures.

Mr. President, I have no other statement on this matter. I thank the two managers of the bill for their kindness, for their accepting the amendment. If it is timely now to ask for the adoption I ask for the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 411) was agreed to.

Mr. PRYOR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, on behalf of Senators STEVENS and MURKOWSKI, the Senators from Alaska, I am requesting that we provide \$300,000 for the Federal share of funding for native establishment and first-year's operations of the joint Federal-State Commission on Policies and Programs Affecting Alaska Natives.

This small amount will be matched by the State of Alaska and I understand that Governor Cowper has just this week committed the State to its portion of the funding. I am proposing that the \$300,000 which would be required to fund a full year's operation of this Federal-State commission be transferred from the tribe agency social services account.

Mr. President, this past September I had the opportunity to visit native villages in Alaska and what I witnessed was just sad and shocking. For example, two villages, at the villages of Noorvik and Chevak, I saw untreated raw sewage being dumped into a lake and the lake emptied into a river and the river was the sole source of drinking water for the people of these two villages.

Therefore, it should not come as any surprise that the incidence of hepatitis among native Indians in Alaska is the highest among any ethnic group in the United States.

I was also advised that for Alaska Native men in the age group of 20 to 25, the rate of suicide is 14 times our national average. Among other native Americans it is 8 times the national average; among Alaska Natives, 14 times.

I also visited villages where 90 percent of the adult population were alcoholic abusers. This is not uncommon.

Inadequate education and high rates of recidivism also characterize the portrait of Alaskan Native life.

The Select Committee on Indian Affairs has held several hearings on these conditions and we, the members of this committee, have determined that this Commission is an important and necessary first step toward documenting the problems that exist in Alaska Native villages. It is also necessary to educate the American public and make them aware of this unfortunate situation that is occurring among native Americans and to begin the efforts of the Federal and State governments to address the serious and grave situation.

I have discussed this matter with the distinguished chairman of this sub-

committee and the chairman of the full committee, ROBERT BYRD of West Virginia, and with Mr. McCURE, the Senator from Idaho.

I shall at this time repeat what I said at the markup yesterday when I rose to commend the Senator from West Virginia and the Senator from Idaho and the members of their committee for demonstrating outstanding sensitivity and concern for native American Indians.

Native American Indians have been the forgotten people for too long and I think the time has come, though it may be long overdue, to rectify this situation. I am glad that my colleagues, the managers of this measure, have agreed to earmark this amount for this critical purpose.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, on the morning of July 21, about 10 o'clock in the morning, a unanimous-consent request was entered into to allow the majority leader, after consultation with the Republican leader, to call up four appropriations bills, Interior, Energy and Water, Agriculture, and Treasury Postal.

We have now begun the consideration of the Interior bill.

I believe that the reason this process was agreed to was in order to expedite the consideration of all appropriations bills, and I applaud that motive and, in fact, I applaud the outcome if as I suspect the result is to get us through the 13 regular appropriations bills in a timely manner.

But I rise, Mr. President, to express a word of concern and indeed a word of caution about the process, because, as it worked out on this particular bill, it meant that virtually no Senator had any way to know what was contained in the appropriations bill prior to the time it came up for debate.

As of early this morning, the bill was not available to Senators, the committee report was not available to Senators, and I am told that it became available about 10:55 this morning, shortly before the bill actually was called up for debate.

I have not any ax to grind. I do not know of anything in the bill that I object to, but I do object to a process which makes it difficult, indeed in this case really impossible, for a Senator who is not a member of the Committee on Appropriations to be informed about the contents.

I said at the outset I do not have any amendment to offer but that does not mean that I or other Senators who do not propose to amend the bill are disinterested or that we do not want to know what is in this legislation.

I do not want to make more of it than it is.

I am not trying to be unduly cranky about it. But this is not a theoretical concern, Mr. President. This is not

just sort of a civics textbook kind of an issue that somebody needs to stand up and raise. I raise the point because of some very practical consequences which we have seen demonstrated recently.

For example, a few weeks ago, last month, I guess, we passed the dire emergency supplemental bill. Several weeks later, we discovered that language in the bill makes it all but impossible to kick drug criminals out of public housing, which I think is something that we all agree should be done. And yet, because of haste or a drafting error or inadvertence or lack of attention on the part of Senators or something, a provision found its way into this bill which makes it impossible for us to do so.

Nor is this an isolated case. Last month, the Senate passed child care legislation. I am now told that many of the provisions which we voted on and which were explained to us on the floor in fact are in error in the bill.

For example, we were told that new tax credits would help with the expenses of raising young children and would be available to families with incomes up to \$15,000 a year. Unfortunately, that is not what the bill says. As adopted by the Senate, a family with one child and an income over \$12,500 could not get this credit. Presumably, this is a mistake and hopefully it will be rectified.

Another benefit in the child care bill is the refundable dependent care tax credit. Under this benefit, a family may charge off against their taxes some of their child care expenses. Because this is a refundable credit, even if the family pays little or no taxes, they can still claim it and get a check from the Government.

Sponsors of the child care bill explained to the Senate that this credit would be 90 percent refundable. In other words, lower income families with no taxes would still be able to get a check worth 90 percent of the credit. The sponsors also told the Senate that this provision would take effect in 1991. And that is exactly what the bill says, in one place. Elsewhere it says that the credit is only 33 percent refundable and taxes effect next year.

I do not know which is right. As far as I know, nobody knows. But I will tell you this, that is \$400 or \$500 to an affected family.

A while back, we passed a 1,000-page drug bill, much like we are now being asked to consider these appropriations bills without having the benefit of knowing what is in them. This year the Senate has already acted on an extensive technical corrections bill to fix what we did that was wrong in last year's bill.

The point I want to make, Mr. President, is that these are not typographical errors. These are not the kind of

things that we should leave to a proof-reader to fix up. These are policy issues.

Let me cite just one or two more to make the point and then I will yield the floor.

Take section 89. Three years ago, a relatively unnoticed provision in the tax reform bill changed the rules on health care benefits companies give to employees. That change has now so completely baffled everybody that we have reached the point where businesses are spending huge amounts of money to figure out how to comply. The executive branch cannot seem to figure out how to enforce it and something that was done to help promote health benefits is clearly having the opposite effect. Now, worse still, we cannot even figure out as a Congress how to solve the problem. We tried to do so in the tax technical bill and we are still trying this year. Then there is the catastrophic health bill and there are others.

My point is this: We need to be sure we know what we are acting on. I think every Senator is appreciative of the leadership and of the leadership of the Appropriations Committee for getting us these bills in a timely manner. But I hope, as the others are called up, that the managers of the bill and the leaders will give us a reasonable time, I would think 24 hours or more, in which we could see the committee report and the bill so that we would know what is in them.

I do not think that, if a doctor declined to look at a patient's chart before going in to perform surgery or if a schoolteacher neglected to read the text before going in to teach the class, they would be held up to approval by those they serve, nor do I think Members of the Senate will gain general public approval, nor deserve it, if we do not look at what it is that we are voting on before we vote on it.

So, Mr. President, I just wanted to say to anyone who was interested that it will be my purpose in the future to object to unanimous-consent requests of this kind unless we have assurance that we will have a reasonable amount of time—and I think that is probably 24 hours—in which the bill and the report would be available to all Members.

I thank the Chair.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. BYRD. Mr. President, will the distinguished Senator yield to me?

Mr. LEAHY. Yes.

Mr. BYRD. The Senator from Hawaii and the Senator from Alaska were going to have a colloquy. I believe the Senator from Alaska has not spoken. If we could move that along.

Mr. LEAHY. Mr. President, of course I am not going to object. I just

would ask my colleagues' indulgence when they finish, if they might go to a matter that can be taken care of very, very quickly and some of us can get back to the Hastings trial.

Mr. BYRD. I am very agreeable to that, Mr. President.

Mr. STEVENS. Mr. President, cognizant of the problem that the Senator has mentioned, being a member of the Hastings panel, I just wanted to say that I am very pleased to join and my colleague is very pleased to join the Senator from Hawaii in this endeavor. We urge that the committee approve it. This will be a new Federal-State Commission on Alaska Native Affairs.

Mr. President, despite substantial sums of money that have been made available from the Federal Government over a period of some 25 years to assist our Alaska Native people, they still have the worst living conditions and the worst statistics in terms of suicide, of fetal alcohol syndrome, use of drugs and really despair in their lives of any American.

The Senator from Hawaii has taken his time now, as chairman of the Committee on Indian Affairs, to come to Alaska several times and travel where we travel and see the conditions that we see. We are very pleased to have his assistance and I am delighted to be able to thank him for this gesture.

By the way, Mr. President, we thought this was in the bill. I thought he had offered it. He thought I had offered it. So we apologize to the Senate for raising this on the floor. Mr. President, as I said when S. 1364 was introduced, over the past 20 years, the Federal Government and the State of Alaska have spent hundreds of millions of dollars on programs designed to address the health, education, and welfare needs of Alaska Natives.

The Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives would review the successes and failures of the past 20 years and evaluate what steps should be taken by the Federal Government and the State to meet the challenges faced by the Native peoples of Alaska. I believe this new Joint Commission is a first step to finding new ways to solve these continuing problems, and will guarantee substantial participation in this important process.

Mr. BYRD. Mr. President, this endeavor is a laudable one. It earmarks out of available funds. It has no impact and it does not increase the level on budget authority or on outlays and scoring.

Mr. MCCLURE. Mr. President, I agree with the chairman of the committee.

Mr. BYRD. Mr. President, just one postscript: If the American Indians have a champion, it is the distinguished senior Senator from Hawaii, DANIEL INOUE.

Mr. INOUE. I thank the Senator very much.

ISSUES RELATED TO ANCIENT FORESTS OF THE PACIFIC NORTHWEST

Mr. LEAHY. Mr. President, I have prepared an amendment to the bill before us which I am not going to offer today. But if I might have the indulgence of Senators just for a few minutes, I will explain why, and in the explanation I think we can save the Senate probably several hours of debate.

Before I begin doing that, I wish to commend a number of my fellow Members of Congress who have worked to resolve some of the issues surrounding the management of our ancient forests.

Senator HATFIELD, the distinguished ranking member of the overall Appropriations Committee, the distinguished Senator from Oregon, has worked long and hard to reach a solution to this complex problem.

Senator BROCK ADAMS, my good friend from Washington State, has devoted a great deal of time to working with environmentalists on this issue.

Senator PACKWOOD is very concerned about stemming the flow of log exports. His efforts have certainly been noteworthy.

Also, my good friend SLADE GORTON, who sits on the Agriculture, Nutrition, and Forestry Committee, has demonstrated a strong interest in this matter.

A distinguished Member of the other body, Congressman LES AUCCORN, has devoted many months of his life, especially recently, to this issue. He has worked hard to talk with Members on both sides of the aisle and Members of both bodies.

The distinguished Member of the House, NORMAN DICKS, is another Member who has been an effective negotiator on these issues, especially in the House Appropriations Committee.

Republicans and Democrats, House Members and Senate Members have worked closely in an attempt to work out what is a very difficult problem for environmentalists, producers, timber dependent communities, indeed all the citizens of the Pacific Northwest.

Now, normally, every Senator, especially the senior Senator from Vermont, defers to the Senators from a State or region in matters relating to that region. However, the issue we address here this afternoon is of national significance. For example, last year, when language was used in the Interior appropriations bill exempting two timber sales in the Northwest from judicial review, I did not come to the floor. That was only two fire sales. Now the committee amendment affects an entire region. Similar proposals affecting four other States and the entire Southeast are now being dis-

cussed. So it has become a national issue.

My concern about the national significance of the committee amendment led me to prepare an amendment to offer as a substitute for the committee amendment. However, my concerns both as an individual Senator and as chairman of the Agriculture, Nutrition, and Forestry Committee, have been allayed over several days and nights of long talks between the individual members who have been involved and our staff; people like Jim Cubie, and Tom Tuchman of my staff, who have worked long hours on this matter.

Mr. President, I see the distinguished Senator from Oregon here on the floor and I would like to engage him in a colloquy on this matter.

Mr. President, I am deeply concerned about the precedent that may be set by the language included in the committee amendments to the Interior and related agencies appropriations bill related to forest management in the Northwest, especially the limitation on remedies available to the plaintiffs in that proposal. Because of my concerns, I would like to ask the distinguished Senator from Oregon several questions.

Would he agree that the future resolution of this matter will not include an exemption from judicial review or limitation on remedies to which the parties do not agree; that at this time it appears that a neutral procedure will be needed to arbitrate the matters in dispute; that the timber level target will not be above the level that is sustainable if applicable environmental laws are complied with, and that every possible effort will be made to resolve the matter through the authorizing committees?

I want it to be clear to the Senator that we are talking about the future resolution of this matter.

Would he agree on those various points?

Mr. HATFIELD. Mr. President, I first wish to express my gratitude to the Senator from Vermont for the opportunity to engage in this colloquy in lieu of an amendment procedure as he has indicated that could take a great deal of time and not reach any different conclusion.

The Senator is quite correct. These are items that are to be undertaken in lieu of the present procedure. These are issues that are to be undertaken in lieu of the present procedure to resolve a long-term problem.

The Senator knows that the judicial review is an action of last resort, as far as any modification or exemption is concerned. It is under extraordinary conditions. That is why it is included in a modified way in this short-term solution. And I want to emphasize this is a short-term solution. It is to give us time to develop a long-term remedy.

The Senator is not here today to merely indicate his concern about the authorizing committee and its jurisdiction in the process. The Senator has also indicated his willingness to be part of the long-term solution.

The long-term solution is to jealously protect the existing laws unless, through oversight, those laws through the authorizing process, are determined to be amended.

As the Senator knows I have already asked the Senator from Arkansas, Mr. BUMPERS, in a letter that was sent a few days ago, if he would undertake oversight hearings as the chairman of the Public Lands and National Forest Committee. And I would again ask the Senator from Vermont in this case if he, as chairman of the Agriculture Committee, would undertake an oversight hearing? Because I want to assure the Senator that, as a person who participated in the drafting of these forest management laws, no one ever anticipated they would be in the situation they are now with court actions and injunctions and stalemate and the kind of activity that has brought this chaotic situation to the Northwest.

I want to assure the Senator, as one who, with Senator Abourezk many years ago, initiated a referendum bill as a constitutional amendment, I believe very strongly in the citizens' role in the Government and in reviewing Government policy.

I also participated in the drafting of this judicial review section to this very law as a member of the authorizing committee. So I want my colleague to know these actions have been taken only as a case of last resort, to try to avoid further chaos that we have experienced here in the Northwest, and hopefully we will have now a little breathing time for the Senator from Vermont, the Senators on the committees represented by the Senator from Vermont and the Senator from Arkansas, Mr. BUMPERS, so they can be a part of this long-term solution.

Governor Goldschmidt of Oregon and Governor Gardner of Washington State and my colleagues on both the House and Senate side in the delegations have no desire to try to hole themselves up on a weekend and try to come up with a long-term solution. In fact, this short-term solution has had the broadest participation of the interested parties, the agencies, and the public. And we want to certainly broaden the long-term solution to play a part, a very strong participating role for the authorizing committees. I agree with this statement that the chairman of the Agriculture Committee has propounded, and would happily proceed with the long-term solution in his company.

Mr. LEAHY. I thank the distinguished Senators and I know of his own environmental leadership both as

Governor and as Senator. One example is the bottle bill originated in Oregon, which we then followed in our own State of Vermont. Although there was controversy initially, I might say to my good friend, it now is supported by everybody from the right to the left. Fortunately, we had your example to follow.

Mr. HATFIELD. We still have to get that put through the Senate.

Mr. LEAHY. I understand.

I have written to Senator JOHNSTON in his capacity as chairman of the Energy and Natural Resources Committee to suggest joint hearings so we can proceed efficiently. I would say to the Chair that the distinguished Senator from Oregon had called me during the Fourth of July break. I was at home in Vermont. We discussed this and he told me of the work of the Governor and everybody else involved, Governor Goldschmidt and both the Republicans and Democrats in the congressional delegations are involved in this matter.

I appreciate the cooperation of the Senator from Oregon on this matter, but I believe it is important to state fully my views on this matter.

Mr. President, the right of our citizens to seek redress of their grievances against governmental action before an impartial third party is a basic principle of our system of government.

In the debate over the future of the ancient forests, a subtle but serious attempt to circumvent this right has developed.

To achieve a temporary resolution to this long-term controversy, an amendment to limit the public's right to due process through the courts has been included in this legislation.

The amendment, now adopted as part of the Interior and related agencies appropriations bill, would seriously restrict a citizen's ability to become involved in the debate over the future of our limited old-growth forests.

In essence, this proposal would leave decisions on old growth timber in the hands of the Forest Service; the defendants in the current injunctions.

The American public would be essentially eliminated from the decision process and left with no say over the future of the small remnants of an extremely valuable national treasure.

These forests serve this country in many ways. They provide lumber for our homes, jobs for our citizens, clean water for our fisheries, and areas where we can escape from our technological world.

Ancient forests also provide environmental benefits by cleaning our air and absorbing greenhouse gasses.

Scientists estimate that only 10 percent of our ancient forests remain. Although many parts of these forests are being protected, many Americans feel that more of this dwindling re-

source should be protected from development.

The conflict between jobs and the public's ancient forests is a difficult and complex one. It has been fought for many years and on many levels: In government, in the media, and in the courts. It is a conflict that will continue for many years.

To protect the public's right to a voice in the continuing conflict over the future of our forests, I intended to propose a substitute to the committee amendment.

The principal components of my substitute amendment are as follows:

FAIRNESS

The committee amendment would ultimately leave the decisions about the old-growth forests which are now under injunction solely in the hands of the Forest Service.

The Forest Service, which may have violated the law regarding harvests of ancient forests, cannot be considered a neutral party.

My amendment would establish a fair and equitable process by which a neutral party—a court-appointed special master—would make the decisions.

COMMUNITY STABILITY

The committee amendment would maintain the stability of Northwest communities dependent on timber harvesting. This is a goal which I share. The committee amendment does so with a 2-year harvest level of 8 billion board feet from national forests; 2 billion board feet from Bureau of Land Management lands.

My amendment provides the same stability. However, it recognizes the need to balance temporary local needs with long term national demands. It does this by reducing the harvest from national forests by 200 million board feet. Jobs lost by the reduced cutting could be easily replaced by closing loopholes in Federal log export laws.

RESOURCE SUSTAINABILITY

The committee amendment would require a 2-year Forest Service timber harvest level of 8 billion board feet. Although this is a decrease from recent harvest levels, this is still above sustainable levels.

My amendment would adopt the Forest Service's 7.8-billion-board-foot sustainability level as identified in the aggregate forest plans. After years of public comment, this is the level of harvest determined to be sustainable.

CERTAINTY

The committee amendment guarantees harvest levels by lifting court imposed injunctions.

My amendment also guarantees certainty by allowing a special master to quickly arbitrate binding final decisions. The final decision would not be subject to further litigation.

The old-growth issue is a difficult and challenging one, and one that will be with us for some time. My amend-

ment provides a short-term solution that protects jobs and resources without sacrificing the citizen's right to be heard.

We must all work together to reach a long-term solution to this controversy; one that protects the vital human and natural resources through a fair and reasonable process.

Although I am not offering this amendment today, it clearly shows that there is an alternative to the limitations on judicial remedies included in the committee amendment. This alternative will achieve the objective of preserving community stability which is the thrust of the Senator from Oregon's proposal. This objective will be achieved in a fair process supported by the environmental community.

Mr. ADAMS. If the Senator from Vermont would yield? I want to thank the Senator from Vermont for his participation and assistance in this. The delegations from the States of Oregon and Washington have been continually, over the last several months, attempting, step by step, to obtain a temporary solution to a very difficult matter.

We are particularly grateful to the Senator from Vermont for his indication that he will participate during this interim period in some long-term solution availabilities, both in the Judiciary Committee and in the Agriculture Committee. Because the problem is maintaining a viable old forest growth in the Pacific Northwest, which all of us wish to do, and at the same time to make available, such as we can, resources for a timber industry or wood products industry to exist. It is most difficult.

We are doing everything we can at this point to simply allow the parties to move forward. We have consulted with all of the various parties, and we appreciate the fact that the Senator from Vermont has come to the floor to assist in this, and we look forward to working with him. I can assure the Senator from Vermont that during this period we have all agreed within the delegations, both from the House and from the Senate, that part of our responsibility during this 14-month period is to monitor and oversee what is occurring to both protect the forests and protect the parties that have been before the courts.

We appreciate very much the opportunity for this colloquy.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCURE. Mr. President, I appreciate the accommodation that has been worked out. I know the problem of the folks in Oregon, Washington, and northern California are having because of one particular problem and the impact that it proposes, threatens on the economies of those regions. I appreciate the fact that the distinguished chairman of the Agriculture

Committee has agreed to go along with the solution that has been forged by all the parties who have been negotiating for weeks now, if not months.

I am concerned about only one thing, and that is the only reason I take the time to speak at this point. There is a crisis in timber supply because the process which we follow is not working. I appreciate the opportunity that has been at least proffered here to hold perhaps joint hearings between the two committees that have jurisdiction over the two large parcels of Federal lands that are involved, BLM lands and the Forest Service lands, to address whether or not the process is working the way it ought to work or whether, indeed, there are some impediments for the decision-making process that have unintended consequences, at least unintended by the Congress of the United States.

It is my strong feeling that indeed that latter is the case; that we are going to have to look at the process question. How do we go about making decisions? Why do we find it so difficult to allow land managers the opportunity to apply professional judgments and make decisions with respect to management in a timely manner?

In the review of the process by which we make decisions, it will take the cooperation of people on all sides, just as it has in the short-term question, so will the addressing of the longer term problems require the informed understanding of people with different points of view.

I welcome the expressions by the Senator from Vermont as to his willingness to participate in that because I think it is critically necessary, not just for the Pacific Northwest, but for the inner Mountain West as well, from New Mexico and Arizona through to Montana. There are problems in the Forest Service that must be addressed, and I look forward to working with the parties to accomplish some of those changes.

Mr. LEAHY. Mr. President, I appreciate the comments of the distinguished senior Senator from Idaho. I note only this: There will be no limitation on the type of hearings I would propose. My committee would certainly address all the relevant issues. It will be hearings that would look at all aspects of this matter.

The distinguished Senator from Idaho has said we should be in a position where professional managers should be able to make professional judgments. I concur in that. I want also to make sure that our procedures allow professional managers to make professional independent judgments in the best interest of the country and of all people involved. There is a national interest in many of these lands. I think we all concur in that. We want professional independent judgments.

Maybe the best thing that comes out of this whole discussion is that it will give us an incentive to take a new and fresh look at this issue. I think a fresh look is overdue. I think we should start facing the issues in other parts of the country that may be affected.

Mr. McCURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 412

Mr. BYRD. Mr. President, I offer the following technical amendments to the bill and I ask that they be considered en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 412.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 13, delete \$62,332,000 and restore the number line-typed.

On page 67, line 16, after the word "of", insert the following: "replacing".

On page 101, line 14, delete "Mr." and insert in lieu thereof "Mt.".

On page 104, line 19, delete "listed" and insert in lieu thereof "described".

On page 105, line 1-2, delete "order granting preliminary injunction" and insert in lieu thereof "order granting injunction pending appeal".

At the end of subsection (i) on page 106, line 10, insert the following: "Provided, That the courts shall have authority to void a sale if it has been determined by a trial on the merits that such sale should not be awarded."

At the beginning of subsection (k) on page 106, line 19, delete "This section applies" and insert in lieu thereof "Except for provisions of subsection (a)(1) of this section, other provisions of this section apply".

Mr. BYRD. Mr. President, the first technical amendment adjusts the appropriation for Oregon and California grant lands to the amount indicated in the committee's report, \$64,787,000. This is the same amount appropriated by the House.

The second technical amendment adds the word "replacing" to the authorities in the Clean Coal Technology Program. This conforms the bill with the committee report language. The effect of this provision is to restore certain authority, which was available under the first clean coal solicitation. This authority would permit the Department to fund demonstra-

tions of technologies which, possibly because of their nature, are more suited to new construction rather than reconstruction. It is the committee's intent, of course, as with the entire Clean Coal Program that these technologies be designed to reduce pollution coming from existing plants. DOE should fund replacement facilities where this link can be clearly drawn.

The third technical amendment clarifies the spotted owl amendment included as section 317. These amendments limit and clarify the judicial review provisions offered by Senators HATFIELD and ADAMS.

Mr. McCURE. Mr. President, we have no objection to the technical amendments. I urge their adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 412) was agreed to.

Mr. McCURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCURE. Mr. President, I urge Senators who have amendments to come to the floor. I think it is the plan of the leadership to move to another appropriations matter when we finish this bill. I know Senators by the end of this week will be urging us to get our work completed. If we move forward now we would get our work completed. We have notification from several Senators that they have amendments and I urge them to come to the floor to offer those amendments if, indeed, they have them.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the pending committee amendment be set aside.

The PRESIDING OFFICER. Is there objection. Without objection, it is so ordered.

AMENDMENT NO. 413

(Purpose: To provide funds for land acquisition at the Wayne National Forest, Ohio)

Mr. METZENBAUM. Mr. President, I send two amendments to the desk and ask that they be considered written as one and considered as one.

The PRESIDING OFFICER. Is there objection. Without objection, it

is so ordered. The clerk will report the amendments.

The bill clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 413.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 56, line 9, strike the period and insert in lieu thereof: "Provided, That \$2,000,000 shall be available for land acquisition within the Wayne National Forest, Ohio."

On page 18, line 20, after the semicolon, insert: "Provided further, That \$3,500,000 shall be available for land acquisition within the Cuyahoga Valley National Recreation Area, Ohio."

Mr. President, I am concerned about the fact that the Senate Appropriations Committee eliminated funds for land acquisition at the Cuyahoga Valley National Recreation Area and the Wayne National Forest in Ohio. As passed by the House, the bill contained \$3.5 million for Cuyahoga land acquisition and \$2 million for Wayne forest land acquisition.

Now, the Cuyahoga Valley National Recreation Area is a national park, the only one in an urban area between California and New York. I remember very well how that park came into being. I was here in 1974 by appointment. I had run for election, and I had lost the election, and I think the Energy Committee—or at that time the Natural Resources Committee—almost as out of consideration for a fellow Senator that had been defeated, was kind enough to create a national park in Cuyahoga Valley. At that point, President Ford was pushing very hard for the creation of more urban parks, and this was one of the few created at the time. It is not one of the large national parks in this country, but it is a beautiful forest and land area, a water area, between Akron and Cleveland, one that is very close to my own heart.

The Wayne National Forest is protecting one of the few remaining hardwood forests in the Midwest. The forest is facing increased development pressures. It currently is composed of hundreds of scattered blocks of land. Additional land acquisition is needed if we are to consolidate these isolated tracts into a unified forest which can be managed feasibly.

I would hope that the distinguished chairman of the committee would either see fit to accept these amendments at this point or indicate a serious willingness to consider them in the conference committee, and I would ask whether or not I might obtain that kind of consideration.

Mr. BYRD. Mr. President, the distinguished Senator is correct. These

items are included in the House-passed bill, and I will certainly give every consideration to the matters when we reach conference. I understand the Senator's interest, and I have seen that interest in his items demonstrated on the floor here before. He is a very effective Senator who represents his people very conscientiously, and I understand that. But I would hope that he would withdraw the amendments here at this time, with the understanding that we will go over these matters very carefully in conference, and I will be looking strongly at the matters and will certainly keep in mind the Senator's interest in them and will do whatever I can.

Mr. METZENBAUM. I very much appreciate the thoughtful consideration of the manager of the bill with respect to these amendments. I want to assure him that the sign painters are presently working on a very large 6-foot by 3-foot-deep sign at each of these locations, and they are pointed in the right direction, and each of those signs say, "welcome West Virginians." [Laughter.]

I know they are prepared to erect those signs immediately upon conclusion of the conference report including these items.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Ohio yield?

Mr. METZENBAUM. Yes.

Mr. McCLURE. I was waiting with bated breath to see what was going to be on the signs. I thought you would say it would say "Visit Beautiful West Virginia."

Mr. METZENBAUM. We are prepared to put an addendum on with respect to Idaho, if the Senator from Idaho thinks that will help.

Mr. McCLURE. In a very serious vein, I am very familiar with both of these issues, having worked with the Senator from Ohio and the Representatives from Ohio when we are in the other body in conference with Members of the other body. Indeed, these issues are considered every year and have been for a number of years. I am predisposed to have sympathy for the acquisitions. We have a very tight acquisition budget this year.

I think the chairman of the committee, very correctly, said, "Let us take care of what we have before we buy more." That set the tone for our efforts in our subcommittee this year. It will be a different matter when we get to the conference, and I assure you these projects will get very careful attention as we get into the conference. I am compelled at the end of this, also, to express the hope that just as we look at the local interests—and it is more than just local in these—particularly with respect to the Cuyahoga, that people in other areas of the country also look at the regional problems

we experienced in our own area of the country.

Mr. METZENBAUM. I thank my friend from Idaho, and I thank them for the consideration, and with those assurances, Mr. President, I will withdraw the amendment.

The PRESIDING OFFICER. The Senator has the right. The amendment proposed by the Senator from Ohio is withdrawn.

The amendment was withdrawn.

Mr. BYRD. I thank the Senator from Ohio.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 414

(Purpose: To provide support for the Greater Monongahela Valley Steel Industry Task Force)

Mr. McCLURE. Mr. President, on behalf of the Senator from Pennsylvania, Mr. HEINZ, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Does the Senator wish to set aside the pending committee amendment?

Mr. McCLURE. I make that request, Mr. President.

The PRESIDING OFFICER. Is there objection? Without objection, the pending committee amendment is set aside.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Idaho [Mr. McCLURE], for Mr. HEINZ, proposes an amendment numbered 414.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 14, line 3, strike "\$770,717,000" and insert in lieu thereof "\$770,917,000".

On page 15, line 16, strike "\$15,100,000" and insert in lieu thereof "\$15,435,000".

On page 24, line 18, strike "\$175,659,000" and insert in lieu thereof "\$175,000,000".

Mr. HEINZ. Mr. President, my amendment has an offset which will be redistributed for National Park Service Assistance to the Steel Industry Task Force of southwestern Pennsylvania and for various Park Service industrial preservation, activities in the region.

This offset is sufficient to keep the pending legislation within its 302(b) allocation. The amendment reduces, by \$659,000, environmental research and development by the Bureau of Mines.

I deeply regret having to pick and choose among worthy Pennsylvania programs. Unfortunately, I have no choice. Even after passage of this amendment, environmental research and development would still be at a level more than \$100,000 above that provided by the House, and more than \$4.6 million above the requested level.

Despite the reduction contained in this amendment, I urge the managers to make every effort to provide the committee-approved level for the Bureau of Mines during the conference with the House of Representatives.

The funds will be redistributed as follows:

The sum of \$135,000 to sustain the Historic American Engineering Record [HAER] office in Allegheny County. These funds continue HAER's support involving historic research and documentation activities. Measured drawings and historic documentation photography are being provided at selected industrial heritage sites and communities throughout the area.

The sum of \$100,000 to sustain the National Park Service Mid-Atlantic Region's planning assistance to the Steel Industry Heritage task force.

The sum of \$25,000 in advance planning assistance for the Carrie Furnaces/Homestead Works. These funds support activities related to the 1892 centennial commemoration of the steelworkers strike at Homestead. The lessons of the great strike at Homestead and the subsequent use of armed force by the Pinkertons to crush the union that had shared in decisionmaking at the Homestead Works of the Carnegie Steel Co., must be documented and preserved for future generations. Labor historians are in agreement that Homestead was one of the most dramatic watersheds of American social history.

The sum of \$200,000 to continue support for the Steel Industry Heritage Task Force's Final Action Plan. This assistance is essential for the task force to complete its plan, required by Public Law 100-698.

The sum of \$75,000 in advanced planning for a National Park Service reconnaissance survey of Allegheny, Beaver, Washington, and Greene Counties. This survey would identify significant cultural resources related to heavy industry among the four counties and would complement the 1985 survey of the nine counties represented by the Heritage Preservation Commission.

Mr. President, obviously, it is uncomfortable for any Member from any State to have to pick and choose between the programs in one's own State. We have a variety of very worthy causes, and the Appropriations Subcommittee on Interior would not have allocated the money to the

Bureau of Mines unless it felt they were worthy projects.

Let me just say on behalf of this amendment that the area that benefits from the Steel Industry Heritage task force's work, is one of great historic significance for the development of the steel industry in the United States. The Monongahela River, which runs throughout the region all the way down into the chairman's home State of West Virginia, has long been associated with America's pioneering industrial spirit.

We have very strong ties that run along that river, but, in the last decade, the steel industry in Pennsylvania and particularly in that valley has suffered greatly. It has been very hard for families and communities that had depended for literally generations on the work of those mills to support themselves; to look forward to a bright future. The realization has set in that many of those jobs, perhaps most of them, will never return. But there is one thing that people do not want to have eliminated along with their livelihood, and that is their pride in their past.

It was just a little over 100 years ago that Andrew Carnegie decided that if he could take a pound of iron ore from the shores of the Great Lakes and a pound of coal from the coal mines up and down the Monongahela River, he could make a pound of steel, sell it for a penny and make a profit. That was the birth of the steel industry in this country as we know it today. The danger is that its legacy, the mammoth steel mills that sprung up in places along the "Mon," which are a testament to both the creativity and the ingenuity of our industrial past, as well as to the tremendous sacrifice and dedication of the workers, and their families, should not also be allowed to pass into oblivion like many steel jobs.

The acceptance of this amendment by the committee will allow me in the Steel Valley, as it is called, to preserve certain essential elements important to America's historic past for our future generations. One of them we hope will be the Carrie Furnace's. That complex is extremely impressive, embodying a new technology that was developed just a little bit before the turn of the century.

It is my hope and expectation that the very modest funds contained in this amendment, \$535,000, which are so important to tens of thousands of people, will lead us to take action, and I hope, Mr. President, that we will.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia [Mr. BYRD].

Mr. BYRD. Mr. President, this is a transfer from one account to another. It is neutral, therefore, and all within the State of Pennsylvania.

I have no objection to the amendment, and I am willing to accept it.

Mr. SPECTER. Mr. President, I take this opportunity to call attention to a particular issue involving the Allegheny National Forest in Pennsylvania, the largest national forest east of the Mississippi River. The Allegheny and Clarion River corridors within the Allegheny National Forest offer a diverse mix of land forms, islands, and rock formations encompassing 500,000 acres in western Pennsylvania.

I am concerned that the Senator failed to include funds for the purchase of four river-front properties within the Allegheny National Forest despite the House's inclusion of \$1.01 million for this important acquisition. Benefits accrued from the acquisition of these parcels will not only protect the scenic beauty of the river valleys, but will provide natural habitat for the many rare species of wildlife and plantlife which inhabit the forest.

Two notable items which will be preserved include the small whorled pogonia, and endangered plant, and a very significant archaeological site in northwestern Pennsylvania, the Irvine-Dunn's Eddy Flats.

I commend the President, John Oliver, and the members of the Western Pennsylvania Conservancy for their efforts on behalf of Pennsylvania's natural resources.

Mr. President, in light of the significant preservational value the acquisition of these properties will provide, I urge the Interior Appropriations Conference to recede to the House provision regarding Allegheny National Forest.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment (No. 414) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HEINZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HEINZ. Mr. President, I want to thank the managers of the bill for their kind consideration. I very much appreciate their cooperation.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINZ. Mr. President, I would like to take a moment to raise two issues of concern with the distinguished managers of the pending measure. Obviously the Interior and Related Agencies Appropriations Subcommittee faced again this year a very

tough allocation ceiling. The managers have had to make hard decisions on the whole, and on the whole I am supportive of their decisions.

I am concerned that the Senate has not been able to provide support for the acquisition, through the Land and Water Conservation Fund, of some very important, pristine lands lying just outside the Allegheny National Forest in northwest Pennsylvania.

I might add that the Allegheny National Forest is by far the largest and really only significant tract of national forest of anything like its type east of the Mississippi.

The House of Representatives in their appropriation bill did set aside \$1.1 million for the purpose of acquiring this pristine land.

I would stress to the managers that the lands in question are, first, generally contiguous to the forest, right alongside them, and they are under a very great deal of development pressure. Therefore I fear that if the Congress does not take action to include the lands this year in the forest—that is what the money is for—we will be very sorry later because it will be too late.

The pressures of development will succeed and the lands in question will succumb, they will lose their pristine nature, they will lose their, if you will, validity for inclusion in the forest. That would be extremely unfortunate.

On a separate matter, the House has provided some \$13 million to continue development of the Steam Town National Historic Site in Scranton, PA. The funds are to continue construction at that site, which is a new park, and which needs additional work in order to complete its renovation. Without such funding the public will be visiting less than a complete park. The public will not be able to fully appreciate the impressiveness of the historic site, all of which honors this Nation's very long history of rail transportation.

Steam Town has very strong local support, which has helped bring the site into being, and it is an example, in my judgment, of the renaissance now under way in what has been an economically stressed and distressed area of our State and Nation.

Although the Senate is not able at this moment to provide the necessary funds and support, I take this occasion to bring my concern to the attention of the managers and to ask them whether they would be able to support these two items in conference with the House if the budget allocation for the appropriation allows them to do so. If the managers of the bill could make any comment, hopefully positive, I would be grateful for their response.

Mr. ADAMS. We have had an opportunity to examine in detail the requests of the Senator from Pennsylvania

nia and cannot make such a commitment at this time.

If the Senator wishes at a later time to renew his request, the managers will once again consider it.

As of this time we are unable to make such a commitment to the Senator, though we recognize the persuasiveness of his case and the desire he has to obtain these two pieces of land in Pennsylvania and to proceed as he has suggested.

Mr. HEINZ. Is the Senator suggesting that I should come back to the floor later on today to renew this request?

Mr. ADAMS. I suggest that my colleague might renew his request later, but at this time we cannot agree to it.

Mr. HEINZ. I will be happy to do so. Thank you.

The PRESIDING OFFICER. Does any other Senator seek recognition? The Chair in its capacity as a Senator from the State of Virginia, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ADAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICE. Without objection, it is so ordered.

Mr. ADAMS. Mr. President, this bill has been a long, and in many ways difficult bill for many of us. But I think at this moment I would like to stress some of the very positive aspects of it. And, in particular, I wish to pay my compliments to the chairman of the committee, Senator BYRD and to the ranking member, Senator McCLURE and to the ranking Republican member on the full committee, Senator HATFIELD.

While I am indicating individual Senators, I want to express the gratitude of the people of the State of Washington to Senator INOUE and to all the members of the committee for the assistance they have given to us in the settlement of certain treaty rights involved with the city of Tacoma and certain Indian tribes.

It has been, as a new member on the full Appropriations Committee, a very worthwhile experience to note the care with which the committee has approached attempting to stay within the allocation guidelines requiring at all times, Mr. President, that there be offsets if anyone requests additional money in order to remain within the allocations as given to the committee by the full Senate through the budget process.

As a former chairman of the Budget Committee of the House and one of the first to be budget chairman, as we were creating this process, it is with both appreciation and with somewhat a matter of awe that I find the process still works as well as it did. I can cer-

tainly state that it has in the Appropriations Committee.

I also want to express my appreciation on behalf of the delegations of the Pacific Northwest, particularly Senator HATFIELD and myself—he may address this further later today—for the cooperation we have received from the committee in attempting to work out very difficult matters that can only be handled through the appropriation of sums of money and at times the limitations and instructions on how those moneys shall be spent.

This has been a very important bill. It has required the presence of many of us from the Pacific Northwest during this period of time.

I did not want to have this opportunity pass without paying respects to the committee and in particular to the subcommittee for the efforts that have been made to stay within the boundaries that were set and at the same time to meet the legitimate needs of the States. I have chosen this particular time to do it because it was my responsibility, as manager at this particular moment in time, to indicate to one of my dear friends and respected colleagues that we would have to have further consultations, we could not agree to a particular request. I think that will be found to be true of all those that have not worked their way within the system, simply because the funds are not available.

I state that, having first stated the fine things I think the committee has done and the great attempts to satisfy the requests of many, many, and balance off the needs of the Nation, that we are not available at this time to add substantial amounts of money or add substantial acquisitions.

I state that so that I am hopeful, as the managers return, we will be able to complete this bill and return to the Department of Defense authorization bill. I thank the President for his time and indulgence, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WALLOP. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Ms. MIKULSKI). Without objection, it is so ordered.

The Chair advises the Senator there is a pending amendment.

Mr. WALLOP. I ask unanimous consent that the pending amendment be set aside that I might have an amendment considered.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WALLOP. I thank the Chair.

AMENDMENT NO. 415

(Purpose: to provide not less than \$2,500,000 to be used to compensate States and Indian Tribes for audit activities under sections 202 and 205 of the Federal Oil and Gas Royalty Management Act of 1982)

Mr. WALLOP. I send an amendment to the desk and ask it be stated.

The PRESIDING OFFICER. The clerk will report the amendment of the Senator from Wyoming.

The legislative clerk read as follows:

The Senator from Wyoming (Mr. WALLOP), for himself and Mr. SIMPSON, proposes an amendment numbered 415.

Mr. WALLOP. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 23, line 17, insert a period and the following: "Provided further, That of the above enacted amounts, up to one-half of the amounts for mineral revenue compliance shall be used to compensate States and Indian Tribes for audit activities under the provisions of sections 202 and 205 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1732, 1735)".

Mr. WALLOP. Madam President, I have spoken with the able managers of the bill and have conformed this amendment, I think, to their liking.

Under the minerals management program, which requires the Minerals Management Service to manage the auditing program for oil and gas receipts on Federal lands, there is a provision which establishes a State and tribal auditing program to perform some of these audits.

These auditors are employed by the States and the tribes but are paid by the Mineral Management Service. There is, and has always been, an ongoing battle for control between Mineral Management Service and the State tribal programs. The Mineral Management Service has been making a full-court effort to bring the audits to contemporary status.

Currently, the States are still auditing production from the early 1980's. The Mineral Management Service would like to use most of the already appropriated \$5 million to hire private auditors to complete these audits—most likely, from a big eight firm—in that they, themselves, do not have the auditing capacity to complete their audit.

The States, on the other hand, would rather have more of that money for themselves to finish the audits. In either instance, the Federal Government is the ultimate winner, as those audits have continued to pay off, as they have been completed by the reclamation of revenues and royalties that the companies have not paid the Federal Government.

The House did not address the issue at all in its report, and the Senate bill,

as it stands, leaves the \$5 million to the discretion of the Mineral Management Service. Senator SIMPSON and I, having conferred with the able chairman of the committee and the ranking member, have asked that language be inserted in there that would authorize them to release up to one-half of the money set aside in this category for mineral revenue compliance, to be used to compensate States and the Indian tribes for their audit activities under the provisions of sections 202 and 205.

This does not mandate that they do that, but it gives them a clear direction, I would say, in the event that a State demonstrates its capability to conduct these audits. We did not want to set aside money for audits that the States were not able to complete on their own. Therefore, the hard and fast figure has been softened by saying they may spend up to one-half for mineral revenue compliance.

That is the gist of the amendment, Madam President. I honestly believe that it is in the spirit of the original language of the act and certainly makes for a competent judgment to be rendered to the States to be able to demonstrate their capability in this matter.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia, the chairman of the committee.

Mr. BYRD. Madam President, this amendment has no impact on the budget authority outlays.

I am willing to accept the amendment on this side.

Mr. McCLURE. Madam President, I commend the Senator from Wyoming. I am hopeful that this indeed may aid in the completion of these audits where the States and tribes have the capacity and ability to work with the forces that they have, and I think it is a constructive amendment.

I would accept it.

Mr. WALLOP. I thank both managers and would state that Senator SIMPSON, also from my State of Wyoming, has been pursuing an active program of auditing to the great benefits of the Federal Government. I appreciate both managers' agreement to accept the amendment and would ask that the amendment be agreed to.

The PRESIDING OFFICER. Is there further debate on the amendment?

If there is no further debate, the question is on agreeing to the amendment of the Senator from Wyoming.

The amendment (No. 415) was agreed to.

Mr. WALLOP. I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WALLOP. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon may proceed.

Mr. HATFIELD. I thank the Chair.

Madam President, Senator ADAMS of Washington State, along with our colleagues from our respective States in the Senate and our colleagues in the House of Representatives, have been in a very long session over a period of weeks in trying to develop a short-term solution to a very serious matter in our Northwestern United States of the States of Washington and Oregon, relating to old growth forests and the Spotted Owl as a possible endangered species.

We have attempted to bring together the divergent parties and interest groups in crafting this short-term, 14-months holding pattern solution in an effort to try to bring the parties together to resolve the issue in a long-term manner that does not necessitate the coming to the floor each year on an appropriation measure to try to put another Band-aid on a very, very serious matter.

Only to indicate that this is a continuing process, we have just within the last few moments parted company with discussions with the environmental organization representatives, hoping that we can further clarify and define our intent and the language used to acquire at least an acquiescence to the proposal.

So this is the purpose of the colloquy I rise to engage in with Senator ADAMS, my very dear colleague who has been a magnificent soldier in a very difficult battle.

I believe that Senator ADAMS and myself, together with other members of the Northwest congressional delegation, have come up with language in this bill which will guarantee a sufficient supply of wood from the public forests to keep the mills running in our States for the next fiscal year. We have also attempted to make every effort to guarantee protection of the environment in those public forests at the same time through the requirement to the agencies that they carry out the required timber sale program in such a way as to cause minimal fragmentation of the unique old-growth forests of the Pacific Northwest.

At the present time, the most comprehensive definition of old-growth forest is that which is found in the latest version of the Forest Service document known as PNW-447. It is

the most comprehensive because it sets forth four or five specific definitions, to cover the four or five forest types of old-growth forests to be found in the west sides of Oregon and Washington, from the Siskiyou Mountains to the Canadian border. The problem we face in the short term is to reconcile the need to establish a commonly accepted, and scientifically supportable, definition of old-growth forests, with the need to establish certain protection for these forest resources. On June 24, 1989, the Oregon congressional delegation and Governor Goldschmidt of Oregon suggested the use of PNW-447 as the definition to be used over the next 15 months. It is my intention that the final definition adopted by the conference committee be the one which most adequately protects those forest resources.

It is the intent of Senator ADAMS and myself to bring clarity and certainty to all sides of this controversial issue. I want the timber industry to know that they can expect to receive a certain volume of wood from the public forest for next year, and equally, I want the environmental community to know that it is our intent, through the use of these old-growth forest definitions, to direct the agency to follow a minimal fragmentation policy in any forests which meet this definition, as much as possible.

I ask my colleague if this outline of comment satisfies his understanding of our intent?

Mr. ADAMS. I want to state to my good friend, the Senator from Oregon, that it certainly does. I think that we are in complete agreement that this is what we have attempted to accomplish through weeks of meetings and with the delegations from the two States and with the Governors of the two States.

It is my expectation that during the process of reviewing of timber sales to achieve the minimum fragmentation, the Forest Service and the advisory boards will consider the modifications of existing timber sales to eliminate or relocate individual sale units that would fragment potentially significant forest stands. It is also my intention that the Forest Service, to the extent achievable under current law, prepare a substantial volume of additional fiscal year 1990 sales for consideration by the Service and the advisory board. These sales to be prepared are above and beyond those already prepared by the Forest Service and should be designed for the express purpose of non-fragmentation of the old-growth forest while contributing to the sales volume.

This will alleviate potential concern that the Forest Service and the advisory board will only be forced to implement a minimum fragmentation policy

solely from sales that fragment habitat.

The funds for such new sales preparation are included elsewhere in this bill. It is my intention that the Forest Service make every effort to make these sales available within the fiscal year.

I ask my friend from Oregon if that is his understanding of how we are working our way through this problem.

Mr. HATFIELD. I believe the Senator from Washington State has stated the intent and the situation very clearly.

I would also add further that it is the intention of this amendment to establish committees on a forest by forest basis—or district by district—comprised of those persons most knowledgeable about the resource values of each forest. The committees will review timber sales and make their recommendations about which sales should be prohibited, released, or modified, in furtherance of all provisions of the amendment, and the agencies will be urged to fully consider these recommendations. The committee shall be made up of at least 13 members. It is our intention that the board will be comprised of and will fairly represent the diverse views of the interests affected by this law. It is not intended that the board membership reflect largely two perspectives. It is expected that these boards shall reflect the views of the environmental community, the forest products industry, Indian tribes, the scientific community, labor, and other interests.

I am willing to consider further clarification of the process as necessary, of course, on this or any of the other components as we move from the Senate to the conference at some future date.

Mr. ADAMS. I thank the Senator from Oregon for his comments. I agree with them completely and I appreciate the effort that he has placed in this, and we shall move forward from this point.

Mr. HATFIELD. I thank my colleague from Washington State.

Madam President, I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NOS. 416 AND 417

Mr. HATFIELD. Madam President, on behalf of Senator ADAMS of Washington State and myself, I send two technical amendments to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The Senator will withhold. There is a pending committee amendment.

Mr. BYRD. Madam President, I ask unanimous consent that the pending committee amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments will be considered en bloc. Is that what the Senator wishes?

Mr. HATFIELD. Yes, I thank the Chair.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc and the clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for himself and Mr. ADAMS, proposes amendments en bloc numbered 416 and 417.

Mr. HATFIELD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT No. 416

On page 103, line 21, delete "all".

On page 103, line 22, after the word "into" insert "negotiated".

On page 105, line 15, delete "all".

On page 105, line 16, after the word "enter" insert "negotiated".

AMENDMENT No. 417

At the appropriate place in the bill, strike subsection (e) of section 317 in its entirety and insert in lieu thereof the following:

(e) The United States Fish and Wildlife Service shall confer with the Forest Service and the Bureau of Land Management, and shall prepare and complete an advisory report which recommends to the Forest Service and the Bureau of Land Management criteria to be used in identifying those areas that should be avoided to ensure the continued viability of the northern spotted owl. Such report shall be completed and submitted to the Forest Service and Bureau of Land Management by November 1, 1989; once the report is completed, the Forest Service and the Bureau of Land Management shall consider the report recommendations, together with other relevant information, in the preparation, advertisement, offer and award of the timber sales directed by this section.

Mr. HATFIELD. Madam President, basically these two amendments that we are asking to be considered en bloc do two very simple things: One is we change the word "all" relating to parties to a suit to just the word "parties" and we insert another word, the word "negotiated."

The second amendment is to clarify the role of the Fish and Wildlife Service in matters relating to the information that they gather on the spotted owl issue.

Those are basically the only things these two amendments do. I ask that they be agreed to.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. GORTON. Mr. President, I would like to take a moment to comment on the efforts of Senators HATFIELD and ADAMS. Yesterday the Senate Appropriations Committee accepted an amendment sponsored by Senators HATFIELD and ADAMS. It is an amendment which represents countless hours of time on the part of both those Senators and their staffs as well as the entire delegations from Oregon and Washington. I would also like to extend my deepest appreciation to my colleague and the chairman of the Senate Agriculture Committee, Senator LEAHY. I thank Senator LEAHY for working with the Northwest delegation in addressing his interest in this matter, and welcome his involvement in future discussions of a long-term resolution.

The effort represented in the Hatfield-Adams amendment is twofold: It strives to ensure timber to mills that are on the brink of complete shutdown; and it strives to prevent fragmentation of significant stands of old growth forest. In the midst of the Northwest timber crisis, this amendment is a breath of stability, however brief. At the same time, this amendment merely maintains the status quo on the larger question—to what extent do we allow our national forests to be open for multiple use? I hope that with some relief to the immediate crisis, we will all be able to address this long-term question with cooler heads.

The timber supply crisis we are facing in the Northwest is desperately serious. I have received thousands of letters from constituents—from mothers fearing for the livelihoods of their children and way of life—and from others concerned about preserving the spotted owl species and the overall environmental quality of life dear to us in Washington State.

This conflict is over the use of the resources in our National Forest System and to the extent to which these forests provide jobs for our citizens. These citizens depend on sound forest management, on clean water, and clean air. Obviously, decisions made regarding the use of these resources must be thoughtful and balanced.

Today's amendment represents such a thoughtful and balanced process. For several months the Oregon and Washington delegations have met with constituents dependent upon timber for their livelihoods and constituents who are concerned for the status of the spotted owl species as well as the many interest groups concerned with these issues.

Mr. President, while the environmentalists may be disappointed with

this short-term agreement, they are not the ones making the sacrifices. The hard-working people of our timber communities have already lost jobs and wages, and lost certainty as to whether their way of life will even continue to exist.

No one should doubt that this agreement forces upon these people continued sacrifice. There will be more jobs lost, and some mills and towns will remain in jeopardy, particularly on the Olympic Peninsula. I am deeply aware of that fact, and I cannot be satisfied, except for the short term. No one is made whole by this agreement, and in the opinion of this Senator, we must continue to seek greater timber supply and greater long-term stability.

The effort provided by Senators HATFIELD and ADAMS is to be commended. It strives to return timber to the mills destined for closure as well as to prevent fragmentation of significant old growth areas. This is a short-term relief measure.

Again, I would state that the effort on this appropriations legislation in this Senators view has been thoughtful and balanced. Congress does not want to overturn the Endangered Species Act, it does not want to harm the spotted owl and it does not want to promote unsound forest management. It does, however, need to address the crisis facing us as a result of the conflict over our national forests in region 6. This effort has been broadly inclusive of input from all parties, and is an important first step—and not the final solution.

I look forward to working with all of my colleagues from Oregon and Washington as well as other interested parties and Members of Congress in seeking a resolution to our land use conflict in the Pacific Northwest.

Mr. BYRD. Madam President, the distinguished Senator has discussed these amendments with the managers. I certainly have no objection. I am willing to accept the amendments en bloc.

Mr. McCLURE. Madam President, we have no objection to the amendments.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendments en bloc of the Senator from Oregon, Mr. HATFIELD.

The amendments (Nos. 416 and 417) were agreed to.

Mr. HATFIELD. Madam President, I move to reconsider the vote by which the amendments were agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Madam President, I personally wish to thank the managers of the bill for their assistance and the staff assistants to the managers.

EXCEPTED COMMITTEE AMENDMENT PERTAINING TO SECTION 119

Mr. BUMPERS. Madam President, what is the pending business?

The PRESIDING OFFICER. The pending business is the committee amendment. It is on page 52, line 23, through page 53, line 3.

Mr. BUMPERS. I thank the Chair.

Madam President, this is an amendment on which I will, as soon as we have an opportunity to discuss it, ask for a rollcall vote. I originally intended to make a point of order that it is legislation on an appropriations bill, which I think it clearly is, to which the Senator from Idaho would obviously raise a point of germaneness and we would be voting on the germaneness issue one way or the other.

I think it is better for the Senate and it is better for both the Senator from Idaho and the rest of us who oppose this committee amendment to just have a clear-cut up-or-down vote.

Madam President, yesterday in the Appropriations Committee, the Senator from Idaho offered this amendment, and I will not read the amendment, but I will tell my colleagues essentially what it does and the way it happened.

The Senator from New Jersey offered an amendment to place offshore lands off the coast of New Jersey in sort of a moratorium; that no further planning would be made for the leasing of lands for oil and gas drilling off the coast of New Jersey.

He was defeated, defeated rather soundly. I think the vote was 16 or 17 to 7.

Immediately thereafter, the Senator from Idaho offered an amendment. Let me read it to my colleagues so they will understand the precise language of it.

This is section 119 of the bill. It is a very short amendment. Please lend me your ears and listen to this.

Notwithstanding any other provision of law, after October 1, 1991, no vessel transporting petroleum or liquid petroleum products may enter any territorial waters of the United States for which there is a prohibition on Outer Continental Shelf preleasing studies, leasing, exploration, or development.

Mr. President, last year in the Presidential race Michael Dukakis went to California. He had seen the polls. He knew the people of California were adamantly opposed to drilling the Outer Continental Shelf off California, a very volatile political issue. And the polls showed that the people of California were overwhelmingly opposed to that drilling.

Presidential nominee Dukakis said: "If I am your President, there will be no drilling."

Shortly thereafter, then Presidential candidate George Bush, now President George Bush, took a poll and, lo and behold, his poll said the same thing. But he had a slightly different prob-

lem. He had had Donald Hodel as Secretary of the Interior and Donald Hodel was saying: We do not care what the people of California think. We are going to drill.

That was until then Vice President, Presidential candidate George Bush told him otherwise. Because he had seen the polls too. So he goes to California and he says: I promise you if I am President, we are not going to drill it. And, in addition to that, I have asked the President to declare this entire area off limits from further study for oil and gas leasing.

The gentleman who made that decision was Ronald Reagan after he heard from President Bush, and President Reagan called the Secretary of the Interior Donald Hodel and said: Donald, I have bad news for you. You are not going to go forward with this drilling off the California coast after all. My Vice President says it may cost him the State of California.

So, just like that, that is the way it happens when you have the power, just like that, all of northern and southern California is declared off limits.

How big an area? Well, just lease sale area 95 contains 7 million acres. I do not know how big 91 is, but I think it also contains millions of acres. The people of California did not vote to put that off limits. The U.S. Senate did not vote to put it off limits. The House of Representatives did not vote. It was just a political deal.

If I had had a chance to vote on it, for one time in my life I would have voted with Ronald Reagan.

So, If you look at the maps today, please keep in the back of your mind what this amendment does. No vessel carrying petroleum or petroleum products under this amendment can stick its nose inside those millions of acres in California. They may have to go 300 miles out to sea to come back into a port someplace else but they may not enter any area on which there is presently what we call a moratorium on oil and gas leasing. Whether the Congress did it, whether the Secretary of the Interior did it, no matter how it may have happened.

Mr. McCLURE. Will the Senator yield?

Mr. BUMPERS. Yes.

Mr. McCLURE. I do not want the Senator to labor under a misapprehension as to what the amendment does and I am afraid the Senator has misread the amendment and that is the reason I interrupted. I certainly would not have done so otherwise only in this regard: The amendment does not affect those deferrals of leasing activities that are ordered by administrative action. That is a totally different issue. It is a different question. This would deal only with those in which there is a legislated moratorium.

If my colleague had that map which we used in the committee explaining it, there would be a large band of red up and down both coasts of the United States on that map. Those are deferrals. Those are not moratoria within the meaning of my amendment and would have no effect on those areas.

Mr. BUMPERS. Well, let me again read the amendment because I think it certainly is subject to a different interpretation. I would not have been standing here waxing eloquent about areas that were not included in the bill if I had not read the amendment to mean that they were used. Here is the language. It says: "No vessel shall traverse waters for which there is a prohibition."

It does not say what kind of a prohibition, whether it is a deferral, a moratorium, or what. It just says "on which there is a prohibition."

Mr. McCLURE. Mr. President, will the Senator yield further?

Mr. BUMPERS. Yes.

Mr. McCLURE. I thank the Senator for yielding.

The context of the statement and the words of art which are used have reference to that prohibition which is in legislation and not that which is in administrative action. I think that is clear and that is the reason I interrupted the Senator, to make the statement as author of the language and of the amendment, to indicate what I mean by it. I thought it was clear and I still believe it is.

Mr. BUMPERS. I thank the Senator for at least giving me his interpretation of it. While the Senator is on his feet, let me ask him without losing my right to the floor, and I think we can have a gentleman's debate on this issue, an open and above-board debate on it, can the Senator tell us how many million square miles or how many millions of acres will be off limits to any tanker carrying petroleum products under his amendment?

Mr. McCLURE. I do not know the total acreage. There are some areas, which are by statute, in which these activities are prohibited by statute. My staff tells me it is 84 million acres, total. We have a combination of pre-leasing, leasing and drilling moratoria in Georges Bank, the mid-Atlantic, parts of Florida, southern California, central California, northern California, and Bristol Bay in Alaska.

I have a listing here by areas of the acreage that would be included in this legislated moratoria, as is the case not only under existing law but that which is proposed under the appropriations bill that we are considering now.

North Atlantic, there are 11 million acres; mid-Atlantic, 9.9 million acres; eastern Gulf of Mexico, 21.1; southern California, 6.7; central California, 1.7; northern California, 1.1; the northern Aleutian basin, that is Bristol Bay,

32.5 million acres; a total of 84 million acres.

Mr. BUMPERS. I say to the Senator, let me point out, as I said a moment ago, and I appreciate the Senator explaining his amendment in saying he did not intend to cover deferral areas and should this amendment withstand a vote of the Senate, I certainly would attempt to amend the committee amendment because there are 84 million acres, as the Senator said, now under moratorium, as I understand it, and under the 5-year deferral there is an additional 78½ million acres. Will the Senator agree with that?

Mr. McCLURE. With only one correction, I think that is correct, and that is that which is under the existing moratorium, it is not existing moratoria, it is that which is included in this bill because the moratoria have been enacted on a 1-year basis associated with the fiscal year of the appropriations measure we are considering.

Mr. BUMPERS. While the Senator is still standing, let me propound another question.

Can the Senator tell us whether he has a cost analysis of this proposal? A lot of these tankers are obviously going to have to move a lot of miles in order to keep from sticking their nose into one of those areas. For example, I am told that 700 miles of the California coastline will, in the future, be off limits to tankers. That means they are going to have to hunt a long time to find a port to get into because of all this area that is going to be prohibited to them.

Obviously, and I must say I do not think the oil companies are going to be very rhapsodic about this amendment, but let me ask the Senator if he can tell us how much more it is going to cost to get this oil—for example, Valdez oil, a lot of it comes into southern California, and according to the map I have, the tanker lanes, virtually all the tanker lanes for Valdez oil would be closed to them. They have to go further out to sea to get back into port. That is obviously a very expensive procedure. Before we tack an additional price on all the consumers of America, particularly California and the northeastern and eastern seashore, we ought to know about what it is going to cost.

Mr. McCLURE. Will the Senator yield?

Mr. BUMPERS. Yes.

Mr. McCLURE. This to me gets curiously and curiously because all of a sudden the Senator from Arkansas is on the side of the oil companies and the Senator from Idaho is on the opposite side.

Mr. BUMPERS. Well they cannot always be wrong.

Mr. McCLURE. And the Senator from Arkansas is ordinarily on the side of protecting the environment and on

this issue at this time the Senator from Idaho is wearing that hat.

Mr. BUMPERS. It is curiously for the Senator to offer an amendment that is going to upset the oil companies, I will say that.

Mr. McCLURE. Let me respond to the direct question. First, I do not know what information your staff may have given you with respect to tanker routes and the prohibition. I do not know whether you have a copy of the map that shows OCS planning areas.

Mr. BUMPERS. Is that the colored map?

Mr. McCLURE. Yes.

Mr. BUMPERS. I have that.

Mr. McCLURE. If you are referring to the colored map, what we are talking about are the small areas along the coast of California, off the tip of Florida, and along the Northeastern United States and in Georges Bank, those areas which are depicted in the map in yellow. Also not shown on this map is the Alaska zone. Any examination of that map would indicate that the tanker routes, while they might have to divert out to sea just a little farther in central California, would have no difficulty at all in finding gaps in that pattern through which they can sail.

Mr. BUMPERS. The captain of the *Exxon Valdez*—

Mr. McCLURE. Excuse me, the Senator asked me a direct question.

Mr. BUMPERS. You do not have a cost analysis.

Mr. McCLURE. I do not have a cost analysis.

Mr. BUMPERS. If we adopt this amendment, obviously the consumers of oil petroleum products are going to be paying some amount more than they are now, but we do not know how much.

One other point I want to make is that if you look at this map, and I hope all the Senators when they come in to vote will look at this, we do not have a big one. I am sorry we have not had the time. We just did this in Appropriations yesterday and we have not had time to draw up some maps and charts, but if you will look at this map, you will find that some of the moratorium areas go out beyond the deferred areas. So I see the Senator from California who wants to be Governor of California, and I do not blame him for being over here, if you look at the map, you will see that the moratorium areas often go out beyond the deferred areas which means the red lines often do not mean anything. Even though a tanker could cross a red line, it cannot even get to that area because there are yellow lines. For example, in the North Atlantic, you will see that the moratorium area goes way out beyond the deferral area. If you look in central California, you will see that the moratorium goes beyond the red

area, and you have 700 miles of California coastline that they simply cannot penetrate. I think the question oil companies are going to want to know is: You want Alaskan oil, we have been bringing Alaskan oil into southern California by the millions of barrels every year, and how are we expected to deliver this oil?

Mr. McCLURE. Will the Senator yield?

Mr. BUMPERS. Yes.

Mr. McCLURE. In the northern central California area, there is a small area of deferral between the coastline and the moratoria area. Other than that one area, the west coast—excuse me, there is a small moratoria area farther offshore. It is between two deferral areas in southern California. But in the main, and along the west coast, the deferral areas are farther out to sea than are the moratoria areas.

Mr. BUMPERS. While the Senator is looking at that map, if the Senator will look at one of the areas there, for example, in extreme southern California, you will see yellow areas there that have red areas inside them.

Mr. McCLURE. Yes.

Mr. BUMPERS. On the coastal side of them. If you look in central California, I do not know, I would say that is probably the Monterey area, you will see that there are red deferral areas inside the moratorium. You have to look at that closely to see that.

Mr. McCLURE. Because the deferral area outside the moratoria area is much greater than that which is inside the moratoria area. There is one other area that is off the tip of Florida in which the deferral moratoria area is outside the deferral area.

Mr. BUMPERS. I think the Senator will agree with me, if you look at the moratorium area in Florida, if you had a tanker and you were trying to get into the west coast of Florida and you were coming, say, with a load of gasoline from Puerto Rico, you can see that you would have to come out, according to this chart, I would guess that that tanker would have to go—it would have to travel at least an extra 300 to 400 miles to get in to a west coast port in the southern part of Florida.

Mr. McCLURE. There is not a mileage chart on this particular map I am looking at.

Mr. BUMPERS. I base this on my particular knowledge of the area.

Mr. McCLURE. I would not guess it that far. You will also note that the deferral area goes out some distance, but there is between the moratoria area and the coastline a band of deferred area which would not be barred by this amendment.

Mr. BUMPERS. We could go through this map for the next 2 hours and try to figure out precisely how many miles a particular tanker would

have to go out of its way to get to a port. That would not tell us how many tankers are going to do it, how many miles. My guess is over a period of a year, you are talking about millions of extra miles that a tanker would have to go in order to find a port, and for what purpose? To make a point: The point was made in committee yesterday, and I do not refute, but it is not enough to justify this amendment.

I personally believe, and I mean this as no disrespect to the Senator from Idaho, I really think this is punitive. I think it is designed to make those people who want their coast lines free of drilling sorry that they have championed moratoriums and deferrals and not drilling off their bank.

The point the Senator made in the Appropriations Committee yesterday, and he prevailed on a vote of 12 to 10—just did not have enough Democrats in there—is that the chance of polluting water from a blowout from drilling is something like 95 percent less than a tanker spill. We are talking about a thousand-gallon or a thousand-barrel spill. You are talking about the chances of a real oil spill being much greater from a tanker than from drilling, and therefore if these people feel that their coastlines are so pristine that they do not want anybody drilling on them, then maybe we ought not to let tankers go into that area either because the chances are 95 percent that you are going to get a spill of over a thousand gallons from a tanker and only 5 percent from a blowout.

I am not arguing that statistic. The Senator may be absolutely right about that. But that is not a sufficient justification for his amendment. And the people in those areas are not raising the question. Now, there are some areas in the country, including Alaska, where they are awfully apprehensive about tanker traffic. If you had just gone through what Alaska went through, you would have been apprehensive about it, too. But if we could keep the captains of these tankers sober, we should not have too big a problem.

I want to give you a list of the ports in this country that ships could potentially have to navigate around to get to. Listen to this. I hope every Senator here from one of these States is listening: Boston, New York, Philadelphia, Wilmington, Long Beach, San Francisco, Portland, Miami, San Diego, and all of Rhode Island.

Now, some of these people may have wanted moratoriums off their coast and some may not. But all of them deserve better treatment than this. The fact that tankers may in fact cause more oil spills than OCS drilling is not the point. The fact is we are going to be bringing in oil from abroad; we are going to be bringing it from Alaska. We are now 42 to 45 percent depend-

ent on foreign oil. We are going to remain that dependent and more unless we get cracking with an energy policy in this country. We are saying to those people who have to have this oil that we are going to make you pay more for it. And I might also say this. Let us assume that a tanker is cruising along just outside a moratorium area in California—and that is where they would be cruising if this amendment stayed law—let us assume they are just a mile or a half mile outside the moratorium area because this amendment forces them to do that, and let us assume they have a *Exxon Valdez* type spill. Do you think that moratorium area is going to be saved? Why, of course, it is not. They are going to suffer the same damage. Then let me ask you this. What if Congress suddenly took leave of its senses and said we are declaring all of the area around Valdez a moratorium area; no drilling anywhere from Valdez south?

How are you going to get a million and a half barrels of Alaska a day on which this Nation really is dependent? Answer: You are going to have to build a \$50 to \$100 billion pipeline across Canada. We have been down that road. We know we are not going to do that.

Mr. President, I could stand here and tell you war stories all day long about what this amendment is likely to do, and the interesting thing about it is I do not have a dog in this fight. I promise you there are no ports in Arkansas. But I can also promise you that the rate payers of Arkansas will suffer if this amendment stays and the ratepayers of every State in the Nation will suffer unless this amendment is deleted from this bill. It does not make any sense. I am depending on the judgment and common sense of the Members of the Senate to say so.

Mr. President, I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I support the views and the position of the Senator from Arkansas. I share his dislike and his mistrust of the amendment offered by the distinguished Senator from Idaho.

I do want to clarify the RECORD because the Senator suggested that my amendment would have prohibited any prelease activity for the investigation of value or efficacy of deposits off the mid-Atlantic coast. That is slightly in error. We did in our amendment permit some prelease activity and we as a matter of fact suggested that research could be done, evaluation of these sites could be taken upon the shoulders of the companies that were interested and they could continue their pursuit of the opportunity there.

I would also like to ask the Senator from Idaho, if I may, a question, because as I read his amendment there was a question about what was intended. I heard the Senator from Idaho make a correction when he described to the Senator from Arkansas what his intent was even though the language did not clarify it.

If the Senator from Idaho would respond to a question: It says very clearly in section 119, "No vessel transporting petroleum or liquid petroleum products may enter any territorial waters of the United States for which there is a prohibition," et cetera.

Does the Senator from Idaho mean someone in a small outboard which carries a can of spare gasoline or fuel for its operations would be prohibited? It does not define it. It does not say tankers. It says vessel. Are we talking about a 15-foot vessel as well as a 1,000-foot vessel?

Mr. McCLURE. If the Senator will yield.

Mr. LAUTENBERG. I am asking the Senator a question.

Mr. McCLURE. I am happy to answer the question. Obviously, no. This is those that are in commercial transportation. It would include barges or barge traffic where there is transport of liquid petroleum products.

Mr. LAUTENBERG. The Senator would recognize that is not clearly stipulated here.

Mr. McCLURE. I appreciate the question. I appreciate the opportunity to make that clear.

Mr. LAUTENBERG. With all due respect to the amendment of the Senator, it is this Senator's view also that the amendment is designed to punish those citizens who say "we do not want drilling, at least at this time, to take place off our coasts." It holds a gun to their heads while the others, frankly, bury their heads in the sand.

The amendment is clearly intended to raise questions about the appropriateness of moratoria on offshore leasing. Now, Mr. President, I agree that 1-year moratoria are not the best way to approach our energy problems. But let us look at why the Congress has imposed moratoria in the first place. It started when the previous administration declared open season on our coastal waters, without regard for their environmental sensitivities. Because of a lack of concern on the part of the administration, Congress stepped in, putting certain areas off limits, slowing down the process in other areas.

Mr. President, we would all like to see a comprehensive national energy policy, one that would look at offshore leasing in relation to our total energy needs. But, to date, that has not happened. That policy has not been forthcoming and, therefore, we have been forced to deal with problems as they

arise. Moratoria have been our means of putting a check on an otherwise reckless policy of offshore leasing.

During last fall's Presidential campaign it appeared that the situation might change. The Senator from Arkansas' articulate description of what took place then bears repeating. The candidate, now President Bush, promised the people of California that he would put a hold on leasing off the coast of California. But recently Interior Secretary Lujan backed away from that position, heading more in the direction of James Watt than last fall's George Bush.

Supporters of the amendment point out that all the recent spills have been from tankers, not from offshore drilling. They are right. But they are also some of the same people who said Valdez could not happen. And they should not forget that we have had serious problems from offshore drilling operations. In early 1969, a rig off Santa Barbara, CA, blew, unchecked to 10 days. About 150 miles of California coastline were devastated.

In 1977, a rig blew in the North Sea polluting 4,500 square kilometers, and in 1979 there was the Ixtoc disaster in the Gulf of Mexico. Three and a half million barrels were spilled. Ten thousand tons of oil ruined Texas beaches in a spill that was virtually uncontaminated for almost a year.

There have been others, and there likely will be more. So it is only prudent that we take cautious, prudent steps to protect our coastal waters from that likelihood.

The proponents of this amendment say the real danger to the environment is from tankers, not offshore drilling operations. As I have noted, that is not the full story.

There is a risk from tanker operations. The *Valdez Exxon* showed us that. Three major spills over a 24-hour period last month reminded us of that again.

We are taking steps to address these problems. The Commerce Committee has reported tanker safety legislation, the Environment and Public Works Committee on which I sit will mark up an oilspill liability and cleanup bill tomorrow. The amendment of the Senator from Idaho totally ignores this.

We are taking steps to improve tanker safety, and we should take the same steps to ensure that offshore leasing is done in a prudent, environmentally conscious fashion. But this amendment would take that option away from us. It says that if we dare put a moratorium in place, we are going to hold your constituents, those who depend on oil delivered by tankers, hostage. We will make them pay. We will make them pay higher prices because we do not like moratoria.

If that is not punitive, then I have not seen punishment. That does not make sense. It continues the policy of

looking for oil everywhere, no matter how environmentally sensitive the areas might be.

Mr. President, right now our dependence on oil, whether foreign or domestic, is an unfortunate fact of life. It is unfortunate because, among other things, oil is a finite resource. We need to be looking for alternatives. But that is not what this administration would like to do. It wants to carry on with business as usual, as if oil will be there forever, as long as we need it.

Let's look at the mid-Atlantic area the administration so badly wants to lease. According to the Interior Department, there is only a 44-percent chance of finding anything out there. If they do, they estimate that they may only find enough oil to supply our national needs for 4.6 days. Well, in the long-term, that is not much and it is nothing to hang our energy independence on. There are other ways to promote our energy independence.

For instance, if we increase the CAFE standards for automobiles by 1-mile-per-gallon, we would save 400,000 gallons per day. But the discussion coming out of the administration in recent years was to actually reduce the CAFE standards. This administration rejected the notion but decided against raising CAFE, choosing to keep it where it was.

This is the same administration that wanted to slash energy conservation research this year from about \$370 million to \$95 million. I am pleased to note that the appropriations committee has rejected that request and increased that R&D effort.

Mr. President, I will close by saying that we need a national energy policy. Few here would disagree with that. We need to improve oil tanker safety, and we need to make sure that our environmentally sensitive areas are protected from the risks of oil drilling.

The McClure amendment would keep us from doing that. It would force us to have all of our coastal waters open for drilling or face the loss of essential ship-borne oil.

I urge my colleagues to join with us in opposing this amendment.

Mr. BYRD addressed the Chair.

THE PRESIDING OFFICER (Mr. Dixon). The Senator from West Virginia.

Mr. BYRD. Mr. President, I wonder if we might be able to get a time agreement on the amendment.

Mr. WILSON. Mr. President, I would be agreeable to a time agreement. I think I could say what I wish to speak for between 10 or 15 minutes.

Mr. BYRD. Senator JOHNSTON, 2 minutes; Senator BUMPERS, 3.

Mr. LAUTENBERG. I have taken the time I intend to.

Mr. BYRD. Mr. President, I ask unanimous consent that the time on this amendment be limited to not

more than 15 minutes for Mr. WILSON, 3 minutes for Mr. BUMPERS, 2 minutes for Mr. JOHNSTON, and 10 minutes for Mr. McCLURE, after which the Senate will vote on or in relation to the amendment.

The PRESIDING OFFICER. You have heard the unanimous-consent request from the Senator from West Virginia.

Mr. McCLURE. Mr. President, I have been informed that there is another—if you would assign 15 minutes to me or under my control.

Mr. BYRD. I so modify the request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank you and the other Senators.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, I rise in opposition to the pending amendment proposed by the Senator from Idaho. I must say that when I first learned of the existence of the amendment and had not yet seen the language, it was one that I assumed was intended almost tongue in cheek, not seriously but to make a point, the point being that if you are seeking a moratorium on Outer Continental Shelf development, you really ought to face the reality that our constituents are dependent upon oil for all of its variety of uses; and that, if in effect you are going to prohibit the development of new reserves of oil, you are seemingly declaring your OCS segment to be Camelot and off limits to energy self-sufficiency; and then you need to take into account what you are doing and pay the price.

First of all, I would have to say I think that is a flawed premise. It is quite possible and quite responsible to recognize the risks that attend the exploration and development of the Outer Continental Shelf, and to seek in those circumstances to warrant protection to protect your coastline from the obvious jeopardy, not just in terms of oil spills, but in terms of the degradation of air quality that can flow from that kind of OCS development. It is consistent to do so, Mr. President, and at the same time continue to rely as clearly we all do upon supply of petroleum and to expect, entering ports that either serve refineries directly or indirectly, the traffic of oil tankers will continue.

Mr. President, much has been made by proponents of Outer Continental Shelf exploration and development of the fact that that development and the placement of offshore rigs threatens far less jeopardy than tanker spills of the kind that have achieved the tragic dimensions we have all witnessed in Prince William Sound. No one is questioning that, Mr. President.

I think we can all stipulate to that fact.

What seems to me missed in that analysis is that we are not offered a choice between tankers and offshore development, as though one were mutually exclusive to the other. There is no suggestion that every time a new rig is raised in the Outer Continental Shelf, there will be a pipeline that safely guides to shore the petroleum that is developed from that rig.

To the contrary, those who have looked at the environmental impact statement produced by the Department of the Interior in connection with lease sale 95, lease sale 95, will see that the clear indication is that the oil that is developed in those offshore rigs will be tankered from the rigs to the ultimate destination of that crew.

What that means, Mr. President, is that that kind of OCS development does threaten the kind of spill that was described by the Senator from New Jersey in connection with the celebrated Santa Barbara spill, the kind of spill of far greater magnitude that has absorbed our attention on the evening news and in the headlines for weeks since the tragedy of the *Exxon Valdez* in Prince William Sound.

I am assuming what the purposes of the proponents of this amendment were, but whether it was offered tongue in cheek to make that point, or whether it is offered in seriousness, the impact of its actual adoption, of its enactment into law, would be very serious; and I think that we owe the Senator from Arkansas a debt of gratitude for his having so clearly articulated precisely the nature of the threat and the lack of wisdom of this amendment. He said that no ports in Arkansas will receive tankers, and that is quite true. But the Senator has pointed out that his interests, representing his constituents, is indeed served because of the threat to them as ratepayers that is posed by the possible enactment of this amendment; because at the very least, what it would require is a totally needless detour on the part of tankers, not just around the area of moratoria, but as he has pointed out, far, far outside those areas, because the proscribed travel would be through the area that, on this map at least, is indicated, greatly exceed the area that is actually established for deferment.

Mr. McCLURE. Will the Senator yield on that question?

Mr. WILSON. On the Senator's time, yes, not meaning to be churlish, but I will be happy to.

Mr. McCLURE. I just want to say that the Senator was not present at the time that there was earlier colloquy, and I wonder if he is laboring under the misapprehension that the amendment applies to the deferred areas, not just the moratoria areas.

Mr. WILSON. Yes, I am. If that is a misapprehension, I would be pleased to learn it.

Mr. McCLURE. As a matter of fact, it applies only to those moratoria areas, not to the deferral areas. If you are looking at that map, it is the areas that are delineated in yellow.

Mr. WILSON. Not those in red?

Mr. McCLURE. Correct.

Mr. WILSON. I thank my friend from Idaho. That is some relief, but not sufficient, because if you look at the areas in yellow, the area in which, in the language of his amendment, there is a prohibition on Outer Continental Shelf preleasing studies, leasing, exploration, or development, the effect would be the same. The magnitude of the result would not be as great. I really wonder what the purpose served is in seeking to require that necessary extra travel.

Now, I think that whether intended or not, the effect of this legislation is as described by the Senator from New Jersey; it is punitive. It is as described by the Senator from Arkansas. It would indeed threaten rate increases, totally needless rate increases, on the part of those consumers of energy that is generated from petroleum. And the prohibition that is set forth in the amendment, presumably, is a prohibition that is imposed legislatively or imposed administratively. If, for example, the President of the United States, upon receiving the recommendations of his OCS task force, determines that he will prohibit either preleasing studies, leasing, exploration, or development for a set period of time, or indefinitely, I gather from the language here, that for whatever duration of that prohibition, there would be prohibited as well the opportunity for any tanker to traverse those waters, and that can have no purpose and certainly no effect, Mr. President, other than to increase costs to consumers.

If the purpose is argued to be protection of the environment, well, certainly it would be true that the risk would be less if there were no tankers, but that is not realistic, and no one is proposing that it is. What is realistic is to recognize that as in the real world, described in those lease sale environmental impact statements, those preleasing EIS's that have been generated by the Department of Interior, there is expectation of a transfer of oil from OCS to rig to tanker, or to barge and then to tanker, in a way that does pose a very high incidence or very high opportunity for the kind of spill that we have seen and all mourned, very recently, not just in terms of Prince William Sound, but off the coast of Rhode Island, off the coast of Delaware, in the gulf coast.

Mr. President, I would just say this: It seems very clear that there is reason

for a great many who represent coastal States to be concerned with the jeopardy to their coastal environment for economic, as well as for aesthetic reasons. Those who are eager proponents of the unbridled development of energy are inclined to view that kind of thinking as elitist. It is not elitist to be concerned about jobs; it is not elitist to be sensitive to the requests of those from coastal city councils, who feel their economy threatened. Very much to the contrary. It is not elitist to be concerned about the jobs that will be lost if air quality permits are denied in an air basin that is already threatened with the loss of permits through nonattainment, when in fact the ambient air ashore is degraded, as it is by the air blowing ashore from the rigs, which is administered by a different agency under a much less stringent standard. That is not elitism, Mr. President. That is a practical consideration that has real economic consequences.

As far as economic consequences, there clearly are consequences that involve higher costs and needless costs that would be developed by the detour, the needless miles traveled, circumvention of a moratorium area by a tanker delivering needed petroleum to a port that may very well provide that in tank cars thereafter to other areas farther inland.

The Senator from Arkansas did not overstate the case when he said this involves costs. It involves needless increases to ratepayers to make a point which I think is clearly valid.

I do not apologize for being concerned about protecting my coastline in California from the jeopardy of unwise OCS exploration. We have a very steeply descending Outer Continental Shelf. The oil companies interest, as a result, is in developing those tracts nearest the shore because it is in the shallowest water, it cost them the least to develop there, also because the proximity to shore threatens the greatest hazard.

How much time remains to me?

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. WILSON. Mr. President, not only do I not apologize for the concern that I express, which over a period of years I have expressed in seeking a moratorium on this unwise development a year at a time, which I would agree is not the best way to proceed, the best way is to have a systematic study of the energy needs of this Nation and an examination of all the alternatives that are available and to come to a plan that will allow us to achieve as much energy self-sufficiency as we can.

If we were to do that, we would be well advised, and one of the things I hope would become common knowledge is the fact that the dependency that we presently have on oil imports

would be very little diminished by tapping those reserves in the Outer Continental Shelf. I can tell you that if all the oil that the oil companies hope for is actually contained in the California Outer Continental Shelf, it will not diminish our dependency on oil imports by 1 percent.

We are 42 percent dependent on oil imports. I do not like it. It has foreign policy implications and certainly complicates our foreign policy.

But to say that we should risk jeopardizing both an environment and an economic environment in order to make a negligible reduction in what will be a continuing dependency on foreign oil imports simply does not make good sense.

So, no, I do not apologize. Indeed, I will be among those who seek to persuade the President that there are certain risks not worth taking and that in fact a moratorium should be made a permanent thing in the case of those coastal environments that are threatened by unwise development.

But whatever the outcome, Mr. President, of that debate, I will tell you that this amendment simply does not make sense. If it is supposed to have symbolic value, I would urge my friend to make his argument as he can do so well. He is a most articulate spokesman for the cause of energy development. But to actually seek an amendment that will prohibit tanker traffic through those areas in which a prohibition has been placed either by the President of the United States acting in response to recommendations of his OCS task force, or decisions of this Congress at some point in the future, that simply will increase costs. It will add nothing to our energy supply. Indeed, it will diminish it because of the cost increases.

So I thank my friend from Arkansas. I think he is right, and with all regret, I must oppose my friend from Idaho in what I think is one of the few unwise amendments he has proposed during my time here.

The PRESIDING OFFICER. The Senator from California yields the floor.

The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I support this amendment because it reveals the folly of a policy based upon moratorium. A moratorium policy for drilling on the OCS is not a policy based on logic or on facts. It is based on emotion.

Mr. President, according to DOE we have 35 billion barrels of oil on the OCS and most of that is being locked up by moratorium. The facts are that drilling is at a 25-year low, that we are importing 45 percent of our oil, that that percentage is going up and that fully one-third of our whole trade deficit is due to imported oil. So what do we do? We lock up the OCS through

moratoria with its 35 billion barrels of oil.

Mr. President, democracy is a great system. We are all prepared to fight for it. But it has some great faults and it leads to some very bad policies because policy can be, and in this case is, based upon emotion.

A few years ago, when we had the first, I think, of these moratoria, I attached some language that says, "We will have the moratorium this year, but from now on you will have to justify a moratorium based upon demonstrated environmental harm."

That amendment was opposed, and the next year people came in and they said, "We want to extend the moratorium."

We said, "Where is the demonstrated environmental harm?"

And the answer was, in effect, "We can't prove it, but we don't like the drilling."

That is, in effect, what we have here, vast areas locked up, not because they are environmentally sensitive, but because the idea of a drilling rig offshore is to many people repugnant, inconsistent with their idea of beauty. Beauty, and that sort of intrinsic thing is a very important quality.

But, Mr. President, a great Nation has to have a national energy policy. We have to consider those jobs that are lost because of that \$50 billion worth of imported oil. We have to consider what it does to the Nation's economy, what it does to the independence of our foreign policy, what it does to the very fabric of the strength of this country.

A democracy cannot survive if it squanders its resources, if it locks up not only its oil and gas but its nuclear and its coal and its other resources as well.

Mr. President, what this amendment says is let us look at the moratorium as a policy and compare it to what else we ought to have to develop a national energy policy.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. McCLURE. Mr. President, this Congress began dealing with OCS moratoria several years ago when the House proposed 1-year leasing moratoria on Federal waters off the coast of California. This 1-year moratoria in California has escalated to the point where the House has now proposed a combination of preleasing, leasing and drilling moratoria in Georges Bank, the Mid-Atlantic, parts of Florida, southern California, central California, northern California and Bristol Bay in Alaska.

The escalation of the proposed moratoria by the House is, in part, in re-

sponse to the unfortunate number of oil spills from tankers over the past 2 months.

Let us take a moment to look at the facts. The recent oil spills have been disasters. They have harmed our environment. For a variety of reasons, this Nation was not prepared for those type of accidents.

The most important fact, however, is that none of those disasters had anything to do with drilling in Federal waters.

The OCS program does not have a safety problem.

On the contrary. Since 1974, the amount of oil spilled from tankers, barges and other vessels in domestic waters totals nearly 2.0 million barrels. By comparison, since 1974 the amount of oil spilled from Outer Continental Shelf operations totals just over 66,000 barrels which is 3 percent of the total.

The OCS program does not have a safety problem. It has a public relations problem. Ninety-nine percent of this Nation's offshore oil rigs do not ship oil to shore on a tanker. It is sent to shore on a pipeline.

I noticed the distinguished Senator from California said we cannot have offshore OCS drilling platforms because they will tanker the oil to shore, but it is fine to run tankers through the same area. I cannot quite buy the inconsistency of the argument.

Since this country uses more oil than it produces, we import oil from other countries which is delivered on tankers. By reducing the development of the OCS, we are only increasing the amount of imported oil on tankers and increasing the risk to our environment.

I am as concerned as anybody about the environment, and I am especially concerned about the environment where there is a moratoria. Most of our coast is beautiful and we should take the necessary precautions to see that it is protected.

The committee amendment will reduce the risk of oil being spilled from a tanker on our coast by eliminating tanker traffic where there is a moratoria. Rather than explain my amendment, let me simply read it.

Notwithstanding any other provision of law, after Oct. 1, 1991, no vessel transporting petroleum, or liquid petroleum products, may enter any territorial waters of the United States for which there is a prohibition on Outer Continental Shelf preleasing studies, leasing, exploration or development.

If the goal of placing a moratoria on OCS development is to protect the environment, then let us stop fooling the American people. Tankers are more dangerous than oil rigs so let us eliminate tanker traffic.

As long as we are being honest with the American people and giving them what they want—a pristine environment—let us explain the impact of eliminating tanker traffic.

I deeply regret having to offer this amendment, Mr. President, but I feel I have no choice. Our Nation is at risk. At the same time we increase the amount of petroleum products we use, we decrease the amount of petroleum we produce. Additional OCS moratoria makes that discrepancy worse.

Those who promote additional moratoria need to understand that fact. They also need to understand the environmental risks with increased tanker traffic.

Mr. President, I ask unanimous consent that a table showing all of the Outer Continental Shelf [OCS] oil production and oil spills compared to tankering spills be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

OUTER CONTINENTAL SHELF [OCS] OIL PRODUCTION AND OILSPILLS VERSUS TANKERING SPILLS

Year	Outer Continental Shelf operations ¹		Tankers, tank barges, and other vessels—in domestic waters ²
	OCS oil and condensate production (millions of barrels)	Volume of oil spilled (barrels)	Total volume of oil spilled (barrels)
1974.....	361	24,453	93,202
1975.....	330	761	302,829
1976.....	317	5,105	270,841
1977.....	304	1,086	48,671
1978.....	292	1,528	96,383
1979.....	286	2,702	89,329
1980.....	277	5,866	135,964
1981.....	290	1,196	80,448
1982.....	321	2,580	55,521
1983.....	348	418	109,519
1984.....	370	1,620	360,230
1985.....	389	371	73,402
1986.....	389	379	88,100
1987.....	366	15,181	79,064
1988.....	321		
Total.....		66,088	1,969,832

¹ Data supplied by Minerals Management Service.

² Data supplied by U.S. Coast Guard and approximated.

Mr. McCLURE. Mr. President, I want to just emphasize that the reason for the moratoria, the reason that is given and argued in committee time after time, year after year, is these areas are fragile; the environment must be protected.

And I take them at their word that that is exactly what they mean. I do not suspect them, I do not charge them with some devious motive. They say it is important to protect this pristine environment in these areas by moratoria. If that is the motive, then it is even more important that we protect that area against the threat of environmental degradation by tanker spills which are 19 times more prevalent than are spills from OCS operations.

Mr. President, this is a serious amendment. It is not a frivolous one. It is one that is designed to do exactly what the authors of moratoria have suggested and that is to protect the environment in moratoria areas.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho has 10 minutes and 15 seconds.

The Senator from Arkansas has 3 minutes.

Mr. BUMPERS. Mr. President, I yield myself 2 minutes.

Mr. President, I want to point out that the Senator from Louisiana has made an eloquent argument about how the OCS is being locked up and he believes in a democracy, but—

Now, the reason these OCS areas have moratoriums and deferrals on them is because either Congress has put them, or somebody in authority has done it, or the people there have lobbied to have it done. But because people do not want to have derricks out in the ocean blocking their view of the sunset has nothing to do with oil spills.

There is a lot of activity, if you never have an oil spill, that disturbs marine life that causes air pollution and other environmental problems. There are all kinds of reasons for people not wanting their oceans drilled other than the fear of an oil spill. But in my 14½ years in the Senate we have never taken people out and stood them before a firing squad because we disagreed with them.

This amendment is designed to tell them what a terrible thing they are doing and we are going to make them pay through the nose. Democracy is cast on the proposition that if you disagree with somebody you show them the errors of their ways. You do not punish them.

Mr. President, if I had my way, if I were king, we would be spending a lot more money on solar, a lot more money on biomass, a lot more money on all kinds of renewable energies. We would have automobiles that got a lot more miles per gallon. But, no, everyone wants to drill everywhere that is not drilled on. Nobody wants to face the reality that you are not going to find oil if God did not make it.

The Senator from New Jersey did not want the New Jersey coast drilled. If you increase the fleet mileage 1½ miles per gallon, you would probably save more oil than you would ever find off the coast of New Jersey.

So, Mr. President, this amendment is designed to have a chilling effect on people who are concerned about the environment.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

The Senator from Idaho has 10 minutes and 15 seconds.

Mr. McCLURE. Mr. President, I yield myself 2 additional minutes.

Mr. President, this is the first time in all the time we have debated OCS

moratoria that I have heard it said in committee or otherwise that the reason for the moratoria was a whole variety of things other than oil spills. What we nearly always get, 99.9 percent of the argument is: These are fragile environmental areas that must be protected. The hazards of OCS operations are too great. The risk to the environment is too large. We must stop the activity rather than permit it to go forward.

If that is the reason, as has been said by the proponents of moratoria time after time after time, then it is important that we stop the activity that is 19 times more dangerous than the one that is prohibited. That is the purpose for this amendment.

I would also say that it is not my intention and was not my intention to be punitive. It was an absolute accident, as far as I know, that my amendment in the committee came immediately after the amendment of the Senator from New Jersey. If I had been trying simply to deal with his question, I would have offered my amendment as an amendment to his. But I did not do that. I planned my amendment for sometime prior to the time I knew he had an amendment. There is no direct relationship between the two.

I am trying to deal with the question of the environmental threats to pristine environments offshore that are thought by many people to be so sensitive that they cannot stand the risk of Outer Continental Shelf drilling activities and therefore must be placed in moratoria.

Finally, the moratoria deals only with those legislative moratoria, not administrative actions that defer leasing activities or preleasing activities.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho has 8 minutes and 25 seconds.

Mr. McCURE. Mr. President, I yield 5 minutes to the distinguished Senator from Texas [Mr. GRAMM].

Mr. GRAMM. Mr. President, I thank our distinguished colleague for yielding.

It seems to me that the provision before us is about as clear as a provision can be. The Appropriations Committee has adopted an amendment, offered by Senator McCURE, that simply makes a logical extension of existing policy to protect the environment.

The logical extension basically runs as follows. We have decided as a nation—based largely on amendments adopted to appropriations bills, amendments that were initially offered and adopted in the U.S. Senate; so this is the vehicle that has historically been used to address this problem—we have decided that there are certain areas in the Continental Shelf that are so critical for environmental

reasons that we should prohibit drilling for oil and gas in those areas, lest drilling produce leaks that in turn spoil the environment.

In fact, if there is any other logic to prohibitions against drilling, such logic has never been presented and never been debated by the U.S. Senate.

Now the Senator from Idaho has made a logical extension based on the collection of facts generated in part by our new focus on oil spills coming not from ruptured pipes when we are drilling for oil and gas but coming from tankers.

The facts are indisputable. In those areas where we have good data, about 5 percent of our oil spills come from operating rigs and about 95 percent come from tankers. In fact, if you look at the stories that have filled the newspapers and dominated television, you will see, beginning in Alaska and then with the spill in the Houston ship channel and then a spill on the east coast, those were not ruptured drilling pipes. Those were tankers that leaked and that fouled the environment.

The Senator from Idaho simply says this: That if, in fact, our objective is to protect the environment, why should we protect the environment from only 5 percent of the problem? Why should we not protect the environment from the other 95 percent of the problem, which is tankers?

Some people say this is punitive. I do not understand that, Mr. President. If our objective is to protect the environment against oil spills, why do we only want to protect it from 5 percent of the problem? Why not get the other 95 percent of the problem? Why does it make sense to ban oil drilling in sensitive environmental areas and then bring supertankers through those areas that could, with one rupture, spill more oil than all the Outer Continental Shelf drilling in the whole Nation combined could produce in terms of an oil spill in a very short period?

So the Senator from Idaho is simply saying: Let us protect the environment if we are going to protect the environment. Let us not protect it from 5 percent of the problem. Let us go ahead and get the other 95 percent of the problem as well.

Will this produce mass chaos in the country? No. It would simply say, however, that those areas that are permanently designated as areas where we have imposed a moratorium would be areas we could not bring a tanker through.

There would still be a lot of ports in the country we could use, but these would be ports that one approaches from areas that are not environmentally sensitive.

If this amendment is some kind of ruse or punitive measure, then I

submit to my colleagues that our whole approach in terms of having a moratorium is a ruse. In fact, I question how sincere people are who say: Let us not drill, but let us let supertankers come through these sensitive areas, when the facts are overwhelming that the tankers are producing 95 percent of the problem.

So if we are for real on protecting these sensitive areas, then we ought to vote to sustain the committee. If, on the other hand, we want to have a great press release and have all these environmental groups say what a great environmentalist the Senator is, by voting against drilling for oil and gas while at the same time letting a far greater danger occur, then we, I guess, under those circumstances, should vote to strip away this environmental protection measure.

I think this is simply a logical extension. If Senators believe these areas are so critical, we should not drill in them—and I think that is subject to debate—but if Senators believe that, then clearly, Senators should believe we ought not to bring tankers through them when such vessels pose 95 percent of the risk to the environment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho has 4 minutes and 20 seconds.

Mr. McCURE. Is that all the time that remains, Mr. President?

The PRESIDING OFFICER. The Senator from Arkansas has 1 minute.

The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, the people who want OCS moratoriums, they are not objecting to tankers coming into their ports. This amendment is ill-drafted, even if it were the most meritorious amendment in the world. The Senator from Idaho says the red areas that are in deferrables are not included, yet if we read the amendment we would not read that.

The Senator from New Jersey asks the Senator from Idaho, does this include a weekend pleasure boat out there that has a 5-gallon can of petroleum on it? He said, no, it would not include that. Yet the amendment says "any vessel."

It is a poorly conceived, poorly drafted amendment.

The Senator could not tell us the cost, but we know the cost of tankers maneuvering all over the east and west coasts is going to be staggering. It is going to cost the people of Arkansas and people of North Dakota a lot more money to get petroleum in. We know that. He cannot tell us how many ports will be affected. He cannot tell us whether whole ports will be shut down or not.

For all of those reasons, I hope that the Senate defeats this amendment,

which is designed to have a chilling effect on anybody who just does not want to see oil derricks out their window in the evening sunset, so they will understand they cannot have it that way any more. This is an amendment that says: We are going to drill whether you like it or not. We are going to drill the coast of California, Georges Bank, all the rest of it. If you do not want us to drill, you are going to pay an enormous sum because we are going to make tankers go halfway around the world to get oil to you at a cost nobody can define.

The PRESIDING OFFICER. The Senator from Idaho has 4 minutes and 20 seconds.

Mr. McCLURE. First of all, I admire and respect those people who have strongly held feelings. I admire the skill with which, sometimes, the emotions are stimulated rather than a discussion of facts.

To say that "no vessel transporting petroleum or liquid petroleum products" includes somebody with a 5-gallon can, I tell the Senator, it does not apply; and it does not apply to somebody carrying a lighter with some lighter fluid in his pocket. We can get a little ridiculous about what it does or does not apply to. Let us get real about what the argument is about.

Second, it does not close down any ports. There is nothing that I know about in the amendment that closes down one port. This idea of tankers endlessly circling around out at sea, aimlessly trying to find a way to come to port, is simply an overblown statement that has no reality, no basis in fact at all.

I suppose when we are talking about oceans and ocean resources it is not the time to talk about red herrings, but if I ever saw one, that is.

Mr. President, this is a serious amendment. It deals with the environmental problems. It deals with them in a very direct and responsible way, by saying: If we are going to limit a hazard with respect to the drilling operations off the coast of the United States, let us deal with that one which has 95 percent of the risk if we feel it important to deal with that one which has 5 percent of the risk.

Mr. ADAMS. Mr. President, I rise in opposition to this amendment. With all due respect to its supporters, the tanker/OCS provision adopted yesterday by the full Appropriations Committee is bad legislation on the wrong bill. I voted against it in committee, and strongly urge the full Senate to reject it here on the floor.

This provision would ban tanker traffic in any areas that are closed off to OCS development through congressional moratoria. The proponents of the bill argue that if these areas are so sensitive as to require OCS moratoria, they should be protected from tanker

traffic as well, which is supposedly more dangerous.

This is a clever, logical argument. Clever rhetoric, however, does not equal good legislation. We are not talking about debating points here. Once something is part of a bill it has a chance to become law, and that is how it should be judged.

Judged by such standards this is an exceptionally weak proposal. No thought has been given to the impact on affected ports or regional economies. The sponsors of the bill were unable in committee to tell us what types of specific vessels would be affected. They were unable to tell us what the impact would be on the consumer at the pump, or indeed on the oil companies themselves.

This proposal is particularly weak given the fact that the Senate may soon be considering comprehensive tanker safety legislation. I have been active on the issue of tanker safety for many years. Because of my concerns on this issue, I introduced legislation this spring that would require double hulls on new tankers in U.S. waters, and strengthen Federal regulation of existing oil company contingency planning. Legislation incorporating many of my proposals has been approved by the Commerce Committee, and will hopefully move to the Senate floor in the near future.

This legislation should be the forum for tanker safety proposals, not the Interior appropriations bill. It is difficult, therefore, to respond seriously to the proposal in question as anything but a vehicle for expressing frustration that those of us concerned about the direction of our national off-shore leasing program may succeed in slowing the program down.

Such frustration is understandable, as is the desire to have bargaining chips at hand when these OCS moratoria are negotiated in conference with the House. These concerns, however, are not sufficient justification for Senate passage of a provision that is a mischievous, dangerous exercise in political rhetoric. I urge my colleagues to oppose this amendment.

Mr. McCLURE. Mr. President, I yield back the remainder of my time.

I ask for the yeas and nays.

The PRESIDING OFFICER. (Mr. CONRAD.) Is there a sufficient second? Mr. BUMPERS. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there a sufficient second on the motion to table?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There being no further debate, the question

is on agreeing to the motion to table the amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 72, nays 27, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—72

Adams	Ford	Metzenbaum
Armstrong	Fowler	Mikulski
Baucus	Glenn	Mitchell
Biden	Gore	Moynihan
Bingaman	Graham	Nunn
Boschwitz	Harkin	Packwood
Bradley	Heflin	Pell
Bryan	Heinz	Pressler
Bumpers	Humphrey	Pryor
Burdick	Inouye	Reid
Byrd	Jeffords	Riegle
Chafee	Kasten	Robb
Coats	Kennedy	Rockefeller
Cohen	Kerrey	Roth
Conrad	Kerry	Rudman
Cranston	Kohl	Sanford
D'Amato	Lautenberg	Sarbanes
Danforth	Leahy	Sasser
Daschle	Levin	Shelby
DeConcini	Lieberman	Simon
Dixon	Lugar	Specter
Dodd	Mack	Warner
Durenberger	McCain	Wilson
Exon	McConnell	Wirth

NAYS—27

Bentsen	Gorton	Lott
Bond	Gramm	McClure
Boren	Grassley	Murkowski
Breaux	Hatch	Nickles
Burns	Hatfield	Simpson
Cochran	Helms	Stevens
Dole	Hollings	Symms
Domenici	Johnston	Thurmond
Garn	Kassebaum	Wallop

NOT VOTING—1

Matsunaga

So the motion to lay on the table excepted committee amendment pertaining to section 119 was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I thank the Chair.

AMENDMENT NO. 419

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration. The amendment has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 419.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, line 21, strike "\$53,829,000" and insert in lieu thereof: "\$53,579,000".

On page 17, line 20, strike "\$140,601,000" and insert in lieu thereof: "\$140,851,000".

Mr. HELMS. Mr. President, on July 4, the most famous symbol of the city of Greensboro, NC, the 74 year old equestrian memorial to Gen. Nathaniel Greene at the Guilford Courthouse National Military Park, was maliciously vandalized. Five other monuments in the park were also desecrated.

Shortly, after the park closed on Independence Day, the Greene Monument, the largest bronze statue in North Carolina, was attacked. Some mindless thug—or thugs—decided to take a pick ax to the granite base of the memorial. When Park Rangers arrived the next day, they found thousands of granite chips strewn around the park. The hooligans had spray painted the monument and removed many of the bronze letters from the stone tablets.

Mr. President, the National Park Service estimates that repairs to the Greene statue could cost as much as one-quarter million dollars.

Guilford Courthouse National Military Park is not only a special place for North Carolinians, it is a lasting memorial to all Americans who sacrificed everything in the battle for our new country's freedom. It is a simple tribute to the men whose efforts started Cornwallis' army on its long death march toward Yorktown.

Mr. President, in October 1780, George Washington appointed one of his most trusted subordinates, Nathaniel Greene, to take command of the American Army in the South. Prior to Greene's assumption of command, colonial troops had suffered setback after setback at the hands of the British.

Upon reaching North Carolina, Greene quickly reorganized the army and restored its flagging morale. Facing a much larger British force, Greene daringly divided his troops, sending half of his army to strike the British at Cowpens, SC, in January 1781. The Americans won a stunning victory. The British commander, Lord Cornwallis, sought to avenge this defeat by following the Americans to the north. He did not realize that Greene was luring the cumbersome British into the North Carolina wilderness.

On March 15, 1781, Greene attacked Cornwallis at Guilford Courthouse. Both sides suffered heavy losses. Tactically, Cornwallis' regulars held the field while the Americans withdrew. It was a meaningless victory. The battles in the Carolinas had cost Cornwallis

over a quarter of his men, the flower of the British Army in the South. These were the men his exhausted troops sorely missed as they moved toward their last battle at Yorktown a few months later.

Mr. President, the battle at Guilford Courthouse marked the beginning of the end of British rule in the Colonies. The celebration of American freedom is why the restoration of the Guilford Courthouse Battlefield Park is important.

There is something heartwarming about the aftermath of the tragedy in Greensboro. Already, thousands of North Carolinians have responded to the emergency facing the battlefield. Civic leaders, radio and television stations, and ordinary citizens have collected thousands of dollars to return the monuments to their former glory.

It is hard to describe the feeling of pride in the actions so many of my fellow citizens have taken on behalf of their community and their country. In the days following the Supreme Court's blow to American patriotism, average men and women have expressed their true feelings about this Nation and all of the good things that it stands for.

Mr. President, this amendment shifts \$250,000 into the National Park Service construction account for the repair of the six monuments at Guilford Courthouse from those amounts earmarked in the committee report for the Alligator River Visitors Center.

Mr. BYRD. Mr. President, the Senator's amendment would shift funds from one project into another in the State of North Carolina. It would not increase the outlays and I am prepared to accept the amendment on this side.

Mr. HELMS. Mr. President, I ask unanimous consent that the distinguished Senator from Rhode Island, Mr. CHAFEE, be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the distinguished managers of the bill for accepting the amendment.

Mr. CHAFEE. Mr. President, Nathaniel Greene was born in the State of Rhode Island. He is one of our great heroes. Who those scoundrels were down there to desecrate that statue, I do not know. But I praise the Senator from North Carolina for seeing that the statue is restored to its original beauty. I thank him for his amendment.

Mr. McCLURE. Mr. President, I commend the Senator from North Carolina for the manner in which he has approached the problem and assisting the committee to accommodate the needs he had for a project which was not known at the time we were going through the hearing process and

do so in a way that is neutral with respect to the interests of other States.

I very much appreciate it, commend the Senator for the amendment, and urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 419) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 420

(Purpose: To prohibit the use of appropriated funds for the dissemination, promotion, or production of obscene or indecent materials or materials denigrating a particular religion)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 420.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 94, line 16, strike the period and insert the following: "; provided that this section will become effective one day after the date of enactment.

SEC. . LIMITATIONS.

None of the funds authorized to be appropriated pursuant to this Act may be used to promote, disseminate, or produce—

(1) obscene or indecent materials, including but not limited to depictions of sadomasochism, homo-eroticism, the exploitation of children, or individuals engaged in sex acts; or

(2) material which denigrates the objects or beliefs of the adherents of a particular religion or non-religion; or

(3) material which denigrates, debases, or reviles a person, group, or class of citizens on the basis of race, creed, sex, handicap, age, or national origin.

Mr. HELMS. Mr. President, this amendment has been agreed to on both sides, I believe. I very much appreciate it.

Mr. President, I believe we are all aware of the controversy surrounding the use of Federal funds, via the National Endowment for the Arts [NEA], to support so-called works of art by Andres Serrano and Robert Mapplethorpe. My amendment would prevent the NEA from funding such immoral trash in the future. Specifically, my amendment prohibits the use of the NEA's funds to support obscene or indecent materials, or materials which

denigrate the objects or beliefs of a particular religion.

I applaud the efforts of my distinguished colleagues from West Virginia, Mr. BYRD, and from Idaho, Mr. McCLURE, to address this issue in both the Appropriations Subcommittee on the Interior, and the full Appropriations Committee. Cutting off funding to the Southeastern Center for Contemporary Art [SECCA] in Winston-Salem and the Institute for Contemporary Art in Philadelphia will certainly prevent them from misusing Federal funds for the next 5 years. However, as much as I agree with the measures, the committee's efforts do not go far enough because they will not prevent such blasphemous or immoral behavior by other institutions or artists with Government funds. That is why I have offered my amendment.

Frankly, Mr. President, I have fundamental questions about why the Federal Government is involved in supporting artists the taxpayers have refused to support in the marketplace. My concern in this regard is heightened when I hear the arts community and the media saying that any restriction at all on Federal funding would amount to censorship. What they seem to be saying is that we in Congress must choose between: First, absolutely no Federal presence in the arts; or second, granting artists the absolute freedom to use tax dollars as they wish, regardless of how vulgar, blasphemous, or despicable their works may be.

If we indeed must make this choice, then the Federal Government should get out of the arts. However, I do not believe we are limited to those two choices and my amendment attempts to make a compromise between them. It simply provides for some common sense restrictions on what is and is not an appropriate use of Federal funding for the arts. It does not prevent the production or creation of vulgar works, it merely prevents the use of Federal funds to support them.

Mr. President, I remind my colleagues that the distinguished Senator from New York and I called attention to Mr. Serrano's so-called work of art, which portrays Jesus Christ submerged in a bottle of the artist's urine, on May 18. We pointed out that the National Endowment for the Arts had not only supported a \$15,000 award honoring Mr. Serrano for it, but they helped promote and exhibit the work as well.

Over 25 Senators—Democrats and Republicans—expressed their outrage that day by cosigning a letter to Hugh Southern, the Endowment's acting chairman, asking him to review their procedures and to determine what steps are needed to prevent such abuses from recurring in the future. Mr. Southern replied on June 6 that

he too was personally offended by Mr. Serrano's so-called art, but that—as I have heard time after time on this issue—the Endowment is prevented by its authorizing language from promoting or suppressing particular points of view.

Mr. Southern's letter goes on to endorse the Endowment's panel review system as a means of ensuring competence and integrity in grant decisions, and he states that the Endowment will review their processes to be sure they are effective and maintain the highest artistic integrity and quality.

However, Mr. President, shortly after receiving Mr. Southern's response, I became aware of yet another example of the competence, integrity, and quality of the Endowment's panel review system. It is a federally supported exhibit entitled: "Robert Mapplethorpe: The Perfect Moment." The Corcoran Gallery of Art had planned to open the show here in Washington on July 1, but abruptly canceled it citing the danger the exhibit poses to future Federal funding for the arts. The Washington Project for the Arts subsequently agreed to make their facilities available and opened the show last Friday, July 21.

Mr. President, the National Endowment, the Corcoran, and others in the arts community felt the Mapplethorpe exhibit endangered Federal funding for the arts because the patently offensive collection of homo-erotic pornography and sexually explicit nudes of children was put together with the help of a \$30,000 grant from the Endowment. The exhibit was assembled by the University of Pennsylvania's Institute for Contemporary Art as a retrospective look at Mr. Mapplethorpe's work after his recent death from AIDS. It has already appeared in Philadelphia and Chicago with the Endowment's official endorsement.

I have a catalog of the show and Senators need to see it to believe it. However, the catalog is only a survey, not a complete inventory, of what was in the Endowment's show. If Senators are interested, I have a list and description of the photographs appearing in the show but not the catalog because even the catalog's publishers knew they were too vulgar to be included—as sick as that book is.

Vanity Fair magazine ran an article on another collection of Mapplethorpe's works which appears at the Whitney Museum of Modern Art in New York. This collection included many of the photographs currently in the NEA funded exhibit. There are unspeakable portrayals which I cannot describe on the floor of the Senate.

Mr. President, this pornography is sick. But Mapplethorpe's sick art does not seem to be an isolated incident. Yet another artist exhibited some of this sickening obscenity in my own State. The Duke Museum of Art at

Duke University had a show deceptively titled "Morality Tales: History Painting in the 1980's." One painting, entitled "First Sex," depicts a nude woman on her back, legs open, knees up, and a little boy leaning against her leg looking into her face while two sexually aroused older boys wait in the background. Another work shows a man urinating on a boy lying in a gutter. Other, more despicable, works were included as well.

I could go on and on, Mr. President, about the sick art that has been displayed around the country. These shows are outrageous. And the most outrageous thing is that some of the shows, like Mapplethorpe's, are financed with our tax dollars. Again, I invite Senators to see what taxpayers got for \$30,000 dollars.

Mr. President, how did the Endowment's vaunted panel review system approve a grant for this pornography? It was approved because the panel only received a description, provided by the Endowment's staff, which read as follows:

To support a mid-career summary of the work of photographer Robert Mapplethorpe. Although all aspects of the artist's work—the still-lives, nudes, and portraits—will be included, the exhibition will focus on Mapplethorpe's unique pieces where photographic images interact with richly textured fabrics within carefully designed frames.

Mr. President, what a useless and misleading description. No legitimate panel of experts would know from this description that the collection included explicit homo-erotic pornography and child obscenity. Yet none of the descriptions for other projects funded by the Endowment at the time were any better. Indeed, Mr. Jack Neusner—who sat on the panel approving the Mapplethorpe exhibit—was mystified as to how he had approved a show of this character. He knows now that he was misled.

Mr. President, I was hopeful Washington would be spared this exhibit when the Corcoran canceled it. I only wish the Corcoran had canceled the show out of a sense of public decency and not as part of a calculated attempt to shield themselves and the Endowment from criticism in Congress.

Some accuse us of censorship because we threaten to cut off Federal funding, yet they are the ones who refuse to share the contents of their exhibits with the taxpayers' elected representatives. For example, the Southeastern Center for Contemporary Art in Winston-Salem refused to send me copies of requested works despite their earlier promises to the contrary. If what such institutions promote and exhibit is legitimate art, then why are they afraid for the taxpayers and Congress to see what they do?

Mr. President, there is a fundamental difference between Government

ensorship—the preemption of publication or production—and governmental refusal to pay for such publication and production. Artists have a right, it is said, to express their feelings as they wish: only a philistine would suggest otherwise. Fair enough, but no artist has a preemptive claim on the tax dollars of the American people; time for them, as President Reagan used to say, “to go out and test the magic of the marketplace.”

Congress attaches strings to Federal funds all the time. Churches must follow strict Federal guidelines in order to participate in Federal programs for the poor and needy—even when those guidelines violate their religious tenets. For example, a U.S. District Court in Alabama recently held that a practicing witch employed by the Salvation Army in a women's shelter could not be fired because the shelter was federally funded.

Mr. President, there have been instances where public outrage has forced artists to remove works from public display. For instance, shortly after Mayor Harold Washington's death, a work portraying him as a transvestite was forcibly removed from a show in Chicago. Another work on display at Richmond's airport was voluntarily removed after the night crew complained about a racial epithet which had been inscribed on it. There was little real protest from the arts community in these instances.

Mr. President, at a minimum, we need to prohibit the Endowment from using Federal dollars to fund filth like Mr. Serrano's and Mr. Mapplethorpe's. If it does not violate criminal statutes and the private sector is willing to pay for it, fine! However, if Federal funds are used, then Congress needs to ensure the sensitivities of all groups—regardless of race, creed, sex, national origin, handicap, or age—are respected.

Federal funding for sadomasochism, homoeroticism, and child pornography is an insult to taxpayers. Americans for the most part are moral, decent people and they have a right not to be denigrated, offended, or mocked with their own tax dollars. My amendment would protect that right.

Mr. President, if Senators want the Federal Government funding pornography, sadomasochism, or art for pedophiles, they should vote against my amendment. However, if they think most voters and taxpayers are offended by Federal support for such art, they should vote for my amendment.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the Senator has discussed this amendment with me. I am ready to accept it and take it to conference.

Mr. McCURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCURE. Mr. President, I think the Senator addresses the question that has caught the attention of many people. The exact formulation of the response is very difficult to debate. But we have looked at this amendment. We are willing to accept it and, as the Senator from West Virginia says, take it to the conference to see what we can work out in the conference.

Mr. HELMS. I thank the Senator. I thank both managers of the bill.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I rise not to oppose this amendment, and I certainly do not rise to support it, but I want to rise to indicate my concern about an amendment that in essence reads well. Nobody thinks you ought to be using funds to promote, disseminate, or produce the various items as mentioned in this amendment. But I have a concern, and I feel I should express it, about the U.S. Congress deciding what is and what is not art. In all fairness to the Senator from North Carolina, he does not do that directly in this amendment. When you read his amendment, it is very hard to say this part is objectionable or that part is objectionable. I do not rise for that purpose.

I rise to say that the Senator has a concern about whether politicians, people who run for public office, ought to be determining the basis of whether you like or do not like it—probably it is easier to dislike some of the art that has been in the public eye more recently—and whether or not we ought to be making a determination of art standards for this country.

Certainly, I wonder whether or not we ought to be doing it on the floor of the U.S. Senate on an amendment that has just come to the attention I think of probably most of us. I am not certain whether the manager of the bill knew about the amendment before. Certainly, I had not seen the amendment before. And I am not going to oppose it because it is hard to oppose an amendment of this kind. It sounds so right.

Yet, I feel there is a strong concern that I have that we are gradually encroaching more and more in the whole area of the Congress telling the art world what is art, what is not art, what funds can be used, spent for, and what they cannot be spent for. I do not think it will be adding to the fulfillment of the culture of this Nation if we do that.

It is for that reason that I rise to say a word of concern about the amendment. As previously indicated, I am not going to oppose it. But I think it is the kind of precedent that does not

speak well for the Congress of the United States.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I offer my amendment precisely because the so-called art community fails to understand—or deliberately refuses to understand—that a difference exists between an artist's right to free expression, and his right to have the Government, that is to say the taxpayers, pay him for his work.

I cannot go into detail about the crudeness and depravity of the art in question. I will not even acknowledge that it is art. I do not even acknowledge that the fellow who did it was an artist. I think he was a jerk and I said so back in May.

But in any case, I reiterate that there is a fundamental difference between government censorship, the preemption of publication or production, and government's refusal to pay for such publication and production. That is the point of my amendment.

If Senators want to talk about censorship, then we should talk about the real censorship going on in America. Every day the national media censor religious and conservative viewpoints while the avant garde in the art world mock art that is beautiful and uplifting—even as they extol so-called art which is shocking and depraved.

Mr. President, Cal Thomas recently wrote a syndicated editorial, entitled “Television Network Exercises Unseen Censorship: ABC Nervous About Biblical Verses,” which illustrates this issue very well. I ask unanimous consent that the article be reprinted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ABC NERVOUS ABOUT BIBLICAL VERSES: TELEVISION NETWORK EXERCISES UNSEEN CENSORSHIP

(By Cal Thomas)

Some word manipulators and media managers are trying to redefine the word “censor.” When the word is used, the image they want you to see is of a “backwoods” minister objecting to the content of “The Wizard of Oz,” or of an uneducated homemaker writing letters complaining that certain programming is hazardous to her children's health, or of a flame-throwing book burner who wants to ignite the American Heritage Dictionary because it contains a few profane words.

Recently, the ABC Radio Network aired a Barbara Walters special on abortion, even though no national advertiser would buy time for fear that the subject matter would be too controversial and thus injurious to product sales. The Wall Street Journal said that the refusal of any sponsor to help underwrite the show “raises troubling questions about advertiser censorship.”

But censorship is not a one-way street. The networks practice it, too, if you define “censor” as the dictionary does: “an official

who examines materials for objectionable matter."

What the networks consider objectionable is not the sex and violence they constantly pump into their homes. What they object to, and therefore censor, is something that is anything but objectionable to millions of Americans: the Bible.

I was recently given a rare and, I'm sure, unintended peek into the network mindset in an incident involving ABC's morning TV program, "Good Morning America."

A GMA producer called me after reading a column I had written on the "domestic partnership" law passed by the San Francisco Board of Supervisors, allowing unmarried homosexual and heterosexual couples to receive many of the benefits married people enjoy.

In that column I had quoted several Supreme Court cases affirming the traditional male-female marriage as the norm. I also said that that relationship was not a recent invention, but had biblical roots and I quoted a verse from Genesis, Chapter 2: "A man shall leave his mother and father and cleave unto his wife."

The GMA producer, Sue Hester, asked me to be on the show the following morning. I agreed.

Another ABC staff person called to conduct a "pre-interview" in which my views on the subject were noted so that the GMA co-hosts, Charlie Gibson and Joan Lunden, would know what to expect.

As I was preparing to leave for New York, Hester called to say that I had been canceled and someone else chosen.

"Why?" I asked.

In what must have been an unguarded moment, Hester gave me this response: "The producer wasn't comfortable with your quotation from the Bible [in the newspaper column]. She was concerned that you might quote some Bible verses."

Outraged, and aware that GMA has no problems with "comedians" like Howie Mandel using sexual double entendres on the air, I asked for the name of the producer who made the decision.

"Rickie Gaffney," said Hester.

After I tried repeatedly to reach Gaffney, she finally called me.

"Before I tell you what you were quoted as saying, I would like you to tell me why I was yanked from the program," I said.

"We were looking for a certain kind of mix," said Gaffney. Asked to explain, she responded, "I don't think that's worth elaborating on, quite frankly."

I then asked her whether she had any concern over my quoting the Bible verses on the air, as Hester had indicated.

"That was her interpretation," she said.

"You mean you never expressed any concern about me quoting from the Bible?"

In an answer reminiscent of those given by defendants at trials and congressional hearings, Gaffney said, "I don't recall."

If this were an isolated incident, it might be dismissed as an aberration, but it wasn't.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I have great reservations about this amendment. I just would refer to paragraph 3. It says that none of the funds authorized to be appropriated pursuant to this act may be used to promote, disseminate, or produce material which denigrates, debases, or reviles a person, group, so forth and so on.

I suppose that if you had material that debases or reviles Hitler, for example, that would be prohibited under this amendment. I share the views previously expressed that we are getting into a slippery area here. I think it is unfortunate that the Congress tries to do this, and will attempt to do this in the Senate. I am not in favor of it.

So, at the proper time, I would like to be recorded as voting against this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 420) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COATS. Mr. President, I have no interest today in engaging in subtle aesthetic debate. The definition of art is an issue for the Academy, not the Legislature.

The Senate has no role as art critic. And it certainly has no role as censor.

But its primary and defining role is to determine if public funds are spent in the public interest.

I come to this debate with only one question: Do we in Congress have the right to take money from citizens, on penalty of imprisonment, and then use it to offend their most deeply held religious and moral beliefs?

There is no question that those beliefs have been purposely and maliciously assaulted. Over the last few months we have been exposed to publicly funded images that were intended to provoke outrage—erotic photography of children, pictures of one man urinating into the mouth of another, presentations of homoerotic sadomasochism.

They remind a balanced mind of nothing so much as the snapshots of a tourist in hell.

Religious images have also seen desecration at the public expense—including a crucifix suspended in urine. Albert Camus once talked of people who "climb on the cross to be seen from afar, trampling on him who has hung their so long." This is the spirit that animates these unspeakable works of a deformed and calloused conscience.

The question before us is not a determination of artistic merit. It is not a debate over the imposition of State censorship. It is an argument over the use of public funds.

And here the issue is unmistakably clear. There is no possible justification, even in the most exalted dreams and pronouncements of the artistic establishment, to appropriate taxpayer's

money for these ends. It is a formula for everdeepening social resentment, with large numbers of citizens viewing their own Government as an enemy of the cherished beliefs by which they order their lives. And it adds insult to their pain by forcing them to pay for it.

Mr. President, I add my enthusiastic support to Senator HELM's bill. And I can muster little patience with those who imagine that artistic freedom is identical to feeding at the public trough.

Mr. KENNEDY. Mr. President, I share the reservations expressed about this amendment, and I hope that the conferees will give careful consideration to whether the Congress should pursue this course in funding the arts.

In 1965, when the National Foundation on the Arts and Humanities was created, Congress agreed "that the encouragement and support of national progress and scholarship in the humanities and the arts, while primarily a matter of private and local initiative, is also an appropriate matter of concern to the Federal Government."

We have had a quarter century to monitor the Arts and Humanities Endowments. I am pleased with the growth and development of these small but effective agencies. Many important cultural and scholarly works have been funded. Quality programming and outreach to new audiences have been a hallmark of these activities.

Much of the success of the Endowments can be attributed to the peer panel review system. When Congress instituted the Endowments, it wisely assigned the review and assessment of program grants to professionals in the arts community, who can most accurately weigh the relative merits of individual applicants.

It was a conscious effort at that time to separate the review process from political interference. Nothing has occurred in the intervening quarter century which diminishes the wisdom of that decision or that suggests a long-term benefit in undermining the peer system.

We have heard a great deal in recent months about several controversial grants awarded in the past year by the Arts Endowment. Without the peer system, there would have been persistent and chronic controversies of grant awards throughout the last 24 years.

A responsible discussion of funding for the Endowment should recognize that controversial grants are aberrations, and not commonplace occurrences, in the grantmaking process.

No grant making process is foolproof, but the peer system comes as close to that goal as is possible.

The grants in question, totaling \$45,000, have subsidized work that is provocative and that is distasteful and

offensive to large numbers of Americans.

But it is also disturbing to me that the response of Congress threatens the peer system of review and overall funding for the already underfunded Arts Endowment.

It is foolish for Congress because of the questionable awards to jeopardize a well-respected program with a 24-year track record.

A more responsible approach would be to enact stricter accountability in the grant-making process, especially when funds are channeled through intermediary agencies. The ultimate responsibility and accountability for all grants rests with the National Council on the Arts. Congress intended that result, and steps should be taken to insure that the Council carries out its mandate as effectively and judiciously as possible. A tightening of restrictions on sub-grants would go a long way toward preventing future congressional second-guessing in situations such as the present.

A new chairman of the Arts Endowment will be coming on board in the fall and he, too, can be involved in the search for more effective ways to continue the Endowment on a long-term path of growth and excellence—which has been its path for the last 24 years, under both Republican and Democratic chairmen.

The Federal Government has a role and responsibility to support the arts and create an environment in our country which encourages a lively cultural community. Congress must not put itself in the position of serving as a board of censors for the arts.

I ask unanimous consent that correspondence I have received in my office from concerned citizens in the arts community be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ARTS AND HUMANITIES,
Boston, MA, June 30, 1989.

Senator EDWARD KENNEDY,
Washington, DC.

DEAR SENATOR KENNEDY: I would like to ask for both your financial and philosophical support of the National Endowment for the Arts (NEA).

Federal support has never been as crucial as now. As a delegate from Massachusetts, you are probably aware that in FY'90 state support for the Massachusetts Council on the Arts and Humanities will be reduced by 38%. This reduction, coupled with the business sector's low level of philanthropy for this state's vibrant cultural scene, does not bode well for the future of the arts in Massachusetts.

Many individual artists and cultural organizations across the Commonwealth receive support directly from the NEA. Every year the NEA receives approximately 18,000 grant applications; about 4,500 are approved for funding. Last year 234 Massachusetts artists and arts organizations received grants totaling \$5,867,483, a figure which testifies to the high quality of the Common-

wealth's cultural institutions and presentations.

The Council itself receives \$532,600 in various NEA grants which are desperately needed to staff programs and maintain programs.

With a 38% cut in state support—and no new funding sources available to make up this devastating loss of \$7,343,727 million—the cultural community in the Commonwealth and those that it serves are in dire need of increased federal support for the arts. Last year the Council received requests totaling \$38,699,971.

The benefits of public support for the arts are not only cultural, but economic as well. Increased revenue generated through direct spending by arts organizations, related audience spending and the ripple effect generated from all this, have provided \$1.2 billion to the Massachusetts economy in 1988, monies much in need these days, as we are all too aware. For your information, I am enclosing a brochure illustrating the results of a 10 year study conducted by the New England Foundation for the Arts.

I know that your deliberation over the NEA's budget comes at a time when issues of art censorship are hot in the press. I urge you to see these as exclusively separate issues, or the debate that began 25 years ago over state funding of the arts will be visited anew, with great harm done to America's reputation as a democracy.

Employing an open and vigorous process, independent panels review all applications submitted to the NEA, selecting groundbreaking, thought provoking projects which expand the dialogue of what art is and what it should do.

Sometimes a work of art asks us to examine an idea or issue we are not as comfortable with as others, but this in no way makes it any less valid or important than more sedate art works. It does, however, expand this country's artistic heritage—which is what a national agency devoted to the arts should be doing. It is not the intent of the NEA or any arts agency to intentionally support projects or artworks that offend a particular point of view or group of people; it is within the purpose of the NEA and this arts agency to stimulate the practice of the arts—to stimulate human beings to explore and examine their humanity—freely, without barriers placed on their ideas or imagination.

The citizens of Massachusetts and the Commonwealth's fiscal situation can all benefit from your support of an increased appropriation to the NEA in the FY'90 federal budget.

Thank you for your time.

All the best,

ANNE HAWLEY,
Executive Director.

[Telegram]

NEW YORK CITY, NY,
June 28, 1989.

Hon. EDWARD M. KENNEDY,
Washington, DC.

I respectfully beseech you to fully protect the NEA's incredible record.

A controversy over only two grants among its thousands must not be allowed to start any destruction to one of our Nation's most valuable, admirable and necessary organizations.

JEROME ROBBINS.

[Telegram]

NEWTON, MA,
July 24, 1989.

Senator EDWARD KENNEDY,
U.S. Senate, Washington, DC.

I urge you to support full funding for the Arts Endowment during consideration of the FY90 Interior bill. Please oppose any efforts to cut the Endowment or to single out any grantee for penalty. The current controversy surrounding two particular grants should not overshadow the Endowment's track record. Through its peer panel process, the Endowment has distributed over 85,000 grants, many of which have benefited institutions, artists, and countless individuals in our State.

BRUCE MARKS,
Artistic Director, Boston Ballet.

MUSEUM OF FINE ARTS,
Boston, MA, June 29, 1989.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: In the last decade virtually all the major loan exhibitions of works on paper (exhibitions such as "Printmaking in the Age of Rembrandt," "Edgar Degas: The Painter as Printmaker" and the present "Italian Etchers of the Renaissance and Baroque") organized by this department have been made possible through the support of the National Endowment for the Arts. The NEA has also made possible the publication of the catalogues accompanying these exhibitions, catalogues of lasting value written so as to be accessible to a broad audience and not to specialists only. These exhibitions and catalogues and those produced by other American art institutions under the NEA's sponsorship have contributed significantly to the growth of worldwide appreciation of American cultural and scholarly achievements.

This museum and this department have also been able to acquire through the purchase program of the NEA work by living American artists that would not otherwise have been affordable. With regard to the current controversy over the nature and content of contemporary works funded by the Arts Endowment I would like to say that I have always believed that freedom of cultural expression was one of the glories of non-totalitarian Western society and specifically of our own democratic society. I devoutly hope that will not change and urge that you support and defend the good works of the NEA.

Sincerely yours,

CLIFFORD S. ACKLEY,
Curator, Department of Prints,
Drawings and Photographs.

BOSTON SYMPHONY ORCHESTRA,
Boston, MA, June 30, 1989.

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR TED: We are alarmed by proposals to abolish the National Endowment for the Arts or to severely curtail its budget as a result of the controversy surrounding the work of Andres Serrano and Robert Mapplethorpe.

Whatever may be the merits of each side of this controversy, we urge Congress not to let this obscure the tremendous importance of the NEA to hundreds of cultural institutions and the millions of citizens whom they serve.

Allow me to briefly cite what some of the NEA grants have done for the Boston Sym-

phony Orchestra: two challenge grants of \$1 million each resulted in more than \$15 million contributed by the private sector; eight Music Professional Training grants to the Tanglewood Music Center provided fellowships for more than 800 emerging American artists who are now pursuing distinguished careers in music; some 16 grants awarded artistic support to engage outstanding guest artists and conductors who have appeared with the Boston Symphony Orchestra at Symphony Hall and Tanglewood before audiences numbering over six million persons; and three grants helped the Boston Symphony Orchestra and the Boston Symphony Chamber Players to produce recordings of contemporary American music, including works commissioned by the BSO for its centennial celebration. These achievements would not have been possible without federal support and the loss of these funds in the future will seriously harm the quality of our artistic endeavors.

It appears that much of the outrage directed at the NEA is fueled by a longstanding belief that would deny any role or responsibility in the arts for the federal government. The Serrano/Mapplethorpe episode has become an excuse for attacking an institution that cannot be faulted on ordinary grounds. With the exception of this controversy the NEA has been able to work with a remarkably broad consensus that its decisions have been professional, fair, and productive. We have been greatly impressed with the calibre of staff and advisors the NEA has assembled over the years to carry out its mission.

Please record our support for continued funding for the NEA and the very important contribution it makes to our society.

Yours sincerely,

GEORGE H. KIDDER.

AMERICAN REPERTORY THEATRE,
Cambridge, MA, June 29, 1989.

HON. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: We are writing to express our grave concern at what we perceive to be a growing Congressional hostility towards the National Endowment for the Arts and the crucial support it provides to America's artists and cultural institutions.

A threat to NEA appropriations is a threat to the survival of the arts in the United States, to the country's artists and the audiences they serve, and to the businesses that depend on a healthy cultural climate for their own prosperity. The arts bring jobs and vitality to the economy, as well as education and recreation to the underprivileged. Over 150,000 people attended performances at the American Repertory Theatre last year, including 15,000 schoolchildren, and with the support of the NEA we have been able to introduce the vigor and imagination of American theatre to innumerable others both at home and at international festivals in Venice, Edinburgh, Tel Aviv, Paris and Madrid, as well as to the children in our community who have participated in our programs at local schools.

But the arts should not be required to justify themselves merely on the basis of how they reinforce employment, outreach programs and the economy. They are a necessity for the sustenance of the soul, and as such are as significant to a great civilization's welfare as health, education and poverty assistance. (Sweden, Austria, Norway, Spain, Japan, Great Britain and West Germany are just a few of the industrial coun-

tries that recognize this significance and attach as much importance to arts funding as to the funding of human welfare programs.) Recent statements from Capitol Hill concerning the NEA are sending a horrifying message to anyone involved in the arts, a denial of the importance of arts and culture to the nation that has a potentially devastating affect on the morale of America's artists and humanists, many of whom rely on NEA funding to support their imaginative contribution to our society.

We are concerned by how much time we spend in these dark and beleaguered days for the arts pleading for the right to exist as a cultural institution. We believe that the freedom to imagine, and to share those imaginings with others, is implicit in those freedoms guaranteed to us by the Constitution, and we believe it is the mandate of our elected officials to protect and perpetuate the creative spirit that is so much a part of our national character.

You are a good friend and we share our colleagues' respect for all your good work on our behalf. We urge you to defend the NEA and support its appropriation in the upcoming debate.

Sincerely,

ROBERT BRUSTEIN,
Artistic Director,
ROBERT J. ORCHARD,
Managing Director.

DYNATECH CORP.,
Burlington, MA, June 26, 1989.

Senator EDWARD M. KENNEDY,
John F. Kennedy Federal Office Building,
Boston, MA.

DEAR SENATOR KENNEDY: Today, I have been giving my time as a citizen to a Board meeting of the American Symphony Orchestra League in San Francisco, a not-for-profit organization of which I am a Director.

I learned at this meeting that there is a possibility that Congress, in its budget deliberations this year, may decide to restrict or reduce funds previously dedicated to the National Endowment for the Arts.

I further understand that two separate controversial exhibits which have taken place in past months have caused protests to be made by various citizens and organizations.

One of these exhibits was a visual presentation in an exhibit administered by the Southeastern Center for Contemporary Art of Winston Salem, North Carolina, and funded in part by a grant from the National Endowment for the Arts.

Another exhibit, as I understand it from sketchy information provided today, involved desecration of our national flag.

To call into question the entire funding of the National Endowment for the Arts over these isolated incidents makes no sense to me, even at a time when our Government currently is overspending its income. Analogs are easy to think of.

If naval personnel are killed in training, would you vote to cut off all funding to the United States Navy?

If a management person in our social welfare program mishandles funds, would you cut off all social welfare funding? (The recent HUD cases comes to mind.)

So, I have to ask you: If a couple of artists put forward exhibits which are offensive to segments of the public, will you cut off, reduce or restrict funds flowing to the arts through the National Endowment for the Arts?

I hope not.

In previous assignments of mine on Boards of not-for-profit organizations (museums, private schools, etc.), I have always encouraged these Boards and managements not allow funding from any single source to be too great a percentage of the total funds collected or spent in a single year. This suggested policy arose in my mind as a result of long personal business experience with long lists of customers.

Thus, if the United States Government, through the National Endowment for the Arts, is, in fact, a "customer" of arts organizations, it would therefore behoove the National Endowment for the Arts suppliers (symphonies and all other arts organizations) not to be too heavily dependent on this single source. In other words, the percentage of total income or expense received from the National Endowment for the Arts should be kept very small (e.g. 1-2%) so that the sudden removal of this funding stream could not cause the immediate or gradual demise of the organization. This I believe to be a sound policy, especially when received in present circumstances where fund cut-off seems to be in the wind.

If the National Endowment for the Arts funding continues at present levels, it will take the American Symphony Orchestra League a period of time to change the markup of its revenues to reduce its National Endowment for the Arts dependence.

If the National Endowment for the Arts funding is eliminated or drastically reduced, all arts organizations whose funding depends in large measure on the National Endowment for the Arts will have to decide whether to continue at all.

I cannot speak for the American Symphony Orchestra League policy, as I am only one Director, but I can state my opinion that I do not see how the American Symphony Orchestra League, the central national organization for all symphony orchestras in the United States, will be able to stay in business.

Please vote to keep the National Endowment for the Arts funding flowing while we determine how best to get along without it. This will take time.

Or, please tell me that there is no issue here, that the National Endowment for the Arts is not a fickle funder of the American Symphony Orchestra League and American symphony orchestras, and that its funds are assured for the next few years.

Sincerely,

J.P. BARGER,
President, and Chief Executive Officer.

HARVARD UNIVERSITY ART MUSEUMS,
Cambridge, MA, July 19, 1989.

HON. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: I am writing to urge you to give your support to full funding of the Arts Endowment during consideration of the FY90 Interior bill. Please oppose any efforts to cut the endowment or to single out any grantee for penalty.

Sometimes the public will be offended by works of art created or shown with taxpayers' money. This has happened very rarely, however, and we should consider this the price we pay for maintaining a vigorous culture in a free society. The current controversy over a few works of art should not cause Congress to penalize an agency that has performed so well for twenty-five years and has distributed more than 85,000 grants annually.

We are a university museum and receive no funding from our parent institution for public programming of any kind. Our exhibition and publication program would not exist without NEA support. The exhibitions supported by NEA over the years, such as *Wonders of the Age: Masterpieces of Early Safavid painting*, *Master Drawings by Picasso*, *Jacob van Ruisdael*, and *El Lissitzky*, were among the most popular and best attended shows we had—the overwhelming percentage of our visitors coming from Cambridge and greater Boston. They were also the first of their kind in this country and the type of pioneering show that corporate sponsors are unlikely to fund. They would have been lost to the public and to scholarship without NEA support.

The NEA and IMS have supported us in many other ways as well, in numerous conservation efforts and various expansion programs, and in cataloguing and dissemination projects. Without the NEA, NEH, IMS and similar cultural organizations, we would be much diminished as an institution.

Controversies over a tiny number of NEA-supported projects should not jeopardize funding for the thousands of NEA programs across the nation. Indeed, anyone familiar with the controversies that surrounded the careers of the great artists of the past—including Ingres, Cezanne, Picasso, Matisse, Manet, Eakins, Turner, Caravaggio, and a host of others—would consider it remarkable that so few NEA programs generate any criticism at all.

We urge you to take the longer view and continue your support for the Arts Endowment and for the funding recommendations now being considered. Its work, after all, is devoted to the artistic culture of centuries past and generations into the future, not to the passing political flurry of the moment.

Sincerely yours,

EDGAR PETERS BOWRON,
Elizabeth and John Moors Cabot Director.

WILLIAMS COLLEGE MUSEUM OF ART,
Williamstown, MA, July 11, 1989.

HON. EDWARD KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: The staff at the Williams College Museum of Art is certain you are aware of its efforts to enrich Western Massachusetts with our many special exhibitions and outreach programs. Although we are supported by Williams College, we could not have accomplished nearly as much public outreach, had it not been for the Federal grants we have been fortunate to receive in the past.

It is therefore with a sense of great urgency that we approach you regarding the FY 90 Interior Appropriations bill which will be on the House floor tomorrow. We urge you to support the Appropriations Committee's funding recommendations for the Institute of Museum Services and for the National Endowments for the Arts and Humanities. Please oppose any floor amendments to cut funding for these agencies, or to undermine their grant process.

If you or your staff is interested in a detailed account of the special programs we have been able to mount in the past, please do not hesitate to get in touch. Meanwhile we hope you will take time to drop in next time you visit the Berkshires and see our current exhibitions featuring African-American contemporary artists, African-American story quilts, and "100 Years of Social Protest," photographs by noted black craftsmen, photo-journalists, and artists. These shows have been drawing school and

others from as far away as Springfield and Boston and have been points of departure for several public programs.

As always, funding is essential for making available quality programs, and we hope you will do all you can to ensure that our Government continues to support the arts at least at the same level as in the past.

Sincerely yours,

W. ROD FAULDS,
Associate Director.

CONCORA, MA, July 12, 1989.

Senator EDWARD KENNEDY,
U.S. Senate, Washington, DC.

When the FY90 Interior Appropriations bill is brought to the House floor, I urge you to support Appropriations Committee's funding recommendations for Institute of Museum Services, National Endowments for the Arts and Humanities. Please oppose any floor amendments to cut funding for these agencies or to undermine their grants process. They are vital to museums in your district and across the country, the financial support these agencies give to cultural institutions is crucial and must continue to grow.

ANN CHANA,
Concora Museum.

BOSTON SYMPHONY
ASSOCIATION OF VOLUNTEERS,
Boston, MA, July 6, 1989.

DEAR SENATOR KENNEDY: As President of the Boston Symphony Association of Volunteers, I represent 1,000 men and women who believe in the tremendous importance of cultural institutions like the Boston Symphony and the critical support of the National Endowment for the Arts. The BSO receives more than \$360,000 from NEA, and a loss of these funds would have serious consequences for our programs. I implore you to support the Arts.

JACOB'S PILLOW,
Lee, MA, June 27, 1989.

HON. SENATOR KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: I have been the director of America's oldest dance festival for ten years. The NEA has played a pivotal role in allowing Jacob's Pillow to accomplish its goals. We have been able to support the most venerable artists and some of the most visionary artists in our field. I feel that tradition often develops from work which momentarily seems outrageous. Ted Shawn, after all, was once looked upon as an iconoclast. Today his philosophy is quite mainstream.

As producer, Jacob's Pillow acts as a bridge between the audience and the artist. We have seen people react to provocative work in ways which were surprising yet pleasing to them. These audiences were stimulated to think, feel and see themselves and the world in a new way.

Our society's strength has always been in its ability to embrace many seemingly incompatible points of view.

Please do not compromise this strength by voting for legislation which attempts to dictate the direction of the artist's vision.

Your support of Jacob's Pillow and the arts has made a difference. Thank you.

Sincerely,

LIZ THOMPSON,
Executive Director.

AMERICAN ANTIQUARIAN SOCIETY,

Worcester, MA, June 28, 1989.

HON. EDWARD M. KENNEDY,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: Enclosed is a copy of a letter I sent yesterday to Congressman Yates who is, I understand, thinking about eliminating "regrant" programs at NEA and NEH. If this comes about, it will destroy the ability of the Society to mount our competitions for the long-term fellowships that have proven to be extraordinarily important in advancing historical knowledge and in exploiting the research materials at AAS.

I hope you agree with me that it would be unwise to eliminate the NEH program for Centers for Advanced Study, of which AAS is one of eighteen world-wide. Many thanks for your interest in this problem!

Sincerely yours,

MARCUS A. MCCORISON,
Director and Librarian.

MUSEUM OF FINE ARTS BOSTON,
Boston, MA.

HON. EDWARD KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: I write to urge you to give your support to full funding of the National Endowment for the Arts as originally recommended by the House Appropriations Committee.

I hope you will reject the move to cut funds as a symbol. A few works of art should not cause Congress to penalize an agency that has performed so well for 25 years and has distributed more than 85,000 grants successfully.

Sometimes we will be offended by works of art created or shown with taxpayer money. This has happened very rarely, however, and we should consider this the price we pay for maintaining a vigorous culture in a free society.

We need the arts endowment at full strength for the sake of Massachusetts and the nation. Please give it your full support.

Yours sincerely,

ALAN SHESTACK,
Director.

Brewster, MA, July 5, 1989.

HON. TED KENNEDY,
U.S. Senate, Washington, DC.

When the FY90 Interior appropriations bill is brought to the House floor, I urge you to support Appropriations Committee's funding recommendations for Institute of Museum Services, National Endowments for the Arts and Humanities. Please oppose any floor amendments to cut funding for these agencies or to undermine their grants process. They are vital to museums in your district and across the country. The financial support these agencies give to cultural institutions is crucial and must continue to grow.

SUSAN P. LINDQUIST,
Executive Director, Cape Cod Museum of Natural History.

MOUNT HOLYOKE COLLEGE ART MUSEUM,
South Hadley, MA, July 5, 1989.

HON. EDWARD KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: The growth of the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute for Museum Services is vital to the cultural organizations of the United States. And these cultural organizations are vital to the country, not only in a spiritual sense but to the economy as well.

I urge you to support increased funding for the Endowments and IMS when the FY90 interior appropriation bill is considered.

It is also vital that the autonomy of these agencies be protected. Please oppose any amendments which would undermine this autonomy. Their independence and unlimited growth is vital to our cultural institutions, indeed, to our entire state and country.

Sincerely,

TERI J. EDELSTEIN,
Director.

PEABODY MUSEUM,
Salem, MA, July 7, 1989.

HON. EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: As President of the Board of Trustees of the Peabody Museum of Salem and as Chairman of Museums Cooperative of Salem, I am writing you on behalf of the Board of Directors and staffs of these organizations to urge you to support the funding recommendations of the National Endowments for the Arts, the National Endowments for the Humanities and the Institute of Museum Services contained in the Interior Appropriations bill for FY 1990.

I know you are aware of how much the funding from these three entities have helped the citizens of Salem and Essex County through our Museums in the past and how much we look forward to gaining further funding from them in FY 1990.

Your support is needed this month.

Sincerely,

RICHARD WHEATLAND,
President, Peabody Museum of Salem;
Chairman, Museums Cooperative of Salem.

ESSEX INSTITUTE,
Salem, MA, July 5, 1989.

HON. EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: When the FY90 Interior Appropriations bill is brought to the House floor, I urge you to support Appropriations Committee's funding recommendations for Institute of Museum Services, National Endowments for the Arts and Humanities. Please oppose any floor amendments to cut funding for these agencies or to undermine their grants process. They are vital to museums in your district and across the country.

The Essex Institute, a historical museum and library in Salem, Massachusetts, has recently received generous support from all three agencies (a \$400,000 challenge grant from NEH; a \$75,000 NEH grant for a special exhibition and public programs on Federal period Salem; a \$75,000 general operating support grant (three years in a row) from IMS and an IMS conservation grant). The support of these federal agencies has been critical to the development of new programs for new audiences at the Essex Institute. Recent controversies surrounding isolated incidents should not be used as a weapon against agencies which have deepened cultural awareness and understanding of millions of Americans.

The financial support these agencies give to cultural institutions is crucial and must continue to grow.

Sincerely,

ANNE FARNAM,
President.

CHICAGO, IL,
June 27, 1989.

HON. EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: I am writing to urge your support of the National Endowment for the Arts. The NEA is a vital force in creating a rich and diverse culture in America. Thousands of artists and organizations have benefited from its support including the citizens of Illinois through direct grants and through funds channeled through the Illinois Arts Council. The Illinois Arts Council Arts in Education programs are a recent beneficiary of NEA funding.

Being on the Board of Directors of The Chicago Opera Theater, I am able to see first hand the beneficial effects of the NEA grant awarded this 15 year old Company which brings Opera to Chicago in English.

It would be shameful to see any reduction in funding for the arts which is far less than what this country deserves (\$.70 cents/person). I urge you to defend the National Endowment for the Arts against attacks and do everything in your power to increase the support devoted to art and culture.

Yours truly,

H. GAIL NEESON.

WILLIAMSTOWN, MA.
July 10, 1989.

Senator EDWARD KENNEDY,
Senate Office Building,
Washington, DC.

When the FY90 Interior Appropriations bill is brought to the House floor, I urge you to support Appropriations Committee's funding recommendations for Institute of Museum Services, National Endowments for the Arts and Humanities. Please oppose any floor amendments to cut funding for these agencies or to undermine their grants process.

They are vital to museums in your district and across the country.

The financial support these agencies give to cultural institutions is crucial and must continue to grow.

DAVID S. BROOKE,
Director, Clark Art Institute.

Mr. WIRTH. Mr. President, I rise today to speak about funding in the fiscal 1990 Interior appropriations legislation for the National Endowment of the Arts (NEA). Recently, the NEA has come under severe criticism for its support of programs which provided grants for exhibits of two artists noted for their controversial topics.

In reaction to their support of the work of Andres Serrano and Robert Mapplethorpe, the Senate Interior Appropriations Subcommittee chose to include language prohibiting the National Endowment for the Arts from issuing a direct grant award for 5 years to either the Southeastern Center for Contemporary Art (SECCA) in North Carolina or the Institute of Contemporary Art (ICA) at the University of Pennsylvania.

Mr. President, I believe that this provision is an overreaction and unwarranted. Both these organizations applied for and accurately completed a rigorous review process by both their peers and by members of the Presidentially appointed National Council on

the Arts to receive NEA grants. The organizations, in an effort to ensure that the projects were within the scope of public taste, also raised matching dollar-for-dollar funds from individuals, State, and local art agencies, foundations, and corporations.

It is wrong to punish these individual organizations simply for their involvement in projects that created some controversy when, in fact, the organizations were in complete compliance with the established review system and the grants were approved by the National Council on the Arts. In this case, The Senate is inappropriately micromanaging by singling out SECCA and ICA.

I am also deeply concerned that this provision sets a very dangerous precedent of legislating a moral code on the value of particular works of art. This action could effectively censor all artists and museums for years to come. Museums will restrain or suppress their creativity in providing quality exhibits to the public, fearing the loss of Federal funds. This will assuredly lead to the loss of private, local funding as well. Will Congress next end Federal funding for public radio and television if a controversial story or documentary were aired? This action comes perilously close to the kind of censorship that has not been tolerated in our Nation since its inception.

The formulation of policy from heated reaction to public controversy is a sure way to make bad decisions. A 5-year prohibition of NEA grant awards to SECCA and ICA is not fair to the affected agencies and bodes ill for the continued public support of art organizations in Colorado and the rest of the Nation. I hope my colleagues carefully consider the ramifications this action when this legislation is reviewed in conference.

Mr. President, I yield the floor.

Mr. JEFFORDS. Mr. President, I want to comment on the portion of this bill that provides funding for various agencies related to the arts.

As cochairman of the Congressional Arts Caucus, and a longtime supporter of arts, I am encouraged that the committee has provided modest increases in funding for the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services. The National Endowments fulfill an important, dual role of stimulating development and access to the arts across the Nation, while also providing a significant catalyst for private support of the arts.

The committee has recommended \$171.2 million for NEA for fiscal year 1990, an increase of \$2.1 million over this year's level. These funds will provide grants to individual artists and groups, in every discipline, working in

rural areas, small cities, and major urban centers.

On numerous occasions, I have heard from Vermont organizations and individuals about their personal involvement with the Endowments and the IMS. These people—ranging from the dance instructor, casual art enthusiast, to the performing artists—join in enthusiastic support for these programs. They also share the belief that the arts and humanities, as a reflection of ourselves as a culture and society, are essential and deserve continued support.

I am extremely disturbed by the restrictions placed upon arts funding by the committee. I think that in cutting off funds for two very fine institutions, the Institute of Contemporary Art in Philadelphia, and the Southeastern Center for Contemporary Art in North Carolina, we are edging dangerously close to censorship. The arguments used in defense of what amounts to punishment of these two organizations sounds dangerously close to those used by those who wish to banish certain books from our public schools. Worse yet, by cutting off future support for the organizations in question, we are censoring artists and works which we have not even seen, and which, because of this legislation, many people may not get to see.

Mr. President I do not wish to begin a debate here over the merits of the art in question. That we could have devoted more time here in the Congress to such a great debate, a very eloquent debate, I think would have been beneficial and indeed educational. I am delighted that that kind of debate is taking place in the press, in classrooms, in art galleries and on the streets. Perhaps the greater good that is to come of all this controversy is that people are taking notice of the incredible power that is inherent in art. A power, and this has been said before, that cuts to the raw nerve of the individual and the life blood of individual freedom.

Artistic expression is perhaps one of the most individual of all freedoms we have in society, and one which the National Endowment for the Arts has sought to promote, and which I hope the members of this body will agree to protect.

That this discussion has been sullied into a debate over what kind of punishment should fit a perceived crime against offended individuals is an insult to those who are involved in creative endeavors everywhere. It is ironic that after having witnessed the millions of Chinese students in Tiananmen Square, many of them the children of those who were punished severely for so-called offenses during the Chinese cultural revolution, that we are face forward on the precipice of our own dangerous cultural revolution.

Censorship in the arts, as imposed by this bill, to censor those organizations in question in this legislation that we are protecting many taxpayers. Not just taxpayers who find the works in question morally offensive, but those who may have a completely different interpretation of them. Taxpayers who may actually like them. I am worried about setting this dangerous precedent, whereby only those organizations who promote works deemed acceptable on one, will find the reward of public funds awaiting them.

The arts in this country have taken a drubbing for too long. They have suffered from a lack of promotion on a large public scale. Some might even say a lack of understanding. Are we promoting better appreciation of the arts by cutting funds during a debate that attempts to make an excuse for direct censorship? We are threatening to cut off two organizations that have incredible potential to bring many kinds of art to many people. We are not surrounded, as Europeans are, by generations and generations of art that so permeates society that it almost numbs the senses. We have to create it for ourselves. What we create should be a reflection of ourselves. It will be diverse. It may at times be provocative. I hope it will always remain uncensored.

If I may quote someone who has said this better than I, J. Carter Brown, director of the National Gallery of Art,

There is a principle involved here, which is at the heart of what it means to be an American, and that is freedom. All of us in this country emigrated here, and a great number for a reason, which was to achieve the kind of freedom denied under other systems. And as we watch the other systems and historically look at them in the degenerate art show that Hitler had, or what the Soviets did to suppress their artists, and what is happening in capitals in the Far East, we have to recognize how fragile our freedoms are, how important it is to defend the process and to keep a sense of our first amendment.

Mr. President, I yield the floor.

Mr. PELL. Mr. President, as one member of this body who was deeply involved in helping establish the National Endowment for the Arts 25 years ago, I want to convey to my colleagues some of my views of the current controversy regarding grant review procedures.

The National Endowment for the Arts is a remarkable agency that was setup after careful and lengthy debate as to just what role the Government can and should play in the support of culture in the United States. The landmark public law of 1965 states that,

it is necessary and appropriate for the Federal Government to help create and sustain not only a climate encouraging freedom of thought, imagination and inquiry but also the material conditions facilitating the release of this creative talent.

The success of this unique agency has, in fact, exceeded all my expectations. The leadership of the Endowment in cultural support has helped bring arts programs into the far corners of every State in the country. It has led to the tremendous expansion in the fields of opera, dance, theater and symphony orchestras and it has helped nurture the creative talents of our writers, composers, and artists. A relatively modest investment of Federal funds has done so much to enrich the lives of the American people.

In regard to the current controversy over a few works of art, I can understand the depth of feeling of many of my colleagues. I find the works in question fully as offensive, objectionable and obscene as they do. In my mind, serious errors in judgement were made when such works were recommended for funding by their respective review panels.

But it is precisely this system of review by peer panels that has been responsible for the broad-based effectiveness of the National Endowment for the Arts over the long run. The Endowment has made over 85,000 grants to projects and individuals in the United States with an amazing degree of impartiality and good judgment. Of this number, only a handful have aroused any kind of controversy at all. The Endowment's record for fairness in funding quality and diversity is hard to equal anywhere else in the Federal Government.

When we structured the Endowment, we were careful to put the artistic decisionmaking in the hands of outside experts and away from the influence of government where it would be almost impossible to agree on standards. These peer reviewers, with very few exceptions, have served us well in making objective and balanced judgments.

No such system can be infallible, however, and for this reason, I have repeatedly sought ways to improve upon peer panel and review in my role as chairman of the Subcommittee on Education, Arts, and Humanities. To this day no one has come up with a fairer and more intelligent method of disbursing Federal funds to the arts. But I am always willing to hear any proposals. The 1990 reauthorization of the Endowment will provide a forum for further debate in this regard.

In light of the current controversy, I have asked the Acting Chairman of the Endowment to set-aside time for an indepth discussion of agency review procedures at the upcoming meeting of the National Council on the Arts. Council members are Presidentially appointed individuals who are charged with advising the Chairman as to policies, programs, and procedures. Any recommendations they may have to strengthen these procedures will be

carefully considered in the reauthorization process.

I have reservations about the provision in the Senate bill that would deny Endowment funds to the Institute of Contemporary Art at the University of Pennsylvania and the Southeastern Center for Contemporary Art in North Carolina. These are fine institutions which serve as important cultural resources in their communities. I believe such action is unnecessarily punitive. It imposes the views of a branch of government on a process that was intended to be free of such involvement. My colleagues should know that this action may well have a dire chilling effect on our national cultural community and weaken the Endowment.

I fully understand the sentiment which gave rise to this provision. But to my mind, we should not take precipitous action in the heat of a controversy. Rather, we should look at this situation in the place where it belongs, namely the reauthorization of the Arts Endowment, a process that will begin later this year. I believe we should strike this provision, but I know where the votes are on this matter and that such an effort would not be successful. The amendment proposed by Senator HELMS troubles me as well. It moves us ever closer to government censorship which is odious to our basic American values. It also restricts the ability of the Endowment to use impartial experts to judge excellence in the arts. I have faith in the peer review system and its ability to decide what art is worthy of our Nation's support.

I am equally aware of the importance of much of this legislation. It provides crucial funding for the National Endowments for the Arts and Humanities and the Institute of Museum Services which must go forward.

In addition, this legislation funds the Department of the Interior, including the National Park Service. It also continues funding for energy conservation programs, for our Historic Preservation Fund and for our Bicentennial Lighthouse Fund.

This legislation also includes vital environmental protection, in the form of offshore oil moratoria, for our more fragile marine environments. It also contains operating funds for the Blackstone River Valley National Heritage Corridor, a project of great importance to the citizens of Rhode Island.

Thus, despite misgivings, I intend to vote for this legislation on final passage. I do so, however, with very considerable reluctance and with the hope that, when this bill goes to conference, the Senate conferees will yield to the House when it comes to the NEA funding portions and the Helms amendment.

Mr. MOYNIHAN. Mr. President, I rise in opposition. For the first time in the near quarter century life of the National Endowment for the Arts, we have before us an appropriations bill which prohibits the grant of funds to two named institutions. Specifically, it is provided—

That until October 1, 1994, none of the funds provided to the National Endowment for the Arts may be used for a direct grant to the Southeastern Center for Contemporary Art (SECCA) in Winston-Salem, North Carolina or for the Institute of Contemporary Art at the University of Pennsylvania.

This prohibition arises in consequence of a grant made to one photographer, and the exhibit of the work of another photographer. Now we have anathematized, by floor amendment, the whole genre of dirty pictures offered for sale in other than furtive circumstances.

The Senate report of June 8, 1965, which accompanied the legislation establishing the foundation clearly foresaw that such efforts such as this might be made in the years to come, and just as clearly recorded the view of the Congress that they should be resisted in the most adamant and absolute degree.

*** the committee affirms that the intent of this act should be the encouragement of free inquiry and expression. The committee wishes to make clear that conformity for its own sake is not to be encouraged, and that no undue preference should be given to any particular style or school of thought or expression.

I have no wish to escalate the issues involved here. We are not dealing with censorship per se. Nothing in the bill before us in any way inhibits the first amendment right of these artists to exhibit their work, and it would be nothing new in our experience if the present controversies brought their work to a wider audience than might otherwise be the case. For generations the fondest hope of many a writer was that his or her work might be "banned in Boston" in the expectation that sales elsewhere might thereby be considerably improved. Nor yet need we be overapprehensive of the effect of this action on the artistic community which is not unfamiliar with controversy, nor yet especially averse to it. It is after all just half a century since the painter John Sloan wrote:

*** it would be good to have a Ministry of Fine Art. Then we would know where the enemy is.

I would accordingly suggest to the Senate that the issue is not "them" but us. Do we really want it to be recorded that the Senate of the United States in the 101st Congress of this Republic, is so insensible to the traditions of liberty in our land, so fearful of what is different and new and intentionally disturbing, so anxious to record our timidity that we would sanction institutions for acting precisely as they are meant to act? Which

is to say, art institutions supporting artists and exhibiting their work?

More. Are we so little mindful of the diversity of our Nation, and the centrality of censorship and persecution in the experience of not just a few but I would almost say every religious and ethnic inheritance in this land? I think of the hymn sung at Catholic masses when I was a child.

Faith of our fathers! living still

In spite of dungeon, fire and sword

Oh how our hearts be high with joy.

Whene'er we hear that glorious word.

Faith of our fathers, Holy faith!

We will be true to thee till death.

Is there a congregation in the land today that does not or could not pronounce the same sentiments with the same conviction that what once was is no more, certainly no more in these United States?

And most poignant of all, are we so insensible to the shining witness to the all-important value of freedom of expression which we see displayed in nations across Europe and Asia which so recently seemed lost in totalitarian darkness?

This too will pass. I wish to record that I am fully aware of the disinclination of the principal manager of the bill to see these provisions become law. I fully expect that good sense and good humor prevail.

Still, the event needs to be protested.

May I suggest, however, that we are not in the presence of something new. To the contrary, something old. I do not suggest it is any less offensive; only that the forms of our protest should keep in mind certain exemplary models.

To paraphrase Wordsworth:

Mancken! thou shouldst be living at this hour:

America hath need of thee.

Mr. President, I will vote "no."

Mr. HEINZ. Mr. President, I would like to briefly share with the distinguished managers of the fiscal year 1990 Interior appropriations bill my strong opposition to the section of this measure—title II—relating to the specific treatment of funding for the National Endowment for the Arts [NEA].

According to language in H.R. 2788, Mr. President, two art exhibitors and NEA grantees, one located in Philadelphia, the Institute of Contemporary Art at the University of Pennsylvania, would be unable to receive direct NEA grants until late 1994. I am strongly opposed to unjustly targeting and essentially singling out these two art facilities, and urge Members during the conference committee to eliminate this provision.

Mr. President, I am extremely concerned with the dangerous precedent Congress is setting and the unfortunate message we are sending to artists, art organizations, patrons, and those

with an appreciation for experiencing the variety of American and international art. With this action, we are not only in essence serving as a censor of art to be displayed throughout our Nation's public galleries, but being punitive and even downright mean.

Let's face it, this provision puts Congress on record as penalizing two non-Federal and private institutions who organized and/or supported the controversial works of photographers Robert Mapplethorpe and Andres Serrano.

To my knowledge, the University of Pennsylvania—Institute of Contemporary Art followed proper NEA procedures in securing NEA grant money. Now, the institute is being penalized for its desire to present a variety of artistic expressions to its patrons. If there is fault, it lies not with the institute, but with the NEA for lax or inappropriate guidelines.

Imposing a 5-year ban on NEA grants to the Institute of Contemporary Art at the University of Pennsylvania and the Southern Center for Contemporary Art in North Carolina is both artistically and fiscally devastating to these fine institutions and their patrons. There is no obligation for Congress to use taxpayers' money to support art the public finds offensive. But let us understand that it is not the artist nor the private patron that we should call to account. To do so sets an unprecedented and chilling parameter we would be well advised to avoid.

Mr. BYRD. Mr. President, the following amendments are, I believe, the only remaining amendments: A Baucus-Burns-Wallop-Simpson, et al., Yellowstone fire compensation amendment; a Conrad amendment; wildlife refuge fund; and an amendment by Mr. FOWLER of forest roads reductions amendment.

May I inquire of my distinguished colleague, Mr. McCLURE, as to whether or not he knows of any other amendments? I would like to ask consent that further amendments be limited to those that I have enumerated.

Mr. McCLURE. Mr. President, if the Senator will yield?

Mr. BYRD. Yes, I yield.

Mr. McCLURE. I know of no further amendments on this side. I was going to offer another amendment but I will not do so in view of the hour. I know of no other amendments.

Mr. HELMS. Mr. President, I wonder if I might ask for the accommodation that one more amendment be included for me and let me discuss it with the managers of the bill. I will not offer it until I discuss it with them.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. In addition to the amendments that I have enumerated, there will be an amendment by Mr. BAUCUS. There will be one amendment by Mr. HELMS. Will the Senator from North Carolina identify his amendment?

Mr. HELMS. Does the Senator want me to describe it or send it to his desk?

Mr. BYRD. Describe it.

Mr. HELMS. Mr. President, this bill provides \$550,000 for the Martin Luther King Center for Nonviolent Social Change, which is \$350,000 more than was requested.

My amendment places the same restriction on the funds in this bill that was placed on the funds that we provided for the Martin Luther King Federal Holiday Commission. Senator NUNN and I worked out the language for that amendment.

The money in this act is appropriated for the Martin Luther King Center for Nonviolent Social Change. Considering the relationship of those two organizations, it only makes sense that the same restrictions apply on their use of Federal funds.

I will read the amendment:

On page 95, line 15, strike the period and insert the following: "Provided, That this section will become effective 1 day after the date of enactment: *Provided further*, That no part of any proposition contained in this Act shall be available for any training activities for the purpose of directing or encouraging, (1) the organization or implementation of campaigns to protect social conditions; and (2) any form of any civil disobedience."

That is the amendment. It speaks for itself.

Mr. BYRD. Mr. President, I withdraw the request momentarily.

The PRESIDING OFFICER. The request is withdrawn.

Mr. COCHRAN. Mr. President, this is a very special day for Natchez, MS. On this day in 1716 the town was founded, and today, July 26, it celebrates its 273d year, making it the oldest town on the Mississippi River.

The coincidence of the passage of this Interior appropriations bill with the birthday of the city of Natchez is remarkable because of the funding of the new Natchez National Historical Park that is contained in this legislation.

This is an event that should be celebrated with special fanfare and enthusiasm all across our State. The unique historical property and the panoramic scenes along the river bluffs will make this new national park one of our State's most popular attractions.

With the addition of this impressive collection of historical assets to the National Park System we are guaranteeing their protection and public

access for generations to come. We are also assuring the Natchez area of a proper terminus for travelers on the Natchez Trace Parkway.

Mr. President, we are very grateful for the assistance and support the chairman has given us. We are also deeply indebted to the distinguished ranking Republican, Mr. McCLURE, for his guidance and support for this project. I thank you both very much.

The sum of money appropriated in this bill is \$5.27 million which is to be used by the National Park Service to acquire property and establish this new national park at Natchez.

For some time now local citizens and officials in Mississippi have been working with the members of our State's congressional delegation to explore the possibilities for the establishment of this park. The National Park Service has studied the area and developed a preliminary plan which identifies properties that are suitable for including in the park.

Many people have worked many hours to help make this monument to Mississippi history a reality. As one of those many, I know there is much that is still to be done, so this is not the end of the matter. It is more like the beginning of what I believe will be a very successful and most worthwhile effort to establish a beautiful and interesting place for learning about our past and for appreciating the richness of our culture in a very scenic setting.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, there is no State in the Union that this bill impacts as much as it does my State of Alaska. I want to commend Chairman BYRD for the job he and his staff have done in putting this legislation together and my good friend, the ranking member, Senator McCLURE also and his staff. They have done a masterful job in crafting a bill that strikes the balance between protecting and managing our natural resources and providing programs for the people who use them. And I would like to note that the chairman has made record progress in moving this bill, bringing it from the subcommittee markup to the Senate floor in a short period of time.

Finally, I would like to commend the staff. I cannot say enough about Charlie Estes, Sue Masica, Rusty Mathews, Shannon Scripka, and Jeff Cilek. I want you to know, Mr. President, that on many occasions my staff and I have been working quite late at night, and we have always found the staff of this committee in the office. Now, this is something different. You have to recall that we represent a State that has 4, 5, and 6 hours difference from Washington, so quite often we are here just to be on regular working hours for the people of Alaska. But

people on this appropriation subcommittee have done an excellent job in working, working extremely long hours in dealing with this bill this year.

Mr. President, I am particularly grateful for the help the chairman and ranking member have given us in the aftermath of the tanker spill in Prince William Sound. The devastation caused by the spill affects not only the shorelines of the Prince William Sound and Gulf of Alaska, but our statewide economy as well.

Fisheries were closed due to oil floating in the water, tourists canceled their bookings in the mistaken belief that the spill oiled beaches statewide. That is not true. Mr. President, three of Alaska's four major industries have felt the effects of the March 24 spill.

This bill has a very wide range of assistance for us to deal with the aftermath of that disaster. This bill includes a wide range of fish and wildlife research projects, many of which will help us recover from the spill. It funds oil spill studies on seabird mortality and marine mammal populations, and provides additional money for salmon enhancement and research projects throughout the State, which is vitally needed.

The legislation also includes \$14 million for construction of visitors' facilities and land acquisitions for national parks and refuges in Alaska. The funds in this bill will be used to restore a historic building in the Klondike Gold Rush National Park, design a new hotel complex at Denali National Park and provide new visitors accommodations at five other popular national parks and refuges in Alaska.

Finally, Mr. President, the bill addresses a number of health and social problems faced by Alaska's Native community.

I previously remarked about that in connection with the colloquy we had with the Senator from Hawaii, the chairman of the Indian Committee. But this money that is provided in this bill for immunization of our Alaskan Natives against hepatitis B and meningitis will be really sorely needed by our Indian health people this year.

Those diseases infect our Yupik Eskimo children at a rate 15 times that of other young people in our country. The bill also increases Federal support for the Community Health Aide Program, a cost-effective, village-based system for providing the only primary health care available to thousands of Alaska Natives.

This legislation also addresses the very serious problem of fetal alcohol syndrome. It funds the operation of a new residential treatment center for pregnant Native women. Mr. President, Fetal Alcohol Syndrome is the most common identifiable cause of mental retardation among Alaska's Native children. It limits the potential

of too many young Alaskans and requires more than \$1 million in lifetime care for each child.

In addition this bill provides funding for Aleut reparations. It is time this Nation redressed the injustices the Aleut people suffered when they were removed from the homes during World War II and placed in unsanitary and inadequate camps.

I do express the gratitude of all Alaskans for the work that the chairman and the ranking member and all the committee members who worked on this have done and particularly for the long hours of staff work and attention they paid to so many suggestions we made this year to deal with the problems of my State.

Mr. BYRD. Mr. President, I wish to thank the Senator from Alaska for his very gracious remarks concerning me and concerning my counterpart here, Senator McCURE.

We try to be fair and reasonable to all of our colleagues and are most appreciative when the Senator from Alaska says such charitable things. I am most appreciative. He is my friend and always has been and always will be.

AMENDMENT NO. 421

Mr. HELMS. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 421.

Mr. HELMS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 95, line 15, strike the period and insert the following: ", provided that this section will become effective one day after the date of enactment; provided further that no part of any appropriation contained in this Act shall be available for any training activities for the purpose of directing or encouraging

(I) the organization or implementation of campaigns to protest social conditions, and
(II) any form of civil disobedience."

Mr. HELMS. Mr. President, I have already read into the RECORD the text of the amendment and I have described it. I do not think it needs any more description. I hope the managers of the bill will be willing to take it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 421) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, I do thank the managers of the bill for their accommodation on this amendment and the other two.

I yield the floor.

AMENDMENT LIMITATION AGREEMENT

Mr. BYRD. Mr. President, I now renew my request limiting the amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the Chair.

They are as follows: the Baucus, et al, Yellowstone Park fire compensation amendment; the Baucus amendment on the elk habitat; an amendment by Mr. CONRAD on wildlife refuge; and an amendment by Mr. FOWLER on Forest Services, roads.

Mr. McCURE. That is it.

Mr. BYRD. I ask unanimous consent that the amendments be limited to those amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that no amendments to the amendments that have been listed be in order unless they are germane and relevant.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask Senators who have amendments to please come to the floor and call them up.

TIME LIMITATION AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that on the amendment by Mr. FOWLER there be a time limit of 80 minutes to be equally divided between Mr. FOWLER and Mr. McCURE.

The PRESIDING OFFICER. Is there objection?

Mr. McCURE. Mr. President, I wonder if we could withhold that for just a minute? We need to check with one person before entering that time limit.

Mr. BYRD. Very well.

The PRESIDING OFFICER. We will withhold that determination.

Mr. BYRD. Mr. President, I ask unanimous consent that on the amendment by Mr. FOWLER there be a time limitation of 1 hour to be equally divided and controlled by Mr. McCURE and Mr. FOWLER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the time now is running. We do not have a time limitation on the debate, but the time is still running on all of ourselves. It looks to me like 8 o'clock is around the best we are going to be able to do. So I hope Senators will come to the floor.

AMENDMENT NO. 422

Mr. CONRAD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] proposes an amendment numbered 422.

Mr. CONRAD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

Page 12, line 12, before the "." insert the following: "Provided, That an additional \$2,845,000 shall be made available for the Refuge Revenue Sharing Act (16 U.S.C. 715s), to be derived from the Federal share of receipts from onshore minerals leasing and royalty collection that are in excess of \$389,000,000."

Mr. CONRAD. Mr. President, my amendment seeks to provide full funding for the refuge revenue sharing fund in the U.S. Fish and Wildlife Service. This fund provides for compensation by the Federal Government for wildlife refuge lands located in 47 States.

I want to commend the work of the Appropriations Subcommittee on Interior and the full committee for their work. I especially want to thank my colleague from North Dakota, Senator BURDICK, who fought to get more money for this fund. For fiscal year 1990, the committee appropriated 83 percent of the funds authorized by the Refuge Revenue Sharing Act. This is a big improvement over recent past appropriations for this fund. But it is only a start. We need to provide all of the money that the Federal Government promised the States when the Refuge Revenue Sharing Act became law. This amendment will make up the remaining 17 percent of the funds needed—\$2,845,000—if there are sufficient excess receipts from the Federal share of on shore minerals leasing and royalty collections.

Mr. President, the refuge revenue sharing fund was fully funded from its inception in 1935 until 1979. However, it has been underfunded for the last 10 years. In fiscal year 1989, only 59 percent of the funding level was appropriated. This meant that local governments were shortchanged millions of dollars. The time has come for us to keep our promise to our citizens.

Mr. President, I again want to thank the distinguished chairman of the committee and the distinguished ranking member for their assistance. I understand this amendment has been cleared on both sides. I want to again thank the staff of the committee as well for their assistance.

Mr. McCLURE. Mr. President, we have had the opportunity to examine the amendment offered by the distin-

guished Senator and I not only can say we find it acceptable, I enthusiastically embrace it. I think a commitment has been made to the States that the contributions will be made as outlined in the act to which reference was made. I think it is both, in terms of fairness to the States, a responsible action, but also with respect to the future of the Wildlife Refuge Program itself.

If there is a financial burden to the States in which they are located, there will be resistance to the maintenance or expansion of those areas. If, on the other hand, we seek and can find a way to give financial equity to the States and local governments so that they do not lose revenues as a result of the transfer of private ownership into the wildlife refuge lands, we will find a much more healthy climate in which we must legislate to do these things which we believe are in the public good in the long run.

So I not only embrace the amendment, but I enthusiastically support it and urge its adoption and commend the Senator for offering the amendment.

The PRESIDING OFFICER (Mr. CONRAD). Is there further debate on the amendment?

Mr. BYRD. Mr. President, this comes from the Federal share of excess receipts if there are any and does not cost any more money. The distinguished Senator has discussed the amendment with me and my colleague, Mr. McCLURE, who has already indicated his willingness to accept the amendment. I think it is a good amendment and compliment the Senator, and I am willing to accept it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 422) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 423

(Purpose: To increase appropriations for resource management and land acquisition programs of the Fish and Wildlife Service, for operation of the National Park Service, of national recreation and preservation programs, for the Historic Preservation Fund, for State and private forestry programs, and for general expenses of the Forest Service, and to decrease appropriations for construction programs of the Forest Service)

Mr. FOWLER. Mr. President, I have an amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. SIMON). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. FOWLER] for himself, Mr. HEFLIN, Mr. SHELBY, Mr. RIEGLE, and Mr. WIRTH, proposes an amendment numbered 423.

Mr. FOWLER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. It is so ordered.

The amendment is as follows:

On page 10, line 24, strike "\$397,225,000" and insert "\$402,225,000".

On page 12, line 8, strike "\$48,810,000" and insert "\$52,810,000".

On page 14, line 3, strike "\$770,717,000" and insert "\$701,417,000".

On page 15, line 16, strike "\$15,100,000" and insert "\$15,400,000".

On page 15, line 20, strike "\$33,000,000" and insert "\$38,000,000".

On page 53, line 15, strike "\$101,356,000" and insert "\$111,356,000".

On page 54, line 12, strike "\$1,131,013,000" and insert "\$1,141,013,000".

On page 55, line 9, strike "\$245,094,000" and insert "\$180,094,000".

On page 55, line 12, strike "\$223,500,000" and insert "\$158,500,000".

On page 71, line 15, strike "\$408,441,000" and insert "\$413,441,000".

Mr. FOWLER. Mr. President, I am offering an amendment to this bill to restore some fiscal and environmental responsibility to the Forest Service budget by reducing what I consider to be excessive funds for its roadbuilding program.

I am offering this amendment for a number of reasons. First and foremost is the fact that this is an overfunded program that continues as a kind of fatted calf existence even in these days of tremendous budget deficits and austerity.

The existing Forest Service road network that extends for more than 340,000 miles through our national forests already far exceeds legitimate access needs. Just to put it in perspective, this amounts to one mile of road for every square mile of national forest. This road network is eight times longer than our Nation's entire interstate highway system.

The estimate is, if the Forest Service proceeds according to its plans, another interstate highway system worth of roads will be cut through our public lands, our national forests, in the next 12 years.

For several years the Forest Service has come under increasing scrutiny because the purpose, quite frankly, of all these roads remains somewhat of a mystery. It has been argued on the Senate floor in the past that more millions of dollars worth of roads are necessary for our timber sales program in order to make money and reduce the deficit.

I will frankly be surprised if this argument is resurrected today, after study upon study has piled up, showing that these timber sales actually

drain the Federal Treasury, lose money, and that the main reason they lose money is the high costs of building roads through remote areas on very fragile terrain.

Even if we, the proponents of this amendment, concede all the accounting contortions necessary for the timber sales and road building to show a profit, that still does not balance the loss of our forests, for a small gain against the many other values and other uses of the forest system under the law. Neither does it recognize that the environmental damage done to our national forests by road construction also does economic harm.

The environmental damage is extreme. According to a report by the Congressional Research Service, road construction is the most environmentally damaging aspect of the timber program. Roads do damage fish and wildlife habitats, disturb migration routes and degrade water quality. Roads and road building, according to the study, cause more erosion and sedimentation than either logging or forest fires.

There are competing demands on our national forests. For logging, yes, but also for recreation, biological diversity, scenic beauty, wildlife habitat, endangered species protection and sporting opportunities. All of these demands, all of these pressures have never been greater as our population increases.

By continuing to expand an overextended road program, we are putting ever greater pressure on priceless resources that demand simply more environment protection.

Mr. President, in my opinion and that of the cosponsors of this amendment, we have an excess of Forest Service roads presently through our national forests. In the last 6 fiscal years alone, the Forest Service constructed 3,725 more miles of road than needed, by its own projections, for the single purpose of timber harvest. Such unnecessary roadbuilding does waste taxpayers' money while many damaging aspects, especially to fish and wildlife habitat, are affected.

Yet the Senate appropriation for forest road construction exceeds the fiscal year 1990 request of the President. This committee mark exceeds the request of President Bush by \$19.5 million. It exceeds the funding level approved in the other body by over \$40 million. I simply cannot justify, with these massive budget deficits, any more money for excess forest road capacity and the environmental damage and economic damage that results.

My amendment is very simple and straightforward. It would remove \$65 million in budget authority from the forest road program. Some of these funds would be transferred to underfunded stewardship programs in State and private forestry, State and local

energy programs, fish and wildlife habitat protection, wetlands conservation, and historic preservation. We could restore some balance to the appropriation in this area meeting these responsibilities of our public trust and still come in, Mr. President, \$25 million below the committee's mark for Forest Service roadbuilding. Specifically, my amendment would reallocate \$5 million to the Department of Energy, State and local energy programs; \$4 million to the Fish and Wildlife Service land acquisition for the North American waterfowl management plan; and \$5 million for the agency's wetland restoration funds.

Some funds would be transferred to other Forest Service programs: \$10 million for the forestry stewardship program, and \$5 million each for wildlife habitat and fish habitat improvement.

The National Park Service Historic Preservation Fund would receive \$2 million for State grants, \$2 million for the National Trust for Historic Preservation, half a million dollars for grants to Indian tribes, and half a million for Chaco protection sites.

NPS would also receive \$700,000 for resources management, including anti-looting of our country's archeological sites and \$300,000 for recreation and preservation for a technology transfer program.

I believe this amendment is necessary to restore some fiscal restraint to a construction program that continues to increase 10, 12, 15 percent a year while the last 3 out of 4 years, the Forest Service has had excess funds in this account, funds that they could not use.

I do not think we are going to have a shortage of forest roads that are really needed for multiple use. I would be very skeptical of any adverse regional impacts projected by the Forest Service because from 1981 to 1985, the Forest Service built up excess road capacity in every region of the country.

Moreover, the Forest Service has always managed to exceed its roadbuilding goals in spite of any funding cuts. In other words, each year the gap between planned and excess roads widens, which is all the more reason to return some of this proposed appropriation to the Federal Treasury.

In conclusion, Mr. President, I also believe this amendment is necessary to restore some sense of proportion to the management of our national forest resources. During this decade, as the Forest Service has lost biologists to attrition and accumulated more and more engineers, it just seems to have developed a passion for roadbuilding. The funding transfers effected by this amendment reemphasize and help restore the priorities of public lands protection for the benefit, not of one or two private companies, but of all American citizens. This must assume a

more prominent role in the mission of our U.S. Forest Service.

I think this legislation, frankly I say to my colleagues, will be hailed by many responsible professional Forest Service personnel. I know it will be welcomed by the taxpayers of our country.

I reserve the remainder of my time. The PRESIDING OFFICER. Who yields time?

Mr. McCURE. Mr. President, I yield to the Senator from Alaska for not to exceed 10 minutes.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 10 minutes.

Mr. STEVENS. Mr. President, I regret the way this has come up. I trust the Senator from Georgia will not take offense at the way I am saying this. But to have an amendment come at this time which addresses a question of the adequacy and necessity for roads, and to take the money and put it into other areas that already have been increased in the Forest Service budget—and the Forest Service budget is above the President's budget, considerably—I think focuses the problem in the wrong way.

If we go back to the history of the creation of the national forests in this country, they were designed to provide a yardstick against the management of privately owned timber in this country and to provide a means to assure that there would be competition with the great major companies of the world that were buying up our forests.

Gifford Pinchot and all the rest who led to the creation of these forests saw that in the future we would need a yardstick to measure the performance of privately owned timber and to keep the price down for the consumers. If we start now on the course of saying roads are not needed for national forest areas to harvest the timber, roads built by the National Forest Service, we will get to the point where small business will no longer have any role in the development of national forests and the production of timber from those lands. And I predict that the cost to the consumer in this country for forest products will soar.

Let me point out to the Senator from Georgia, we are not talking about roads that are paved. We are not talking about roads that are improved. We are talking about roads that meet environmental standards but disappear after a period of years.

I invite any Member of the Senate to come with me and I will show you roads that were built 3, 5, 10 years ago. I challenge you to find in the areas particularly that were cut over 10 years ago where the roads were. These are access roads to areas that were delineated for cutting. They are within the cutting cycle. As a consequence, we have to have roads to get to the

timber area, or we are going to devise other means.

The amendment of the Senator from Georgia does not shut off the cutting of the areas. It merely means we will use other means of access to those roads to cut the timber. For instance, we were using balloon access as an experiment in my State and building enormous chain devices that would lift the timber directly out of the area to be cut and transported down these chain devices and cable devices down to the water where they would be stored in tide water. The risk to the people who were harvesting the timber was so great that all of those, to my knowledge, in my State have been abandoned now. The amendment of the Senator from Georgia will restore the necessity of other means of access.

Second, the reason that these roads are longer now is that the forests have been through the RARE I and RARE II process. We have set aside a considerable portion of each forest for wilderness purposes in order to get to the remote timber for cutting, the timber that was assured to the timber industry would be made available for cutting once we set aside these enormous areas for wilderness. The roads must be longer. They are further removed from the shore side of the islands in my State where the timber grows, in southeast Alaska, or from the mountainous areas of Oregon or Washington or Idaho and the road, of necessity, must be longer to get to areas that have less dense forests.

Mr. President, the thing that bothers me the most about the amendment is that it does not address the need for roads; it addresses a cut for the purpose of slowing down access to timber. I would rather have the debate solely on the basis of what acreage should be available for timber harvest and what should be set aside. We have had those kind of amendments before, and we faced them directly.

The amendment of the Senator from Georgia in effect is designed to slow down timber harvesting in the national forest, but I think it will do just the opposite. What it will do is it will bring about the utilization of higher cost technology for removal of timber from the national forests at greater risk to the people who are employed in the forest. It does not accomplish a budget saving. I hope that the Senate notices that.

The money, as I understand it, in the Senator's amendment is restored to other portions of the bill. It is not a cut in the Forest Service appropriation. The money is put back in other areas. I will be glad to be corrected, if I am wrong on that, by the Senator from Georgia.

Mr. FOWLER. If the Senator will yield, \$25 million is saved. Forty million dollars is a reallocation to the ac-

counts in the Forest Service and other parts of the Park Service that I enumerated, and \$25 million would be saved. I thank the Senator.

Mr. STEVENS. With due respect for the Senator from Georgia, it is an interesting thing. He has not sat through the hearings; he has not reviewed the request of each of the regional foresters as they came in. Everyone from the areas involved had an opportunity to be heard. I do not remember hearing in those hearings I attended any protest concerning the roads that were to be built. I do not remember people coming forward and visiting me as a member of this committee and saying we challenge these roads because of environmental concerns. This to me is a meat ax to the Forest Service practice and it gets to be regional because we come from the area of public lands set aside. Vast, vast areas of my State are set aside as national forests. If those forests are not to be used for the reason they were set aside, Mr. President, then I think this Congress will be reneging on the commitment that was made to the American people, and particularly the people in our area, that there still would be opportunities for utilization of that timber for Forest Service products.

The areas in my State in terms of the areas set aside for wilderness, 7 percent of the wilderness in this country is in my State. We have not ignored the wilderness needs of the United States in terms of Alaska's forest, and yet the area, as I said, that is available for timber harvesting now to maintain the timber industry in my State is remote. It is up into the mountainsides; it is in the remote gullies. It is not in the area where deemed appropriate for setting aside as wilderness, and it takes money to get there. It takes money for the Forest Service to put up for the small businesses to go in there and cut that timber. If it is to be denied them, then what is going to happen, as I said? The timber will be purchased by major companies that will come in with new technology. They can finance the balloons and they can finance the cables and they can finance all the fancy equipment, with due apologies to the Senate from the South, that they use in the South on privately owned land. We do not use those in the West because we deal with competitive bidding from small businesses to have access to areas that have been made accessible by public expenditures which are repaid as the timber is sold, and harvested and the funds come in from it.

This is the first time since I have been in the Senate that I have seen a sectional approach to forestry. It is a sectional approach. I believe that the Senate and the country ought to know it. We have public land forests in the West. Those western lands are not

going to be used at all, according to the commitments that were made to those of us who represent our States, when vast areas were taken out for recreation, for wilderness, for other uses, and the peripheral areas that remain available for timber development now will be inaccessible because we cannot build the roads there.

Again, Mr. President, I close by challenging any member of the Senate. I will take them up there in August and show them areas where the roads were built in the last 5 or 10 years, and I challenge them to locate them. I think my good friend from Georgia has been to Admiralty Island. Admiralty Island was totally cut over at one time. It had roads there. Today it is a wilderness area. You cannot find the roads. So to say that we have overbuilt roads means that we have built more roads to get to less accessible areas, and those roads are returned to natural state as the evolution of cutting cycle goes on.

Do you know what the cutting cycle in my State is in southeast Alaska? It is 110 years; 110 years before we go back and cut the same place. Those roads will not be there for the next generation. The next generation may make different decisions as to which areas should be wilderness and which should be available for timber harvesting.

The one thing I can tell you, Mr. President, that they have to decide if they want harvest timber economically and make it available to the consumer at a price the consumer can pay, they have to make roads.

The PRESIDING OFFICER. Who yields time?

Mr. FOWLER. Mr. President, I ask unanimous consent to print in the RECORD, a table by the U.S. Forest Service, budget explanatory notes, fiscal year 1983 to 1990; excess road mileage on the national forests for 1983 to 1988.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

EXCESS ROAD MILEAGE ON THE NATIONAL FORESTS

[Fiscal Year 1983 to 1988]

	1983	1984	1985	1986	1987	1988
Road mileage built ¹	2,016	1,668	1,858	1,252	2,394	1,352
Road mileage requested ²	1,293	968	1,406	924	808	1,416
Excess road mileage.....	723	700	452	328	1,586	64
Cumulative excess mileage...	723	1,423	1,875	2,203	3,789	3,725

¹ Actual road miles constructed and reconstructed under the Forest Road Program (FRP) account. Does not include miles built by timber purchasers under the Purchaser Credit Program (PCP) or miles built by the Forest Service under the Purchaser Election Program (PEP).

² Road miles estimated by the Forest Service to be constructed or reconstructed in order to carry out its budget request.

Source: U.S. Forest Service Budget Explanatory Notes, Fiscal Year 1983-90.

AMENDMENT NO. 423, AS MODIFIED

Mr. FOWLER. Mr. President, I ask unanimous consent that my amendment be considered in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 10, line 24, strike "\$397,225,000" and insert "\$402,225,000".

On page 12, line 8, strike "\$48,810,000" and insert "\$52,810,000".

On page 14, line 3, strike "\$770,917,000" and insert "\$771,617,000".

On page 15, line 16, strike "\$15,435,000" and insert "\$15,735,000".

On page 15, line 20, strike "\$33,000,000" and insert "\$38,000,000".

On page 53, line 15, strike "\$101,356,000" and insert "\$111,356,000".

On page 54, line 12, strike "\$1,131,013,000" and insert "\$1,141,013,000".

On page 55, line 9, strike "\$245,094,000" and insert "\$180,094,000".

On page 55, line 12, strike "\$223,500,000" and insert "\$158,500,000".

On page 71, line 15, strike "\$408,441,000" and insert "\$413,441,000".

Mr. FOWLER. May I respond to my friend from Alaska, and he is my friend and he knows that I have spent a lot of time in his State. I have the greatest admiration for people of Alaska, as well as their vast resources.

I do want to refresh his recollection on several things that I know he knows, but with all we have to do, we cannot keep up with everybody around here. I have spent a lot of time in hearings, I say to my friend from Alaska, in my responsibilities as the subcommittee chairman of the committee on forestry and soil conservation, Department of Agriculture, which is the authorizing committee for the Forest Service. I have held hearings, at the request of many Senators, all over the country, most recently in the west in Oregon where we are trying to help the private timber producers with my legislation on the restoration of capital gains treatment on timber because I know that we do not have in our private and public combination a sustainable policy at this time.

But I do want my friend to know that I am not trying to stop road building. I have probably flown over 15 to 20, at a conservative estimate, of our national parks in my 2½ years as chairman of the Forestry Subcommittee. I know much of what he says is true, but I use the Forest Service's own figures on excess capacity. In 1983, excess road mileage built—this is the Forest Service—723 miles; 1984, 700 miles; 1985, 452 miles; 1986, 238 miles. The cumulative excess mileage—that is not the terms of the Senator from Georgia. That is the excess road mileage by the U.S. Forest Service—1988, 3,725 miles.

Mr. STEVENS. Mr. President, will the Senator yield.

Mr. FOWLER. I will be delighted to yield.

Mr. STEVENS. Mr. President, my question to my friend is this: Does the Senator not recall that during that period of time we had the crisis with

Canada and the onslaught of Canadian timber production, plus we had a whole series of problems with western forests because of the problem of people not having the money to buy at the appraisal rates? We had to pass a special act of Congress to reduce those forest appraisal rates so that the small businessman could buy that timber. During the periods that the Senator is talking about, Mr. President—and I am sure he will recall this—we had bid after bid after bid that went unsponsored to.

There is no question, you build the roads in advance and then the Forest Service puts up the area for bid to see what stumpage rates will be paid for harvesting the timber. If you build the roads out to the timber and no one bids, they are excess roads for that year. There is no question about that.

Mr. FOWLER. Will the Senator yield?

Mr. STEVENS. Does the Senator not agree, though, in the period of time of all of those roads, as the areas were in fact leased, the timber was sold at a later year? So they were not excess. They were excess to the year. To add them up cumulative means there is still excess out there. Every one of them in 1983 and 1984 was bid and in a later year the roads were used.

This is one of the arguments about using these statistics and using them wrong.

Now, the Senator knows he is using those statistics wrong because they are not cumulative surpluses. They are annual surpluses which were used up the next year. You cannot add them together because they are annual; they are not cumulative types of surpluses. Is that not right?

Mr. FOWLER. No, it is not right. It is right in the sense that I agree with the Senator's historical perspective. These are not my figures. These are not my charts. These are Forest Service charts. The only point the Senator did not make to make the argument logical is that the roads have been built. The roads have not gone away. The roads are denominated by the Forest Service itself as excess capacity.

Mr. STEVENS. Will the Senator yield again.

Mr. FOWLER. I would agree with the Senator if all of a sudden we started every year over again and roads that were built all of a sudden evaporated from the face of the Earth. But the fact is that we have a road network in the Forest Service built over the years that would gird the Earth 14 times. Nobody has come in here and said, my goodness, I could have this timber sale, if the Congress would just build a road. The roads are there. The roads are continuing.

All I am trying to do, with a \$205 million current level direct road construction budget this year, at a time

when we are cutting back everything else, is not to come in and say we have to come in \$40 million more than the House of Representatives, \$19.5 million over what the President has requested.

I agree with a lot more of the Senator's argument than he thinks, but I am looking down the road 3 or 4 years. We cannot continue, should not continue, because it is not necessary, to willy-nilly continue a road construction project funded at a 10- or 12-percent increase every year with no master plan for where the timber sales are going to be implemented.

Mr. STEVENS addressed the Chair.

Mr. FOWLER. I yield back. Mr. President, I only ask that the time of the Senator be charged on him and my time be charged on me. I am enjoying the debate.

The PRESIDING OFFICER. The Senator from Alaska does not control the time. The time is controlled by the Senator from Idaho.

Mr. STEVENS. I did yield to the Senator during my time and I am sorry if I used his time.

Mr. FOWLER. How much time do I have?

The PRESIDING OFFICER. The Senator from Georgia has 13 minutes and 20 seconds remaining.

Mr. FOWLER. I am fine if the future time of the Senator from Alaska be charged on the Senator from Idaho.

Mr. STEVENS. I apologize for that. I make that request. I ask for 2 minutes.

Mr. McCLURE. I yield the Senator from Alaska 2 minutes.

Mr. STEVENS. The Senator's point would be valid if every time a farmer plowed his acreage—let us say he has a 160-acre farm and he plows 160 acres 1 year but he does not plant but 140 of it because of some problem, and the next year he does the same thing and maybe he does not use another 20 acres. The Senator would add them together and say he has 60 surplus acres. The roads that are not utilized in 1 calendar year are utilized in the subsequent calendar year to get access to the timber. To my knowledge every single one of those sales has eventually been sold.

Mr. FOWLER. I do not know the answer to that, but I would beg to differ because they will be used. I agree with that. They will be used in the future. But I do not believe that they would be called excess roads by the Forest Service if they had already been, every one of those roads were used.

Mr. STEVENS. They are excess in any particular year. I agree they are by economic circumstances called surpluses, but to say we can go around the Earth 14 times with Forest Service roads ignores the fact that they are

growing over. Those areas come back and the roads disappear. These are not permanent roads like the freeways, and that is the trouble. People will think we are building roads like that. As a matter of fact, we have increased the standards of these roads and put in culverts and things to prevent erosion. We have increased the cost of them to meet the demands, and I think legitimate demands, of the environmental community. The cost has gone up. The number of roads have not gone up and the mileage has only gone up because of the inaccessibility of the areas that are left for harvesting after the set-aside of so many acres for wilderness.

Mr. FOWLER. I want to say—

The PRESIDING OFFICER. The Senator from Idaho.

Mr. FOWLER. As the Senator knows, most of the Forest Service roads are gravel. They are not permanent in any real sense of the word. Thank goodness in the last couple of years, and I am sure under the leadership of the Senator from Alaska, we have begun to become more environmentally sensitive, trying to build roads that are only temporary so they will grow back. That has not been the history of the Forest Service.

Mr. McCLURE. Mr. President, the last statement of the Senator from Georgia is partly right and partly incorrect. A great many of the roads are gravel. Some are paved. A great many of them are low-standard roads that are closed shortly after the harvest and do grow back, are covered back.

Mr. President, I rise in strong opposition to the amendment offered by the Senator from Georgia.

I have always been perplexed about how so many people who are not from public land states can have so many misguided ideas on how to manage Federal lands in the west. Unfortunately, before I even begin to understand how one idea can be so bad, someone else thinks up another idea that is far worse.

The proposal by the Senator from Georgia falls into the latter category.

As I analyze the "Dear Colleague" which the Senator from Georgia sent to the Members of the Senate this morning, I am amazed at his assertion that the Forest Service has built or rebuilt 3,725 more miles of road than it requested in its annual budget message as necessary to carry out the timber sales target.

There is a very simple response to this allegation. The Senator from Georgia is comparing what the Forest Service proposes to accomplish with the dollars set forth in the President's budget for those fiscal years, and what the Forest Service actually produces with appropriated dollars.

Of course the Forest Service is going to accomplish more than they propose

if the Congress provides more dollars than they request.

If we are to compare apples to apples rather than apples to oranges, the fact is that the Forest Service has not overproduced; they have underproduced. In fact, they have constructed or reconstructed 5,220 less miles than they indicated, not 3,725 more. The Senator from Georgia I think is using a table which compares the roads that would have been built under budget requests, not the amount of roads that were built under the actual amounts of money appropriated by the Congress.

Mr. FOWLER. I say to the Senator that is not correct.

Mr. McCLURE. The fact is we have at various times—we in the appropriations process—set a timber harvest goal for the Forest Service by billions of board feet. And that is derived in the Appropriations Committee on the basis of the amount of lumber products necessary in our economy.

The target set for this year in the appropriations bill is 11.4 billion board feet of lumber. In order to produce that amount of lumber it is necessary to do certain things. You have to cruise the timber. You have to engineer the roads. You have to do all the environmental studies. You have to prepare sales. Sales have to be offered. They have to actually be sold. People have to get out on the ground. That is where the 11.4 billion board feet comes from. Actual harvest rates for this current year are at a rate of 12 billion board feet, so this 11.4 billion is not a wild estimate. It is substantially under the cutting rate that we are currently experiencing. If you cut this amount of money out of the road construction funds of the Forest Service, they will not be able to harvest 11.4 billion board feet per year.

They will be able to, by their estimates, harvest only 9 billion board feet, 2.4 billion board feet short of that which is required by the market estimates upon which we base our figure.

What does that translate into? It has a very real effect, not only on lumber supplies, and on lumber markets but it also has a very real effect on the economy. It has a very real effect on the budget of this country.

The total receipts to the Federal Treasury would be reduced by \$285 million. Let us stop and think. We are talking about doing something for the taxpayers. Boy, this is really a honey—cut \$65 million, reallocate \$40 million of it somewhere else, and save \$25 million at a cost of \$285 million.

That is what the Senator has in mind. Payments to the States for schools—get this—and roads would be reduced by \$70 million under this amendment. The States lose \$70 million as well as the \$285 million to the Federal Treasury. National employ-

ment would fall by 26,000 jobs nationwide, and the national income would fall by \$756 million.

Mr. President, there are very few expenditures that the Federal Government makes that actually generate economic activity in quite the same way that it does on the Forest Service lands. It would seem to me to be an absolute travesty in the name of economy to cut off something that returns something to the Treasury. It returns a profit to the Treasury of the United States.

Mr. President, it is more fundamental than that. It is absolutely basic to the health of the timber industry of the public land States. What a travesty it would be if we said to the Senator from Oregon as we did earlier today, "Fine, the solution you have found for the problem you have in Oregon, Washington, northern California, we will permit to stand," and then we take away what we said we gave him in the maintenance of a timber activity by undercutting the program by taking the money away. If there is a problem, and there is a problem in Oregon, there is a problem in Washington, in California, in Montana, in Idaho, in Wyoming, in Utah, in New Mexico, and in Arizona. There is a problem in the State of Alaska. And the distinguished Senator from Georgia is going to cripple the economy of those States in the name of saving money when the very, very direct evidence is that the cutting of the money costs the Treasury far, far more than the total amount.

Mr. President, I want to also address the question of whether it is an excessive amount of money. In 1984, we appropriated \$220 million-plus for the road program. In 1985, the figure was \$202 million. It was not until we got into that excess timber sales question that we began to cut back, canceling contracts and turning volumes back that we were able to cut the appropriation for forest roads, and we did in 1986, 1987, 1988, and 1989 cut back because we had reoffer volumes on areas that were already roaded, already planned, and sales were ready to go.

It is time for us to get back to the level we were in 1984 and 1985 before the big downturn in the timber harvest in these areas. That is all we are trying to do. This is not a great waste of the taxpayers' money. It is a responsible approach to timber management on public lands.

I cannot tell you how strongly those of us who come from the timber areas feel about crippling our economy by people who do not live there; people who do not understand the impact it would have. And we must very, very strongly resist attempts by others to cripple the basis of the economy in areas of our country that are dependent on timber operations.

Mr. President, I hope this amendment is defeated.

Mr. President, I yield to the distinguished Senator from Oregon 5 minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 5 minutes.

Mr. HATFIELD. I thank the Chair. Mr. President, the Senator from Idaho has very eloquently stated the economics of this problem that is created by the amendment. He has already referred to the fact that we are trying to bail out a very severe economic situation in the northwestern States of Oregon and Washington. And this Senate has already recognized that by assisting in trying to develop a short-term solution.

By this amendment we would then in effect be contradicting that which we are expecting this short-term solution to achieve for this current economic situation in the Pacific Northwest.

Mr. President, let me approach it from an environmental point of view. There are environmental impacts that can create very severe problems for us as well. First of all, the Congress legislates each year the allowable cut for the total of what we call region 6; that is from the State of Oregon and Washington—the national forests in those two States. They say it is to be 5.2 billion board feet or 4 billion board feet, whatever the figure may be. They leave to the Forest Service then the responsibility to allocate those out across as broad a base as possible.

Over the years, what we have done by individual amendments in separate action is narrow the base of accessible national forests. That requires a higher cut upon those national forests, those areas of national forests that are already accessible.

So what we are saying in effect is overcut parts of the national forests in order to achieve the legislative allowable cut because we refuse you the tools of roadbuilding, and road construction to access other areas of the national forests. Currently with our consciousness on the old growth, let me also say that under the plan that we have adopted where we have recognized the need to not have fragmentation of the old growth forests for this 14-month period, but recognizing the probability that we will have to access some of those old growth to achieve the allowable cuts, we said very clearly let us start with the smallest fragmentation possible to build up from the bottom the access to old growth trees for this allowable cut.

Now, what we are doing in effect is narrowing that base which could cause a greater cut of the old growth than what any of us want to do.

So let me say that this can have adverse environmental impact as well as the adverse economic impact to both

the local area, but also as the Senator from Idaho pointed out very specifically in a time of a ratcheting down of nondefense expenditures in this budget process because of the lack of revenues to cover those levels of spending that we would like to have, we are denying the Federal Treasury revenue that could help alleviate some of those areas of nondefense spending programs.

I speak particularly to the health programs, to the education programs, to the medical research programs, to the housing needs, to the war on drugs, to the homeless, and to all of these social programs that I know my colleague from Georgia has great commitment and is deeply concerned about. But I want to remind him that in the whole appropriations process when we have these lesser revenues, and these rising expenditures, the first area to suffer are the nondefense discretionary programs.

They have been reduced by some 33 percent in the last 9 years.

So I know the Senator from Georgia and I see eye to eye on those priorities.

But we just do not represent the majority vote around here at this particular moment in time. To reduce some of the military spending the 050 expenditures, to shift to the nonmilitary human need programs, and, therefore, I am saying that whereas I agree with much of what the Senator from Georgia feels about the overconstruction in some of our national forests, specifications are far too high for the simple need of logging. But nevertheless, let us not fail to understand that we are making further and broader implications of this cut than merely dealing with road construction per se.

The PRESIDING OFFICER. The Senator has used his 5 minutes. Who yields time?

Mr. FOWLER. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 12 minutes 57 seconds.

Mr. FOWLER. I yield 5 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. WIRTH. I thank the distinguished Senator from Georgia for yielding.

Mr. President, this is one of the best amendments we have had in the U.S. Senate in a long time. This is good economics, and I will point that out. It is good economics for those of us who come from States that do a lot of timbering, and it is going to be good economics for other people in the Chamber.

Let me point out that, first of all, what this amendment is all about, Mr. President, is a new way and a new approach of looking at our public lands. We have historically taken the approach that the only economic use

coming out of the public land was extractive; that what we wanted to do was look at the public land only for the purpose of timbering those lands or taking minerals or oil and gas out of those lands, which are all legitimate uses.

We are now finding that there are a variety of other uses on the public lands as valuable, if not more valuable. This is exactly what is going on in my State of Colorado. The argument was made earlier by other colleagues from States that produce timber, as mine does, that this was going to be damaging economically. I argue just the opposite.

I would argue just the opposite, because of the changing nature of the way in which our public lands are being used. Instead of extractive uses, Mr. President, what is of growing importance are attractive uses. We are now understanding that using our public lands to attract people is yielding a much greater economic benefit than extractive uses of those lands. This has been documented over and over again in my own State of Colorado.

Let me give you some examples. Rather than cutting roads into a national forest, instead use these funds to manage those national forests for other, better economic purposes. In this amendment is a transfer of funding for fish and wildlife. Now, in my State, we sell hundreds of thousands of fishing licenses every year. We are much better off, on balance, selling those fishing licenses and managing those public lands for the purposes of enhancing their fisheries. That is bringing a lot more people into the State. That is bringing a lot more economic value into the State. There are a lot of people who are coming to the State of Colorado, or from Denver, up into small towns in the Rockies that used to be totally dependent on extractive industries. These towns are now dependent upon recreation. Supporting hunting and fishing is now their most profitable industry.

Hunting is a very good example of this kind of attractive value that we are starting to manage our public lands for. Instead of cutting the roads into a lot of parts of our national forests, we are leaving some parts of those national forests uncut. That is good for game habitat and to protect big-game migration paths. The Forest Service can and should do a much better job of managing for that set of values which is good for big game, because that can bring all kinds of very good economic value to my State.

One of the most valuable commodities in the West is water. It has been said in the West, Senator FOWLER, that "water runs uphill after money." Why? It is because water is the commodity that makes the difference be-

between living or dying in the arid West. What we ought to do is to manage our public lands and our national forests for water quality. We can do that sort of thing, and if we follow the kind of amendment offered by the distinguished Senator from Georgia, it will give us the opportunity to manage for that ultimately valuable economic commodity, which is clean water.

The argument was made a little bit earlier that this amendment might have antagonistic or negative environmental effects. I cannot think of one. I can think of some really positive effects, one of which is growing trees. One of the items that we are starving in the Forest Service is the forest stewardship program, in which we attempt to train and to work with people in the private sector to grow more trees.

Why do we want to grow more trees? We are all very familiar with the phenomenon of global warming. No single issue has grasped our attention as rapidly as that. One of the greatest problems of global warming is the increased amount of carbon dioxide in the atmosphere. One of the major reasons it is up there is that we are stripping the world of trees. We are doing that in our own backyard in the United States, and it is going on elsewhere. We ought to be doing just the opposite.

Mr. President, if we did the following for every child that came into the world, if we gave that child 300 saplings and those 300 saplings grew up in that child's lifetime, they would absorb all of the carbon dioxide that that child would produce in his or her lifetime. Clearly, we do not have enough land on the face of the Earth for 300 saplings times 5 billion people, but this is instructive of the kind of steps we ought to be taking.

If we were to plant a great deal more trees in the United States, we would be making another contribution toward arresting global warming. There is no better program that we have launched than the Forest Service Forestry Stewardship Program, the private forestry program.

Americans understand the importance of trees. I can remember, as a child, Arbor Day, and I am sure that the distinguished Senator in the chair can remember the Arbor Days of his youth. We can all remember a time when Americans were out there, particularly in the more rural areas of the country, planting trees. That is something we ought to do a great deal more of—and not only in rural areas—to arrest global warming. A final note on this amendment, if I might, Mr. President. We have all read article after article after article as to what goes on in some of the most beautiful areas of the country, in the Four Corners area, where we have a vast number of ruins. Out there in the Anasazi area, there

are important archeological treasures we do not know very much about, and they are currently being looted and destroyed. This is happening in New Mexico, Arizona, Colorado, and Utah. The looting going on in these areas is increasing. There is almost no money available to protect ourselves from this ravaging of our past. The amendment offered by the distinguished Senator from Georgia also gives us the opportunity to put more funding into protecting these treasures.

In summary, Mr. President, if it is not enough to make the strong economic arguments for this, if it is not enough to make the strong environmental arguments for this, if it is not enough to make the strong historic preservation arguments for this, then certainly let us make the simple budget arguments. Not only are we making economic contributions, environmental contributions and historic preservation contributions, we are all taking a small step toward turning \$25 million back to the Treasury. I cannot think of a better amendment than the one offered by the distinguished Senator from Georgia.

I hope that my colleagues will look very carefully at this and what the implications are. I come from a State that has a very proud history of timber production. But my State is also proud of its growing awareness of managing our public lands in a different way. This amendment gives us the opportunity to manage our public lands in a constructive, forward looking, modern fashion, and I hope our colleagues will support the amendment offered by the distinguished Senator from Georgia.

Mr. HATFIELD. Will the Senator yield?

Mr. MCCLURE. I yield the Senator 1 minute.

Mr. HATFIELD. Mr. President, I just wanted to say to the Senator from Colorado that ours are the same type of environmental problems. I really hate hearing him bring up this argument about the carbon dioxide, because we are trying to protect the old growth in our State. We have a tough political battle. We are trying to protect the ancient forest. It is not only that, but the carbon dioxide is in the second growth forest, not the old. They are drying and slowing down; they are not producing the carbon dioxide. Therefore, we are trying to maintain the ancient forest, and he is saying we are going to get all this great carbon dioxide activity. That gives the argument for the people to say let us cut the old growth. That is one reason I differ with him, because our own construction money is trying to keep a balance and preserve a lot of it.

We have already locked up 40 percent.

The second thing is we have people coming to Oregon for recreation in the national forests. They live in tents, they live in cabins, they live in so forth, but I would say to the Senator eventually those tourists have to go home. There is a propensity to propagate in this country and among humanity in general. And they have to go back sometime to those homes that hopefully are being constructed for them from the provisions of the national forests and other forest for wood products.

The PRESIDING OFFICER. The Senator has consumed his time.

Who yields time?

Mr. FOWLER. I yield 1 minute to the Senator from Colorado.

Mr. WIRTH. I thank the distinguished Senator for yielding.

I have two comments. In referring to global warming, I am not making an old growth/new growth argument in any way, shape, or form. I am only referring to the allocation of the funding saved through the Fowler amendment to the Forest Service State and Private Stewardship Program. That is training and teaching people to plant trees. I am not getting into the old growth/new growth issue, but simply saying that the more trees we can get people to plant, the better off we are. That is a very sound environmental practice.

On the issue of people going home and wanting to have houses to go home to, I think people here must be aware of the fact that the Forest Service already tells us—this is the Forest Service telling us—about this excess road mileage in the national forests, that in 1988 we had accumulated excess mileage of 3,725 miles' growth in the national forests.

I would like to ask distinguished Senators how far they think it is across the United States. It is not 3,725 miles. We have plenty of roads already.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. HATFIELD. I yield 3 minutes to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have heard about this amendment being the best amendment. I am very sorry that the Senator from New Mexico thinks it is the exact opposite. I think on all grounds, budget grounds, economic grounds, jobs grounds, it is one of the worst amendments.

The Senator from New Mexico estimates that if you cut the road program this much, in due course, probably no longer than 2 years from now, you will cause a \$700 million reduction in economic activity, lost jobs, and all other activity that goes with it.

I submit to go fishing you have to have money to buy a fishing license. We are just taking a little slice of

Western economic prosperity in the name of doing something for the environment. Forest management insists that you only cut trees if it is good forest management. You start with this premise to determine the forests you cut or do not cut.

Roads are built so that you can cut, properly manage, and properly control the forest. Timber is cut not to harm the forest but to manage it properly.

Second, this is not going to cause a budget savings. When you add up the expenditures, what you forget is the loss of receipts that would have been forthcoming if you continue the forest management plan which requires this \$65 million in road moneys.

My best estimates and CBO estimates are that all the savings alleged will be lost, if not this year, next year in the loss of receipts because of lower timber sales.

So on all scores, it seems to me, this is exactly the wrong thing to do.

I yield the floor.

Mr. McCURE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCURE. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Idaho has 1 minute and 43 seconds; the Senator from Georgia has 3 minutes and 53 seconds.

Mr. McCURE. Mr. President, I yield 43 seconds to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 43 seconds.

Mr. BURNS. Mr. President, thank you very much. I thank the Senator for yielding.

I want to make one point here. While this is a regional cut, there is no doubt about it. In region 1 where it falls into Montana, we have a log supply problem, and I will agree with the distinguished Senator from Colorado that there are economic values to our National Forest System like fishing, hunting, and recreation of all sorts, snowmobiles, the whole thing. But how do people get there? They get there by roads.

We know from the studies that have been done in Montana and Idaho these roads are very important.

I yield the floor.

The PRESIDING OFFICER. The time has expired.

Mr. BURNS. I thank the Senator very much.

The PRESIDING OFFICER. Who yields time?

The Senator from Georgia has 3 minutes and 53 seconds remaining; the Senator from Idaho, 59 seconds.

Mr. FOWLER. Mr. President, first of all, let me thank the Senator from Colorado [Mr. WIRTH] for his fine contribution not only to this debate, which being a representative of a

Western State I think removes some of the sectional arguments that were alleged. But also I thank him for being a leader in the protection of our public lands in his capacity as a member of the Energy and Public Lands Subcommittee, the authorizing committee, and reminding all of us of the Forest Service charge to balance the use of our public lands in their public trust for timber, yes, but for recreation, for wildlife habitat, for biological diversity, for scenic beauty, for tourism, all that go into both the esthetic and the economic and the environmental protections that we all want for our public lands.

Mr. President, the facts are simply these in closing: Forest Service loses an average of \$350 million for timber sales every year. That money comes out of the pockets of people in Georgia, Alabama, South Carolina, Kansas, and Iowa. Those subsidies go to these timber sales and these timber roads as well as the citizens of Alaska, Idaho, and other States.

These are national treasures. They are not national tree farms.

The law of the United States, adopted by all of its citizens, is to make these forests in the public interest in the diversity which certainly includes logging and timbering, and I might remind my colleagues in this fine debate we had that timber is the No. 1 industry in my State, but I offer and I support this amendment for many of the reasons that the Senator from Colorado said far more eloquently than can I.

We have an opportunity, my colleagues in the Senate, to save money, to put our money in reallocations that will help in all of the dimensions of conservation and economic and environmental protection. It is an amendment on reallocation that helps all of us who are taxpayers in support of the forest system and the public land of our country, and it also has a net savings in these budgetary times of \$25 million for which all the taxpayers, wherever they live, might have a minor cause to rejoice.

I urge my colleagues to support the amendment and I save 30 seconds of my time in case it is needed for rebuttal.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCURE. Mr. President, in the very brief remaining time I want to reiterate in 1984 the road building budget item was \$240 million appropriated; in 1985 it was \$202 million. We had a dip in the years since then for reasons which were explained previously.

It is time for us to get back to the balanced program in timber harvest that is contemplated by the forest management planning process which this amendment would undercut and frustrate.

Certainly, I reiterate the fact you lose revenues to the Federal Government by this action. You lose \$285 million in direct receipts and counties for schools and road purposes would lose \$70 million annually under this level of funding.

This is an irresponsible action. I hope the Senate will join with me as I make a motion to table at the conclusion of the debate.

The PRESIDING OFFICER. The time of the Senator from Idaho has expired.

The Senator from Georgia.

Mr. FOWLER. Mr. President, I ask unanimous consent to print in the RECORD at this time basically the amendment; it is the current breakdowns and reallocations and reductions under my amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FOWLER AMENDMENT TO H.R. 2788 FISCAL YEAR 1990
INTERIOR APPROPRIATIONS BILL, JULY 26, 1989

Program	Current Senate level	Proposed change
Reductions		
Forest Service direct road construction	\$205,500,000	—\$65,000,000
Total reductions		—65,000,000
Reallocations		
Forest Service State and Private Forestry for the Forestry Stewardship Program	5,000,000	+10,000,000
Fish and Wildlife Service Land Acquisition for the North American Waterfowl Management Plan	10,000,000	+4,000,000
Forest Service Wildlife and Fish Habitat Management, including:		
Wildlife habitat improvement	9,500,000	+5,000,000
Anadromous fish habitat improvement	11,000,000	+5,000,000
Fish and Wildlife Service for wetland restoration	0	+5,000,000
National Park Service Historic Preservation Fund, including:		
Grants to States	27,500,000	+2,000,000
National Trust for Historic Preservation	4,500,000	+2,000,000
Grants to Indian tribes	0	+500,000
Chaco production sites	0	+500,000
National Park Service Resources Management, including: Antiquities of arch. sites	500,000	+700,000
National Park Service Recreation and Preservation, for technology transfer program	0	+300,000
Energy Conservation State and local programs	216,900,000	+5,000,000
Total reallocations		+40,000,000
Net savings as a result of Fowler amendment		—25,000,000

Mr. FOWLER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FOWLER. I yield the remaining time I have to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 8 seconds.

Mr. WIRTH. Mr. President, I hope that my colleagues will vote for the amendment of the Senator from Georgia. It is good environmental policy. Much of the West supports this amendment. It makes all kinds of sense.

Mr. McCURE. Mr. President, I ask unanimous consent that a letter ad-

dressed to Hon. ROBERT C. BYRD and signed by F. Dale Robertson, Chief of the Forest Service, dated July 26, 1989, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, DC, July 26, 1989.

Hon. ROBERT C. BYRD,
Chairman, Subcommittee on Interior and
Related Agencies, Committee on Appropria-
tions, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: It is our understand-
ing that an amendment may be offered on
the fiscal year 1990 Interior and Related
Agencies appropriations bill to reduce forest
road construction by \$65 million. Time does
not permit a detailed analysis but it is clear
that this will cause a substantial reduction
in the timber sale program for fiscal year
1990 and subsequent years. With this pro-
posal, we could offer about 9 BBF in fiscal
year 1990—a reduction of 2.4 BBF. In fiscal
year 1991 and beyond, we could sustain
about 8.5 BBF/year with this budget.

The National Forest Road Construction
program has been reduced by nearly 50 per-
cent since fiscal year 1981. It cannot be re-
duced further without adverse impacts on
both timber and nontimber uses of the Na-
tional Forest System.

A reduction of this magnitude would have
significant impacts on national employment
and income and on payments to States from
timber receipts. Based on estimates devel-
oped in the Timber Sale Program Informa-
tion Reporting System, a reduction of 2.4
BBF will decrease employment by about
26,000 jobs and will reduce national income
by about \$750,000,000. Using the current av-
erage timber selling price, annual timber re-
ceipts would be reduced by \$285,000,000.
Payments to States for schools and roads
would be reduced by over \$70,000,000 annu-
ally. A reduction of this magnitude will be a
serious problem for many small communi-
ties.

It has also been suggested that the Forest
Service has been building more roads than
needed for timber harvesting. This is wrong!
In fact, about 90 percent of the miles of
road construction/reconstruction are built
by timber purchasers in order to harvest
specific timber sales.

A copy of this letter is being sent to Sena-
tor McClure.

Sincerely,

F. DALE ROBERTSON,
Chief.

REGIONAL TIMBER SALES OFFER VOLUME LEVELS (RELATED TO PROPOSED FOREST ROAD REDUCTION)

(In million board feet)

Regions	Senate proposed level	Reduced volumes
1.....	1,150	901
2.....	400	313
3.....	400	313
4.....	450	352
5.....	1,800	1,410
6.....	4,600	3,604
8.....	1,345	1,053
9.....	810	634
10.....	420	420
Total.....	11,375	9,000

Note.—Reduction pro rated.

State, Commonwealth, or territory	From appropriated funds \$1,000	After reduction
Alabama.....	2,356.3	1,555
Alaska.....	1,492.1	984
Arizona.....	6,866.0	4,532
Arkansas.....	2,904.2	1,917
California.....	24,066.8	15,884
Colorado.....	7,630.2	5,035
Florida.....	862.0	569
Georgia.....	3,512.9	2,319
Idaho.....	15,434.4	10,186
Illinois.....	1,013.3	669
Kentucky.....	1,067.4	704
Louisiana.....	2,415.3	1,594
Maine.....	136.8	90
Michigan.....	2,837.8	1,873
Minnesota.....	2,310.1	1,525
Mississippi.....	1,105.3	729
Missouri.....	1,025.0	677
Montana.....	20,424.2	13,480
Nebraska.....	41.9	28
Nevada.....	174.4	115
New Hampshire.....	481.6	318
New Mexico.....	4,995.3	3,297
North Carolina.....	2,707.9	1,787
Ohio.....	399.4	263
Oklahoma.....	37.2	24
Oregon.....	45,461.0	30,004
Pennsylvania.....	833.5	550
Puerto Rico.....	76.7	51
South Carolina.....	812.5	536
South Dakota.....	1,645.2	1,086
Tennessee.....	1,164.8	768
Texas.....	1,012.5	668
Utah.....	4,240.8	2,799
Vermont.....	378.7	250
Virginia.....	2,623.6	1,732
Washington.....	20,047.4	13,231
West Virginia.....	963.8	636
Wisconsin.....	3,823.8	2,524
Wyoming.....	2,617.9	1,728
Total.....	192,000.0	127,000

Mr. MURKOWSKI. Mr. President, I
rise in strong opposition to the amend-
ment of the Senator from Georgia.

Mr. President, the wise and produc-
tive use of our Nation's forests is
under attack. Let's face it, there are
special interest groups in this country
that do not want to see one tree cut in
any area of any national forest which
remains roadless today. If there is to
be an end to timber management in
our national forests then Congress
should debate the issue. But this issue
has not been brought before Congress
for debate.

Mr. President, roads constructed in
our national forests are not useless as
the Senator from Georgia maintains.
Roads are constructed to access timber
and recreation opportunities. They
allow for fire control and proper law
enforcement on our national forests.
Where roads are constructed they are
done so meeting all environmental re-
quirements—not at the detriment of
our forests. The mission of our forest
service is to manage our forests. Re-
ducing their road budget reduces the
agency's ability to accomplish its mis-
sion.

Mr. President, what this is really
about is access to timber sales. Special
interest groups do not want trees cut.

Special interest groups use whatever
legal handle they can find to delay
and ultimately stop timber harvests.
The National Environmental Policy
Act and Endangered Species Act have
been specially fruitful for those who
wish to preclude the wise management
of our national forests. In the South
they have found the red cockaded

woodpecker. In the Pacific Northwest
they have found the spotted owl. Now
I understand that there is a Mexican
spotted owl that will be used as an
excuse to curtail timber sales in New
Mexico and Arizona. This is a continu-
ation of the same story that began
with the Teleco dam and the snail-
darter. The Endangered Species Act is
being used, Mr. President, but not for
what it was intended. It is being used
to set national forest policy and that
policy is no timber management.

Similarly, the combination of the
National Environmental Policy Act
and the forest planning laws has pro-
duced plenty of fodder for litigation
aimed at stopping or delaying timber
management on our national forests.
Forest plan after forest plan is delayed
in the courts. Timber sale after timber
sale must survive endless litigation.
Where does it end?

Mr. President, the U.S. forest land is
unrivaled in the world. Roughly a
third of the Nation is covered by trees,
which is about 70 percent of the forest
land that existed here when Columbus
arrived. This amounts to approximat-
ely 737 million acres of woodland, put-
ting United States forest land third in
size behind the Soviet Union and
Canada.

The United States easily has the po-
tential to supply its own lumber,
board, pulp, and paper needs while
also building a surplus to help satisfy
rising worldwide demand for a wide
range of forest products. Because of
its high productivity the American
forest population pressures and rapid
urbanization of the past 35 years, our
forest land has added more than 200
billion cubic feet of wood—growing
from about 603 billion cubic feet in
1952 to about 830 billion cubic feet
today.

The Nation diligently replants its
forests. About 3 billion tree seedlings—
roughly 12 for every American—were
planted in 1987. In the Tongass Na-
tional Forest in southeast Alaska,
where I grew up, 48 trees grow back
for every tree that is cut down. The
Forest Service plans to log only 1.7
million acres out of a 17-million-acre
forest over 100-year cycles in perpetui-
ty. At present, this land base is man-
aged to produce 45 billion board feet
of timber during the next 100 years. In
the second 100-year cycle, because of
our management techniques and ex-
traordinary growing conditions in
southeast Alaska, the same lands will
produce twice as much wood, 90 billion
board feet of timber.

I am aware that similar practices
and conditions exist in the forests of
Oregon, Washington, and Idaho.

With the application of scientific
forest management techniques, genet-
ically improved seedlings, and im-
proved methods of disease, brush, and
fire control, the United States easily

has the potential to provide a surplus of forest products to meet worldwide demand. But more than relieving some demand pressure on over-harvested tropical forests, prudent management of our national forests can serve as a model for forest management in other nations where commodity uses of forest resources need to be pursued with a longer term perspective and brought into balance with the preservation of biological diversity.

U.S. exports of wood products are booming. Exports in 1987 reached a record of \$4 billion, up 31 percent over 1986 and surpassing the previous record of \$3.7 billion set in 1980. During the first half of 1988, the United States exported more solid wood products than it imported—making it a net exporter. More than half of this Nation's wood exports went to four Asian nations—Japan, China, Korea, and Taiwan. Our wood products industry is making an important and sustainable contribution to lessening our trade deficit with the Pacific Rim.

What those who seek to eliminate the harvest of timber from our national forests overlook is that our forests are unique in the world because they are prudently managed for multiple uses including the preservation of biological diversity and timber production on a sustainable long-term basis. It was with the foresight of great conservationists like Teddy Roosevelt, Gifford Pinchot, and Aldo Leopold that the National Forest System was created. Proof that their wise use philosophy has been a success is the importance of our forests for wildlife and outdoor recreation and their increasing productivity for wood products.

Mr. President, if Federal timber management grinds to a halt, how will national and international timber needs be met? Will pressure on poorly managed forests of the tropical nations increase? And what is the impact of accelerated destruction of the world's valuable tropical forests on the protection of biological diversity and the global environment?

With respect to global warming, timber management in the national forests is actually helping to reduce levels of carbon dioxide in our atmosphere. Replacing some of the old and dying forest with young vigorously growing forest increases the amount of carbon dioxide removed from the atmosphere and stored in the wood fiber. This is in sharp contrast to tropical forest conversion by slash and burn cultivators where trees are forever eliminated from the land and large amounts of carbon are released into the atmosphere by the burning of the slash.

Rather than attacking sound sustained yield forest practices in our National Forest System, conceived to combat rampant deforestation taking

place in the United States during the 19th century, we should be holding our national forests and our sustained yield forest practices out as an example for other nations to follow.

I object to the alarmist's cry that we are eliminating our forests at an unsustainable rate and with it our heritage. This is simply not true. We should be proud of our national forests for what they are—dynamic working ecosystems producing wildlife, recreation and timber values for our society through active management which looks to the future.

Mr. President, what I really object to is the increasing attempts by opponents of logging to set national forest policy by back door actions. If we are to change our traditional forest policy—a policy which has served us well for many years—then let's do it in an aboveboard fashion. Let us not try to change that policy by prostituting the appropriations process. Let us not try to change that policy in the court rooms by prostituting NEPA and the Endangered Species Act. If we are to adopt a new policy which fundamentally changes the management of our national forests then let us do it openly with full debate in Congress.

Mr. GORTON. Mr. President, I would like to offer a statement detailing my reasons for voting against the amendment proposed by Senator FOWLER to reduce the Forest Service road building budget.

First, let me state that I oppose unnecessary road building and road building that is unduly damaging to the environment. However, the reduction proposed in this amendment of \$25 million and a reprogramming of \$40 million would have devastating economic and environmental effects. States and counties would lose \$70 million for schools, the Federal Government would lose \$285 million and approximately 26,000 jobs would be lost.

Such a reduction could also have an adverse environmental impact. As we set aside areas for such purposes as spotted owl habitat and nonfragmentation of significant old growth areas, we further intensify the harvest use of other areas. And, if we do not have the financial tools to carry out the allowable cut legislated by Congress, then we force cutting in areas of easier access to roads and perhaps further intensify the use of those roads to the point of environmental damage, through water quality problems and through impairing the necessary distribution of spotted owl habitat.

I would highlight that some of the direct benefit of the Forest Service road program are the construction of campground roads, trailhead parking lots, scenic roads, purchase of easements to provide access across private lands and the use of private roads, reduction of sedimentation caused by

roads, replacement and/or repair of bridges.

For example, within the Mt. Baker-Snoqualmie National Forest the public is afforded almost unlimited access to the 25 percent of the forest that is roaded, via sedans, pickups, or 4-wheel drive vehicles. Also, safe, comfortable, scenic roads are available to the casual sedan driving forest visitor. Trailheads are constructed as extensions of many kinds of roads. The improvement of water quality (silt and debris reduction) is accomplished by ongoing road/drainage improvements.

I would like to offer an example in my own State of Washington. The draft Mt. Baker/Snoqualmie National Forest (MBS) plan shows that 75 percent of the forest will be managed as unroaded forever, 42 percent in wilderness and 33 percent unroaded special areas. Only 13 percent of the forest would be managed for intensive timber production. Of course these figures will probably change slightly in the final forest plan.

I recall that a few years back when the House Interior Committee investigative staff researched whether the Forest Service was on a road building binge. The committee concluded that the allegation was not supported by a review of actual and planned forest service activities. For the next decade, the Forest Service plans call for a decrease in road building, and only 20 percent of the new roads to be constructed will be in roadless areas. And, with the Forest Service record of decision regarding the spotted owl, I would expect that percentage of new roads into roadless areas to further decrease.

I do, however, believe that the Forest Service needs a road construction program that is commensurate with an adequate timber sales program. And, with the delicate environmental problems we are facing on the national forests of the Pacific Northwest, I contend that more creativity will be necessary in the engineering and planning stages of road construction, and therefore more funds. With the spotted owl habitat areas now set aside, I would imagine more care and planning—and money—will need to go into the Forest Service road construction budget.

I thank the Presiding Officer for allowing me to express my views on this very sensitive issue.

Mr. McCURE. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho [Mr. McCURE] to table the amendment of the Senator from Georgia [Mr.

FOWLER]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

The PRESIDING OFFICER (Mr. WIRTH). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 47, nays 52, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—47

Armstrong	Domenici	McCain
Baucus	Durenberger	McClure
Bingaman	Ford	McConnell
Bond	Garn	Mikulski
Boschwitz	Gorton	Murkowski
Breaux	Gramm	Nickles
Burdick	Grassley	Packwood
Burns	Hatch	Pressler
Byrd	Hatfield	Rudman
Chafee	Helms	Simpson
Coats	Inouye	Stevens
Cochran	Johnston	Symms
Conrad	Kassebaum	Wallop
D'Amato	Levin	Warner
DeConcini	Lott	Wilson
Dole	Mack	

NAYS—52

Adams	Harkin	Nunn
Bentsen	Heflin	Pell
Biden	Heinz	Pryor
Boren	Hollings	Reid
Bradley	Humphrey	Riegle
Bryan	Jeffords	Robb
Bumpers	Kasten	Rockefeller
Cohen	Kennedy	Roth
Cranston	Kerrey	Sanford
Danforth	Kerry	Sarbanes
Daschle	Kohl	Sasser
Dixon	Lautenberg	Shelby
Dodd	Leahy	Simon
Exon	Lieberman	Specter
Fowler	Lugar	Thurmond
Glenn	Metzenbaum	Wirth
Gore	Mitchell	
Graham	Moynihan	

NOT VOTING—1

Matsunaga

So the motion to lay on the table amendment No. 423 was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, offered by the Senator from Georgia. The yeas and nays have been ordered. The clerk will call the roll.

Mr. BYRD. Mr. President, has there been a response? If there has not been a response, I wish to say there is only one more amendment after this amendment. The two managers, I think, will accept that amendment, so it will not necessitate a rollcall vote.

If there is no request for a rollcall vote on the final passage, I do not intend to ask for a rollcall vote on final passage.

Does any Senator wish to ask for the yeas and nays on final passage?

I see nobody wishing to, so this will be the last vote, unless if we are close and we vote on the motion to reconsider, barring that, there will be no more rollcall votes, I say to the leader.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—55

Adams	Heflin	Nunn
Bentsen	Heinz	Pell
Biden	Hollings	Pryor
Boren	Humphrey	Reid
Bradley	Jeffords	Riegle
Bryan	Kassebaum	Robb
Bumpers	Kasten	Rockefeller
Cohen	Kennedy	Roth
Cranston	Kerrey	Sanford
Danforth	Kerry	Sarbanes
Daschle	Kohl	Sasser
Dixon	Lautenberg	Shelby
Dodd	Leahy	Simon
Exon	Lieberman	Specter
Fowler	Lugar	Thurmond
Glenn	Metzenbaum	Warner
Gore	Mikulski	Wirth
Graham	Mitchell	
Harkin	Moynihan	

NAYS—44

Armstrong	Dole	Mack
Baucus	Domenici	McCain
Bingaman	Durenberger	McClure
Bond	Ford	McConnell
Boschwitz	Garn	Murkowski
Breaux	Gorton	Nickles
Burdick	Gramm	Packwood
Burns	Grassley	Pressler
Byrd	Hatch	Rudman
Chafee	Hatfield	Simpson
Coats	Helms	Stevens
Cochran	Inouye	Symms
Conrad	Johnston	Wallop
D'Amato	Levin	Wilson
DeConcini	Lott	

NOT VOTING—1

Matsunaga

So the amendment (No. 423), as modified, was agreed to.

Mr. FOWLER. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

Mr. SANFORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 424

(Purpose: To provide funding to compensate victims of forest fires).

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] for himself, Mr. BURNS, Mr. SIMPSON, and Mr. WALLOP, proposes an amendment numbered 424.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 57, between lines 19 and 20, insert the following:

CATASTROPHIC FIRE COMPENSATION FUND

For expenses necessary to compensate individuals for lost and damaged property resulting from the Mink Fire (Bridger-Teton National Forest and Yellowstone National Park), Clover-Mist Fire (Yellowstone National Park and Shoshone National Forest), Storm Creek Fire (Yellowstone National Park and Gallatin-Custer National Forests) and the Canyon Fire (Lolo, Helena, and Lewis & Clark National Forests) which were originally classified as prescribed fires but subsequently became wildfire, not to exceed \$3,000,000 for settlement as deemed appropriate by the Chief of the Forest Service: *Provided*, That if the aggregate amount of settlements negotiated by the Forest Service exceeds \$3,000,000, the amounts of individual settlements shall be reduced proportionately; *Provided further*, That the Secretary of the Treasury shall pay settlements out of the 1988 Catastrophic Forest Fires Relief Fund, which is hereby established in the Treasury, and to which the sum of \$3,000,000 is appropriated."

On page 10, line 24, strike "\$402,225,000" and insert "\$399,225,000".

Mr. BAUCUS. Mr. President, the amendment I am offering in behalf of myself, Senator BURNS, Senator SIMPSON, and Senator WALLOP of the State of Wyoming sets up a catastrophic fire compensation fund to compensate those who suffered damage as a result of last summer's fire in Yellowstone Park and other fires in Montana. Many Montanans suffered losses of livestock, fences, grazing land, buildings, and, in some cases, a way of life was very traumatically harmed.

This amendment provides up to \$3 million in compensation. The \$3 million comes from the Fish and Wildlife Services Resource Management Fund. As written a funding level of this bill provides for almost \$14 million above the amount the President requested. This amendment still leaves \$11 million in the bill above the amount requested by the President.

Mr. President, I urge the Senate to adopt it. I also at this point pay very deep respect, thanks, and gratitude to the chairman of the committee who very graciously and industriously helped make this amendment possible, and also to the ranking member of the committee, the Senator from Idaho, who also was equally helpful in making this amendment happen.

Mr. President, I urge adoption of the amendment.

Mr. BYRD. Mr. President, I have a question with respect to this amendment. Does it amend a portion of the bill that has already been amended?

The PRESIDING OFFICER. The Senator is correct.

My BYRD. Mr. President, I ask unanimous consent that notwithstanding that, that the amendment being considered be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

My BYRD. Mr. President, the distinguished Senator has discussed this amendment with me and with my staff. He makes a compelling case. Apparently, many of his constituents have incurred serious losses which may be the direct result of Federal fire management policies. He proposes to transfer \$3 million of the \$37 million in this bill for maintenance expenses associated with our national wildlife refuge system.

He would use these funds to partially compensate individuals for certain types of losses from fires in the Yellowstone area last year. I believe that the maintenance of our refuge system is very important, so important that I propose, and my colleague, Senator McClure, likewise proposes to add \$14 million for that purpose in this bill.

However, I believe that the need for this one-time appropriation is more pressing, and so I am willing to accept the amendment with the offset, as I say, as has been proposed, so that there will not be any increase in the budget authority for outlays. With that understanding, I am going to accept the amendment.

Mr. WALLOP. Mr. President, I find it ironic that the U.S. Forest Service billed an outfitter and his client \$2.8 million for starting one of the Yellowstone fires last summer, but rejected damage claims submitted by people whose property was destroyed by such fires. With this amendment, Senators BAUCUS, BURNS, SIMPSON, and I hope to cure this situation. Clearly, people's properties were destroyed by a fire-management policy that was admittedly wrong, although the U.S. Forest Service denied their claims citing an exception to the Federal Tort Claims Act. This amendment gets around the issue of liability, and begins the process of making these people whole. Given these times of budget austerity, we can only go so far. The fund does, however, allow for substantial healing of the wounds inflicted on property owners by the fires last summer.

Mr. McCLURE addressed the Chair. The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. We accept the amendment on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

The amendment (No. 424) was agreed to.

Mr. BAUCUS. I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I believe that completes the action on the amendments. Therefore, I shall take my chair.

Mr. LAUTENBERG. Mr. President, I rise today in support of the fiscal year 1990 Interior and related agencies appropriations bill. In particular, I would like to address those provisions which relate to the national wildlife refuges, recreation areas and reserves found in my State. I am very pleased to note that this bill contains funding for a number of essential projects in New Jersey.

The preservation of our public lands and resources is especially critical in my State. Our national trails, parks, refuges, reserves, and recreation areas are important throughout the country as areas to protect our precious natural resources while offering valuable recreational and educational opportunities. However, in a populous State like New Jersey, public lands and open spaces take on added significance. There is, I think, a special appreciation for the national refuges, reserves, and parks found in my State.

New Jersey is now home to the beautiful Cape May National Wildlife Refuge [NWR], the newest national refuge in the State. This refuge is divided into two sections, the Delaware Bay Division and the Cedar Swamp Division, both of international importance to migrating waterfowl, raptors, and shorebirds. The shoreline of the Delaware Bay comprises the second largest staging area of shorebirds in North America. In addition, the marshes of the Delaware Bay provide wintering habitat for over 30 percent of the Atlantic flyways's wintering black duck population. The Cape May NWR as a new refuge in a region experiencing increasing development, is a particularly vulnerable resource, and land acquisition is an especially critical need. I am pleased to note that this bill provides \$1 million for land acquisition at Cape May for the next fiscal year. This funding should help the U.S. Fish and Wildlife Service to begin to acquire the most ecologically critical lands.

While Cape May is a new member of our national refuge system, since 1978 the Pinelands has received Federal protection as a national reserve. The Pinelands represents one of our Nation's most unique and beautiful natural resources. Its vast unbroken forests of pine, oak, and cedar make the Pinelands the single largest tract of open space on the mid-Atlantic coast.

The interior appropriations bill for fiscal year 1990 provides \$500,000 for the establishment of an interpretive program. Such a program will include the development of maps and other materials that will provide the public with information about the Pinelands. This bill also includes \$500,000 to go toward land acquisition through the Small Landowner Hardship Program. This funding will provide needed assistance to some of the thousands of small landowners in the Pinelands

who may have been denied fair use of their land. In addition, a third project at the Pinelands will receive funding under the legislation we are considering today: This bill contains \$200,000 for the construction of observation facilities at the Pinelands.

To the north of the Pinelands, just 7 miles outside of Morristown, NJ, there is another important natural resource, the Great Swamp NWR. Within the New Jersey-New York metropolitan area, the 6,971 acre Great Swamp offers a unique recreational alternative to its 225,000 annual visitors. Unfortunately, the Great Swamp is threatened by contaminants as well as by treated water discharged into the refuge. All efforts to help the Great Swamp are essential. Land acquisition is a critical need to protect the remaining wildlife habitat and recreational benefits from continuing encroachment from suburban residential development. The \$2 million this bill includes for land acquisition at the Great Swamp would serve an important need for this national refuge.

Another important recreation area in New Jersey is Sandy Hook, which is part of the Gateway National Recreation Area [NRA]. Gateway has grown to be the second most popular national park, and Sandy Hook is an integral part of Gateway. Each year 2 million users travel to Sandy Hook's acres of barrier beaches, bays, landscapes, lighthouse, and historical forts. Although heavily used, many of Sandy Hook's facilities are in need of repair and improvements.

This legislation would provide funding for several needed park projects at Sandy Hook. Sandy Hook currently relies on one aging water well. As a critical safety measure, Sandy Hook is in serious need of a backup water well. Unfortunately, Sandy Hook has experienced the outbreak of fires before and should another fire occur, backup water capacity could be crucial. That's why the \$600,000 this bill would provide for the construction of a second water well for Sandy Hook is so essential. In addition, this bill offers \$355,000 for the design of a peninsula-wide bicycle path at Sandy Hook. A bike path will enhance the park and public enjoyment, while providing alternative access to the park's facilities. Other park improvements are in the planning, such as new beach centers for the north end, a well-used portion of Sandy Hook. While I know these will be welcome additions to the park, road and parking improvements for the area are essential for their full enjoyment. I am pleased that this bill includes \$1.2 million to help fund these necessary improvements.

Like Sandy Hook, the Delaware Water Gap NRA provides millions of visitors with valuable cultural, recreational, and scenic resources. However,

the seasonal flow of visitors into the park can be a problem for some local New Jersey communities near the park. The park has plans to build a new visitor center for those traveling to the park from the south via an interstate highway. This new facility, the Weygadt Visitor Center, is a needed park addition, and should help divert traffic from small New Jersey communities near the park. The \$300,000 this bill provides should enable the completion of the design of this new visitor center.

Many of those who come to the Delaware Water Gap enjoy its many campground facilities. However, the Watergate Campground Area in New Jersey is in need of some basic improvements. I am pleased to note that this legislation would provide \$600,000 to fund the construction of improved toilet facilities as well as the construction of a paved parking lot and entrance station to the Watergate campgrounds. These improvements will enable the visitors to better enjoy this portion of the park.

The national parks, refuges, and recreation areas in New Jersey are important for the protection they provide to our natural resources and for the recreational opportunities they provide. I am very pleased that the fiscal year 1990 Interior appropriations bill contains funding for a range of essential projects in New Jersey, and would like to thank Senator BYRD for his efforts on behalf of the parks and refuges in my State.

Mr. DURENBERGER. Mr. President, today we are passing the fiscal year 1990 Interior and related agencies appropriations bill, H.R. 2788. I support this bill and am pleased to vote for its passage.

I have many reasons to support this bill. The Senate Appropriations Committee has been very responsive to Minnesota's needs. For this, I thank the Senators BYRD and McCLURE. The bill contains funding for many programs that are important to Minnesota and to the Nation. Specifically, the bill provides \$3,000,000 to the U.S. Forest Service's State and Private Program for the Boundary Water Canoe Area Wilderness. It provides \$390,000 to the U.S. Fish and Wildlife Service to continue eastern timber wolf research at the North Central Forest Experiment Station in St. Paul. \$3,200,000 is provided to the National Park Service for construction and development of the Kettles Falls Hotel in Voyageurs National Park. Finally, it provides \$100,000 for the Leech Lake fish hatchery and \$200,000 for walleye research and management by the Red Lake Band of the Chippewa.

Despite this impressive list of projects that will be funded, there are those projects that the Senate committee did not fund. These include land acquisition moneys for the Min-

nesota Valley National Wildlife Refuge and operations money for the Mississippi National River and Recreation Area. I understand, given the committee's budget constraints, that it cannot fund each request of all Senators. Nonetheless, I believe providing \$4,516,000 for land acquisition within the Minnesota Valley National Wildlife Refuge is very important. President Bush made this request in his budget. The House provided \$3,000,000 toward this end. I urge my Senate colleagues to accept at least the House's funding level. Similarly, the House recommended that \$100,000 be provided for operations and maintenance of the Mississippi National River and Recreation Area. In my contacts with the Senate Appropriations Committee, I urged that this area receive \$450,000. Thus, I urge my colleagues, when they meet with members of the House in conference, to accept at least the House's recommendation.

Finally, the House directed the U.S. Fish and Wildlife Service to conduct a study of the suitability of Fergus Falls, MN, to be a prairie pothole wetlands educational, interpretative, and administrative facility. Such a study is very important to the Nation's wetlands protection efforts. I urge my Senate colleagues to follow the House's lead in directing such a study to be performed.

Minnesota has been very fortunate to have Congressmen WEBER, SABO, and OBERSTAR supporting the Federal protection and management of its public lands. Through their hard work, Voyageurs National Park, Grand Portage National Monument, Minnesota Valley Refuge, St. Croix Scenic Riverway, and Chippewa and Superior National Forests will receive needed funding. We look forward to working with our colleagues on the conference committee as this bill proceeds through the legislative process toward enactment.

In the course passage, the Senate faced the very difficult forest roads issue. Although I voted against the amendment to reduce forest road funding, I am sympathetic to those supporting the amendment. Below cost timber sales, fragmentation, and habitat destruction are disturbing. Yet, this issue is not black and white. In Minnesota with its fast growing aspen wise timber management can increase wildlife population. This is particularly true for white deer which the wolf population depends on. In addition, the timber industry is the second largest industry in Minnesota. Thus, when addressing this complex issue and balancing the competing, I concluded to support the Appropriation Committee's forest road recommendation. This was not an easy decision, but one that I feel, as a Senator from Minnesota, is correct.

Mr. President, I am also disturbed by the action the Senate has taken to reduce funding for the NEA, to suspend support of two centers funded by the National Endowment of the Art, and by the addition of further restrictions on the recipients of grants given by the NEA. It seems senseless to punish the National Endowment and future potential artists for the actions of a few. It is my hope that the action we have taken here today will in no way reduce the commitment we have as a nation to developing the arts.

Ms. MIKULSKI. Mr. President, I would like to acknowledge Senator BYRD, chairman of the Subcommittee on Interior and related agencies for proceeding with the Interior appropriations bill so expeditiously and congratulate him for setting such a fine example of hard work and devotion to his job as both chairman of the Interior Subcommittee and the full Appropriations Committee. It is a pleasure to serve with him on the committee. I want to thank him for his help in funding Maryland projects. I would also like to thank his fine staff: Charlie Estes, Rusty Mathews, Sue Masica, and Shannon Skripka. Furthermore, I recognize the ranking minority member Senator McCLURE as well as his staff, Jeff Cileks and Debbie Rieman for their help throughout the process. Their indepth knowledge of the subject matter, candor with others, hard work, long hours and courtesy were instrumental in getting this important bill prepared in such a timely and efficient manner.

I would like to briefly mention a few of the important items contained in this bill.

This bill contains \$2.9 million for the implementation of recommendations by the Fish and Wildlife Service to help the erosion problem at the Eastern Neck Wildlife Refuge. Eastern Neck has suffered severe erosion over the past two decades. The 7,000-foot-long, 15-foot-high bluff at Eastern Neck is receding at an average of 4 to 9 feet per year, dumping approximately 40,000 tons of sediment into the Chesapeake Bay each year. This project by the Fish and Wildlife Service is designed to reduce sediment in the Chesapeake Bay and would improve overall water quality of the bay. This project is essential to prevent further loss of valuable land and wildlife habitat on the bay.

I would also like to mention that funds are included to complete the renovation of the Suitland Parkway. The Suitland Parkway is the main gateway to the Capital from the southeast, serving as an important thoroughfare for Federal employees as well as a link to surrounding areas. This renovation program is absolutely vital to the reduction of long-term

costs and safety risks associated with the Suitland Parkway.

Additional projects which have received important funds are several important Chesapeake Bay studies. Through a variety of programs, efforts are being made to improve the overall quality to the bay. Studies will be done in order to devise plans to combat the polluted waters and to improve the environment for the bay wildlife. Efforts such as these are vital to reaching the goal of the 1987 Chesapeake Bay Program and the commitment by the Federal Government to be a leader in this effort.

Once again Mr. President, I would like to acknowledge the job Senator BYRD and his staff has done. They must handle many requests for funds and choose from the many deserving projects. Their efforts are truly commendable.

Mr. EXON. Mr. President, this Interior appropriations bill provides much needed funding in a variety of areas and I would like to congratulate and thank my colleagues on the committee and subcommittee who put so much work into it.

There are a number of provisions in this appropriations bill that are of particular interest to Nebraska; \$6 million is made available under the bill for the National Arbor Day Center. State, local, and private funding will match Federal funds to establish an international center in Nebraska City, NE, to study and promote tree planting, forestry, and conservation.

The National Arbor Day Foundation has worked closely with the U.S. Forest Service to promote community forestry programs such as the very successful Tree City USA. In an era of growing nationwide concern about deforestation, global climate change, and conservation, the Federal investment in the National Arbor Day Center is most prudent and timely.

I would also like to point out that funding provided for the Forest Service in this measure is extremely important for Nebraska's panhandle. A good deal of Federal, State, and private land was recently consumed by fire in northwestern Nebraska. The losses were incredible. In usual form, Nebraskans in the area pulled together to overcome a natural disaster. But it will be a long, long time before things are back to normal in the Crawford, Harrison, and Fort Robinson areas.

Programs funded in this measure can provide a much-needed measure of assistance in the fire area and I will be calling on the appropriate Federal officials to use them as needed. Without the committee's work, however, those funds would not be available in the first place and I just want to thank you for your hard work.

THE SOUTH'S FOURTH FOREST

Mr. FOWLER. Mr. President, I rise today to offer my support for the

Southern Forest Productivity Priority Research Program included in the Forest Service's budget in the Interior appropriations bill for fiscal year 1990. A report issued by the Forest Service entitled, "The South's Fourth Forest," clearly outlines the growing and often competing demands on our southern forests for timber supply, water, and recreation. At the very same time, however, the quality and growth of certain types of southern timber is declining and forest land is being lost to other uses. I share the concerns expressed in this report and recognize the critical role an accelerated research program could play in protecting and increasing the productivity of southern forest lands while addressing important environmental and land use issues.

The Southern and Southeastern Forest Experiment Stations, the Forest Product Laboratory, the southern members of the National Association of Professional Forestry Schools and Colleges [NAPFSC] and other forestry and wildlife groups are working to develop and implement the Southern Forest Productivity Program. As chairman of the Conservation and Forestry Subcommittee, I urge the Forest Service to initiate plans during fiscal year 1990 to fully implement the Southern Forest Productivity Priority Research Program including a program to conduct research through a competitive process open to public and private forestry research institutions. Southern members of NAPFSC have submitted a proposal to the Forest Service to add \$10 million to the Southern Forest Productivity Program for the establishment of this new competitive research program. I encourage the Forest Service to include the NAPFSC recommendations in its fiscal year 1991 budget planning process.

Mr. DODD. Mr. President, I rise in support of the Interior and related agencies appropriations bill for fiscal year 1990.

First, I wish to commend our distinguished former majority leader, Senator BYRD, the chairman of the Committee on Appropriations as well as the Subcommittee on Interior and related agencies, for his outstanding leadership and skill in bringing this legislation to the Senate floor today.

In a time of tight budgets, it is indeed difficult for a chairman to put together a package of fiscally sound and socially responsible programs. Yet, the very able chairman of the Appropriations Committee, Senator BYRD, has demonstrated his integrity and determination by bringing this balanced Interior appropriations bill before the Senate.

The chairman and the ranking member, Senator McCLEURE, have been responsive to the concerns of the Connecticut delegation, and, for this, we are very grateful.

In particular, Mr. President, I would like to thank the chairman for including funding for molten carbonate fuel cell research and development. My home State of Connecticut leads the Nation in the research and development of this important alternative energy source.

In light of the United States' current oil dependence, and negative international balance of trade, we are all acutely aware of the necessity to develop energy alternatives. Fuel cell technology, and specifically molten carbonate fuel cell technology, offers distinct advantages over fossil fuels and other generating technologies based on fossil fuel, making it worthwhile to develop and fund.

Fuel cells are kind to our environment. Using natural gas and/or coal with clean coal technology, this energy source is environmentally clean. Because less carbon dioxide is emitted, this form of energy production reduces greenhouse gas emissions, a global warming trend of grave concern to all of us deeply committed to preserving the health of our environment.

The committee also provided \$150,000 for a study of the coastal areas of southern New England and Long Island, NY, including Long Island Sound and the lower Connecticut River off the coast of Connecticut. The study will include an inventory of the national values of these areas and subsequent identification of areas in most need of protection for fish and wildlife habitat, endangered species habitat, migratory waterfowl values, and the preservation of biological diversity.

Mr. President, I support the fiscal year 1990 Interior appropriations bill and I urge my colleagues to support it as well.

CRITICAL WATER SHORTAGE IN SOUTH DAKOTA

Mr. DASCHLE. Mr. President, I rise today to express my disappointment and frustration on a matter of great importance to my home State of South Dakota.

In western South Dakota, the Black Hills are facing a critical period of drought. Lake Pactola, the reservoir providing water to the residents of Rapid City and local irrigators is going dry. It is more than 30 feet below normal levels, and even with strict conservation measures already in place, officials predict that the reservoir will be bone dry within 2 years. Rapid City is faced with difficult choices. It will probably have to drill numerous wells at great expense in hopes of finding water of sufficient quantity and quality to meet its needs.

Water quantity is only one concern in the area. The Black Hills are facing a dramatic expansion of open pit gold mining, and for the first time the mining is attempting to expand onto

the public domain of the Black Hills National Forest. While mining has provided the economic backbone of the region for many years, there are undeniable environmental concerns associated with many aspects of mining. Gold mining uses a great deal of water, and in places there have been problems with cyanide leakage from heap leaching, and longer term problems associated with acid drainage.

The Forest Service is currently reviewing several applications to expand onto public land. Among the outstanding questions is how the proposed mining operations will affect water quantity and quality in the Black Hills. It is a very real question, but one which has no answers at present.

There has never been any detailed research into the hydrology of the Black Hills. Rapid City does not know where to drill for water. It does not know where aquifers are situated, how deep they are, or what the quality of the water is. There is no data on flow regimes, either surface or subsurface. Nobody knows how contamination in mining areas will affect subsurface water reserves throughout the Black Hills. Nobody knows how creating an open pit lake larger than largest reservoirs in the Black Hills combined will affect water resources elsewhere. In short, we know almost nothing about the water resources in the area.

Earlier in the year, the U.S. Geological Survey agreed to undertake a multiyear Black Hills hydrology study. The USGS estimated that the study will take up to 10 years and cost \$10 million over this period. However, the specific questions relating to the drought and the possible effects of mining would be addressed first in as comprehensive a manner as possible. The USGS agreed to provide \$200,000 for the fiscal year 1990 study, which would be matched by State and local governments. By the agency's own estimation, this \$400,000 will provide a bare-bones study at best. While USGS officials said this amount was sufficient, all others, including State, local, and Federal hydrologists, recognized that \$400,000 was not sufficient to complete any comprehensive and timely study.

In recognition that more money is needed, and that \$200,000 the State and local governments have committed is a great deal to an area without much money, Senator LARRY PRESSLER and I asked the Senate Appropriations Committee to provide an additional \$250,000 in Federal funds to expand and expedite the USGS Black Hills hydrology study. However, Senator PRESSLER and I failed to consider one point—that the bureaucrats in the USGS in Washington would actively block receiving any new funds.

The Subcommittee on Interior Appropriations did not provide the addi-

tional \$250,000. I do not blame them—I would not have provided it either given the position of the USGS. Instead of merely stating that the money had not been requested, but that it could be used if provided, as one would expect an agency to do given a reasonable request for a much needed project, the USGS actively opposed the request. The USGS claimed that the money was not needed because \$400,000 was already going to be available. This is the same agency that told me to my face that to do a proper study, at least \$1 million per year for 10 years would be needed. I understand the financial constraints we are under, and that is why Senator PRESSLER and I only requested an additional \$250,000.

The USGS resistance is inexplicable. It represents the typical bureaucratic sluggishness in Washington at its worst. Slow and steady is good. Active and probing is bad. The agency's attitude ignores the real human and environmental problems in the Black Hills in an effort to maintain the status quo and not rock the boat.

Mr. President, I will not offer an amendment today to obtain the additional \$250,000. I will honor the requests of the distinguished majority leader and the chairman of the Appropriations Committee to limit amendments. Furthermore, with the stance of the USGS, maintaining the funding in conference, even if it were to pass the Senate, is unlikely. Therefore, I merely wish to express my frustration and anger with the USGS in Washington, and to reaffirm my commitment to the people of the Black Hills to continue to fight to find solutions to the water problems in the region.

WINDOW ENERGY EFFICIENCY LABELING

Mr. BUMPERS. Mr. President, I would like to make a request of the distinguished chairman of the Appropriations Committee and the ranking minority member of the Interior Subcommittee regarding the allocation of funds appropriated for energy conservation research and development in the bill.

The Interior appropriation bill contains a significant funding increase for energy conservation R&D, and I commend the chairman and ranking member for their attention to this important energy area. One of the activities funded in that section of the bill is window research, which is to include the establishment of a performance labeling program for windows. I am informed that the funding allocated in the report will not be adequate to enable the window labeling program to be established as well as continuing the ongoing window research activities.

At present there is no single, nationally recognized means of rating the energy efficiency of windows. Windows with extremely high energy effi-

ciency are beginning to come on the market as a result of Federal and industry research efforts. The energy savings from these windows could be very large, and an effective labeling program would help consumers make the energy efficient choice when purchasing windows. An additional \$400,000 is needed to start this high priority program. I have identified offsets within the Conservation Program from three other activities—\$100,000, wall research; \$200,000, district heating and cooling; \$100,000, desiccant cooling. In my judgment, the offsets would not adversely affect the fiscal year 1990 activities of these three programs. The total amount appropriated for energy conservation R&D would not be changed, although the amounts reflected in the committee report for these programs would be modified.

Mr. BYRD. The Senator from Arkansas is a member of the Energy Committee and has been a supporter of energy conservation for many years. Since the changes he suggested are relatively minor, would not alter the total appropriations in this bill and reflect his considered judgment on relative priorities within the Conservation Program, I am willing to accept the amendment he has proposed.

Mr. MCCLURE. I have no objections to the changes in funding allocations within the conservation R&D appropriation proposed by the Senator from Arkansas.

Mr. BUMPERS. I thank the chairman and ranking member.

INTERPRETATION CENTER

Mr. HARKIN. I appreciate the chairman's support for my amendment providing for \$300,000 for the planning and designing of the Trails Interpretation Center in the city of Council Bluffs in committee.

The western movement is a crucial part of our Nation's history and it is a part of our history that is not well known by many Americans. The proposed site of the Trails Interpretation Center sits at the point where the historic Lewis and Clark Trail, the Mormon Pioneer Trail, and the Oregon Trail crossed the Missouri. It was in this area that thousands of pioneers encamped before heading across the river for the long trek west. Thousands upon thousands of ordinary people took extraordinary risks in order to find greater opportunity and better lives for themselves and their families. As we speed along in our automobiles on the Interstate Highway System, it's hard to comprehend the daunting task which faced those who moved west over a century ago.

The Western Historic Trails Center will not only teach visitors about these facts, but will show them how these courageous Americans lived their daily lives. The authentic re-creation of historic sites from the region promises to

be an especially valuable tool to interest and educate visitors.

The \$300,000 is provided for the planning and designing of the Trails Interpretation Center in the city of Council Bluffs. It is expected that the Secretary of the Interior, after consultation with the Governor of Iowa and in cooperation with such other public, municipal, and private entities as may be necessary and appropriate, shall complete a plan and design for the center. It is also expected that the plans prepared by the Western Historic Trails, Inc., shall be taken into consideration.

Mr. BYRD. I thank the Senator.

The \$300,000 provided in the bill is for the planning and designing of the Trails Interpretation Center as you described. I look forward to seeing the plans and designs for the Interpretation Center. The settlement of the American West is a truly important part of our Nation's history and I am hopeful that the Trails Interpretation Center will be an important element in the education of our citizens about that important part of our history.

SEARCHLIGHT/USGS

Mr. REID. Mr. President, in fiscal year 1986, the U.S. Geological Survey began a long-term study of the Nevada Carbonate Aquifer System in cooperation with the State of Nevada and the Las Vegas Valley Water District.

The purpose of this program has been to evaluate water resources options in the Las Vegas Valley and other nearby ground water basins in eastern and southern Nevada. The study includes about 50,000 square miles.

The Las Vegas Valley Water District is currently in the process of evaluating the water resources in Paiute Valley, located in Clark County, near the southern tip of Nevada, to provide water for the town of Searchlight. To achieve this goal, they recently participated in a joint cooperative effort with the USGS in which they conducted a geophysical survey in the valley, primarily to evaluate potential aquifers and develop a geophysical model of a portion of the Paiute Valley.

The water district is now interested in a cooperative venture with the Interior Department with financial participation also by Clark County and the State of Nevada to drill a production well in a geologic/hydrologic complex part of the Paiute Valley for the dual purposes of calibrating an existing geophysical model and providing a data set that will increase the value of geophysics, and if successful, provide an additional water source for Searchlight.

Mr. BYRD. Mr. President, I say to the Senator that I understand the need for the aquifer research that U.S. Geological Survey is conducting in southern Nevada and the importance

of a viable production well. Can the Senator from Nevada tell me how much money the State and county are willing to contribute to this project and how much is needed from USGS?

Mr. REID. The total project will cost \$1.265 million, with the State and county contributing \$865,000 and the U.S. Geological Survey contributing \$400,000. My proposal is that \$400,000 be provided from available appropriations within the Federal Water Research Program within the U.S. Geological Survey.

Mr. BYRD. Mr. President, I think this is a very worthwhile proposal. I understand the U.S. Geological Survey could receive some research value from the program, and with additional State and county moneys, the town of Searchlight could solve its long-term water resource problem. This would solve two concerns. So, with the understanding that the funding come from available resources, and that the total U.S. Geological Survey involvement would be limited to \$400,000, I would be willing to carry this request to the Interior Appropriations conference.

Mr. REID. Mr. President, I thank the chairman of the committee for his time and understanding regarding this very important project to the State of Nevada.

LAND AND WATER CONSERVATION FUND

Mr. HEINZ. Mr. President, I would like to take a moment to raise two issues of concern with the distinguished managers of the pending measure.

The Interior and related agencies appropriation faced again this year a very tough allocation ceiling. The managers have had to make hard decisions and on the whole I am supportive of their efforts.

I am concerned that the Senate has not been able to provide support for the acquisition, through the Land and Water Conservation Fund, of pristine lands lying outside the Allegheny National Forest in northwestern Pennsylvania. The House appropriated \$1.1 million for this purpose. I would like to stress to the managers that the lands in questions are generally contiguous to the forest and are very much under development pressure. I fear that if the Congress does not take action to include the lands in the forest, we will be very sorry later when it is far too late.

STEAMTOWN NATIONAL HISTORIC SITE

On a separate matter, the House has provided \$13 million to continue development of the Steamtown National Historic Site in Scranton, PA. The funds are to continue construction at the site, which is a new park and which needs the additional work in order to complete its renovation. Without such funding, the public will be visiting less than a complete park, and will not appreciate fully the im-

pressive historic site, honoring this Nation's long history of rail transportation. Steamtown has very strong local support which has helped bring the site into being. It is an example of the renaissance now underway in what has been an economically stressed area of the Nation.

Although the Senate is not able at this moment to provide the necessary support, I take this occasion to bring my concern to the managers, and to ask them whether they would be able to support these two items in conference with the House, if the budget allocation for the appropriation allows them to.

Mr. BYRD. I am glad to know of the Senator's concern. I can assure the Senator that these items will be addressed in conference, and that we will try to assist him at that point.

Mr. McCLURE. I am aware of his concern, and appreciate his understanding of the problem we confront. The two items will certainly be carefully considered in the conference.

Mr. HEINZ. I am very grateful to the managers for their assistance and I look forward to working with them to enact the appropriation in the coming days.

THE TERRITORIAL ENERGY ASSISTANCE PROGRAM

Mr. INOUE. Mr. President, as the Senate begins discussion on the Interior and related agencies appropriations bill for fiscal year 1990, I would like to clarify congressional intent regarding the Territorial Energy Assistance Program within the State and Local Government Energy Conservation Grant Program.

Mr. BYRD. I am aware of this matter, and further share the Senator's support for the TAP Program.

Mr. INOUE. I would like to clarify the intent of Congress that the TAP Program be funded within the program direction of the State and Local Government Energy Conservation Grant Program.

Mr. BYRD. Yes, the Senator is correct and I thank him for clarifying this intent of Congress. It is my understanding that this program is supported by the U.S. Department of Energy and all previous Federal funding for this program has been allocated.

Mr. INOUE. I thank the chairman of the committee.

COMPREHENSIVE RIVER CONSERVATION STUDY OF THE HANFORD REACH

Mr. GORTON. Mr. President, I would like to bring a matter to the attention of the chairman. It is an item of importance to Washington State, and involves a need in fiscal year 1990 of \$90,000 for the Comprehensive River Conservation Study of the Hanford Reach segment of the Columbia River. Legislation was signed into public law last year authorizing up to \$150,000 for a 3-year study of this last free-flowing stretch of the Columbia

River in the United States. In fiscal year 1989 a minimal amount of funds were made available by the Park Service to initiate the study, however the most significant portion of the study is to take place in fiscal year 1990. Funding in the amount of \$90,000 is necessary to ensure that the study process can make timely progress toward its 3-year deadline.

The Hanford Reach is a 51-mile segment of the Columbia River north of Richland, WA. It provides a crucial spawning site that has contributed significantly to the dramatic increase in the salmon runs on the river. It also provides habitat for a diverse range of animals and birds, as well as a variety of plants, including some that have been proposed for protection by State and Federal agencies. The Reach area also contains many cultural and burial sites of great significance to the Yakima and Wanapum Indians.

I would urge the chairman to consider in conference a proposal to make available \$90,000 from funds appropriated for the National Flight Interpretive Center, Everett, WA, for this river conservation study. I would now like to yield the floor to my colleague from Washington State, Senator ADAMS.

Mr. ADAMS. I thank the Senator. Mr. President, I was involved in the creation and passage of the authorizing legislation for the Hanford Reach study we are discussing. I too strongly urge that \$90,000 be made available from funds appropriated for fiscal year 1990 to the National Park Service to be redirected from funds for the National Flight Interpretive Center for the purpose of furthering this river conservation study. The Public Law 100-605 aimed to produce a study which identified and evaluated the outstanding features of the river segment, including fish and wildlife, scenic, recreational, natural, historical, and cultural values, and examine alternatives for their preservation. The Secretary of the Interior is required to consult with State, local, and tribal governments with respect to the study and to provide the public with an opportunity to comment.

Should the Park Service not make funds available to pursue this critical second-year portion of the study, I am concerned that the study process will be rushed in the third year of a 3-year deadline. To be successful, the study process must include input from the many diverse groups with an interest in the Hanford Reach segment of the Columbia River. The process of meeting, gathering information, building consensus, and compiling the document—all to select the best long-range protection alternative—should be a thoughtful and thorough process.

Mr. McCLURE. Mr. President, I would like to ask the Senator from Washington to clarify a point. Is it correct that the Senators from Wash-

ington are not asking for additional funding of \$90,000 for this study?

Mr. GORTON. The Senator from Idaho is correct. I appreciate the point he has raised. This is not a request for addition funding, but rather that the National Park Service allocate \$90,000 from a project located in Washington State which is funded in this legislation, the National Flight Interpretive Center.

Mr. McCLURE. I thank the Senator from Washington for that clarification. I will assure consideration of this request in House and Senate conference on Interior appropriations.

Mr. BYRD. I have reviewed the item raised by the two Senators from Washington. I agree that the National Park Service should make available \$90,000 for the Comprehensive River Conservation Study of the Hanford Reach. I can assure the Senators that this item will be considered in the conference on the Interior appropriations legislation.

Mr. GORTON. Senator ADAMS and I thank the chairman and ranking minority member for those assurances and for your assistance in this effort. Their consideration of our request is deeply appreciated.

SOUTHEASTERN CENTER FOR CONTEMPORARY ART

Mr. SANFORD. Mr. President, I would like to engage the manager of the bill, the distinguished Senator from West Virginia, in a brief colloquy. I would like to ask the Senator from West Virginia about language in the Interior appropriations bill that refers to the Southeastern Center for Contemporary Art [SECCA]. As I understand it, on page 86, lines 21-24, the bill bars the National Endowment of the Arts from providing direct grants to SECCA for a period of 5 years. Is this the proper reading of the language?

Mr. BYRD. The Senator from North Carolina is correct.

Mr. SANFORD. Is this language intended to punish SECCA for its involvement in the recent controversy over the artwork of Andres Serrano?

Mr. BYRD. That is correct.

Mr. SANFORD. I certainly object to the tasteless artwork of Andres Serrano, and I do not believe that taxpayers' money should be spent on artwork that is offensive to most of us. However, I do not believe that SECCA should be punished for their indirect involvement in the recent controversy. For the record, I would like to clarify this incident to show that SECCA was not directly involved in selecting the work of Andres Serrano and as such does not deserve to be punished for its work in connection with artwork in question.

The Southeastern Center for Contemporary Art was founded in 1956 by a group of local artists and interested citizens. It was established to support and exhibit the works of artists of

four States contiguous to North Carolina and was expanded to its present 11 southeastern States in 1967. Over the years, SECCA has worked to exhibit the Southeast's major artists of exceptional talent and to present education programs for children and adults. The organization has long been affiliated with one of North Carolina's most prominent families, the Hanes family of Winston-Salem, whose support of the arts community is legendary.

The National Endowment of the arts provided a \$75,000 grant to SECCA to help support a program called "Awards in the Visual Arts Program 7." In this program, SECCA convened a jury of 5 art experts to select 10 artists who would then receive fellowships in the amount of \$15,000. The five judges that SECCA selected included Ned Rifkin, chief curator of exhibitions, Hirshhorn Museum and Sculpture Garden, Washington, DC; Thomas Sokolowski, director, Grey Art Gallery and Study Center, New York University, New York, NY; Howard Fox, curator of contemporary art, Los Angeles County Museum of Art, Los Angeles, CA; Dr. Donald Kuspit, critic and professor, New York, NY; and Howardena Pindell, artist and professor, New York, NY. These individuals are all distinguished experts in contemporary art.

The five judges selected Andres Serrano as 1 of 10 artists who would be featured in the Awards in the Visual Arts 7 program. SECCA's only involvement in the selection of Andres Serrano was its selection of five distinguished jurors.

Given these facts, I believe that the language in the bill prohibits the NEA from providing grants to SECCA because SECCA chose five distinguished art critics. It was these judges, not SECCA, who subsequently made what I regard as a bad decision to select Andres Serrano as one of the 10 finalists. Is my interpretation accurate?

Mr. BYRD. The interpretation of the Senator from North Carolina is correct.

Mr. SANFORD. Am I correct that the committee came to the determination, which I support, that the Congress cannot, and should not, substitute its judgment for that of the NEA or its grantees regarding specific works of art. Rather, the committee came to the conclusion that there may be problems with the peer review process and the degree of accountability to which the NEA is held for the work of its grantees.

Mr. BYRD. The Senator from North Carolina is correct.

Mr. SANFORD. I also understand that the committee has provided funds for the National Endowment of the Arts to obtain an outside party to conduct a review of the Endowment's

process for providing grants, and I heartily endorse that idea. Is the intent of this appropriation to help the National Endowment of the Arts improve its use of taxpayer dollars and to ensure that adequate accountability exists?

Mr. BYRD. The Senator from North Carolina is correct.

Mr. SANFORD. While this effort to examine the review process and accountability of the NEA is appropriate, I do not believe that SECCA should be censored for its indirect connection to the artwork of Andres Serrano. I hope that in conference the language prohibiting NEA from providing grants to SECCA can be deleted.

Mr. BYRD. I thank Senator SANFORD for this information. The House has no such provision and I will keep an open mind on these concerns when the issue is discussed in conference.

LIABILITY INSURANCE FOR INDIAN TRIBES

Mr. INOUE. Mr. President, I have discussed with my colleague, Mr. BYRD, a matter of great importance to tribes maintaining self-determination contracts, that of securing liability insurance or equivalent coverage for Indian tribes or organizations carrying out contracts or agreements pursuant to Public Law 93-638 and Public Law 100-472. We are concerned that the committee bill as reported only extends coverage to Bureau of Indian Affairs [BIA] contract activities under the narrow Federal Tort Claims Act, which provides only limited recovery for wrongful death and personal injury. Not covered are property, vehicular, casualty and other general liability claims. The reported bill also leaves uncovered all activities under Indian Health Service [IHS] contracts or agreements except for medical malpractice claims. In accordance with the provisions of the Self-Determination Act as amended last year in Public Law 100-472, the Federal Government is required to provide this liability coverage.

The administration's fiscal year 1990 budget request contained no provision to fulfill this obligation. Neither the BIA or IHS has stated how much coverage must be obtained and at what cost. There is a critical lack of data upon which to make sound appropriations decisions. To remedy this before the next appropriations cycle, the BIA and IHS should collect liability exposure data on tribal contracting activities to provide the Congress with a cost-benefit and policy analysis of what type of cost-effective coverage should be provided. We recommend that the agencies be allowed to work with Double Eagle Risk Management, Inc., a nonprofit risk management self-insurance pool of contracting tribes with a board of directors representing each of the 12 BIA Service Areas.

Mr. BYRD. Mr. President, I have no objection to this recommendation. We will need to work with our House colleagues in conference to address this vital need of tribal governments.

Mr. INOUE. I thank my distinguished colleague from West Virginia [Mr. BYRD].

TRAIL PROJECTS IN COLORADO

Mr. WIRTH. Would the Senator from West Virginia yield to me for the purpose of my engaging him in a colloquy to clear up a matter referred to in the committee report?

Mr. BYRD. I would be pleased to yield to the Senator from Colorado for that purpose.

Mr. WIRTH. I wanted to ask the Senator from West Virginia about the reference in the committee report to funding for the U.S. Forest Service to pursue design and construction of bike trails in Arapahoe National Forest. I believe that the committee's intent was to fund two trail projects in the National Forests in Colorado which the Senator from West Virginia and I have discussed, but I wished to note that one of those projects is a bike trail in the White River National Forest and one a foot trail in the Routt National Forest. Am I correct that those were the projects the committee intended to single out?

Mr. BYRD. Yes, that was the intent of the committee.

Mr. WIRTH. I thank the Senator from West Virginia for this clarification.

MULTIPHASE FLOW RESEARCH INSTITUTE

Mr. DIXON. Mr. President, I want to take this opportunity to bring to my colleagues' attention a very important program. The Multiphase Flow Research Institution as conducted through the Midwest universities energy consortium.

Multiphase Flow plays a key role in many major industries, including electric utilities, metals processing, pharmaceuticals, chemicals, and even farming. Yet our technical understanding of Multiphase Flow is seriously limited. If we understood it better, we could, for example, increase the efficiency of powerplants, reduce the danger of explosion in grain elevators, burn coal in an environmentally acceptable manner using fluidized bed technology.

To date, little funding has been made available for this worthy research program, \$400,000 for 1988 and \$300,000 for 1989. These funds, however, were administered through the Pittsburgh Energy Technology Center which also controls the funding of other fossil research programs at Argonne National Laboratory. This has resulted in a decrease in the fossil energy programs of Argonne.

In the House, the 1990 Interior appropriations bill did include funding for university coal research and for solids transport, so the MFRI Program

will be a conferenceable item. Let me, therefore, ask my good friend if he will give careful consideration to providing moneys from available funds for the Multiphase Flow Research Institute as conducted through Argonne National Laboratory and the Midwest universities energy consortium when this bill goes to conference.

Mr. BYRD. Let me assure my distinguished colleague from Illinois that when this bill goes to conference, we will, indeed, give every appropriate consideration to providing funds to the Multiphase Flow Research Institute as conducted through the Midwest universities energy consortium.

LINCOLN HOME NATIONAL HISTORIC SITE

Mr. SIMON. I wish to engage the distinguished floor manager in a colloquy on the Lincoln Home National Historic Site. This site is a four-block area surrounding the former President's home. The restoration of this site has been a priority of the National Park Service over the last few years, and is of great historic significance, for Illinois and for the country. Mr. President, the Interior's appropriations bill we are considering today includes an increase of 5 percent over 1989 levels for maintenance costs. This is crucial to full restoration of this historic site. I wish to thank the distinguished chairman for including this in the Interior bill.

The complete restoration of this site also requires a line item of \$745,000 for construction costs. This item is included in the House Interior appropriations bill. Mr. President, I hope the chairman will be able, in conference committee, to accept this line item so that this historic commemoration of one of America's greatest heroes and leaders can be complete.

Mr. BYRD. I thank my colleague from Illinois for bringing this matter to my attention. Restoration of this historic site is indeed very important and must continue to be a priority of the National Park Service. I will make every effort within the tight overall budgetary constraint to accept this House line item in conference committee, so that the Lincoln Home National Historic Site can be fully restored.

Mr. SIMON. I thank the chairman of the committee.

WATER SYSTEM KOTZEBUE, AK

Mr. STEVENS. Mr. President, this bill contains an appropriation for reconstruction of the water system at Kotzebue, AK, which needs some clarification. Could the chairman of the subcommittee respond to a question on this item?

Language in the committee report refers to a need for non-Federal funds to match the grants for fiscal year 1989 and 1990 for this item. Would the chairman of the subcommittee clarify for me whether this matching money from non-Federal sources can include

all moneys which Kotzebue had received since the State of Alaska's fiscal year 1986? This amount is a total of \$2.35 million with the following amounts being provided: \$550,000 in fiscal year 1987, \$800,000 in fiscal year 1988, and \$800,000 in fiscal year 1989.

Mr. BYRD. The Senator is correct. It is the intent of the subcommittee that all non-Federal funds provided by Kotzebue as outlined by the Senator from Alaska be counted as qualifying money to match the Federal funds. So long as these funds have been provided for the project and are non-Federal, then they are to be counted. The intent of the subcommittee is that total funds during the project be matched. It is also the subcommittee's intent that the funds already matched be released for use by Kotzebue, and that only those funds not matched be held pending such a match. Does this clarify the matter for the Senator from Alaska?

Mr. STEVENS. Yes it does. I thank the chairman of the subcommittee.

HATFIELD-ADAMS AMENDMENT

Mr. ADAMS. Mr. President, I would like to make a request on behalf of myself and Senator HATFIELD to the distinguished chairman of the Appropriations Committee, Mr. BYRD, regarding the report language on the Hatfield-Adams timber amendment. In section (b)(3) of the amendment we addressed the unique problems in the Mount Baker-Snoqualmie and Olympic National Forests. It was our understanding at the time we submitted the initial proposed report language to the committee that these two forests had issued projected harvest levels for 1990. Since then, we have been informed that the forest supervisors would prefer to be allowed flexibility in establishing these figures. This is an appropriate assessment and we would like to recognize that flexibility. Although the committee report refers to harvest levels, these levels are based upon the President's budget. Obviously, adjustments may be made after congressional enactment so the original figures cited in the report for the Mount Baker-Snoqualmie and Olympic National Forests may be altered after congressional enactment.

Mr. BYRD. The Senator from Washington is correct. Any harvest level figures specified for individual forests are tentative pending congressional enactment. We will be addressing this issue further in conference.

NAVAJO ACADEMY IN NEW MEXICO

Mr. BINGAMAN. Mr. President, my colleague from New Mexico and I would like to engage the distinguished chairman of the Subcommittee on Interior and related agencies in a colloquy.

I have been working with the subcommittee for several months regarding the difficult situation facing the Navajo Academy in New Mexico. The

academy is a BIA-contract, college preparatory school for Native Americans, and currently operates on leased premises. The academy must vacate its present location by mid-1991, and plans to build a new, permanent facility before that time.

Mr. DOMENICI. Mr. President, it is my understanding that the Navajo Tribe through the Navajo Agriculture Products Industry [NAPI] has already set aside acreage for the new facility. Acquisition of a permanent facility is needed to ensure that the Academy can continue its mission of enhancing precollege education for American Indians with the least amount of disruption.

Mr. BINGAMAN. Mr. President, I understand that the Appropriations Subcommittee on Interior and related agencies recognizes the importance of the Navajo Academy's work. I would hope that we could urge the Bureau and the Secretary of the Interior to work with the Navajo Academy to identify possible sources of funding for the new facility.

Mr. BYRD. I commend the Senators and hope that funding sources can be identified.

Mr. BINGAMAN. I thank the chairman.

Mr. DOMENICI. I thank the distinguished chairman.

LAND ACQUISITION AUTHORITY, GOLDEN GATE NATIONAL RECREATION AREA

Mr. WILSON. Mr. President, I would like to draw my colleagues' attention to a land acquisition priority in the National Park Service's Golden Gate National Recreation Area that is known as the Giacomini property. Listed as the third highest land acquisition priority in the GGNRA, the Park Service is very interested in acquiring this property but does not know how much money is needed for lack of a current land appraisal. I would urge the chairman to consider in conference the adoption of language directing the Park Service to conduct a land appraisal in fiscal year 1990 of the Giacomini property in the GGNRA.

Mr. CRANSTON. I support this request.

Mr. BYRD. I thank my friends from California for bringing this matter to my attention and agree to seek the appropriate language in the forthcoming conference directing that this appraisal be done.

Mr. MCCLURE. I concur with the distinguished chairman.

THE F.D.R. MEMORIAL

Mr. LEVIN. I note that although the President requested \$19 million for construction of the Franklin Delano Roosevelt Memorial and the House of Representatives appropriated \$5,852 million to begin this construction, the Senate Interior Appropriations Subcommittee has not included any funding for this project.

The F.D.R. Memorial Commission was created in 1955. At last, it appears there is real momentum for beginning construction. I have testified a number of times during the past several years in favor of the memorial and have seen support for it evolve to the point at which both the executive branch and the House of Representatives have finally included funding for construction in their budget requests. On May 2 of this year, I testified again before the Interior Appropriations Subcommittee on behalf of this proposal.

I ask the chairman whether he will be open to the positions of the administration and of the House of Representatives in conference, so that it might be possible to begin the construction of this memorial to one of our greatest Presidents.

Mr. BYRD. I agree with the Senator from Michigan that the construction of the F.D.R. Memorial is a meritorious project. Although it is not included in the Interior Appropriations bill as it was reported out of committee, I assure the Senator that I will attempt to work out our differences with the House in a way which will provide for funding for the initial construction of this memorial, if it can be afforded within our tight budgetary constraints.

EASTERN NECK NATIONAL WILDLIFE REFUGE

Ms. MIKULSKI. Mr. President, I rise for purposes of a colloquy with my distinguished colleague Senator BYRD who is chairman of both the full Appropriations Committee and the Interior and Related Agencies Subcommittee concerning an item contained in the Department of the Interior and Related Agencies appropriations bill, 1990.

Mr. BYRD. I am happy to enter into a colloquy with my colleague on the Appropriations Committee.

Ms. MIKULSKI. I thank my chairman for his courtesy, and for his generosity to the State of Maryland. I would like to ask the chairman specifically about a very important project contained in this bill.

Mr. President, I know that the bill includes \$2.9 million in the fish and wildlife service construction account for the implementation of the recommendations contained in the plan formulation analysis report, shoreline erosion control at Eastern Neck Wildlife Refuge, MD submitted to Congress by the U.S. Fish and Wildlife Service.

As you know, severe erosion has occurred to sections of Bluff along the shoreline at Eastern Neck National Wildlife Refuge in Kent Co. MD. The 7,000 foot long, 15 foot high bluff is receding at an average of 4 to 9 feet per year, dumping approximately 40,000 tons of sediment into the Chesapeake Bay annually. This project by the Fish and Wildlife Serv-

ice is designed to reduce sediment in the Chesapeake Bay and would improve overall water quality of the bay. This project is essential to prevent further loss of valuable land and wildlife habitat on the bay.

I ask the chairman if he intends for these funds to be used by the Service to use innovative and cost effective techniques in the construction associated with this project.

Mr. BYRD. Yes, I commend the Service for conducting the study examining the erosion problem at Eastern Neck National Wildlife Refuge, and I know of the Senator's involvement in trying to encourage the Service to focus on this problem. It is clearly my intention to see the Service quickly begin construction of this project and to use innovative and cost effective techniques as appropriate.

Ms. MIKULSKI. I understand that from the Maryland National Guard that there may be portions of this project that they could complete at little or no cost to the Service while providing the Guard units with valuable, productive and practical experience. If the Guard is able to provide this assistance would you expect cooperation from the Service.

Mr. BYRD. The Service is expected to give its full consideration to working with Maryland National Guard in any possible joint efforts associated with this project.

Ms. MIKULSKI. I thank the Senator for his time and attention to this matter. I also would like to complement him on his talented and dedicated staff. Charlie Estes, Rusty Mathews, Sue Masica, and Shannon Skripka have all been very helpful and forthcoming.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 2788), as amended, was passed.

Mr. BYRD. I move to reconsider the vote by which the bill, as amended, was passed.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. I move that the Senate request a conference with the House, that the Senate insist on its amendments, and that the Chair appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair appoints the following conferees: Senators BYRD, JOHNSTON,

HOLLINGS, LEAHY, DeCONCINI, BURDICK, BUMPERS, REID, McCLURE, STEVENS, GARN, RUDMAN, COCHRAN, NICKLES, and DOMENICI.

Mr. BYRD. I again thank my colleague, Mr. McCLURE, for his guidance, help, encouragement, support, cooperation, courtesy, and patience.

I thank all Senators on the committee for their consideration and their patience. I thank the staffs on both sides of the aisle. They have been excellent staffs. I think I have come to realize more than ever the value of having a good staff and more than ever the value of this staff that has worked so hard on this bill. I put their names in the RECORD this morning, and I thank them for the extra work they have done during the day. They have done a tremendous job in working on this and keeping down what I call the damage control.

I call to the attention of the body that not many amendments were called up today and not a single dollar was added by way of budget authority or outlays in any of the amendments that were called up today. We insisted that they be offset so that there would not be any problem of increasing the outlays or the budget authority. So it seems to me to be something to be thankful for.

The bill was marked up in the subcommittee on the day before yesterday, marked up in the full committee yesterday, and action completed on the bill today.

The Senate conferees are ready to go to conference, as soon as the House conferees are ready. I hope that we will be able to go to conference and complete our work at the House conferees to some extent.

Mr. GARN. Will the chairman yield for a question?

Mr. BYRD. Yes.

Mr. GARN. I thank the distinguished chairman. I thank both he and the ranking minority member. They are aware there has been an S&L conference going on 12 to 14 hours a day for the last 2 weeks. The reason I bring that up, I was unable to attend the markups in the subcommittee or the full committee as a result of being tied up in that conference. As a result, there was an oversight. I was just talking to the distinguished Presiding Officer, Senator WIRTH. We had been working together on a bike trail that runs in both Colorado and Utah and because of my being in the S&L conference on the House side, the trail now ends at the Utah-Colorado border. He got his half in. I did not get my half in, because I am trying to save all the S&L's in the country.

I want to make note of that and see if in some way in the conference we can make accommodations so that the bike trail does not end at the Colorado-Utah border.

Mr. BYRD. We will do our best. We may take Senator WIRTH's section of the trail out so that it will not end at the border.

Mr. GARN. I do not advocate that. We would like it not to stop at the border. I thank the distinguished Senator.

Mr. BYRD. I said that facetiously. We will look at that. The Senator has been a very good worker, and a good Senator on the committee, and he has good reason for his absence. He was attending to Senate business elsewhere. We missed him, and I can appreciate his consternation at not having part of the trail continue into his State. We will take a look at it and see if something can be done in conference.

Mr. McCLURE addressed the Chair. The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, let me take this moment to not only assure my friend from Utah that we will do all we can to help on his problem, but also to reiterate what I said earlier today about the pleasure I have had in working with the distinguished Senator from West Virginia, the chairman of the committee, on bringing this bill to the floor. It has been a real pleasure, and the staff are professionals in the true sense of that word. Otherwise we would not have had the result we have had here on the floor today. I look forward to working with him, not only in the conference, but again next year on this bill.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I extend my congratulations to the distinguished chairman of the Appropriations Committee and to the distinguished Senator from Idaho for their efforts in moving through Senate passage one of what will be several appropriations bills in a prompt and timely fashion.

We all hope and anticipate that the Senate will act on all of the appropriations bills prior to the end of the fiscal year. If we are to do that, it requires determination, leadership, and a meaningful effort by the Appropriations Committee.

Under Senator BYRD's capable leadership, that committee is moving toward that objective, and I know that all Senators and that all Americans are grateful for the effort and the success that we have had so far moving toward that objective.

We will be taking up two more appropriations bills tomorrow as I will describe in a moment, and I hope they are able to proceed with the dispatch that this one has.

G. CLIFTON EAMES, BANGOR, ME

Mr. COHEN. Mr. President, I would like to call the attention of my colleagues to an article from the Bangor Daily News describing the business success and community service of one of my constituents, G. Clifton Eames, Bangor.

Mr. Eames is the president of N.H. Bragg & Sons, an automotive parts and industrial supply company that has been in his family for 135 years. He represents the fifth generation to run the company.

Originally a supply store for horse carriages, N.H. Bragg & Sons was forced by the creation of the automobile to modernize and expand. They have opened branch stores in eight other Maine communities in the hope of providing better service.

In addition to his business career, Mr. Eames' involvement in the community includes work as chairman of the board at both Eastern Maine Medical Center and Bangor Savings Bank. Consequently, he has developed a deep interest in the health care industry, in particular the plight of rural hospitals and their many uninsured patients, as well as issues of concern to the many nonprofit savings institutions through the Northeast.

Mr. Eames' dedication to community and business affairs is truly admirable. He has made an indelible mark on the Bangor community and it to be commended for his outstanding record of achievement.

The article follows:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHANGE, CONTINUITY AT N.H. BRAGG (By Carroll Astbury)

As president of N.H. Bragg & Sons, chairman of the board of Eastern Maine Medical Center, and chairman of the board at Bangor Savings Bank, G. Clifton Eames is one of the more titled men in Bangor.

But Eames is no stuffed shirt. Friendly and easy to talk with, he is at home with anyone who likes to discuss Bangor and its economy. And he knows something about that economy.

At N.H. Bragg, Eames carries on a 135-year-old tradition. He represents the fifth generation at the family-owned supplier of automotive parts and industrial and welding supplies.

But 135 years ago, the business obviously wasn't selling auto parts. Norris Hubbard Bragg and a partner, Summer Basford, started the company in 1854, when it was known as Bragg & Basford. Bragg bought out his partner in 1863, and the business has been in the family ever since.

The Bragg business started by supplying items for horse carriages, specifically tires,

bolts, whiffletree ferrules, tailboard springs, and other metal parts which went into the finished assemblies of carriages.

Eames explains that with the advent of the automobile, the town blacksmith shop became the town garage. Welding and machine-shop trades soon followed. N.H. Bragg & Sons changed with the times and now supplies a full line of automotive, industrial and welding supplies.

In order to broaden its market for the automotive lines, N.H. Bragg has added branch locations in Fairfield, Winslow, South Paris, Augusta, Rockland Unity, Bridgton and Millinocket.

During recent years, there has been a proliferation of the number of auto parts that Bragg's must stock. "There are a lot more models of both domestic and import cars," Eames said. "This puts a challenge on people trying to carry a stock of replacement parts."

Stocking parts also involves keeping abreast of the population of different car models in the state. Manufacturers provide popularity codings for parts, but there can be regional differences that companies like N.H. Bragg must heed. For example, Eames says that there is a relatively large number of Subarus in the Bangor area.

Bragg's labor force totals about 140, with 105 of the workers being at the company's headquarters at 92 Perry Road in Bangor. Eames says that the labor force isn't as stable as it used to be. As the company has grown, workers who haven't settled on a career choice have joined the ranks. That naturally results in some turnover.

Eames is bullish regarding the economic future of the Bangor area, but he sees some challenges.

"Bangor has the seeds of some considerable growth," he said. "The challenge will be how to manage it without losing it. There will be those who will want to control it aggressively."

"You've got to be careful," he said. "If you don't take advantage of the opportunities, when times aren't so good you'll wish you had."

As a result of his involvement at Eastern Maine Medical Center, Eames has received a firsthand education on the health-care industry. The hospital industry poses some unique challenges, Eames said. For example, medical doctors are responsible for the health care in a hospital, but they don't control the trustees. And the trustees are responsible for the overall guidance of the hospital, but they don't control the doctors.

Recently, Eames was encouraged by L.D. 1322, the action by the Maine Legislature to pay part of the hospital bill for the state's uninsured population. He also was pleased with the measure that "amended strict regulatory measures." This, Eames said, "will give hospitals more ability to control things locally."

Regarding the banking industry, and specifically his interest in Bangor Savings Bank, Eames' biggest concern has to do with the media and public relations. He says that the media tend to group all savings banks into the "thrifts" category, and gives little mention to the non-profit nature of many of the banks in the northeastern part of the country.

Bangor Savings is one of those non-profit institutions, and Eames wants everyone to know that it is doing quite well and shouldn't be associated in any way with the savings-and-loan crisis.

Meanwhile, back at his corner office at the family-owned shop, Eames watches his

son, Jonathan, function as Bragg's industrial sales manager. Jonathan represents the sixth generation in the business.

Eames' cousin, John W. Bragg, is the company's vice president and will some day take Eames' job.

In terms of maintaining the family ownership at Bragg's, Eames says, "We've beat the law of averages, perhaps a couple of times over." He said that strong interest by the family in running the company and seeing it prosper has been the reason that the ownership has continued.

And with John Bragg and Jonathan Eames in place, Eames says that the ownership looks to be "in good hands for another generation."

HURON SENIOR CITIZENS CENTER RECEIVES 1989 COM- MUNITY ACHIEVEMENT AWARD

Mr. PRESSLER. Mr. President, I would like to take this opportunity to congratulate the Huron, South Dakota Senior Citizens Center for its outstanding work with senior citizens. As a result of its efforts, the Huron Senior Citizens Center is 1 of 10 projects, from a total of 34, to receive a 1989 Community Achievement Award from the Administration On Aging.

Receiving a Community Achievement Award is a very important honor. The award is given annually to model aging projects. Each State has the opportunity to select one project or program and submit a proposal to the Administration On Aging. Following a rigorous internal and external review process, only 10 projects or programs receive this award.

I am proud of the Huron Senior Citizens Center and the many ways in which its staff and volunteers reach out to meet the needs of the elderly in Huron, SD, and surrounding communities. The Huron Senior Citizens Center has a membership of 1,500 volunteers. The volunteers are organized under the Retired Senior Volunteer Program [RSVP]. In addition to the usual services of tours, crafts, cards, health prevention programs, dance and exercise, the center has congregate and home delivery nutrition programs, as well as a transportation service.

The nutrition program extends to several other nearby communities, including Hitchcock, Wessington, Woonsocket, Wolsey, Wessington Springs, and Highmore, SD.

The center, in cooperation with the city of Huron, provides transportation service for seniors in Huron. Seniors in small communities near Huron who need transportation are able to use this service to travel into Huron for groceries, shopping, medical care or social activities.

The Huron Senior Citizens Center organized a Coalition On Aging comprising representatives from the

center, a nursing home, public health nursing, Social Security, a hospital, and a hospice and adult day care program. The Coalition On Aging is a resource that assists the organizations involved in meeting the needs of seniors in the community.

The many hours of dedicated service provided by the people involved with the HSCC set a high standard for others. My thanks to the director of the Huron Senior Citizens Center, Jackie Bjorke. In addition to managing a wonderful center, she graciously helped me to arrange a place for my senior citizen seminar at the 1988 South Dakota State Fair in Huron.

Congratulations also to the city of Huron and the State of South Dakota. Both an important role in helping the Huron Senior Citizens Center meet the important and changing needs of the older citizens of the Huron community.

I hope that the outstanding example of the Huron Senior Citizens Center will inspire other cities to reach out and help older Americans.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents which were referred as indicated:

EC-1474. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a supplemental summary of the budget; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC-1475. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, the contract award report from the period July 1 to August 31, 1989; to the Committee on Armed Services.

EC-1476. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Defense Mapping Agency's proposed letter of offer to the United

Kingdom for defense articles estimated to cost in excess of \$50 million; to the Committee on Armed Services.

EC-1477. A communication from the Director for Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, notice that the Department of the Navy intends to exercise the authority for exclusion of the clause concerning examination of records by the Comptroller General; to the Committee on Armed Services.

EC-1478. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Monetary Policy Report of the Board; to the Committee on Banking, Housing, and Urban Affairs.

EC-1479. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the protection of the Channel Islands National Marine Sanctuary; to the Committee on Commerce, Science, and Transportation.

EC-1480. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report for fiscal year 1987 entitled "Outer Continental Shelf Lease Sales: Evaluation of Bidding Results and Competition"; to the Committee on Energy and Natural Resources.

EC-1481. A communication from the Deputy Associate Director for Collection and Disbursements, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore oil and gas lease revenues; to the Committee on Energy and Natural Resources.

EC-1482. A communication from the Director of the U.S. Arms Control and Disarmament Agency transmitting, pursuant to law, a report on disarmament issues; to the Committee on Foreign Relations.

EC-1483. A communication from the Acting Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60 day period prior to July 20, 1989; to the Committee on Foreign Relations.

EC-1484. A communication from the Plan Administrator of the Eighth Farm Credit District Employee Benefit Trust, transmitting, pursuant to law, the annual report for the Eighth Farm Credit District Savings Plan for the year ended December 31, 1988; to the Committee on Governmental Affairs.

EC-1485. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of the reports issued by the General Accounting Office during June 1989; to the Committee on Governmental Affairs.

EC-1486. A communication from the Assistant Attorney General (Legislative Affairs), transmitting a draft of proposed legislation to amend the Federal Food, Drug, and Cosmetic Act (FFDCA) to define the term anabolic steroid with conforming amendments to sections 2401 and 2403 of the Anti-Drug Abuse Act of 1988; to the Committee on the Judiciary.

EC-1487. A communication from the Secretary of Education, transmitting, pursuant to law, Final Priority under the Talent Search Program; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GLENN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1276 A bill relating to the method by which Government contributions to the Federal employees health benefits program shall be computed for contract year 1990 or 1991, if no governmentwide indemnity benefit plan participates in that year.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

J. Michael Davis, of Colorado, to be an Assistant Secretary of Energy (Conservation and Renewable Energy);

Stephen A. Wakefield, of Texas, to be General Counsel of the Department of Energy;

John J. Easton, Jr., of Vermont, to be an Assistant Secretary of Energy (International Affairs and Energy Emergencies);

Jacqueline Knox Brown, of the District of Columbia, to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs); and

Harry M. Snyder, of Kentucky, to be Director of the Office of Surface Mining Reclamation and Enforcement.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

William C. Brooks, of Michigan, to be an Assistant Secretary of Labor.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HEINZ:

S. 1406. A bill to amend the United States Housing Act of 1937; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY (for himself, Mr.

ADAMS, Mr. CONRAD, Mr. BURDICK, Mrs. KASSEBAUM, Mr. COHEN, Mr. EXON, Mr. DECONCINI, and Mr. ROTH):

S. 1407. A bill to reform the laws relating to former Presidents; to the Committee on Governmental Affairs.

By Mr. BENTSEN:

S. 1408. A bill for the relief of Pedro De Keraty; to the Committee on the Judiciary.

By Mr. WALLOP:

S. 1409. A bill to amend title IV of the Social Security Act to require a drug test for certain applicants and individuals requesting or receiving aid to families with depend-

ent children; and for other purposes; to the Committee on Finance.

By Mr. DODD (for himself and Mr. HEINZ) (by request):

S. 1410. A bill to provide for the self-regulation of investment advisers; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DASCHLE:

S. 1411. A bill to amend the Food Security Act of 1985 to encourage the planting of trees on conservation reserve acreage, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BURDICK, Mr. MATSUNAGA, Mr. CONRAD, Mr. PRYOR, Mr. WALLOP, Mr. WARNER, Mr. DECONCINI, Mr. BUMPERS, Mr. DASCHLE, Mr. BRYAN, Mr. LEVIN, Mr. DURENBERGER, Mr. PRESSLER, and Mr. CRANSTON):

S. 1412. A bill to fund the essential air service program from the Airport and Airway Trust Fund, and for other purposes; to the Committee on Finance.

By Mr. COHEN (for himself and Mr. MITCHELL):

S. 1413. A bill to settle all claims of the Aroostook Band of Micmacs resulting from the Band's omission from the Maine Indian Claims Settlement Act of 1980, and for other purposes; to the Select Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself, Mr. MITCHELL, Mr. WILSON, Mr. CRANSTON, and Mr. DURENBERGER):

S. Res. 158. Resolution commending rock climbers Mark Wellman and Mike Corbett; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEINZ:

S. 1406. A bill to amend the United States Housing Act of 1937; to the Committee on Banking, Housing, and Urban Affairs.

SAFE AND DECENT HOUSING ACT OF 1989

Mr. HEINZ. Mr. President, I rise today to introduce legislation that would permanently authorize the Secretary of Housing and Urban Development to take rapid and effective action to evict persons engaged in drug dealing and other dangerous criminal activities from our Nation's public housing.

The prevalence of drugs in public housing has become a pressing issue of national concern. Secretary of HUD Kemp deserves great credit for the elevation of this issue high on our national agenda. The war on drugs is a fight we must win but even in public housing it is a battle that the Secretary himself alone cannot win. He needs our help, and indeed from my own visit to our public housing communities throughout Pennsylvania, Mr. President, I have become convinced that Congress can and must do more

not only to assist the Secretary but to fulfill our responsibility to make public housing decent, safe and drug free.

Though I note that last February when Senator SPECTER and I accompanied Secretary Kemp to Philadelphia, he visited the Richard Allen home, a public housing community there, and he noticed four men huddled around a barrel keeping warm outside. The tenant manager leader explained to him that those four men were crack dealers, and their presence was as common as cold was in February.

Drug dealings are daily occurrences across our Nation, and families who live in federally-assisted housing are at particular risk. Drug-related crime threatens the fundamental promise of decent and safe housing for the law-abiding families that live in public housing communities.

We may not be able to clear the Nation's streets of drug dealers as quickly as we would like, but we surely ought to kick them out of taxpayer-supported housing. Expedited eviction procedures make certain that drug dealers don't stick around because of red tape.

We all ought to be concerned about an individual receiving due process, a fair hearing when threatened with the loss of a government benefit. But we must be equally, if not more, concerned about providing a drug-free environment for America's children to grow up in. These children have already entered this world at a disadvantage: They are likely to be poor, to receive inadequate health care, to have inferior educational opportunities available to them.

The random and organized violence, the temptation, the addiction associated with drugs only makes a bad situation worse. Removing drug dealers won't solve all of our problems in public housing. That is for sure. But it will help these families struggling to raise their children in a decent and livable environment—families, I might add, who have asked for our help.

In my judgment, it lacks logic that public housing authorities are subject to an additional, quasi-judicial, hearing process, prior to evicting tenants engaged in criminal activity.

State courts provide tenants due process, and State courts are better able to interpret State landlord-tenant laws than a panel made of representatives of the tenant, the PHA, a third-party auspices under HUD. That is the procedure I am talking about. Those panels' decisions are for the most part nonbinding. All they do is add months up to even years of delay for the removal of drug peddlers, and the time, therefore, has come to do all we can to ensure that our taxpayers' dollars go to provide public housing that is decent, safe and drug free.

By permanently authorizing the Secretary of Housing and Urban Develop-

ment to grant administrative hearing waivers in cases where public housing authority seeks to evict persons engaged in criminal activity, my legislation will remove a time consuming and needless barrier to the speedy removal of those who deal drugs, destruction and death in and around public housing, and whose daily presence defiles and endangers the poorest and most helpless in our society.

Mr. President, Secretary Kemp is to be commended for his efforts in this regard. My legislation sends a strong signal that the Congress fully supports him. More importantly, it sends an even stronger signal to the dope dealers: "cease and desist this despicable activity or lose the privilege of living in assisted housing."

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 2. SHORT TITLE.

This Act may be cited as the "Safe and Decent Housing Act of 1989".

SEC. 2. EXCLUSION FROM THE LEASE AND GRIEVANCE PROCEDURE FOR ANY EVICTION OR TERMINATION OF TENANCY FOR CRIMINAL ACTIVITY.

Section 6(k) of the United States Housing Act of 1937 is amended by striking the last sentence and inserting the following: "An agency may exclude from its procedure any grievance concerning an eviction or termination of tenancy of criminal activity, including drug-related criminal activity, in accordance with subsection (1)(5). An agency may exclude from its procedure any other grievance concerning an eviction or termination of tenancy in any jurisdiction which requires that, prior to eviction, a tenant be given a hearing in court which the Secretary determines provides the basic elements of due process."

SEC. 3. NOTIFICATION BY PUBLIC HOUSING AGENCY TO THE UNITED STATES POSTAL SERVICE THAT TENANTS HAVE BEEN EVICTED FROM PUBLIC HOUSING FOR DRUG-RELATED CRIMINAL ACTIVITIES.

Section 6 of the United States Housing Act of 1937 is amended by adding at the end the following new subsection:

"(n) Where a public housing agency evicts any member of the household from a dwelling unit for engaging in drug-related criminal activity (as defined in subsection (1)), the public housing agency shall notify the local post office serving that dwelling unit that the household member is no longer residing in the dwelling unit."

By Mr. GRASSLEY (for himself, Mr. ADAMS, Mr. CONRAD, Mr. BURDICK, Mrs. KASSEBAUM, Mr. COHEN, Mr. EXON, Mr. DECONCINI, and Mr. ROTH):

S. 1407. A bill to reform the laws relating to former Presidents; to the Committee on Governmental Affairs.

FORMER PRESIDENTS ACT

Mr. GRASSLEY. Mr. President, today I am introducing the Former Presidents Act of 1989. I am pleased that Senators ADAMS, CONRAD, BURDICK, KASSEBAUM, COHEN, EXON, and DeCONCINI are joining me as cosponsors.

I know I am no Senator Chiles and I know my 99 colleagues know that, but I want this body to know, since Senator Chiles is retired from this body and he introduced a very good piece of legislation over the last several years that, in his absence I am introducing.

As many of you recall, my good friend Senator Chiles probably knew more about this topic than anyone else that I know. He introduced this legislation in each of the previous five Congresses.

I would like to quote from Senator Chiles' statement when he introduced the bill last year. This statement clearly describes why this legislation is necessary:

Congress has repeatedly affirmed a national policy ensuring each former President a dignified retired life. . . . But the increase in expenditures we have experienced since the program's inception greatly exceeds original program expectations. More importantly, tax dollars have been used to help former Presidents become wealthy. This is a consequence never envisioned by the lawmakers who authorized the original acts. It decreases citizen confidence and respect for the institution of the American Presidency.

In the 99th Congress the Senate unanimously passed the Chiles bill in a form identical to the one I am introducing today.

With the election of a new President, we now fund benefits for four individuals, their families, and staffs. These benefits include franking privileges, Secret Service protection, Presidential libraries and museums, and generous pensions.

I believe that this bill has public support and should be enacted in the 101st Congress. Constituents are responding in a decidedly negative way.

Our bill will reduce the costs of providing benefits to former Presidents and their dependents. It will not, however, compromise their right to dignified retirement.

Currently, however, there is no limit on the amount of spending for former occupants of the Oval Office.

According to the General Accounting Office, in fiscal year 1987, former President Nixon received \$369,990 in taxpayer dollars. Former President Ford received \$343,182. And former President Carter was the recipient of \$276,280.

Mr. President, this sum of money excluded their pension payments.

With four ex-Presidents and their dependents, these costs will just continue to grow.

Since 1955, the costs of this program have grown from \$64,000 to \$28 mil-

lion for the 1988 fiscal year. This total includes over \$16 million for Presidential libraries and an estimated \$10 million for Secret Service protection.

While the premise behind benefits for former Presidents is worthy, the law has far exceeded its original intentions when enacted in 1955. These taxpayer-provided benefits allow former Presidents to live as a privileged elite.

While they should be rewarded for their service to this country, it is not appropriate to treat them as royalty, at taxpayer expense.

To bring things more into line with the original intent of the law, this bill brings reasonable controls to the former President program. It targets life-time, around-the-clock Secret Service protection; funds for office space and staff; and luxurious pensions for the former President's dependents.

While the need to protect former Presidents is valid, the need probably diminishes over the lifetime of a former President. This has been acknowledged by former President Nixon, who voluntarily relinquished his Secret Service protection.

With this bill, Congress guarantees 5 years of unlimited protection. The necessity for Secret Service protection would then be reviewed annually. Should the need for protection recur, it could be restored immediately.

This bill will also limit the amount of money a former President receives for staff and office space. Under our bill, the staff allowance would be \$300,000 a year, reduced to \$200,000 a year over the next 9 years.

Office funds could not be utilized for partisan or income-generating activities.

Finally, this bill will set the pension available to the former President's surviving spouse at two-thirds of the pension that was provided to the former President.

Last, Mr. President, Congress should curtail the impression that these benefits are unregulated and uncontrolled rights.

I agree that our former heads of State should not feel obligated to commercialize their Presidential experience in order to make a living. I also do not think it is appropriate to set up an imperial class composed of former leaders.

I believe that this bill would make significant progress toward restoring credibility and integrity to Federal Government officials.

Mr. President, I ask unanimous consent that the bill and its summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1407

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this

Act may be cited as the "Former Presidents Act of 1989".

TITLE I—FORMER PRESIDENTS

SPOUSAL PENSIONS

SEC. 101. Subsection (e) of the first section of the Act entitled "An Act to provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes", approved August 25, 1958 (72 Stat. 838; 3 U.S.C. 102 note) is amended to read as follows:

"(e) The surviving spouse of a deceased former President shall be entitled to receive from the United States a monetary allowance at a rate per annum, payable monthly by the Secretary of the Treasury, which is equal to two-thirds of the rate which is payable under subsection (a) to a former President. The monetary allowance of such surviving spouse—

"(1) commences on the day after the former President dies;

"(2) terminates on the last day of the month before such surviving spouse—

"(A) dies; or

"(B) remarries before becoming sixty years of age; and

"(3) is not payable for any period during which such surviving spouse holds an appointive or elective office or position in or under the Federal Government or the government of the District of Columbia to which is attached a rate of pay other than a nominal rate."

OFFICE AND STAFF FOR FORMER PRESIDENTS

SEC. 102. (a) Subsections (b) and (c) of the first section of the Act entitled "An Act to provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes", approved August 25, 1958 (72 Stat. 838; 3 U.S.C. 102 note) are amended to read as follows:

"(b)(1) The Administrator of General Services (hereinafter referred to as the 'Administrator') is authorized to provide to each former President, upon request, necessary services and facilities, including—

"(A) one suitable office, not to exceed four thousand square feet in area unless the Administrator determines that circumstances exist to warrant the provision of an office in excess of four thousand square feet, in a public building owned or leased by the United States in a location in the United States as the former President shall designate;

"(B) appropriate equipment for such office, including furniture, furnishings, office machines and equipment, and office supplies, as determined by the Administrator after consultation with the former President or the individual designated by the former President under subsection (c);

"(C) payment of the compensation of members of an office staff designated by the former President at rates determined by the former President which are not in excess of the rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code, except that notwithstanding any other provision of law, persons receiving compensation as members of an office staff of a former President under this subsection shall not be considered to be employees of the Federal Government except for purposes of chapters 81, 83, 84, 87, and 89 of title 5, United States Code;

"(D) payment of travel expenses and subsistence allowances, including rental of Government or hired motor vehicles, found nec-

essary by the former President, as authorized for employees serving intermittently under section 5703 of such title;

"(E) when authorized by the President, transportation on Government aircraft or Government chartered aircraft solely for the purpose of enabling a former President to complete the affairs of such former President's office and otherwise as required incidentally to protect such former President;

"(F) communications services found necessary by the former President;

"(G) payment of expenses for necessary printing and binding, notwithstanding the provisions of section 501 of title 44, United States Code; and

"(H) movement of the personal effects and household goods of a former President and the family of the former President from the Executive Residence at the White House in Washington, the District of Columbia, to a location in the United States selected by such former President.

"(2) Any Federal employee may be detailed to the office staff of a former President on a reimbursable basis with the consent of the head of the agency involved. Any such detail shall be for a period not in excess of eight months and ten days after the date on which the former President leaves office. An employee detailed to the office of a former President shall be responsible only to the former President for the performance of such employee's duties during the period of such detail. An employee detailed under this paragraph is deemed, for the purpose of preserving the employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which such employee is detailed, and such employee is entitled to pay, allowances, and benefits from funds available to that agency. The authorization and payment of such allowances and other benefits from appropriations available therefor is deemed to comply with section 5536 of title 5, United States Code.

"(3) The costs of providing transportation to a former President under subparagraph (E) of paragraph (1) shall be paid from amounts appropriated for such former President under subsection (i) and from such amounts as may be collected by the Administrator from the Secret Service, other Federal agencies, or other persons for the use of space on Government aircraft or Government chartered aircraft and are credited (with respect to such former President) to the account for appropriations under this Act.

"(c) Each former President may designate to the Administrator an individual authorized to make, on the behalf of such former President, such designations or findings of necessity as may be required in connection with the services and facilities to be provided under subsection (b)."

(b)(1)(A) Subsection (e) of such section (as amended by section 101 of this Act) is redesignated as subsection (j).

(B) Subsection (f) of such section is redesignated as subsection (k).

(2) Such section is amended by inserting immediately after subsection (c) the following new subsections:

"(d) Funds provided for necessary services and facilities for a former President under this Act shall be used for activities which are the direct result of such former President having held the office of President. Such funds may not be used for partisan political activities or income generating activities (including the preparation of the memoirs of such former President and the prepa-

ration for any speech, radio or television appearance, or other activity for which such former President will receive any compensation or honorarium), as determined under standards established by the Administrator.

"(e)(1) The Administrator is authorized to provide necessary services and facilities to a former Vice President for use in connection with winding up the affairs of office of such former Vice President. Such services and facilities shall be of the same general character as the services and facilities provided to a former President under subsection (b). The Administrator shall provide for the movement of the personal effects and household goods of a former Vice President and the family of the former Vice President from the Vice President's House in Washington, the District of Columbia, to a location in the United States selected by such former Vice President.

"(2) Each former Vice President shall be entitled to conveyance within the United States and its territories and possessions of all mail matter, including airmail, sent by such former Vice President under the written autograph signature of such former Vice President in connection with preparations for winding up of official duties as Vice President.

"(3) No funds for necessary services and facilities provided to a former Vice President under this Act shall be used for partisan political activities or income generating activities (including the preparation of the memoirs of such former Vice President and the preparation for any speech, radio or television appearance, or other activity for which such former Vice President will receive any compensation or honorarium), as determined under standards established by the Administrator.

"(f) No funds appropriated under this Act may be expended by the Administrator for the provision of services and facilities under this Act with respect to a former President or former Vice President at any time after ninety days after the date on which such former President or former Vice President dies.

"(g) Except for expenditures from an imprest fund consisting of such amounts as the Administrator shall determine, any expenditure of funds under this Act may be made only with the prior approval of the Administrator or the designee of the Administrator.

"(h) By March 1 of each year, each former President shall prepare and transmit to the Committee on Governmental Affairs of the Senate, the Committee on Government Operations of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives a report concerning activities carried out with the funds for necessary services and facilities provided under this Act.

"(i)(1) To carry out the provisions of subsections (b) and (e), there are authorized to be appropriated to the Administrator with respect to a former President and former Vice President a total of \$1,000,000 for the fiscal year in which the term of a former President expires, except that no funds appropriated pursuant to this paragraph shall be available for expenditure until the day on which such term expires.

"(2) Except as provided in paragraphs (3) and (4), to carry out the provisions of subsection (b) with respect to each former President, there are authorized to be appropriated to the Administrator—

"(A) \$300,000 for each of the first four fiscal years beginning after the fiscal year

in which the term of a former President expired;

"(B) \$250,000 for the fifth and each of the three succeeding fiscal years beginning after the fiscal year in which the term of a former President expired; and

"(C) \$200,000 for the ninth and each of the succeeding fiscal years beginning after the fiscal year in which the term of a former President expired.

"(3) Except as provided in paragraph (4), to carry out the provisions of subsection (b) with respect to any individual who is a former President on the date of enactment of this subsection, there are authorized to be appropriated to the Administrator—

"(A) \$300,000 for each of the four fiscal years beginning after the fiscal year in which this subsection is enacted;

"(B) \$250,000 for the fifth and each of the three succeeding fiscal years beginning after the fiscal year in which this subsection is enacted; and

"(C) \$200,000 for the ninth and each succeeding fiscal year beginning after the fiscal year in which this subsection is enacted.

"(4) The provisions of paragraphs (2) and (3) shall cease to be in effect ten years after the date of the enactment of this subsection."

(c) Section 4 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is repealed.

(d) Section 6 of such Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 6. There are authorized to be appropriated to the Administrator such sums as may be necessary for carrying out the purposes of this Act, except that with respect to any one Presidential transition not more than \$2,000,000 may be appropriated for the purposes of providing services and facilities to the President-elect and Vice-President-elect under section 3. The President shall include in the budget transmitted to Congress, for each fiscal year in which the President's regular term of office will expire, a proposed appropriation for carrying out the purposes of this Act."

TITLE II—PROTECTION OF FORMER PRESIDENTS AND FORMER VICE PRESIDENTS

PROTECTION AUTHORIZED

SEC. 201. (a) On or after the date of enactment of this Act, no Secret Service protection shall be provided to a former President or to the spouse or child of a former President, unless such protection is authorized by subsection (b) or is extended or reinstated by the Secretary of the Treasury or the President in accordance with section 202.

(b)(1) The Secret Service is authorized to protect a former President after the date of the enactment of this Act for a period of five years beginning on the date of the enactment of this Act or on the date on which an individual becomes a former President, whichever is later, and for such additional periods as the Secretary of the Treasury may authorize under section 202.

(2)(A) Except as provided in paragraphs (3) and (4), the Secret Service is authorized to protect the spouse and each child of a former President after the date of the enactment of this Act for a period of two years beginning on the date of the enactment of this Act or on the date on which such former President becomes a former President, whichever is later, and for such additional periods as the Secretary of the Treasury may authorize under section 202.

(B) After the expiration of the period described in subparagraph (A), the Secret Service is authorized to protect the spouse and each child of a former President who is receiving protection under paragraph (1) to the extent that such protection is incidental to the protection of the former President, except as provided in paragraph (4).

(3) If, after the date of the enactment of this Act, a former President dies before the expiration of the two-year period for which Secret Service protection of the spouse and each child of such former President is authorized under paragraph (2)(A), the Secret Service is authorized to protect such spouse and each such child—

(A) for whichever is the greater period of—

(i) six months after the date on which such former President dies; or

(ii) the amount of time remaining in the two-year period for which such spouse or child would have received protection under paragraph (2)(A) had such former President lived until the end of such two-year period; and

(B) for such additional periods as the Secretary of the Treasury may authorize under section 202.

(4) If a former President dies after the expiration of the two-year period during which the spouse and each child of such former President received Secret Service protection under paragraph (2)(A), the Secret Service is authorized to protect such spouse and each such child of such deceased former President for a period of six months after the date on which such former President dies, and for such additional periods as the Secretary of the Treasury may authorize under section 202.

EXTENSION OR REINSTATEMENT OF PROTECTION

SEC. 202. (a) The Secretary of the Treasury may extend or reinstate Secret Service protection provided under section 201—

(1) in the case of a former President, for one or more one-year periods; and

(2) in the case of a spouse or child of a former President, for one or more six-month periods,

upon a finding that a threat warranting such protection exists to the individual.

(b)(1) No extension or reinstatement of Secret Service protection under subsection (a) for an individual shall become effective—

(A) unless the Secretary of the Treasury submits a notice to the Congress specifying that the Secretary has made the finding described in subsection (a) with respect to such individual; and

(B) until a period of sixty days of continuous session of the Congress after the date on which such notice is submitted has expired.

(2) For purposes of this subsection and subsection (d)(2), continuity of session is broken only by an adjournment sine die, but the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded.

(c) A former President or the spouse or a child of a former President may request the Secretary of the Treasury to extend or reinstate the Secret Service protection of such former President, spouse, or child in accordance with subsection (a). If the Secretary of the Treasury denies a request under the preceding sentence, the Secretary shall, as soon as practicable, notify the Congress of such denial.

(d) The President is authorized to direct the United States Secret Service to protect

a former President or a spouse or child of a former President upon a determination that a threat warrants emergency action. The President shall notify Congress of any such action. Such authorization shall extend for—

(1) a period not in excess of sixty calendar days; or

(2) in the case of the submission by the Secretary of the Treasury of a notice under subsection (b) within such sixty-day period, a period not in excess of the time required for the expiration of sixty days of continuous session of Congress after the date on which such notice is submitted.

PROTECTION OF FORMER VICE PRESIDENTS

SEC. 203. (a) The Secret Service is authorized to protect a former Vice President if such protection is authorized by the Secretary of the Treasury in accordance with subsection (b).

(b) The Secretary of the Treasury may authorize the provision of Secret Service protection to a former Vice President upon a finding that a threat warranting such protection exists to such former Vice President. The Secretary of the Treasury may authorize the provision of such protection for a period beginning on the date on which the Vice Presidential term of such former Vice President expires and ending on the last day of the fiscal year in which such term expired.

DEFINITIONS

SEC. 204. For purposes of this title—

(1) the term "former President" means an individual—

(A) who has held the office of President of the United States of America;

(B) whose service in such office has terminated other than by removal pursuant to section 4 of Article II of the Constitution of the United States of America; and

(C) who does not currently hold such office; and

(2) the term "child" means a child who is under the age of sixteen years.

TECHNICAL AMENDMENT

SEC. 205. Section 3056(a) of title 18, United States Code, is amended—

(1) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) Former Presidents and their spouses and children, in accordance with title II of the Former Presidents Act of 1989;"

(2) by striking out paragraph (4);

(3) by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively; and

(4) by striking out "(7)" in the last sentence and inserting in lieu thereof "(6)".

SUMMARY OF FORMER PRESIDENTS ACT OF 1989

TITLE I—OFFICE STAFF AND ALLOWANCES

Establishes an original staff allowance of \$300,000 a year, which will be reduced over a 9-year period to a ceiling of \$200,000 a year. The Administrator of the General Services Administration [GSA] is to be the accountable Federal official for supervising the allowance.

Limits each former President to one office which is to be located in a public building owned or leased by the United States. The office is not to be in excess of 4,000 square feet unless the Administrator determines unusual circumstances exist to warrant more space.

Prohibits the use of funds for either partisan political activities or income-generating activities. Funds may not be used for the

preparation of memoirs or speeches or other media engagements for which the former President is paid.

Requires each former President to submit a report by March 1 of each year concerning activities carried out with the funds for necessary services and facilities provided under the act.

Mandates a 10-year "sunset" provision for the authorization of staff allowances. The automatic termination forces Congress to redetermine what the proper funding should be at least every 10 years.

Authorizes the Administrator of GSA to provide necessary services and facilities to a former Vice President for winding up the affairs of Office.

Places the pension of a surviving spouse at two-thirds the level of a former President's pension if the former President were alive.

TITLE II—PRESIDENTIAL PROTECTION

Specifies a former President may have automatic, around the clock Secret Service protection for 5 years, instead of for life. The Secretary of the Treasury must justify annually to the Congress any additional protection needed after the 5-year period.

Specifies a spouse, and surviving children to 6 months of protection after a former President dies, or to the remaining time in the 2-year period after a President leaves office, whichever is longer.

Mandates the Secretary of the Treasury to consider any request for protection by a former President, spouse, surviving spouse, children, surviving children, and report to Congress if the request is not acted upon.

Authorizes the President to direct the Secret Service to protect a former President, spouse, surviving spouse, child, or surviving child upon determining that a threat warrants emergency action. The President shall notify Congress and such authorization shall not extend beyond 60 days, or beyond the time needed for congressional review once the Secretary of the Treasury has submitted a request.

Limits protection of former Vice Presidents from their last day in office to the end of that fiscal year.

Mr. DECONCINI. Mr. President, I am pleased to join my colleague, Senator GRASSLEY, in reintroducing the Former Presidents Act. The bill we are introducing does not abandon our former Presidents. It simply makes the changes necessary to keep these pensions consistent with the needs for these former Presidents.

Our Presidents deserve a dignified retirement. They have been leaders of the free world. However, they are not poor. They are not suffering in their retirement the way Mary Todd Lincoln suffered years after her husband's assassination. Further, I would remind my colleagues that the costs of maintaining four Presidents pensions has become increasingly high.

First, costs are high, and Presidents have incomes outside their pensions to cover certain expenses. Since 1959, the cost for providing benefits to Presidents and their wives has grown from \$147,000 to nearly \$28 million in 1987. This figure does not even include former President Reagan's benefits. While the cost of the pensions is rising, the Presidents' incomes are also

rising. Presidents earn thousands of dollars in honoraria for speaking engagements, profits from the sales of memoirs, as well as the resources from their own independent wealth, to say nothing of the other pensions to which they may be entitled. With these sources of income, the need for an all-encompassing pension plan with Secret Service protection and office expenses vanishes.

The Presidents themselves realize the burden their pensions place on the taxpayer, and some of them have adjusted their own benefits. President Nixon no longer accepts round-the-clock Secret Service protection. Instead, he pays for his own security. President Carter has returned funds made available to him each year.

I would also note for the record that those of us on the Appropriations Committee who would like to address this issue must first be authorized to do so. Therefore, I urge all of my colleagues to support this legislation.

By Mr. WALLOP:

S. 1409. A bill to amend title IV of the Social Security Act to require a drug test for certain applicants and individuals requesting or receiving aid to families with dependent children; and for other purposes; to the Committee on Finance.

DRUG-FREE PUBLIC ASSISTANCE

● Mr. WALLOP. Mr. President, in periods of economic or international turbulence, our political sensitivities are both raised and focused on whatever the current crisis happens to be. We all recall the hyperinflation and our virtual unilateral disarmament in the late 1970's. The threats were visible and clear. We elected a President who had a firm and concise program to respond to these twin challenges. Today, we are in the 80th month of economic growth with low inflation. And the Soviets have virtually conceded that their bizarre system does not work.

We should enter the last decade of this century basking in the triumph of American ideals. Our political concerns should be based on peace and prosperity. However, we are threatened with a catastrophe that is potentially more damaging than any economic or military challenge. It is an attack on the moral basis of our society. The enemy is drugs.

The proliferation of highly addictive drugs, such as crack, threatens to turn many urban areas into wastelands. And, the drug plague is moving out into suburban and rural areas. Washington, the seat of our government, is viewed worldwide as the murder and drug capitol of the United States. In all our urban communities, youth are being lured into the drug culture with the promise of easy money rather than developing the skills necessary to be a productive member of our society.

Last year, we passed an omnibus drug bill, a political response to a cultural problem. The bill promised more rehabilitation services for drug addicts and tougher jail terms for drug pushers—something for everyone. What will come of this Members' reelection package remains to be seen.

There is one missing element in the Federal response to the drug crisis. We worry about the self-esteem of drug abusers, so we fund efforts to improve how they feel about themselves. We will also take drug dealers out of circulation through stiff jail sentences. But, our fascination with self-esteem and punishment has led us to give little attention to the most critical element in this mix, self-discipline. Until individuals are fully aware that they are responsible for their actions, the drug culture will remain with us.

A stable society is based on specified beliefs and rituals. Unfortunately, our traditional rituals for incorporating our youth into the American culture were abandoned in the late 1960's. The trend was to "do your own thing", and anything became permissible. In the process of promoting self-absorption, the discipline, that is instilled through the rituals of becoming an adult in our society, was lost. Now, we have to recover this discipline, this sense of responsibility that is a fundamental attribute of the American culture.

The first step is to declare that those who enter the drug culture are responsible for their actions. Jack Kemp, the Secretary of Housing and Urban Development, has recently initiated a policy of responsibility for those individuals who reside in public housing. In effect, he has decided that drug abusers and their families will not reside in taxpayer-financed public housing. It is a sensible and timely policy. But, I believe the concept of responsibility can and should be much broader than simply applied to public housing. That is the purpose of the legislation I am introducing today.

Last year, as we worked on the omnibus drug bill, the Congress was also working on a major reform of the welfare laws. When the Senate debated the welfare proposal, I offered an amendment. In a sense, it went to the heart of the issue of welfare reform. We are not going to reduce welfare rolls until people accept responsibility for organizing themselves, for seeking employment, and for raising their families in short for all the normal activities of life.

What I proposed simply required people seeking public assistance to be drug free. Anyone applying for welfare benefits should not be a drug user or pusher. My amendment would require testing for drug abuse. If the individual tested positive, they would have to sign up for a drug rehabilitation program if they wanted to receive public assistance. Periodic random drug test-

ing of welfare recipients would also be required. I do not believe it to be too great an imposition to insist that individuals, supported by the taxpayers, exercise self-denial and avoid drug abuse.

I briefly discussed this issue with our colleague from New York, Senator MOYNIHAN, the floor manager of the welfare reform bill. While he told me he could support the concept, it should wait until we took up the drug bill. In addition, he indicated that the welfare bill did contain a provision which began to address the drugs and welfare dilemma. It was a start, but certainly not the final answer to the problem, which Senator MOYNIHAN indicated was a murderous assault on children in poverty.

My colleagues may recall a news story last winter about the mayor of San Diego, Maureen O'Connor, toured her city as a homeless person for several days. She discovered that many of the homeless had funds because welfare checks had been distributed the day before her tour. What was disturbing to her was the use of their welfare payments to buy drugs with troubling ease and frequency.

So, my amendment was not offered to the welfare bill; it was suggested that I hold off and save it for the drug bill. When we finally debated the drug bill, it was late in the session. I was confronted with the situation where deals had been cut, and no one wanted any amendments to slow down the drug package. Congress avoided a good concept, not once, but twice. I intend to persevere, and today, am reintroducing this legislation. I hope that it will become part of our national drug strategy.

Mr. President, I ask unanimous consent that the bill, the news article about Mayor O'Connor, and a recent column by Charles Krauthammer on drugs and self-denial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DRUG TESTS FOR CERTAIN INDIVIDUALS APPLYING FOR OR RECEIVING AID TO FAMILIES WITH DEPENDENT CHILDREN.

Section 402 (a) of the Social Security Act (42 U.S.C. 602(a)) is amended—

(1) by striking out "and" at the end of paragraph (39);

(2) by striking out the period at the end of paragraph (40) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(41) provide that the State agency—
"(A) shall require each applicant who is a parent or caretaker of a dependent child, as a condition of eligibility for aid under this

part, to submit to a confidential test for illegal drugs approved by the Secretary;

"(B) shall implement a drug testing program under which any individual who receives aid under this part may be selected to submit to a confidential test for illegal drugs approved by the Secretary (such individuals selected for testing under this clause shall be selected on a random basis);

"(C) shall require that any individual required or selected to submit to a test for illegal drugs under this paragraph resulting in evidence of illegal drug use by such individual shall register for and participate in a drug treatment program approved by the State as a condition for continued eligibility for aid under this part; and

"(D) shall provide that—

"(i) if an individual who is required or selected pursuant to the provisions of this paragraph to submit to a test for illegal drugs and without good cause fails to submit to such test or refuses to participate in the State approved drug treatment program the needs of such individual shall not be taken into account with respect to such individual's family under paragraph (7) of this subsection, and if such individual is the parent or other caretaker relative, payments of aid of any dependent child in the family in the form of payments described in section 406(b)(2) (which in such case shall be without regard to clauses (A) through (D) thereof) will be made unless the State agency, after making reasonable efforts, is unable to locate an appropriate individual to whom such payments can be made;

"(ii) any sanction described in clause (i) shall continue—

"(I) in the case of the individual's first failure to comply, until the failure to comply ceases;

"(II) in the case of the individual's second failure to comply, until the failure to comply ceases or 3 months (whichever is longer); and

"(III) in the case of any subsequent failure to comply, until the failure to comply ceases or 6 months (whichever is longer); and

"(iii) the State will promptly remind any individual whose failure to comply has continued for 3 months, in writing, of the individual's option to end the sanction by terminating such failure."

SEC. 2. DEFINITION OF ILLEGAL DRUGS.

Section 406 of the Social Security Act (42 U.S.C. 606) is amended by adding at the end thereof the following new subsection:

"(i) The term 'illegal drugs' means a controlled substance in Schedule I or II, as defined under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)); the possession of which is unlawful under such Act. The term 'illegal drugs' does not include a controlled substance used pursuant to a valid prescription or authorized by law."

SEC. 3. REGULATIONS.

The Secretary of Health and Human Services shall prescribe such regulations as the Secretary deems necessary to implement the illegal drug testing program and required by the amendments made by section 2.

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall become effective on October 1, 1990.

DOWN AND OUT FOR 48 HOURS IN SAN DIEGO—MAYOR SURREPTITIOUSLY JOINS CITY'S HOMELESS

(By Jay Mathews)

SAN DIEGO.—Maureen O'Connor, a politician with an adventurous streak, had spent

36 hours successfully posing as a homeless person, but now a shelter manager was looking at her suspiciously and asking that she remove her sunglasses. Had she been found out?

"Oh, I never take off my glasses," O'Connor told the woman, hoping that the rest of her costume—baseball cap, jeans, work shirt and backpack—would reinforce her aura of eccentricity.

"Take them off," the woman repeated, unimpressed. "Nobody gets in here who isn't clean and sober."

The eyes of the mayor of this city were inspected and found acceptable, and O'Connor, signing in under her mother's maiden name, Frances Shinnick, was allowed to spend a restless night on floor mats at Rachel's Women's Center on Eighth Avenue.

The last few weeks have been difficult ones for the cause of the homeless. New York Mayor Edward I. Koch's campaign against panhandlers has produced intense publicity. Federal funding has increased but, with winter approaching, the demand for housing for the homeless far exceeds the supply.

Elected mayor in 1986 of what is today the nation's seventh largest city and reelected this year with 60 percent of the vote, O'Connor, 42, a Democrat has been a regular volunteer in a soup kitchen run by a Roman Catholic Church. She is the chairman of a regional task force for the homeless.

Much of what she had learned about the problems of the homeless came from staff reports, she said, that included language obscured or softened to satisfy bureaucratic whims.

"I decided I had to get out there myself, so I wouldn't get a filtered version," she said, reflecting on her 48 hours on the streets last weekend.

At 5-foot-1, San Diego's first female mayor has never been one to stand out in a crowd. From the beginning of her wanderings downtown that started on a Friday morning, she said she found that her costume and the fact that she was accompanied by two local reporters in similar garb rendered her virtually invisible.

Two plainclothes police officers kept track of the mayor from a discreet distance.

San Diego Tribune reporter Alison DaRosa, one of the mayor's companions, noted that prominent city officials and persons who had known and worked with O'Connor for years looked right past her. These included America's Cup yacht captain Dennis Conner, former city council member Bill Mitchell and deputy police chief Norm Stamper, DaRosa said.

Only three people recognized her. Two were homeless women who said they knew her from the soup kitchen. "Only homeless people bother to really look at other homeless people," O'Connor said. The third was a nun who caught O'Connor reading a newspaper, "You should know," the nun told the mayor, "that homeless people don't read the financial page."

Over two days and nights, O'Connor said, she slept fitfully under bushes in Balboa Park that turn out to be a homosexual rendezvous, learned how to spot a drug deal and gave up her bed sheets at the shelter to a woman raving incoherently about homicide.

The mayor concluded that, although facilities for the homeless were accessible and well-run, many of the street people were too wedded to their private worlds and personal problems to make good use of them.

"There are plenty of opportunities available . . . but when they go to the shelters, they have to start complying with the rules," O'Connor said. "If you put some of them on any kind of schedule, they come to resent it."

Mental illness and crime complicate the picture, making homelessness seem "more intractable than I thought it was" a week before the experience, she said.

Long after the mayor's unusual tour ended, her husband, Robert O. Peterson, a retired Jack in the Box restaurant magnate, still knew nothing about it. Two days before she went underground, he had left for a fishing trip off the west coast of Canada.

"I don't think he'll be surprised," O'Connor said, adding that he probably would enjoy himself more if she didn't reveal her plans beforehand.

O'Connor carried a backpack that contained a sleeping bag, toothbrush, comb, sunscreen lotion, two small bottles of mineral water and a bag of marshmallow peanuts.

She climbed a steep embankment from Highway 163 to sneak into Balboa Park through a hole in the fence and dashed out of what appeared to be a good sleeping spot when the automatic ground sprinklers clicked on. Her feet swelled and began to hurt. When she finally found a place to sleep, she was awakened repeatedly by flashlights and loud comments as homosexuals sought seclusion in what they apparently considered their part of the park.

O'Connor said she carried \$10, but discovered that many of the homeless had far more because they had cashed welfare checks that had just arrived on Sept. 1, the day before her unusual tour began.

Some spent their money on cheap hotel rooms, leaving the shelters with many vacancies, and some bought drugs with troubling ease and frequency, O'Connor said.

"It's something I'm going to talk to the city manager about," she said. Drug deals were frequent throughout the weekend, she said, yet she saw no police patrols. One man, with a beeper, dispensed what appeared to be heroin from a shopping cart full of old aluminum cans.

Constituents have congratulated O'Connor for her initiative. She comes from an athletic family, whose members concluded that "if Maureen got into trouble, at least she can run fast," she said.

When she appeared as mayor at Rachel's Women's Center the day after, many shelter residents wept and thanked her for taking the trouble to share their lives.

Reaction from her husband was to come when she met him at the airport after his trip. "I'll just give him the newspaper and say, 'Maybe you ought to read this.'"

AN ANSWER FOR PATRICIA GODLEY

(By Charles Krauthammer)

So the Atlanta cabby tells his fare, Prof. Allan Bloom, that he has just gotten out of prison where, happily, with the help of psychotherapy, he "found his identity and learned to like himself." Observes Bloom: "A generation earlier he would have found God and learned to despise himself." But rebuilding life in a spirit of humility is not the American way. The indispensable element of modern rehabilitation is the acquisition of self-love.

You would think that narcissism, excessive and exclusive self-love, might qualify as a vice. In fact, in today's America, it might be the ultimate virtue or, more accurately, the prerequisite for all virtue. It is, after all,

common and endlessly repeated wisdom that one cannot begin to love others until one has come to love oneself.

In the age of Donahue, the commandment is: Love thyself, then thy neighbor. The formulation is a license for unremitting self-indulgence, since the quest for self-love is never finished and since the obligation to love others must be deferred while the search continues. No distractions please. First things first.

The ideology of self-love enjoyed currency during the '70s as a form of psychic recreation of the Me Generation. It has now been resurrected as a cure for the social pathologies of the '80s, for the drug and other behavioral epidemics that ravage the nation and particularly the inner cities.

The conventional wisdom is that people are acting so self-destructively because of an absence of self-worth. Until they can learn to love themselves, they will continue to damage both themselves and others. A riveting example of this kind of logic was displayed last week on Ted Koppel's three-hour extravaganza on Washington's drug epidemic. The last speaker, a woman named Patricia Godley, took the stage and held it with a mesmerizing confessional. She confessed variously to having been a convict, an addict, and a failed parent. (A son, who grew up illiterate and disabled while she was addicted, had recently been killed in the city's drug wars.)

She was struggling now to learn to value herself. She demanded help. Her plea to mayor and moderator and audience and anyone else who would listen was: "Make me know that I am worth fighting for. . . . Make me feel like I can do it." Koppel so congratulated her for "telling it like it is" that he ended the show right there, saying that there was nothing more to be said on the subject.

She had told it like it is, or at least as we would like to hear it. If the problem of the underclass is that of self-worth, then all we need is some good psychotherapy and a few "I am somebody" recitations, and we are on our way. Easier than that to seek the roots of underclass misery in economic, social and family structures.

Daniel Moynihan has pointed out recently that in the inner city there is an alarming new trend: a descent from single-parent to no-parent families as the mother is engulfed in the crack culture. We are producing a generation of orphans.

Societies have occasional success bringing up orphans, but on a large scale it is a losing proposition. The welfare state was originally called upon to supplement families. It is now called upon to substitute for them, and that is clearly impossible. The state cannot undo the devastation that comes from parental abandonment. Nor is it equipped to train parents.

Cried Patricia Godley, "What can you do to help me be something I have never been, a parent?" The answer, properly, is "almost nothing." We can give you day care and food stamps and supplement your income, but teaching a mother to mother is not something that the state is designed to do. The culture, the community, the family have to do it. If they don't, it does not get done.

And when it does not get done, the harm that results is not undone by mantras about self-worth. Indeed, today's conventional wisdom that drug abuse and alcoholism and sexual irresponsibility come from an absence of self-worth seems to me to be precisely wrong. Drugs and sex and alcohol

have but one thing in common: they yield intense and immediate pleasure. That is why people do them. Indulgence in what used to be called vices is an act of excessive self-love. It requires such regard for one's own immediate well-being as to be oblivious to any harm that indulgence might cause others, even one's own children.

The answer to Patricia Godley is, first, that there is no way the state can make you love yourself or your child. And second, that even if there were, loving yourself certainly is not the problem. Nor is loving your child. Every mother loves her child. What is hard is to sacrifice for the child. And that requires not self-love, but its opposite, self-denial.

No one has a good answer to the pathologies that wrack the inner cities. But the latest prescription so glibly dispensed—more self-love—is an illusion. Bloom calls our attention to the modern distinction between the "inner-directed and other-directed" person. It is now believed that the former is "unqualifiedly good" and that "the healthy inner-directed person will really care for others." Bloom's response is admirably concise: "If you can believe that, you can believe anything." ●

By Mr. DODD (for himself and Mr. HEINZ) (by request):

S. 1410. A bill to provide for the self-regulation of investment advisers; to the Committee on Banking, Housing, and Urban Affairs.

INVESTMENT ADVISER SELF-REGULATION ACT

● Mr. DODD. Mr. President, today, with my colleague and ranking minority member of the Securities Subcommittee, Senator HEINZ, I am introducing, at the request of the Securities and Exchange Commission, legislation intended to provide greater protection for investors who use the services of investment advisers. We are introducing the bill at this time in order to further public debate on the problem of inspecting and regulating the growing investment adviser industry in the face of severe and continuing limits on SEC resources.

Investment advisers are individuals or firms who receive compensation for advising others about the value of securities or the advisability of purchasing or selling securities. Firms or individuals fitting the definition of investment adviser under the Investment Advisers Act of 1940 must register with the SEC, unless they fall within certain exceptions. In order to protect investors who deal with investment advisers, the SEC has the authority to routinely inspect their books and records, establish certain disclosure and other requirements, and bring civil actions for fraud and other securities law violations.

In recent years, as financial products and services have become increasingly complex, more and more investors have turned to professional advisers for help. Consequently, the number of investment advisers has grown dramatically.

Since 1980, the number of investment advisers has more than tripled,

to 15,000 currently registered with the SEC. These range from sole proprietorships, to large firms with hundreds of employees. Assets under their management have increased more than 1,000 percent, now totalling \$5.3 trillion, which is greater than the combined deposits of banks and savings and loans. These assets now amount to 20 to 25 percent of all financial assets owned by Americans. There are also approximately 200 foreign firms registered as investment advisers in this country, reflecting the increasing globalization of our financial markets.

Unlike the case with broker-dealers, which are required to belong to a registered self-regulatory organization, such as the National Association of Securities Dealers or the New York Stock Exchange, there is no self-regulatory organization for investment advisers. Consequently, while the SEC oversees NYSE and NASD inspections of broker-dealers and conducts direct inspections of only a small percentage of all broker-dealers annually, it must conduct direct inspections of all investment advisers with its own, limited examination staff.

In the face of explosive growth in this industry over the past decade, SEC staff levels devoted to supervising the industry have increased only slightly. As a consequence, the SEC is able to inspect investment advisers at the rate of only once every 12 years. Although the SEC targets higher risk advisers for more frequent inspections, and State regulators also conduct periodic inspections, the frequency of inspections clearly is not sufficient to deter fraud and detect illegal activity. By comparison, in the broker-dealer area, major firms are inspected annually by one of the self-regulatory organizations, and all firms and individuals are inspected at least once every 2 years.

In addition to the problem of supervising registered firms, there are thousands of individuals and firms that hold themselves out to be financial planners that are not registered with the SEC as investment advisers, either because they fall within one of the exemptions of the Investment Advisers Act, or they give financial advice with respect to products other than securities. In a 1987 study, the Consumer Federation of America estimated the number of financial planners in the United States could total 250,000 or more. While many are inspected and regulated under State laws, many others operate without any State or Federal supervision.

In an increasingly complicated financial environment, I believe it is critical to examine whether consumers who seek financial advice are adequately protected from fraud, mismanagement, or just incompetence. Whether it is the widow or retiree

seeking a means to preserve their assets and live comfortably for their remaining years, or the working couple looking for ways to save for their children's college education, individuals who turn to professionals for advice are vulnerable. They are looking for someone to trust. They are saying to the adviser or financial planner, "I don't know what is the best plan for me or my family. You tell me, what should I do with my savings?"

However, in some cases, advisers may be more interested in the fees they collect or in the commissions generated by the sale of products, than in rendering sound, objective advice to their clients.

In a number of studies of investment advisers, as well as financial planners more broadly, attempts have been made to gauge the amount of fraud and consumer losses. Some have estimated losses to consumers in the hundreds of millions of dollars each year. For example, a 30-State survey released in 1988 by the North American Securities Administrators Association reported \$400 million in investor losses from financial planners during a 2-year period.

My personal view is that the vast majority of financial advisers are scrupulously honest, and they care about the clients they serve. However, these professionals, too, are harmed when fraudulent, or simply incompetent, advisers take advantage of consumers seeking their help.

The Investment Adviser Self-Regulation Act, which was submitted to Congress by the SEC on June 19 of this year, is intended to address some of the problems evident in the investment adviser industry. The legislation seeks to increase the level of supervision of investment advisers, at no additional cost to the taxpayer, by amending the Investment Advisers Act of 1940 to provide for the establishment of one or more self-regulatory organizations for registered investment advisers. These associations of investment advisers would establish qualification and business practice standards, perform inspections, and enforce compliance with the law. In short, the industry itself, under tough SEC oversight, would set standards for and inspect its own members for the protection of public investors. This proposal is patterned after the self-regulatory scheme for broker-dealers established in the Securities Act of 1934.

The legislation follows several years of study and debate on this issue in the Congress, at the SEC, and in dozens of States. An 18-month SEC study issued in February 1988, led to the proposal. The Subcommittee on Consumer Affairs, which I chaired in the last Congress, held hearings on this issue last year. Nonetheless, Senator HEINZ and I expect to have additional hearings in the Securities Sub-

committee and a thorough debate before reaching a final judgment on the need for legislation, and the merits of this bill in particular, as well as on alternative proposals.

There are some who oppose the concept of self-regulation, particularly as it would apply to the investment advisory industry. However, the current state of affairs—SEC inspections on a cycle of once every 12 years—is unacceptable. The alternative—significantly increased funding to enable the SEC to conduct more frequent inspections—does not appear to be possible in the current budget environment. Virtually every SEC program area is overstressed as the result of an explosion in market activity over the past decade, when SEC staff levels have remained virtually static. Even if we are successful in gaining additional funds for the SEC for fiscal year 1990, those funds must be stretched to cover greater demands in the enforcement area, additional staff to review increased filings of disclosure documents, staff devoted to supervision of growing activity in the trading markets, and increased demands in a number of areas, in addition to supervision of investment advisers. In the current budget environment, a self-regulatory structure for investment advisers—under tough, SEC oversight—has the potential to achieve far greater supervision over this industry than the SEC can do with its own, limited staff. Thus, the proposal deserves a serious review by the Congress.

It has also been suggested that the legislation should go further in a number of substantive areas, such as regulating conflicts of interest, providing for greater disclosure, and ensuring private rights of action under the Investment Advisers Act. In addition, the legislation does not address the question of those who hold themselves out to be financial planners, but who do not register as investment advisers with the SEC, because they may fall under one of the exemptions to the Advisers Act, I can assure critics that we will examine each of these areas.

The States have been grappling with many of these concerns, and I am particularly interested in hearing the views of State regulators on the adequacy of existing laws and whether they believe there is a need for this legislation. I am also interested in hearing further from consumer groups about the specific harms we must address, and how we can best remedy those harms in the current budget environment. I also want to hear the views of leaders in the investment advisory and financial planning industries on how they believe we can best police these industries to deter and detect those whose actions harm consumers and tarnish even the most ethical members of the industry.

Senator HEINZ and I would encourage all who have an interest in the legislation to contact the subcommittee with their views. I believe it is critical that we examine just where are the gaps in supervision over this growing industry that handles the savings of so many Americans.

Let me also thank Chairman Ruder and the excellent staff of the SEC and its Division of Investment Management who have worked to develop this legislative proposal.

I ask unanimous consent that the text of the bill be printed in the RECORD following my remarks and that the SEC's transmittal letter, as well as a section-by-section analysis of the legislation, be printed at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SHORT TITLE; FINDINGS AND PURPOSES

SEC. 101. This Act may be cited as the "Investment Adviser Self-Regulation Act."

SEC. 102. The Congress finds that the activities of investment advisers are of national concern and that the self-regulation of investment advisers under the Investment Advisers Act of 1940 will enhance the protection of investors, provide for just and equitable business practices by investment advisers, and facilitate the deterrence of fraudulent and manipulative acts and practices by investment advisers, and provide for the establishment of competency testing, and standards of training and financial responsibility.

TITLE II—REGISTRATION OF INVESTMENT ADVISERS

SEC. 201. Section 203 of the Investment Advisers Act of 1940 is amended by inserting at the end thereof the following new subsection (i):

"(1)(i) It shall be unlawful for any registered investment adviser, other than one whose only investment advisory clients are investment companies registered under the Investment Company Act of 1940 to which the adviser provides services pursuant to a written contract or contracts, to make use of the mails or any means or instrumentality of interstate commerce in connection with his or its business as an investment adviser unless such investment adviser is a member of an association of investment advisers registered under section 203A of this title.

"(2) The Commission by rule or order, as it deems consistent with the public interest, the protection of investors, or otherwise in furtherance of the provisions of this title may conditionally or unconditionally exempt from paragraph (1) of this subsection, any investment adviser or class of investment advisers."

TITLE III—ESTABLISHMENT AND COMMISSION OVERSIGHT OF INVESTMENT ADVISER SELF-REGULATORY ORGANIZATIONS

SEC. 301. The Investment Advisers Act of 1940 is amended by inserting after section 203 thereof the following new section 203A:

"SEC. 203A. REGISTERED INVESTMENT ADVISER ASSOCIATIONS.—

"(a) An association of investment advisers may register as a national investment adviser association under subsection (b) under the terms and conditions provided in this section and in accordance with the provisions of this title, by filing with the Commission for review and approval an application for registration in such form, and containing the rules of the association and such other information and documents, as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors or otherwise in furtherance of the provisions of this title.

"(b) An association of investment advisers shall not be registered as a national investment adviser association unless the Commission determines that—

"(1) By reason of the number and geographical distribution of its members and the scope of their activities, the association will be able to carry out the purposes of this section.

"(2) The association is so organized and has the capacity to be able to carry out the purposes of this title and to comply, and (subject to any rule or order of the Commission under subsection (k)(2) of this section or section 204(c) of this title) to enforce compliance by its members and persons associated with its members, with the provisions of this title, the rules and regulations thereunder, and the rules of the association.

"(3) Subject to the provisions of subsection (c) of this section, the rules of the association provide that any registered investment adviser may become a member of the association and any person may become associated with a member.

"(4) The rules of the association assure a fair representation of its members in the selection of its directors and administration of its affairs and provide that at least one of its directors shall be representative of the public and investors and not be a member or person associated with a member of a self-regulatory organization or futures association registered under section 17 of the Commodity Exchange Act (7 U.S.C. 21), or be or be associated with an investment adviser, broker, dealer, bank, or insurance company.

"(5) The rules of the association provide for the equitable allocation of reasonable dues, fees, and other charges among members, and other persons using any facility or system which the association operates or controls.

"(6) The rules of the association are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable business practices, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between investors or investment advisers, to fix minimum profits or other compensation received by its members, to impose any schedule or fix rates of fees to be charged by its members, or to regulate by virtue of any authority conferred by this title matters not related to the purposes of this title or the administration of the association.

"(7) The rules of the association provide that (subject to any rule of the Commission

under subsection (k)(2) or section 204(c) of this title) its members and persons associated with its members shall be appropriately disciplined for violation of any provisions of this title, the rules or regulations thereunder, or the rules of the association, by expulsion, suspension, limitation of activities, functions, and operations, fine, censure, being suspended or barred from being associated with a member, or any other fitting sanction.

"(8) The rules of the association are in accordance with the provisions of subsection (f) of this section, and, in general, provide a fair procedure for the disciplining of members and persons associated with members, the denial of membership to any person, the barring of any person from becoming associated with a member and the prohibition or limitation by the association of any person with respect to access to services offered by the association or a member.

"(9) The rules of the association do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of this title.

"(10) The rules of the association do not apply to the advisory activities of a registered investment adviser undertaken pursuant to a written contract with an investment company registered or being registered under the Investment Company Act of 1940.

"(c)(1) A national investment adviser association shall deny membership to any person who is not a registered investment adviser.

"(2) A national investment adviser association may, and in cases in which the Commission, by rule or order, directs as necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of this title shall, deny membership to any registered investment adviser, and bar from becoming associated with a member, any person who is subject to a statutory disqualification.

"(3) A national investment adviser association shall file notice with the Commission not less than 30 days before admitting a registered investment adviser to membership, or permitting a person to become associated with a member, if the association knew, or in the exercise of reasonable care should have known, that the investment adviser or person was subject to a statutory disqualification. The notice shall be in such form and contain such information as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors or otherwise in furtherance of the purposes of this title.

"(4)(A) A national investment adviser association may deny membership to, or condition the membership of, a registered investment adviser if (i) the investment adviser does not meet such standards of financial responsibility or the investment adviser or any natural person associated with the investment adviser does not meet such standards of training, experience, and competence as may be prescribed by the rules of the association, or (ii) the investment adviser or person associated with the investment adviser has engaged and there is a reasonable likelihood he will again engage in acts or practices inconsistent with just and equitable business practices. A national investment adviser association may examine and verify the qualifications of an applicant to become a member and the natural persons associated with an applicant in accordance with standards and procedures established by the rules of the association.

"(B) A national investment adviser association may bar a natural person from be-

coming associated with a member or condition the association of a natural person with a member if the natural person (i) does not meet such standards of training, experience and competence as are prescribed by the rules of the association, or (ii) has engaged and there is a reasonable likelihood the natural person will again engage in acts or practices inconsistent with just and equitable business practices. A national investment adviser association may examine and verify the qualifications of an applicant to become a person associated with a member in accordance with standards and procedures established by the rules of the association and require a natural person associated with a member, or any class of such natural persons, to be registered with the association in accordance with procedures so established.

"(C) A national investment adviser association may bar any person from becoming associated with a member if the person does not agree (i) to supply the association with such information with respect to the person's relationship and dealings with the member as may be specified in the rules of the association, and (ii) to permit examination of the person's books and records to verify the accuracy of any information so supplied.

"(5)(A) No national investment adviser association may deny membership to a registered investment adviser by reason of the amount or types of business done by such investment adviser or the other types of non-advisory business in which the adviser is engaged.

"(B) Notwithstanding subparagraph A of this paragraph, the Commission may by rule or order permit a national investment adviser association to deny membership to any class or classes of registered investment advisers by reason of the types of advisory business done by such investment advisers or the other types of non-advisory business in which such advisers are engaged.

"(d)(1) In any proceeding by a national investment adviser association to determine whether a member or person associated with a member should be disciplined, the association shall bring specific charges, notify the member or person of, and give the member or person an opportunity to defend against, such charges, and keep a record. A determination by the association to impose a disciplinary sanction shall be supported by a statement setting forth—

"(A) any act or practice in which the member or person associated with a member has been found to have engaged, or which the member or person has been found to have omitted;

"(B) the specific provision of this title, the rules or regulations thereunder, or the rules of the association which any such act or practice, or omission to act, is deemed to violate; and

"(C) the sanction imposed and the reason for it.

"(2) In any proceeding by a national investment adviser association to determine whether a person shall be denied membership, barred from becoming associated with a member, or prohibited or limited with respect to access to services offered by the association or a member, the association shall notify the person of, and give him an opportunity to be heard on, the specific grounds for denial, bar, prohibition or limitation under consideration, and keep a record. A determination by the association to deny membership, bar a person from becoming associated with a member, or prohibit or

limit a person with respect to access to services offered by the association or a member shall be supported by a statement setting forth the specific grounds on which the denial, bar, or prohibition or limitation is based.

"(e)(1) The Commission shall, upon the filing of an application for registration as a national investment adviser association, publish notice of the filing and afford interested person an opportunity to submit written data, views, and arguments concerning the application. Within 180 days of the date of publication of the notice (or within such longer period to which the applicant consents), the Commission shall—

"(A) by order grant such registration; or

"(B) institute proceedings to determine whether registration should be denied. Such proceedings shall include notice of the grounds for denial under consideration and opportunity for hearing and shall be concluded within one year of the date of publication of notice of the filing of the application for registration. At the conclusion of the proceedings, the Commission, by order, shall grant or deny registration. The Commission may extend the time for conclusion of the proceedings for up to 120 days if it finds good cause for the extension and publishes its reasons for so finding or for such longer period to which the applicant consents.

The Commission shall grant registration if it finds that the requirements of this title and the rules and regulations thereunder with respect to the applicant are satisfied. The Commission shall deny registration if it does not make such finding.

"(2) A national investment adviser association may, upon such terms and conditions as the Commission, by rule, deems necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of this title, withdraw from registration by filing a written notice of withdrawal with the Commission. If the Commission finds that any national investment adviser association is no longer in existence or has ceased to do business in the capacity specified in its application for registration, the Commission, by order, shall cancel its registration.

"(f)(1) Each national investment adviser association shall file with the Commission, in accordance with such rules as the Commission may prescribe, copies of any proposed rule or any proposed change in, addition to, or deletion from the rules of the association (hereinafter in this paragraph collectively referred to as a proposed rule change) accompanied by a concise statement of the basis and purpose of, and the terms of substance of or a description of the subjects and issues involved with, the proposed rule change. The Commission shall, upon the filing of any proposed rule change, publish notice of it together with the terms of substance of the proposed rule change or a description of the subjects and issues involved. The Commission shall give interested persons an opportunity to submit written data, views, and arguments concerning the proposed rule change. No proposed rule change shall take effect unless approved by the Commission or otherwise permitted in accordance with the provisions of this subsection.

"(2) Within 90 days of the date of publication of notice of the filing of a proposed rule change in accordance with paragraph (1) of this subsection, or within such longer period as the Commission may designate up to 120 days after such date if it finds a

longer period to be appropriate and publishes its reasons for so finding or as to which the national investment adviser association consents, the Commission shall—

"(A) by order approve the proposed rule change, or

"(B) institute proceedings to determine whether the proposed rule change should be disapproved. Such proceedings shall include notice of the grounds for disapproval under consideration and opportunity for hearing and be concluded within 180 days of the date of publication of notice of the filing of the proposed rule change. At the conclusion of the proceedings, the Commission, by order, shall approve or disapprove the proposed rule change. The Commission may extend the time for conclusion of the proceedings for up to ninety days if it finds good cause for the extension and publishes its reasons for so finding or for such longer period to which the national investment adviser association consents.

The Commission shall approve a proposed rule change of a national investment adviser association if it finds that the proposed rule change is consistent with the requirements of this title and the rules and regulations applicable to the association. The Commission shall disapprove a proposed rule change of a national investment adviser association if it does not make this finding. The Commission shall not approve any proposed rule change before the thirtieth day after the date of publication of notice of its filing, unless the Commission finds good cause for so doing and publishes its reasons for so finding.

"(3)(A) Notwithstanding the provisions of paragraph (2) of this subsection, unless the Commission notifies a national investment advisers association that it intends to review a proposed rule change pursuant to this subsection, a proposed rule change may take effect 10 days after being filed with the Commission if designated by the national investment adviser association as (i) constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the association, or (ii) concerned solely with the administration of the association or other matters which the Commission, by rule, consistent with the public interest and purposes of this subsection, may specify as without the provisions of such paragraph (2).

"(B) Notwithstanding any other provision of this subsection, a proposed rule change may be made effective summarily if it appears to the Commission that such action is necessary for the protection of investors, or the safeguarding of securities or funds. Any proposed rule change so put into effect shall be filed promptly thereafter in accordance with the provisions of paragraph (1) of this subsection.

"(C) Any proposed rule change of a national investment adviser association which has taken effect under subparagraph (A) or (B) of this paragraph may be enforced by the association to the extent it is not inconsistent with the provisions of this title, the rules and regulations thereunder, and applicable Federal and State law. At any time within 60 days of the date of filing of a proposed rule change in accordance with the provisions of paragraph (1) of this subsection, the Commission summarily may abrogate the change in the rules of the national investment adviser association made thereby and require that the proposed rule change be refiled in accordance with the provisions of paragraph (1) of this subsection,

and reviewed in accordance with the provisions of paragraph (2) of this subsection, if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title. Commission action pursuant to the preceding sentence shall not affect the validity or force of the rule change during the period it was in effect and shall not be reviewable under section 213 of this title nor deemed to be final agency action for purposes of section 704 of title 5, United States Code.

"(g) The Commission, by rule, may abrogate, add to, and delete from (hereinafter in this subsection collectively referred to as amend) the rules of a national investment adviser association as the Commission deems necessary or appropriate to ensure the fair administration of the national investment adviser association, to conform its rules to requirements of this title and the rules and regulations applicable to such association, or otherwise in furtherance of the purposes of this title, in the following manner:

"(1) The Commission shall notify the national investment adviser association and publish notice of the proposed rulemaking in the Federal Register. The notice shall include the text of the proposed amendment to the rules of the national investment adviser association and a statement of the Commission's reasons, including any pertinent facts, for commencing the proposed rulemaking.

"(2) The Commission may give interested persons an opportunity for the oral presentation of data, views, and arguments, in addition to an opportunity to make written submissions. A transcript shall be kept of any oral presentation.

"(3) A rule adopted under this subsection shall incorporate the text of the amendment to the rules of the national investment adviser association and a statement of the Commission's basis for and purpose in amending such rules. This statement shall include an identification of any facts on which the Commission considers its determination to amend the rules of the national investment adviser association to be based, including the reasons for the Commission's conclusions as to any of such facts which were disputed in the rulemaking.

"(4) (A) Except as provided in paragraphs (1) through (3) of this subsection, rulemaking under this subsection shall be in accordance with the procedures specified in section 553 of title 5, United States Code, for rulemaking not on the record.

"(B) Nothing in this subsection shall be construed to impair or limit the Commission's power to make, or to modify or alter the procedures the Commission may follow in making rules and regulations pursuant to any other authority under this title.

"(C) Any amendment to the rules of a national investment adviser association made by the Commission under this subsection shall be considered for all purposes of this title to part of the rules of the national investment adviser association and shall not be considered to be a rule of the Commission.

"(h)(1) If any national investment adviser association imposes any final disciplinary sanction on any member, denies membership to any applicant, or prohibits or limits any person in respect to access to services offered by the association or member, or if any national investment adviser association imposes any final disciplinary sanction on

any person associated with a member, or bars any person from becoming associated with a member, the national investment adviser association shall promptly file notice thereof with the Commission. The notice shall be in such form and contain such information as the Commission, by rule, may prescribe as necessary or appropriate in furtherance of the purposes of this title.

"(2) Any action with respect to which a national investment adviser association is required by paragraph (1) of this subsection to file notice shall be subject to review by the Commission, on its own motion, or upon application by any person aggrieved thereby filed within 30 days after the date such notice was both filed with the Commission and received by such aggrieved person, or within such longer period as the Commission may determine. Application to the Commission for review, or the institution of review by the Commission on its own motion, shall not operate as a stay of the action unless the Commission otherwise orders, summarily or after notice and opportunity for hearing on the question of a stay (which hearing may consist solely of the submission of affidavits or presentation or oral arguments). The Commission may establish for appropriate cases an expedited procedure for consideration and determination of the question of a stay.

"(1)(1) In any proceeding to review a final disciplinary sanction imposed by a national investment adviser association on a member or a person associated with a member, after notice and opportunity for hearing (which hearing may consist solely of consideration of the record before the national investment adviser association and opportunity for the presentation of supporting reasons to affirm, modify, or set aside the sanction)—

"(A) if the Commission finds that such member of person associated with a member has engaged in such acts or practices, or has omitted such acts, as the national investment adviser association has found him to have engaged in or omitted, that such acts or practices, or omissions to act, are in violation of such provisions of this title, the rules or regulations thereunder, or the rules of the association, as have been specified in the determination of the association, and that such provisions are, and were applied in a manner, consistent with the purposes of this title, the Commission, by order, shall so declare and, as appropriate, affirm the sanction imposed by the national investment adviser association, modify the sanction in accordance with paragraph (2) of this subsection, or remand to the national investment adviser association for further proceedings; or

"(B) if the Commission does not make any such finding it shall, by order, set aside the sanction imposed by the national investment adviser association and, if appropriate, remand to the national investment adviser association for further proceedings.

"(2) If the Commission, having due regard for the public interest, the protection of investors, and the policies and purposes of this title, finds after a proceeding in accordance with paragraph (1) of this subsection that a sanction imposed by a national investment adviser association on a member or person associated with a member imposes any burden on competition not necessary or appropriate in furtherance of the purposes of this title or is excessive or oppressive, the Commission may cancel, reduce, or require the remission of such sanction.

"(3)(A) The stay, setting aside, or modification pursuant to this subsection of any

disciplinary sanction imposed by a national investment adviser association on a member or person associated with a member shall not affect the validity or force of any action taken as a result of the sanction by the association prior to the stay, setting aside, or modification if the action is not inconsistent with the provisions of this title or the rules or regulations thereunder.

"(B) The rights of any person acting in good faith which arise out of any such action shall not be affected in any way by the stay, setting aside, or modification.

"(j) In any proceeding to review the denial of membership in a national investment adviser association to any applicant, the barring of any person from becoming associated with a member of a national investment adviser association, or the prohibition or limitation by a national investment adviser association of any person with respect to access to services offered by the national investment adviser association or any member, if the Commission, after notice and opportunity for hearing (which hearing may consist solely of consideration of the record before the national investment adviser association and opportunity for the presentation of supporting reasons to dismiss the proceeding or set aside the action of the national investment adviser association) finds that the specific grounds on which the denial, bar, prohibition or limitation is based exist in fact, that the denial, bar, prohibition, or limitation is in accordance with the rules of the national investment adviser association, and that the rules are and were applied in a manner consistent with the purposes of this title, the Commission, by order, shall dismiss the proceeding. If the Commission does not make any such finding or it finds that the denial, bar, prohibition or limitation imposes any burden on competition not necessary or appropriate in furtherance of the purposes of this title, the Commission, by order, shall set aside the action of the national investment adviser association and require it to admit the applicant to membership or participation, permit the person to become associated with a member, or grant the person access to services offered by the national investment adviser association or member.

"(k)(1) Every registered national investment adviser association shall comply with the provisions of this title, the rules and regulations thereunder, and its own rules, and (subject to the provisions of paragraph (2) of this subsection, section 204(c) of this title and the rules thereunder) absent reasonable justification or excuse, enforce compliance with such provisions by its members and persons associated with its members.

"(2) The Commission, by rule, consistent with the public interest, the protection of investors, and the other policies and purposes of this title, may relieve any national investment adviser association of any responsibility under this title to enforce compliance with any provision of this title or the rules or regulations thereunder by any member of the association or any class of such members or persons associated with a member.

"(1)(1) The Commission is authorized, by order, if in its opinion such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title, to suspend for a period not exceeding twelve months or revoke the registration of a national investment adviser association, or to censure or impose limitations upon the activities, functions, and operations of the as-

sociation, if the Commission finds, on the record after notice and opportunity for hearing, that the national investment adviser association has violated or is unable to comply with any provision of this title, the rules or regulations thereunder, or its own rules, or without reasonable justification or excuse has failed to enforce compliance with any such provision by a member or a person associated with a member.

"(2) The Commission is authorized, by order, if in its opinion such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title, to suspend for a period not exceeding 12 months or expel from a national investment adviser association any member, if the member is subject to an order of the Commission pursuant to section 203(e) of this title or if the Commission finds, on the record after notice and opportunity for hearing, that the member has willfully violated, or has participated in any transaction with or for any other person who the member had reason to believe was violating with respect to such transaction, any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1940, this title, the Commodity Exchange Act, or the rules or regulations under any of such statutes, or the rules of the Municipal Securities Rulemaking Board.

"(3) The Commission is authorized, by order, if in its opinion, such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title, to suspend for a period not exceeding twelve months or to bar any person from being associated with a member of a national investment adviser association, if the person is subject to an order of the Commission under section 203(f) of this title or if the Commission finds, on the record after notice and opportunity for hearing, that the person has willfully violated, or has participated in any transaction with any other person who the person associated with a member had reason to believe was violating with respect to the transaction, any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1940, this title, the Commodity Exchange Act, or the rules or regulations under any of those statutes, or the rules of the Municipal Securities Rulemaking Board.

"(4) The Commission is authorized, by order, if in its opinion such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title, to remove from office or censure any officer, director or any person performing similar functions of a national investment adviser association, if the Commission finds, on the record after notice and opportunity for hearing, that such person has willfully violated any provision of this title, the rules or regulations thereunder, or the rules of the national investment adviser association, willfully abused his authority, or without reasonable justification or excuse has failed to enforce compliance with any such provision by any member or person associated with a member."

TITLE IV—RECORD AND REPORTS

SEC. 401. Section 204 of the Investment Advisers Act of 1940 is amended by redesignating section 204 as 204(a) and adding at the end thereof the following:

"(b) The Commission may by rule require any investment adviser to utilize the facilities of a national investment adviser association, and pay to the association reasonable costs associated with such utilization, for the filing of any application for registration, report, notice of withdrawal, or fee required to be filed with the Commission under this title or the rules thereunder.

"(C)(1) Every national investment adviser association shall make and keep for prescribed periods such records, furnish such copies thereof, and make and disseminate such reports as the Commission, by rule, prescribes as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title.

"(2) All records of a national investment adviser association are subject at any time, or from time to time, to such reasonable periodic, special, or other examinations by representatives of the Commission as the Commission deems necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title.

"(d)(1) The Commission, by rule or order, as it deems necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of this title, to foster cooperation and coordination among self-regulatory organizations may—

"(A) with to any person who is a member of or participant in more than one self-regulatory organization, relieve any self-regulatory organization of any responsibility under this title (i) to receive regulatory reports from the person, (ii) to examine the person for compliance, or to enforce compliance by the person, with specified provisions of this title, the rules and regulations thereunder, and its own rules, or (iii) to carry out other specified regulatory functions with respect to the person, and

"(B) allocate among self-regulatory organizations the authority to adopt rules with respect to matters as to which, in the absence of such allocation, the self-regulatory organizations share authority under this title.

In making any such rule or entering any such order, the Commission shall take into consideration the regulatory capabilities and procedures of the self-regulatory organizations, availability of staff, convenience of location, unnecessary regulatory duplication, and any other factors as the Commission may consider germane to the protection of investors, and the cooperation and coordination among self-regulatory organizations. The Commission, by rule or order, as it deems necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the provisions of this title, may require any self-regulatory organization relieved of any responsibility pursuant to this paragraph, and any person with respect to whom such responsibility relates, to take such steps as are specified in any such rule or order to notify advisory clients of such person of the limited nature of the self-regulatory organization's responsibility for such person's acts, practices, and course of business.

"(2) A self-regulatory organization shall furnish copies of any report or examination of any person who is a member of or a participant in such self-regulatory organization to any other self-regulatory organization of which the person is a member or in which the person is a participant upon the request

of the person, the other self-regulatory organization, or the Commission."

TITLE V—EXEMPTIONS

SEC. 501. Section 206A of the Investment Advisers Act of 1940 is amended by inserting immediately after "or of any rule or regulation thereunder," the phrase "or of any rule of any national investment adviser association,".

TITLE VI—ENFORCEMENT OF TITLE

SEC. 601. (a) Section 209(a) of the Investment Advisers Act of 1940 is amended—

(1) by inserting immediately after "have been or are about to be violated by any person," the following: "or that any rule of a national investment adviser association has been or is about to be violated by any member or person associated with a member,";

(2) by inserting immediately after "or of any rule, regulation, or order hereunder," the following: "or of any rule of a national investment adviser association of which such person is a member or a person associated with a member,"; and

(3) by adding at the end thereof the following:

"(e) Upon application of the Commission the district courts of the United States and the United States courts of any territory or other place subject to the jurisdiction of the United States shall also have jurisdiction to issue writs of mandamus, injunctions, and orders commanding (1) any person to comply with the provisions of this title, the rules, regulations, and orders thereunder, and the rules of a national investment adviser association of which the person is a member or person associated with a member, or (2) any national investment adviser association to enforce compliance by its members and persons associated with its members with the provisions of this title, the rules, regulations, and orders thereunder, and the rules of the association.

"(f) Notwithstanding any other provision of this title, the Commission shall not bring any action pursuant to subsection (d) or (e) of this section against any person for violation of, for aiding, abetting, counseling, commanding, inducing or procuring a violation of, or to command compliance with, the rules of a national investment adviser association unless it appears to the Commission that (1) the association is unable or unwilling to take appropriate action against the person in the public interest and for the protection of investors, or (2) the action is otherwise necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the provision of this title."

TITLE VII—RULES, REGULATIONS, AND ORDERS

SEC. 701. Section 211 of the Investment Advisers Act is amended by adding at the end thereof the following:

"(e) The Commission, in considering any application for registration in accordance with section 203A(a) of this title, or reviewing any proposed rule change of a national investment adviser association in accordance with section 203A(b) of this title, shall keep in a public file and make available for copying all communications between the Commission and every person relating to the proposed application or proposed rule change, except that the Commission shall not be required to keep in a public file or make available for copying any statement or communication which it may withhold from the public under the provisions of section 552 of title 5, United States Code.

"(f) The Commission, by rule, shall prescribe the procedure applicable to every case pursuant to this title of adjudication (as defined in section 551 of title 5, United States Code) not required to be determined on the record after notice and opportunity for hearing. Such rules shall, at a minimum, provide that prompt notice shall be given of any adverse action or final disposition and that such notice and the entry of any order shall be accompanied by a written statement of reasons."

TITLE VIII—COURT REVIEW OF ORDERS AND RULES

SEC. 801. Section 213 of the Investment Advisers Act of 1940 is amended by adding at the end thereof the following:

"(c)(1) A person adversely affected by a rule of the Commission adopted under section 203A of this title may obtain review of this rule in the United States Court of Appeals for the circuit in which he resides or has his principal place of business or for the District of Columbia Circuit, by filing with that court, within sixty days after the adopting of the rule, a written petition requesting that the rule be set aside.

"(2) A copy of the petition shall be transmitted forthwith by the clerk of the court to a member of the Commission or an officer designated for that purpose. Thereupon, the Commission shall file in the court the rule under review and any documents referred to therein, the Commission's notice of proposed rulemaking and any documents referred to therein, all written submissions and the transcript of any oral presentations in the rulemaking, factual information not included in the foregoing that was considered by the Commission in the adoption of the rule or proffered by the Commission as pertinent to the rule, the report of any advisory committee received or considered by the Commission in the rulemaking, and any other materials prescribed by the court.

"(3) On the filing of the petition, the court has jurisdiction, which becomes exclusive on the filing of the materials set forth in paragraph (2) of this subsection, to affirm and enforce or to set aside the rule.

"(4) The findings of the Commission as to the facts identified by the Commission as the basis, in whole or in part, of the rule, if supported by substantial evidence, are conclusive. The court shall affirm and enforce the rule unless the Commission's action in adopting the rule is found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; contrary to constitutional right, power, privilege, or immunity; in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; or without observance of procedure required by law.

"(5) If proceedings have been instituted under this subsection in two or more courts of appeals with respect to the same rule, the Commission shall file the materials set forth in paragraph (2) of this subsection in that court in which a proceeding was first instituted. The other courts shall then transfer all such proceedings to the court in which the materials have been filed. For the convenience of the parties in the interest of justice, that court may thereafter transfer all the proceedings to any other court of appeals.

"(d)(1) No objection to a rule of the Commission, for which review is sought under this section, may be considered by the court unless it was urged before the Commission or there was reasonable ground for failure to do so.

"(2) The filing of a petition under this section does not operate as a stay of the Commission's rule. Until the court's jurisdiction becomes exclusive, the Commission may stay its rule pending judicial review if it finds that justice so requires. After the filing of a petition under this section, the court, on whatever conditions may be required and to the extent necessary to prevent irreparable injury, may issue all necessary and appropriate process to stay the order or rule or to preserve status or rights pending its review; but, notwithstanding section 705 of title 5, United States Code, no such process may be issued by the court before the filing of the record or the materials set forth in subsection (c)(2) of this section unless: (A) the Commission has denied a stay or failed to grant requested relief, (B) a reasonable period has expired since the filing of an application for a stay without a decision by the Commission, or (C) there was reasonable ground for failure to apply to the Commission.

"(3) When the same rule is the subject of one of or more petitions for review filed under this section and an action for enforcement filed in a district court of the United States under section 209(d) or (e) of this title, that court in which the petition or the action is first filed has jurisdiction with respect to the rule to the exclusion of any other court, and all such proceedings shall be transferred to that court; but, for the convenience of the parties in the interest of justice, that court may transfer all the proceedings to any other court of appeals or district court of the United States, whether or not a petition for review or an action for enforcement was originally filed in the transferee court. The scope of review by a district court under section 209(d) or (e) of this title is in all cases the same as by a court of appeals under this section."

TITLE IX—VALIDITY OF CONTRACTS

SEC. 901. Subsection (a) of section 215 of the Investment Advisers Act of 1940 is amended by adding immediately after "order thereunder" the phrase "or with any rule of a national investment adviser association".

TITLE X—ANNUAL REPORTS OF COMMISSION

SEC. 1001. Section 216 of the Investment Advisers Act of 1940 is amended by redesignating section 216 as 216(a) and adding at the end thereof the following new subsection (b):

"(b) The Commission shall include in its annual report to Congress for each fiscal year:

"(1) a summary of the Commission's oversight activities under this title with respect to any national investment adviser association, including a description of any examination conducted as part of such activities of any such association, any material recommendation presented as part of such activities to the association for changes in its organization or rules, and any action by the association in response to any such recommendation; and

"(2) a statement and analysis of the expenses and operations of each national investment adviser association in connection with the performance of its responsibilities under this title for which purpose data pertaining to such expenses and operations shall be made available by the association to the Commission at its request."

TITLE XI—DEFINITIONS

SEC. 1101. Section 202(a) of the Investment Advisers Act of 1940 is amended by inserting at the end thereof the following:

"(24) The term "member" when used with respect to a national investment adviser association means any investment adviser who agrees to be regulated by such association and with respect to whom the association undertakes to enforce compliance with the provisions of this title, the rules and regulations thereunder, and its own rules.

"(25) The term "rules of an association" means the constitution, articles of incorporation, bylaws, and rules, or instruments corresponding to the foregoing, of an association of investment advisers which is registered with the Commission as a national investment adviser association and such of the stated policies, practices, and interpretations of the association as the Commission, by rule, may determine to be necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title to be deemed to be rules of such association.

"(26) The term "person associated with a member" or "associated person of a member" when used with respect to a member of a national investment adviser association means any partner, officer, or director of the member (or any person performing similar functions), any person directly or indirectly controlling, controlled by, or under common control with the member, including any employee of the member.

"(27) The term "self-regulatory organization" means any national investment adviser association, or, as defined in the Securities Exchange Act of 1934, any national securities exchange, registered securities association, or registered clearing agency.

"(28) A person is subject to a "statutory disqualification" with respect to membership or participation in, or association with a member of, a national investment adviser association with a member of, a national investment adviser association, if the person:

"(A) has been and is expelled or suspended from membership or participation in, or barred or suspended from being associated with a member of, any self-regulatory organization contract market designated pursuant to section 5 of the Commodity Exchange Act (7 U.S.C. 7), or futures association registered under section 17 of such Act (7 U.S.C. 21), or has been and is denied trading privileges on any such contract market;

"(B) is subject to an order of the Commission or other appropriate regulatory agency denying, suspending for a period not exceeding twelve months, or revoking his registration as an investment adviser, broker, dealer, municipal securities dealer, government securities broker, or government securities dealer, or suspending for a period not exceeding twelve months, or barring his being associated with an investment adviser, broker, dealer, municipal securities dealer, government securities broker, or government securities dealer, or is subject to an order of the Commodity Futures Trading Commission denying, suspending or revoking his registration under the Commodity Exchange Act (7 U.S.C. 1 et seq.);

"(C) by his conduct while associated with an investment adviser, a broker, dealer, municipal securities dealer, government securities broker, or government securities dealer, or while associated with an entity or person required to be registered under the Commodity Exchange Act, has been found to be a cause of any effective suspension, expulsion,

or order of the character described in subparagraph (A) or (B) of this paragraph, and in entering such a suspension, expulsion, or order, the Commission, an appropriate regulatory agency, or any such self-regulatory organization shall have jurisdiction to find whether or not any person was a cause thereof;

"(D) has associated with him any person who is known, or in the exercise of reasonable care should be known, to him to be a person described by subparagraph (A), (B), or (C) of this paragraph; or

"(E) has committed or omitted any act enumerated in paragraph (4) or (5) of section 203(e) of this title, has been convicted of any offense specified in paragraph (2) of such section 203(e) within ten years of the date of the filing of an application for membership or participation in, or to become associated with a member of, such self-regulatory organization, is enjoined from any action, conduct, or practice specified in paragraph (3) of such section 203(e), has willfully made or caused to be made in any application for membership or participation in, or to become associated with a member of, a self-regulatory organization, report required to be filed with a self-regulatory organization, or proceeding before a self-regulatory organization, any statement which was at the time, and in the light of the circumstances under which it was made, false or misleading with respect to any material fact, or has omitted to state in any such application, report or proceeding any material fact which is required to be stated therein."

TITLE XII—CONFORMING AMENDMENTS

SEC. 1201. (a) Section 3(a)(26) of the Securities Exchange Act of 1934 is amended by striking the "or" immediately preceding "registered clearing agency", and inserting immediately after "registered clearing agency," the phrase "national investment adviser association registered under section 203A of the Investment Advisers Act of 1940,".

(b) Section 3(a)(28) of the Securities Exchange Act of 1934 is amended by inserting immediately after "a registered clearing agency," the phrase "the rules of an association of investment advisers which is a national investment adviser association registered under section 203A of the Investment Advisers Act of 1940,".

SEC. 1202. Section 17(d) of the Securities Exchange Act of 1934 is amended by inserting at the end thereof the following:

"(3) The Commission may by rule require any broker, dealer, or municipal securities dealer to utilize the facilities of a self-regulatory organization, and pay to the self-regulatory organization reasonable costs associated with such utilization, for the filing of any application for registration, report, notice of withdrawal, or fee required to be filed with the Commission under this title or the rules thereunder."

SEC. 1203. Section 29(a) of the Securities Exchange Act of 1934 is amended by striking immediately after "regulation thereunder" the phrase "or of any rule of an exchange required thereby" and inserting in lieu thereof the phrase "(including the rules of the Municipal Securities Rulemaking Board), or of any rule of a self-regulatory organization".

TITLE XIII—EFFECTIVE DATES

SEC. 1301. This Act, with the exception of Title II, shall be effective upon enactment. Title II shall be effective two years from the date of enactment.

SECURITIES AND
EXCHANGE COMMISSION,

Washington, DC, June 19, 1989.

HON. CHRISTOPHER J. DODD,
U.S. Senate, SR-444 Russell Senate Office
Building, Washington, DC.

DEAR SENATOR DODD: I am pleased to transmit, on behalf of the Securities and Exchange Commission, the attached legislative proposal to amend the Investment Advisers Act of 1940 ("Advisers Act") to provide for the establishment of one or more self-regulatory organizations ("SROs") for registered investment advisers. The proposal is patterned after the self-regulatory scheme for broker-dealers established in the Securities Exchange Act of 1934 ("Exchange Act").

The proposal would amend the Advisers Act primarily by adding a new section, Section 203A, that would authorize the Commission to register one or more national investment adviser associations to provide a self-regulatory mechanism for investment advisers, subject to Commission oversight. These associations would establish qualification and business practice standards, perform inspections, and enforce compliance with the law. As a general matter, membership in an association would be mandatory for all registered investment advisers. However, investment advisers whose only clients are registered investment companies would not be required to join an SRO, nor would the advisory activities of investment advisers pursuant to management contracts with registered investment companies be subject to an SRO's jurisdiction.

The Commission believes that it is important to extend to clients of investment advisers the same basic protections that now prevail in other segments of the securities industry. Self-regulation of investment advisers under the Advisers Act through the creation of one or more self-regulatory organizations would permit the Commission and the investment adviser industry to achieve important regulatory objectives, and would provide increased investor protection at private, rather than public, cost. Under an effective self-regulatory system, the Commission's role would be largely that of oversight of the activities of the organization. This would enable the Commission to avoid the need for the substantial additional resources which otherwise would be necessary for the Commission to continue to effectively administer and enforce the Advisers Act, given the substantial growth in the adviser industry that has occurred in recent years. In addition, self-regulation would facilitate the development by the industry of standards of fair and ethical business practices. Although the Commission and the industry share a significant interest in maintaining public confidence in the industry's honesty and integrity, self-regulation by the industry is a more sensitive and effective device in the area of unethical, as distinct from illegal, conduct.

The views expressed here and in the accompanying material are those of the Commission, and do not necessarily express the views of the President. These materials are being simultaneously submitted to the Office of Management and Budget. We will inform you of any advice received from that Office concerning the relationship of these materials to the program of the Administration.

Questions concerning the proposed legislation may be directed to Nina Gross, Director of Legislative Affairs (272-2500).

Sincerely,

DAVID S. RUDER,
Chairman.

SECTION-BY-SECTION ANALYSIS

TITLE I—SHORT TITLE, FINDING AND PURPOSES

Section 101. This section provides that the title of this Act shall be the "Investment Adviser Self-Regulation Act" (the "Act").

Section 102. Section 102 sets forth Congressional findings concerning the importance of establishing a self-regulatory mechanism for investment advisers. The Act contemplates a comprehensive scheme of investment adviser regulation under the Investment Advisers Act of 1940 (the "Advisers Act") comprised of self-regulation, with oversight by the Securities and Exchange Commission (the "Commission"), and state regulation. The regulatory approach reflected in the Act is substantially similar to the approach taken in the Securities Exchange Act of 1934 (the "Exchange Act"), which provides for self-regulation of broker-dealers through national securities associations registered with the Commission, subject to Commission oversight. Under the Act, state authorities will retain, as currently provided in the Advisers Act, their authority under state investment advisory or other applicable statutes to regulate investment advisers doing business in their respective states.

It is anticipated that any national investment adviser association will coordinate, to the maximum extent possible, with state authorities concerning the regulation of investment advisers. In this regard, it is contemplated that any national investment adviser association will work closely with state authorities, as well as the Commission, to establish uniform nationwide regulatory standards for investment advisers, including registration, qualification, financial, and disclosure requirements.

TITLE II—REGISTRATION OF INVESTMENT
ADVISERS

Section 201. Section 201 of the Act adds new subsection 203(i) to the Advisers Act, making it unlawful for any registered investment adviser, except those whose only investment advisory clients are investment companies registered under the Investment Company Act of 1940 to which the adviser provides services pursuant to written contract or contracts, to engage in the investment advisory business unless the adviser is a member of an association of investment advisers registered with the Commission under this Act. The Commission is given authority to exempt any adviser or class of advisers from the registration requirement, if appropriate. Subsection (i) is similar to section 15(b), paragraphs (8) and (9), of the Exchange Act, which requires broker-dealers registered with the Commission to join a national securities association.

TITLE III—ESTABLISHMENT AND COMMISSION
OVERSIGHT OF INVESTMENT ADVISER SELF-
REGULATORY ORGANIZATIONS

Section 301. Section 301 amends the Advisers Act by inserting after section 203 thereof a new section, section 203A, authorizing the establishment of one or more national investment adviser associations, registered with the Commission, and providing for Commission oversight of such associations.

Subsection (a) provides that any association of investment advisers may register with the Commission as a national invest-

ment adviser association pursuant to subsection (b), under stated terms and conditions, upon the filing of an application containing the rules of the association and any other information the Commission requires. This subsection is similar to subsection (a) of section 15A of the Exchange Act, which provides for the registration of national securities associations.

Subsection (b) sets forth the requirements that an association of investment advisers must satisfy to qualify for registration as a national investment adviser association. The requirements are enumerated in ten paragraphs, which are summarized below. The first nine are similar to the requirements an association of broker-dealers must meet under subsection (b) of section 15A of the Exchange Act to qualify as a national securities association.

Paragraph (1) of subsection (b) provides that an association, by reason of the number and geographic distribution of its members and the scope of their activities, will be able to carry out the purposes of the Advisers Act. To qualify under this paragraph, an association should be nationwide in scope or should represent a substantial and economically cohesive region. For example, a regional association of advisers located in the states of the Pacific Northwest might be able to qualify.

Paragraph (2) of subsection (b) requires that an association be organized and have the capacity to carry out the purposes of the Advisers Act, and to comply, and enforce compliance by its members and persons associated with its members, with the Advisers Act, the rules and regulations thereunder, and the rules of the association.

Paragraph (3) of subsection (b) requires that the rules of an association provide that any registered investment adviser may become a member of the association and that any person may become associated with a member (except as provided in subsection (d) of this section).

Paragraph (4) of subsection (b) has two objectives. First, it is designed to assure each member of a national investment adviser association registered with the Commission reasonable representation in all phases of the association's operations. To satisfy this requirement, an association's rules should provide that its board of directors include representatives of the various segments of the investment advisory industry that are members of the association. Second, this paragraph is designed to assure that the public and investors are represented on the board of directors of an association. The section requires that at least one of the members of the board of directors of an association shall be representative of the public and investors, and not be a member or a person associated with a member of a national investment adviser association, self-regulatory organization, or futures association registered under section 17 of the Commodity Exchange Act, or be or be associated with an investment adviser, bank, or insurance company. As a general matter, the precise organizational structure of an association is left to the discretion of the association, provided the requirements of subsection (b) are satisfied.

Paragraph 5 of subsection (b) requires that the rules of an association provide for the equitable allocation of reasonable dues, fees, and other charges among members of, and users of services provided by, the association.

To be eligible for registration, paragraph (6) of subsection (b) requires that the rules

of an association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles and business practices, and to protect the public interest and investors. It is expected that, under this paragraph, an association's rules would deal with conflicts of interest and potential conflicts of interest between members (and persons associated with members) and their clients. As safeguards against abuse, the rules of an association may not be designed to permit unfair discrimination between investors or investment advisers, nor to fix minimum profits, or minimum rates or fees.

Paragraph (7) of subsection (b) limits eligibility for registration to associations whose rules provide that members and persons associated with members will be appropriately disciplined for violations of the Advisers Act, the rules or regulations thereunder, and the rules of the association. Discipline may be in the form of expulsion, suspension, limitation of activities, functions, and operations, fine, censure, suspension, bar, or any other fitting sanction.

Paragraph (8) of subsection (b) outlines the essential elements of fair and orderly procedures to which associations must adhere in proceedings to discipline members and persons associated with members. It is contemplated that the exact procedures will be defined by the rules of the association within the framework set forth in this title.

Paragraph (9) of subsection (b) provides that the rules of an association may not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Advisers Act.

Finally, paragraph (10) of subsection (b) provides that the rules of an association shall not apply to those advisory activities of a registered investment adviser undertaken pursuant to a written contract to an investment company registered or being registered under the Investment Company Act of 1940. Thus, only the non-investment company aspects of an adviser's business would be subject to direct association regulation and oversight. This would not, however, preclude an association from inspecting those investment company-related activities of an adviser that may affect the adviser's other advisory clients.

Subsection (c) sets forth certain provisions with respect to the denial or conditioning of membership in a national investment adviser association. It is comparable to paragraphs (1), (2), (3), and (5), of subsection 15A(g) of the Exchange Act.

Paragraph (1) of subsection (c) provides that a national investment adviser association shall deny membership to any person who is not a registered investment adviser.

Paragraph (2) of subsection (c) provides that a national investment adviser association may, and in certain circumstances shall, deny membership and bar from becoming associated with a member, any person who is subject to a statutory disqualification, as defined in the Act.

Paragraph (3) of subsection (c) requires national investment adviser associations to file notice with the Commission at least 30 days before admitting an investment adviser to membership or permitting a person to become associated with a member if the association knew, or in the exercise of reasonable care should have known, that the person was subject to a statutory disqualification.

Paragraph (4) of subsection (c) permits a national investment adviser association to deny membership to, or condition the mem-

bership of, an investment adviser if the adviser does not meet the standards of financial responsibility established by the association, or any person associated with the adviser does not meet the standards of training, experience, and competence established by the association. For the purposes of defining these standards, the rules of an association may appropriately classify prospective members (taking into account relevant matters, including type or nature of business done) and persons proposed to be associated with members, and may specify that all or any portion of these standards shall be applicable to any such class. The association also may require persons in any class to pass examinations.

Under this paragraph, a national association of investment advisers may also deny or condition the membership of an investment adviser if the adviser or any person associated with the adviser has engaged, and there is a reasonable likelihood he will again engage, in acts or practices inconsistent with just and equitable business practices. A national investment adviser association may also bar or condition a person's association with a member, and examine and verify the qualifications of an applicant to become a person associated with a member, in accordance with the provisions of this paragraph. In addition, a national investment adviser association may bar a person's association with a member if that person does not agree to supply the association with requested information and permit examination of his books and records to verify the accuracy of the information in accordance with the provisions of this paragraph.

Subparagraph (5)(A) of subsection (c) provides that a national investment adviser association may not deny membership to an investment adviser based on the amount or type of advisory business in which the adviser is engaged, or based on any other kinds of businesses in which the adviser is engaged. This paragraph assures that eligibility for membership will not be determined in an arbitrary or discriminatory manner. Further, this paragraph assures that membership in an association would be available to all registered investment advisers and groups of registered investment advisers. Subparagraph (5)(B) provides that notwithstanding subparagraph (A), the Commission may by rule or order permit national investment adviser associations to deny membership to any class or classes of registered investment advisers based upon the types of advisory business done by such advisers or the other types of non-advisory business in which such advisers are engaged. This would specifically provide a means for the Commission to allow, where appropriate, the formation of competing specialized associations of investment advisers (e.g., a financial planners association or an investment counsel association). The Commission would not authorize such a specialized association unless it made a determination that membership in one or more other associations is available on reasonable terms and conditions, including cost, to all advisers.

Subsection (d) sets forth the procedures to be followed by a national investment adviser association in connection with disciplinary actions taken by it against members or persons associated with a member. The procedures set forth in this subsection are substantially similar to the procedures a national securities association must follow in disciplining members and persons associated with members under subsection 15A(h) of the Exchange Act.

Under paragraph (1) of subsection (d), a national investment adviser association may impose a disciplinary sanction on a member, or a person associated with a member, only after appropriate notice of, and opportunity to defend against, specified charges. Any determination to impose a disciplinary sanction must be supported by a statement containing certain specified information.

Under paragraph (2) of subsection (d), a national association of investment advisers may deny an applicant's membership, bar a person from becoming associated with a member, or prohibit or limit a person with respect to access to services offered by the association or a member, only after appropriate notice and an opportunity to be heard. This determination must be supported by a statement setting forth the specific grounds on which the association's action is based.

Paragraph (1) of subsection (e) sets forth the procedures the Commission must follow upon the filing of an application by an association of investment advisers for registration as a national investment adviser association. These procedures are the same as those in paragraph (1) of section 19(a) of the Exchange Act, which the Commission must follow upon receipt of an application from an association of broker-dealers for registration as a national securities association. However, the time within which the Commission must act has been extended to reflect more accurately the time needed to process a registration application. The Commission is required to grant registration if it finds that the requirements of the Advisers Act and the rules and regulations thereunder are satisfied by the applicant. The Commission is required to deny registration if it does not make such a finding.

Under paragraph (2) of subsection (e), a national investment adviser association may, upon such terms and conditions as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, withdraw from registration by filing a written notice of withdrawal in due form. Paragraph (2) of subsection (e) is similar to paragraph (3) of subsection 19(a) of the Exchange Act.

Subsection (f) provides for Commission oversight of the rulemaking activities of national investment adviser associations. This subsection corresponds generally to section 19(b) of the Exchange Act, which provides for Commission oversight of the rulemaking activities of self-regulatory organizations registered in accordance with the provisions of that Act.

Paragraph (1) of subsection (f) requires each national investment adviser association to file copies of any proposed change in its rules with the Commission. The Commission must publish notice of the proposed change, together with the substance of the proposed rule change, and provide an opportunity for public comment.

Paragraph (2) of subsection (f) requires the Commission to approve an association's proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved within 90 days of the publication of the notice provided for in paragraph (1) of this subsection (or within such longer period as provided for in this paragraph). The institution of proceedings to determine whether to disapprove a proposed rule change must be accompanied by appropriate notice and opportunity for a hearing, and concluded within 180 days of the date of publication of notice of the filing of the proposed rule change (or

within such longer period as provided for in this paragraph). The Commission must approve a proposed rule change if it finds that the change is consistent with the requirements of Advisers Act and the rules and regulations thereunder applicable to the association. The Commission must disapprove a proposed rule change if it does not make such finding.

Paragraph (3)(A) of subsection (f) enumerates certain categories of proposed rule changes of a national investment adviser association that may take effect 10 days after filing with the Commission, unless the Commission notifies the association that it intends to review the proposed rule change. Generally, these proposed rule changes must constitute a stated policy, practice, or interpretation with respect to an existing rule of the association, or concern administrative matters.

Paragraph (3)(B) of subsection (f) authorizes the Commission to put a proposed rule change into effect summarily if it appears to the Commission that such action is necessary to protect investors or safeguard securities or funds. A proposed rule change so put into effect must be filed promptly thereafter in accordance with paragraph (1) of this subsection.

Paragraph (3)(C) provides that a national investment adviser association may enforce any proposed rule change which has taken effect under subparagraph (A) or (B) of this paragraph to the extent it is not inconsistent with the Advisers Act. At any time within 60 days of the date of filing of a proposed rule change by an association in accordance with paragraph (1) of this subsection, the Commission may abrogate the change and require the association to refile the proposal if it appears that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Advisers Act.

Subsection (g) authorizes the Commission, by rule, to abrogate, add to, and delete from any rule of a national investment adviser association, in accordance with the procedures outlined therein, if the Commission deems it necessary or appropriate to ensure the fair administration of the association, to conform the association's rules to the requirements of the Advisers Act and the rules and regulations thereunder applicable to the association, or otherwise to effectuate the purposes of the Advisers Act. Any such amendment to the rules of the association by the Commission is to be considered for all purposes of the Advisers Act to be part of the rules of the association and not of the Commission. Subsection (g) is based upon section 19(c) of the Exchange Act.

Subsection (h) requires a national investment adviser association that imposes any final disciplinary sanction on any member or person associated with a member, denies membership to any applicant, bars any person from becoming associated with a member, or prohibits or limits any person in respect to access to services offered by the association or a member, to notify the Commission of the action. The Commission may, on its own motion, or upon timely application by any person aggrieved by the association's action, review the action. Subsection (h) is based upon section 19(d) of the Exchange Act.

Subsections (i) and (j) authorize the Commission, after notice and opportunity for hearing, to set aside or modify an association's action, and, if appropriate, to remand the matter to the association for further

proceedings. In determining whether to set aside or modify an association's action or to remand a matter, the Commission may consider whether the association's action imposes any burden on competition not necessary or appropriate in furtherance of the purposes of the Advisers Act. Any action the Commission may take with respect to any disciplinary sanction imposed by an association shall not affect the validity or force of any action taken as a result of that sanction by the association, provided that such action is consistent with the Advisers Act and the rules and regulations thereunder. Subsections (i) and (j) are modeled after subsections (e) and (f) of section 19 and subsection (c) of section 28 of the Exchange Act.

Paragraph (1) of subsection (k) requires a national investment adviser association to comply with the Advisers Act and the rules and regulations thereunder, and its own rules, and to enforce compliance with these provisions by its members and persons associated with members. Paragraph (2) of subsection (k) authorizes the Commission, by rule, consistent with the public interest, the protection of investors, and the other purposes of the Advisers Act, to relieve any national investment adviser association, in whole or in part, of any responsibility it has to enforce compliance with the provisions of the Advisers Act and the rules and regulations thereunder.

Subsection (l) authorizes the Commission, in appropriate cases, upon specified terms and conditions, and after appropriate notice and opportunity for hearing, by order to (1) suspend or revoke the registration of a national securities association, or to censure or impose limitations upon its activities; (2) suspend or expel any member from a national securities association; (3) suspend or bar any person from being associated with a member of a national investment adviser association; or (4) to remove from office or censure any officer or director of a national investment adviser association. These supervisory powers are designed to prevent abuse and to enable the Commission to discharge its role in the cooperative regulatory scheme established by the Act. Subsection (1) is modeled on subsection (h) of section 19 of the Exchange Act.

TITLE IV—RECORDS AND REPORTS

Section 401. Section 401 amends section 204 of the Advisers Act by adding new subsections (b), (c), and (d). Subsection (b) grants the Commission the authority to require, by rule or regulation, that investment advisers use the facilities of a self-regulatory association for the purpose of filing any forms, reports, or notices with the Commission. The Commission may authorize self-regulatory organizations to collect any fees associated with such filings and to forward the fees to the Commission. Under this section, investment advisers are required to pay reasonable costs associated with the use of the facilities. This section will enable the Commission to take advantage of a Central Records Depository ("CRD") System similar to the CRD system used by the NASD for broker-dealer filings by requiring advisers to file various forms through the system. It is expected that use of a CRD system will make registration and other filing requirements more efficient and simple for all investment advisers.

Subsection (c) requires every national investment adviser association to keep records and furnish copies of them to the Commission, and make reports as the Commission may prescribe. All records of an association

are subject at any time, or from time to time, to reasonable periodic, special, or other examination by representatives of the Commission. Subsection (c) is patterned after subsections 17(a)(1) and 17(b) of the Exchange Act.

Subsection (d) grants the Commission authority to allocate among self-regulatory organizations certain responsibilities for persons that are members of or participants in more than one self-regulatory organization. This could apply to an adviser that is a member of more than one national investment adviser association, or to an adviser that is also, because of broker-dealer activities, a member of another self-regulatory organization. Subsection (d) is patterned after subsection 17(d) of the Exchange Act.

TITLE V—EXEMPTIONS

Section 501. Section 501 amends section 206A of the Advisers Act by extending the Commission's general exemptive authority to cover the rules of a national investment adviser association. This amendment would provide the Commission additional flexibility in overseeing the activities of an association. Under this amendment, the Commission would have authority to adopt, for example, a rule exempting from any association financial standard requirements those investment advisers that do not maintain custody of or discretion over client assets.

TITLE VI—ENFORCEMENT OF TITLE

Section 601. Section 601 amends section 209 of the Advisers Act by amending subsections (a) and (d) to extend the Commission's authority to investigate or to bring an action in court to acts and practices which constitute a violation of the rules of a national investment adviser association. This section also adds new subsection (e) giving United States courts jurisdiction to issue writs and orders requiring (i) persons to comply with the Advisers Act, the rules, regulations, and orders thereunder, and the rules of any national investment adviser association; and (ii) any national investment adviser association to enforce compliance by its members and persons associated with members with the above stated provisions and rules. Finally, this section adds a new subsection (f) which requires, before bringing any action regarding the violation of a rule of a national investment adviser association in accordance with this section, that it appear to the Commission that the national investment adviser association is unwilling or unable to take appropriate action or that action is otherwise necessary or appropriate. This section substantially conforms section 209 of the Advisers Act to section 21(a)-(f) of the Exchange Act.

TITLE VII—RULES, REGULATIONS, AND ORDERS

Section 701. Section 701 amends section 211 of the Advisers Act by adding new subsections (e) and (f). Subsection (e) requires the Commission, in considering any application for registration by a national investment adviser association, or reviewing any proposed rule change of the association, to keep and make available to the public all communications between the Commission and every person relating to the application or proposed rule change. The Commission is not required to make public any statement or communication which it may withhold under section 552 of title 5, United States Code.

Subsection (f) provides that the Commission shall by rule prescribe the procedures of every case of adjudication under this title not required to be determined on the record

after notice and opportunity for hearing. The rules must provide for prompt notice of any adverse action or final disposition, and a statement of written reasons. The provisions of subsections (e) and (f) generally parallel subsections (a) (3) and (c) of section 23 of the Exchange Act.

TITLE VIII—COURT REVIEW OF RULES

Section 801. Section 801 amends section 213 of the Advisers Act by providing judicial review in the Court of Appeals of rules of the Commission promulgated under section 203A dealing with national investment adviser associations. This mirrors subsections 25 (b) and (c) of the Exchange Act, which provides similar judicial review for rules relating to self-regulatory organizations registered with the Commission under that Act.

TITLE IX—VALIDITY OF CONTRACTS

Section 901. Section 901 amends section 215(a) of the Advisers Act by invalidating any condition, stipulation, or provision of a contract that would require a person to waive compliance with the rules of a national investment adviser association.

TITLE X—ANNUAL REPORTS TO CONGRESS

Section 1001. This section amends section 216 of the Advisers Act to require the Commission to include in its annual report to Congress certain information regarding national investment adviser associations and the Commission's oversight of the associations. A similar reporting requirement is set forth in section 23(b), paragraphs (2) and (4) (B), of the Exchange Act, for self-regulatory organizations registered under that Act.

TITLE XI—DEFINITIONS

Section 1101. Section 1101 amends section 202(a) of the Advisers Act by adding definitions for the terms "member," "rules of an association," "person associated with a member," "self-regulatory organization," and "statutory disqualification." The definitions are all patterned after the definitions of the same terms in section 3(a) of the Exchange Act.

TITLE XII—CONFORMING AMENDMENTS

Section 1201. Section 1201 amends section 3(a) of the Exchange Act by amending the definitions of the terms "self-regulatory organization" and "rules of a self-regulatory organization" to include national investment adviser associations registered with the Commission under Section 203A of the Act. This amendment has the practical effects of (1) broadening the definition of "statutory disqualification" to encompass disciplinary actions taken by a national investment adviser association, and (2) facilitating coordination and cooperation among all self-regulatory organizations in the securities industry.

Section 1202. Section 1202 amends section 17(d) of the Exchange Act to clarify that the Commission has the authority to require, by rule or regulation, brokers, dealers, and municipal securities dealers to use the facilities of a self-regulatory organization for the purpose of filing any forms, reports, or notices with the Commission. The Commission may authorize self-regulatory organizations to collect any fees associated with such filings and to forward the fees to the Commission. Further, this provides that members may be required to pay reasonable costs associated with the use of the facilities. To avoid any negative inference by the inclusion of similar language in the Advisers Act, this section will clarify that the Commission may take advantage of a Central Records Depository ("CRD") System such

as the CRD system used by the NASD for broker-dealer filings.

Section 1203. Section 1203 amends section 29(a) of the Exchange Act by broadening the scope of the anti-waiver provisions of the Exchange Act beyond the Act, its rules, and the rules of any national securities exchange, to include the rules of all self-regulatory organizations. This is a technical amendment designed to provide uniform treatment to the rules of all self-regulatory organizations.

TITLE XIII—EFFECTIVE DATES

Section 1301. This section provides that the Act shall be effective upon enactment, except that Title II of the Act shall be effective two years after the date of enactment.●

By Mr. DASCHLE:

S. 1411. A bill to amend the Food Security Act of 1985 to encourage the planting of trees on conservation reserve acreage, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

CONSERVATION RESERVE ADJUSTMENT ACT

Mr. DASCHLE. Mr. President, today I am introducing legislation that is designed to increase the amount of land enrolled in the Conservation Reserve Program [CRP] and encourage tree planting on CRP acres. I am especially pleased to be introducing this legislation because it represents another step in the effort to develop policies that serve both agricultural and environmental objectives.

One of the most important aspects of the Food Security Act of 1985 was the creation of the Conservation Reserve Program. The objective of this program is to enroll between 40 and 45 million acres of highly erodible cropland and other environmentally sensitive lands in the Reserve by 1990 in order to conserve topsoil, improve water quality, and enhance wildlife habitat. The law specifies that at least one-eighth, or 5 million acres, of CRP land be planted in trees.

The implementation of the CRP has been generally successful. To date, just over 30 million acres of highly erodible cropland and certain other environmentally sensitive lands have been enrolled in the program. However, as we enter the final scheduled year for farmers to sign up for this program, it is apparent that two important goals of the program will not be achieved unless certain changes are made.

First, it does not appear that the minimum enrollment target of 40 million acres will be reached unless the eligibility standards are modified. If the pattern of enrollment of the past several signups continues, the USDA will fall about 6 million acres short of the minimum target.

Second, and more important, the number of acres planted in trees has fallen far short of the goal, and it is highly unlikely, given the present structure of the program, that this deficit will be made up before the end

of 1990. Only 2 million of the 30 million acres presently enrolled in the CRP, or one-fifteenth instead of one-eighth of the Reserve, have been planted in trees.

In order to meet the tree-planting goal, 2.5 to 3 million additional CRP acres should be planted in trees. Strong action needs to be taken now if we are to meet the overall acreage and tree-planting objectives of the CRP. I believe that these are goals that we should make every effort to meet.

The legislation I am introducing today entails such strong action. It calls for certain expansions in the kinds of land that will be eligible for the CRP, with eligibility being conditioned on agreement by owners or operators to plant trees on enrolled acres. It also provides increased financial assistance to farmers for the planting and maintenance of trees on CRP acres.

The advantages of increased tree planting on agricultural acres are overwhelming. Trees protect soil from wind and water erosion. This is especially true over the long term because acres planted to trees in conservation programs are much less likely than acres planted in grass to be put back into agricultural production if and when the programs end. These erosion benefits also help to protect water resources. There are many air quality benefits associated with tree planting, including reducing damage from the so-called Greenhouse Effect. Trees also provide a very important form of wildlife habitat in agricultural areas.

This legislation is a simple, direct approach to agricultural conservation and environmental enhancement. It would give farmers the encouragement they need to fulfill some of the most important original objectives of the CRP program. It builds on a program that is well established, with administrative and technical personnel and procedures already in place. Thus, the provisions of this bill could be implemented quickly and effectively.

The focus of this legislation is confined to the CRP program. Some of the other agricultural conservation bills that have been introduced this session are much broader in scope, and are clearly intended to be considered as part of the reauthorization of the Food Security Act, which expires at the end of 1990. My bill, because of its narrow focus, can move forward without delay so that the original goals of this important program can be fully realized sooner rather than later.

Mr. President, we need to protect environmentally sensitive lands and we need more trees in agricultural areas. This bill will do both. I look forward to working with my colleagues on the Senate Agriculture Committee on this and other agricultural conservation legislation.

I ask unanimous consent that a complete text of this legislation be printed into the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1411

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the "Conservation Reserve Adjustment Act of 1989".

SEC. 2. PLANTING OF TREES ON CONSERVATION RESERVE ACREAGE.

Subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) is amended—

(1) in section 1232 (16 U.S.C. 3832), by striking out subsection (d); and

(2) by inserting after section 1232 the following new section:

"SEC. 1232A. PLANTING OF TREES ON CONSERVATION RESERVE ACREAGE.

"(a) TREE ACREAGE MINIMUM RESERVE.—To the extent practicable, not less than one eighth of the number of acres of land that is placed in the conservation reserve under this subtitle in each of the 1986 through 1990 crop years shall be devoted to trees.

"(b) SHELTERBELTS, WINDBREAKS, AND WILDLIFE CORRIDORS.—

"(1) ELIGIBILITY.—In order to prevent soil erosion and improve wildlife habitat, the Secretary shall make cropland devoted to a shelterbelt, windbreak, or wildlife corridor eligible to be placed in the program established under this subtitle, regardless of the soil erosion classification of such cropland.

"(2) PAYMENTS.—In making payments to an owner or operator for cropland devoted to a shelterbelt, windbreak, or wildlife corridor under a contract entered into under this subtitle, the Secretary shall pay—

"(A) 50 percent of the cost of establishing shelterbelts, windbreaks, and wildlife corridors (as set forth in such contract), unless the cropland qualifies for higher cost-sharing payments under subsection (f); and

"(B) during the first 4 years of such contract, 50 percent of the cost of cultivating and watering trees placed in shelterbelts, windbreaks, and wildlife corridors (as set forth in such contract), subject to paragraph (3)(B).

"(3) AGREEMENTS WITH FORESTRY AND SOIL CONSERVATION AGENCIES.—

"(A) IN GENERAL.—The Secretary shall encourage owners and operators of cropland to enter into agreements with Federal and State forestry and soil conservation agencies to provide for the planting, cultivating, and watering of trees in shelterbelts, windbreaks, and wildlife corridors.

"(B) COST-SHARE PAYMENTS.—The amount of any cost-sharing payments received by an owner or operator during a year under paragraph (2)(B) shall not be reduced as the result of any additional financial assistance received by such owner or operator during such year from a Federal or State forestry or soil conservation agency for the planting, cultivation, and watering of trees in shelterbelts, windbreaks, and wildlife corridors.

"(c) UNCROPPED WETLANDS.—

"(1) ELIGIBILITY.—In order to protect water resources, improve wildlife habitat, and offset the environmental effects of burning fossil fuels, the Secretary shall make wetlands with no cropping history eligible to be placed in the program established under this subtitle if the Secretary determines that planting trees on such wet-

land acres is both feasible and desirable, and the owner or operator of such wetland agrees to plant trees on such wetland.

"(2) PAYMENTS.—In making payments to an owner or operator for planting trees on uncropped wetlands under a contract entered into under this subtitle, the Secretary shall pay—

"(A) 50 percent of the cost of planting trees on uncropped wetlands (as set forth in such contract); and

"(B) annual rental payments in amounts sufficient to encourage tree planting and maintenance, subject to the limitation that such rental payments shall not exceed the lowest payment level established under this subtitle for any cropland in the State.

"(3) TREE PLANTING AND MAINTENANCE PLANS.—

"(A) DEVELOPMENT.—The Secretary shall authorize Federal and State forestry and wildlife officials to—

"(i) make on-site determinations of whether tree planting on uncropped wetlands is feasible and environmentally beneficial; and

"(ii) develop tree planting and maintenance plans for acres determined to be eligible to be placed in the program established under this subtitle.

"(B) ELIGIBILITY FOR PAYMENTS.—To be eligible to receive payments under this subsection, an owner or operator of uncropped wetland who places such land in such program shall comply with a planting and maintenance plan, if any, developed for such wetland under subparagraph (A).

"(d) MARGINAL PASTURELAND.—

"(1) ELIGIBILITY.—In order to prevent soil erosion, enhance water quality, and offset the environmental effects of burning fossil fuels, the Secretary shall make highly erodible marginal pastureland eligible to be placed in the program established under this subtitle if the owner or operator of such pastureland agrees to plant trees on such pastureland.

"(2) PAYMENTS.—In making payments to an owner or operator for placing highly erodible marginal pastureland under a contract entered into under this subtitle, the Secretary shall—

"(A) pay 50 percent of the cost of planting trees on highly erodible marginal pastureland (as set forth in such contract); and

"(B) base acceptable bids on such pastureland on the market value of pastureland in a State or county area.

"(3) MIX OF HARDWOOD AND SOFTWOOD TREES.—

"(A) DETERMINATION.—The Secretary shall authorize Federal and State forestry officials to make determinations of the proper mix of hardwood and softwood trees to be planted on highly erodible marginal pastureland placed in the program established under this subtitle in order to maximize conservation objectives.

"(B) ELIGIBILITY FOR PAYMENTS.—To be eligible to receive payments under this subsection, an owner or operator of highly erodible pastureland who places such pastureland in such program shall comply with the planting instruction of forestry officials, if any, determined for such pastureland under subparagraph (A).

"(c) GRASSLAND CONVERSION.—

"(1) ELIGIBILITY.—In order to offset the environmental effects of burning fossil fuels and improve wildlife habitat, the Secretary shall offer owners or operators who have entered into contracts under the program established by this subtitle the option of converting acres entered into the program from grass to trees.

"(2) PAYMENTS.—In making payments to an owner or operator for converting acres entered into the program from grass to trees, the Secretary shall pay 50 percent of the cost of planting trees on grassland.

"(3) MIX OF HARDWOOD AND SOFTWOOD TREES.—

"(A) DETERMINATION.—The Secretary shall authorize Federal and State forestry officials to make determinations of the proper mix of hardwood and softwood trees to be planted on grassland placed in the program established under this subtitle that is undergoing conversion to trees.

"(B) ELIGIBILITY FOR PAYMENTS.—To be eligible to receive payments under this subsection, an owner or operator of grassland that is placed in the program established under this subtitle shall comply with the planting instruction of forestry officials, if any, determined for such grassland under subparagraph (A).

"(f) COST-SHARE ADJUSTMENTS.—

"(1) TREE PLANTING.—

"(A) IN GENERAL.—In making cost-sharing payments to owners and operators under contracts entered into under this subtitle, the Secretary shall—

"(i) pay 75 percent of the cost of planting trees in areas in which the annual average precipitation (as determined by the Secretary) is less than 25 inches; and

"(ii) pay 50 percent of the cost of cultivating and supplementally watering such trees.

"(B) APPLICATION OF REQUIREMENT.—The cost sharing required—

"(i) under subparagraph (A) shall only be applicable to land devoted to tree planting that is not wider than 20 rows of trees; and

"(ii) under clause (ii) of subparagraph (A) shall only be applicable for the first 4 years of the contract.

"(2) SEEDING.—The cost sharing required under section 1234(b) shall apply to the costs associated with seeding land enrolled under this subtitle to grass, if such costs are less than, or equal to, the amount of rental payments for 1 year. If such costs associated with seeding land are in excess of such rental payments, the Secretary shall, in addition to the cost share payments made in accordance with section 1234(b), pay 75 percent of the excess costs.

"(g) LIMITATIONS.—Notwithstanding any other provision of this section, subsections (b) through (f) shall apply until—

"(1) 40 million acres have been enrolled in the program established under this subtitle; and

"(2) at the discretion of the Secretary, 45 million acres have been enrolled in such program."

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BURDICK, Mr. MATSUNAGA, Mr. CONRAD, Mr. PRYOR, Mr. WALLOP, Mr. WARNER, Mr. DECONCINI, Mr. BUMPERS, Mr. DASCHLE, Mr. BRYAN, Mr. LEVIN, Mr. DURENBERGER, Mr. PRESSLER, and Mr. CRANSTON):

S. 1412. A bill to fund the essential air service program from the Airport and Airway Trust Fund, and for other purposes; to the Committee on Finance.

ESSENTIAL AIR SERVICE PRESERVATION ACT

Mr. BAUCUS. Mr. President, we have been hearing a great deal over

the past several months about the plight of rural America.

S. 1036, the Rural Partnerships Act of 1989, goes a long way toward helping to rectify some of rural America's problems and bringing it back into the economic mainstream.

But one major problem not addressed in S. 1036, is the continually threatened elimination of the Essential Air Service [EAS] Program.

The threat never seems to go away. Ever since Congress voted to deregulate the airlines in 1978, I have been fighting to preserve this critical program.

In the past it has been an annual battle. More recently, it has become a semiannual battle.

The Senate, for example, just fought and won a long and difficult battle to preserve EAS for fiscal year 1989.

Now, I understand that today the full House Appropriations Committee marked up legislation which severely cuts back on EAS. The committee voted to fund only those communities with EAS subsidies of \$25 or lower per passenger; are located more than 100 miles away from an alternative service airport; or are in the State of Alaska or the Commonwealth of the Northern Marianas.

The House's legislation cuts air service to 62 of the 110 EAS points across the continental United States.

Mr. President, that is simply unacceptable.

EAS serves some of the most remote communities of the Nation. Without air service, we can forget about the prospects of a rural recovery.

EAS provides rural communities with a vital link to the rest of the Nation and world.

It is an economic lifeline for the communities it serves. Montana has eight EAS points: Glasgow, Glendive, Havre, Lewistown, Miles City, Sidney, West Yellowstone, and Wolf Point.

The future of these EAS communities, and communities similarly situated across the country, is directly linked to the future of EAS. Without it, many of these communities would lose their major businesses.

One of the major employers in Wolf Point, for example, is Woods' Powr Grip. This business manufactures equipment used for lifting heavy glass and ships it all over the world. It employs about 50 well-educated people and pays some of the better salaries in the community.

Faye Woods, the owner of Woods' Powr Grip, told me that if Wolf Point loses its air service, her company would have to move elsewhere.

She doesn't want to move elsewhere. She wants to stay in Wolf Point where she has raised her family and built her business over the past 20 years.

She should be given the chance to do that. The Federal Government should not force her out by taking

away her air service. The nearest hub airport is 280 miles away. Can you imagine having to drive from Washington to Hartford, CT to catch a plane? No business could operate under those conditions.

In addition, dramatic changes over the past decade in agriculture, mining and timber industries has forced rural communities to diversify their economic base. Reliable air service is crucial to the success of these efforts.

Air service is a key component in a community's ability to attract new businesses. In this day and age, with our global marketplace, it is almost impossible for industries to locate where there is no air service.

New jobs, new economic development, new opportunities cannot be achieved without air service.

In Montana, we have charted a two-track course. We remain committed to our resource-based industries. But we are also advancing into new areas including value-added manufacturing, high technology, and increased tourism.

The single most important ingredient to Montana's formula for a successful rural economy is transportation, in particular air service.

Therefore, today I am introducing legislation which will provide a consistent source of funding for the program. It will ensure that Montana's EAS communities, and others across the country, will be able to continue to receive air service.

My bill, the Essential Air Service Preservation Act of 1989, will make EAS an entitlement under the Airport and Airway Trust Fund. That way, EAS will be removed from the yearly budget ax.

Not only will the bill assure continued funding of the program, but it will be self-financing. EAS users contribute to the trust fund in the same way other airport users do.

In addition, the amount of money required to fund the program is equal to just a small part of the interest earned on the huge trust fund surplus, which is estimated to be about \$5.8 billion. Surely, this critical program is worthy of such a small expenditure.

More importantly, upon passage of my bill, rural communities will be able to plan for the future and attract business investment without fearing that air service may one day be eliminated.

Mr. President, I urge my colleagues to support this critical legislation. The future of rural America depends on it.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Essential Air Service Preservation Act of 1989".

TRUST FUND

SEC. 2. (a) Subsection (d) of section 9502 of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D),

(2) by striking out "or" at the end of subparagraph (B), and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) incurred under the essential air transportation program pursuant to section 419 of the Federal Aviation Act of 1958 (49 U.S.C. 1389); or"

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to obligations incurred in fiscal years beginning after September 30, 1989.

AGREEMENTS

SEC. 3. In the administration of section 419 of the Federal Aviation Act of 1958 (49 U.S.C. 1301-1551), the Secretary of Transportation is authorized to enter into contracts and agreements for the purpose of providing essential air service and other services under such section for any period or periods prior to September 30, 1998. Obligations of the United States resulting from such contracts and agreements shall be payable from the Airport and Airway Trust Fund, and such amounts as are necessary to pay such obligations are hereby appropriated therefrom.

Mr. LEVIN. Mr. President, I rise today to join my colleagues in introducing the Essential Air Service Preservation Act of 1989.

This legislation would fund the Essential Air Service Program through the Airport and Airway Trust Fund. That trust fund currently has a surplus in excess of \$9 billion. This bill would allow the Secretary of Transportation to use about \$30 million annually from the trust fund to support the Essential Air Service Program.

The Essential Air Service Program provides critical service to nine airports in Michigan. Without the Federal subsidy Alpena, Battle Creek, Benton Harbor, Iron Mountain, Ironwood, Jackson, Manistee-Ludington, Menominee, and Sault Ste. Marie would all be denied that vital air link to more populous urban centers. The link which this program provides brings tourism and commerce to these communities, and is essential to their continued economic health.

Under our current system the Essential Air Service Program is subject to the tides of the current budget debate. This legislation would protect this vital program from the budgetary ax which sometimes fall on those programs we need the most. I urge our colleagues to join us in supporting it.

Mr. BURDICK. Mr. President, I am very pleased to join my colleague from Montana, Senator BAUCUS, in cosponsoring a bill that will spare a vital

rural transportation program from annual budget cuts.

The Appropriations Committee very recently grappled with the problem of a \$6.6 million shortfall in funding for Essential Air Service for fiscal year 1989. Fortunately, we were able to secure the funding, but not without a good deal of healthy discussion with our House colleagues.

Essential Air Service has proven its worth in rural America. The program could be fine-tuned to better serve those areas most in need, but the benefits of connecting rural America to the populated coasts far outweigh program costs.

Air transportation to and from remote areas can mean that a businessman can get to his weekend getaway without being inconvenienced by highway congestion. Air transportation serves a much more basic need to communities in North Dakota and other rural States. Essential Air Service subsidies make it possible for these communities to support manufacturing facilities and health care facilities.

Jamestown and Devils Lake, ND, each have defense manufacturing firms which employ more than 400 residents. Every time there is a threat to Essential Air Service funding, these companies indicate to me that they would not be able to continue operations in these communities without air freight delivery and daily passenger service.

A total of three cities in North Dakota receive Essential Air Service funding. These cities are all more than 80 miles from the nearest commercial service airport. Being able to catch a plane at Jamestown, Williston, or Devils Lake is not a Government-subsidized luxury—the nearest option involves at least a 2-hour drive.

North Dakota communities have launched impressive and aggressive economic development efforts. These attempts to attract new businesses and industry are not run by high-paid consultants but by the bankers, shop owners, and agricultural producers that live in and around these communities. In each of these three communities, transportation is at the top of the list of necessities for attracting new business.

The communities of Williston, Jamestown, and Devils Lake have made a significant investment in air service, spending local and State funds to cover more than 60 percent of the total cost of the service. They consider this program essential, and so do I.

Big city governments talk about building bigger and better airports, while rural areas repeatedly fight off attacks on funding for basic air transportation service. It is time to start directing Airport and Airway Trust Fund moneys to our rural areas. Passage of this legislation would reaffirm

the commitment of Congress to the transportation needs of rural America.

I commend my colleague Senator BAUCUS for his outstanding efforts to support basic air service in rural areas. His continued support of this program has been widely noticed by the citizens of North Dakota. I want to thank him for his initiative, and I am very pleased to join him today in expressing my commitment to the Essential Air Service Program. Thank you.

Mr. BRYAN. Mr. President, over the past 10 years, the U.S. Senate has consistently expressed its support for the Essential Air Service Program. Now it is time to provide the program with a consistent source of funding.

I am pleased to be an original cosponsor of the legislation, introduced by the Senator from Montana [Mr. BAUCUS], to allow the Essential Air Service Program to receive funding from the Airport and Airway Trust Fund.

Let me briefly illustrate the importance of air service—and of this program—to one Nevada community, Ely, NV. Ely is 346 miles from Reno—about a 6-hour drive. The nearest nonsubsidized airport is 188 miles away in Elko, NV—about a 4-hour drive—if the weather is good.

Ely has no rail service and shortly will no longer have regular intercity bus transportation.

The loss of commercial air service would leave the 8,040 residents of White Pine County without any regularly scheduled public transportation. According to the chairman of the White Pine Board of County Commissioners, where Ely is located, "The loss of our air service would be devastating and would undermine the years of local and State effort to revive Ely's economy."

A new \$36 million State prison is nearing completion and one of the criteria for siting the prison in Ely was the availability of air service. Congress recently designated the Great Basin as the Nation's newest national park, and Ely is now a growing tourist area. In short, the availability of air service is vital to the revival of the economy of this Nevada community.

As Members of the Senate are well aware, there has been a continuing shortfall in funding for the EAS Program. This year the appropriation was \$6.6 million below the amount needed to continue the program at the 1988 levels and \$19 million below the amount needed to support the program at levels authorized by Congress. Fortunately, due to the interest of a large number of Senators, adequate funding was provided in the supplemental appropriations bill—at least for this year.

However, in the interim, a large number of communities throughout the country, including Ely, feared that their air service would soon be cut off.

With this legislation, we have the opportunity to fulfill the original promise made to our rural communities when the Congress first passed the Airline Deregulation Act of 1978. That promise was that, after deregulation, these rural communities would continue to maintain commercial air service which was so vital to their economic development.

Mr. President, as the name of the Essential Air Service Program indicates, the services it provides is essential to rural communities throughout the country. I urge my colleagues to support this worthwhile legislation.

Mr. CONRAD. Mr. President, I rise today to join my colleague Senator BAUCUS in introducing legislation designed to protect the Essential Air Service Program. This program is crucial to the continuing economic health of my State and many small communities throughout the Nation.

In North Dakota, three airports receive subsidies under Essential Air Service. Commercial air transportation for Jamestown, Williston, and Devils Lake is a gateway to the economic infrastructure of our Nation. Economic prosperity for these communities, and all of North Dakota, depends on the continuation of the vital transportation links that Essential Air Service provides.

In today's world of global competition and instantaneous communication, isolating these communities from the Nation's air transportation network would effectively doom their economies to stagnation and decline. It would cut these communities off from vital services, such as emergency medical services, which most Americans take for granted; automobiles would be the only source of transportation for traveling distances of up to 100 miles.

Elimination of Essential Air Service would be disastrous. In North Dakota, our economy has never fully recovered from the effects of the 1982 recession. Railroad lines have been abandoned, bus services have been terminated or reduced, and all cities are feeling the crunch of reduced Federal revenues. Our State is working hard to diversify its economy. The termination of Essential Air Service would isolate entire regions of North Dakota from the national economy. The chances for recovery would be greatly diminished.

The importance of Essential Air Service to North Dakota cannot be overstated. In Devils Lake and Williston, small manufacturing firms have captured military contracts. They may be forced to close their doors without essential air service. The Williston Oil Basin is a crucial part of this Nation's search for energy independence. Without air service, this national goal could be jeopardized.

When Congress adopted the Airline Deregulation Act of 1978 it recognized the importance of providing air service to small cities in rural or isolated areas. President Carter and Congress made a commitment to small communities by guaranteeing essential air service to small cities which might have otherwise lost scheduled air service. In 1987, Congress reaffirmed its commitment to essential air service by overwhelmingly reauthorizing the program.

Despite this, winning funding for essential air service has been a persistent source of controversy.

We waged a battle to preserve the essential air service program this year. The Department of Transportation attempted to dismantle the program based on funding shortfalls which luckily halted. However, future continuation of the program remains in doubt.

Instead of facing a budget battle each year, this legislation will protect essential air service for the future. The bill will designate essential air service an entitlement under the Airport and Airway Trust Fund. Participating airports will be guaranteed funds, rather than facing perennial uncertainty.

Economically, the discontinuation of essential air service could effectively sound the death knell for Jamestown, Williston, Devils Lake, and the surrounding region. While still reeling from the farm crisis, the loss of air service to these communities would dramatically reduce their chances of recovery by attracting business development.

This legislation will fulfill the Federal commitment made long ago to these communities. It will allow Jamestown, Devils Lake, and Williston to depend on air service—and plan for the future. They, and North Dakota, can continue the important work of economic development, and retain the vibrancy of their communities.

I strongly urge my colleagues to support this legislation.

Mr. PRESSLER. Mr. President, I rise today as a cosponsor of Senator BAUCUS' bill to fund the Essential Air Service [EAS] Program from the airport and airway trust fund. I commend my colleague from Montana for this innovative approach to end the appropriations roller coaster ride for EAS.

It's been less than a month since Congress dealt with the last EAS funding crisis in the supplemental appropriations package. We went down to the wire with the effort to find an additional \$6.6 million to keep EAS alive through the end of this fiscal year.

We're now in the middle of the fiscal year 1991 appropriations effort and EAS isn't faring any better. The House Transportation Appropriations Subcommittee has passed a proposal that would reduce EAS funding to

\$12.4 million. In addition, the House version adopts new criteria for EAS eligibility. If an EAS point is within 100 miles of an alternative service airport or receives subsidies of \$25 or more per passenger, the city would be ineligible for continuation in the EAS program.

In South Dakota, potentially four out of five EAS points would be declared ineligible for the EAS Program. "Devastating" is not an adequate enough adjective to describe how this proposal would affect my State. The impact of this cut on economic development and transportation would be felt for years. In some cases, the only transportation alternative left for the cities of Brookings, Huron, Mitchell, and Yankton, SD, would be the personal automobile. Other States would be affected similarly.

Senator BAUCUS' bill proposes that the EAS Program be funded from the airport and airway trust fund. This alternative method would remove the temptation that exists every year to play with EAS funding. The approximately \$30 million needed to maintain EAS service for rural America is hardly a sacrifice when considering the billions of dollars in the trust fund utilized mostly by urban airports.

Mr. President, I am pleased to be a cosponsor of this bill. I hope this proposal sends a loud and clear message to Congress that we are serious about preserving EAS for years to come.

By Mr. COHEN (for himself and Mr. MITCHELL):

S. 1413. A bill to settle all claims of the Aroostook Band of Micmacs resulting from the band's omission from the Maine Indian Claims Settlement Act of 1980, and for other purposes; to the Select Committee on Indian Affairs.

AROOSTOOK BAND OF MICMACS SETTLEMENT ACT

Mr. COHEN. Mr. President, today I am introducing, along with Senator MITCHELL and the other members of the Maine congressional delegation, legislation that will bring fair treatment to the Aroostook Band of Micmacs and will afford them access to Federal services that are desperately needed by tribal members.

The bill will grant Federal recognition to the Aroostook Band of Micmacs as the sole successor to the aboriginal entity known as the Micmac Nation, and it will also authorize \$900,000 for the establishment of a land trust fund for the band. These two provisions will make the band members eligible for a host of Federal services through the Bureau of Indian Affairs and the Indian Health Service, will provide them the wherewithal to begin to acquire land for tribal use as a reservation and for investment purposes.

The bill I am introducing does not amend the 1980 Maine Indian Claims

Settlement Act, and we do not intend that any of the issues covered in that landmark legislation be reopened or reconsidered. The purpose of the Micmac legislation is to bring some fairness to the unfortunate situation the tribe faces, whereby there are no programs available to help it deal with the poverty and lack of education among tribal members. Exclusion from the 1980 MICSA prohibits involvement in important tribal services, and State Indian assistance programs were eliminated following passage of the 1980 Act. Yet the Micmacs continue to live as a tribe in Maine and have striven to maintain a tribal identity against great odds. Unemployment among the tribe runs at 75 percent, and approximately 60 percent of the tribe live on less than \$5,000 per year. I hope that we will be able to provide them some relief.

For many reasons, some of them having to do with the poverty and lack of education among tribal members, the Micmacs believed they would be included in the 1980 settlement bill, but they found out after its passage that no mention was made of a Micmac claim. The historical claim that was necessary for consideration at that time was not completed; all energy and funds were directed at documenting the claim of the Houlton Band of Maliseets, who were included in the final settlement.

Historical evidence uncovered since 1980 by the Micmacs, assisted by anthropologist Harald Prins and other researchers funded through church groups and philanthropical organizations, has demonstrated that the claim of a historical presence of Micmacs in Maine and the existence of aboriginal lands in Maine used by the Micmacs jointly with other tribes has some validity.

With that in mind, the Maine congressional delegation is supporting legislation that treats the Aroostook Band of Micmacs in a manner similar to that accorded the Houlton Band of Maliseets in 1980. The historical presence of the two tribes is similar and they probably would have been treated equally had both claims been put forward during deliberations on MICSA.

Earlier this year, the Maine State Legislature approved legislation to implement the provisions of Federal law regarding the purchase of State lands for the Micmacs. This occurred with no controversy, and the legislation was introduced by a bipartisan group of lawmakers representing Aroostook County. The legislature also approved a resolution urging the Congress to take action on the Micmac claim.

In addition, the Maine attorney general, James Tierney, has expressed his full support for this legislation.

I hope that we can move forward quickly to review the bill being introduced today, and that Congress will provide the Micmacs with the assistance they so greatly need.

Mr. MITCHELL. Mr. President, I rise today to join my colleagues from Maine, Senator COHEN, to introduce legislation which would effectively settle all claims of the Aroostook Band of Micmacs resulting from the band's omission from the Maine Indian Claims Settlement Act of 1980.

The bill we are introducing today would establish the historical presence of the Micmacs in Maine and will provide Federal recognition to the band. Federal recognition will enable members of the band to be eligible for services the Federal Government provides to American Indians.

The legislation also provides for \$900,000 to be placed in a land acquisition fund and property tax fund to allow the Micmacs to purchase land and to pay taxes on that land to the State of Maine.

The Aroostook Band of Micmacs, in both its history and its presence in Maine, is similar to the Houlton Band of Maliseet Indians. This bill will grant the Aroostook Band of Micmacs the same settlement provided to the Houlton Band of Maliseets 2 years ago.

Enactment of this legislation will enable the Aroostook Band of Micmacs to establish a much needed land base in Maine.

ADDITIONAL COSPONSORS

S. 231

At the request of Mr. MOYNIHAN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 231, a bill to amend part A of title IV of the Social Security Act to improve quality control standards and procedures under the Aid to Families With Dependent Children Program, and for other purposes.

S. 346

At the request of Mr. WIRTH, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 346, a bill to amend the Alaska National Interest Lands Conservation Act, and for other purposes.

S. 401

At the request of Mr. HOLLINGS, the name of the Senator from Idaho [Mr. MCCLURE] was added as a cosponsor of S. 401, a bill to exclude the Social Security Trust Funds from the deficit calculation and to extend the target date for Gramm-Rudman-Hollings until fiscal year 1995.

S. 419

At the request of Mr. SIMON, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 419, a bill to provide for the collection of data about crimes moti-

vated by race, religion, ethnicity, or sexual orientation.

S. 424

At the request of Mr. THURMOND, the names of the Senator from Florida [Mr. MACK] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 424, a bill to provide a minimum monthly annuity for the surviving spouses of certain deceased members of the uniformed services.

S. 435

At the request of Mr. REID, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 435, a bill to amend section 118 of the Internal Revenue Code to provide for certain exceptions from certain rules determining contributions in aid of construction.

S. 562

At the request of Mr. RIEGLE, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 562, a bill to amend the Social Security Act to provide for improvements in services to applicants and beneficiaries under the old-age, survivors, and disability insurance program and the supplemental security income program.

S. 573

At the request of Mr. MURKOWSKI, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 573, a bill to amend title 38, United States Code, to provide for third-party reimbursement of the United States for the cost of health care and services furnished a service-connected disabled veteran by the Department of Veterans Affairs for a non-service-connected disability.

S. 673

At the request of Mr. BRYAN, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 673, a bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1990 and 1991, and for other purposes.

S. 689

At the request of Mr. DOMENICI, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 689, a bill to provide grants to local educational agencies to establish and operate programs which involve students in public and community service.

S. 714

At the request of Mr. MCCLURE, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 714, a bill to extend the authorization of the Water Resources Research Act of 1984 through the end of fiscal year 1993.

S. 720

At the request of Mr. BOREN, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 720, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit, and for other purposes.

S. 845

At the request of Mr. HATCH, the names of the Senator from New York [Mr. MOYNIHAN] and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of S. 845, a bill to amend the Federal Food, Drug, and Cosmetic Act to revitalize the Food and Drug Administration, and for other purposes.

S. 933

At the request of Mr. HARKIN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 933, a bill to establish a clear and comprehensive prohibition of discrimination on the basis of disability.

S. 1150

At the request of Mr. CONRAD, the names of the Senator from Tennessee [Mr. GORE], the Senator from Michigan [Mr. LEVIN], the Senator from Mississippi [Mr. LOTT], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 1150, a bill to provide for the payment by the Secretary of the Interior of undedicated receipts into the Refuge Revenue Sharing Fund.

S. 1203

At the request of Mr. MCCAIN, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 1203, a bill to encourage Indian economic development.

S. 1216

At the request of Mr. SIMON, the names of the Senator from Nebraska [Mr. EXON], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from West Virginia [Mr. BYRD], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of S. 1216, a bill to amend the National Labor Relations Act to give employers and performers in the live performing arts, rights given by section 8(e) of such act to employers and employees in similarly situated industries, to give to such employers and performers the same rights given by sections 8(f) of such act to employers and employees in the construction industry, and for other purposes.

S. 1226

At the request of Mr. MCCONNELL, the names of the Senator from Washington [Mr. GORTON] and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 1226, a bill to provide a cause of action for victims of sexual abuse, rape, and murder, against producers and distributors of pornographic material.

S. 1227

At the request of Mr. BINGAMAN, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 1227, a bill to amend the Arms Control Act and the Export Administration Act of 1979 to restrict proliferation of missiles and missile equipment and technology.

S. 1310

At the request of Mr. SIMON, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1310, a bill to eliminate illiteracy by the year 2000, to strengthen and coordinate literacy programs, and for other purposes.

S. 1330

At the request of Mr. HELMS, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 1330, a bill to provide protections to farm animal facilities engaging in food production or agricultural research from illegal acts, and for other purposes.

S. 1358

At the request of Mr. RIEGLE, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 1358, a bill to amend the Social Security Act to take into account monthly earnings in determining the amount of disability benefits payable to a recipient of disabled adult child's benefits and certain other beneficiaries and to provide for continued entitlement to disability and Medicare benefits for such individuals, and for other purposes.

S. 1370

At the request of Mr. GORTON, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Illinois [Mr. DIXON] were added as cosponsors of S. 1370, a bill to provide for adjustments of status of certain nationals of the People's Republic of China.

SENATE JOINT RESOLUTION 48

At the request of Mr. HOLLINGS, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of Senate Joint Resolution 48, a joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional and Presidential elections.

SENATE JOINT RESOLUTION 59

At the request of Mr. WIRTH, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of Senate Joint Resolution 59, a joint resolution designating January 19, 1990, as "National Skiing Day."

SENATE JOINT RESOLUTION 86

At the request of Mr. RIEGLE, the names of the Senator from Oregon [Mr. PACKWOOD] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 86, a joint resolution designating

November 17, 1989, as "National Philanthropy Day."

SENATE JOINT RESOLUTION 164

At the request of Mr. NICKLES, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of Senate Joint Resolution 164, a joint resolution designating 1990 as the "International Year of Bible Reading."

SENATE JOINT RESOLUTION 173

At the request of Mr. RIEGEL, the names of the Senator from Florida [Mr. GRAHAM], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of Senate Joint Resolution 173, a joint resolution to designate the decade beginning January 1, 1990, as the "Decade of the Brain."

SENATE JOINT RESOLUTION 177

At the request of Mr. BOND, the names of the Senator from Nevada [Mr. REID], the Senator from Maryland [Ms. MIKULSKI], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 177, a joint resolution designating October 29, 1989, as "Fire Safety At Home—Change Your Clock, Change Your Battery Day."

SENATE CONCURRENT RESOLUTION 55

At the request of Mr. DOLE, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of Senate Concurrent Resolution 55, a concurrent resolution to commemorate the volunteers of the United States and the Hugh O'Brian Youth Foundation.

SENATE RESOLUTION 158—COM-MENDING ROCK CLIMBERS MARK WELLMAN AND MIKE CORBETT

Mr. DOLE (for himself, Mr. MITCHELL, Mr. WILSON, and Mr. CRANSTON) submitted the following resolution; which was considered and agreed to:

S. RES. 158

Whereas paraplegic Mark Wellman and his close friend Mike Corbett, on the 8th day of a harrowing wind-buffed climb, are at the top of the 3,500 foot El Capitan Monolith in Yosemite National Park, California;

Whereas Mark Wellman, demonstrating uncommon courage and strength of character and body, fought back from a 1982 fall that left both his legs paralyzed and went on to continue climbing and to direct Yosemite's program for disabled visitors;

Whereas Mark Wellman is the first paraplegic to scale El Capitan, setting an outstanding example for all Americans and disabled persons everywhere, reminding us that disabled does not mean unable;

Whereas Mike Corbett, an accomplished climber in his own right, having scaled El Capitan 41 previous times, demonstrated true friendship by inching ahead of his companion and setting the ropes that made the ascent possible; Now, therefore, be it

Resolved, That the United States Senate commends Mark Wellman and Mike Corbett

for their extraordinary feat of bravery and stoutheartedness, and salutes them for their triumphant rendezvous with the El Capitan Summit.

Ordered, That the Secretary of the Senate transmit a copy of this resolution to Mark Wellman and Mike Corbett.

AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1990 AND 1991

REID AMENDMENT NO. 402

Mr. REID proposed an amendment to the bill (S. 1352) to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes, as follows:

On page 349, between lines 13 and 14, insert the following:

Nellis Air Force Base, Nevada, \$62,000,000.

On page 350, strike out line 16.

On page 352, line 20, strike out "\$593,500,000" and insert in lieu thereof "\$584,500,000".

On page 352, line 23, strike out "\$219,950,000" and insert in lieu thereof "\$229,950,000".

On page 352, line 26, strike out "\$141,670,000" and insert in lieu thereof "\$122,670,000".

On page 355, between lines 20 and 21, insert the following new section:

SEC. 2408. CONSOLIDATED MEDICAL FACILITY, NELLIS AIR FORCE BASE, NEVADA

The Secretary of Defense may, in advance of appropriations for the project, enter into one or more contracts for the design and construction of the military construction project authorized by section 2401 to be constructed at Nellis Air Force Base, Nevada, if each contract limits the payments that the United States is obligated to make under the contract to the amount of appropriations available for obligation under the contract as of the time the contract is entered into.

On page 355, line 21, strike out "SEC. 2408" and insert in lieu thereof "SEC. 2409".

INOUE AMENDMENT NO. 403

Mr. DIXON (for Mr. INOUE) proposed an amendment to the bill S. 1352, *supra*, as follows:

On page 111, between lines 10 and 11, insert the following:

SEC. 528. RETENTION OF CERTAIN RESERVE PSYCHOLOGISTS IN ACTIVE STATUS

(a) ARMY.—Section 3855(a) of title 10, United States Code, is amended by inserting ", or any reserve officer in the Army Medical Department designated as a psychologist" before the period at the end.

(b) NAVY.—Section 6392(a) of such title is amended by striking out "or biomedical sciences officer" and inserting in lieu thereof "biomedical sciences officer, or psychologist".

(c) AIR FORCE.—Section 8855(a) of such title is amended by striking out "or biomedical sciences officer" and inserting in lieu

thereof "biomedical sciences officer, or psychologist".

INOUE AMENDMENT NO. 404

Mr. DIXON (for Mr. INOUE) proposed an amendment to the bill S. 1352, supra, as follows:

On page 155, between lines 19 and 20, insert the following:

SEC. 630A. ARMED SERVICE OFFICERS SPECIAL PAY.

(a) SPECIAL PAY FOR PSYCHOLOGISTS.—(1) Section 302c(a) of title 37, United States Code, is amended to read as follows:

"(a) An officer who—

"(1) is an officer in the Regular or Reserve Corps of the Public Health Service, an officer in the Army Medical Department, an officer in the Bureau of Medicine and Surgery of the Navy, or an officer of the Air Force,

"(2) is designated as a psychologist, and

"(3) has been awarded a diploma as a Diplomate in Psychology by the American Board of Professional Psychology,

is entitled to special pay, as provided in subsection (b)."

(2)(A) The section heading of such section is amended by striking out "in the Public Health Service Corps".

(B) The item relating to section 302c in the table of sections at the beginning of chapter 5 of such title is amended by striking out "in the Public Health Service Corps".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect with respect to pay periods beginning after September 30, 1989.

EXON AMENDMENT NO. 405

Mr. EXON (for himself and Mr. KERREY) proposed an amendment to the bill S. 1352, supra, as follows:

At the appropriate place in the bill insert the following:

Since the U.S. Army Corps of Engineers is investigating soil and water contamination at the former Nebraska Ordnance Plant near Mead, Nebraska:

Since solvents, polychlorinated biphenyls (PCBs) and RDX, an explosive material used in making munitions, have been discovered;

Now therefore be it determined that it is the sense of the Senate that the U.S. Army Corps of Engineers should carry out this investigation as promptly as possible consistent with other environmental cleanup responsibilities, and should continue to keep interested parties, including potentially affected residents in the area, University of Nebraska officials, and State and local government personnel fully advised of developments relating to the study and activities at the site.

HEINZ AMENDMENT NO. 406

Mr. HEINZ proposed an amendment to the bill S. 1352, supra, as follows:

At the end of part C of title XXVIII insert the following:

SEC. 2836. REQUIREMENTS RELATING TO ENVIRONMENTAL RESTORATION ACTIVITIES AND ENVIRONMENTAL CONTAMINATION.

(a) EXPEDITIOUS REPORTING OF INFORMATION.—The Secretary of Defense shall ensure that all information relating to environmental restoration activities at Depart-

ment of Defense facilities and required to be provided to regional offices of the Environmental Protection Agency, appropriate State authorities, and local authorities under section 2705 of title 10, United States Code, is expeditiously provided to such offices and authorities.

(b) ASSESSMENTS OF ENVIRONMENTAL CONTAMINATION PLANS.—(1) The Secretary of Defense shall ensure that—

(A) all Department of Defense assessments of the Department's environmental contamination plans and of the Department's emergency and remedial actions to abate or mitigate environmental contamination at Department of Defense facilities are carried out in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510; 94 Stat. 2767) and Environmental Protection Agency regulations; and

(B) each such assessment, plan, and action is made available to and carried out in consultation with the Administrator of the Environmental Protection Agency and the appropriate State or local agency.

(2) The Administrator of the Environmental Protection Agency shall submit to the Secretary of Defense and the appropriate committees of Congress such comments and recommendations with regard to any assessment, plan, or action referred to in paragraph (1) as the administrator considers appropriate.

(c) MONITORING CONTAMINATION.—After discovery of a potential environmental contamination at any Department of Defense facility conducting environmental restoration activities, the Secretary of Defense, in consultation with the Administrator of the Environmental Protection Agency and the head of the appropriate State agency, shall program and install such systems for monitoring contamination at such facility as may be appropriate to ensure that there is no release or exposure of environmental contamination that will pose a risk to public health.

(d) EMERGENCY ACTION.—Nothing in this section shall prevent the Secretary of Defense from carrying out such emergency actions as may be necessary to protect the public health or the environment if the Secretary determines that time does not permit consultation with appropriate regulatory agencies.

BOND AMENDMENT NO. 407

Mr. WARNER (for Mr. BOND) proposed an amendment to the bill S. 1352, supra, as follows:

At the appropriate place, insert the following:

SEC. . STUDY AND REPORT ON DEFENSE EXPORT FINANCING.

(a) STUDY.—The President shall conduct a study of export financing of defense articles. In the course of the study, the President shall—

(1) examine the effect of export financing on the ability of the United States industry to compete in the international market for defense products;

(2) determine the extent to which other countries support commercial financing for defense exports through official government credit programs;

(3) determine the extent to which United States private capital is used to support defense exports and the obstacles that United States lending institutions face in providing additional support; and

(4) determine the feasibility and desirability of using existing or new Government

export guarantee programs to provide greater private capital support for United States defense exports.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the President shall transmit to the Congress a report on the finding of the study under subsection (a).

NICKLES (AND BOREN) AMENDMENT NO. 408

Mr. NICKLES (for himself and Mr. BOREN) proposed an amendment to the bill S. 1352, supra, as follows:

On page 332, line 8, strike out \$25,000,000 and insert in lieu thereof \$56,800,000.

On page 341, line 12, strike out \$2,337,740,000 and insert in lieu thereof \$2,369,540,000.

On page 341, line 15, strike out \$865,660,000 and insert in lieu thereof \$897,460,000.

On page 342, line 16, strike out \$792,008,000 and insert in lieu thereof \$760,208,000.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION—FISCAL YEAR 1990

SIMON AMENDMENT NO. 409

Mr. SIMON proposed an amendment to the bill (H.R. 2788) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1990, and for other purposes, as follows:

At an appropriate place in the measure, add:

The Secretary shall report back to Congress within 90 days with recommendations of what steps should be taken to further research on finding an inexpensive means of converting salt water to fresh water.

NICKLES AMENDMENT NO. 410

Mr. McCLURE (for Mr. NICKLES) proposed an amendment to the bill H.R. 2788, supra, as follows:

On page 80, line 2, strike "65,941,000" and insert in lieu thereof "65,535,000", and on page 30, line 3, strike 964,720,000" and insert in lieu thereof "965,126,000".

PRYOR AMENDMENT NO. 411

Mr. PRYOR, proposed an amendment to the bill H.R. 2788, supra, as follows:

It the appropriate place, insert:

Sec. . (a) Not more than \$26,540,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of the Interior.

(b)(1) Not later than 20 days after the end of each calendar quarter, the Secretary of the Interior shall (A) submit to Congress a report on the amounts obligated and expended by the department or agency during that quarter for the procurement of advisory and assistance services, and (B) transmit a copy of such report to the Comptroller General of the United States.

(2) Each report submitted under paragraph (1) shall include a list with the following information:

(A) All contracts awarded for the procurement of advisory and assistance services during the quarter and the amount of each contract.

(B) The purpose for each contract.

(C) The justification for the award of each contract and the reason the work cannot be performed by civil servants.

(c) The Comptroller General of the United States shall review the reports submitted under subsection (b) and transmit to Congress any comments and recommendations the Comptroller General considers appropriate regarding the matters contained in such reports.

BYRD AMENDMENT NO. 412

Mr. BYRD proposed an amendment to the bill H.R. 2788, supra, as follows:

On page 4, line 13, delete "\$62,332,000 and restore the number line-typed.

On page 67, line 16, after the word "of", insert the following: "replacing,".

On page 101, line 14, delete "Mr." and insert in lieu thereof "Mt.".

On page 104, line 19, delete "listed" and insert in lieu thereof "described".

On page 105, lines 1 and 2, delete "order granting preliminary injunction" and insert in lieu thereof "order granting injunction pending appeal".

At the end of subsection (i) on page 106, line 105 insert the following: "Provided, That the courts shall have authority to void a sale if it has been determined by a trial on the merits that such sale should not be awarded."

At the beginning of subsection (k) on page 106, line 19, delete "This section applies" and insert in lieu thereof "Except for provisions of subsection (a)(1) of this section, other provisions of this section apply".

METZENBAUM AMENDMENT NO. 413

Mr. METZENBAUM proposed an amendment to the bill H.R. 2788, supra, as follows:

On page 56, line 9, strike the period and insert in lieu thereof ": Provided, That \$2,000,000 shall be available for land acquisition within the Wayne National Forest, Ohio."

On page 18, line 20, after the semicolon, insert: "Provided further, That \$3,500,000 shall be available for land acquisition within the Cuyahoga Valley National Recreational Area, Ohio."

HEINZ AMENDMENT NO. 414

Mr. McCLURE (for Mr. HEINZ) proposed an amendment to the bill H.R. 2788, supra, as follows:

On page 14, line 3, strike "\$770,717,000" and insert in lieu thereof "\$770,917,000".

On page 15, line 16, strike "\$15,100,000" and insert in lieu thereof "\$15,435,000".

On page 24, line 18, strike "\$175,659,000" and insert in lieu thereof "\$175,000,000".

WALLOP (AND SIMPSON) AMENDMENT NO. 415

Mr. WALLOP (for himself and Mr. SIMPSON) proposed an amendment to the bill H.R. 2788, supra, as follows:

On page 23, line 17, insert a period and the following: "Provided further, That of the above enacted amounts, up to one half of the amounts for mineral revenue compliance shall be used to compensate States and Indian Tribes for audit activities under the provisions of section 202 and 205 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1732, 1735)".

HATFIELD (AND ADAMS) AMENDMENTS NOS. 416 AND 417

Mr. HATFIELD (for himself and Mr. ADAMS) proposed two amendments to the bill H.R. 2788, supra, as follows:

AMENDMENT No. 416

On page 103, line 21, delete "all".
On page 103, line 22, after the word "into" insert "negotiated".

On page 105, line 15, delete "all".
On page 105, line 16, after the word "enter" insert "negotiated".

AMENDMENT No. 417

At the appropriate place in the bill, strike subsection (e) of section 317 in its entirety and insert in lieu thereof the following:

(e) The U.S. Fish and Wildlife Service shall confer with the Forest Service and the Bureau of Land Management, and shall prepare and complete an advisory report which recommends to the Forest Service and the Bureau of Land Management criteria to be used in identifying those areas that should be avoided to ensure the continued viability of the northern spotted owl. Such report shall be completed and submitted to the Forest Service and Bureau of Land Management by November 1, 1989; once the report is completed, the Forest Service and the Bureau of Land Management shall consider the report recommendations, together with other relevant information, in the preparation, advertisement, offer and award of the timber sales directed by this section.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1990 AND 1991

LEVIN AMENDMENT NO. 418

Mr. LEVIN (for himself and Mr. SIMON) submitted an amendment intended to be proposed by him to the bill (S. 1352), supra, as follows:

On page 2, line 17, strike out "\$2,706,500,000" and insert in lieu thereof "\$2,769,500,000".

On page 2, line 22, strike out "\$2,385,856,000" and insert in lieu thereof "\$2,470,856,000".

On page 4, line 20, strike out "\$15,930,600,000" and insert in lieu thereof "\$16,295,600,000".

On page 4, line 25, strike out "\$7,010,000,000" and insert in lieu thereof "\$6,787,000,000".

On page 21, strike out line 5 and all that follows through line 8 on page 23.

On page 32, line 4, strike out "\$14,629,932,000" and insert in lieu thereof "\$14,455,932,000".

On page 341, line 15, strike out "\$865,660,000" and insert in lieu thereof "\$749,660,000".

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS—FISCAL YEAR 1990

HELMS (AND CHAFEE) AMENDMENT NO. 419

Mr. HELMS (for himself and Mr. CHAFEE) proposed an amendment to the bill H.R. 2788, supra, as follows:

On page 11, line 21, strike "\$53,829,000" and insert in lieu thereof "\$53,579,000".

On page 17, line 20, strike "\$140,601,000" and insert in lieu thereof: "\$140,851,000".

HELMS AMENDMENT NOS. 420 AND 421

Mr. HELMS proposed two amendments to the bill H.R. 2788, supra, as follows:

AMENDMENT No. 420

On page 94, line 16, strike the period and insert the following: "Provided, That this section will become effective one day after the date of enactment.

"SEC. LIMITATIONS.

"None of the funds authorized to be appropriated pursuant to this Act may be used to promote, disseminate, or produce—

"(1) obscene or indecent materials, including but not limited to depictions of sadomasochism, homo-eroticism, the exploitation of children, or individuals engaged in sex acts; or

"(2) material which denigrates the objects or beliefs of the adherents of a particular religion or non-religion; or

"(3) material which denigrates, debases, or reviles a person, group, or class of citizens on the basis of race, creed, sex, handicap, age, or national origin."

AMENDMENT No. 421

On page 95, line 15, strike the period and insert the following: "Provided, That this section will become effective one day after the date of enactment; provided further that no part of any appropriation contained in this Act shall be available for any training activities for the purpose of directing or encouraging—

"(i) the organization or implementation of campaigns to protest social conditions, and

"(ii) any form of civil disobedience."

CONRAD AMENDMENT NO. 422

Mr. CONRAD proposed an amendment to the bill H.R. 2788, supra, as follows:

Page 12, line 12, before the "." insert the following: "Provided, That an additional \$2,845,000 shall be made available for the Refuge Revenue Sharing Act (16 U.S.C. 715s), to be derived from the Federal share of receipts from on-shore minerals leasing and royalty collection that are in excess of \$389,000,000".

FOWLER (AND OTHERS) AMENDMENT NO. 423

Mr. FOWLER (for himself, Mr. HEFLIN, Mr. SHELBY, Mr. RIEGLE, and Mr. WIRTH) proposed an amendment, which was subsequently modified, to the bill H.R. 2788, supra, as follows:

On page 10, line 24, strike "\$397,225,000" and insert "\$402,225,000".

On page 12, line 8, strike "\$48,810,000" and insert "\$52,810,000".

On page 14, line 3, strike "\$770,917,000" and insert "\$771,617,000".

On page 15, line 16, strike "\$15,435,000" and insert "\$15,735,000".

On page 15, line 20, strike "\$33,000,000" and insert "\$38,000,000".

On page 53, line 15, strike "\$101,356,000" and insert "\$111,356,000".

On page 54, line 12, strike "\$1,131,013,000" and insert "\$1,141,013,000".

On page 55, line 9, strike "\$245,094,000" and insert "\$180,094,000".

On page 55, line 12, strike "\$223,500,000" and insert "\$158,500,000".

On page 71, line 15, strike "\$408,441,000" and insert "\$413,441,000".

BAUCUS (AND BURNS) AMENDMENT NO. 424

Mr. BAUCUS (for himself and Mr. BURNS) proposed an amendment to the bill H.R. 2788, *supra*, as follows:

On page 57, between lines 19 and 20, insert the following:

CATASTROPHIC FIRE COMPENSATION FUND

For expenses necessary to compensate individuals for lost and damaged property resulting from the Mink Fire (Bridger-Teton National Forest and Yellowstone National Park), Clover-Mist Fire (Yellowstone National Park and Shoshone National Forest), Storm Creek Fire (Yellowstone National Park and Gallatin-Custer National Forests) and the Canyon Fire (Lolo, Helena, and Lewis & Clark National Forests) which were originally classified as prescribed fires but subsequently became wildfires, not to exceed \$3,000,000 for settlement as deemed appropriate by the Chief of the Forest Service: *Provided*, That if the aggregate amount of settlements negotiated by the Forest Service exceeds \$3,000,000, the amounts of individual settlements shall be reduced proportionately: *Provided further*, That the Secretary of the Treasury shall pay settlements out of the 1988 Catastrophic Forest Fires Relief Fund, which is hereby established in the Treasury, and to which the sum of \$3,000,000 is appropriated."

On page 10, line 24, strike "\$402,225,000" and insert "\$399,225,000".

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 26, 1989, at 2 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 26, 1989, at 1:30 p.m., to hold a hearing on S. 1067, the

National High-Performance Computer Technology Act of 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, July 26, at 10 a.m., for markup on S. 135, the Hatch Act Reform Amendments of 1989 and S. 1276, the Federal employees health benefits legislation, and pending legislation before the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 26, at 2 p.m., to hold a hearing on U.S. policy toward Eastern Europe.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM, NARCOTICS, AND INTERNATIONAL OPERATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Narcotics and International Operations of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 26, at 10 a.m., to hold a hearing on United States-Cuba narcotics issues. This hearing will begin in open session and proceed to a closed-codeword session.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, July 26, at 10 a.m., to hold a hearing on S. 46, a bill to clarify standards governing bankruptcies and reorganizations of public utility companies under title 11 of the United States Code.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, July 26, 1989, at 11:30 a.m., to hold a hearing on the nomination of Richard Stewart to be an Assistant Attorney General for the Lands and Natural Resources Division of the Justice Department.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 3:30 p.m., July 26, 1989, for a hearing to receive testimony on the formulation of a national energy plan and related policies which affect global climate change.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., July 26, 1989, to conduct a business meeting to consider S. 712, a bill to provide for a referendum on the political status of Puerto Rico.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, July 26, 1989, at 2:30 p.m., to hold a hearing on S. 993, a bill to implement the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological and Toxin Weapons and Their Destruction, by prohibiting certain conduct relating to biological weapons.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PATENTS, COPYRIGHTS, AND TRADEMARKS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Patents, Copyrights, and Trademarks of the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, July 26, 1989, at 2 p.m., to hold a markup on S. 198, the Computer Software Rental Amendments Act of 1989, S. 497, the Copyright Remedy Clarification Act, S. 1271, the Copyright Fees and Technical Amendments Act of 1989, S. 1272, the Copyright Royalty Tribunal Reform Act of 1989, S. 459, the Space Patents Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, July 27, 1989, to hold a markup on nominations and oilspill legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE 15TH ANNIVERSARY OF
TURKISH INVASION OF REPUBLIC
OF CYPRUS

● Mr. D'AMATO. Mr. President, July 20 of this year will mark the 15th anniversary of the Turkish invasion of the Republic of Cyprus.

On July 20, 1974, the Turkish Army staged the first phase of its two stage military invasion of the Republic of Cyprus. With thousands of troops and numerous helicopters, planes, and tanks, the Turkish Army invaded and proceeded to occupy a 15-mile corridor on the northeastern coast of the island. Less than 1 month later, after U.N. Security Council calls for a cease-fire and withdrawal of foreign troops from Cyprus, the Turkish Army began its second phase of the attack and did not stop until it occupied the northern 38 percent of the island.

The second invasion, more brutal than the first, took its toll in both Turkish- and Greek-Cypriot lives. There is also the question of several Americans who happened to be visiting Cyprus at the time and have not been seen or heard from since.

Since July 20, 1974, the U.N. Security Council has passed numerous Security Council resolutions regarding the Turkish military occupation of the Republic of Cyprus. All have expressed the United Nations' desire that all states respect the sovereignty and territorial integrity of Cyprus and have urged the speedy withdrawal of foreign troops from Cyprus.

For the last 15 years, however, there has been little movement on the part of the Turks in working toward a viable resolution to this problem. If anything, we seem to be gravitating toward a situation where the island will be irretrievably partitioned, with the northern part of the island becoming Turkish soil. In 1983, Turkish-Cypriot leader Rauf Denktash made a unilateral declaration of independence for the Turkish occupied area of northern Cyprus. Since that time, no country other than Turkey has recognized this independence.

Since 1974, the Turkish troop force on the island has grown from an estimated 10,000 to estimates now of above 30,000. Turkish settlers immigrated to the island since 1974 have grown to an estimated total population 65,000. The native Turkish-Cypriot community is estimated to be approximately 100,000 people. There is now an estimated 1-to-1 ratio of Turks to Turkish-Cypriots on the island. The Turkish-Cypriot community is quickly losing its identity and its cultural heritage.

There have recently been several strong statements from a Mr. Ozgur Ozgur, leader of the Republican Turkish-Cypriot Party, against the ruling

practices of Mr. Rauf Denktash. Mr. Ozgur has asserted, among other things, that Mr. Denktash governs without support of his own people.

Mr. Ozgur suggests that, since 1974, as many as 24,000 Turkish-Cypriots have left the island, while only 6,000 Turkish-Cypriots left during the 1963-74 period of supposed conflict between the Greek- and Turkish-Cypriot communities.

During the past year, Cyprus President George Vassiliou and Turkish-Cypriot leader Rauf Denktash have been involved in intercommunal talks under the auspices of United Nations' Secretary General Perez De Cuellar in the context of his mission of good will in Cyprus. The United States has officially supported these talks. It is time now, however, for more direct action on the part of the United States and other members of the United Nations to work toward a viable solution to the Cyprus issue. A strong message must be sent to Turkey that the United States no longer accepts its illegal occupation of Cyprus.

July 20 of this year will mark 15 years of occupation. Fifteen years of difficulty for the United States in the Mediterranean because of the conflict that arises from this occupation. It hurts not only Cypriots, but Greeks and Turks and the foreign policy interests of the United States as well.

This is a problem that needs to be solved. On this 15th anniversary, I ask that the administration and the U.S. Congress begin a concerted effort toward finding a solution to the Cyprus conflict. ●

YAZ: TO THE END, TRUE TO
HIMSELF

● Mr. KERRY. Mr. President—

Tarry, delight, so seldom met * * *. The games have ended, the heroes are dispersed, and another summer has died late in Boston, but still one yearns for them and wishes them back, so great was their pleasure.—By Roger Angell, October 1975.

Mr. President, this past weekend Carl Yastrzemski of the Boston Red Sox, joined baseball's immortals as he, along with Johnny Bench of the Cincinnati Reds, St. Louis Cardinal Red Shoendienst and umpire Al Barlick, were inducted into the Hall of Fame in Cooperstown, NY.

To say this was an emotional time for New England's baseball fans would be an understatement, for the man called Yaz epitomized what baseball has meant to our State and New England region. Boston is a tradition town and Carl Yastrzemski has been the common link of baseball tradition for generations of fathers, mothers, sons, and daughters who love the game so dearly.

When fans speak of Yaz, career accomplishments inevitably come to mind—the only player in American

League history with 400 home runs and 3,000 hits, playing in more games than anyone else. He won seven Gold Gloves for defensive excellence, was selected to 18 All-Star teams, reached base safely more times than Ruth, Aaron, Mays, or DiMaggio, and was the last player to win the Triple Crown as he led the Red Sox to the impossible dream pennant during his 1967 MVP season.

In today's climate of free agency and contract hold outs, his career of 23 years with one team is a bench mark of loyalty to a team and its fans.

During this time Yaz would become Red Sox team captain for his leadership on the field and, like many Boston athletes before him, demonstrated leadership off the field with a strong commitment to the community. His active work on behalf of the Dana-Farber Cancer Institute's Jimmy Fund for fighting cancer in children is well known.

In recognition of Yaz's support of the Jimmy Fund over the years, Red Sox President Jean Yawkey established the Carl Yastrzemski Infusion Room at the Jimmy Fund Clinic, where children receive the chemotherapy necessary to battle cancer.

The dream of the late Red Sox owner, Tom Yawkey, of baseball in Boston continues to this day, and the chapter of his team's history entitled "Yaz" need no explanation. As this past weekend's induction into the Hall of Fame and retirement of his number "8" on August 6, 1989, at Fenway Park will bring full circle the career of Carl Yastrzemski. Number "8" will now take his place next to the retired numbers of Red Sox Hall of Famers Ted Williams (9), Joe Cronin (4), and Bobby Doerr (1).

This is indeed one of the very special times for all Red Sox fans. Our best wishes and feelings of good will are extended to the entire Yastrzemski family as they too experience this special day.

Many of us have our own distinct memories of great plays and clutch hits by Yaz. But perhaps the most memorable moment for all fans of Boston baseball lore is the final weekend of his legendary career when Yaz and the fans said goodbye.

Mr. President, I ask that the following account of Carl Yastrzemski's final day in uniform, by Peter Gammons, noted baseball and sports writer for the Boston Globe and Sports Illustrated, be included with my remarks at this point in the RECORD.

The article follows:

YAZ: TO THE END, TRUE TO HIMSELF

(By Peter Gammons)

There were hundreds, maybe thousands still out on Yawkey Way when Yaz came out of his final press conference in the dining room atop Fenway Park. He was signing autographs for some security guards and

ballpark workers who were waiting for him on the roof when he heard the "We Want Yaz" roar from the street and looked down.

He stepped to the edge of the roof and waved out to them with another Papal gesture in his uniform pants, team undershirt and shower clogs, then turned to Red Sox public relations director George Sullivan and suggested that he'd like to go down into the street, and 10 minutes later, there were women and children and red-eyed truck drivers in a line that stretched down around the corner of Van Ness street.

The people came in through an entrance, two-by-two, and he signed one program and poster after another for 40 minutes until there was no more line. When he had finished that, he came back into the park and signed autographs for people who get paid by the hour to work in the ballpark. It was 6:22 p.m. and dusk when he'd finished signing whatever they had for him to sign, then he stood atop the Red Sox dugout, pulled the cork out of a bottle of champagne, raised it, turned to survey Fenway and toasted them.

An hour later, as he came out to the parking lot to go to a party that Bob Woolf had for him at the Marriott, the hundreds still out on Van Ness street chanted "Yaz, Yaz, Yaz," and he signed a few more programs, shook a few more hands, climbed into the car and pulled out around the corner.

As the car turned onto Ipswich Street, he was former Red Sox player Carl Yastrzemski. He was history—285 average, 3,419 hits, Hall of Fame history. He had driven into that parking lot for the first time with a sixth-place team, being asked to replace Ted Williams, and he left with a sixth-place team under a cloud of the Udpickie goodbye of Williams.

And he had outdone Ted, he had outdone anyone who ever wore the uniform or possibly ever played in any sport in this city. No one really cared that, in his last at-bat, he threw himself at a Dan Spillner pitch in his eyes and popped up to someone named Jack Perconte, or that in his goodbye he had grounded to second, singled to left, walked and popped up that final 3-and-0 pitch, or that his last home run in a Red Sox uniform came Sept. 12 off Jim Palmer and as erased when rain wiped out the game in the third inning. Yaz didn't have to do something worthy of the ABC Network News. He was never Ted, only Yaz, never celluloid, only calloused flesh. On the day Hub Fans Bid Yaz Adieu, he didn't have to hit a Jack Fisher or Dan Spillner pitch into the bleachers. Playing left field and holding Toby Harrah to a single on a ball off The Wall—His Wall—was exactly what he should have done.

He had outdone Ted or anyone else because in the last two days of a 23-year career Yaz had thrown his arms and his emotion to the people. He passionately explained that he understood what makes the Olde Towne Team what it is as if he'd worked at the mill on the Nashua River and paid his way in. He said that it isn't the stars—only two baseball teams have gone longer without a championship—or the General or Limited Partners or titled executives that made the Red Sox the Red Sox.

New Englanders. "As I stepped out of the box that last time at-bat," he explained, "I tried to look around at every sign and every face to say 'thank you' to the people of New England who make this the greatest place to play baseball in the world."

He didn't ride around the park in a limousine. He ran around the park to touch the

fans "who made this all possible" on Saturday, and long after he'd been replaced by Chico Walker in left field in the eighth inning yesterday as Ted had been replaced by Carroll Hardy 23 years before, he came out after the game in his jacket and did it again. "The people at the park today weren't the same people that were here yesterday," he said. Because so many things he couldn't control happened—Tony Congliaro, Jim Lonborg and Jose Santiago being lost within 10 months around The Impossible Dream, then the Messersmith Decision coming one game after The Sixth Game of the 1975 World Series—he could never give New England what he wanted to give them, so he did the next-best thing.

He touched and signed and repeatedly broke down and cried, explaining to every kid in Bellows Falls and Otisfield and Jewett City that what made all those records so great was to have done them for the team that they have made what it is. To the media, for whom he brought in bottles of champagne and toasted them for the fairness, and in penultimate taste remembered those who'd passed away like Harold Kaese and Ray Fitzgerald and Fed Ciampa and Bill Liston and George Bankert and Larry Claflin. He remembered the times he could have left and made the big money. Like in October, 1976. As a 10/5 man, he could refuse to go in the expansion draft, but both Toronto and Seattle called him and told him he could sign for "any contract I wanted," and that they could deal him to the two New York teams; the Blue Jays had a deal worked out that would have gotten them a kid pitcher named Ron Guidry.

"I called Woolf and told him to go to Toronto to talk," Yaz recalled, "but I thought about it, remembered that I'd given Mr. Yawkey my word that I wouldn't leave and told Woolf to forget it." In 1979, he could have made big bucks from George Steinbrenner, and in 1981 both Steinbrenner and Ted Turner had let it be known to him that they'd pay him "three times what I could make here. But I didn't want to leave. I liked it here. I liked the Red Sox. And what they are."

The pregame ceremony was emotional, and simple. He walked out to the mike between the first-base coaching box and the dugout, then had to circle away to fight the tears. When he came back he said "I saw the sign that read 'Say it Ain't So, Yaz,' and I wish it weren't. This is the last day of my career as a player, and I want to thank all of you for being here with me today. It has been a great privilege to wear the Red Sox uniform the past 23 years, and to have played in Fenway in front of you great fans. I'll miss you, and I'll never forget you."

He lifted his cap and turned, waving to the fans, as he would do each at-bat. The park swelled when he reached out and tapped a Bud Anderson fastball into left in the third inning, and when it came to the bottom of the seventh and two out and Wade Boggs on first and everyone from Eastport to Block Island knew it was Yaz' adieu, they'd have loved a home run. They stood again. Yaz stepped out again, and he swallowed hard to fight back the tears.

Spillner and all the Indians pitchers understood the moment and the ground rules. "We were in the bar with the umpires Friday night and Rich Garcia told us, 'Look fellows, if he doesn't swing, it's a ball,'" said Indians pitcher Lary Sorensen. "I could see Spillner was trying to aim the ball, it was coming in at 80 miles an hour," said Yaz, but home plate umpire Vic Voltaggio called

them balls until it was 3-and-0 and Spillner "aimed" a pitch over the plate but up around the bill of Yaz' cap.

"I was trying to jerk it out," Yaz admitted and he popped up to end the inning. He returned to left field, then, as Yastrzemski and Ralph Houk had planned earlier, Walker ran out to take his place, and Yaz came in, shaking hands with his teammates, the umpires and the Indians as he came across the infield. He stopped at the dugout, turned back to the first-base coach's box, turned 360 degrees as he waved again, then started his dash to the dugout unbuttoning his uniform ("I wanted to let them know that was really it"). He stopped to hand his cap to 8-year-old Brian Roberts of Needham, "because I wanted to give it to a kid and if I threw it into the stands it would have been havoc."

He'd done what he had to do. Carl Yastrzemski won't be remembered for a specific hit; the closest would be the ninth-inning homer off Mike Marshall in Detroit in September 1967, and that game was won on an eventual Dalton Jones homer. Even he listed his greatest memories as his diving stop off Reggie Jackson in the third game of the '75 playoffs, the throw that cut down Bob Allison on Oct. 1, 1967, and the catch off Tom Tresh that kept alive Billy Rohr's no-hit bid that was lost in the ninth, but symbolized New England's leap out of the Dark Ages. "I wanted to make a diving catch out there," he said. "And I wish the ground had been more solid. . ."

In the second inning, in his first time in left field since he cracked his ribs on Aug. 30, 1980 hitting The Wall catching a Jim Essian line drive, he charged an Essian single with Alan Bannister rounding third. "I really wanted to throw him out," said Yaz, "but my foot gave out. I wanted to hold onto the ball, pump fake and get Essian going for second, but the ball slipped out of my hand." And rolled in.

He got no fly balls, per se, but in the seventh inning Harrah, who'd reached third in the previous inning, lined a ball off The Wall. Yaz didn't play it quite the way he used to, but he stretched for the carom, whirled and fired in toward second. Harrah stopped 30 feet past the first-base bag, turned, and went back.

The 33,491 people in Fenway stood and roared. They once might have booed him so badly that he had to wear cotton in his ears to left field, but after 23 years they understood what made Yaz Yaz, and Yaz turned back to them and, fighting back the tears, told them that he understood what makes The Townies The Townies. He, who so long played stoically, was in the end as emotional as the emotional fans he once saw give Garry Hancock a standing ovation as he approached the plate for his first major league at-bat. "You know what was great?" he beamed afterward. "The standing ovation for Jim Rice. Give Red Sox fans something, and they'll give it back to you many times over."

Hours afterward, he admitted that he felt "super, the best I've felt in a long, long while. I feel 10 years younger than I did 15 minutes ago."

For the two-day Easter celebration was over, and Yaz was a former Red Sox player. He knew he had expressed what he wanted to express, and because he'd even cared enough to try to do so, he turned off Van Ness Street onto Ipswich out of the sight of the hundreds that stood in the dark chanting "Yaz, Yaz, Yaz" the most popular man

who ever wore the uniform of The Olde Towne Team.●

KENTUCKY EDITORIALS OPPOSE CLEAN CAMPAIGN ACT

● Mr. McCONNELL. Mr. President, I ask to place in the RECORD, at the conclusion of my remarks, two editorials which appeared recently in the major statewide newspapers in Kentucky, the Louisville Courier-Journal and the Lexington Herald-Leader.

These editorials discuss my views on the "Clean Campaign Act", or S. 999, introduced by my good friends Senator DANFORTH and Senator HOLLINGS to address the issue of so-called negative advertising. I expressed my feelings in opposition to this legislation at a hearing on Wednesday, July 19, before the Senate Communications Subcommittee.

What I find interesting about these editorials is that the Courier-Journal and the Herald-Leader rarely agree with me about anything; yet they agree with me wholeheartedly about this bill and the problems that it would create. Further, although both editorials express disdain for political mudslinging, neither is willing to embrace the extreme measures proposed in S. 999.

The editorials make several excellent points about the bill, but I would like to highlight one in particular. During the subcommittee hearing, Senator JOHN MCCAIN expressed concern that this bill would tend to protect incumbents, by regulating the way challengers can criticize the incumbent's record. The Herald-Leader editorial amplifies this concern, arguing that the Clean Campaign Act "would be one more obstacle to unseating incumbent Members of Congress, whose many advantages already produce a 95-percent reelection rate."

Though I am an incumbent, I must agree with the assessment of the Herald-Leader that this is a bad idea. Certainly, no one would agree that incumbents should have more advantages or more protections from aggressive challengers than they already do now.

I also would like to mention another persuasive argument made by my friend, the Senator from Arizona, during the hearing. Senator MCCAIN noted that an endorsement of a candidate by some offensive group, like the Ku Klux Klan, could potentially trigger free broadcast time to the opponent of the candidate. The ways in which this provision could be manipulated simply boggle in the mind. As Representative AL SWIFT of Washington has said, this proposal provides "a way for sleazy people to make mischief."

I do not believe that we should be enacting into law ways for sleazy people to make mischief. I do not be-

lieve we should be enacting laws that are strongly suspect from a constitutional point of view.

So-called negative ads inform the public of a candidate's record and performance. If the ad is incorrect, the opponent has the opportunity to respond; and usually, a false political ad is far more damaging to the ad's sponsor than to its target. Voters have a right to know the truth about the candidates, and campaign advertisements are one way that voters can get that information. We in Congress should not be doing anything to restrict the scope or presentation of that information, or we risk a very legitimate charge that we are doing nothing more than cynically providing for our own self-protection.

The editorials follow:

[From the Louisville Courier-Journal, July 21, 1989]

BARKING UP THE WRONG TREE

It's now something of a political classic: Baying bloodhounds, hot on the trail of the ever-elusive Sen. Walter "Dee" Huddleston. The ad helped Mitch McConnell unseat an incumbent in 1984 and lent a new legitimacy to mudslinging campaign commercials—precisely because its success was so dramatic.

Such "attack" ads would be illegal under a law proposed by Senators Ernest Hollings and John Danforth. Candidates who air negative ads would have to do so personally, not with actors or graphics. Sen. McConnell argues that the law would be unconstitutional, impede debate and tip elections in the incumbent's favor.

For once, we must agree with him. First, who can judge exactly when an ad crosses the line into the "attack" category? Further, the infamous McConnell spots raised an absolutely valid issue: Mr. Huddleston kept so low a profile that constituents couldn't tell what he was up to. It was a zinger of a metaphor that left no doubt in anyone's mind about that point.

Voters do remember nasty ads far better than those showing the candidate posed with the family by the backyard jungle gym. A dozen years after Sen. McConnell unseated County Judge Hollenbach, has anyone forgotten the "manure" ad, where a disgruntled farmer expresses his opinion of Hollenbach by slinging a shovelful?

But political leaders must be able to answer such charges, no matter how spurious or mean. The Dukakis campaign was hobbled last year by the candidate's failure to respond to ads that were not only down-and-dirty, but racist.

And anyway, imagine the fun of watching the jugular-jabbing in a McConnell-Wilkinson Senate race. Picture those hounds unleashed on patronage jobs for junkyard permit officers: Close-ups of a junkyard mutt snoozing, yawning, scratching, stretching and finally lifting a leg to claim its territory.

Or how about an ad in the tradition of Hitchcock? A truck driver, lost on the road late at night, glances nervously out the window, his grip tightening, as he suddenly realizes—oh no!—he's on Wally's \$500,000 Road To Nowhere.

The possibilities seem endless. And who's to say such issues aren't legitimate? Mudslinging ads mostly work when there is mud to be slung—and someone clever enough to sling it with a little style.

[From the Lexington Herald-Leader, July 23, 1989]

FIRST AMENDMENT PROTECTS POLITICAL MUDSLINGING, TOO

Believe it or not, Kentucky's conservative U.S. Sen. Mitch McConnell is marching in time with those "liberal" card-carrying members of the American Civil Liberties Union—at least temporarily. Such a rarity might even amaze Charles Dudley Warner, the 19th century editor and essayist who coined that oft-quoted adage about politics and strange bedfellows.

So, what brought about this odd coupling of political philosophies? Well, Sens. Ernest Hollings, D-S.C., and John Danforth, R-Mo., have introduced a bill to "clean up" political campaigns. Among other things, it would require that candidates who have something negative to say about their opponents do it in person, at least in broadcast ads. Most negative ads now rely on actors and graphics.

McConnell is widely credited with setting off a wave of negative campaign advertising. The Republican's "bloodhound" ads were instrumental in his 1984 upset win over then-Sen. Walter "Dee" Huddleston. In a committee hearing Wednesday, Hollings cited those ads as an example of "the chicanery and trickery of 20-second ads."

McConnell is opposed to the Hollings-Danforth bill. He says that dictating the format of campaign ads is an unconstitutional infringement on free speech. He also says the law would help incumbents hold onto their offices. The ACLU agrees with the senator from Kentucky. So do we.

Negative political ads often are highly offensive. But nastiness has been a part of political campaigns since well, since there have been political campaigns. We might wish it were otherwise. We might hope for a political climate that encouraged substantive debate of issues, instead of mudslinging.

However, you cannot legislate such a climate, particularly with laws that strip political candidates of the fundamental American right to free speech. Congress should not even try; such a law wouldn't stand a chance in the courts.

Our politicians will climb out of the mudpuddles when voters disdain their dirty tactics, and not before. The Hollings-Danforth bill would not elevate the level of political debate. It simply would be one more obstacle to unseating incumbent members of Congress, whose many advantages already produce a 95 percent re-election rate.

So, throw this unconstitutional attempt to stifle free speech out the window; let the mud continue to fly at least until voters tire of it.●

CHICAGO DRUG TRADE

● Mr. SIMON. Mr. President, no one can argue that drugs have become the scourge of our Nation. Recently I had the rare opportunity to see firsthand what is happening on Chicago's streets and the devastating impact. I ask to have printed in the RECORD a column I wrote for newspapers in my State reporting what I saw and what we need to do.

The column follows:

AN EYEWITNESS TO THE CHICAGO DRUG TRADE

I spent a good part of a day looking at the face of drugs in Chicago, and what I saw is grim.

I have known the statistics for some time, such as the fact that the United States is 5 percent of the world's population but we consume 50 percent of the world's illegal drugs.

And I have sponsored legislation to be tougher on drug traffickers, and to do more on drug education and treatment.

I wish every citizen could spend one day talking with people in law enforcement, meeting addicts, visiting with parents, traveling with police officers trying to enforce the law, and actually seeing drug transactions taking place in broad daylight—the total impact is devastating.

You come away with a much greater sense of urgency.

These are among the people I remember vividly:

The mother whose 10-year-old son was offered drugs by a 13-year-old. I asked the police officer involved whether talking to the parents of the 13-year-old would help. He laughed.

U.S. Attorney Anton Valukas, whose work has consistently impressed me. He and his small group of prosecutors and investigators are fighting what seems to be an army of traffickers. He told me what almost every top law enforcement person tells me: We have to do more on education. He believes what we are doing in education now is far too limited, too ineffective.

A group of citizens of the Austin area of Chicago, who cannot understand why blatant drugs sales are so easily tolerated. They told me you can see drugs sold, out in the open. They showed me. To my utter disbelief there were people engaged in the apparent sale of drugs right before my eyes, just as they said. Without restraint, as though they were playing checkers.

The drug addicts, struggling to free themselves of the habit. They say not enough treatment facilities are available for people who need help. Unfortunately, they are right.

The two policemen, Robert Langan and Robert Brannigan, who took me around southwest Chicago near St. Rita's Catholic Church. Both made superb impressions, but both were obviously discouraged by judges who turn drug traffickers loose much too easily.

Wanda Hopkins, a marvelous woman who has lived for years in one of the worst public housing projects in the nation, Cabrini-Green. I asked if she knew who was selling drugs in the project, her answer was simple. "Yes, everyone does."

The prostitute who sat on a bench. She and others get hooked on drugs and the easiest way to satisfy their craving for drugs is simple: Prostitution.

I came away grateful for the people who are willing to stand up, but discouraged by the immensity of the problem.

I've talked to my Senate colleagues about what I saw.

The time for playing games about which political party is doing more to fight drugs is long over. Right now drugs are a greater threat to this nation than the Soviet army—yet the latter receives about 100 times as much attention from the federal government as drugs.

We need education.

We need parents who will talk to their children.

We need opportunity for young people so they can see an alternative, so they see hope.

We need a massive national television education program.

We need judges who will enforce the law vigorously against drug traffickers.

We need money for treatment centers.

We need funds for the Coast Guard and others who will intercept drugs as they come into the country.

We need a federal law, like one I've introduced, that says those found guilty of drug trafficking have to stay in prison while they appeal, not walk the streets committing the same crimes while they appeal their conviction.

Within the state of Illinois, the I-Bond program needs to be revised. On the average 540 drug offenders are let loose in Cook County each month who simply post bond after arrest, walk away, and never show up for trial.

Most of all, we need the national will to really address the problem—in our homes, in our schools, in our churches and synagogues, and everywhere else.

We dare not give in to this monster.●

JOSEPH A. FLOYD, DISTINGUISHED MICHIGANITE, RETIRES

● Mr. LEVIN. Mr. President, I rise to recognize the achievements of a Michigan man who has dedicated much of his life in service to his country. Mr. Joseph A. Floyd, the assistant deputy for procurement and readiness at the U.S. Army Tank-Automotive Command in Warren, MI, retires in August after 33 years of distinguished service.

Mr. Floyd has received many performance awards, significant action awards, highly successful and exceptional performance ratings, merit and quality increases, and special act awards. One of the major awards he received was the Commanders Award for Civilian Service given to him by Gen. Richard H. Thompson, commander of the U.S. Army Materiel Command. The command has a multi-billion-dollar budget and typically processes over 30,000 procurement actions and more than 1.5 million supply requisitions. Mr. Floyd's accomplishments relate to his participation in the overall planning, organizing, directing and controlling of the Command's logistic mission.

Mr. President, I ask that the citation to be awarded to Mr. Floyd by the commanding general of the U.S. Army Tank-Automotive Command, Maj. Gen. William F. Flynn, be printed in the RECORD.

The citation follows:

CITATION

Joseph A. Floyd has distinguished himself by exceptional service to the United States Army Tank-Automotive Command as the Assistant Deputy for Procurement and Readiness. During his tenure in this position he has demonstrated exemplary performance in the overall planning, organizing, directing and controlling of the Command's readiness mission. His leadership and analytical expertise enhanced the improvement of leadtime management of retail assets and increase in Army Stock Fund cash position. He has been particularly outstanding in overseeing the restructur-

ing of the Command ASF and PA-2 budget preparation process.

Mr. Floyd's personal dedication has impacted directly on the ability of the Command to successfully accomplish its mission. His outstanding performance reflects great credit upon himself, the United States Army Tank-Automotive Command, and the United States Army.●

JUDE WANNISKI OP-ED

● Mr. KASTEN. Mr. President, noted economics writer Jude Wanniski has stated the case for a capital gains cut with great eloquence in the New York Times of July 25. Nothing could be clearer than that an immediate rate cut would bring untold benefit to poor and middle-income Americans.

I recommend that all Senators on both sides of the aisle pay attention to his arguments—and I ask that the text of his article be included in the RECORD.

The article follows:

[From the New York Times, July 25, 1989]
TO AID THE POOR, CUT CAPITAL GAINS TAXES

(By Jude Wanniski)

MORRISTOWN, N.J.—This summer, Congress will decide the most important issue that will come before it this year: the Bush Administration's proposal to cut the capital gains tax to 15 percent from its current rate of 28 to 33 percent. The outcome will decide the shape of the economy in the year ahead as well as the politics of 1990. The issue once again pits the politics of growth against the politics of envy, a conflict that has occupied much of the 20th century.

Liberal Democrats in the House are fighting the cut, asserting that it would increase unfair income distribution. Speaker Thomas Foley will concede, as he did to me, that a lower rate might bring economic expansion and revenues but that he could not support it because of its "unfairness." It will enrich the rich. Majority leader Richard Gephardt, who is planning to run again for President in 1992, believes this is a populist, winning issue for the Democrats.

The matter should have been decided last year, when George Bush campaigned for the 15 percent rate, saying it would increase U.S. competitiveness, create jobs through new entrepreneurial activity and increase Government revenues. Michael Dukakis opposed the cut on fairness grounds. Since Mr. Bush won, he presumably had a mandate. If he now loses in Congress, the issue will surely affect next year's Congressional elections. Republicans believe it's a winning issue for them.

Not all Democrats or even liberal Democrats are opposed to the proposed cut. Six of the House Ways and Means Committee's Democrats have sided with 13 Republicans in supporting an alternative plan to reduce the rate sponsored by Representative Ed Jenkins, Democrat of Georgia.

And although it faces a tough battle in the House once the committee votes it out, capital gains reduction has some powerful friends in the Senate.

California's Alan Cranston, a Democrat who advocates a lower capital gains tax, has been warning his party that the G.O.P. could win with it in 1990. Ten other Senate Democrats have proposed lower capital gains rates.

The difference is that these Democrats would rather enjoy the economic growth, jobs and revenues, even if, in the process, the rich become richer.

The fact is that the rich do not care much about reducing the capital gains tax. They are already rich and can avoid taxes almost entirely by clipping the coupons of their municipal bonds.

Likewise, established corporate America doesn't seem to care much. In April 1978, when the late Representative William Steiger of Wisconsin proposed to the House Ways and Means Committee a halving of the then capital gains rate of 48 percent, he was immediately opposed by the Business Roundtable and National Association of Manufacturers! His proposal prevailed that year because of the support of small businessmen, the entrepreneurs of Silicon Valley and the U.S. Chamber of Commerce.

The chief reason President Bush's proposal is key to U.S. economic development in the decade ahead is that a low capital gains tax would attract *existing wealth* into new, high-risk enterprises.

Those who don't have wealth but aspire to it are the biggest losers. As a class, black Americans have most to gain from a 15 percent capital gains tax. Most of the nation's wealth, its current capital, was created at a time when there was no capital gains tax or the tax was some fraction of ordinary income. Slavery and racial discrimination have prevented accumulation of wealth by blacks. Blacks now constitute 13 percent of the population, but have less than one-half of 1 percent of the nation's wealth.

Capital will not flow to black enterprises in any significant volume if the gains on that capital are taxed at the same rates as income from risk-free Treasury bills.

Indeed, all young men and women who have ahead of them a lifetime to gain on capital borrowed from the existing rich will find it difficult to do so. The age of the entrepreneur will grind to a halt, with capital remaining in the hands of established wealth, their families and white corporate America.

The Congressional debate over this issue is of profound importance to the nation's future. It comes at a period when America is contemplating economic competition with an integrated Europe and is engaging in competition with a robust Japan, where capital gains are taxed little or not at all. Perhaps it is time for President Bush to go beyond Capitol Hill and take his case to the people. ●

INTERNATIONAL PERSPECTIVE ON CHILDREN'S RIGHTS

● Mr. INOUE. Mr. President, the international perspective on children's rights is an issue of great importance to the future of our children. At a recent luncheon sponsored by the Consortium on Children, Families and Law, Dr. Clifford O'Donnell and Dr. David Johnson delivered briefing on the issue.

The consortium, comprised of the University of Hawaii, University of Nebraska-Lincoln, State University of New York at Buffalo, University of Michigan, University of Virginia, University of Pittsburgh, and Stanford University, coordinates the network of participating institutions to facilitate independent and collaborative re-

search on social, psychological, educational, economic, and legal issues affecting children and families, and disseminates the information in forms that will enable policymakers, government decisionmakers, and practitioners to take appropriate action. I ask that the text of the briefing be printed in the RECORD.

The text follows:

[Congressional Briefing Series—Consortium on Children, Families and Law]

CHILDREN'S RIGHTS IN INTERNATIONAL PERSPECTIVE: THE CONVENTION ON THE RIGHTS OF THE CHILDREN

(A presentation by Clifford R. O'Donnell, Ph.D., Professor of Psychology and Director, Center for Youth Research, University of Hawaii; David A. Johnson, Ph.D. candidate in Political Science and Research Assistant for the Graduate Group on Human Rights in Law and Policy, State University of New York at Buffalo)

It has been said that each new generation offers humanity another chance. But the burden of the future is too often an impossibly heavy load for the frail shoulders of many of the world's most neglected and disadvantaged children. For these children—crouched over looms in sweatshops to weave carpets destined for homes halfway around the world, roving the nighttime streets of the world's cities and forced to sell their bodies and their health in order to eat, swept into the front lines of interminable wars where the nightmare of terror and brutality have become facts of everyday life—for these children and many others the future holds little promise.

Children comprise nearly half of the world's population but their rights to survival, protection and development have long been marginalized and overlooked. Because of their dependency on the goodwill and charity of adults and because of the special vulnerability posed by their ongoing growth and development, children cannot secure their rights for themselves. It is up to responsible, concerned and far-sighted adults to act on their behalf. The Convention on the Rights of the Child—scheduled to be open for signature and ratification by all nations later this year—will, for the first time, institutionalize children's issues and concerns by creating an international agenda of action for children.

The Convention is the product of ten years of careful negotiation by scores of governments as well as non-governmental and intergovernmental organizations from every part of the world. As the most recent in the family of United Nations human rights treaties, it is a comprehensive document designed to codify practices already widespread in many states, set new standards where necessary and establish an international procedure of review to monitor progress towards the implementation of its provisions.

Among other things, the Convention on the Rights of the Child restates fundamental rights found elsewhere in international law that previously were not extended specifically to children. Many of these rights—rights such as the freedom from torture, the right to a name and nationality, protection for the disabled child, the right to primary education and to adequate health care and the right to leave and return to one's own country—are already protected under federal and state law in the United States but remain only a dream for millions of disad-

vantaged and victimized children around the world today. The Convention raises international standards, particularly in the area of juvenile justice where in many countries vulnerable children are caught up in legal systems that were designed for adults. The Convention deals with a number of problems that have an enormous and often devastating impact on children, including trafficking, child abuse, child labor, armed conflict and family separation.

The Convention will be the first international treaty to deal with traditional practices that are harmful to children. It calls for the rehabilitation of child victims of neglect, abuse and exploitation and for the periodic review of children who may be languishing in institutions. Very importantly, the Convention establishes the "best interests of the child" as the primary consideration in all actions concerning children, whether in social welfare institutions, courts of law, administrative agencies or legislative bodies. Finally, in the recognition that rights concealed are rights withheld, the Convention calls on states to actively make its provisions widely known to adults and children alike.

By formally creating an obligation on nations to foster conditions for the realization of children's rights and to extend protection and assistance to those children who need it most, the Convention will, in effect, establish an agenda for concern and action at both the domestic and international levels. An important role is to be played by the Committee on the Rights of the Child which will be established to monitor progress toward the realization of the standards set by the Convention. Ten international experts on children, provided with technical assistance from UNICEF and other United Nations specialized agencies, will review and assess the periodic reports required of all States parties. These reports along with the Committee's evaluation will become a matter of public record that may be used by children's rights organizations and child advocates in the country of origin in their attempts to improve conditions there.

Throughout the long drafting process, the United States has been a major participant in the negotiations that have shaped the Convention on the Rights of the Child. Although the United States was the leading advocate for many of the civil rights and liberties enumerated in the Convention, its impact was not a uniformly constructive one. Many Senators and Congressmen have already registered their concern for the American decision taken at the Second Reading in December, 1988 to unilaterally block overwhelming international consensus on a draft article ensuring protection in armed conflict for children under the age of 18. The United States has also been the major supporter of a funding formula that would seriously undermine the ability of the world's poorest nations to participate in the Committee on the Rights of the Child despite the fact that these are precisely the areas where children need help the most.

Beyond these immediate issues, there is the question of whether the United States will ultimately ratify the Convention and participate in the Committee. Recent actions on other international human rights conventions have shown that ratification need not affect current law or domestic practice in the United States. At the same time, there has been a growing bipartisan recognition that by not ratifying human rights treaties and by not participating in

their monitoring committees, the United States has been losing a valuable opportunity to influence international practice and ensure that monitoring procedures are meaningful and effective. However advanced the observance of children's rights may be within its own borders, the United States will have difficulty maintaining any credible international leadership on this issue if it chooses simply to turn its back on the Convention now.

In the past, Congress and the Senate have asserted their concern for international human rights and prodded reluctant administrations into action. If children's rights are to not to remain overshadowed by other concerns perceived to be more pressing, legislative initiatives may be needed again, whether in the form of sense-of-the-Congress resolutions, the scheduling of expert testimony before oversight committees, or simply written expressions of concern to administration officials.

The right to smile is a child's first human right. The United States should demonstrate its support for the Convention on the Rights of the Child and be part of the growing international effort to light up the faces of all the world's children. ●

COMMENDING GREG LEMON'S TOUR DE FRANCE VICTORY

● Mr. BOSCHWITZ. Mr. President, today I wish to congratulate Greg LeMond, a resident of Wayzata, MN, for his stunning victory in this year's Tour de France. Even the eternal optimist would have doubted such an outcome. Mr. LeMond, who won his second Tour de France, was 50 seconds behind Laurent Fignon entering the last stage of the race this past Sunday. In baseball terms, a columnist described Mr. LeMond as batting in the ninth inning while down by two runs with two outs and two strikes.

Remarkably, when the race was all over, after the cyclists had covered 2,000 miles of French countryside in 3 weeks, Mr. LeMond was the winner by 8 seconds. It was the slimmest margin of victory in the Tour de France's rich history, dating back to 1903.

Making the outcome even more astonishing are the circumstances surrounding Mr. LeMond's health. Unfortunately, in April 1987, Mr. LeMond was accidentally shot while turkey hunting, 9 months after he became the first and only American to win the Tour de France. Besides that near-fatal tragedy, Mr. LeMond was also plagued by other injuries.

His recovery, culminating in the victory last Sunday, was completed much sooner than he expected. Ironically, before the Tour de France, Mr. LeMond stated he would be pleased to finish among the top 15 or 20.

Mr. President, today I ask my colleagues to congratulate Mr. LeMond and recognize his great accomplishment. America is very proud of him. ●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to Executive Session to consider the following nominations:

Calendar 236, Thomas J. Duesterberg to be an Assistant Secretary of Commerce;

Calendar 237, Wade F. Horn to be Chief of the Children's Bureau, Department of Health and Human Services;

Calendar 238, Gwendolyn S. King to be Commissioner of Social Security; and

Calendar 239, Linda M. Combs to be an Assistant Secretary of the Treasury.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. MCCLURE. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF COMMERCE

Thomas J. Duesterberg, of Indiana, to be an Assistant Secretary of Commerce.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Wade F. Horn, of Maryland, to be Chief of the Children's Bureau, Department of Health and Human Services.

Gwendolyn S. King, of the District of Columbia, to be Commissioner of Social Security.

DEPARTMENT OF THE TREASURY

Linda M. Combs, of Maryland, to be an Assistant Secretary of the Treasury.

STATEMENT ON THE NOMINATION OF GWENDOLYN S. KING, OF WASHINGTON, DC, TO BE COMMISSIONER OF THE SOCIAL SECURITY ADMINISTRATION

Mr. THURMOND. Mr. President, I rise today to voice my strong support for Gwendolyn S. King to be Commissioner of the Social Security Administration.

Mrs. King has an excellent and very well-rounded background in public service. She initially joined the U.S. Department of Health, Education, and Welfare where she coordinated health policy matters for Secretary Caspar Weinberger. She next served as the Director of the Division of Consumer Complaints at the U.S. Department of Housing and Urban Development.

During the 95th Congress, Mrs. King served as a senior legislative assistant to Senator JOHN HEINZ. In this position, she advised the Senator on aging, education, and health issues, among others. Additionally, she was Senator HEINZ's principal staff person on health care finance, social security, and disability matters before the Committee on Finance.

Subsequently, Mrs. King was appointed by then Governor Richard Thornburgh to head up Pennsylvania's first full-time, professionally staffed Washington, DC, office. During her tenure, she successfully mobilized the Pennsylvania Congressional Delegation to win support for various legislative initiatives, one of which was the cleanup of Three Mile Island.

Mrs. King served President Reagan in a number of capacities which included Deputy Assistant and the Director of the Office of Intergovernmental Affairs.

In April 1988, Mrs. King was named executive vice president of Gogol and Associates.

Mrs. King is a cum laude graduate of Howard University. She is a member of the Duke University Board of Visitors.

In her many positions of leadership, Mrs. King has demonstrated superior knowledge and good judgment. The position of Social Security Administrator is a very important one. The Social Security Administration is the largest single domestic program in the Federal Government. Further, Social Security benefits touch the lives of literally millions of Americans. I believe Gwendolyn King possesses the qualifications which are necessary for success as the Administrator of the Social Security Administration. I urge my colleagues to vote in favor of her nomination.

Mr. PRYOR. Mr. President, I would like to take this opportunity to applaud Ms. Gwendolyn King, whom we are voting to confirm as the new Commissioner of the Social Security Administration, in her expressed commitment to bringing a fairer and more humane leadership to the Social Security Administration. As chairman of the Special Committee on Aging, I look forward to working closely with Ms. King and doing all I can to assist her in achieving this goal.

The Social Security Administration is vital to the lives of millions of Americans. Over 38 million individuals—retired and disabled workers and the widows and children of deceased workers—look to the agency to provide the benefits earned during their working years. An additional 4 million or more elderly, disabled, or blind persons who live in poverty receive assistance under the Supplemental Security Income Program.

Perhaps more than any other Federal agency, the Social Security Administration serves those who are among the truly vulnerable in our Nation. For this reason, I am particularly concerned with the direction the agency has taken in recent years. For example, under the former Commissioner the agency embraced a strategic plan, known as Project 2000, that would fundamentally and rapidly move the agency away from community-based services to a high-technology depersonalized service system. Under this plan, two-way videos, automated tellers, and teleservice systems answered by machines rather than human beings would replace in coming years the agency's network of field offices.

Despite the radical changes proposed in this plan, the agency never sought the views of elderly and disabled persons on the service system they would prefer. In view of the dehumanizing vision in the Project 2000 plan, I think it would be more appropriate to call it Project 1984, and I urge the new Commissioner to take a hard look at it before adopting the proposed changes.

There are a number of other concerns that I hope the new Commissioner will work to resolve. Among these are the toll deep and continued staff cuts are taking on the agency's ability to do its job. Despite increasing evidence that staff cuts are causing long lines, processing backlogs, are resulting in a number of offices being closed early, the administration is pushing to reduce the agency's staffing by an additional 2,400 staff years over the coming fiscal year. To make matters worse, the agency is expanding its 800-number system, which will require over 1,000 more full-time staff. Not surprisingly, a recent draft report of the Inspector General reported that public satisfaction with the agency dropped nearly 10 percent over the last year.

In a recent hearing the Aging Committee held, the urgent need for screening and monitoring in the agency's representative payee program was all too apparent. Yet effective screening and monitoring are labor intensive and cannot be achieved if the agency is crippled by staff cuts. For this reason, as well, I hope that the new Commissioner will reassess the impact of the proposed staff cuts.

The new Commissioner is taking the helm of one of the Federal Government's most crucial agencies. In the recent past, too often the agency leadership lost sight of the very persons the agency was created to serve. From Ms. King's very able and encouraging statement before the Finance Committee yesterday at her confirmation hearing, I am hopeful that this will soon change for the better. I am also very hopeful that she will restore a humane and bipartisan spirit to the

agency, and I look forward to doing all I can to support her in this effort.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

REFERRAL OF S. 1230

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 1230, a bill to authorize the acquisition of additional lands for the Knife River Indian Villages National Historic Sites, which was inadvertently referred to the Environment and Public Works Committee, be re-referred to the appropriate committee.

Mr. McCURE. Mr. President, we have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 158—COMMENDING ROCK CLIMBERS MARK WELLMAN AND MIKE CORBETT

Mr. DOLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 158) commending rock climbers Mark Wellman and Mike Corbett.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

Mr. BYRD. Mr. President, I have no objection, and I understand that the majority leader has no objection.

Mr. DOLE. In fact, the majority leader is a cosponsor along with Senators CRANSTON and WILSON.

Mr. BYRD. I thank the Senator.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, a short while ago—about 30 minutes ago—two young men in California's Yosemite National Park attained a truly amazing goal and set an inspiring example for all people—but especially for disabled persons everywhere.

Mark Wellman, who lost the use of his legs in a 1982 climbing accident, managed to scale the 3,500 foot "El Capitan" Rock Monolith with the assistance of his longtime friend—Mike Corbett.

Mark has shown us once again that disabled does not mean unable and that with the appropriate amount of grit and determination there is no limit to what a disabled person can do.

And let us not forget Mike Corbett, an accomplished rock climber himself. Through his assistance he has demonstrated the true meaning of the word "friend."

Both these men deserve our praise and admiration for their accomplishment today.

I am pleased that the majority leader and Senator WILSON and Senator CRANSTON join in this resolution.

The PRESIDING OFFICER. Is there further debate on the resolution?

If not, the question is on agreeing to the resolution.

The resolution (S. Res. 158) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 158

Whereas paraplegic Mark Wellman and his close friend Mike Corbett, on the 8th day of a harrowing wind-buffed climb, are at the top of the 3,500 foot El Capitan monolith in Yosemite National Park, California;

Whereas Mark Wellman, demonstrating uncommon courage and strength of character and body, fought back from a 1982 fall that left both his legs paralyzed and went on to continue climbing and to direct Yosemite's program for disabled visitors;

Whereas Mark Wellman is the first paraplegic to scale El Capitan, setting an outstanding example for all Americans and disabled persons everywhere, reminding us that disabled does not mean unable;

Whereas Mike Corbett, an accomplished climber in his own right, having scaled El Capitan 41 previous times, demonstrated true friendship by inching ahead of his companion and setting the ropes that made the ascent possible; Now therefore, be it

Resolved, That the United States Senate commends Mark Wellman and Mike Corbett for their extraordinary feat of bravery and stoutheartedness, and salutes them for their triumphant rendezvous with the El Capitan Summit.

Ordered, That the Secretary of the Senate transmit a copy of this resolution to Mark Wellman and Mike Corbett.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER TO INDEFINITELY POSTPONE S. 858

Mr. MITCHELL. Mr. President, I ask unanimous consent that Calendar No. 48, S. 858 be indefinitely postponed.

Mr. McCURE. Mr. President, we have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

RECESS UNTIL TOMORROW AT 9:30 A.M. AND MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:30 a.m. to

Thursday, July 27, and that following the time for the two leaders there be a period for morning business not to extend beyond 10 a.m. with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent at 10 a.m. tomorrow, the Senate begin consideration of Calendar No. 169, H.R. 2883, the agriculture appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I further ask unanimous consent that tomorrow, upon disposition of the agricultural appropriations bill, the Senate begin consideration of Calendar No. 168, H.R. 2696, the energy and water appropriations bill, and that upon disposition of the energy and water appropriations bill, the Senate then resume consideration of S. 1352, the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Mr. President, to briefly summarize the schedule for tomorrow as it has now been set, the Senate will come in at 9:30 a.m. with morning business until 10. At 10 a.m. we will begin consideration of the agricultural appropriations bill. Once that has been disposed of, and we hope and expect that will be at or about noon, if not earlier, the Senate will begin consideration of the energy and water appropriations bill which we hope and expect will be completed within a couple of hours, following which the Senate will resume consideration of the Department of Defense authorization bill.

I alert Senators that votes are possible throughout the day tomorrow and in the evening with votes likely to occur on the Department of Defense authorization bill after 7 p.m. tomorrow.

I also remind Senators that as I have stated now several times, it is my intention on tomorrow to seek unanimous consent to an agreement limiting amendments to the Department of Defense authorization bill to those which are filed by the close of business tomorrow. Senators will, by tomorrow evening, have had 4 full days in which the bill has been available to them and on the floor for parts of those days to consider which amendments they wish to offer.

We are making good progress on the bill and if we are able to get this agreement and complete action on that bill and the other matters that I have al-

ready indicated are essential for action prior to the recess, it is conceivable that we could begin the recess earlier than previously scheduled.

Mr. President, I am pleased now to yield to the distinguished minority leader.

Mr. DOLE. Does the majority leader have any indication of how long we may be in session on tomorrow? Will we be late into the evening?

Mr. MITCHELL. Yes. It depends to some extent on the progress we make on the DOD authorization bill. I do not expect it to be a very late session, but if we are making good progress, I would hope perhaps by 9 p.m. or some time in that range, unless there is some compelling reason otherwise why we could not get a lot done and hopefully get this agreement and then be off until Monday.

Mr. DOLE. And then it would be the intention of the majority leader on Monday having disposed of the three appropriations bills to return to the Defense Department authorization bill.

Mr. MITCHELL. Yes. As a matter of fact, it is my hope that we will get back to the DOD bill tomorrow, that we would finish the appropriations bills during the day tomorrow, be back on the DOD bill by midafternoon and spend several hours on that, and then on Monday I would expect a full session, although it is my intention as we did this past Monday to stack votes until after 5 p.m. on Monday.

Mr. DOLE. I appreciate that response. I had an inquiry this afternoon on when the votes will occur on Monday. One of our colleagues on this side is attending a Little League baseball tournament where his son is involved and he cannot be back until 3 p.m., so he will be accommodated.

Mr. MITCHELL. That is my intention. I will ask the managers to do that.

I hope very much if we can get this agreement tomorrow we will have a clearer view of when we might complete action on the DOD bill next week.

ORDER OF PROCEDURE

Mr. DOLE. I just have a couple minutes to place something in the Record.

DISASTER RELIEF LEGISLATION

Mr. DOLE. Mr. President, I would like to summarize what has taken place the past few days on drought and disaster legislation. The Senate Agriculture Committee, yesterday, on a 10-to-9 party-line vote passed a package out of committee instead of a proposal offered by Senator LUGAR—the so-called alternative plan.

The alternative plan would have paid program crop producers and soybeans up front at last year's levels: 35

percent crop loss, 65 percent target price reimbursement. It then would have allowed for either a CCC spending reestimate in October in an effort to utilize additional savings for non-program crops and program nonparticipants, or it would have allowed additional reconciliation savings.

Let me also announce some facts we have not heard so far in press reports and in this debate; some bottomline facts that producers will be very eager to hear: Under Senator LUGAR's plan, wheat producers with a 50-percent loss would have received 27 cents more per bushel than the Democrats were willing to pay; corn growers would have received 19 cents more per bushel under our plan; and soybean producers would have received 41 cents more per bushel under our plan. Let me repeat: 27 cents more for wheat, 19 cents more for corn and 41 more for soybeans.

I will include in the Record at the end of my statement some tables spelling out these facts.

Let us look at another fact: What started out as a winter wheat problem has turned into a free insurance policy for 600 other crops. No doubt about it, the come-one-come-all \$1.4 billion House bill—and that is only the mandated spending—sent the wrong signal to the Senate; to the Senate committee; and to winter wheat producers in my State and farmers in many other States.

The House ignored the fact that the midseason budget review says there will be about \$550 million to spend on disaster relief. Under the House bill, the mandated payments of \$1.4 billion would have to be prorated back to producers to fit under the \$550 million cap. This means payments would be cut by one-half to two-thirds, simply not the 35 to 65 rate the democratic bill promised. It also means that producers would have to wait until everyone has applied for a disaster payment so the prorate could be calculated.

My farmers in Kansas need relief assistance now, because they plant in September. Farmers and bankers are restless, hoping they can make it another year. The good news is, both Senate plans discussed yesterday wisely chose not to prorate. But yesterday Democrats who voted against their constituents—their constituents who grow wheat, corn and soybeans, barley, milo, oats, cotton, rice, sugar, peanuts, tobacco—said that the Lugar alternative was unfair because it did not guarantee payments to people who did not participate in the farm program. The Democrats said that about 780,000 corn farms, 698,000 wheat farms and 44,000 cotton farms would not be covered.

There must be some overlap here. This adds up to about \$1.6 million farms, and the statistics tell us there are just 2.2 million farms in America.

The Democrats seem to be suggesting that every farmer has one farm. But if you add up the total number of farms, from the same information they used to justify voting against many of their constituents, you come up with a total number of farms equal to 3.5 million farms. Yet we are told there are only 2.2 million farmers in the U.S. Obviously, some of these are the same farmers; the farmers who are so large they hit the payment limit or who have so many farms that only a few can be enrolled into the Government program.

Who are these farms that the Members on the other side of the aisle used to justify cutting the price to disaster wracked program crop producers by 27 cents per bushel for wheat, 19 cents per bushel for corn and 41 cents for soybeans.

The fact is that today, most medium-sized commercial farm operators who have to depend on farming for their livelihood are in the farm programs. They cannot afford not to be, when world prices have been depressed because of the monumental subsidies that foreign governments lavish on their farmers.

Many farmers who are not in the farm program today are either very small—basically "hobby farmers" who do not depend on farming for much, if any, of their income—or very large operators who are subject to the \$50,000 payment limit. They may be in the program on one or two farms, and out of compliance on another—because once they've "maxed out" on Government payments for the first two farms, there is no incentive to set aside acreage on the third or fourth or fifth farm. But these were the sacred cows that had to be protected at all costs—and unfortunately, at a significant cost to many family farmers enrolled in farm programs.

Farmers who do not participate in the farm program have chosen to take their chances in the open market. This is fine, and they should have the ability to choose the market. But to say we need to mandate payments to somebody who has already given up his right to deficiency payment—that is another matter. The alternative plan would allow nonparticipants to receive payments on the same basis as producers of non-program crops: if there are additional budget savings or baselines changes, then the payments would be made.

This only makes sense. A producer is either in the program or not. If he chooses not to participate, he has chosen to be a nonprogram crop producer. People sign up for programs to receive benefits. Those who do not sign up willingly forgo these benefits. At times Congress is generous enough to say the benefits may include disaster payments.

But let us look at a more representative figure, the number of eligible acres enrolled. Kansas wheat farmers have enrolled 86 percent of their acres in the program. Nebraska, North Dakota, South Dakota, and Oklahoma, respectively: 84 percent, 90 percent, 86 percent, and 78 percent. Corn enrollment in Kansas is 86 percent, Iowa 91 percent Nebraska 92 percent, North Dakota 90 percent and South Dakota 90 percent. Producers in these States will remember who led the way for a price cut: 27 cents per bushel for wheat, 19 cents per bushel for corn, and 41 cents per bushel for soybeans.

Finally on this point, I think it is ironic that a few years ago some of the same Members—some were Senators from corn States, some were in the House—who yesterday showed such great concern for program nonparticipants—wanted then to mandate that all farmers be in the program under a mandatory supply control program—that was their effort to raise prices. But now they have taken the price away from their own producers.

Their vote yesterday said, "it doesn't matter whether you're in the program or not, you'll be protected," shows they did not believe what they were preaching a couple years ago. Because yesterday's vote told producers you are a sucker if you participate in the farm program—set-aside farmland, comply with page after page of regulations—because if there is a disaster, we will protect you anyway.

I am sure the next step by some on the other side will be to suggest their plan pays better. They will try to say that if a farmer has a lot of non program crops then the benefits will equalize. Or they may suggest, their plan may not be so bad if you add in the nonparticipants. If we want to pay these people, I will agree to that, but let us find the money either through a CCC reestimate or through the reconciliation process.

CONCLUSION

These are some of the facts that never made it into the press releases or press reports yesterday, so I am pleased to have the chance to let the public know the real facts.

Mr. President, I ask unanimous consent to print in the RECORD information on various crops and how they fare under the proposal offered by Senator LUGAR in the committee, just so my colleagues on both sides of the aisle would have the information available in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMPARISON OF DISASTER PROPOSAL FOR A CORN FARM WITH A 50 PERCENT LOSS

200-acre farm.
104 bu./acre program yield.
18,720 bu. normal production (10 percent ARP).
Target price of \$2.84.

1989 production of 9,360 bu.=loss of 9,360 bu.

Lugar alternative (35/65/90)	Democratic package (40/65/80)
35 percent of normal unpaid 6,552 bu..	40 percent of normal unpaid 7,488 bu.
35-75 percent of normal at 65 percent 2,808 bu. paid at \$5,184.	40-75 percent of normal at 65 percent 1,872 bu. paid at \$3,456.
Total payments \$5,184	\$3,456.
Difference = \$1,728 or 18.5 cents/bu.	

The Lugar-Dole proposal would pay corn farmers with a 50 percent loss 19 cents per bushel more than the current Senate committee package.

A soybean farm of 200 acres receives \$1,400 more on a 50 percent loss which amounts to 41 cents/bu.

COMPARISON OF DISASTER PROPOSAL FOR A WHEAT FARM WITH A 50 PERCENT LOSS

1,000-acre farm.
35 bu./acre program yield.
31,500 bu. normal production (10 percent ARP).
Target price of \$4.10.
1989 production of 15,740 bu.=loss of 15,750 bu.

Lugar alternative (35/65/90)	Democratic package (40/65/80)
35 percent of normal unpaid 11,025 bu.	40 percent of normal unpaid 12,600 bu.
35-75 percent of normal at 65 percent 4,725 bu. paid at \$12,592.	40-75 percent of normal at 65 percent 3,150 bu. paid at \$8,395.
Total payments \$12,592	\$8,395.
Difference = \$4,197 or 27 cents/bu.	

COMPARISON OF DISASTER PROPOSAL FOR A SOYBEAN FARM—50 PERCENT LOSS

200 acre farm.
34 bu./acre program yield.
6,800 bu. normal production.
\$5.59 average price.
1989 production of 3,400 bu.=Loss of 3,400 bu.

Lugar alternative (35/65/90) ARP and yield factor	Democratic package (45/65/80)
35 percent of normal unpaid 1,190 bu..	40 percent of normal unpaid 1,190 bu.
35 percent-75 percent of normal at 65 percent 1,020 bu. paid at \$2,635.	45-75 percent of normal at 65 percent 340 bu. paid at \$1,235.
Total payments \$2,635	\$1,235.
Difference = \$1,400 or 41 cents/bu.	

COMPARISON OF DISASTER PROPOSAL FOR A COTTON FARM—100 PERCENT LOSS

500 acre farm.
590 lb./A. program yield (25/5 ARP).
221,250 lbs. normal production.
1989 production of zero bu. = Loss of 221,250 bu.

Lugar alternative (35/65/90)	Democratic package (40/65/80)
35 percent of normal unpaid 77,437 bu.	40 percent of normal unpaid 88,500 bu.
35 percent-75 percent of normal at 65 percent 88,500 lb. paid at \$42,223.	45-75 percent of normal at 65 percent 77,437 lb. paid at \$36,945.
75 percent + of normal at 90 percent 55,312 bu. paid at \$36,539.	75 percent of normal at 90 percent 55,312 bu. paid at \$32,479.
Total payments \$78,762	\$69,424.
Difference = \$9,338 or 4.2 cents/lb.	

Mr. DOLE. Again I would say, as I did last night as we closed, I discussed

this with the chairman of the committee today, Senator LEAHY in a couple of short visits. I have discussed some potential ways to resolve the problems with the U.S. Department of Agriculture. I have not talked with Secretary Yeutter today but it would be my hope that perhaps sometime tomorrow, if not, no later than Monday, we could try to sit down and resolve our differences.

Because the majority leader has indicated he would be certainly willing to accommodate requests from Senator LEAHY to bring up rural development and drought assistance if we could do it in a timely fashion. But if we have a big debate and a big difference, I have learned over the years when you have farm bills on this floor you can have days and days of agony.

So hopefully we can resolve the differences. We are not there yet. There really has not been any serious effort yet, but I think there is some willingness.

Mr. MITCHELL. I thank the distinguished Republican leader.

I do want to reiterate what I have said on previous occasions that I place a very high priority upon the Senate's acting promptly on disaster relief legislation as well as rural economic development legislation which I also have discussed several times. I want very much to bring that legislation up and to have it passed to provide the benefit for those who have incurred disaster.

I hope very much that whatever differences there are can be resolved. I think it is very important. In my view, if we leave here for the recess without having acted on this important legislation, we will have done a disservice to those who are in need of that help. So it is a very high priority for me. I hope very much that we are going to be able

to enact such legislation. I will do all I can to move forward on disaster relief legislation as soon as possible.

Mr. DOLE. I thank the majority leader.

RECESS UNTIL 9:30 A.M., THURSDAY, JULY 27, 1989

Mr. MITCHELL. Mr. President, if the Republican leader has no further business, and if no Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 9:30 a.m. on tomorrow, Thursday, July 27.

There being no objection, the Senate, at 8:11 p.m., recessed until 9:30 a.m., Thursday, July 27, 1989.

NOMINATIONS

Executive nominations received by the Senate July 26, 1989:

DEPARTMENT OF THE TREASURY

BARBARA E. MCTURK, OF COLORADO, TO BE SUPERINTENDENT OF THE MINT OF THE UNITED STATES AT DENVER, VICE CYNTHIA JEANNE GRASSBY BAKER, RESIGNED.

DEPARTMENT OF VETERANS AFFAIRS

JOANN KRUKAR WEBB, OF VIRGINIA, TO BE DIRECTOR OF THE NATIONAL CEMETERY SYSTEM, DEPARTMENT OF VETERANS AFFAIRS (NEW POSITION).

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

ROBERT R. RANDLETT, OF NEW JERSEY, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE W. ANTOINETTE FORD, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. ALFRED G. HANSEN, ~~xxx-xx-xxxx~~ FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. THOMAS C. RICHARDS, ~~xxx-xx-xxxx~~ FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. JAMES C. MCCARTHY, ~~xxx-xx-xxxx~~ FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. CHARLES C. MCDONALD, ~~xxx-xx-xxxx~~ FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. LEO W. SMITH II, ~~xxx-xx-xxxx~~ FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. HENRY VICCELLIO, JR., ~~xxx-xx-xxxx~~ FR, U.S. AIR FORCE.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 26, 1989:

DEPARTMENT OF COMMERCE

THOMAS J. DUESTERBERG, OF INDIANA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

WADE F. HORN, OF MARYLAND, TO BE CHIEF OF THE CHILDREN'S BUREAU, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

GWENDOLYN S. KING, OF THE DISTRICT OF COLUMBIA, TO BE COMMISSIONER OF SOCIAL SECURITY.

DEPARTMENT OF THE TREASURY

LINDA M. COMBS, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—Wednesday, July 26, 1989

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. GEPHARDT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 25, 1989.

I hereby designate the Honorable RICHARD A. GEPHARDT to act as Speaker pro tempore on Wednesday, July 26, 1989.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God of light, who shines in deepest darkness, whose brightness exposes our weaknesses and whose warmth heals our hearts, let us see ourselves as we truly are, not covered by all our pieties and parading, but made free by Your forgiving love. Help us, O God, gain the confidence of a whole and healthy heart by seeing Your light and being filled by Your good grace. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. DICKS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and on a division (demanded by Mr. Dicks) there were—ayes 17, nays 3.

Mr. DICKS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 284, nays 98, answered "present" 1, not voting 48, as follows:

[Roll No. 165]

YEAS—284

Ackerman	Flake	Mfume
Akaka	Flipppo	Miller (CA)
Alexander	Foglietta	Miller (WA)
Anderson	Ford (MI)	Mineta
Andrews	Frank	Mollohan
Annunzio	Frost	Montgomery
Applegate	Gallo	Moody
Archer	Gaydos	Moorhead
Aspin	Gejdenson	Morella
Atkins	Gephardt	Morrison (CT)
AuCoin	Gilman	Morrison (WA)
Ballenger	Gingrich	Murtha
Barnard	Glickman	Myers
Bartlett	Gonzalez	Nagle
Bateman	Gordon	Natcher
Bates	Gradison	Neal (MA)
Bennett	Grant	Neal (NC)
Bereuter	Gray	Nelson
Berman	Green	Nowak
Bevill	Guarini	Oakar
Bilbray	Hall (OH)	Oberstar
Boggs	Hall (TX)	Obey
Bonior	Hamilton	Olin
Borski	Hammerschmidt	Ortiz
Bosco	Harris	Owens (UT)
Boucher	Hatcher	Oxley
Boxer	Hayes (IL)	Packard
Brennan	Hayes (LA)	Pallone
Broomfield	Hefner	Panetta
Browder	Henry	Parker
Brown (CA)	Hoagland	Patterson
Bruce	Hochbrueckner	Payne (NJ)
Bryant	Horton	Payne (VA)
Bustamante	Houghton	Pease
Byron	Hoyer	Pelosi
Callahan	Hubbard	Perkins
Campbell (CA)	Hughes	Petri
Campbell (CO)	Hutto	Pickett
Cardin	Jenkins	Pickle
Carper	Johnson (CT)	Porter
Chapman	Johnson (SD)	Poshard
Clarke	Johnston	Price
Clement	Jones (GA)	Rahall
Clinger	Jontz	Rangel
Coleman (MO)	Kanjorski	Ravenel
Coleman (TX)	Kaptur	Ray
Combest	Kastenmeier	Regula
Conte	Kennedy	Richardson
Conyers	Kennelly	Rinaldo
Cooper	Kildee	Ritter
Costello	Klecza	Robinson
Cox	Kolter	Roe
Coyne	Kostmayer	Rose
Crockett	Lancaster	Rostenkowski
Darden	Lantos	Rowland (CT)
Davis	Laughlin	Rowland (GA)
de la Garza	Lehman (CA)	Roybal
DeFazio	Lehman (FL)	Russo
Dellums	Leland	Sabo
Dicks	Lent	Salki
Dingell	Levin (MI)	Sangmeister
Donnelly	Levine (CA)	Sawyer
Dorgan (ND)	Lewis (GA)	Saxton
Downey	Livingston	Scheuer
Dreier	Lloyd	Schiff
Duncan	Long	Schneider
Durbin	Lowe (NY)	Schulze
Dwyer	Luken, Thomas	Schumer
Dymally	Manton	Sharp
Early	Markey	Shaw
Eckart	Martin (NY)	Shumway
Emerson	Martinez	Shuster
Engel	Matsui	Sisisky
English	Mazzoli	Skaggs
Erdreich	McCloskey	Skeen
Espy	McCurdy	Skelton
Evans	McDermott	Slaughter (NY)
Fascell	McEwen	Slaughter (VA)
Fawell	McMillan (NC)	Smith (IA)
Fazio	McMillen (MD)	Smith (NE)
Feighan	McNulty	Smith (NJ)
Fish	Meyers	Snowe

Solarz	Thomas (WY)
Spence	Torres
Spratt	Torricelli
Staggers	Trafficant
Stallings	Traxler
Stark	Unsoeld
Stenholm	Valentine
Studds	Vander Jagt
Synar	Vento
Tallon	Visclosky
Tanner	Volkmer
Tauzin	Walgren
Thomas (GA)	Walsh

NAYS—98

Armey	Hiler	Rhodes
Baker	Holloway	Ridge
Barton	Hopkins	Rogers
Bentley	Hunter	Rohrabacher
Billakis	Inhofe	Roth
Boehlert	Ireland	Roukema
Brown (CO)	Jacobs	Schroeder
Bunning	James	Schuetz
Burton	Kolbe	Sensenbrenner
Chandler	Kyl	Shays
Clay	Lagomarsino	Sikorski
Coble	Leach (IA)	Smith (MS)
Coughlin	Lewis (CA)	Smith (TX)
Craig	Lewis (FL)	Smith, Denny
Crane	Lightfoot	(OR)
Dannemeyer	Lukens, Donald	Smith, Robert
DeLay	Machtley	(NH)
DeWine	Madigan	Smith, Robert
Dickinson	Marlenee	(OR)
Edwards (OK)	Martin (IL)	Solomon
Fields	McCandless	Stangeland
Frenzel	McCollum	Stearns
Galleghy	McCrery	Stump
Gekas	McGrath	Sundquist
Gibbons	Michel	Tauke
Goodling	Miller (OH)	Upton
Goss	Molinar	Vucanovich
Grandy	Murphy	Walker
Hancock	Nielson	Weber
Hansen	Parris	Wheat
Hastert	Pashayan	Whittaker
Hawkins	Paxon	Wolf
Hefley	Penny	Young (FL)
Herger	Quillen	

ANSWERED "PRESENT"—1

Smith (VT)

NOT VOTING—48

Anthony	Garcia	Mrazek
Beilenson	Gillmor	Owens (NY)
Bliley	Gunderson	Pursell
Brooks	Hertel	Roberts
Buechner	Huckaby	Sarpalius
Carr	Hyde	Savage
Collins	Jones (NC)	Schaefer
Courter	Kasich	Slatery
Derrick	LaFalce	Smith (FL)
Dixon	Leath (TX)	Stokes
Dornan (CA)	Lipinski	Swift
Douglas	Lowery (CA)	Thomas (CA)
Dyson	Mavroules	Towns
Edwards (CA)	McDade	Udall
Florio	McHugh	Williams
Ford (TN)	Moakley	Young (AK)

□ 0927

Mr. DICKINSON changed his vote from "present" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. VOLKMER). At this time we will all

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

stand and the gentleman from Maine [Mr. BRENNAN] will lead the House in the Pledge of Allegiance.

Mr. BRENNAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment, a bill of the House of the following title:

H.R. 968. An act to provide for the Federal reimbursement of local noise abatement funds.

The message also announced that the Senate has passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 182. Joint resolution to commemorate the 50th anniversary of Little League Baseball.

The message also announced that pursuant to Public Law 93-642, the Chair on behalf of the Vice President, appoints Mr. SHELBY, as a member of the Harry S. Truman Scholarship Foundation Board of Trustees.

The message also announced that pursuant to Public Law 100-297, the Chair on behalf of the President pro tempore, appoints Mr. COCHRAN and Ms. Carolyn Paseneaux of Wyoming, from private life, to the National Commission on Migrant Education.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL 1990

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1990, and for other purposes.

Mr. CONTE reserved all points of order on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE LEGISLATIVE BRANCH APPROPRIATIONS BILL, 1990

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations

for the legislative branch for the fiscal year ending September 30, 1990, and for other purposes.

Mr. CONTE reserved all points of order on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON MILITARY CONSTRUCTION APPROPRIATIONS BILL, 1990

Mr. WHITTEN. I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes.

Mr. CONTE reserved all points of order on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

B-2 BOMBER IS A PLANE WITHOUT A MISSION

(Mr. BRENNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRENNAN. Mr. Speaker, the principal mission of the B-2 bomber is to penetrate Soviet airspace after both sides have already launched their thousands of nuclear missiles. Presumably these missiles will have hit their targets and both the United States and the Soviet Union will have been destroyed.

In essence, by that time the war would have been lost by both sides. Then after both countries are devastated, the B-2 would fly into action, penetrate Soviet airspace and drop its bombs. This comes as close as I can possibly envision to a mission literally to make the rubble bounce.

To me, that sort of mission for the B-2 does not justify the spending of \$70 to \$100 billion of the taxpayers' money. Yes, the B-2 bomber is a plane without a mission, certainly a plane that does not justify the most expensive weapons system in history.

It is time to stop a weapons system we do not need, cannot afford, and really has no justifiable mission.

□ 0930

DISTRICT OF COLUMBIA, MURDER CAPITAL OF THE WORLD

(Mr. MARLENEE asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. MARLENEE. Mr. Speaker, Washington Times, "Dying Young in D.C.," Washington Post, "Prostitutes on the March," "Gotham City, U.S.A.," "D.C., Murder Capital of the World," "Black Children Sacrificed at the Altar."

Civil leaders who refuse to acknowledge that a problem exists; union leaders who have become so used to crime that they publicly defend the city and the crime.

A 13-year-old black, Derrick Conner, murder victim No. 247, was the victim of greed, malfeasance, misappropriation, mismanagement, in a city whose leadership is afraid to rock the boat of the joker who runs Washington, DC.

Mr. Speaker, last night I had a call asking me to leave the District of Columbia if I did not like what was going on here.

To those anonymous callers I would say we would be happy to leave. Maybe your police could march all the conventioners, tourists, and Federal workers down 14th Street and out of town.

When you think about it, that is what the leadership of this city is doing, slowly but surely.

To all the black mothers who must raise children under these conditions I extend my sympathies.

DESECRATION OF A GREAT AMERICAN SYMBOL: THE WOODEN BASEBALL BAT

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, I rise to condemn the desecration of a great American symbol. No, I am not referring to flag burning; I am referring to the baseball bat.

Several experts tell us that the wooden baseball bat is doomed to extinction, that major league baseball players will soon be standing at home plate with aluminum bats in their hands. Baseball fans have been forced to endure countless indignities by those who just cannot leave well enough alone.

Designated hitters, plastic grass, uniforms that look like pajamas, chicken clowns dancing on the baselines, and of course the most heinous sacrilege, lights in Wrigley Field.

Are we willing to hear the crack of a bat replaced by the dinky ping? Are we ready to see the Louisville slugger replaced by the aluminum ping dinger? Is nothing sacred?

Please, do not tell me that wooden bats are too expensive when players who cannot hit their weight are being paid more money than the President of the United States.

Please, do not try to sell me on the notion that these metal clubs will make better hitters.

What is next? Teflon baseballs? Radar-enhanced gloves? I ask you.

I do not want to hear about saving trees. Any tree in America would gladly give its life for the glory of a day at home plate.

I do not know if it will take a constitutional amendment to keep the baseball traditions alive, but if we forsake the great Americana of broken-bat singles and pine tar, we will have certainly lost our way as a nation.

THROUGH THE DRUG WAR MAZE IN 28 DAYS—DAY 7: HOUSE FOREIGN AFFAIRS COMMITTEE

(Mr. SMITH of Mississippi asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Mississippi. Mr. Speaker, I call attention today to the House Foreign Affairs Committee, as it relates to the war on drugs. This committee has congressional jurisdiction over U.S. Government participation in international drug-control efforts through international organizations; foreign assistance related to overseas drug control; bilateral narcotics agreements between the United States and drug-producing or drug-transiting countries; drug smuggling into the United States; loans provided by multilateral development lending institutions to countries deemed in compliance with U.S. drug laws; and Export-Import Bank financing for defense against narco-terrorists.

Here is one more committee with jurisdiction over the Nation's drug-control efforts, and the work of the Nation's drug czar. Here is one more part of the maze—as illustrated at my left—of more than 60 committees, subcommittee and select committees that the drug czar must pass through to form a drug-control strategy.

Mr. Speaker, the American people rates drugs and crime as their No. 1 concern. They will not be fooled by a war on drugs that is fought by choir. They will not be fooled by a public relations campaign. They want the war on drugs fought by troops. In other words, they want results.

Mr. Speaker, the only way we in the Congress can give the American people results is make our war on drugs a coordinated effort. I urge my colleagues to support consolidation of this drug war maze into one effective committee. Only then can we begin to wage a true war on drugs.

VOLUNTARY RESTRAINT AGREEMENTS EXTENSION

(Mr. OWENS of Utah asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. OWENS of Utah. Mr. Speaker, yesterday President Bush announced the administration's Steel Trade Liberalization Program to extend voluntary restraint agreements for 2½ years and to seek international consensus to remove unfair trade practices.

Mr. Speaker, I applaud these actions by the President, but he apparently does not realize that 2½ years time-frame will not allow the U.S. steel products to finish modernizing their plants. Nor will it allow successful negotiation for the removal of export and domestic subsidies and other unfair barriers to markets.

The U.S. steel industry has made tremendous strides in its efforts to modernize and become competitive in the world markets. But foreign governments have provided more than \$60 billion in subsidies for their steel production since 1981 and they continue to engage in serious unfair trade practices.

The President has taken only half the action needed. America needs the straight 5-year extension of the VRA's. That is the shortest time period in which an international consensus can be reached to eliminate trade abuses.

The U.S. steel industry is vital to this country's security and must be allowed to complete modernization so as to compete on an equal footing in world markets.

THROUGH THE DRUG WAR MAZE IN 28 DAYS

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

MESSAGE TO DEMOCRATS: USE WOODEN BATS

Mr. BARTON of Texas. Mr. Speaker, before I start my 1 minute, I want to ask my Democratic colleagues next week not to use any of those hated aluminum bats in the congressional baseball game; use those wooden bats that the previous speaker was talking about.

Mr. Speaker, I rise today as a foot soldier in the war on drugs to complain about the endless congressional chain-of-command loops our Gen. William Bennett has to go through in order to get his marching orders approved. As you have heard before, the newly created position of drug czar has to report to 28 standing committees and, including subcommittees, select committees, appropriations, and budget committees, will have to answer to over 80 House panels. One centralized committee needs to have total jurisdiction over programs and legislation regarding illegal drugs.

My friend and colleague LARKIN SMITH is presenting a series of 1 minutes entitled, "Through the Drug War

Maze in 28 Days." Today, on day seven of the maze, I would like to call my colleagues attention to the Foreign Affairs Committee, yet another in a long list of committees with partial jurisdiction over the drug war.

My constituents have stated in my annual questionnaire for the past 3 years, and to me personally, that the problems associated with illegal drugs are a top issue. I would like to be able to tell my constituents that the war we in Congress have declared on drugs is more than just election-year lip-service. The stakes are too high and this issue is far too important to be "buried in committee" or become the victim of a vicious turf battle. Join me in reforming the maze that must be gone through to attack the drug problem.

To truly make progress on the drug war, we must do more than posture and simply vote "yes" every 2 years on an omnibus drug bill. It is time to stop telling everyone what a great job Congress is doing in fighting the war on drugs, and start breaking the procedural barriers in place that are currently preventing the war from being waged and eventually won.

COMMITTEE ON FOREIGN AFFAIRS BATTLES THE WAR ON DRUGS IN THE INTERNATIONAL ARENA

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, the last gentleman and the one who preceded him on the Republican side motivated me to speak.

Yes, the Committee on Foreign Affairs has a task force on narcotics. It does not have a thing to do with the drug czar because he does not have operational responsibility on what goes on in foreign countries.

I think going to 80 committees, select committees, standing committees, subcommittees, is ridiculous. But at the same time let us not confuse the issue and make it seem as if the Committee on Foreign Affairs does not have a jurisdictional responsibility under the rules of the House which it has been carrying out extremely well.

That is, in dealing with the problems of the countries which produce the drugs, and in helping to lead the fight to get something started within our own State Department to ensure that we have the capability to match on the international side what we are trying to do on the domestic side. It was in order for us to focus on and meet these responsibilities that we created the task force. I am sure the gentlemen would not want to suggest that the Foreign Affairs Committee, and the agencies over which it has jurisdic-

tion such as the Department of State, ignore this importance issue.

I think personally, interdiction and enforcement is absolutely essential.

□ 0940

Working with our neighbors to the South of America and around the world to stop production is important. The truth of the matter is, though, we will never win the drug fight, in my judgment, until we stop demand in this country.

As long as Americans insist on paying money to kill themselves, we are going to have an awful time. It does not have too much to do with complicated jurisdiction in the Congress of the United States. In this regard, I would like to include in the RECORD a letter I wrote to the late Chairman Pepper on the issue of jurisdiction over narcotics matters:

APRIL 10, 1989.

HON. CLAUDE PEPPER,
Chairman, Committee on Rules,
Washington, DC.

DEAR CHAIRMAN PEPPER: Thank you for your letter of March 15 regarding the proposal to change the Select Committee on Narcotics Abuse and Control to a standing committee.

It is clear that, as you note, a large number of committees and subcommittees share joint jurisdiction over the narcotics issues. This has on occasion hindered effective drafting of narcotics legislation. However, I do not believe that stripping the standing committees of their legislative jurisdiction and vesting them in a standing narcotics committee is the answer to this problem. When we created the so-called "drug czar", we did not give him the power to wrest large portions of responsibility from the line agencies of the United States Government; rather, we gave him a coordinating function. I see no reason to re-organize the Congress in a manner more drastic than what we have imposed on the Executive branch.

I do not oppose the creation of a standing committee because of parochial jurisdictional concerns. Clearly, the magnitude of the narcotics problem demands creative thinking and creative mechanisms to cope with it. Rather, I do not feel that the issue can be neatly pigeon-holed into one committee. It is precisely because this issue penetrates so many areas of our society that so many committees have become involved in the issue. In the case of the Foreign Affairs Committee, our international narcotics policy is inextricably intertwined with our overseas economic and military assistance programs and the conduct of our foreign relations. These are extraordinarily complicated problems which require a breadth and depth of knowledge that I doubt could be addressed by a standing committee which would also have to examine criminal justice problems, health issues, drug testing, and a host of other issues. One could make a similar argument for a standing committee on trade, terrorism, arms control, global climate control, or a host of other functional issues with which we are preoccupied. Perhaps the entire House Committee system should be re-organized along such lines; in the absence of such a reorganization, however, I doubt that the creation of a standing committee on narcotics would do much to

resolve the complexities which face us on narcotics.

The omnibus bill approach to these issues has not been without imperfections and frustrations. However, I believe that even with these imperfections it has been a useful approach to dealing with this and other issues. The major problem with the omnibus system, it seems to me, largely stems from the limited amount of time which necessarily is imposed on committees to develop their contributions to such bills, and the relative haste with which such bills must be assembled. Perhaps it would be advisable to develop a regular series of meetings with interested committees to consult with each other as to their relative initiatives on this issue. The Select Committee on Narcotics Abuse and Control, which has done such a yeoman's job on this issue and on which I have the privilege to serve, might prove helpful in organizing and conducting such meetings. I feel that this approach might be more useful than trying to impose a measure of order on an issue which is essentially without boundaries.

Finally, I would note that a great deal of the confusion surrounding legislation on this issue is the result of an absence of leadership from the executive branch. Ultimately, the Congress cannot effectively make policy by itself. It is best suited to disposing of executive branch requests. Until the executive branch can formulate meaningful, comprehensive policies on drug abuse and control—as envisioned in the 1988 Act—the House cannot, simply by the creation of a standing committee, perform this much-needed function. Coordination among the various committees could undoubtedly be improved. However, I feel that given the paucity of proposals from the executive branch, the House has done a creditable job in formulating legislation, under the directions of the House Leadership and the Rules Committee. In short, I do not believe the system is broken and therefore do not believe it needs to be fixed.

With best wishes, I am

Sincerely yours,

DANTE B. FASCELL,
Chairman.

GODDESS OF DEMOCRACY LEGISLATION

(Mr. EMERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMERSON. Mr. Speaker, I rise today to ask for support for legislation that my esteemed colleague from New York, Mr. MIKE McNULTY, and I have recently introduced to observe the recent democratization efforts within Tiananmen Square.

Last month, the world was witness to the heroic actions of those brave students as they sought to rally the prodemocracy forces in China. In the process, a small but significant symbol was erected to let the rulers of the Chinese Government know that the cry for democracy is one to be heard beyond the restrictive walls of Tiananmen Square.

The McNulty-Emerson bill calls for the creation—through private financing—of a replica of the goddess of democracy, thus allowing the symbol of

that peaceful demonstration to continue on as expression of hope to the thousands of students that were brutally suppressed by the Chinese Army and their reprehensible acts of violence. This commemoration of Tiananmen Square's prodemocracy efforts is to be displayed here in the United States until such forces within China prevail. At that time, the goddess of democracy will be given to China as a gift of the American people.

Many Members of this body have already acknowledged the importance of this symbol by cosponsoring H.R. 2912. Likewise, I urge the rest of my colleagues to assist us in recognizing the Chinese people that have demonstrated the spirit of freedom that our Nation has known for so long.

COMMENDATION OF WILLIAM WELD

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, William F. Weld is running for Governor of Massachusetts. Mr. Weld is a Republican.

If Members recall, he is the prosecutor that resigned because of the sleaze in the Justice Department run by Ed Meese.

Now, last week, Mr. Weld said, "That officials of the Reagan administration pressed him to stop investigations of Reagan friends and supporters when he was prosecutor." However, the Republican candidate for Governor of Massachusetts did not stop there, folks. He now admits that he once obeyed a written order to initiate and begin an investigation into a Reagan critic who was being targeted by the Justice Department.

Now, I ask Members, is this really justice for all or are we beginning to develop a Gestapo state? How far is this administration going in using the IRS and the Justice Department to go after their critics? Congress should investigate that Republican candidate's position and statement.

Finally, I want to commend Mr. Weld for telling the truth and coming forward with this revelation.

CAN WE AFFORD \$305 BILLION DEFENSE BUDGET?

(Mr. APPELEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPELEGATE. Mr. Speaker, today we are going to be talking about the Defense authorization bill. The question is, can we afford a \$305 billion defense budget? Let me just point this out: The \$305 billion Defense authorization we are talking about is larger than 99 percent of the budgets

of all the nations in the world. Do we need to spend \$305 billion on planes that cannot fly, tanks that cannot run, missiles that cannot hit the target? Do we need \$305 billion when billions are wasted on cost effectiveness, cost overruns by defense contractors, inflated prices on hammers and screwdrivers? Can we afford \$305 billion when we have 38 million people without health insurance in this country, hundreds of thousands of homeless around, unemployed people, underemployed people, the veterans' medical benefits being cut back, and black lung, and our communities which need \$3 trillion to repair their infrastructure?

We have a country, \$550 billion that we owe to other nations of the world, a \$2.8 trillion budget deficit, and we have \$125 million a year trade deficit. All of our jobs going out of the country, and our businesses, and here we are talking about a \$305 billion budget for defense.

The American taxpayer cannot afford it. Let Members cut it back. Let Members do something for the American people, something for the good of the country.

SUPPORT THE STENHOLM AMENDMENT

(Mr. STENHOLM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, I want Members to take a good look at the chart to my right. Members will see a lot of it over the next couple of days.

Imagine for a moment the black line is the prevailing wage on Federal contracts. That is a fact according to CBO. According to current utilization of Davis-Bacon, we are spending 6.6 and 4.6 in outlays, more than the prevailing wage.

My amendment proposes to take back 53 percent. The Murphy amendment proposes to add, we do not know how much according to CBO, to the cost to the taxpayer because of a 1931 act that the pressure in this body is so great from who? Unions who refuse to compromise 1 percent.

Members, tomorrow we are going to have an opportunity to vote on reform. Please do not be misled that the Murphy bill is reform. It makes a good situation worse. If Members want reform, vote for STENHOLM. If Members want repeal, find the votes. However, we have a darned good chance tomorrow to do something significant, that is fair to all parties, including the taxpayers, and will allow the Defense Authorization Committee over the next 5 years to have \$720 million to spend, perhaps for military housing to house our men and women, or perhaps to spend on some of the other systems.

Take a good look at this chart. This is accurate according to the CBO. Members will see a lot of it over the next few days.

CONGRATULATIONS, DR. ROBERT ETHERIDGE

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I rise today to bring the accomplishments of one of my constituents, Dr. Robert F. Etheridge, to the attention of my colleagues.

On June 30 of this year, Dr. Etheridge received the Navy's Distinguished Public Service Award. This is the highest award that a civilian can receive. He received the award due to his long-term commitment to supporting Miami's Navy ROTC battalion and for service as president of the Association of the Navy ROTC Colleges and Universities from 1976 to 1982. A naval pilot in World War II, Dr. Etheridge has served his community in many capacities.

He has been involved with the National Association of Student Personnel Administrators since 1964. He was national vice president and was director of professional development and standards, 1965-67. He was also a delegate to the Council for Student Personnel Administrators from 1968 to 1970.

In 1987, he received the Phillip A. Tripp Distinguished Service Award from the Ohio Association of Student Personnel Administrators.

Dr. Etheridge is a fine man and a good example of what makes America great. His service to his Nation should serve as an example to everyone. As the administration speaks of community service, let them know that the American people are ready to do their part.

Congratulations, Dr. Robert Etheridge, you are an example to us all. Your wife Veda and your children, Robert and Michael, have a great deal of which to be proud.

□ 0950

CLEAN AIR, NOT HOT AIR

(Ms. SLAUGHTER of New York asked and was given permission to address the House for 1 minute.)

Ms. SLAUGHTER of New York. Mr. Speaker, the Nation needs cleaner air. Congress passed the Clean Air Act in 1970 but now, nearly two decades later, almost 150 million Americans still breathe pollution. I'm pleased that the administration has finally acknowledged the need to control air pollution, but I'm deeply disappointed that the content of President Bush's proposal does not match his rhetoric.

We have three major air pollution problems to address: Acid rain, urban smog, and toxic emissions. Unfortunately, the President's bill will not adequately protect public health and the environment from any of these contaminants. Indeed, with regard to nitrogen dioxide and hydrocarbons, President Bush will allow industries to pollute more before they begin to cut back.

This is not progress. This is not success. We cannot tolerate more pollution.

The Congress has an obligation to enact tough restrictions on polluters and enforce the law. We must do this in a way that is fair to our economy; but protecting public health and preserving the environment must be a priority. For most Americans, it is. President Bush seems more concerned about the fiscal health of American polluters than he does for the physical health of the American people.

I hope the Congress will see through the murky message coming from the White House to vote for a clearing of the skies and clean air.

REFORM IS BETTER THAN REPEAL

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, for several weeks the Ways and Means Committee has been wrestling with the Medicare Catastrophic Coverage Act. We have been trying to separate real concerns from imaginary concerns. Yesterday, the committee package addressed big problems.

One is the impact of the supplemental premium on middle-income seniors. The committee cut the supplemental premium in half for these seniors.

The second change provides the chance for seniors who already have better coverage than the present program, including the catastrophic coverage, to opt out of the program.

The Ways and Means Committee has spent a great deal of time evaluating many different proposals. The package we developed attempts to resolve legitimate concerns on a very difficult and complicated issue. I urge my colleagues to look at the improvements carefully.

Mr. Speaker, in a word, let us reform catastrophic, not repeal it.

A REORDERING OF PRIORITIES

(Mr. DELLUMS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DELLUMS. Mr. Speaker, as I indicated yesterday, virtually every day in every major city in this country

young children are dying in the streets of America as a result of drugs and crime. I believe that this is the direct result of decades of benign neglect and a tragic set of priorities that have allowed us to spend megabillions of dollars building a monument to military madness, terror, and war. As we go forward to debate the defense authorization bill today, let us be guided by the following principles:

First, that the real war is a war to save this generation of our children; second, that we have a profound obligation to turn over to our children a better world than the world that was turned over to us; and, third, as we go forward debating the defense authorization bill, let us be guided by the principle that we have a profound obligation to turn over a world at peace. It is important and imperative to our children and our children's children.

Mr. Speaker, the priorities of this Nation desperately need to be reordered.

THE MISSION OF THE B-2 BOMBER IN THE TRIAD

(Mr. DICKS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, today we will be debating the B-2 bomber. I was somewhat surprised to hear one of my colleagues earlier—it was not the gentleman from California [Mr. DELLUMS]—say that the B-2 does not have a mission. I would take exception to that.

Today, under the strategic integrated operational plan, 40 percent of the targets within that plan are covered by penetrating bombers. If we are to have a way to penetrate into the year 2000, the way we are going to do it is with the B-2, because it has the technology to avoid Soviet radars and Soviet detection. That role, I believe, is essential to our national security.

Our ICBM leg of the deterrent is already in question. Those ICBM's can be targeted. The B-1 and the B-52 will have penetrating problems in the latter part of this decade. Without the B-2, we would have two legs of the triad in question.

So, Mr. Speaker, I think this is important from a deterrence perspective. That is the point we want to make. We never want to use these weapons. These weapons are to deter war. That is the key, and that is why we need the B-2 bomber to modernize the air-breathing leg of the triad.

PROVIDING AMENDED RULES AND CLARIFICATION OF PROCEDURES IN FURTHER CONSIDERATION OF H.R. 2461, NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1990

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that during further consideration of the bill H.R. 2461, pursuant to House Resolution 211, the aggregate of the hours of debate in order on the amendments numbered 11, 12, and 13 in part 1 of House Report 101-168 may be considered as general debate on the subject of the B-2 bomber, equally controlled by the proponents of the three B-2 amendments, that such debate may precede the offering of such amendments, and that following such debate each B-2 amendment may be debatable for 10 minutes, equally divided and controlled by the proponent of the amendment and an opponent, to be disposed of in the following order: (1) the amendment numbered 12; (2) the amendment numbered 13; and (3) the amendment numbered 11.

The SPEAKER pro tempore (Mr. VOLKMER). Is there objection to the request of the gentleman from Wisconsin?

Mr. DELLUMS. Mr. Speaker, reserving the right to object, I would like to ask the distinguished gentleman from Wisconsin, the chairman of the full committee, a question.

As I understand the gentleman's unanimous-consent request, the original rule provided for 2 hours of general debate on the 3 amendments, the Skelton amendment, the Kasich-Dellums amendment, and, if those two fail, the Aspin-Synar amendment. As the original rule was designated, at the end of those 2 hours of general debate, there would then be three votes in rapid succession, with probably the first vote being 15 minutes and the next votes 5 minutes each, without any further explanation.

What the gentleman is requesting is that we continue with the proposition of 2 hours of general debate, and at the end of that general debate each amendment would have 10 minutes, 5 minutes for the proponents and 5 minutes for the opponents, and at the end of that 10 minutes of debate there would be a vote, and then we would proceed to a debate on the following amendments; is that not correct?

Mr. ASPIN. Mr. Speaker, if the gentleman will yield, let me say that the gentleman is correct.

Mr. DELLUMS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. DAVIS. Mr. Speaker, reserving the right to object, I will not object, but I want to get into a little colloquy here.

As all of us are aware, this is a very, very unusual rule. I do not remember that we have ever had a rule that allowed three separate amendments and allowed the debate on all three amendments at the same time, with the Members kind of bouncing back and forth.

My question to the chairman of the committee is that, as it looks to me, there is less time for the proponents of the B-2 to speak than there would be for the opponents. Actually, technically, 80 minutes of that time is allocated against the committee position and against the Skelton position, the Skelton position being very, very close to the committee position. So technically, it would seem that to be fair each side ought to get half of the time. That is not the way it works.

My question is, can we have a little bit of latitude on maybe both sides, because we have a lot of Members on our side, as well as on the Democratic side, who want to speak in favor of the B-2? Frankly, their time is limited. So I am asking if there might be a little latitude to offer some of our Members an opportunity to speak.

Mr. ASPIN. Mr. Speaker, if the gentleman will yield, let me respond to the gentleman.

What are we dealing with, of course, is the rule that was proposed by the Rules Committee and which the House adopted on Monday, which in a sense sets it up as three different controllers of the time, as far as three relevant amendments are concerned. I think that this in a sense gives some greater flexibility to the gentleman, because there is at least 5 minutes in opposition which somebody could take and argue for the original position.

It seems to me that under the current situation the best I could advise the gentleman from Michigan is to see if some of the proponents of the amendments would grant the gentleman some time under their allocation. I think basically what has happened is that we are kind of stuck with the broad outlines of the rule as we have it.

I understand what the gentleman is saying. I do not know that we can correct that in the unanimous-consent request.

Mr. DAVIS. Mr. Speaker, further reserving the right to object, I appreciate that, and we do appreciate the accommodation of being able to have 10 minutes at the end of each amendment, equally divided between the proponents and the opponents. I am just saying that perhaps our colleagues who are supporting the Kasich-Dellums amendment may be willing to give us a little bit of time to speak against their amendment, and perhaps the chairman of the committee may do that, too.

Mr. KASICH. Mr. Speaker, will the gentleman yield?

Mr. DAVIS. Further reserving the right to object, I yield to the gentleman from Ohio.

□ 1000

Mr. KASICH. Mr. Speaker, I think it is very unlikely that we will be able to give time to the opponents of our amendment to speak against this, because we have limited time; but I think everybody is kind of put in the same box because nobody is happy with any of the other amendments. We are not happy with the gentleman's amendment or with the Aspin amendment and the gentleman from Wisconsin [Mr. ASPIN] is not happy with ours or that of the gentleman from California, so I think within the period of those 2 hours, plus the fact that we get the extra 10 minutes to close, it makes it overall fairly agreeable.

It certainly is not a perfect rule, but I think by unanimous consent we have all kind of agreed that it is the best we can work out under the structure of what the Rules Committee gave us.

Mr. McEWEN. Mr. Speaker, will the gentleman yield?

Mr. DAVIS. I am happy to yield to the gentleman from Ohio.

Mr. McEWEN. Mr. Speaker, I thank the gentleman for yielding to me.

I am sure since we have three amendments, I would suspect that at least the gentleman from Missouri [Mr. SKELTON] would be willing to give half of his time to the opponents of his amendment, if the other two who have the amendments would be willing to give half their time as well. That seems fair and equitable.

I just wondered if that is a possibility to resolve this evident impasse.

Mr. ASPIN. Mr. Speaker, if the gentleman will yield further, all I can say to the gentleman is that I cannot speak for the other offerers of the amendments.

I believe people who want to speak on the issue ought to go and talk to the proponent of the amendment which is closest to their views and see if they can get some time.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, first let me make the general comment that I took some heat day before yesterday challenging the absurdity of this rule, and I think everyone understands what the gentleman from California was trying to say; but I think in the context of the absurdity of the rule, there is a certain kind of fairness. We have one amendment that says let us go forward with the B-2. We have another amendment that says let us stop the B-2. Then we have another amendment that says let us not make

a decision until next year. Those are the three perspectives, and each of them have 40 minutes.

I would then make the second comment that those of us who at this point would like to put this program to sleep, we are going to divide our time on a bipartisan basis. Those in support of the Kasich-Dellums-Rowland amendment will have 20 minutes on the Republican side, 20 minutes on the Democratic side.

I cannot speak for the proponents of the other two amendments, but we are dealing on a bipartisan basis in the true tradition of coalition politics.

PARLIAMENTARY INQUIRY

Mr. DAVIS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DAVIS. Mr. Speaker, if I were to ask now for the time to be equally divided among the three amendments, can I ask unanimous-consent to do that, to amend the unanimous-consent request?

The SPEAKER pro tempore (Mr. VOLKMER). There is a unanimous-consent request pending by the gentleman from Wisconsin [Mr. ASPIN].

Mr. DAVIS. Mr. Speaker, may I ask the chairman of the committee if he would agree to unanimously accept my friendly amendment to his unanimous-consent request to equally divide the time between the proponents and opponents of all three amendments?

The SPEAKER pro tempore (Mr. VOLKMER). The Chair will announce that if the gentleman from Wisconsin wishes to modify his unanimous-consent request, he may do so, but as long as that is pending, that is the only matter that is before the House.

Mr. DAVIS. Well, Mr. Speaker, I did reserve the right to object, and I would ask the gentleman if he would agree to that.

Mr. ASPIN. Mr. Speaker, if the gentleman will yield, let me respond to the gentleman from Michigan by saying that we tried to work this out in a way that all of the people who were involved in presenting the B-2 case felt comfortable with.

I think the best thing to do is to go with the unanimous consent request which I requested and then to work out informally with the authors some way in which to get some time for the various people to speak.

Mr. DAVIS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1990

The SPEAKER pro tempore. Pursuant to House Resolution 211 and rule XXIII, the Chair declares the House

in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2461.

□ 1005

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2461) to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes, with Mr. BRUCE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, July 25, 1989, the amendments printed in part 1 of House Report 101-168 relating to procurement alternatives had been disposed of.

Pursuant to the order of the House of earlier today, the aggregate of 2 hours of debate in order on the amendments numbered 11, 12, and 13 in part 1 of House Report 101-168 will be considered as general debate on the subject of the B-2 bomber, equally controlled by the proponents of the three B-2 amendments. Such debate will precede the offering of such amendments, and following such debate each B-2 amendment will be debatable for 10 minutes, equally divided and controlled by the proponent of the amendment and an opponent, to be disposed of in the following order: First, the amendment numbered 12; second, the amendment numbered 13; and third, the amendment numbered 11.

The gentleman from Wisconsin [Mr. ASPIN], the gentleman from Missouri [Mr. SKELTON], and the gentleman from Ohio [Mr. KASICH] will each be recognized for 40 minutes.

PARLIAMENTARY INQUIRIES

Mr. DELLUMS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. DELLUMS. Mr. Chairman, as the coauthor of the amendment and a member of the committee, it would be my request, as I indicated in the colloquy earlier, that the distinguished gentleman from Ohio [Mr. KASICH] would have 20 minutes of the 40 minutes and the gentleman from California would control 20 minutes of the 40 minutes.

The CHAIRMAN pro tempore (Mr. BRUCE). The Chair was not advised and could not have known who was going to be controlling the amendment; so if that is acceptable, the Chair will divide the time, 20 minutes

to the gentleman from Ohio [Mr. KASICH] and 20 minutes to the gentleman from California [Mr. DELLUMS] as proponents of a B-2 amendment.

The Chair recognizes the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Under the unanimous-consent order, the amendment cannot be offered until after the general debate has occurred.

The gentleman from Missouri [Mr. SKELTON] will, first control 40 minutes of general debate as a proponent of his amendment.

Mr. SKELTON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. SKELTON. Is it not so that my amendment is the Skelton amendment numbered 12?

The CHAIRMAN pro tempore. That is correct.

Mr. SKELTON. I thank the Chair.

The CHAIRMAN pro tempore. But the amendment has not yet been offered and cannot be offered under the unanimous-consent request until the conclusion of general debate.

Mr. SKELTON. That is correct, and I thank the Chair.

The CHAIRMAN pro tempore. The gentleman from Missouri [Mr. SKELTON] is recognized for 40 minutes.

Mr. SKELTON. I yield myself such time as I may consume.

Mr. Chairman, my amendment to the Aspin-Synar amendment is similar to the Armed Services Committee position. It adopts the same funding for the B-2 of \$3.9 billion for the coming fiscal year. Further, it adopts restrictive language, some of which is found in the Armed Services Committee bill, and some additional language. My amendment prohibits the Department of Defense from spending these procurement funds until the Secretary certifies to Congress that performance milestones, cost reduction initiatives, and quality performance criteria have been met. Further, my amendment requires the Secretary to submit a report to Congress on cost, schedule, and capability of the B-2 program. Also, my amendment requires an unclassified report on performance characteristics of the B-2, specifically on range, payload, altitude, speed, stability in flight, and survivability against Soviet air defenses. Both the public and Congress need information on the Stealth B-2 program and I believe the Department of Defense should be required to give us this information in unclassified form.

My amendment is the reasonable and proper approach to funding the B-2. It proceeds with the program at a moderate rate, allowing time for additional testing to continue, and has strict restrictions within its language

requiring the Air Force and the contractors to meet high standards. A decision for the Skelton amendment is a decision for modernization of our bomber force and a strong step for a more secure nation.

This is the most important national security vote that will be cast in this Chamber this year or possibly this decade. Failure to proceed with the testing and production of the Stealth B-2 bomber means an end to the bomber force of the U.S. Air Force. Without the B-2, in the year 1990 we will have less than 350 Air Force bombers and within a few years that force would fall to less than 200 aircraft. Half that bomber force would be 40 years old by the year 2000. In other words, failure to proceed with the B-2 puts the U.S. Air Force out of the bomber business.

There have been other votes in this Congress that have had far-reaching effects in later years. One such vote occurred in 1939 when this Congress turned down upgrading the fortifications at the harbor in Guam. That 1939 vote sent a loud and clear message to the Empire of Japan that America would not defend its interests in the Pacific. Pearl Harbor and the tragic war in the Pacific came in the wake of that message.

On the other hand in August 1941, this House did vote by a one-vote margin to extend the selective service, which gave us some preparation for the tragic events that followed the Pearl Harbor attack on December 7 of that year.

This vote today is of the same magnitude as that vote back in 1939 and that other vote in 1941. What we do today sends a message to our potential adversaries as to whether we have the national will to give our country a strong national defense.

My amendment is to proceed forward at a moderate pace, \$800 million less than the recommendation of the Secretary of Defense Cheney. But it is a step forward and it is positive—make no mistake about that. On the other hand the Aspin/Synar amendment brings us prolonged indecision, and the Kasich/Dellums/Rowland amendment terminates the program. My amendment offers the most reasonable, most responsible decision, carrying with it restrictive language that makes the Air Force and the contractors build it, test it, and fly it to a high standard of specifications.

□ 1010

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Which of the Members controlling time seeks recognition?

Mr. KASICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Chair may advise again that we are

under general debate, and that the amendments will be offered at the conclusion of the general debate.

The gentleman from Ohio [Mr. KASICH] is recognized for 20 minutes.

Mr. KASICH. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, it is with great concern that I rise here this morning, and I want all of the membership to know that this was not an easy decision for me to come out and responsibly wrap up the Stealth program and save a minimum of \$40 billion, because I have been a strong advocate of defense spending since the day I got here. I have supported the Reagan administration and the Bush administration in their major weapons requests, but I think it is time, and I think it is important, that we link resources and mission to the creation of major weapons systems.

I come out opposed to the Stealth for three basic reasons. No. 1, I did ask for the reviews of the Stealth program all the way back in the mid-1980's. I must tell the Members at the time I, along with several of my other colleagues, objected to what was argued as to the price of the system and also questioned the mission of the system. However, in a secret world, we did not have an appropriate forum to actually raise the kinds of questions that needed to be raised, and now we find ourselves \$23 billion down the road with the military arguing that, "We are being held hostage."

Let me go back to where we were in 1984 and 1985 and where we are today. The cost of this program, as we all know, is going to be at this point about \$535 million. Anybody who argues we ought to forget the R&D cost must think somebody else is going to pay the bill, because all costs have to be included. My view is that it will end up being a much more expensive system than what we currently, and what is currently, estimated, just like we objected to the costs laid out in the mid-1980's. We have seen them rise.

The gentleman from Florida [Mr. IRELAND] asked GAO to do a study, and he will talk about it. Basically this defense budget is underfunded, if we accept the Cheney budget, by about \$140 billion. When we add the V-22 and the F-14, the budget is underfunded somewhere in the neighborhood of probably \$180 billion. We simply cannot pay for all of this, and what we are doing here is creating a hollow military to pay for a very few big-ticket items. We will ultimately in the long run end up paying the price of a hollow military by having to cut back on training and spare parts, the building blocks of the military establishment, and that is why some of these big-ticket items have to go.

The mission of this aircraft is completely changed. Tony Batista, who is

the chief of staff and director of the Subcommittee on Research and Development, wrote to us this week and said that the bomber was designed primarily to take action against mobile targets. It cannot achieve that mission, and in many people's judgment will never be able to achieve that mission. If the plane cannot hit mobile targets and can only hit fixed targets, we believe that there are cheaper alternatives.

Those people who argue that we are abandoning the air leg of the triad are simply incorrect or misstating our position. What we argue is that stealthy cruise missiles can hold the same fixed targets at risk that a Stealth bomber holds them at risk for a fraction of the cost. Additionally, should there be a technical breakthrough against a plane that is not even supersonic, and if that plane can, in fact, be found, it is an easy target. The Stealth missile, on the other hand, which is very accurate and very effective and frightens the Soviets according to the chief of staff of the Air Force, those cruise missiles can be deployed against those same targets in an effective way to hold those same targets at risk for literally a fraction of the cost.

Mr. Chairman, our amendment to finish the 13 airplanes, to finish the research and development and to mothball tooling will save us a minimum of \$40 billion. It is a responsible way to put this program on hold. It is a responsible way to wrap it up, to gather the research and development, to apply it to other systems, to cut our losses now, to use effective cruise missiles to hold the same targets at risk.

Mr. Chairman, the bottom line is we will maintain our deterrence, we will maintain our strength against the Soviet Union, and we will save in the process a minimum of \$40 billion, and in this environment, I cannot think of a better way to proceed to have a strong but effective and efficient national defense. That is what the American people asked for, and I ask the Members for their judgment and ask them for their support when the amendment comes up.

The CHAIRMAN pro tempore. The Chair inquires, who will be handling the time for the gentleman from Wisconsin [Mr. ASPIN]?

Mr. SYNAR. Mr. Chairman, I will be handling the time.

Mr. Chairman, I yield 5 minutes to the cosponsor of the Aspin-Synar amendment, the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I think that the characterization of the three amendments that the gentleman from California made a few minutes ago is about as good a characterization of this debate as I think we could get.

What we have, as the gentleman from California said, is a Skelton amendment which, in effect, says to go

ahead with the B-2 program, and what we have is a Dellums-Kasich amendment, which says let us terminate the program with the planes that we have bought through the fiscal year 1989, which is 13, and mothball the technology or mothball the equipment and close the line down, and what we have is another amendment which says let us take a little longer before we make this decision.

In essence, that is what my amendment and the amendment of the gentleman from Oklahoma [Mr. SYNAR] does. What we are saying is that there are two things that are of concern about either proceeding with this weapons system at this point or terminating it. One of those is the question of cost.

Mr. Chairman, the program that we are talking about is a \$70 billion cost for 132 planes. Is that really the only option that we have to consider, that we have the ability to consider, 132 planes for \$70 billion? My guess is, and I am sure the gentleman from California would agree, and the gentleman from Washington would disagree, that if we go ahead with this program and it is only \$70 billion, it would be a miracle. We think that this cost is a very, very expensive cost, and I think a lot of people are very, very reluctant at this point to sign up to that program.

□ 1020

Second, we have hardly ever tested this plane. I mean it just flew, and there are a number of tests that have to be conducted or ought to be conducted before we make the decision do we or do we not go ahead.

What this amendment does is slow the program down, as does the R&D, and fences the production money, pending two outcomes. First, a restructured program from the Department of Defense, from the Air Force on a new program for the B-2 that will cost less money, that is, buy less than 132 planes. I think what we have to do is go back and scrub those numbers and see whether it is not possible to come up with a program that is politically acceptable and more affordable, and a program that will still meet our national security strategic needs.

It is going to take some time to work that problem. It is going to take some time to try and see whether that is possible.

I do not think we are in a position to make that decision today. I do not think we are in a position to make that decision this month. But I think that perhaps over the year we can look at that issue and decide it.

The second thing that we need to do is some testing with the plane, do some testing that we have in the program, in the R&D Program, and then decide to go ahead and make the decision.

I think the Secretary of Defense made a very, very good point when he testified before the House Armed Services Committee a couple of weeks ago when he came back to talk about the B-2 bomber. What he said was that we ought to decide to do this program or not to do it, and I believe that is true. I just do not believe that this body is ready to make that decision. I feel uncomfortable in making that decision.

If a year from now we have a program that we can defend, I will be back in this well arguing for full funding for the B-2 bomber in a way that will pass the program. If it turns out that the cost is just too unacceptable, that the testing is not working out, I will be in this well next year arguing for a version of the Kasich-Dellums amendment, if it is back, or some version by whoever authors it saying we ought to terminate the program.

The situation that we are dealing with is that we ought to at some time make a go, no-go decision on the B-2. I am just saying that as one Member I feel uncomfortable making that decision today, that we either vote for the Skelton amendment saying let us go with it, or that we vote with the Kasich-Dellums amendment saying let us terminate it, and I think that is it.

Let me just lay out as to how I see the amendments and how we are going to deal with them.

The CHAIRMAN pro tempore (Mr. BRUCE). The time of the gentleman from Wisconsin [Mr. ASPIN] has expired.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. McEWEN].

Mr. McEWEN. Mr. Chairman, I thank the gentleman from Missouri for yielding time to me.

Mr. Chairman, let me say there are three amendments, as Members are aware, and as has been articulated here. One of them kills this program outright, and I think the only reason that Members are giving it as much consideration as they are is because of the respect that we have for the gentleman from Ohio [Mr. KASICH] who is recognized as not only committed to defense, but also to getting the maximum bang for the buck.

But with that aside, there are three contingencies. First will preserve the greatest quantum leap forward in aerospace technology in the history of our lifetime. The other one—Kasich—will kill the program, and the final one—Aspin—will increase the cost of \$300 million per copy.

I fully understand now that this handoff is coming from the Intelligence Committee to the Armed Services Committee, and for the past 2 weeks many Members have become aware of it for the first time. I understand that there is a certain amount of

wedding jitters at the idea of making this decision at this cost. However, I am here to say that this is the most revolutionary concept since the invention of the jet engine.

The idea that for the next 20 years we will continue to build highly visible aircraft and try to load them up with jamming equipment that no one will see is as primitive as to revert to the piston engine.

The Stealth technology is essential to our continued peace and stability in the world. As was pointed out so eloquently by the gentleman from Washington [Mr. Dicks], it would destroy 3 years of progress at START and arms control if the House of Representatives were to arbitrarily in this moment of passion do away with this essential leg of our triad. This would be a massive restructuring of America's strategic defenses that should not be made in this climate.

If my colleagues have any confidence at all in the last four Presidents, in the last eight National Security advisers, in the last five Secretaries of Defense, in every single one of the Joint Chiefs over 15 years, I would encourage them to look to their leadership if they have any doubts at all.

Let me take my remaining 90 seconds to focus on the cost. When the B-52 was presented in 1952 it was three times as expensive as any plane ever made in history. It was told to us that it was too expensive to use, in fact, and that no one would want to ever use it in combat. That was about the year some of us were born. It is now 40 years later and it is still the basic leg of our triad, and as much as we love it, it has to go out of service.

The question is with what do we replace it? Let us look at the cost. We observe here that if we are going to purchase a regular 747 off the shelf, just for commercial purposes, it is in the neighborhood of \$130 to \$150 million. If we want to go to our last purchases of the B-1 bomber, to put in some bomb bays and have a little new technology in the wings, the cost is \$228 million per copy.

Now let us talk about R&D. If we kill this program today we are not going to save a dime in research and development. That is all done.

Now that the work is done, now that we are ready to produce the copies, how much is it going to cost from here?

It will cost \$274 million for this quantum leap forward in aerospace technology and our security.

Mr. Chairman, I urge support for the Skelton amendment.

Mr. DELLUMS. Mr. Chairman, I am now privileged to yield 2 minutes to my distinguished colleague, the gentleman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I have been trying to ask some ques-

tions, and I think there are some very important questions that need to be asked.

I hope Members back the Dellums-Kasich amendment, but I just say I feel even uncomfortable voting for that. Members are saying they feel "uncomfortable," they are not ready for a decision on the B-2, and they do not know what to do. I feel uncomfortable. I am so offended by the amount of money Northrup is spending on advertising, by all of the stuff that is going on, that I'd like to stop the whole thing.

Please, tell us what the mission of this plane is. People go around saying, "Oh well, it's a political decision." It is not a political decision. We are talking about spending megabucks and gigabucks at a time when we have a tremendous deficit, at a time when we have all sorts of domestic needs and yet we are saying, "Oh well, the train is on the track." Members say the Pentagon should have told us and should not have kept \$23 billion hidden from us, but now that they have done it, oh gee, we feel so bad if we made them stop." I don't get it. Stop.

Northrup is on the front page of today's paper in a criminal investigation, and some are still advocating full speed ahead with this program. What does it take to make Members act? No wonder some are feeling uncomfortable, I feel uncomfortable even voting for the Dellums amendment. I think he is giving Northrup too much.

Nevertheless, what we have really got to point out is that this amendment is the only chance we have to make any kind of difference, because the Senate totally collapsed and went right along with whatever the administration wanted. All we are going to have between us and the Senate, if we go with the Aspin proposal, is a little fence. If Members do not think that little fence is not going to come down in the conference, they believe in the tooth fairy.

So if Members really want a change in the program now that we know what the Senate has done, they really have to vote with the Dellums-Kasich proposal because it is the only chance that we can extract any kind of accountability. Taxpayers are sick of not having accountability by these contractors, they are sick of us allowing them to write all of this advertising and lobbying stuff off on their taxes. This is double public funding of Northrup. They should be funded on merit not muscle.

So please, please think as you look at these proposals and support the Dellums-Kasich amendment.

□ 1030

Mr. SYNAR. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. Davis].

Mr. DAVIS. Mr. Chairman, I thank the gentleman for giving me this time.

Mr. Chairman, we have been spending a lot of time talking about the costs and much of the debate today is going to talk about the cost of the plane.

All of us seem not to have heard what Secretary Dick Cheney said when he appealed that "we move this debate from the question of simple cost to the one of strategic value."

I think this chart clearly indicates the revolutionary strategic value of the B-2. When the pilots of our B-52's, FB111's and B-1's plan their missions, they do so in full knowledge that they will be subject to detection and engagement by concentric and overlapping defenses. They must depend on low altitude penetration, maneuvers to avoid dense areas of defense and have to depend on electronic countermeasures.

What stealth does for the B-2 is to effectively shrink the "seeing power" of all these Soviet defenses. The result is that the Stealth B-2 can, even at high altitude, essentially disregard these eyes of the Soviet defenses and proceed, undetected and unfired upon, to its targets. Gentlemen, this is truly revolutionary. It tends to turn the tables on another revolutionary development, that of radar.

Our ability to deter nuclear war has, in my opinion, paralleled our development of increased technology for over 30 years.

Through 8 or 9 years, we have developed this stealth technology. Not to take advantage of it is to guarantee our future deterrent would be foolhardy at best.

Mr. Chairman, I strongly urge a vote against the Dellums-Kasich amendment and support the Skelton amendment.

Mr. SKELTON. Mr. Chairman, I yield 4 minutes to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. I thank the gentleman for yielding.

Mr. Chairman, let me first say that it is early on in a very long debate, 2 hours, which is long overdue on an issue I think is extremely important.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Missouri [Mr. SKELTON]. This amendment would delete the additional cuts in advanced procurement and spare parts proposed by Mr. ASPIN of Wisconsin and Mr. SYNAR of Oklahoma, and would return the R&D funding to the level set by the committee which was cut 17 percent from the Cheney request.

I know that there are many Members who have heard from all sides on this issue and are still uncertain on how to vote on this issue today. Many weren't here when we went through the B-1 debate. Let me tell you that

the Skelton amendment is similar to the committee position and is the only amendment of the three offered today which merits passage. The difference from the committee position on the amendment Mr. SKELTON offers is that it requires an unclassified report on the performance on the characteristics of the aircraft. This program has been in special access, yes, special access way too long.

The idea that we should delay production of the B-2 to ensure adequate testing of the aircraft is an issue which has no substance or merit. The B-2 is the most thoroughly tested aircraft in history. In total, there's been over three-quarters of a million hours of testing completed on the B-2. We the taxpayers have already paid for that. That's why the first flight last week went without a hitch, the two pilots said last week. There were no surprises.

The Air Force has stated repeatedly that this Nation needs a manned bomber. I have watched this program develop since November 1981 and saw the aircraft evolve from a drawing board. I went on seven visits to watch this aircraft come together and witnessed the magnificent rollout last November. I am convinced that we should not cripple one of our most promising weapons systems before we have evaluated its effectiveness. I remember all too well in June 1980 flying B-1 at Edwards AFB—a program President Carter had canceled. We found we need the B-1. We all know how expensive that mistake was. We cannot make that mistake again today and cancel the B-2.

The hand-wringing about the apparent cost of the B-2 reminds me of the debate over the \$1 billion Aegis cruiser which was going on when I was a freshman Member 11 years ago. I did not know what it was then, let alone know what it did. In 1987, I named, christened, commissioned, and have sailed with the U.S.S. *Antietam* and no one suggested at that time that these Aegis ships were not a best buy or that we would be better off buying larger quantities of less capable ships.

Let's look at concurrency—100 percent of B-1 production had been authorized by Congress at a time when the testing program was only 50 percent complete. By comparison, the B-2 program will be 70 percent complete when about 20 percent of the aircraft have been authorized and the entire test program will be complete shortly thereafter. More important than these numbers are the facts that after 2 years of testing, the entire flight envelope will have been explored and 90 percent of propulsion testing as well as 70 percent of radar signature tests will have been completed.

The schedule adjustment recommended by Secretary Cheney has reduced concurrency as far as it can be

economically taken. Further delays have nothing to do with test adequacy. Further delays will only drive costs up astronomically. For example, DOD and the Air Force have told us that a further 1-year delay will drive the total program costs up by over \$4 billion. The result of an action like that will only support those whose motives are to kill the program.

I am sure that these same people today who want to kill the B-2 will urge you to support a B-3. There is always a better one around the corner.

We have heard people talk about the Secretary of Defense, the Secretary of the Air Force and General Welch, and the President who all have said we need the B-2. I think we need to take and talk about our constituency.

On Monday, when I left home in Frederick, I had five painters painting. We all know the cost of painters.

So I thought I would ask them what they thought about the B-2 and the decision I had to make this week. So I polled them. Four out of the five said that we need the B-2. They are young, they have families.

I said, "You are the ones who are going to have to be paying for this aircraft with your taxpayer dollars." They said, "Oh, yes, I know that, but for our national security I want to be sure we have it."

For our national security we need to support the Skelton amendment.

Mr. KASICH. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio.

It is with considerable reluctance that I take this position, in opposition to the administration and to my good friend and former colleague, Secretary Cheney. I've been a strong supporter of the defense buildup that has taken place in the last decade. But the 1980's are nearly over and the era of increasing defense budget is gone for the foreseeable future. In these times of tight fiscal realities we must make some hard decisions about what weapons systems we can afford—and which ones work.

I believe we must fall back on those weapons systems that are tried and true rather than spending large amounts of R&D funds and then procurement dollars on new weapons systems. This philosophy leads to my voting to cut further funding of the B-2 as well as to continue production of the F-14D.

Mr. KASICH's amendment allows for the production of planes for which we have already appropriated funds but mothballs the production and tooling lines for that day that our national defense may require the technology of a Stealth bomber.

You know the numbers by now—we've already spent \$22 billion on the

R&D program. That is an enormous amount of money to spend on an R&D program that results in an aircraft. The only R&D program we have which is comparable is SDI, but in that case a similar amount of funds will result in a sophisticated and integrated system of ballistic missile defense—not a single aircraft. We've also heard the numbers that may be required to finish the procurement side of this program—somewhere between \$50 and \$60 billion. The argument is that we must spend an additional \$60 billion so as not to waste the first \$22 billion. I think this is faulty reasoning. The \$22 billion is a sunk cost. We can never recover it. If the B-2 makes no sense we ought not to throw good money after bad.

The \$60 billion figure does not include military construction costs. I serve on the Military Construction Subcommittee of the Committee on Appropriations. On an average we spend between \$8 and \$9 billion worldwide on military construction. The B-2 military construction program will almost certainly run into the hundreds of millions of dollars each year. Special hangers must be constructed. Each B-2 must have its own hangar. Special aprons and taxiways are necessary to accommodate the size of the wingspan of the B-2. Currently, downsized bases are being looked at to accommodate the special needs of the B-2. At a time when we are trying to close bases we are also being asked to make a huge commitment of military construction funds to gear up bases to accept the new planes. This adds significantly to the final cost of bedding down the B-2.

Finally, I think recent history has shown us that regional conflicts constitute our major security concern for the future. The threat of a land mass war in Europe is still real, but growing more remote. I'm not suggesting that we neglect the strategic triad. But I am suggesting that the new B-1 and the venerable B-52 can hold up the manned bomber leg of the triad. In these times of fiscal constraint I don't believe we can afford further redundancy in the strategic triad. I wish we could, but we can't.

I urge my colleagues to vote for the Kasich amendment.

□ 1040

Mr. SYNAR. Mr. Chairman, I yield 4 minutes to the gentleman from Washington [Mr. Dicks].

Mr. DICKS. Mr. Chairman, I deeply appreciate the gentleman yielding time to me.

Today I want to talk about our deterrence. For the last 40 years we have had peace in the world, and one of the major reasons for it is because the United States of America has had a credible triad of bombers, SLBM's, and

ICBM's. Every Member in this body today knows unless we go mobile with our ICBM's, that all of our ICBM's can be targeted and attacked.

The B-52's and the B-1's will have a penetration problem in the 1990's. We are aware of that. So without the B-2, we are going to have a question mark over the land-based leg of the triad, and also a question mark over the air-breathing leg of the triad.

I believe the B-2 is essential to preserve deterrence. What is deterrence? Deterrence is what is in the minds of the Soviet leader when someone says to him in a crisis, "Should we make an attack against the United States?" If he knows, in fact, the countries not only have a devastating retaliatory force with SLBM's, and also bombers, with their ability to hit dug in and buried bunkered sites within the Soviet Union with that most accurate weapon, the bomb, that leader may well be deterred from ever considering a strike against the United States.

So I take exception to those people who say there will be a nuclear exchange and 8 hours later the bomber gets there, and why do we really need it? The point is, we will never have to use the bomber because it will be a deterrent to that Soviet decisionmaker ever making the decision in the first place.

However, there is another dimension here of this question. That is, that the bomber has flexibility. It can be used in a conventional mode, the ICBM can be used only for deterrence. SLBM's can be used only for deterrence, but the bomber gives us flexibility. That is why I support the Skelton amendment, to keep this program alive. We must protect and defend the triad. I am not going to make a decision here and vote for an amendment that would kill a program that is so essential today in the SIOP, the strategic integrated operational plan. Forty percent of the targets are covered by the manned penetrating bomber, and some say, "Well, do it with cruise missiles." You cannot do it with cruise missiles because many of those targets are mobile targets. Many of those targets are bunkered targets that cannot be destroyed by cruise missiles. If we had only cruise missiles, the Soviets could take their air defense and go out and attack those incoming bombers with cruise missiles at the periphery.

It is the combination of a penetrating bomber and the stand-off cruise missile carrier that together render obsolete the \$400 billion investment in air defenses. That is why having that combination of a penetrator and a stand-off capability is what is essential to our deterrent capabilities in the future.

Now we have to look at the hard facts. The Kasich amendment kills this program. Do not let them obviate that fact. It is a killer amendment.

The Skelton amendment is basically the committee position which keeps it alive. The Aspin amendment is a go slow, take a look, but keep the program alive amendment. That is why I can say with confidence that I would obviously support Skelton first, but as a fallback, I could live with the Aspin amendment for this year. That is why I appreciate the gentleman from Oklahoma for yielding.

Let me have one final comment. We have a new President. He is in the middle of the START talks.

(On request of Mr. SKELTON and by unanimous consent, Mr. DICKS was allowed to proceed for 1 additional minute.)

Mr. DICKS. The key in the START talks is to reduce ICBM's to get a handle on Soviet SS-18's and to reduce ICBM's on our side. We have a very favorable counting rule where a bomber only counts 1 weapon in the 6,000 limit where an ICBM counts 10, and SLBM on a submarine might count up to 192 weapons, because that is the boatload of weapons.

The idea was to go with a second strike system, a bomber, a B-2, which is recallable and stabilizing. It is not a first strike weapon. When I think of my friend, the gentleman from California, I can think of him attacking the MX, as a first strike system. We need second strike, stabilizing, nonprovocative weapons. The B-2 gets there 8 hours later. It is recallable. It is a second strike system. That is the kind of system we ought to favor. That is the kind of system that is emphasized in the START agreement.

So let Members support the President, let Members defeat the Kasich-Dellums amendment, and let Members go ahead with the Skelton amendment. If that fails, I will vote for the Aspin amendment.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Chairman, strategic bombers, sea-launched ballistic missiles, intercontinental ballistic missiles, have provided a robust, resilient, and effective nuclear deterrent over the past four decades. It is very clear that four decades have brought about an unprecedented period of peace in this country and throughout the world.

How in the world can we consider shifting away from the base of that triad, which is exactly what we are doing here? Regardless of the arguments, which many have made about the effectiveness of the other two legs of the triad in providing stealth technology, there is no doubt about the fact that the B-2 itself will provide Members with the strongest, most effective leg of that triad. Every other system in the future will be dealing with the stealth technology that we are utilizing with the B-2.

Now, sticker shock, of course, is something that every single one of the Members is concerned about. We know that we are dealing with tremendous economic constraints, and we want to bring about a cost effective but strong national defense. A number of my colleagues have already pointed out that 2.9 percent of the defense budget was expended on the B-47 program. A number of people have pointed out, and will continue to point out the fact that 1.4 percent was expended on the B-52 program, and 1.6 percent was expended on the B-1 program. That is the percentage of the Defense Department.

Do you know what percentage of the Defense budget the B-2 calls for, Mr. Chairman? One point three percent. Now, I know it will be expensive, but if we spend, Mr. Chairman, too much for national defense, what do we lose? We lose something very important, some money. If we spend too little, Mr. Chairman, what we might lose is even more important—this precious experiment known as the United States of America.

Mr. DELLUMS. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman—
B-2, or not B-2: That is the question.
Whether 'tis nobler in the mind to suffer
the slings and arrows of outrageous
expense,
Or to take arms against a sea of deficits,
And by opposing end them. To cut; to
spend;
No more; and by a cut to say we end the
heartache and a thousand cost over-
runs
That B-2 is heir to. 'Tis a consummation
Devoutly to be wished. To cut; to spend;
To spend? Perchance stretch-out! Ay,
there's the rub;
For in those stretch-outs what new overruns
may come,
When we have shuffled off deciding,
Must give us pause. There's the respect
That makes calamity of delay.
For would Stealth bear the whips and
scorns of time,
The lack of mission, the untried technology,
The great expense, the inevitable delays,
The excessive secrecy, and the cuts
That must be made for Gramm-Rudman
target's sake.
When we ourselves might today Stealth's
termination make
With a bare majority. Who would new tax
burdens bear,
To pay its 70 billion dollar pricetag,
When the dread of a turkey worse than B-1,
A flying Bat-winged bomber whose cost per
pound,
Is that of gold, puzzles the mind
And makes us rather keep those bombers
that we now have
Than fly to others that we know not of?
Thus conscience should make cautious legis-
lators of us all;
And thus the hue of B-2 boosterism
Must be replaced with the sober cast of
thought,
And this enterprise of great pith and
moment,

Be halted now before it further proceeds.
A handsome bomber yes, but better
Not to be.

□ 1050

Mr. SYNAR. Mr. Chairman, I yield 4 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I never could understand Shakespeare, but it always sounds good when spoken by good actors.

Mr. Chairman, this debate, I think, has been extremely healthy, and I want to compliment the authors of the Kasich-Rowland-Dellums amendment for raising some tough questions that need to be answered. My concern is that, in their zeal to sell their amendment to zero out the B-2, they have injected some myths in the debate, and I would like to try to dispel five of them. The first has to do with the mission statement.

Mr. Chairman, it has been asserted that the original B-2 mission is to seek relocatable targets. I would like to quote from the SAC System Operational Concept dated March 15, 1986, and then I will have this inserted into the RECORD:

The primary role of the ATB will be to contribute to the deterrence of war through its capability to effectively conduct manned penetrating bomber operations throughout the entire spectrum of armed conflict. The primary mission of the ATB will be to support the Single Integrated Operational Plan as part of the strategic nuclear Triad. Collateral missions include (. . .), Strategic Reserve Force, theater nuclear and conventional operations.

I would note, Mr. Chairman, that while the SOC is classified, the mission's statement is unclassified except for one collateral mission, and this collateral mission is not relocatable targets. So I think that myth No. 1 is dispelled.

Second, Kasich-Dellums-Rowland has labeled B-2 to be to a highly concurrent program. By the time that the decision on full-rate production is made, 100 percent of the flight envelope, 90 percent of the propulsion, and 70 percent of the radar signature testing will have been completed. This profile is not indicative of a concurrent program.

Third, it is incorrectly claimed that their amendment is fiscally responsible because it would stop the production of the B-2 at only 13 aircraft. But, Mr. Chairman, the price tag of 13 aircraft, under the Kasich-Rowland-Dellums amendment, is an astronomical \$2.3 billion for each bomber. I say to the Members, "that ain't cheap." So I do not think they can contend that their's is a fiscally responsible amendment.

Fourth, they incorrectly assert that their amendment will preserve a production option. This is one of the most insidious suggestions, Mr. Chairman, because the truth is that procuring

only 13 aircraft and then mothballing the rest means that thousands of skilled workers associated with the B-2 program will have to move on to other endeavors, and we simply cannot bring those people back when we want to resume production.

Finally, Mr. Chairman, it is asserted that there would be no effect on the START negotiations, but I would like to quote, if I may, from a very important letter from Gen. Brent Scowcroft, the National Security adviser. Just yesterday, General Scowcroft wrote to Senator WARNER. I will submit this letter for the RECORD as well, but now I will just quote three quick passages.

General Scowcroft said:

I am concerned that the current Congressional debate over the future of B-2 stealth bomber threatens to slow this progress and could undermine the entire agreement . . .

We have structured our entire START negotiating strategy—and our strategic force modernization package—around the objective of increasing stability and reducing the risk of war. The "slow-to-anger" features of the manned, penetrating bomber are central to these objectives.

Then General Scowcroft concludes with these important words:

The B-2 has been a cornerstone of the START agreement since negotiations began. Further delays in the program will only raise increasing doubts in the minds of the Soviets about our resolve and commitment to maintain the bomber leg of the triad. This would seriously undermine our capability to negotiate from a position of strength. Even worse, should the program eventually be canceled, it would force us toward a major restructuring of the U.S. negotiating position.

Mr. Chairman, these are very serious indictments of the Kasich-Rowland-Dellums amendment, and I urge my colleagues to study these issues before they choose to support that amendment.

Mr. Chairman, I submit for the RECORD the documents I described, as follows:

THE WHITE HOUSE,
Washington, DC, July 25, 1989.

HON. JOHN W. WARNER,
Committee on Armed Services, U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: As you know, although there still remains much to be done before signing a START agreement, we have made considerable progress. However, I am concerned that the current Congressional debate over the future of the B-2 stealth bomber threatens to slow this progress and could undermine the entire agreement. It is important that we not send the wrong signal to the Soviets regarding U.S. resolve to maintain a strong, viable triad.

This is a critical year for the B-2. It offers the most advanced aircraft technology we have ever flown. It is not just an evolutionary change in technology—it is a breakthrough, the future of air combat. From a military sense, we cannot afford to walk away from this great advancement. Without the B-2 we will forfeit our capability to penetrate the world's most modern air defense system and begin an inevitable loss of the

manned bomber as a stabilizing element of strategic deterrence.

We have structured our entire START negotiating strategy—and our strategic force modernization package—around the objective of increasing stability and reducing the risk of war. The "slow-to-anger" features of the manned, penetrating bomber are central to these objectives.

Both sides agree the bomber is the most stabilizing nuclear system in that it holds significant numbers of targets at risk in retaliation but cannot be regarded as a first-strike system. It is for that reason that the bomber weapon counting rule tentatively agreed to at Reykjavik in 1986 between General Secretary Gorbachev and President Reagan places such a high premium on penetrating bombers. This rule counts the penetrating bomber loaded with an entire payload of nuclear bombs and short-range missiles as only one strategic nuclear delivery vehicle and one warhead against the ceilings tentatively agreed to in the START talks of 1,600 and 6,000, respectively. By contrast, each ballistic missile warhead will count as one against the 6,000 limit. The U.S. position on ALCMs is that each ALCM-carrying bomber would count as ten weapons against the 6,000 ceiling, regardless of the number actually carried.

The B-2 has been a cornerstone of the START agreement since negotiations began. Further delays in the program will only raise increasing doubts in the minds of the Soviets about our resolve and commitment to maintain the bomber leg of the triad. This would seriously undermine our capability to negotiate from a position of strength. Even worse, should the program eventually be canceled, it would force us toward a major restructuring of the U.S. negotiating position.

Sincerely,

BRENT SCOWCROFT.

JULY 25, 1989.

To: Mr. Scrivner, Mr. Ellis (HASC). Mr. Hoehn, Mr. Mansfield (SASC).

Subject: Original B-2 Mission Statement.

The primary role of the ATB will be to contribute to the deterrence of war through its capability to effectively conduct manned penetrating bomber operations throughout the entire spectrum of armed conflict. The primary mission of the ATB will be to support the Single Integrated Operational Plan as part of the strategic nuclear Triad. Collateral missions include (. . .), Strategic Reserve Force, theater nuclear and conventional operations.

Source: SAC System Operational Concept (SOC), 15 Mar 1986.

Note: The SOC is classified; however, the mission statement is unclassified except for one collateral mission. This collateral mission is not relocatable targets.

STEPHEN D. BULL III,
Lieutenant Colonel, USAF.

The CHAIRMAN pro tempore (Mr. BRUCE). For the information of the Members as to the time remaining, the gentleman from Missouri has 24½ minutes remaining, the gentleman from Oklahoma [Mr. SYNAR] has 27 minutes remaining, the gentleman from Ohio [Mr. KASICH] has 14 minutes remaining, and the gentleman from California [Mr. DELLUMS] has 16 minutes remaining.

The Chair recognizes the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Chairman, let me take a minute to pay tribute to the gentleman from Massachusetts [Mr. MARKEY] on his cute poem. I would like to say that I want several copies of that to go to the industrial developers of the Southeastern United States, who are already pretty busy relocating industries from the Northeastern part of the United States, defense industries in particular, from that part of country.

Mr. Chairman, I rise today in support of the Skelton amendment. Mr. SKELTON's amendment would in effect continue the position brought to the floor in today's bill by the House Armed Services Committee.

This is a well-thought out amendment. It continues the B-2 program at an efficient rate, but it puts restraints and requirements on the program which ensure that adequate evaluation and progress is made before funds are released.

In my opinion, the attention put on the cost of the B-2 has been misleading. The B-2 represents an attempt to cross new technological bounds and the successes thus far warrant continuing the program.

Whenever we tackle the edge of technology, it is going to cost; but that does not mean we should not do it. It costs far more in the long run—in lives and in dollars—to avoid progress than it does to keep moving forward at a reasonable pace.

A similar mistake was made back in the 1970's when the B-1 bomber was canceled. We later came back and had to reinstate that program, at higher costs. Unfortunately, we have still got 20-year-old technology in the B-1.

The decision we are facing today between the various amendments is whether to cancel this program, one that has the ultimate in present and future technology, and thus lose valuable technology and our advantage in this area, stretch out the program and increase its per unit costs which are already the subject of debate, or continue the program with safeguards to ensure that problems are resolved before the program moves forward.

In my opinion, the Skelton amendment is the only sensible approach. It ensures that our country maintains its technological advantage and that the funds are spent in the most cost-effective manner. For this reason, I will be supporting the Skelton amendment and I urge my colleagues to join me.

We have spent \$22 billion at this point for tooling, R&D, and 13 B-2's. The question is to complete the program, to slow it down, or to trash it. To trash it, in the opinion of many, is to end the U.S. manned bomber program for the future.

The B-2 bomber has had the most aggressive reliability and maintainability program of any weapon system built to date. At initiation of the program, a tailored staff of maintenance experts were assembled by Northrop to exert supportability influence over every aspect of the B-2 design. These experts included former chief and senior master sergeants with collectively over 2,300 years of SAC experience, and recently retired colonels with collectively over 600 years of Air Force maintenance experience. Six of the former colonels had been Air Force wing deputy commanders of maintenance. These people brought to bear their lessons learned on every strategic bomber from the B-47, B-52, FB-111, and even the B-1.

The initial B-2 R&M parameter were established by analyzing a historical aircraft data bank using data from 14 aircraft. The results and lessons learned from approximately 3½ million flight hours and 60 million manhours of unscheduled maintenance were used to develop the basic design and R&M allocations for each subsystem and the procurement specifications for all major components.

Reliability and maintainability engineers were assigned to integrated design teams for each subsystem at the initiation of design and exerted unprecedented support consideration influence over the design at each stage of development. The design teams have been held accountable for meeting R&M requirements at every major program milestone. Present predictions exceed the contractual requirement for reliability by 75 percent and for maintainability by 31 percent.

The most rigorous testing on any major weapons system to date has been conducted with all failures reported and corrective design or process actions tracked by Northrop. Actual testing to date includes more than 750,000 hours conducted in various demanding vibration and thermal environments. The testing ranges from environmental stress screening and reliability development growth testing—both more demanding than required by later USAF requirements in the R&M 2000 Program—system integration and qualification tests, to actual testing in the KC-135 flying test bed. The testing has resulted in more than 7,000 corrective actions which have been incorporated or identified to be incorporated in the first deliveries to the Air Force. This aggressive design development program has provided reliability data that would have taken more than 2½ years of B-2 flight testing to produce otherwise and thus will provide early achievement of reliability maturity.

The results of the B-2 R&M Program have been outstanding thus far. The radar, traditionally a high failure rate item, had useable radar pictures on its first flight in the flying test bed and, after accumulating more than 1,000 flight hours, is on track to reach its predicted MTBF. The first B-2 aircraft, been assembly and first flight, required only 1 engine change in contrast to the B-1 which required 17. During initial checkout of the B-2, only 1 minor fuel leak was found in contrast to 21 on the B-1. On the B-2 first flight there were zero hardware failures thus proving the return on investment in the B-2 reliability and maintainability program.

The B-2 has also achieved highly reliable performance in its onboard test system [OBTS]. This system, has been designed to identify all critical equipment failures. This system has been used extensively in production checkout, proof testing the warning caution and advisory data, as well as confirming successful component and subsystem operation. OBTS also preformed flawlessly on first flight, lending evidence to the fact that the first aircraft delivered to the Air Force will be reliable and supportable in the field. Experienced Air Force maintenance personnel already like what they are seeing from OBTS.

From design, through testing and first flight, all parameters indicate that B-2 reliability and maintainability are exceeding specifications and the aircraft will exceed the Air Force operational needs for supportability, thus reducing tremendously the life cycle cost of maintaining the B-2 in the active inventory.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Maine [Mr. BRENNAN].

Mr. BRENNAN. Mr. Chairman, today we consider the fate of the most expensive defense system in history, the B-2 bomber. This \$70 billion program is one aircraft that we can do without.

I questioned Air Force Gen. Larry Welch during a recent Armed Services Committee hearing. I asked the general if the B-2 would reach its target after both the United States and the Soviet Union had suffered nuclear annihilation, and General Welch answered: "I would think so. I would think so."

If this plane is to be used after nuclear devastation of both countries, after they have already been destroyed, do we really need it to bounce the rubble? The answer is a resounding "No."

□ 1100

Mr. Chairman, if we want to maintain a viable air leg of the triad, why do we need the expensive B-2 when we have B-52's, FB-111's, and the brand new B-1, all with standoff capability? If we are feeling budgetary pressure on deficit reduction this year, how can we realistically expect to control spending by adding the new B-2 bomber, which will be our most expensive defense program at \$4 billion this year and \$8 billion next year?

My colleagues, I say it is time to stop the program we do not need, we cannot afford and has no justifiable mission. Government is about choice. This Government has many other human felt needs that ought to be addressed like in education, and housing and cleaning up the environment. Let us save billions of dollars so we can use those moneys to address human needs to make this a better nation.

Mr. Chairman, I urge my colleagues to support the Kasich-Dellums amendment. It makes sense, saves money,

and it will make money available for more important needs.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise in strong support of the amendment offered by Messrs. DELLUMS, KASICH, and ROWLAND.

The B-2 bomber makes no sense on strategic grounds, or on budget grounds. Arguments for the B-2 and against this amendment are seriously flawed.

Some B-2 supporters argue that it is necessary for arms control. I disagree. The United States has no intention of bargaining away the B-2. A bargaining chip is not a bargaining chip if you will not bargain.

Some B-2 supporters say that stopping this bomber will ruin the triad.

But the B-1 bombers—which have already been purchased—could be upgraded to be a penetrating bomber at about one-tenth the cost of the B-2 program.

Some opponents of this amendment argue that we must find some sort of middle ground. I say there is no middle ground. According to the current 5-year plan, in 1992 the B-2 bomber will get \$8 billion. Come on, there is hardly a person in this room who realistically thinks that we will give \$8 billion to one program.

However, if the budget is chopped in half, the per plane costs will double. So we spend 50 percent of the money, and we get a 25-percent return on our investment.

By restructuring the program, by trimming the buy, all we do is drive the costs per plane through the roof.

If we think \$600 million per bomber is sticker shock, wait till we start spending over \$1 billion per bomber.

Let's be real.

I urge my colleagues to vote yes on the Dellums-Kasich-Rowland amendment. Vote YES for sanity.

Mr. SYNAR. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon [Mr. AuCoin].

Mr. AuCOIN. Mr. Chairman, I do not like paying this kind of price for a weapon any more than anyone else. But more important than price is value. And the Stealth technology bomber is high value.

Slow weapons are better than fast weapons, because they can't be used for a surprise attack first strike. By the same logic that makes MX, D5, and their Soviet quick-strike counterparts destabilizing, the B-2 is stabilizing.

Any manned bomber is stabilizing, but the B-2 is the most stabilizing. Why? Because you not only have to be slow, you have to be sure you're going to penetrate whatever defenses the other side can put up. And the B-2

gives every evidence of being the best penetrator ever built.

Its Stealth technology is even better than that of the advanced cruise missile. Its range with a heavy payload is exceptionally long.

And while this hasn't been discussed by the Air Force, any airplane with such large wing area is going to have phenomenally long loiter time. This is critical, because long loiter is exactly what a President needs in a crisis. He needs an airplane that can take off, fly to the fall-safe point, keep it orbiting, safe, recallable—and nonprovocative—over American territory for the longest possible time while he negotiates to prevent Armageddon. The B-2 gives him that capability.

Another apparent advantage of the B-2 that hasn't been discussed is the no-tail design. Generally speaking, the part of an airplane that's most vulnerable to nuclear blast is the vertical fin. The B-2 doesn't have one. This would appear to give it better pre-launch survival than conventional airframes.

I know many of you approach the B-2 with a jaundiced eye, because of the bad experience we've had with the B-1. I agree with you. The B-1 was a mistake. It was Reagan's Folly, one of many. We should never have built it.

But this isn't the B-1, it's the B-2. If it tests out OK, it'll be a far better deterrent than the B-1, the MX, the D5, and star wars combined.

So please, don't let the sticker shock be the whole story. The B-2 is high-value, well worth the price. I respect the sincerity of my friends, Mr. KASICH and Mr. DELLUMS. But let's vote down their amendment.

Mr. SYNAR. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, I rise in support of the Aspin-Synar compromise which cuts \$470 million from the bill's authorization for the Stealth, requires the Department of Defense to restructure the program and meet test and performance requirements limiting to two the number of airplanes bought in fiscal years 1990 and 1991. The DOD must come up with a plan about this airplane which requires a subsequent vote from the Congress.

Mr. Chairman, of all the proposals this probably is the most intelligent way to deal with this particular airplane. I know that Americans are shocked because of the cost of this airplane, but, quite frankly, it speaks to the imprudence of keeping a program of this size in a classified nature for so long. The sticker shock is largely due to the fact that it is a surprise because it has been a classified program, and it speaks for the fact that we ought not to ever let this happen again. We ought to never let a program of this magnitude stay secret for so long so that the American people do not be-

lieve that they have the knowledge of whether the weapon system is useful, can fly, can do what we say it can do.

Mr. Chairman, we have spent a lot of money on this plane. I do not know for sure whether we ought to continue it or cancel it, but I know that it is imprudent for us, 3 months after it has come out of a classified status, to just cancel it given all of the money that has been spent into it to date.

If its mission is anywhere near what the military says it is, it is probably a pretty good deal for us. If the mission is what the gentleman from Ohio [Mr. KASICH] says it is, it is a lousy deal for us.

The question is: What is the best way for us to find that out? Mr. Chairman, I think the Aspin-Synar is the best way to do it. Test it seriously. Decide whether the money spent in the past is worth the money or not, and vote on it again based upon that data, and, if the gentleman from Ohio [Mr. KASICH] is right, we will cancel the program in 6 months to a year, but, if he is wrong, we will scale it back, and we will have a weapons system that is more prudent and more cost efficient.

So, Mr. Chairman, it is not a comfortable position for me because my constituents are not crazy about the cost of this program, but I think it best for the national security of this country and for fiscal prudence to adopt the middle-ground approach which is the Aspin-Synar approach.

□ 1110

Mr. KASICH. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I strongly support the amendment offered by Mr. KASICH, and commend him for his tireless efforts on this very important matter.

Today we are faced with another vote that requires us to make the tough choices, choices we must make if we are to take our continued budget deficits seriously together with the need to provide responsibly for the defense of our Nation.

I opposed the B-2 program for two reasons—its outrageous cost, and its nonexistent mission.

At a time when we must exercise extreme budgetary restraint, it would be inappropriate to press ahead with production of the B-2. This is a program which would rob dollars from more important weapons systems and other defense needs. These highly complex and as yet unproven aircraft are estimated to cost \$550 million each, and if past experience in weapons procurement is any guide, I would expect the final cost to be closer to \$750 million each or even more. The Pentagon would like an eventual force of 132 planes, which puts the overall cost at

about \$100 billion. Mr. Chairman, we simply cannot afford it.

The B-2 is said to be necessary in the wake of nuclear exchange between the United States and the Soviet Union, to strike hardened underground command centers and mobile targets such as SS-24's and 25's. I have several problems with this reasoning. First, the incredible devastation and disruption of command following a full-scale nuclear exchange would, in my judgment, make such a mission highly impractical if not meaningless. Even more importantly, I believe that existing weapons, like the MX and Trident D-5 missiles, are accurate enough to accomplish that part of the B-2's stated mission. And, if we free up the funds from the B-2 bomber program, and apply a small part of it toward practical stealth technology, we can ensure that our stealth cruise missile can accomplish that mission of the B-2 at a fraction of the cost.

I also question whether the B-2's radar-defeating design would work in practice. The state-of-the-art Stealth technology works wonderfully against today's sophisticated radars, but unfortunately, the majority of Soviet radar installations are much older, long-wavelength radars that would have no problem seeing incoming B-2's. And, most ominously, since the B-2 is unarmed except for its warheads, once spotted it would be a sitting duck unable to defend itself. In addition, since the bomber's targeting relies heavily on U.S. satellites, the destruction of which is almost assured following nuclear confrontation—the time that the B-2 will be in the air—the bombers will be left blind over Russia, vulnerable to Soviet air defenses.

On balance, I believe commitment to production of the B-2 cannot be justified on either military or budgetary grounds. It is an unbelievably expensive, poorly conceived weapon for a poorly conceived mission.

The Kasich amendment would spend out the \$8 billion for additional research and development into Stealth bomber technology, build 13 test bombers, and mothball the production line. This amendment would save the taxpayers of this country at least \$40 billion.

The Kasich amendment is prudent and responsible and deserves the support of all Members.

Mr. McCURDY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, first let me start out by commending the proponents of this amendment for the excellent debate they have sparked in the House. In fact, we should have a debate like this on a number of weapons systems.

I was disappointed yesterday to see a \$42 billion program, the LHX, be debated for just a few minutes and to see

a vote on such a major, major weapons system take place. In fact, the LHX, the Scout helicopter, will cost from here on out some \$42 billion, which is about the same price for this important part of our strategic modernization.

I was specially glad to have a chance to debate the gentleman from Ohio [Mr. KASICH] and the gentleman from Connecticut [Mr. ROWLAND] on this amendment, Members on the Republican side. I want to commend them for their intellectual contribution to what the Armed Services Committee has done this year.

I want to commend also the proposition on the Democratic side, the gentleman from California [Mr. DELUMS], who has spent a lot of time and offered a lot of good points in this very important debate.

Let me tell you why I think we need the B-2. First, we have to look at the triad and what the Soviet Union has done with respect to the triad. The Soviet Union has entered into an attack on the triad in three areas. So far they have devoted billions of dollars to render our submarines vulnerable. They have not done that, but the possibility of a breakthrough is not nonexistent. They are devoting billions of dollars and the best talent in the Soviet science corps to making a breakthrough on the vulnerability of our submarine part of our deterrent.

In the ICBM part of the deterrent, they have absolutely paralyzed the U.S. Government and the U.S. Congress when they built the SS-18 missile, which has 3,080 warheads capable of taking out our entire land-based part of the triad, the ICBM's. They paralyzed us on the missile part of the triad, and you are going to see the result of that paralysis later on in the debate on the ICBM's.

No matter what we try to do on the Midgetman or the MX, they have put the U.S. Congress really at an impasse on that very important part of the triad.

On the air breathing leg of the triad, they have similarly devoted enormous resources on paralyzing American efforts. They spend \$350 billion developing a defense system against penetrating bombers.

The stealth technology for which this Congress paid \$23 billion for R&D on this aircraft has successfully confronted that enormous Soviet investment and beaten it. We are able to penetrate with the B-2 bomber.

It is especially important for this Congress when we have such enormous problems with this one leg of the triad, which is the ICBM leg, that we continue to strengthen the two legs that we still have an advantage in, and that is the submarines and the bomber force. It is more important than ever because the ICBM's are in real danger to move forward on this bomber.

Let me address just for a minute these arguments that somehow the B-2 is just going to mop up and there is nothing going to be mopped up because there is no sense in mopping up in the Soviet Union because nuclear devastation will have taken place.

The facts are that every American retaliatory system, unless we launch on warning, would only occur and would only strike the Soviet Union after devastation in the United States of America. That is a fact.

So the point is that we are not building the B-2 and we are not building our submarines and we are not building ICBM's, we are not building these so we can devastate the Soviet Union. We are building them so that we can deter the Soviet Union from devastating us with a first strike. That is why we are building this bomber. This is why we are building the submarines and the ICBM's.

One last point, A 747 costs \$120 million. That is one-third the cost of a B-2. The next time you fly a 747 with 10 passengers on board across this country, ask yourselves whether we would use an aircraft three times that much to make a strike against Libya. The answer is absolutely. Please support the B-2.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Chairman, I rise in support of the Skelton amendment to continue production of the B-2 bomber.

We are all familiar with the total program unit cost figures and the total cost of the B-2 program. They sound dramatic and have led to the so-called sticker shock factor. However, viewing the cost of the program solely in these terms is, I believe, misleading.

First, it is important to understand that the great majority of the B-2's development is successfully completed. Nearly one-third, or about \$23 billion, of the program's total cost has already been invested. So the real issue is the cost yet to go, the total cost that must be spent this year and the next few years to field a fleet of 132 B-2 bombers. This is commonly referred to as the flyaway cost. This is a traditional measure of aircraft cost.

When the flyaway cost of this aircraft is compared to earlier programs we find that it is only about 20 percent above the level of the B-1B, about \$200 million to \$228 million. This is a far lower increase for a new generation weapon than in most cases, despite the fact that the capability differences are dramatic. You can also compare the B-2 flyaway cost to the flyaway cost of a new 747 commercial airliner, which costs over \$130 million.

Also, the procurement of the B-2 will average a smaller percentage of the DOD budget than any of the pre-

vious bomber programs. For example, the B-47 required 2.9 percent of the defense budget during acquisition; the B-52 represented 1.4 percent; and the B-1 took 1.6 percent. By comparison, the B-2 will require 1.3 percent of the DOD budget during its acquisition period.

Finally, one has to consider the cost of alternatives. In theory we could decide to abandon the manned penetrating bomber leg of the triad, but this would have severe consequences for strategic stability and the prospects of arms control.

Or you could simply buy more B-1's. This would not only be militarily unwise, it would also be budget nonsense. If we acquired 132 more B-1's and the needed associated tankers to support them, the cost would be \$44 billion, \$1 billion more than what is needed to complete the B-2 program. But of course such a force would be far less capable than the B-2.

The bottom line is that despite dramatic headlines, when you really examine the cost of the B-2 it is not out of line, especially in light of its revolutionary contribution to the force. It's needed to modernize the bomber leg of the strategic triad, and I urge Members to vote for the Skelton amendment and to vote no on the Dellums/Kasich substitute.

Mr. DELLUMS. Mr. Chairman, it is now my pleasure and privilege to yield 2 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I rise in support of the Kasich-Dellums amendment to restructure the B-2 program.

There are many reasons to support this amendment: the B-2's poorly defined mission; the extraordinary, extravagant cost of the bomber; real questions about whether the stealth technology will actually work as advertised; and a history of mismanagement of the project. All these are important issues which, until just recently, were cloaked in stealth-like secrecy by the Air Force and Defense Department.

Now, however, thanks in large part to Congressman BENNETT, who led the charge to force the Air Force to disclose more cost and performance data, the Congress is prepared for the first time to really debate this program. And one of the surest signs that the Air Force knows how problematic this program is, is the fact that it is now working with the Northrop Corp. to sell the B-2 as a jobs program.

I hold in my hands exhibit A, a news release that Northrop has put out with the cooperation of the Department of Defense. This news release, which Northrop is distributing widely around the Capitol, gives a State-by-State list of some of the dozens of companies working on the B-2. It is a clear attempt to persuade legislators to vote for the project based on home-

State interests; there can be no other reason for it.

That's offensive enough. With the B-2's \$70 billion price tag, our debate should be about the national defense, not local jobs. But what is even worse is the collaboration between the Department of Defense and Northrop in preparing this list of companies, despite the fact that, for the last 2 years, Congress has been warning the Pentagon to stop its practice of selling weapons systems to Congress based on their pork content.

As my colleagues know, since the early 1900's it has been against the law for the Department—or any agency of the executive branch—to lobby Congress. But that is a hard law to enforce, and many agencies and departments have found some gaping loopholes in that law. One loophole that has worked very well, especially for the DOD, is to sell a program based on how many jobs and how much economic benefit that program would offer a State or congressional district.

The textbook case was the B-1 bomber, built in all 50 States, a piece of it in almost every one of our 435 congressional districts. The lobbying design was perfect; the congressional strategy flawless. Too bad the plane does not perform as promised.

To try to get at this one gigantic loophole, in 1987, I offered an amendment which expressed the sense of the Congress that the DOD should not prepare any information on the economic benefits or on the employment impact a program would have in a particular State or congressional district, before that program reached full-scale development. That amendment was passed by the House and signed into law.

In 1988, seeing no change in DOD policy, I offered that amendment again. Again, the full House adopted it, and in conference it was changed into a directive that the Department issue a regulation to deal with the issues raised by the amendment. Now, nearly a year later, a spokesman for the Department has informed me it has no intention of issuing any such regulation. That spokesman has also informed me that the Department regularly ignores sense of the Congress resolutions, because it perceives no compelling reason to do anything about them.

I find it highly offensive that the Department has ignored our congressional directive, and that the Department feels it can ignore, with impunity, sense of the Congress resolutions. And I'm outraged that the Department's actions have contaminated our debate today with a jobs issue which, in a \$70 billion program, we just cannot afford to consider.

Now that the DOD is actually trying to kill a couple of projects—like the V-22 and the F-14—I believe Secretary

Cheney and others understand how misguided it is to base your sales pitch on jobs. That sword cuts both ways. It comes down to this—if the DOD and Congress want the best defense money can buy, you do not talk the jobs talk.

I urge my colleagues to reject the jobs argument for the B-2, and to join the authors of this amendment in bringing some common sense to this issue.

The news release referred to follows:

THE B-2 NATIONWIDE INDUSTRIAL TEAM

The U.S. Air Force's B-2 program is supported nationwide by tens of thousands of men and women at prime contractor Northrop Corporation, key subcontractors Boeing, LTV, General Electric and Hughes, and other suppliers and subcontractors in 46 states.

Companies whose participation has been declassified by the Department of Defense include:

ARIZONA

Allied Signal Aerospace.
Allied Signal Fluid Systems Division.
Garrett Auxiliary Power Inc.

CALIFORNIA

Allied signal Aerospace, AirResearch L.A.
Applied Consulting & Tech Service.
Associate N/C Programming.
B&H Associates.
Burns & Roe Pacific Engineers.
Condor Systems Inc.
Deliotte, Haskins & Sells.
Evolving Technology.
Ewing Technical Design Inc.
Explosive Technology Inc.
Facilities Systems Engineering.
Frequency West.
GEC Astronics Corporation.
General Dynamics Electronics Division.
Gould Defense Systems.
Hughes Aircraft, Radar System Group.
Hughes Electronic Dynamics.
Hughes Training & Control Division.
Inconen Corporation.
ITT Gilfillan.
Jaycor.
Kaymar.
Lockheed Aircraft Corporation.
Mantach Support Technologies Inc.
McDonnell Douglas Aircraft Co.
Mini Systems.
Mini-Systems Associates.
Multax Systems.
Narda Microwave Inc.
Norman Engineering Co.
Parker Mannifin.
PDA Engineering.
Raychem Corporation.
Raytheon Co.
Resdal Engineering Corporation.
Servicon Systems Inc.
Spectragraphic Corporation.
Sundstrand.
TAD Tech Services Corporation.
Teledyne Electronics.
Teledyne McCormick.
Texas Instruments Ridgecrest.
TRW, Redondo Beach.
TRW, Sacramento Engineering Office.
TRW Space & Defense.
UTS Engineering & Consultants.
VERAC Inc.
Watkins-Johnson Co.
Whittaker Corporation.

COLORADO

General Devices Inc.
Kaman Instrumentation.

Kaman Sciences Corporation.
Mantec.
OEA Inc.
Storage Tech Corporation.
Stonehouse Group.
Unisys Corporation Defense Systems.

CONNECTICUT

Amaco Performance Products.
Ensign Bickford Co.
Hamilton Standard.
Tech Systems Corporation.

DISTRICT OF COLUMBIA

McKenna, Conner & Cuneo.

FLORIDA

Hi Tec.
United Technologies.

GEORGIA

Electromagnetic Devices.

IDAHO

Vanita Industries.

ILLINOIS

Electrodynamics Inc.
Sundstrand Aviation.

IOWA

Rockwell International Corporation, Collins Division.

KANSAS

Boeing Military Airplane Co.

KENTUCKY

Xaco Industries Inc.

MARYLAND

AAI Corporation.
Digital Equipment.
Fairchild Communications & Electronics Co.

MASSACHUSETTS

Adage Inc.
Adams-Russell Co. Inc.
Adams-Russell Electronics Co. Inc.
Fenwal Inc.
General Electric Aircraft Equipment Division.

Kaman Avidyne.
Lighting Technologies.
Microdynamics Inc.
Microwave Associates Inc.
Microwave Development Labs.
Microwave Engineering Corporation.
Varian.

MICHIGAN

Smith Industries Aerospace & Defense.

MINNESOTA

Honeywell.
Rosemount Inc.
Unisys Corporation, Defense Systems.

NEW HAMPSHIRE

Continental Microwave & Tool Co.
Kom Wave Corporation.
Sanders Associates Inc.
Tech Resources Inc.

NEW JERSEY

Allied Corporation, Bendix Flight Systems.
Kaarfott Guidance/Navigation Corporation.
Lockheed Electronics Inc.
Micro Lab.

NEW MEXICO

Los Alamos Technical Associates Inc.

NEW YORK

Arkwin Industries Inc.
Eastman Kodak.
General Electric Aircraft Controls
Gull Inc.
Hazeltine.
Miltipe Co.

Moog Inc.
Scipar Inc.
Transportable Technology Inc.

OHIO

Battelle Columbus.
BDM Corporation.
General Electric Aircraft Engineering Group.
Logicon.

OKLAHOMA

Defense Technologies Inc.
TRW Oklahoma Engineering Office.

TEXAS

B&M Associates.
Belcan Services.
Butler Service Group.
Consultants & Designers Inc.
Contract Services.
E-Systems.
Ernst & Whitney.
General Devices.
H.L. Yoh.
International Business Machines.
Interglobal Technical Services.
LTV Aircraft Products Group.
LTV Missiles & Electronics Group.
N/C Services.
Nelson, Coulson & Associates Inc.
PDS-Tech Services.
Pollack & San.
Rockwell International Corporation.
Standard Manufacturing Co.
Superior Manufacturing Co.
Superior Design Co. Inc.
TAD Technical Services.
Versatec.
Wang.

UTAH

Hercules Inc.

VERMONT

Hercules Aerospace.
Simmonds Precision.

VIRGINIA

Amdahl Federal Service Corporation.
Mantech International Corporation.
Xerox.

WASHINGTON

Boeing Military Advanced Systems Co.
Eldec Corporation.
Ewing Tech Design Inc.
General Electric.
Kirk-Mayer Inc.
Nelson, Coulson & Associates Inc.
RHO Co. Inc.
Science & Engineering Associates Inc.
VTC Service Corporation.

□ 1120

Mr. SYNAR. Mr. Chairman, I yield 1 minute to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, I rise in support of the amendment offered by my distinguished chairman from Wisconsin and colleague from Oklahoma regarding the B-2, or Stealth, bomber program.

Like most of my colleagues I have some very serious concerns about the B-2 bomber program. First, I am concerned about the level of concurrency in the program. It is disturbing, particularly given the Air Force's experience with the B-1B, that the current structure of the B-2 program permits the Air Force to purchase a large number of aircraft before completing the B-2's test program.

Second, I am concerned about the total cost of the B-2 program. If the program remains on its present schedule, which is by no means certain, it will cost \$70 billion, or over \$530 million per aircraft. During the peak years of the B-2's procurement, fiscal years 1992, 1993, and 1994, according to the present program schedule, Congress will be asked to fund the B-2 at a level of \$8 billion. Only 12 countries in the world have defense budgets larger than the budget the Air Force is proposing for a single program. It is an open question as to whether or not it is politically or fiscally possible to meet the funding levels requested by the Air Force.

Despite these concerns, I do not think it is appropriate to cancel the B-2 program at this point. I believe the Air Force should be given the opportunity to fully test and prove the B-2 and restructure the program to make it more affordable before Congress decides to pull the plug, by supporting the amendment offered by the distinguished chairman of the Armed Services Committee and our colleagues from Oklahoma, we can do just this.

This amendment would require the Defense Department to restructure the B-2 program and meet test and performance requirements for the plane before any additional aircraft are purchased. It would also require the Defense Department to submit a plan to reduce the costs of the B-2 program which must be approved by Congress. Finally, the amendment required the Air Force's performance review for the B-2 to be submitted to Congress in an unclassified form.

I would also like to make another point regarding the need for careful and thoughtful reflection before any decision is reached to cancel the B-2 program. The B-2 plays an important role in the United States arms control strategy. Under the proposed counting rules for the putative START Agreement the United States and the Soviet Union are limited to 6,000 nuclear warheads. For the purposes of the START regime, manned, penetrating bombers carrying SRAM missiles or nuclear gravity bombs count as only one warhead against the 6,000 limit. This is true regardless of how many missiles or gravity bombs the bomber is carrying. However, bombers carrying cruise missiles, regardless of how many missiles they are carrying, count as 10 warheads against the 6,000 limit. As a manned, penetrating bomber under the START regime, the B-2 will be of significant advantage to the United States.

The United States negotiating position in Geneva is predicated upon successful deployment of the B-2. To cancel the program now, without fully considering the arms control implications of such an act, would be inappropriate.

prate. The United States recent successes in arms control can be traced to the American insistence to come to the bargaining table with a strong, capable nuclear deterrent. The U.S. policy of peace through strength witnessed one of its greatest achievements with the signing of the Intermediate Range Nuclear Forces Treaty. The United States should apply the same policy to the START negotiations. The B-2 is presently a part of that policy and before any decision to cancel the B-2 is made, careful consideration must be given to this fact.

It is my hope that this body will adopt this amendment as a prudent middle ground between those in Congress who would kill the B-2 program despite its promise, and those who would move forward with full funding of the B-2 program despite its cost.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky [Mr. HUBBARD].

Mr. HUBBARD. Mr. Chairman, I speak in support of the amendment offered by my good friend, Congressman IKE SKELTON, of Missouri.

Mr. SKELTON has submitted an amendment essential to our Nation's policy of deterrence, and it is critical to control rapid escalation of the arms race.

Yes, it's costly. However, we should not put a price tag on our national defense.

The Skelton amendment has three very important components that are essential to the survival of the B-2 program. They are:

First, it prohibits the Department of Defense from expending fiscal year 1990 procurement funds for the B-2 until the Secretary of Defense certifies in writing to our congressional defense committees that performance levels, cost reduction initiatives, and quality performance criteria have been met.

Second, the Skelton amendment requires the Secretary of Defense to submit an annual report to congressional committees on the cost, schedule, and capability of the B-2 program.

Third, the Skelton amendment requires next year an unclassified report on the performance characteristics of the aircraft; range, payload, altitude, speed, stability in flight, and survivability against Soviet air defenses.

We debate and vote upon billions of Federal dollars for worthwhile entitlement programs.

We debate and vote upon billions of dollars for controversial foreign aid.

It is interesting that when we debate modern defense needs for our country that the cost is of such concern to some people who seldom question the cost of other programs.

Unfortunately, it seems that much of the debate on the B-2 bomber has

focused primarily on its cost. Let's not overlook the many benefits this revolutionary technological bomber could have for us and our Nation.

The stealth capability of the B-2 bomber makes it invisible to enemy radar and defense systems. It can enter enemy air space undetected and unfired upon.

This technological breakthrough was developed over an 8- to 9-year span.

As history correctly tells us, increased technology has always led to deterrence and, more important, to peace.

Those of us who believe the B-2 will make a significant contribution to our national security and even world peace will vote for the Skelton amendment.

I urge my colleagues to vote for the Skelton amendment.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Mr. Chairman, I rise in support of the Dellums amendment.

Mr. Chairman, I would like to alert my colleagues to a special flight for which the Defense Department is currently taking reservations. Now, if you read the brochure distributed by the Defense Department, it tells you that the plane you will be flying in has the most advanced technology of any aircraft ever built. It has satellites, computers, radars, and all the best equipment that money can buy. In fact, this plane is so advanced, it has the capability to become invisible to the human eye.

But, as with any proposition that seems too good to be true, the brochure leaves out some important details that would probably make you change your mind about this fantasy flight. The brochure does not tell you that you will be stuck on the runway waiting for almost 2 years while repairs are being done so you can take off, it does not tell you why the departure times keep changing for no apparent reason, and it surely does not tell you that you will have to make a \$23 billion deposit before your plane ever leaves the runway.

Mr. Chairman, I rise today in opposition to the unthinkable prospect of committing \$70 billion of the taxpayers' money to a program building planes we don't need, while we constantly nickel and dime the social programs we do need. These programs which are vitally important to the economic success and survival of our inner cities.

Mr. Chairman, too often in the past we have been willing to overlook the reality of the everyday needs of the American people, while at the same time spending billions of dollars chasing a dream of ultimate nuclear deterrence that can never be. At this moment, our cities are on the brink of destruction. Drugs are running rampant and causing our youth to die at an alarming rate, unemployment in our inner cities is as high as ever with no signs of decline and our educational system suffers from a tremendous lack of Federal dollars.

These are the problems that this Congress should be addressing. These are the areas

where money is needed in order to make a difference in the quality of life of all Americans. My fellow colleagues, I strongly urge you to support this amendment terminating production of the B-2 bomber. If we don't stop dreaming now about defending ourselves from the Soviets, we will one day wake up and find ourselves living in a nightmare inside our own borders.

Mr. SYNAR. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Chairman, the arguments raised against the B-2 Stealth bomber seem like voices from another age. Admittedly, the cost is breathtaking at \$600 million per plane. And, certainly, we owe it to taxpayers and pilots alike to develop a safe, cost-effective, and efficacious aircraft which will meet our strategic requirements into the next century. So by all means test and, where deficient, revise and correct. But we risk making an historic blunder, if we allow legitimate but overstated charges—that the B-2 is too expensive, has exotic components, is insufficiently tested, and has an unverified need—to dictate policy. As an advanced technology prototype, it will have its share of imperfections and an army of detractors. We need to address the defects by making appropriate adjustments, not throw up our hands in despair, lament that it doesn't work, and quit.

The stewards of the public trust have traditionally made Congress a forum for debating the merits of a particular program, an especially animated process when it entails a new and untried system. The first airplane, the first aircraft carrier, the first missile, the first nuclear-powered submarine—all had their antagonists who thought the technology suspect, the price exorbitant, and the need ill-defined. The arguments don't change over the years, only the names and the amounts.

The National Defense Authorization Act for fiscal year 1990-91 includes \$27,555 billion for aircraft procurement, 9 percent of the total authorization—\$303.5 billion. By comparison, in 1939, \$170 million were allocated for 1,800 planes out of a total bill of \$1.150 billion—a 14.8-percent share. President Roosevelt had requested \$300 million for 3,000 aircraft. Floor debate illustrated a diversity of opinion not dissimilar from that which is occurring 50 years later.

Representative Ross Collins of Mississippi remarked:

Mr. Chairman, I have a suspicion that some propagandist in the aviation industry is back of all this urge to build up a vast air force. (March 3, 1939.)

Senator Warren Austin of Vermont cogently observed:

• • • no rational, coherent, educational program which requires years of pursuit to be accomplished can be planned for with any

degree of intelligence at all if it does not at the outset show that there is authorized a sufficient amount of money for a sufficient number of years to carry on the program. (March 3, 1939).

One year earlier, on a similar measure, the discussion proceeded along a familiar vein:

Representative David Terry of Arkansas:

I do not know what the program for the Navy planes will cost, but if the cost for the 2,300 Army planes runs around \$143 million, and the Navy planes cost as much, you can appreciate that the program covering air defense will reach enormous proportions. (March 25, 1938.)

During debate on funding rotary-winged aircraft, Representative William King of Utah charged:

I simply state that we are squandering \$2 million; but we are squandering so much, and this item is so insignificant that I cannot object. (June 16, 1938.)

Playing one defense system against another is nothing new either. On January 1, 1938, Senators Robert Reynolds of North Carolina and Homer Bone of Washington enjoyed a colloquy on the relative merits of aircraft as opposed to other military systems. Noting that a battleship cost \$60 million, Senator Bone—no doubt representing his constituents in Seattle—reflected that \$60 million could fund the acquisition of from 300 to 400 Boeing bombers.

Defense firms came in for their share of contractor bashing. In the Senate on March 6, 1939, both Wright and United Aircraft—Pratt & Whitney—the two major manufacturers of aircraft engines—were charged with having made obscene profits at taxpayers' expense. From 1927 to 1933, profits were alleged to have ranged from 7 to 50 percent—29 percent average—on engines, from 7 to 73 percent—20 percent average—on Army planes, and about 36 percent on Navy planes. Consolidated Aircraft made profits of from 16 to 49 percent during the period 1927-31. Current procurement scandals and cost overruns—although carrying larger price tags—have ample precedence.

From a technical standpoint, there are essentially two objections raised against the B-2 bomber: the concept is flawed and the design faulty. The first focuses on what it should do, the second on what it can do. Whether or not the system is cost effective depends upon resolution of the technical merits.

It is imperative to acknowledge that initially negative results need not invalidate the concept. The first submarine—1776—was an unsightly walnut-shaped container; hardly a precursor of today's Trident ballistic subs, it was nevertheless an early source of inspiration. The Wright brothers' airplane could not possibly have bombed battleships; still it was seminal to the development of the B-2. Armored ships

first duelled inconclusively in 1862; those combatants could hardly have foreseen the epochal battle at Midway 28 years later. Pioneer V-1 buzz bombs initially careened with impunity into the Baltic flats off Peenemunde; yet they led directly to the multimegaton ICBM's which threaten annihilation within minutes.

The verbal battle which raged over defense spending preceding our entry into the Second World War was not entirely due to residual isolationism. The flawed concept and faulty design of aircraft figured prominently in the debate.

The Boeing B-17, unveiled in 1934, was not considered much of a Flying Fortress initially. The U.S. Government was not convinced that the plane was needed prior to the outbreak of hostilities. The British, who flew the B-17C version in 1940-41, considered it underarmed and vulnerable. The D version added self-sealing fuel tanks, the E augmented defensive armament, and the G increased the number of .50 calibre machineguns to 13. Of 12,731 B-17's built, 8,680 were B-17G's which proved instrumental in winning the war in Europe.

The Martin B-26 light bomber was designed with stubby wings and small flaps which, when coupled with two 2,200 horsepower engines, resulted in landing speeds of 100 miles per hour—excessive in those days. Many accidents were recorded and the plane which was to become known as the Marauder was originally labeled the Widow-maker. The B-26B incorporated a lengthened wingspan and lower horsepower. By the end of the war, the Marauder enjoyed the lowest loss rate per 1,000 sorties of any U.S. light bomber.

By far the most daring mass-production aircraft developed during the Second World War was the Boeing B-29 Superfortress. Yet even this noble craft had its controversies. The original requirement was for a hemisphere defense weapon, not a strategic bomber. Termed "Army Air Force" Gen. Hap "Henry H." Arnold's multi-million-dollar gamble, the plane was transformed into a 50-ton weapon with a range of 5,830 miles capable of carrying 10 tons of conventional bombs. The prototype was a Fairchild PT-19 trainer fitted with a new wing and airfoil built at quarter scale. Remarkably reminiscent of the procedure undertaken with the B-1, the Army approved a production contract for 250 planes before even a mockup of the aircraft was completed. Test data had to be obtained from slide rules and wind tunnels.

Rushed into production before testing had been completed, a number of problems arose. The worst was the tendency of its engines to overheat and catch on fire during flight. A design change was implemented which

enabled heat to dissipate around a second bank of cylinders. Hap Arnold's gamble paid off. The final version was 99 feet long and had a wingspan of 141 feet. A total of 3,960 B-29's were built, 414 of which were lost during the war. First used in June 1944, they flew 34,790 sorties, destroyed 1,128 Japanese planes, and dropped 170,000 tons of conventional bombs on enemy targets. The B-29's place in history is, of course, made conspicuous by the dropping of the first and only atomic bombs ever employed in war. They can rightfully be regarded as the first strategic weapons of the nuclear age, an almost ludicrous evolution from what was intended to be used defensively in the Western Hemisphere.

The B-2 is intended to be a key component of the U.S. strategic nuclear deterrent triad, along with ballistic missiles and cruise missiles. Once defense strategy is formulated and its requirements defined, there should be no equivocation. Once necessity is determined and a program is initiated, to turn back is at the least disruptive and at the worst catastrophic. Make adjustments where necessary and by all means clean up the procurement process, but don't throw on the scrap heap the only option we have for a new generation of strategic bombers.

It is not insignificant that the Soviets continue to build up their bomber fleet since it comprises a critical component of their own strategic arsenal. At the end of 1988, the Soviets had over 1,000 strategic bombers operational:

Type	Operational	Other use	Range (km)	Speed (mach)
Bison	0	40	5,600	0.85
Bear	160	104	8,300	.8
Badger	370	300	3,100	.85
Blinder	145	20	2,900	1.4
Backfire	350	0	4,000	2.0
Blackjack	12	0	7,300	2.0
Total	1,037	464		

It is anticipated that about 100 of the new Blackjacks will be produced. Together with the Backfires and scores of upgraded Bear G and H models, nearly half of the Soviet bomber fleet will be of recent vintage. By comparison, the United States has fewer than 100 planes less than 15 years old:

Type	Operational	Range (km)	Speed (mach)
B-52G/H	262	8,000	0.9
FB-111	62	1,480	2.5
B-1	98	7,500	1.25
B-2	0	11,100	.9
Total	422		

Although we have a marginal advantage in range, we are regressing in speed and becoming alarmingly outnumbered in quantity. Even if we improve the quality of our aircraft—a ne-

cessity no one would question—the disproportion to the Soviets' advantage in numbers is increasing rapidly. In 1988, the Soviets built 45 new bombers to our 22; in 1989 they are expected to build at least 30 to our zero.

It is essential to reflect on the nature of modern war. Since 1945, hundreds of conflicts around the world have killed millions of people—none by nuclear weapons. Recent initiatives to diminish the strategic nuclear arsenal on both sides of the Iron Curtain and the rapid evaporation of NATO reliance on tactical nuclear weapons have placed increased importance on conventional systems, including bombers. One-third of the triad is inescapably nuclear by nature—ballistic missiles; another third is presumptively but not permanently nuclear—submarine-launched missiles; the final third is designed for nuclear capability but is the most flexible and can be—and historically has been—readily adapted to conventional use—strategic bombers.

If the B-2 is not equipped to handle the tasks assigned to it, then we must reevaluate the design and make appropriate adjustments in the same manner that we addressed the problems with the B-17, the B-26, and the B-29. What we must not do is cut and run, unless we have some heretofore unrevealed B-3 lurking in the shadows ready to assume replacement status. Our bomber fleet is approaching obsolescence and failure to build a new generation of aircraft will be a far more colossal mistake than spending \$600 million apiece on B-2's. The amount we pay in interest on debt could easily pay for 400 aircraft. The price may seem lavish but it must be remembered that cost is relative to concept and design, both of which are correctible. The bottom line is that we can afford what we need.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from Rhode Island [Mr. MACHTLEY].

□ 1130

Mr. MACHTLEY. Mr. Chairman, I rise in support of the Kasich-Dellums-Rowland amendment.

Mr. Chairman, I have studied the cost and I have studied the strategy for this program, and I must tell my colleagues that both fail. There is no middle ground in this program. Today, now is the time to say stop.

Every weapons system must contribute proportionately of its cost to the national security of this country. The Stealth bomber was born in a period when we had flush budgets, we had money for programs. Today the Nation cannot afford to spend this money on this defense program.

Ladies and gentleman, we are voluntarily buying into disarmament with the B-2. The future military budget

has a \$150 billion deficit. In 1992 we are being asked to spend \$7.8 billion; in 1993, \$8.4 billion; and in 1994, \$7.7 billion.

We will not spend this amount of money, and when we stretch out that program, the plane will go to approximately \$1 billion. That \$1 billion per plane represents 13,000 homes.

The United States does not need a bomber whose sole purpose is to penetrate Soviet air defense. The Air Force is still trying to win the future wars with World War II manned bomber strategy. Hardened Soviet military sites are covered by ICBM's and Tridents. The demanding retaliatory counterforce, the mission of this plane, is probably not even possible.

The arguments for strategic deterrence quite frankly fail. The United States has many more warheads on bombers, and we have twice as many bombers as the Soviet Union. Even if the chips were needed, we have them.

Supposing we do commit to buy the B-2, what will we do? What do we do in the event that the Soviets agree to Stealth reductions? Are we going to sell these bombers to Donald Trump? Are we going to create a Moscow-to-Washington Stealth Shuttle?

Mr. Chairman, I came to this House as a freshman not to cheat the military or to shortchange national security, but to make hard decisions, to keep a strong defense, to ensure peace for my children.

I urge that we support the Dellums-Kasich amendment.

Mr. SYNAR. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I rise in support of the Skelton amendment.

In our deliberations over this Defense authorization bill, I think it's very important for us to remember that the welcome changes we are now witnessing in the Soviet Union and the Warsaw Pact are, in large part, a direct result of the long-term strategy we and our allies have pursued, patiently and consistently, for many years.

At its core, the military component of this successful strategy—embraced by eight Presidents and by no less than 15 consecutive Congresses—has relied on the unquestioned capability of our strategic nuclear forces. America's triad of strategic capability has proven to be the best guarantor of our national security. It still is, and will remain so for many years to come. The strategic triad has also been the very foundation of our NATO strategy. It still is, and it too will remain so well into the future.

We do not know how all the changes in the Soviet Union and Eastern Europe will turn out. No one knows, and nothing is assured. But we do know that the Soviet Union continues

to modernize its strategic nuclear forces, from the Blackjack bomber to the road-mobile SS-25 ICBM.

For our part, preserving the strategic triad and keeping it fully capable right into the 21st century is still our most important national security responsibility.

Without the B-2 manned bomber—the most versatile part of the triad by far; and the only strategic system that can be called back at the last minute—by the year 2,000 our strategic bomber force will be down to less than 200 bombers, half of which will be more than 40 years old. Moreover, our penetrating bomber force will be fewer than 100, against a requirement stated by the Strategic Air Command of 230.

Mr. Chairman, that's not the kind of deterrence the American people want or deserve. And Mr. Chairman, that's why a vote for funding for the B-2 is a crucial vote in favor of a safer, more secure and far more stable world.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. HUCKABY].

Mr. HUCKABY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the Skelton amendment, which will reinstate the DOD authorization's production provisions for the B-2 Stealth bomber and continue the current program. I also want to take a few minutes to discuss the overall benefits of continuing the B-2 option.

I think it would be a colossal mistake to cancel the program. The cost of closing out the contracts could well double the sunk investment, compounding the loss with nothing to show for it.

The price tag should not be a surprise to anyone in Congress. There have been ongoing oversight efforts by the pertinent committees, and committee members have been fully informed on program decisions affecting overall B-2 costs; in fact, they have been able to track the control of B-2 flyaway costs—a better measure of the ability to meet the challenge of developing this cutting-edge of sophisticated technology.

The \$23 billion already spent on Stealth research and development is gone. Killing Stealth will not recover that money. The remaining \$50 billion spread through the 1990's amounts to about 1½ percent of the defense budget. This is almost exactly what the B-1 and the B-52 cost in their day.

What do we get for \$70 billion? The only weapon that has the potential for finding and destroying moving nuclear targets and for determining what has been hit. Bombers are an essential leg of the American nuclear defense. For one thing, they can be recalled. Once ballistic missiles are launched from land or sea, it's all over. Bombers give

us time. The United States needs a new strategic bomber capable of evading detection by radar and penetrating complex air defense systems, which are expected to exist after the mid-1990's. The promise of the Stealth is that it can take off from the United States, go anywhere, strike undetected, and return home without the need for foreign bases and support.

The amendment offered by my colleague from Missouri will continue the program at the reduced cost authorized by the Armed Services Committee. But, it gives us further guarantees by requiring the Secretary of Defense to provide to congressional defense committees a report on the cost, schedule, and capability of the B-2 program. An unclassified report is required on the performance of the aircraft that will not jeopardize our national security, but will assure the public that their money is being well spent. I urge the House to vote in favor of the Skelton amendment.

PARLIAMENTARY INQUIRY

Mr. DELLUMS. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN pro tempore (Mr. BRUCE). The gentleman will state it.

Mr. DELLUMS. Mr. Chairman, under the rule and the unanimous-consent request that amended it, I would like to ask the Chair with respect to the gentleman's judgment as to who has the right to close debate.

The CHAIRMAN pro tempore. If members of the committee will indulge the Chair, had the gentleman from Wisconsin [Mr. ASPIN] been in control of the time, it was the Chair's intention that he, as chairman of the committee, would have had the opportunity to close debate.

In the absence of the gentleman from Wisconsin [Mr. ASPIN] and the fact that the gentleman controlling the time for him is not a member of the committee, it would be the Chair's intention to turn then to the senior member of the Committee on Armed Services.

Mr. DELLUMS. With that ruling then, as senior member on the floor, and as associated with an amendment, is it not the ruling of the Chair that the gentleman from California [Mr. DELLUMS] has the right to close debate?

The CHAIRMAN pro tempore. The gentleman from California would be senior to the gentleman from Missouri [Mr. SKELTON] and it would be the Chair's intention to allow the gentleman from California [Mr. DELLUMS] to close debate.

But the Chair would also advise the committee that we have 10 minutes debate on each of the amendments on which there will be a formal closing.

Mr. DELLUMS. I thank the Chair.

Mr. ASPIN. Mr. Chairman, I would just say to the Chair that from our

standpoint it does not matter. We are happy to let anybody else close debate.

The CHAIRMAN pro tempore. For the information of the membership on time remaining, the gentleman from Missouri [Mr. SKELTON] has 15½ minutes remaining; the gentleman from Oklahoma [Mr. SYNAR] has 14½ minutes remaining; the gentleman from Ohio [Mr. KASICH] has 9½ minutes remaining; and the gentleman from California [Mr. DELLUMS] has 10 minutes remaining. The Chair has been advised that the gentleman from California [Mr. DELLUMS] plans to reserve his 10 minutes for closing.

Mr. SYNAR. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I have been going through a dilemma, as most of my colleagues on the committee know, and I have had a difficult time making up my mind. I am still having a very difficult time.

I rise only to tell membership why I, as one Member, am having a difficult time with this. No. 1, do we need a manned bomber? I think it is a very basic question. I am not ready today to vote to do away with the manned bomber. That is my big dilemma.

Are you sure of the pricing of this? A lot of people have said our security is worth any price. I am not so sure.

If I was sure that \$70 billion was the ultimate price, maybe I would absolutely be ready to vote. If I was sure that the internal controls that the Air Force did away with of Northrup was right, I would be ready to vote. If I was sure that I knew everything about this aircraft, of what it could do, I would be very happy to be able to vote. If I was sure of the liability, the liability under the contractual agreement between the U.S. Air Force and Northrup, I would be happy to vote. But I am not.

So what am I as a Member to do who is almost ready to vote for the Kasich-Dellums amendment? But after careful analysis and sitting here listening to the debate, I have come to the determination that just a few of the things that I outlined, the contract, the pricing, is all involved in the Aspin-Synar amendment. So it would be my intention really to vote for that amendment.

□ 1140

Mr. SKELTON. Mr. Chairman, I yield 6 minutes to the gentleman from Oklahoma [Mr. McCurdy].

Mr. McCurdy. Mr. Chairman, I follow the gentleman in the well, the gentleman from Virginia, who is not sure of the basis of his decisions, and many of us have wrestled with this problem for some time now in the

committee. I understand his concern and I appreciate it.

I think we have to look very carefully at the three amendments being offered. The Dellum-Kasich amendment kills the program. It blows \$22 billion in research that has been invested up to this point in time.

The Aspin-Synar amendment sounds great but it contains a catch-22, one that would make Joseph Heller proud.

My friends say slow it down because it costs too much. But when you stretch the program out, it will cost even more.

Each year of delay will cost or add \$2.5 billion to the total program.

The Skelton amendment, however, improves the committee position by forcing stringent cost and performance milestones while allowing the program to continue.

Like my colleagues, I do not care for the way that the Air Force and the contractor have handled the program up to this point. I find that the current advertising program, especially, distasteful.

However, we are here today and there is nothing we can do to change that and there is nothing that we can do that will recoup the \$22 or \$23 billion already invested in research and development.

I support the Skelton amendment because, one, this revolutionary technology modernizes and maintains the stability and survivability of the strategic triad.

Second, an active bomber fleet is the heart of our START negotiating position. Our entire arms control program is based upon the bomber-counting rule.

Third, this amendment keeps the research and development investment alive, not just for the B-2 program but for the lessons learned which are the basis for low, observable technology and systems for the future.

Fourth, the stealth technology forces the Soviets to concentrate on defensive systems, air defense, not offensive capability.

Fifth, the B-2 enhances deterrence.

Finally, and the bottom line, the B-2's value exceeds its costs.

Mr. Chairman, I urge an "aye" vote on the Skelton amendment.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. McCurdy. I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for yielding.

I am sure that the gentleman from Missouri [Mr. SKELTON] will yield additional time so that we can have a discussion.

I think the gentleman has made some very important points. First of all, I think he has properly characterized the Kasich amendment. The important point is that the Kasich

amendment just outright kills the program.

This idea that we could shut it down and come back to it I think is ridiculous. We did that on the B-1 and the cost per aircraft went from \$100 million when it was proposed during the Carter administration to \$200 million.

If we follow Kasich and kill the program and try to resurrect it, the cost would be so staggering that I do not believe Congress or the American people would allow the plane to be funded.

Mr. McCURDY. I think the gentleman is correct.

Many will say all you have to do is reactivate the B-1 line. The fact of the matter is it will take close to \$36 billion to produce a comparable number for the B-2, whereas the total investment in the B-2 from here out is roughly \$40 billion. So there is not enough incentive there.

Mr. DICKS. I think the gentleman meant B-1's rather than B-2's.

Mr. McCURDY. That is right.

Mr. DICKS. Now on the arms control issue, we have a new President of the United States who is entering into the START talks. The principal achievement of the Reagan administration was the Reykjavik counting rule, which is that a bomber with internal weapons only counts as one, in order to emphasize the low-flying second-strike recallable systems rather than the fast-flying ICBM's.

What we have here with the Kasich amendment is an undermining of the President's position in the START talks which Secretary Cheney has talked about.

It seems to me we owe it to this President to try to preserve what is, I think, a very valid arms control approach by emphasizing bombers over the destabilizing ICBM's.

Mr. McCURDY. I understand the CIA also stated that the Soviets have moved to developing a triad and an active bomber force and there is no reason to give them a 3,000-warhead advantage in the START regime if we were to cancel the B-2.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. McCURDY. I yield to the gentleman from Oregon.

Mr. AuCOIN. I thank the gentleman for yielding.

Mr. Chairman, I wonder if the gentleman could speak to the flyaway cost of the B-2, which is different than the cost you read in some of the popular press. What is the flyaway cost of the B-2?

Mr. DICKS. \$270 million.

Mr. McCURDY. \$270 million per copy after the research. When you discount the research and development costs that have already been invested, the cost per airplane from here on out is around \$270 million.

Mr. AuCOIN. Would it be accurate to say that those funds that have been invested in the R&D of this new generation of technology, plus the manufacturing technology that has gone into the B-2, are sunk investments that have some spinoff, that could bring down the costs of other production at other times?

Mr. McCURDY. Absolutely.

Mr. AuCOIN. And to score those completely and exclusively against the B-2 is really inaccurate.

Mr. McCURDY. That is correct.

Some of the technology has been used in other systems. ATA and other aircraft have similar characteristics. I think it is a lesson well learned.

Mr. AuCOIN. I think we ought to focus also on the cost of manufacturing technology, which is a transferable cost to other systems.

Mr. SKELTON. May I inquire, Mr. Chairman, how many minutes do I have left on my amendment?

The CHAIRMAN pro tempore (Mr. BRUCE). The Chair advises the gentleman from Missouri that he has 9½ minutes remaining.

Mr. SKELTON. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. Mr. Chairman, I hope my colleagues will sift through the controversy about the B-2 Stealth bomber and vote for funding the plane and against either denying or reducing funding for this important strategic program.

The United States needs a new strategic bomber capable of penetrating complex air defense systems expected to exist after the mid-1990's. Some of the current bomber inventory is extremely old: Many of the B-52's in service today are 30 years old and flying missions undreamed of when they were built. The B-1's ability to penetrate air defenses after the late 1990's is doubtful. The B-2, with its ability to evade detection by radar, will cut the value of billions of dollars in Soviet air defenses, perhaps to 10 percent of their current effectiveness.

The alternatives aren't very appealing. Without the B-2, we could lack ability in the late 1990's to penetrate complex air defenses for accurate bombing. Because it can achieve greater penetration than even the B-2 is expected to achieve against the complex air defenses expected after the mid-1990's, the B-2 offers greater potential accuracy against hard and other targets. Going without the B-2 would undermine the strategic triad that has been the keystone of U.S. defense policy for decades.

The discussion of total cost factors distorts much of the debate about this aircraft and its value. The B-2's flyaway cost is only 20 percent above the B-1's, and the purchase of 132 B-2's would represent no more than 1.3 percent of expected defense budgets over the procurement period. On that basis, the project's cost is similar to costs incurred for other strategic bomber programs. As well, much of the total cost of the B-2 is represented by R&D work, about 75 percent of which

has already been done. The research will pay dividends in the design of new military and civilian aircraft well into the future. The costs of that research should not be attributed to the B-2 alone.

The cost of completing the R&D and of purchasing a 132-plane fleet of B-2's is actually lower than what Congress would spend for the same number of B-1's and the refueling capability they would need. Remaining procurement costs for the B-2 are expected to total \$43 billion, while buying the same number of B-1's would cost us \$44 billion. Critically, the Air Force estimates that it would take 185 B-1's to meet the same objectives as the B-2. That option would cost us \$60 billion. Delaying procurement would only increase the B-2 program's costs.

No doubt all of us want to see continuation of some of the programs cancelled by Secretary Cheney because of budgetary concerns. He chose to proceed with the B-2 after careful review of its technology and capabilities. He made a tough choice to go forward with a revolutionary new technology because of its strategic value. I think that decision was a sound one and hope my colleagues will support his decision to go forward with the B-2.

Mr. SYNAR. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, my colleagues are arguing about sticker shock and calling for a halt in the production of the B-2 this year. They imply that this will save the American people \$70, or \$40 billion or some other huge amount.

This is misleading. First, because if production then goes ahead in future years, the price of the B-2 will skyrocket as the Government restarts the program. Second, because the money we are talking about this year is only \$2 to \$3 billion.

Two to three billion dollars is a lot of money, Mr. Chairman, but it is not the national Treasury. Aircraft carriers cost that much. The replacement of the *Challenger* cost that much. We are going to spend many times that amount to bailout the savings and loans, and about that much to do the same at HUD.

It is \$2 to \$3 billion that we are talking about, not \$40 and not \$70. If we spend it, we still have the opportunity to decide the B-2's fate next year, and the year after—long before we get to numbers like \$40 billion. And we have a year to see how well all this new technology, and new way to produce airplanes, works.

On the other side of the coin, Mr. Chairman, if we choose to delay the program, the potential cost far outweighs the benefits. This \$2 plus billion cut will induce a \$4 plus billion cost if we later decide to proceed with the program after a 1-year delay.

This is an investment, Mr. Chairman, and like all investments it involves some risk, some gambles. I think it's a prudent gamble, one whose

potential return far outweighs the risk. We get the chance that this totally new airplane will succeed in defending America for 30 to 40, even 50 years. We get the chance that America will continue to dominate military aviation into the next century. We get the chance of a 10-year or more lead over the Soviets or any other nation. We get a chance to show a world that is nibbling away at our technical heels that we in this country can do something no one else can do.

My colleagues seem to be saying that \$2 to \$3 billion is a bad gamble for Congress to make on American technology, business, and national security.

For me it just seems to make good sense, and I think most Americans would agree.

Mr. Chairman, let us continue the B-2.

Mr. SKELTON. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina [Mr. RAVENEL].

□ 1150

Mr. RAVENEL. Mr. Chairman, the so-called Stealth Bomber Program is a squandering of precious and diminishing defense dollars. While tales of the technology are fascinating, and Northrop and the Air Force make a herculean effort to sell America the plane, it remains a weapons system with no mission for a country with empty pockets.

Did Members know that with the billions needed to fund the B-2 we could finance the entire 1990 deficit budget of Britain, France, Japan, and Turkey? The Air Force says it needs 200 bombers to deliver nuclear gravity bombs and cruise missiles into the Soviet Union. Old friends, we will have that capability well past the year 2000 with our B-1B's, and much needed B-52's, they could do the job and, relative to the B-2, will cost the taxpayer just pocket change in maintenance and upgrade.

If we need more aircraft in order to launch standoff cruise missiles, we can equip Boeing 707's to do the job.

The argument is made that if the United States does not avail itself of stealth technology, the Soviets will. Oh, come now, why would the Russians want stealth technology to sneak into our air space if we do not have an elaborate Air Force defense system, and we do not have. Let Members not try to frighten the American people by crying bear when that bear is busy fighting terrible cases of domestic fleas and red mange.

Besides, given the success of American military secrecy in recent years, the Russians probably know more about the B-2 technology than this Congress does and long ago developed measures to detect and counter it.

Kasich-Dellums, imagine that combo, is the right vote at the right time.

The CHAIRMAN pro tempore (Mr. BRUCE). The gentleman from Missouri [Mr. SKELTON] has 9½ minutes remaining, the gentleman from Oklahoma [Mr. SYNAR] has 10½ minutes remaining, the gentleman from Ohio [Mr. KASICH] has 7½ minutes remaining, and the gentleman from California [Mr. DELLUMS] has 10 minutes remaining.

Mr. KASICH. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. IRELAND].

Mr. IRELAND. Mr. Chairman, I rise in support of the Kasich-Dellums-Rowland amendment.

Two important military secrets were unveiled this year: First, the cost of the B-2 bomber which is staggering; and second, the cost of the 5-Year Defense Program which is even more staggering. These revelations point to a major money problem at the Pentagon.

The problem boils down to one very simple fact: There is not enough money downstream to pay for all the programs in the 5-year plan. The admirals and generals have had the habit over the years of undertaking programs that just do not fit in anyone's long-term budget. Until this spring, they also had the habit of denying Congress access to the 5-year plan, but now, at last, that secret is out.

When he became Secretary of Defense earlier this year, Dick Cheney quickly realized that he had a major money problem on his hands, so he turned to and did what no other recent Secretary of Defense was willing to do—to make the hard choices and kill programs. He cut \$10 billion from the 1990 budget and \$65 billion over the 5-year period, 1990-94. He killed nine major programs along the way and did not put our country's security at risk. Though a very courageous beginning, his cuts did not go deep enough or far enough.

The Comptroller General testified recently that an additional \$150 billion will be needed over the next 5 years just to pay for the Cheney budget. Well, the Cheney budget is ancient history, and we are now looking at a bill that makes matters much worse. The Armed Services Committee and our actions on the floor so far this week have added billions more.

Now no one knows for sure how much the House version of the bill will really cost over the next 5 years. Will it be \$150 or \$200 billion or more? Or will we come to our senses and make some hard choices for the good of our economic and military strength. Of one thing I am certain: The extra money to pay for the bill just is not there. We must face up to the massive DOD money shortfall now and avoid

the terrible waste of stretchouts and terminations down the road.

Simple math will tell you that there isn't enough money in the defense budget to buy the V-22, F-14D, Midgeman Small ICBM, MX Rail Garrison, B-2 bomber, SDI, and the LHX helicopter to name just a few of the big ticket items in the pipeline. We must pick and choose.

Some \$50 billion, and probably much more, would be needed to finish the B-2 program, a program whose mission is not clear. With its mission in doubt, further expenditures on the B-2 cannot be justified. We are at the logical place to stop the program. The Air Force should be allowed to flight test a small number of B-2 prototypes to explore stealth technology while keeping future options open.

We are at the crunch point. We have stuffed too much into the budget for future consumption. Something must now come out. Programs must be killed that do not put this country's defenses at risk, and the B-2 is a prime candidate. If we don't take such action, we will end up hollowing out the Armed Forces and robbing the readiness and training accounts. We did that in the late 1970's when the ships couldn't sail and the planes couldn't fly.

Now is the time for hard choices. I urge my colleagues to support the Kasich-Dellums-Rowland amendment.

Mr. KASICH. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. DELLUMS. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Chairman, I thank both of my colleagues for yielding time to me.

I urge Members' support on the Kasich-Dellums-Rowland amendment. Every other amendment begs the question. Our options have been referred to in many different ways on the floor, but the ultimate question is whether or not we want or need or can afford the Stealth bomber. It is not whether we stretch it out or prolong procurement which, incidentally, increases the cost. Members of the Committee on Armed Services have been looking at it for the past couple of years. There is sufficient information available for Members to make a thoughtful, responsible decision as to whether we want, need, and can afford the Stealth bomber.

My conclusion is, obviously, that we do not want it, do not need it, and we certainly cannot afford it. Now we know why the Pentagon and the contractors have kept this program in a closet for 10 years. After \$20 billion for research and 10 years to do it, the contractor and the Pentagon got excited because the B-2 actually went down the runway and stayed in the air for a

couple of hours. Now we know the justification for keeping us in the dark about this program. The cost is outrageous, the capability is questionable, and is surrounded by hyperbole, and it has a very dubious mission.

If Members believe that the cost as proposed will stay where it is today, and if Members believe that the Soviets do not have the capability to detect this plane, I suggest to Members respectfully, that Christmas, Easter, and Halloween still hold very childhood fascinations and meaning for Members.

The Air Force, with its fabled history of manned bombers, insists that we have to deliver all of their ordnance with somebody in the cockpit. They have to deliver it personally. My colleagues, it reminds me of the scene of Slim Pickens in "Dr. Strangelove," they have to make sure they deliver it there by themselves.

Well, we cannot afford that kind of macho elitism when we are talking about national defense and limited resources to provide it.

The ultimate Stealth is a small, smart cruise missile, and we know our arsenal includes those and they are cheaper and work. After a massive nuclear exchange, the Air Force would tell Members that the world will be worth fighting for, that the Soviets will still have innumerable relocatable targets that must be destroyed by manned bombers. They would argue that in those circumstances this country needs 132 Stealth bombers to locate mobile targets located in 8.5 million square miles within the Soviet Union. Such a mission is of dubious value and effectiveness, particularly at \$600 million per copy, when a cheaper alternative technology could be employed.

One final thought. My Republican and Democratic friends for the past couple of years have been responsible for supporting and promoting programs to build up our defense. So I leave those Members with one final question: Given the nuclear and conventional war fighting capabilities that we possess in our arsenals today, given all that we have done in the past 7 or 8 years, would we create a significant military deficiency, or a strategic vulnerability if we do not build the B-2?

I think clearly the answer is we would not. Now is the time to terminate the program. Support the Kasich amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. McCrery].

Mr. McCrery. Mr. Chairman, let me try to debunk a few points made today.

Mobile targets—they are not within the primary mission of the B-2, but Members should know the B-2 is our

best chance to effectively attack those targets within the Soviet Union.

The contention that the air-based leg of the triad would still be viable without the B-2—that is true—today. We can launch cruise missiles into the Soviet Union today, but we will not be able to tomorrow. The Soviet air defenses will soon deny the B-52 and the B-1 the ability to get close enough to the Soviet Union to effectively launch those cruise missiles.

□ 1200

Make no mistake about it, Kasich-Dellums guts the program. It kills the B-2.

The result of Aspin-Synar will be to increase the cost of this program. In fact, just in the remainder of fiscal year 1989 this amendment will increase the research and development cost by \$33 million and the procurement cost by \$352 million.

Let us talk about the cost of the B-2. The truth is that the total program costs, including the \$23 billion already spent, represent a smaller percentage of the defense budget than did the B-1 when it was built or the B-52 when it was built. This is only about 1.3 percent of the defense budget over the years of its development and procurement.

Mr. Chairman, I ask the Members to oppose Kasich-Dellums, oppose Aspin-Synar, and support the Skelton amendment.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. Berman].

Mr. BERMAN. Mr. Chairman, I rise today in opposition to the allocation this year of funding for additional B-2 Stealth bombers. In my view, there is no question that we need manned penetrating bombers. They are a stabilizing force in the strategic environment. But I cannot help but believe that the proposed spending is precipitous and unjustified by the facts currently at our disposal. In this respect, I think we must be guided by the all-too-recent history of the B-1 bomber.

The history of the procurement of the B-1 was catastrophic. It was characterized by erratic and contradictory claims as to its capabilities and effectiveness; changing program requirements; cost-overruns; dysfunction in critical technologies—ECM systems; for example—and plain old-fashioned inability to fly safely. In short, a horrible waste of money.

The B-1 remains saddled with many of these problems. We paid far too much to correct problems that should have been ironed out long before full-scale production began. Now that we have it, along with the B-52's equipped with ALCM's, we have a superior reliable deterrent well into the 1990's.

The B-2 no doubt costs so much because it was allowed to develop completely in the black with little oversight even at the DOD. It was a compartmentalized program with no one in a position to evaluate the whole, in terms of costs or capabilities. With the encouragement of the distinguished chairman of

the Armed Services Committee, this ridiculous situation looks as though it will change and the proper oversight authorities will be in an informed position to evaluate it.

Since there is no time urgency about our need for the B-2, I profoundly believe that there is no reason not to go back through the program, test the 13 aircraft that exist, mothball the production facilities, and see if there isn't some sensible way to lower the costs while assuring ourselves of the much-touted capabilities of the aircraft.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington [Mr. McDermott].

Mr. KASICH. Mr. Chairman, may I inquire as to how much time is remaining?

The CHAIRMAN pro tempore (Mr. BRUCE). The Chair will advise the gentleman that the gentleman from Missouri [Mr. Skelton] has 6½ minutes remaining, the gentleman from Oklahoma [Mr. Synar] has 10½ minutes remaining, the gentleman from Ohio [Mr. Kasich] has 5½ minutes remaining, and the gentleman from California [Mr. Dellums] has 8½ minutes remaining.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. Dornan] and I understand that he has to take time to set up a chart.

PARLIAMENTARY INQUIRY

Mr. DORNAN of California. Mr. Chairman, does this time that I use to set up a chart come out of my time? I am not going to do it if it does.

The CHAIRMAN pro tempore. The Chair will state that once the gentleman is recognized, his time will begin, but the Chair will try to indulge the Members.

Mr. DORNAN of California. Mr. Chairman, I have no quarrel with the talent or the expertise of anybody who has spoken so far today. I am talking about the Members who are watching in their offices and coming into the well and those who are not that familiar with the program.

Here is a chart showing how many Members of this House have gone to Pico Rivera or to Palmdale and had an in-depth briefing on the airplane. Forty Senators is pretty outstanding for a covert program. But I want to talk about this: There were House staffers, 26, and only 86 Representatives out of 435. Again that is excellent for a special access program.

But this program that has only come out of the shadows a few weeks ago cannot possibly be debated fairly, particularly with the billions of dollars involved, on this House floor.

We should stick with the Skelton amendment, take the leadership of Aspin and Dicks and McCurdy and other Members of this floor who have been thoroughly briefed, Members who have never been known as profil-

gate spenders on defense, and debate some of the fine points we are hitting on here today next year.

I was sitting in my office, and I heard somebody mutilate the most beautiful soliloquy from Hamlet, bringing this debate down to a silly level. I immediately thought of the Bard and Julius Caesar, act IV, scene 3: "I had rather be a dog and bay at the moon than be such a Roman."

Mr. Chairman, let us listen to the few Members who are really knowledgeable on this debate.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BUSTAMANTE].

Mr. BUSTAMANTE. Mr. Chairman, some people have accused the Air Force of changing the mission of the B-2, or of being uncertain about what role it would play. I don't think this is so.

We should not confuse flexibility and versatility with uncertainty. From the very beginning of its development in 1981, the advanced technology bomber has been intended to provide a capability across the total range of international confrontations and to be effective in both nuclear and conventional weapons delivery missions.

Because it has long range, large payload, a very big bomb bay, outstanding survivability, and gets human judgment to the scene of the fighting, the B-2 has the inherent flexibility to perform a wide variety of nuclear and nonnuclear missions.

In the nuclear area, it can carry large bombs to attack area targets or hard targets; it can carry small bombs to attack point targets with minimal collateral damage; it can search for targets of uncertain location. And targets of uncertain location involve army divisions, navy fleets, and dispersed air units—a much broader target category than mobile ballistic missiles. It can look at a target before striking it, thus avoiding wasting a nuclear weapon on a target which has already been destroyed or which has moved; and it can be easily adapted to carry new weapons when they become available.

In the nonnuclear area, it can penetrate into Eastern Europe and bomb airfields and rail lines deep behind the lines; it can be used in Third World contingencies with nearly zero chance of loss; and it can perform sea surveillance and lay mines in areas where other aircraft would be unable to operate.

These missions are not recent inventions, but were considered to be potential applications of the B-2 from the very day it began development. It is possible to argue that one mission or another might be more important or more feasible, but the fact of the matter is that we cannot predict with any degree of certainty what demands are likely to be made on our military

forces. The fact that the B-2 is so versatile, and is able to operate in so many different roles, is one of its great strengths. We should favor versatile and flexible weapons, and not criticize them for having indefinite missions.

Mr. KASICH. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Connecticut [Mr. ROWLAND], a member of the committee.

Mr. ROWLAND of Connecticut. Mr. Chairman, KASICH, DELLUMS, and ROWLAND—an interesting and unique coalition, a conservative, a liberal, and a moderate. Clearly this shows that this issue crosses party lines and crosses philosophical lines.

Why? Because there are serious questions, not only with the cost but also with the mission capability. The Kasich-Dellums-Rowland amendment has been called many things, especially by its opponents, but simply put, it is a more reasonable, slower approach to building the most expensive weapons system this country has ever seen.

After spending \$23 billion, with great acclaim this plane finally flies and of course, it was overscheduled. The testing of the B-2 will not be completed until 1993. Yet by 1993 we will have built under the present schedule the Air Force is promoting, 44 planes at a cost of \$40 billion.

Why in the world do we need 44 planes on the runway when we have yet to finish and complete the testing and production? What if changes need to be made? What about adjustments, and what about new technology breakthroughs? Look at what we have gone through with the B-1.

This year we will spend \$1.4 billion just for fixes on the B-1. Why should we have 44 planes going through this process? We believe we should fly before we buy, but we also believe we should test before we purchase the entire fleet.

Our amendment simply says, let us finish the planes that are in production. Let us produce 13 planes, a baker's dozen. Let us kick the wheels, let us fly it, let us demonstrate it. Let us look at the stealth technology, and let us answer all the questions that have been brought forward today. Is 13 planes not enough to do that?

The other important point is reality. What is going to happen in the next 4 years? The Air Force proposes to spend \$5 billion per year, then \$6 billion, \$8 billion, and \$9 billion. Does anyone in this Chamber believe for a moment that we would actually spend \$8 billion in 1 year for one weapons system? Absolutely not.

So what is going to happen? What will happen is that we will nickel-and-dime this program to death, something the Secretary of Defense has feared. We will nickel-and-dime this program, and by 1993 perhaps we will build 14 planes, perhaps 15 planes, maybe even 16 planes. We will then

finish the testing in 1993. By that time we will have spent more money than we are projecting, and it will not be cost-effective.

We have some tough choices to make, and I believe that our amendment makes those tough choices. The gentleman from Wisconsin [Mr. ASPIN] promotes the idea that we should stretch out the program. Let us not make the decision today. Let us make it next year, and as a matter of fact, let us ask the Air Force for a cheaper proposal. If a cheaper proposal does exist out there, let us pass our amendment and wait until 1993. If a cheaper proposal does exist, we will have the time to implement that.

Mr. Chairman, I urge the Members to support the Dellums-Kasich-Rowland amendment and go slow on the production of the B-2 bomber.

Mr. KASICH. Mr. Chairman, I yield my remaining time to myself.

The CHAIRMAN pro tempore. The gentleman from Ohio [Mr. KASICH] is recognized for 2½ minutes.

Mr. KASICH. Mr. Chairman, when we build a weapons system, it is supposed to do what it was built for. The 1988 military Joint Chiefs of Staff posture statement says that the B-2 will attack the full range, the fixed and relocatable targets.

This book illustrates the fact that the plane cannot perform the mission for which it was built. To attack fixed targets, we have an advanced cruise missile program that exists now and that is being developed that can hit the same fixed targets for a fraction of the cost.

Mr. Chairman, when they told us they wanted to build this plane and use it to hit relocatable targets that could move, that might make some sense, but now the Secretary of Defense, the Chief of Staff of the Air Force, and the Secretary of the Air Force all admit that it cannot do what it was built to do. That is why I argue to all membership here that this is an opportunity to save a minimum \$40 billion, preserve the air leg of the Triad, and use Stealth cruise missiles, an effective system to maintain those same targets at risk.

□ 1210

Mr. Chairman, that really is the bottom line on this program. The mission cannot be performed. The cost is a minimum of \$600 million a plane. They are having problems, even as we speak today, and there are, in fact, cheaper alternatives that are available to maintain the same degree of deterrence and allow everybody in this Congress to be what we call a cheap hawk, a smart military strategy, based on the budget resources that are available.

So, Mr. Chairman, I ask all of my Republican colleagues and all of my Democrat colleagues who have ex-

pressed their concern about the budget, "Let's do it the way we can afford it. Let's keep the Soviets at risk, but in the process let's save a minimum of \$40 billion."

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. DONALD E. "BUZ" LUKENS].

Mr. DONALD E. "BUZ" LUKENS. Mr. Chairman, I rise in strong support of the amendment of the gentleman from Missouri [Mr. SKELTON] and in strong opposition to the amendment of the gentleman from California [Mr. DELLUMS] and the gentleman from Ohio [Mr. KASICH].

Today we determine the future of our bomber program for the 1990's and beyond. Many years ago they told Hannibal his elephants would never make it through the Alps. They told the Wright brothers planes would not fly. They told the American people we would not land on the Moon. Today the opponents of the B-2 bomber would say that it will not accomplish its mission and, therefore, it will not work. I am here to say they are wrong again.

Mr. Chairman, the changing political climate of the world is encouraging. We all hope that Mr. Gorbachev survives and his concept of perestroika and glasnost succeeds. But realistically we all know the potential threat is there. This mission is still there, and we can accomplish it. We must be prepared for that threat in the next decade, indeed that of the next century, and the B-2 can help us greatly in that program.

The B-2 bomber is the plane of the future. It represents the freedom and technological innovation of the American people. We need this program to continue the amazing technological advances we have made in the field of aviation.

Supporters of the Dellums-Kasich amendment say the B-2 costs too much. I would like to first stress that the Stealth technology would benefit all facets of aviation technology. The United States is on the cutting edge of radar-evading aircraft, and applying this and other useful advances to future aircraft, the investment will be well spent.

Presently research and development of the B-2 Program is three-fourths complete, and it would seem ridiculous for us to now put the entire operation in mothballs. Supporters of this amendment support reduced spending on the B-2. Let me point out that by doing so we are essentially raising its price tag. Each year production is delayed adds \$4 billion to the cost of the Stealth, thus raising the price of each aircraft. The time is now to invest in our future bomber fleet. The B-2 is the aircraft of the future.

Yes, colleagues, the price is expensive. Let us recall, however, that as a percentage of the Department of De-

fense budget, the price of the B-2 is very similar to our present bomber fleet of the B-1 and the B-52.

Funding the B-2 Program is absolutely possible. Some complain that we cannot make room for such a costly weapons system. Secretary Cheney has already provided for the B-2 in the DOD budget. The question is not whether we need to make room for the Stealth, it is whether we want to move forward or lag behind.

Regarding the issue of the B-2's technology and mission. Here, again, some complain the B-2's technology will not be effective enough. However, there can be no disputing the fact that the Stealth technology is truly on the cutting edge. The B-2 bomber has the capability of confounding Soviet air defense systems well into the 21st century. Presently the Soviet Union has nothing comparable in technology, and a B-2 fleet would seriously challenge the Soviet Union technologically and economically.

The B-2 Program is clearly justifiable, whether it be cost, mission, or security. It is for these reasons that I urge my colleagues to oppose this amendment.

Mr. SKELTON. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon [Mr. DENNY SMITH].

Mr. DENNY SMITH. Mr. Chairman, having been an Air Force fighter pilot, I have never been too fond of bombers, but I think this B-2 bomber has the potential of really doing some tremendous things for the people that are in a position to defend this country and to defend our interests.

First off, the Stealth technology is very important to us. We have heard about the costs, and, as a member of the Committee on the Budget, I am extremely concerned about the costs of anything that we procure.

However, Mr. Chairman, we had done a great deal of testing prior to the time we came to the first flight. There was no doubt that the airplane would fly. The simulator flies very well. I have flown it, but the \$22.6 billion, that is something that we have to analyze because probably \$21 billion of that is in payroll to people who basically work for the Government through the contractors that build things for the U.S. military.

Mr. Chairman, it is ridiculous to charge that to this program, or any other program, because we have a socialist economy developed in trying to buy equipment for this country. We are not going to get people to go out there and make these kinds of investments in R&D. This is not hardware that has been given to the military.

Mr. Chairman, if we do that comparison, we bring the cost of that airplane down to under \$300 million, less than the 747 that is being purchased for the President of the United States. We are talking about something where we

have had almost a thousand 747's built over the last 20 years, and yet we are into the point where we are going to buy 132 B-2 bombers, if, in fact, we go ahead.

Mr. Chairman, this airplane program, if it is stretched out, is going to be very costly because we keep all of the people on the payroll for an additional however many years we need.

It has been tested, it is an extremely good airplane, and we should buy it.

Mr. Chairman, I support the amendment of the gentleman from Missouri [Mr. SKELTON].

Mr. DELLUMS. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Chairman, I rise in strong support of the Dellums amendment to stop the B-2.

This debate in my opinion is a debate over our priorities. The B-2 is crazy. It is madness at its best.

What does it profit a nation to spend billions on a bomber and lose her soul, lose her people, and lose her children.

How in good conscience can we continue to support \$70 billion in madness. Let us kill the B-2.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman and Members, I brought along a piece of the wing of the new B-2. This is extraordinary material. It is tough. The technology is going to be something that we can use on future airplanes. It is very light. It is the kind of technology that we have spent almost \$20 billion on, and that is why the cost of the airplane, the B-2, is as expensive as it is.

However, Mr. Chairman, we have to remember that this technology is going to be able to be used in the future on many airplanes, and, when we had the pilots here, they told us that this flying wing is the future of aviation in this country, and to stop the development of this airplane at this time would be a mistake.

Mr. Chairman, this material is tough. It is light. It is going to be something that we need in the future of the aviation industry in this country.

Mr. SYNAR. Mr. Chairman, I yield myself 10½ minutes.

Mr. Chairman, the B-2 bomber is in serious trouble. I say to my colleagues: Whether you are for the Kasich-Rowland-Dellums amendment, or the Aspin-Synar amendment, or the Skelton amendment, the point of this 2-hour debate has been that this debate is long overdue.

Mr. Chairman, 5 years ago I began to review and to look at the B-2 bomber. I was concerned, as a Member of Congress that does not serve on the Committee on Armed Services, about the lack of information that we were

being provided as we were being asked to make decisions about this bomber, not to mention my concern that the American taxpayers were being asked to foot the bill with little or no information. I attended classified briefings by the Air Force and by Northrop which frankly left a lot to be desired. They were not straightforward, they were not candid, and in many ways they were very confusing. I learned more about this program from briefings that I held with the Office of Technology in the Government Accounting Office than I did from the contractor and from the Air Force.

Mr. Chairman, for 5 years I have fought to get this program into the light, to be accountable not only to this Congress, but to the American people. Those efforts have led to this amendment and to this debate today.

Now I do not intend to stand before my colleagues today and defend Northrop who have miserably failed to manage this program. This program is over budget. It is way past its schedule, and, as we find from the papers this morning, we now have incidents of fraud that are going to be investigated.

I agree with the gentlewoman from Colorado [Mrs. SCHROEDER] who earlier said that she is offended, and I am, too, that Northrop has used taxpayer's dollars to advertise in papers, and on TV and radio stations through this country on behalf of this bomber. I will not stand before my colleagues today, and I will not defend the Air Force who has failed in its responsibility to do proper and independent oversight.

□ 1220

This may lead us to the need for the oversight of the Armed Services Committee to look into the Air Force and see what role they will play in guaranteeing that our taxpayer dollars are being used efficiently.

I will not stand up before you today and defend past administrations who have blindly allowed this to continue for too long.

Maybe we have learned a lesson, and that lesson is that special access programs may be the worst thing we can do not only in behalf of the taxpayer, but in behalf of our national security.

Mr. Chairman, there is enough blame to go around, but that does not solve the problem. Today we can begin to solve this very serious problem.

I believe that the gentleman from Wisconsin and myself have in a way an amendment that can solve this problem, with two basic ingredients that will ensure that we can make a final informed opinion.

First, our amendment will allow tight reins on this program with mandated cost reduction and mandated restructuring of this program.

Second, I believe that the Aspin-Synar amendment allows us to make a decision on complete information and mandates that we fly before we buy.

Now, we can kill this bomber today. We can kill this weapons system.

I will be very honest with you, I cannot overly criticize any of those who would stand up and vote that way, given the history of the B-2. But is that the most responsible decisions?

If you think that we should not throw \$23 billion aside without coming to a final conclusion of whether or not we got what we paid for, then you should vote for Aspin-Synar. If you think that we ought to have tight reins on this program to where we will have mandated cost reductions and mandated restructuring, then your choice is Aspin-Synar, and if you think that we should make our final decision on complete information before we make that final judgment, then Aspin-Synar is your choice.

Let me assure my colleagues and promise my dear friends from Ohio, California, and Connecticut, that if we are bogged down in this debate this time next year, I will join with them proudly to kill this program, but today the most responsible decision is to vote for Aspin-Synar.

Mr. Chairman, I rise in support of an amendment I am offering with my colleague, Chairman LES ASPIN, which will significantly restructure the B-2, or Stealth, bomber program. I believe that passage of the amendment will serve notice to both the Air Force and Northrop that serious reforms must be made if this program is to continue.

The largest single force uniting critics of the B-2 is the program's cost. At \$70 billion, or \$530 million per plane, this program is simply too large for Congress and the American people to bear.

The Aspin-Synar amendment therefore cuts \$470 million from the authorization for procurement of the B-2. It also contains language explicitly mandating a further cost reduction in the B-2 program.

Aside from its enormous cost, my main concern with the B-2 has been the high degree of concurrency involved in the program. Under the Air Force's current plans, a large number of aircraft will be procured before testing is completed.

In an effort to limit concurrency in this program, the Aspin-Synar amendment limits procurement of production aircraft to two planes in 1990 and two in 1991.

More important are the fly-before-you-buy provisions of the amendment, which require the Secretary of Defense to certify to Congress that this plane has successfully passed its annual testing requirements and will be able to perform its mission requirements before any further money is released for procurement.

The Comptroller General will review the Secretary's certification for completeness and accuracy, and report his findings to Congress.

I want to emphasize that the annual fly-before-you-buy requirement is a critical component of our amendment.

Coupled with the reduction in aircraft procured in the next 2 years, this requirement significantly reduces the danger that a large number of planes will have to be retrofitted at enormous costs if serious deficiencies are revealed during the test program.

As most of us learned from our experience with the B-1B penetrating bomber, concurrency can lead to serious cost overruns. Major flaws in the B-1B bomber's electronic countermeasures system have added billions of dollars in retrofitting costs on aircraft that have already been procured. We need to avoid this type of problem with the B-2.

I also want to point out that, although the Stealth bomber has finally flown, a maiden flight does not begin to answer the question of whether the plane will be able to perform its mission requirements. The B-2 has a long way to go, and the least we can do is require proof, on an annual basis, that this plane can do what the Air Force claims it will.

In contrast to the Aspin-Synar approach are an amendment offered by Mr. SKELTON and one offered by Mr. DELLUMS, Mr. KASICH, and Mr. ROWLAND.

I strongly oppose the Skelton amendment, which is really the status quo amendment. Enough questions have been raised about the B-2 to merit significant changes in the program: The Skelton amendment says full speed ahead, we don't need reform. I urge my colleagues to vote against this amendment.

I also want to make it clear that a vote for the Dellums-Kasich-Rowland amendment is a vote to kill the B-2 program. While I have been a strong critic of the B-2, I believe such an action would be premature until we know whether or not the plane will work and whether or not the program costs can be reduced.

I would urge my colleagues who do vote for the Dellums-Kasich-Rowland amendment to vote for the Aspin-Synar amendment if Dellums-Kasich fails. As I mentioned before, the committee-reported bill and the Skelton amendment provide for only cosmetic changes in the current program.

I offer this amendment with Chairman ASPIN because I believe that Congress must ensure accountability in the B-2 program. By mandating a reduction in the cost of the program and requiring that the plane meets both its testing and mission criteria, this amendment does just that. If you are unsure about canceling the B-2 but want to put some controls on the program, I urge your support of the Aspin-Synar amendment.

Mr. DELLUMS. Mr. Chairman, may I inquire, does the gentleman from Oklahoma have any time remaining?

The CHAIRMAN pro tempore. The gentleman from Oklahoma [Mr. SYNAR] has 5 minutes remaining.

Mr. SYNAR. Mr. Chairman, I proudly yield that 5 minutes to the gentleman from California [Mr. DELLUMS].

Mr. SKELTON. Mr. Chairman, I yield myself my final minute.

Mr. Chairman, in all of this eloquence that we have heard today and will hear very shortly, there was one phrase used by our friend, the gentleman from Ohio [Mr. KASICH] in his argument in favor of his amendment. He

said, "Keep the Soviets at risk." But there is only one way to keep the Soviets at risk and that is to adopt the Skelton amendment. If we are to keep them at risk, we must move ahead at a moderate pace, which we have.

As you know, the Secretary came over and asked for \$4.7 billion. My amendment parallels what the committee did, a responsible position of \$3.7 billion with restrictive language.

We must look at this as today's technology, as being important to hold the Soviets at risk, and we must remember history, that the advent of the submarine a number of years ago caused there to be invisible ships. The stealth technology of today causes there to be invisible airplanes on radar.

The Skelton amendment cuts some \$800 million from the Secretary's request.

The Aspin-Synar amendment is asking for prolonged indecision, and the Kasich amendment terminates it. I urge a vote for the Skelton amendment.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi [Mr. ESPY].

(Mr. ESPY asked and was given permission to revise and extend his remarks.)

Mr. ESPY. Mr. Chairman, I rise in support of the Dellums-Kasich-Rowland amendment.

Mr. Chairman, I rise today to speak against the costly B-2 Stealth bomber. This bomber truly should be out of sight and out of mind.

Each B-2 is expected to cost \$530 million. Over 10 years, the cost of building 132 of the bombers is estimated at \$70 billion. The United States cannot afford this plane as we struggle with a huge budget deficit and as we struggle to pay for current defense plans.

But more importantly, Mr. Chairman, I find it obscene to spend \$530 million on a plane as more funding for domestic programs is needed. I counted it as a huge victory for rural America when the House approved \$209.3 million in funding for Farmers Home Administration water and waste disposal grants. But now I see some of my colleagues feel that they can in good conscience spend twice that amount to build one plane. We need to set our priorities so we can proudly say we are helping our people to live decent lives.

The B-2 bomber flew earlier this month—but it flew 1½ years late and the flight did not answer whether all the technology of the plane will actually work. The B-2 bomber was suppose to be able to hit mobile targets, but now the Pentagon tells us it won't have that capability until many years from now.

We don't need the B-2 bomber because we already have other proven bombers and missiles to defend our country and allies.

We need also to be alert to the fact that the Northrop Corp., the manufacturer of this boondoggle, is under investigation for its billing practices. This makes me wonder whether the B-2 Stealth bomber is part of a stealth deal.

I urge my colleagues to think about the needs of Americans across this country

before signing any check to pay for a costly B-2 bomber that has no mission.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Chairman, I rise in support of the Kasich-Dellums-Rowland amendment.

Many of the proponents of the B-2 program have stressed the revolutionary aspects of the stealth technology used to develop the bomber; how the B-2, with its low radar cross-section and radar-absorbent composite materials will be able to penetrate Soviet air defenses well into the 21st century. I am concerned that despite the high-technology features of the aircraft, it still may not be able to perform its mission. The precedent for this lies in the past.

In the 1960's, the Congress was faced with the same question we are faced with today—whether or not to develop a high-technology bomber to penetrate Soviet air defenses? The program then was the B-70 and it promised astonishing advances in technology. However, the cost of the aircraft was also astonishing. In 1963 dollars the B-70 would have cost the American taxpayer \$62 million each. The B-70 was canceled, primarily because it was considered unlikely that a bomber could be developed that would be able to penetrate Soviet air defenses.

The B-2 is just one part of the Department of Defense's wish list of strategic modernization programs; a list that just doesn't mesh with reality. In this age of glasnost and towering budget deficits, can we possibly afford two new ICBM's, a new SLBM, and a new manned penetrating bomber. The B-2 is a \$70 billion plus chunk of the administration's modernization program.

As Congress did with the B-70, another high-technology dinosaur, let us cancel this as we did with the B-70.

Please support the Dellums-Kasich-Rowland amendment.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

First, I would like to say to my distinguished colleague, the gentleman from Oklahoma, I thank him very much for his generosity and I thank him very much for a very eloquent and profound statement. I agree with every single thing my colleague stated, except the conclusion that he reaches, and that is that the Aspin-Synar amendment is the appropriate way to go.

I frankly think the amendment that we have offered is the amendment that is indeed appropriate.

Several of my colleagues stated that if they were given the choice of going forward or not going forward with the B-2 program, that they would stop it now in a responsible fashion that has been drawn by both my colleagues on the other side of the aisle, the gentleman from Ohio [Mr. KASICH], the gentleman from Connecticut [Mr. ROWLAND], and myself; but they said that because the Aspin-Synar amendment gives them 1 more year to back away

that they would much prefer to back away.

Now, we all live in a very real world here. We are all adults and very mature people. I am sure that my colleague, the gentleman from Oklahoma, and all the Members on this floor know that whenever we are given an opportunity to delay making a controversial decision, the tendency here on a daily basis is to back away from that moment of controversy, to say, "Let's put it off for one additional year. Let's put it off for another year."

So I agree with my distinguished colleague. Having said that, I would now like to say that it is with great pride, Mr. Chairman, that I have worked with my two young colleagues, the gentleman from Ohio [Mr. KASICH] and the gentleman from Connecticut [Mr. ROWLAND]. We have different points of view, but we have come together in the finest tradition of this country in a coalition. We have worked across party lines. There is a great deal of rhetoric around here about bipartisan efforts to shape foreign and military policy.

I would state without equivocation, Mr. Chairman, to the American people that I have worked in a coalition with magnificent people. The record is replete with people who do not agree with me about anything except what time it is, who have marched into the well with eloquence and courage and profound integrity to say that we have to stop this program, that it makes no sense. So this is not an ideological argument here. This is not a radical, commie, pinko extremist proposition before the body. This is indeed a proposal that says to my colleagues, this program will end. We all know that here.

The only question that can be debated is when and under what circumstances.

Mr. DORNAN of California. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. Please, it is not at this time that I choose to yield to my colleague. Let me finish my statement. I have sat here and listened to every word.

This is the time, Mr. Chairman, and our amendment is the vehicle.

I received a letter in my capacity as a committee chairman. I am not now a freshman Member of Congress from Berkeley, CA. I am in my 19th year in the House of Representatives. I am the chairperson of the Subcommittee on Research and Development of the Committee on Armed Services, so I do not speak from ignorance here. I speak from knowledge.

I received a letter in that capacity from Tony Batista, former staff person to the Subcommittee on Research and Development of the Armed Services Committee, one of the most brilliant human beings that ever

served in that capacity. That is without debate here.

□ 1230

He is extremely well respected, and he wrote me, and I read in part:

You will recall that I was a proponent of the B-2 research and development program. I put the emphasis on research and development because I never believed we should enter production unless and until a lot of issues could be resolved. Military utility, effectiveness, and total program cost were just a few of the factors that I believed should be part of the production decision. My personal opinion is that the B-2 cannot perform in accordance with Air Force claims, is not worth the \$500 plus million a copy (I believe it will be closer to \$700 million) price tag, and will result in a long-term drain on the defense budget and the American economy.

I read further:

I'll start with the mission. In 1981 the principle mission of the B-2 as stated by the Air Force was to neutralize Strategic Relocatable Targets (SRT). In my opinion the B-2 cannot perform this mission. In fact no aircraft can perform this mission as evidenced by the inability of Department of Defense Joint Task Forces to find a solution to this problem. The Congress will have to authorize and appropriate a lot of money to develop systems that can do this job. Frankly, I think it's going to be in the "too hard to do" category.

Mr. Chairman, I read further:

Contrary to present Air Force claims, the B-2 does not in my opinion render Soviet air defense systems obsolete. Without getting into Soviet technologies and systems there are RF technologies that have been around for over three decades that can detect objects with a cross section advertised by the Air Force with more than adequate reaction time.

I read further:

So where are we at this point? The aircraft can't find SRT's and does not render Soviet radars obsolete. If you don't believe me—

And I love this line—

If you don't believe me test it—after all you're getting ready to spend \$50 billion more of the taxpayers money.

Mr. Chairman, believe me, if this amendment does not pass, we are going to challenge them to test it, and we are going to make that a real issue in this Congress.

On this subject I cannot believe in the face of the current federal deficit, the Administration's desire to pursue further Space exploitation, the President's firm commitment to "no new taxes" and the shrinking defense budget that people still want to go ahead with the B-2.

Finally, Mr. Chairman:

In the area of economics the B-2 will take at least 10 per cent of the total Procurement account for the next several years and in conjunction with other programs such as the SSN-21, the Advanced Tactical Fighter (which the Air Force needs), the Navy's A-12—the procurement account will go into chapter 11 without ever getting into Marine Corps and Army requirements.

I read no further.

Mr. Chairman, let me now try to summarize what we think are substantial arguments and try to meet the statements that have been made on the floor of this Congress.

With respect to the mission, and I would ask the Members and the American people who have listened to this debate, the opposition has never addressed the issue of mission, only cost. Even the Aspin-Synar amendment only talks about cost, as if that is the only consideration. We ought to need something before we spend money on it.

Mr. Chairman, the manned, penetrating bomber mission is obsolete. It is a thing of the past. Many people have spoken eloquently to it, but one can only use this after nuclear annihilation.

Mr. Chairman, I will quote Air Force Chief of Staff General Welch, when asked in the Committee on Armed Services hearings, when the B-2 would be used, "Would it be after nuclear annihilation?" General Welch's response was, "I would think so." That ought to put that case to rest.

When pressed into service, we have already annihilated the planet, so it is going to get there too late for victory.

There is a shift in the DOD position on the mission. Once it was finding strategically relocatable targets, but it cannot do it, and render radar obsolete, and it cannot do it. They now said we can use it in conventional mode. We could have used it against Qadhafi, a \$500 million-plus plane, \$70 billion, to drop a bomb on Qadhafi, which is ludicrous.

Mr. Chairman, this makes no sense whatsoever. We are now to modernize the bomber wing of our Air Force.

Mr. Chairman, I would suggest to those persons who are not learned that we modernized that wing of the triad when we changed the name to the air-breathing wing of the triad, which included cruise missiles with standoff capability. We can hold the same target at risk if that is what we choose to do for a lot less money.

Mr. Chairman, the original target for the B-2 was the B-1. It was just a political statement. They said, "Well, to give a safe haven to Members who want to oppose B-1, we will tell them there is a new B-2." I can give safe haven: Stop the B-2, but, wait, there is a B-3 coming, and I will guarantee the Members that somebody will sit down and start writing the B-3.

The cost is astronomical. We have already sunk \$23 billion into it, and we now want to spend x billions of dollars to build a bomber that has no mission and no useful purpose.

I would say to my moderate and liberal colleagues who say one more year for this bomber, what about the poor people in America? I ask that of my liberal colleagues who join me in saying that we ought to deal with the

problems of poverty, hunger, disease, inadequate education, et cetera. It staggers the imagination to consider what we could do to save the children of this country without spending \$70 billion on a bomber we do not need.

Mr. Chairman, the war is a war to save the children of America. That is the war. The national security ought to mean a healthy economy, healthy children with a bright future. This bomber would not give them that.

Mr. Chairman, we already have a bomber. We already have cruise missiles. We already have standoff capability.

Mr. Chairman, I thank my colleagues for allowing me to engage in a magnificent coalition.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I am happy to yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, let me also quote Mr. Batista, who says:

If you can penetrate with a B-2, think of how much better it would be to penetrate with a much smaller unmanned stealthy cruise missile. I am also amazed at the claim that the B-2 would be used in a conventional scenario in a Third World conflict. We can use the same technology to hold the people in Libya at risk for a fraction of the cost.

Mr. Batista ran this committee for a number of years. It is his expertise that we achieve the same amount of deterrence by saving billions upon billions of dollars.

Mr. DELLUMS. Mr. Chairman, I yield myself the remainder of my time, 1 minute.

Mr. Chairman, in my last minute, again, let me make an appeal to my colleagues. If there has been an opportunity for them to stop a weapons system, and has anyone around here ever seen a weapons system that we are prepared to stop?

Here is one with no mission. Here is one with an exorbitant cost. Here is one which the Soviets are not worried about. Do the Members realize that Mr. Gorbachev has not made a statement about the B-2? They know they can see the B-2. This is no big deal.

I know we are engaged in hyperbole around here, but one argument was extremely disingenuous, that if our amendment passed, per copy, it would be in excess of \$2 billion per plane. We are trying to stop this program, put it to sleep, as responsibly as possible. If we take that argument, we ought to build a billion B-2's, and the cost would come down, but it would bankrupt America.

We have other priorities, and I ask the Members to look at the people who marched into this well with enormous support of the military, with budget credentials, who have said that we cannot do this. Join us in this effort. Let us stop this program. Let us

redirect those \$50 billion to enhance the future of this Nation.

Mr. Chairman, I thank my colleagues for their generosity.

The CHAIRMAN pro tempore. All time for general debate has concluded. Pursuant to the order of the House earlier today, the amendments relating to the B-2 bomber printed in part one of House Report 101-168 will be voted on in the following order: Amendment No. 12 by the gentleman from Missouri [Mr. SKELTON] to the amendment offered by the gentleman from Wisconsin [Mr. ASPIN]; second, a substitute amendment numbered 13, by the gentleman from California [Mr. DELLUMS], or the gentleman from Ohio [Mr. KASICH]; third, amendment No. 11 by the gentleman from Wisconsin [Mr. ASPIN], or the gentleman from Oklahoma [Mr. SYNAR], as amended, or not amended.

Debate on amendment No. 11 will be postponed until amendment No. 12 and amendment No. 13 have been disposed of.

The gentleman from Wisconsin [Mr. ASPIN] or the gentleman from Oklahoma [Mr. SYNAR] must first offer amendment No. 11 at this point.

□ 1240

AMENDMENT OFFERED BY MR. SYNAR

Mr. SYNAR. Mr. Chairman, pursuant to the rule, I offer amendment No. 11.

The CHAIRMAN pro tempore (Mr. DURBIN). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SYNAR:

Strike out sections 111 and 112 (page 20, line 9 through page 25, line 6) and insert in lieu thereof the following (and redesignate the succeeding section accordingly):

SEC. 111. LIMITATIONS ON FUNDING FOR B-2 AIRCRAFT PROGRAM FOR FISCAL YEAR 1990.

(a) PROCUREMENT.—Of the amount appropriated for fiscal year 1990 for procurement of aircraft for the Air Force—

(1) not more than \$101,600,000 shall be available for procurement of initial spares for the B-2 Advanced Technology Bomber aircraft program; and

(2) not more than \$169,800,000 shall be available for advance procurement of B-2 aircraft.

The amount provided in section 103 for procurement of aircraft for the Air Force is hereby reduced by \$470,000,000.

(b) RDT&E.—Of the amount appropriated pursuant to section 201 for research, development, test, and evaluation for the Air Force, \$1,881,448,000 shall be available for the B-2 aircraft program.

SEC. 112. RESTRUCTURING OF B-2 PROGRAM.

(a) RESTRUCTURING OF PROGRAM.—The Secretary of Defense shall restructure the B-2 Advanced Technology Bomber aircraft program so as to be consistent with the following requirements:

(1) The development program for the B-2 aircraft shall be completed.

(2) The procurement program for such aircraft shall be revised so as to provide for procurement of two production aircraft

from funds appropriated for fiscal year 1990 and two production aircraft from funds appropriated for fiscal year 1991, thus maintaining the technology and production base for the aircraft.

(b) REVISED PROGRAM PLAN; APPROVAL OF PLAN.—In addition to the limitation on the obligation or expenditure of funds specified in section 113, funds appropriated to the Department of Defense for fiscal year 1990 may not be obligated or expended for procurement (including advance procurement) for production aircraft under the B-2 aircraft program until—

(1) the Secretary of Defense submits to Congress a revised program plan for that program that provides for a cost for such program that is less than the current program cost; and

(2) such revised program plan (or some other revised program plan achieving reductions in program cost) is approved by law.

SEC. 113. LIMITATION ON ANNUAL PRODUCTION OF ADVANCED TECHNOLOGY BOMBER.

(a) REQUIRED ANNUAL CERTIFICATION.—Funds appropriated to the Department of Defense for a fiscal year after fiscal year 1989 may not be obligated or expended for procurement (including advance procurement) for production aircraft under the B-2 Advanced Technology Bomber program unless and until the Secretary of Defense submits to the congressional defense committees the certification referred to in subsection (b) with respect to that fiscal year.

(b) CERTIFICATION.—A certification referred to in subsection (a) for any fiscal year is a certification submitted by the Secretary of Defense to the congressional defense committees after the beginning of the fiscal year which is in writing and in unclassified form and in which the Secretary certifies each of the following:

(1) That the performance milestones for the B-2 aircraft for that fiscal year for both developmental test and evaluation and operational test and evaluation (as contained in the full performance matrix for the B-2 aircraft program established under section 232(a) of Public Law 100-456 and section 121 of Public Law 100-180) have been met.

(2) That the B-2 aircraft has a high probability of being able to perform its intended missions.

(3) That any proposed modification to the performance matrix referred to in paragraph (1) will be provided in writing in advance to the congressional defense committees.

(4) That the cost reduction initiatives established for the B-2 program will be achieved (such certification to be submitted together with details of the savings to be realized).

(5) That the quality assurance practices and fiscal management controls of the prime contractor and major subcontractors associated with the B-2 program meet or exceed accepted United States Government standards.

SEC. 114. ONGOING EVALUATION BY COMPTROLLER GENERAL OF B-2 TEST AND EVALUATION RESULTS.

(a) EVALUATION.—The Comptroller General of the United States shall review all test reports and evaluation documents of the Department of Defense concerning the B-2 aircraft program.

(b) REPORTS.—The Comptroller General shall submit to Congress periodic reports setting forth the Comptroller General's findings resulting from the review under subsection (a). The Comptroller General shall submit such a report in any fiscal year

not later than 30 days after the date on which the Secretary of Defense submits a certification under section 113.

(c) MATTERS TO BE INCLUDED IN REPORT.—Each report under subsection (b) shall include the Comptroller General's evaluation of the following:

(1) The rigor, realism, and adequacy of the developmental test and evaluation and the operational test and evaluation referred to in section 113(b)(1).

(2) Whether such test and evaluation complies with the full performance matrix described in that section.

(d) UNCLASSIFIED SUMMARY.—Each such report shall include an unclassified statement summarizing the Comptroller General's findings with respect to each principal matter discussed in the report.

SEC. 115. REPORT ON COST, SCHEDULE, AND CAPABILITY.

(a) REQUIRED REPORT.—The Secretary of Defense shall submit the congressional defense committees a report on the cost, schedule, and capability of the B-2 aircraft program. The report shall provide the following:

(1) An unclassified integrated program schedule for the B-2 aircraft program that includes—

(A) the total cost of the program shown by fiscal year, including costs (shown by fiscal year) for research and development, for procurement (including spares and modifications), for military construction, for operation and maintenance, and for personnel, with all such costs to be expressed in both base year and then year dollars;

(B) the annual buy rate for the B-2 aircraft; and

(C) the flight test schedule and the milestones for the B-2 program.

(2) A detailed statement of the mission and requirements for the B-2 aircraft, including the current and project capability of the aircraft to conduct strategic relocatable target missions and conventional warfare operations.

(3) A detailed assessment of the performance of the B-2 aircraft, together with a comparison of that performance with the performance of existing strategic penetrating bombers of the United States.

(4) A detailed assessment of the technical risks associated with the B-2 program, particularly those associated with the avionics systems and components of the aircraft.

(b) LIMITATION ON FUNDING UNTIL REPORT SUBMITTED.—Funds appropriated to the Department of Defense for fiscal year 1990 may not be obligated or expended for procurement (including advance procurement) for production aircraft under the B-2 Advanced Technology Bomber program until the report required by subsection (a) is submitted to the congressional defense committees.

(a) INDEPENDENT ASSESSMENT.—The Secretary of Defense shall provide for an independent assessment of the technological capabilities and performance of the B-2 aircraft. The Secretary shall appoint a panel of experts and shall use the resources of federally funded research and development centers (FFRDCs) to conduct the assessment. The Secretary shall provide the panel such resources as are necessary, including technical assistance by private contractors, to assist the panel in conducting the assessment. Individuals appointed to the panel shall be independent of the Air Force and shall have no arrangements with the Air

Force that would constitute a conflict of interest.

(b) **REPORT.**—The panel shall submit a report of its findings to Congress. The report shall be submitted not later than September 1, 1990, and shall be submitted in both classified and unclassified form. The report shall include the findings of the panel concerning the following:

(1) The capability of air defense of the Soviet Union to defeat the B-2 aircraft during its service life, taking into consideration in particular—

(A) the low radar signature and anticipated performance of the aircraft;

(B) technological capabilities of the Soviet Union;

(C) developments by the Soviet Union of alternatives to defeat the B-2 aircraft; and

(D) the estimated cost to the Soviet Union to defeat the B-2 aircraft.

(2) The rationale for building the B-2 aircraft as a manned penetrating bomber, taking into consideration in particular—

(A) the missions of the aircraft;

(B) the capabilities of the aircraft to complete those missions; and

(C) the capability of the aircraft to search, identify, and destroy mobile strategic targets.

(3) The opportunity costs associated with the B-2 program as compared to other available or emerging technologies and operational concepts that could perform the B-2 missions at lesser costs.

(4) The planned service life of the B-2 aircraft and the potential for growth in that planned service life through the incorporation of preplanned product improvements (P3Is) and other modifications.

(5) The requirements for any follow-on aircraft or system that incorporates both low observable technology and high speed maneuverability.

(6) An assessment of the capability of the United States to defeat, identify, and destroy low observable vehicles, including manned aircraft and unmanned systems.

(c) **FUNDING LIMITATION.**—If the requirements of subsections (a) and (b) are not met by September 30, 1990, no funds may be obligated for the B-2 aircraft program after that date until the requirements of those subsections are met.

SEC. 117. SUBMISSION OF UNCLASSIFIED VERSION OF B-2 PERFORMANCE MATRIX.

The Secretary of Defense shall submit to the congressional defense committees a report containing an unclassified version of the full performance matrix for the B-2 program established under section 121 of Public Law 100-180 and section 232 of Public Law 100-456. The report shall be submitted at the same time as the budget of the President for fiscal year 1991 is submitted to Congress under section 1105 of title 31, United States Code.

SEC. 118. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this title, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

The **CHAIRMAN** pro tempore. Debate on this amendment will be postponed until amendments Nos. 12 and 13 have been disposed of.

AMENDMENT, AS MODIFIED, OFFERED BY MR. SKELTON TO THE AMENDMENT OFFERED BY MR. SYNAR

Mr. SKELTON. Mr. Chairman, pursuant to the rule, I offer the Skelton

amendment No. 12 to the Synar amendment.

The **CHAIRMAN** pro tempore. The Clerk will designate the amendment.

The text of the amendment, as modified, is as follows:

Amendment, as modified, offered by Mr. SKELTON to the amendment offered by Mr. SYNAR: Strike out "sections 111 and 112" in the paragraph at the beginning of the amendment and all that follows and insert in lieu thereof the following:

section 111 (page 20, line 9 through page 22, line 23) and insert in lieu thereof the following:

SEC. 111. LIMITATION ON PRODUCTION OF B-2 ADVANCED TECHNOLOGY BOMBER AIRCRAFT PROGRAM.

(a) **REQUIRED INFORMATION.**—Funds appropriated to the Department of Defense for fiscal year 1990 may not be obligated or expended for procurement (including advance procurement) for production aircraft under the B-2 Advanced Technology Bomber aircraft program until the certification referred to in subsection (b) and the report required by subsection (c) have been submitted to the congressional defense committees.

(b) **CERTIFICATION.**—The certification referred to in subsection (a) is a certification in writing by the Secretary of Defense to the congressional defense committees of the following:

(1) That the performance milestones (including initial flight testing) for the B-2 aircraft for fiscal year 1990 (as contained in the B-2 full performance matrix program established under section 121 of Public Law 100-180 and section 232 of Public Law 100-456) have been met and that any proposed waiver or modification to the B-2 performance matrix will be provided in writing in advance to the congressional defense committees.

(2) That the cost reduction initiatives established for the B-2 program will be achieved (such certification to be submitted together with details of the savings to be realized).

(3) That the quality assurance practices and fiscal management controls of the prime contractor and major subcontractors associated with the B-2 program meet or exceed accepted United States Government standards.

(c) **REPORT ON COST, SCHEDULE, AND CAPABILITY.**—The Secretary of Defense shall submit to the congressional defense committees a report providing the following:

(1) An unclassified integrated B-2 program schedule that includes—

(A) the total cost of the B-2 program by fiscal year, including costs by fiscal year for research and development, procurement (including spares and modifications), military construction, operation and maintenance, and personnel, with all such costs to be expressed in both base year and then year dollars;

(B) the annual buy rate for the B-2 aircraft; and

(C) the flight test schedule and milestones for the B-2 program.

(2) A detailed mission statement and requirements for the B-2 aircraft, including the current and projected capability of the aircraft to conduct strategic relocatable target missions and conventional warfare operations.

(3) A detailed assessment of performance of the B-2 aircraft, together with a compar-

ison of that performance with existing strategic penetrating bombers.

(4) A detailed assessment of the technical risks associated with the B-2 program, particularly those associated with the avionics systems and components of the aircraft.

(d) **UNCLASSIFIED VERSION OF B-2 PERFORMANCE MATRIX.**—The Secretary of Defense shall submit to the congressional defense committees a report containing an unclassified version of the B-2 full performance matrix program established under section 121 of Public Law 100-180 and section 232 of Public Law 100-456. Such report shall be submitted at the same time as the budget of the President for fiscal year 1991 is submitted to Congress pursuant to section 1105 of title 31, United States Code.

(e) **CONGRESSIONAL DEFENSE COMMITTEES DEFINED.**—For purposes of this section, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

The **CHAIRMAN** pro tempore. Pursuant to the order of the House earlier today, the gentleman from Missouri [Mr. SKELTON] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

Mr. KASICH. Mr. Chairman, I rise in opposition to the amendment.

The **CHAIRMAN** pro tempore. The gentleman from Ohio [Mr. KASICH] will be recognized for 5 minutes.

Mr. SYNAR. Mr. Chairman, the gentleman from Wisconsin [Mr. ASPIN] and the gentleman from Oklahoma [Mr. SYNAR] are also in opposition to the Skelton amendment. How will that time be divided?

The **CHAIRMAN** pro tempore. The Chair is only able to recognize one Member, and the gentleman from Ohio [Mr. KASICH] has already been recognized as the Member in opposition to the amendment.

The Chair would advise that the gentleman from Ohio [Mr. KASICH] can yield time to the gentleman from Oklahoma or the gentleman from Wisconsin.

Mr. SKELTON. Mr. Chairman, I would make this inquiry at this point: I hope to split the 5 minutes by asking the gentleman from Michigan [Mr. DAVIS] to take the first 2½ minutes, and the opponents then to take their 5 minutes, and I would ask and reserve the right to close debate in 2½ minutes.

The **CHAIRMAN** pro tempore. The Chair advises that the Chair will accommodate the request of the gentleman from Missouri.

The Chair recognizes the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I yield 2½ minutes to the gentleman from Michigan [Mr. DAVIS].

Mr. RITTER. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman from Pennsylvania.

Mr. RITTER. Mr. Chairman, I rise in support of the Skelton amendment.

Mr. Chairman, as we debate funding for the B-2 bomber today I would like to express to my colleagues my sense of pride in the B-2. I am proud of America's historical tradition and reputation of successfully upholding freedom and peace. I believe that going ahead with the B-2 will reaffirm America's legacy as the leading guarantor of freedom and peace worldwide. The B-2 is something we should be proud of, rather than promote its demise. In a time of worldwide criticism of the quality of America's products, the sleek and futuristic appearance of the B-2 embodies the far-sighted, resourceful, and creative spirit of American industry—its workers, and its technology.

The Wright brothers, though discouraged and surrounded by critics, took the very first airplane flight at Kill Devil Hills, NC. The B-2 is both a natural continuation, and quantum leap, of America's spirit of ingenuity and its global leadership in aerospace during times of peace and war.

Mr. Chairman, the very sight of the B-2 is startling to the imagination, and probably traumatizing to the military high commands of China, the Soviet Union, Libya, Iran, and other potential adversary nations. Mr. Chairman, in this way the B-2 helps to deter conflict and war. In a time of military technological proliferation in the Third World—of chemical weapons, ballistic missile technology, and nuclear weapons—the risk to the American people, and to our allies, becomes—in certain ways—greater than what we face today. America needs a long-range, modern bomber that can penetrate sophisticated air-defense systems to deter potential aggressors with conventional as well as nuclear ordinance.

Some Members deride the B-2's capability and its mission. But, in comparative retrospect—who ever dreamed, at the time of its first construction—how useful the B-52 would be on so many conventional missions in Southeast Asia.

Mr. Chairman, are the Members of this House willing to default on the next stage of manned bomber technology? Do they so love—nonrecalable—ICBM's, or SLBM's, or cruise missiles? The Members here remember the FSX debate and the technology transfer issue. Well, so much concern was expressed about our loss of technology. The B-2 bomber program has developed incredible technology in the areas of advanced composites, robotic automated manufacturing technologies, and computer-aided design technologies. Are the Members of this House willing to discard this substantial lead, while our competitors eagerly await the opportunity to exploit his technology for commercial and military purposes? It is ludicrous to scrap this opportunity when we have the production facilities tooled up and ready to go and when we have billions of dollars in R&D that have already borne fruit. Excluding the R&D costs, the B-2 is, relatively speaking, a bargain—yes, a bargain. The flyaway cost for a 747 is \$130 to \$150 million, the cost for a B-1 is \$228 million, compare this to the B-2 at \$274 million, \$46 million more than the B-1 with an exponential leap in strategic value. As a percentage of the defense budgets of their time, the cost of the B-52, B-1, and B-2 Stealth bombers are not too different.

Indeed, if we cancel the program, American taxpayers will end up paying some \$200 million per plane for these unbuilt planes—to the tune of 132 planes. That is the kind of investment we have already made—some 23 billion dollars' worth.

Mr. Chairman, the events in China have shown the world that reform in the Communist world is reversible and can pose a danger to world peace and stability. In addition, the reforms in the Soviet Union, while encouraging, are no cause for us to slacken our deterrent posture especially in light of the Soviets sale of SU-24 Fencer ground attack aircraft to Libya—just this year—the aircraft carrier building campaign the Soviets have embarked upon—with their expensive and new large-deck *Tiblisi* class carriers—their deployment of their own Blackjack advanced strategic bombing fleet, their \$14 billion of arms shipments to the Third World, their support of a totalitarian regime in Nicaragua, and the Soviets' massive military airlift and promotion of high-altitude bombing to support their Communist puppet government in Afghanistan. Moreover, Mr. Chairman, the Soviet military must still be regarded with caution since the reforms of glasnost and perestroika are still not given the underpinnings of law, and in fact, a new set of Stalinist laws (articles 7 and 11) were passed on April 8 of this year and signed by Gorbachev himself.

Finally, Mr. Chairman, we should support the B-2 bomber because America's arms control strategy with the Soviets is based on manned bombers being preferred over ICBM's and SLBM's. Bombers are counted with less weight in arms control agreements because they are recalable, and because they provide a more stable offensive weapons climate.

Earlier today, a letter from NSC Advisor, Brent Scowcroft was read which states that our entire arms control posture would need to change without the B-2 bomber. This would be tragic.

By voting for the B-2 bomber we support our posture in continuing arms control negotiations with the Soviets. And, Mr. Chairman, we encourage the Soviets to stay the course in their political and economic reform by rendering their \$350 billion investment in their air defense system obsolete—demonstrating to them the futility of maintaining their military-based economy at the expense of their people.

Mr. Chairman, the mission of the B-2 is clear: To protect freedom, deter war and conflict, and reinforce America's leadership.

Let us support B-2.

Mr. DAVIS. Mr. Chairman, we have been talking about the cost of this airplane, and many Members are saying we cannot afford it. I frankly think that we have to go ahead with that airplane and that we cannot afford not to build it.

If Members look at where we are going to be in the year 2000, how many planes are we going to have, how many penetrating bombers are we going to have? If we look at the 97 B-1's we have, we have about 250 B-52's, but 150 of those are the B-52G's which are probably going to have to be retired, and that leaves us with prob-

ably 100 B-52H's that are left, and some of these planes are going to be between 35 and 40 years of age, and we just cannot protect or have that third leg of the triad with 200 or less penetrating bombers. We have to have those additional B-2's.

Let us talk a second about the cost of the B-2 compared to some other airplanes that we have built. To be fair about it, we have to look at it from the standpoint of how much of our procurement dollars have we spent on the B-52, the B-1, and now the B-2. The simple fact is that when we were building the B-52 many years ago, we spent about 1.4 percent of our total procurement budget for procuring the B-52. Then when we came to the B-1, we spent about 1.6 percent of our total procurement budget. The B-2 takes 1.3 percent of our procurement budget. It is less in total amount or percentage-wise of our procurement budget than in fact was the B-52 and the B-1.

Some Members are saying we cannot afford to spend \$8 billion in one year on procurement of the B-2. The simple fact is if we were building the B-1 right today at the same procurement rate in 1985 we would be spending more than \$8 billion a year on production of the B-1. So it is a fallacy to say that we cannot afford it. We can afford it.

Let us talk a little bit about the Aspin-Synar amendment. The Aspin-Synar amendment is not middle ground. The Aspin-Synar amendment does, in fact, add to the cost of the B-2. It is a self-fulfilling prophecy.

Mr. KASICH. Mr. Chairman, I reluctantly yield 1 minute to the distinguished gentleman from Wisconsin [Mr. ASPIN] chairman of the Armed Services Committee.

Mr. ASPIN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, let me just say on this issue the gentleman from Ohio and I are together. I do think this is not the time to go ahead full speed ahead with this program on the B-2. I think what we need to do is take some time, we need to take some consideration, look at some tests, see if we cannot restructure this program to make it more acceptable from a cost standpoint.

In order to do that, we should not vote for the Skelton amendment. I rise to oppose the Skelton amendment.

Mr. KASICH. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I do want to give the gentleman from Missouri [Mr. SKELTON] credit for trying to make some kind of a decision here. My objection to the amendment of the gentleman from Wisconsin [Mr. ASPIN], the distinguished chairman of the committee, who by the way, in the Armed Services Committee, when it was

stated in the outyears it would be \$8 billion in 1992, 1993, and 1994, he was all over national television saying, "No way," and I am afraid that what we have in the chairman's amendment is an effort to do nothing more than to stretch out the program. To ask the Air Force to come back and to give us a definition of how it could make it cheaper, and is an assignment that Indiana Jones and Harry Houdini could not figure out how to solve. We cannot make this plane cheaper. There is only one way the cost of this plane is going to go, and that means it is going to go up, and not down.

But the Skelton amendment is just simply not acceptable because it says let us remove all concerns about his program. I just want to remind the Members that again, we build a system to accomplish a certain task, and this system was built to accomplish the task of finding movable targets. It simply cannot do it. That is not my opinion, it is the opinion of the Secretary of Defense, the Secretary of the Air Force, and the Chief of Staff of the Air Force.

If this system can only hold fixed targets at risk, that is why our alternative is to use stealthy cruise missiles to keep those same targets at risk, and in the process we will save the minimum of \$40 billion.

I know there are Members on my side who are concerned about being strong on defense. But let me point out that ANDY IRELAND asked the GAO to do a study for us, and we found that if the Cheney budget had passed, that is without the F-14 and without the V-22, that budget, if funded at the rate of inflation over 5 years, would be \$140 billion short. In other words, pay would have to be cut, spare parts would have to be junked. We would have to cut back on the readiness of this country, something we cannot afford to do.

Now we add in the F-14 and the V-22 and our shortfall is going to be in the range of \$180 billion.

Folks, we have to face the fact that we do not have the money to match the resources. We have too many big-ticket items with no way to pay for them.

So what I am suggesting is let us take one of the big-ticket items that has no definable purpose, that is questionable in cost, and let us just responsibly wrap this program up by finishing the research and development that can be used with other systems, and by having 13 planes in the testbed, and preserve the tooling should it ever be needed.

I think Members have to reject the Skelton amendment because this is just not the way to proceed. I ask Members to support the Kasich-Dellums-Rowland amendment. It is a responsible wrapup of the program that still maintains a very strong deterrent

for this country. It will hold the colonel in Libya at risk as well as the Soviet targets.

The CHAIRMAN. The gentleman from Ohio [Mr. KASICH] has 1 minute remaining.

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Mr. KASICH. Mr. Chairman, I yield the final 1 minute to the gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the Skelton amendment.

I do not because I believe he has mentally come to the wrong conclusion but because quite frankly our country cannot afford the conclusion that he has arrived at. We have heard eloquent arguments both for and against this B-2 program. But the truth of the matter is in the next 5-year budget we are going to be \$150 billion short of providing money for existing weapon defenses.

Mr. Chairman, John Adams in this Chamber said:

I study war so that my children can study politics so that their children can study poetry.

Let us insure a strong defense by supporting the Dellums/Kasich amendment, by stopping this program today. Let us not back away from our responsibilities as sound, prudent financial legislators.

Mr. SKELTON. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, a number of years ago there was a movie starring Clint Eastwood entitled, "The Good, the Bad and the Ugly." Today we have three amendments before us that parallel that movie's title.

The Skelton amendment is the good amendment, the bad amendment is the Aspin-Synar amendment, and the ugly amendment is the Kasich-Dellums-Rowland amendment.

We can look at this quite honestly and say that the Skelton amendment moves ahead responsibly. We can look at the Aspin-Synar amendment and say that this gives us prolonged indecision.

We look at the Kasich-Dellums amendment and we see that it terminates the program.

The Aspin amendment is the amendment of a thousand delays; the guillotine amendment is that of the Kasich-Dellums amendment.

Mr. Chairman, today we find ourselves ready to vote on the most crucial issue of the year, probably of the decade. This is an issue of grave concern for our national security on where we are headed in the next several decades because this is the technology of tomorrow.

All future warfare airplanes will be made of Stealth technology. Do we as a Nation choose to lead in that tech-

nology or do we choose to let someone else take the lead in that? Is it not important for the future generations of our country to be secure behind this technology and behind the great American know-how that has given us the Stealth B-2 bomber?

My amendment is a reasonable amendment. Some \$800 million less than what the Secretary of Defense asked for, it is the same as the Committee on Armed Services funding but it has more restrictive and reporting language.

Mr. Chairman, this is an important day for the future of the national defense of our country. It is an important day for the courage when it comes to this vote.

Mr. FAZIO. Mr. Chairman: I rise today in support of Mr. SKELTON's amendment to the Department of Defense authorization bill for fiscal year 1990.

As my colleagues are aware, the Skelton amendment maintains the Armed Services Committee authorization of \$3.9 billion for the B-2 program for fiscal year 1990. The amendment also stipulates that the Defense Department certify that the B-2 has met its original performance objectives and ensure that cost reduction initiatives are established.

As this is a critical vote at a critical time, I want my colleagues to know from a historical perspective, why this program is important to the defense of the United States.

The strategic bomber fleet is the most versatile system for a wide range of nuclear and conventional tasks. It is flexible because pilots can use their judgment to seek and attack targets and more stabilizing because, unlike ballistic missiles it can be recalled after launching, and compared to land- or sea-based missiles, it is unsuitable for launching a surprise attack.

For over three decades, the U.S. Strategic Air Command has relied on its B-52 strategic bombers to perform penetrating bombing missions. In the 1960's, a replacement for the B-52 began in earnest due to the improving nature of Soviet air defenses. A decade later, the B-1 was brought on line as its successor. President Carter canceled the B-1 program in 1977 on the grounds that the mission of bombing the Soviet Union in a nuclear war could be carried out by standoff aircraft carrying air-launched cruise missiles, until a new kind of penetrating bomber employing radar and infrared-evading materials and design elements could be developed.

The Stealth bomber was lauded as a revolutionary aircraft when the Carter administration revealed the details of the bomber in 1980. Stealth technology would make the aircraft not only difficult to detect, but would force the Soviets to spend considerable time and money developing effective air defenses. A year later, President Ronald Reagan resurrected the B-1 program as part of his strategic nuclear forces modernization effort. His 2-bomber strategy designated that the B-1B would serve as an interim penetrating bomber until the B-2 became available. The development of Stealth technology mirrored the development of a modern bomber.

The first generation of Stealth technology occurred in the early 1970's with the SR-71 whose shape was reduced on the radar cross section. The F-117 Stealth fighter embodies true Stealth technology but in a fighter size aircraft that pays significant penalties in aerodynamic and engine performance. The advanced cruise missile integrates stealth technology and efficiency in a small vehicle while the B-2 advances the state-of-the-art technology to a large, long-range, high payload bomber. The B-2 is the only bomber that will be able to survive Soviet air defenses that are projected in the late 1990's.

The Soviets have invested the equivalent of over \$350 billion in air defense systems in the past 20 years. This includes 10,000 radars, 3,000 airborne interceptors and fighters, 8,000 surface to air missile launchers and an immense airborne warning and control system. Only the B-2's Stealth capability will be able to penetrate this defense system.

The B-2 provides an enduring penetration capability for the bomber force, outpaces Soviet air defense improvements, and maintains our lead in high technology. Yet, the controversy over the B-2's program costs have smothered any thoughtful debate on the merits of the program. Careful consideration should, and must be given to the important role the B-2 will play in the defense of our Nation. We must not act hastily. We must not be short sighted. The debate over the B-2 is just beginning. We will have ample opportunity to review the program and assess its progress in the coming years. By supporting Mr. SKELTON's amendment, we are giving the B-2 program an opportunity to prove itself while continuing to maintain close scrutiny of the program.

The B-2 program is a long-term investment with a long-term payoff. I urge my colleagues to vote for this amendment.

Mr. ALEXANDER. Mr. Chairman, I rise to support the Skelton amendment. The opponents of the B-2 bomber program seem dead set on fixing something that isn't broke. For more than 30 years the ability of the United States to deploy a manned bomber force as a part of our strategic defense has been a crucial element in deterring nuclear war.

The manned bomber force has been a fundamental leg of the strategic defense triad. That triad has convinced enemies of the United States that the price of military attack on our Nation is greater than they are willing to pay. Manned bombers must continue to be a central part of our strategic defense planning.

A vote to deny the United States the protection of the B-2 advanced, manned, penetrating bomber could well be the vote that robs us of ultimate success in defending our Nation and in negotiating acceptable arms control and reduction agreements.

Yes, the Nation has the intercontinental ballistic missile force. Yes, the Nation has a submarine launched ballistic missile force. No, they are not substitutes for manned bombers. They do not, and may never have, the decisive flexibility provided by a manned bomber force, that advantage which could be pivotal to the success of our defense strategy.

The essential component of that flexibility are the air crews that operate the bombers.

The American people and this and future Presidents deserve to have the assurance of the strategic defense capability that only manned, penetrating bombers such as the B-2 can provide.

Manned bombers can be recalled after launch. Missiles cannot.

As encouraging as recent developments in East-West relations are, we do not have certainty of their final outcome. What we can know is that the long-term, strategic triad defense strategy the United States and its Allies have patiently and consistently pursued has been a profound factor in bringing about these developments.

Some of the B-52's that have been our workhorse manned bomber force are already older than the crews that fly them. In recognition of changing technology the B-1B bombers have been planned as replacements for B-52's as standoff missile delivery platforms and to provide the fundamental conventional bomber flexibility the freedom that this Nation deserves.

The B-2's are destined to do the other part of the job. They have been designed as the penetrating bomber vital to the continued success of the U.S. strategic defense triad.

Without the B-2, the United States will have fewer than 200 bombers in the year 2000. Half of those will be more than 40 years old. It is questionable whether any of them would offer the deterrent threat of being able to penetrate Soviet airspace.

Putting it as bluntly as I can, a vote for full authorization and funding for the B-2 is a clear-cut vote for a safer, more secure, and much more stable world.

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of the amendment offered by Mr. SKELTON to restore the Armed Services Committee's recommended funding level of \$3.9 billion for the B-2 Stealth bomber in fiscal year 1990. I believe this amendment is a very responsible and reasonable measure which closely monitors and checks the development of the B-2 while preserving the production capability and a modern third leg of our strategic triad. The other amendments being offered today may appear from first glance to only limit the B-2 or closely check its development. In reality, they terminate the program at great cost. Despite claims that it is otherwise, this debate is really about keeping the manned bomber leg of the triad through continued, realistic development of the B-2 or scrapping it.

In considering the future of the B-2 program we need to keep the following issues in mind: The need for a new bomber, the capabilities needed in a new bomber, the real cost of a new bomber, and the impact of a new bomber on arms control.

First, the need. Today, about one-fourth of the U.S. strategic nuclear deterrent is deployed on manned bombers, namely the B-1B and the 30-plus-year-old B-52's. Under the START negotiation guidelines, which call for a 50-percent reduction in nuclear arsenals, about one-third of the allowable U.S. warheads would be deployed on strategic bombers. Clearly, the manned bomber will remain a very significant part of our strategic deterrent well into the 21st century.

Currently, we are relying on 100 B-1B bombers and the aged B-52 stratofortress. While the B-1B's are the product of late 1970's and 1980's technology, their self-defense capabilities are limited as are their number. The B-52 should have been replaced long ago. While it has undergone some modernizations, the B-52 is basically the product of late 1940's technology. The last B-52 rolled off the production line 28 years ago. Even the newest B-52 is older than most of the crew flying it. Its ability to penetrate thick Soviet air defenses is nil. As each day passes, B-52's become increasingly expensive and difficult to maintain. As they grow older and as metal fatigue increases, I become increasingly concerned about the safety of the crew flying them and their effectiveness in providing a credible defense. The B-2 Stealth bomber is the much needed replacement for the B-52.

Some have argued that the manned bomber has become obsolete. They are wrong. Bombers are the most stable, least provocative leg of the triad. They have the unique capability of being recalled. Once a ballistic missile or cruise missile is launched, it is gone for good. Bombers, however, give the President at least 10 hours to make a final decision. The manned bomber is a second strike weapon which enhances arms control and strategic stability. Manned bombers have greater payload, range, and accuracy than ICBM's or submarine launched ballistic missiles. Manned bombers are the only vehicle that allow us to safely penetrate those areas where mobile targets can be identified and acquired. The flexibility of the manned bomber allows it to hunt down mobile targets that preprogrammed and targeted ICBM's and SLBM's cannot.

Manned bombers can be used effectively across the full conflict spectrum. Manned bombers are able to carry out non-nuclear missions. The B-52 saw extensive, active service in Vietnam. In the case of the 1986 Libya raid, a couple of B-2's traveling from the United States would have needed only one aerial in-flight refueling to accomplish the mission that took two carrier battle groups and a very taxing flight of F-111's from Britain. We should not forget that we lost a radar-vulnerable F-111 and its crew of two. The B-2 provides the United States with unrestricted range, no need for foreign basing and radar evasion allowing us to meet a vast many of the possible security challenges in the future.

What is the alternative to the B-2? There isn't one today. Producing more B-1B's is irresponsible. The B-1B's ability to successfully penetrate new Soviet air defenses after the late 1990's is doubtful. It would take at least 185 more B-1B's to meet our objectives. The cost of these aircraft and the additional refueling capability they need are expected to total \$60 billion. The remaining procurement costs of the much superior B-2 is expected to be less—\$43 to \$50 billion. The cost of developing, testing and producing an entirely new manned bomber as an alternative to the B-2 is far greater. More importantly, it would be many years before a new bomber could be built. This would leave an extremely dangerous gap in our strategic deterrent. Interestingly, some of those opposed to the B-2 today

were also opposed to producing the B-1B just a few years ago. They argued then that we should not build the B-1B and instead should concentrate on and support the new Stealth bomber. Well, now the Stealth has now come of age. Had we listened to them then regarding the B-1B, and should we listen to them today about the B-2—the same B-2 they previously supported—we would end up with nothing, just 40-year-old B-52's.

The second issue to consider is the set of capabilities we need in a new bomber. As I noted, Soviet air defenses continue to be strengthened and modernized. The radar-evading capability of the Stealth is key to penetrating these defenses and rendering them useless. No other aircraft today, except the F-117 Stealth fighter, has that capability. In addition, the B-2, with its two-man crew and extremely long range, cuts down on the manpower and equipment needed to support the B-2's mission. Of course, the B-2 is still in the testing and development stage. It is a quantum leap in aviation technology vaulting us far ahead of the Soviets in areas they would have a very difficult time in catching up. Already the B-2 has undergone many tests. There are still many milestones for this innovative aircraft to pass. We must closely scrutinize and monitor this development to ensure that the B-2 meets these objectives. The Skelton amendment provides for that in a very responsible way. However, if we do not adequately support the program and all of its development components, we will be prejudging the B-2 without a fair trial. That is a waste of the resources already devoted to the program.

The third issue of cost has become the heart of the debate. Opponents of the manned bomber have taken many of the cost figures out of context and have provided misleading information. Yes, the B-2 is an extremely costly aircraft. I fully agree that we should proceed very carefully to ensure that we aren't buying a lemon. I agree that Congress must carefully monitor the B-2's development and provide funds based on proven capabilities and after successfully passing certain milestones. The Skelton amendment provides for that.

What is the cost of the B-2? The remaining production cost is estimated at \$43 to \$50 billion. That's about what America spends on beer a year. The total cost of the program, including all the research and development, is projected to be about \$70 billion; \$70 billion is a lot of money. But at today's prices, it will buy 16 months' worth of oil imports or half of the savings and loans bailout. The B-2 must be examined as a strategic program because that is what it is. When examining costs, we should compare apples with apples—we should compare the B-2 with other strategic programs.

The B-2 is less expensive than our other strategic systems—weapons we take for granted. In 1990 dollars, the B-2 is less than the B-1B and the Trident SLBM. The highest 1-year cost of the B-2 is estimated at \$7.5 billion. Some have erroneously used this figure as the average cost. The highest 1-year costs of the B-1B and Minuteman III ICBM are \$9.1 billion and \$8.0 billion, respectively, in 1990 dollars. In comparing 3-year stretches the B-1B and the Minuteman III again are more

costly. The Trident SLBM system tops them all.

Historically, most newer weapon systems cost more than older ones. So do other goods, too, like cars, houses, and shoes. Is the B-2 relatively more costly than previous bombers like the B-1 and B-52? When compared equally in 1990 dollars the answer is "No." The B-2 program actually consumes a smaller part of the total defense budget over the procurement period than either of the last two large bomber programs. The B-2 will account for 1.3 percent of the defense budget annually. The B-52 accounted for 1.4 percent and the B-1 for 1.6 percent during their days. The B-2 is scheduled to be on line for 30 years.

We have already spent about one-third of the \$70 billion total cost of the B-2 on research and development. If we terminate the program, that investment is lost. The projected flyaway cost of the B-2, that is the cost of a plane coming off the production line, is near \$300 million. What do other planes cost today? A Boeing 747's base price is \$125 million. A C-5 cargo plane is \$125 million. Considering the B-2 evades radar, will be able to penetrate Soviet defenses of more than 300 surface-to-air missiles and 5 interceptor fighters for every United States bomber, and strike its target whereas the 747 and C-5 do not have or need such capabilities, the B-2 is not as outrageously expensive as critics have charged. In addition, the B-2 pays for itself by making \$200 billion worth of Soviet defenses obsolete. The cost of one B-2 off the Northrop production line is essentially the same as one of the President's new Air Force One aircraft.

What the critics are proposing, in the form of the Kasich-Dellums amendment, is costly. It would terminate the \$30 billion already invested in the B-2 and fund only 13 B-2's to use as Stealth technology testbeds. Based on the total program cost as proposed by the Air Force, each B-2 will cost \$530 million. Under the Kasich-Dellums amendment the cost of each B-2 would be an astronomical \$2.3 billion. We do not need this type of fiscal responsibility. Above all, we would have no bomber for the future. Simply put, delaying procurement only increases costs.

The fourth issue to consider is arms control. Will the B-2 help or hurt arms control? The B-2 is very critical to the continuation of the START negotiations and progress toward real cuts in strategic nuclear weapons. As Secretary Cheney recently testified before the House Armed Services Committee: "The fact of the matter is the whole theory of strategy behind the START accord has been the notion that we wanted to move both the United States and the Soviet Union away from big land-based, multiple warhead, highly accurate ICBM's because they are fast flyers, first-strike weapons, and because they possess the potential to be destabilizing in a crisis."

This strategy is reflected in the counting rules we have proposed, and which the Soviets have accepted in principle, which favor manned bombers over ICBM/SLBM's. If we do not have a viable manned bomber, we will have to begin our current negotiations all over again. Failure to proceed with the B-2 could doom strategic arms reduction talks. The cost

of such a failure would be much greater in both security and monetary terms.

Mr. Chairman, the B-2 is an expensive but critically needed program. During these times of tight defense budgets, Secretary Cheney has been forced to make some tough decisions and cut popular weapons programs for fiscal reasons. Yet, he decided after a very careful and thorough review of the B-2's technology and capabilities, to support the B-2 because of its strategic value. Like my colleagues, I want to make sure that we get the performance and product that we are paying for. I believe that H.R. 2461 as written, coupled with the Skelton amendment, provides the oversight and fiscal management responsibility we demand without jeopardizing the B-2 program or our national security. I urge my colleagues to support the administration and the Skelton amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). All time has expired.

The question is on the amendment, as modified, offered by the gentleman from Missouri [Mr. SKELTON] to the amendment offered by the gentleman from Oklahoma [Mr. SYNAR].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 176, noes 244, not voting 11, as follows:

[Roll No. 166]

AYES—176

Alexander	Edwards (OK)	Lowery (CA)
Anderson	Emerson	Lukens, Thomas
Andrews	English	Lukens, Donald
Archer	Fawell	Marlenee
Army	Fazio	Martin (IL)
AuCoin	Fields	Martin (NY)
Ballenger	Flippo	Martinez
Barnard	Frost	Mavroules
Bartlett	Gallegly	McCandless
Bateman	Gallo	McCollum
Bentley	Gekas	McCrery
Bevill	Gillmor	McCurdy
Billakis	Gilman	McDade
Bliley	Gingrich	McEwen
Boehlert	Goss	McGrath
Boggs	Gradison	McMillan (NC)
Broomfield	Grant	McNulty
Bryant	Gunderson	Michel
Buechner	Hall (TX)	Miller (OH)
Bunning	Hammerschmidt	Mollinari
Burton	Hancock	Mollohan
Bustamante	Hansen	Moorhead
Byron	Henry	Morrison (WA)
Callahan	Herger	Murtha
Campbell (CA)	Hiler	Myers
Campbell (CO)	Holloway	Nagle
Chapman	Houghton	Nelson
Clinger	Hubbard	Nielson
Coble	Huckaby	Ortiz
Coleman (MO)	Hunter	Oxley
Combest	Hutto	Packard
Coughlin	Inhofe	Parker
Cox	James	Parris
Craig	Jenkins	Pashayan
Crane	Kyl	Paxon
Dannemeyer	Lagomarsino	Pickett
Davis	Lancaster	Pickle
de la Garza	Laughlin	Quillen
DeLay	Leath (TX)	Ray
Dickinson	Lent	Rhodes
Dicks	Lewis (CA)	Richardson
Dornan (CA)	Lewis (FL)	Rinaldo
Douglas	Lightfoot	Ritter
Dreier	Livingston	Roberts

Robinson
Rostenkowski
Salki
Sarpalius
Saxton
Schaefer
Schiff
Schuette
Schulze
Shumway
Shuster
Skeen
Skelton
Slaughter (VA)
Smith (MS)
Smith (TX)

Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Spratt
Stangeland
Stenholm
Stump
Sundquist
Tauzin
Thomas (CA)
Thomas (GA)

Thomas (WY)
Torres
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Watkins
Weber
Whittaker
Wilson
Wolf
Wylie
Young (AK)
Young (FL)

Visclosky
Walgren
Waxman
Weiss
Weldon
Clay
Collins
Conyers
Courtner

Wheat
Whitten
Williams
Wise
Wolpe

Wyden
Yates
Yatron

NOT VOTING—11

Florio
Ford (MI)
Gonzalez
Hyde
Leland
Mineta
Scheuer

□ 1321

Messrs. LEHMAN of California, HERTTEL, OLIN, COLEMAN of Texas, ANNUNZIO, and DUNCAN changed their vote from "aye" to "no."

Messrs. RICHARDSON, JENKINS, and MARTINEZ changed their vote from "no" to "aye."

So the amendment, as modified, to the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1320

The CHAIRMAN pro tempore (Mr. DURBIN). It is now in order to consider amendment No. 13.

AMENDMENT OFFERED BY MR. KASICH AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. SYNAR

Mr. KASICH. Mr. Chairman, I offer an amendment as a substitute for the Synar amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KASICH as a substitute for the amendment offered by Mr. SYNAR: At the end of part B of title I (page 28, after line 15), insert the following new section:

SEC. 114. RESTRUCTURING OF THE B-2 AIRCRAFT PROGRAM.

The Secretary of Defense shall restructure the B-2 aircraft program as follows:

(1) The development program for the B-2 aircraft shall be completed.

(2) The procurement program for such aircraft shall be revised so as to complete production of aircraft for which funds were appropriated (other than for advance procurement) before the date of the enactment of this Act and to terminate production with those aircraft.

(3) The production facilities and the tooling for production of the B-2 aircraft shall be preserved so as to maintain a production option for such aircraft for future fiscal years.

The CHAIRMAN pro tempore. The gentleman from Ohio [Mr. KASICH] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

For what purpose does the gentleman from Oklahoma [Mr. SYNAR] seek recognition?

Mr. SYNAR. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Oklahoma [Mr. SYNAR] is in opposition and will be recognized for 5 minutes.

Mr. KASICH. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Minnesota [Mr. FRENZEL],

a member of the Committee on the Budget.

Mr. FRENZEL. Mr. Chairman, my reason for support of the Kasich-Delums-Rowland amendment are numerous, but I am neither a strategist, nor a technician, and I am not going to discuss all those reasons.

My decision in favor of the Kasich amendment is based mainly on economics, and so today I want to talk about budgetary considerations.

Economics, as my colleagues know, deals with the allocation of scarce resources. Those who are tempted to favor the B-2 have to understand the resource commitments and the trade-offs that are necessary to achieve those commitments.

I would like my colleagues to think about four things. First, let us consider the defense budget. It has suffered real cuts since 1985. Next year, and in succeeding years, it may follow the same path. Whatever path it follows, I believe it is unlikely that this function is going to have real increases in the coming years.

Second, GAO estimates, and other budget analysts estimate, and I estimate, that our military budget is already facing severe shortfalls for systems that are programmed in our 5-year plan.

Third, the B-2 is extremely expensive, \$70 billion over the next 10 years. By fiscal year 1992, it will be chewing \$8 billion bites out of what I think is an already austere defense budget every year. I do not see this House being willing to meet that resource allocation challenge, particularly if we want to finance the other systems in times of frozen defense expenditures.

Fourth, if we decide at some later date that we cannot afford this B-2 system, and I believe that is going to be our likely decision, the costs to terminate the program are going to be greater than they are today. It is prudent to make the termination decision today. And those of my colleagues who are tempted to vote for the amendment made by the distinguished gentleman from Wisconsin will observe, I think, that in stretching out the program we are simply going to make the per-copy cost higher, and the ultimate termination cost higher.

Mr. Chairman, the conclusion is not simple, but to me it is clear. We simply cannot, and ultimately will not, afford the B-2.

I am reminded of the story of the little boy at the dessert table whose eyes were bigger than his stomach. For those who wish to finance the B-2 program, I believe their aspirations are bigger than the pocketbooks of the American taxpayers.

Mr. Chairman, I urge my colleagues to support the Kasich amendment and to terminate the program.

NOES—244

Ackerman
Akaka
Annunzio
Anthony
Applegate
Aspin
Atkins
Baker
Barton
Bates
Bellenson
Bennett
Bereuter
Berman
Billbray
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Browder
Brown (CA)
Brown (CO)
Bruce
Cardin
Carper
Carr
Chandler
Clarke
Clement
Coleman (TX)
Conte
Cooper
Costello
Coyne
Crockett
Darden
DeFazio
DeLums
Derrick
DeWine
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Engel
Erdreich
Espy
Evans
Fascell
Feighan
Fish
Flake
Foglietta
Ford (TN)
Frank
Frenzel
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Goodling
Gordon
Grandy

Gray
Green
Guarini
Hall (OH)
Hamilton
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Hertel
Hoagland
Hochbrueckner
Hopkins
Horton
Hoyer
Hughes
Ireland
Jacobs
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowe (NY)
Machtley
Madigan
Manton
Markey
Matsui
Mazzoli
McCloskey
McDermott
McHugh
McMillen (MD)
Meyers
Mfume
Miller (CA)
Miller (WA)
Moakley
Montgomery
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar

Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Pallone
Pannetta
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Porter
Poshard
Price
Pursell
Rahall
Rangel
Ravenel
Regula
Ridge
Roe
Rogers
Rohrabacher
Rose
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Sangmeister
Savage
Sawyer
Schneider
Schroeder
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (VT)
Snowe
Solarz
Staggers
Stallings
Stark
Stearns
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauke
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vento

Mr. SYNAR. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Chairman, my colleagues, I think sometimes that we might lose sight of the fact that we are here to decide on how we can best defend this. We can argue about the cost, we can argue about all the whys and wherefores of all the rest of the capabilities, but, after all, our job here today is to best decide how we can defend this country, not to take steps to unilaterally disarm our country, or to lessen our defense capabilities, but how best to defend our country and to deter aggression.

Mr. Chairman, it seems that every time that we come up with a good, effective weapons system, we hear the cry that it is provocative, it is destabilizing, it is a war-fighting capability. My God, I hope it does. We spend billions of dollars to insure that it does.

Mr. Chairman, we have to have effective weapons of war to deter war.

The B-2 is new technology. It is a quantum leap improvement in one leg of our triad of deterrence which has kept us out of war for a long time.

If the B-2 bomber can help keep us free then it is one of the most cost-effective programs we have. Cost? What price tag do you put on freedom? Ask those people who are not here—the ones who have fought and died in defending our freedom and are buried in graves all over this world. Ask the ones who will be called upon to fight if we don't remain strong enough to deter aggression.

□ 1330

Mr. SYNAR. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Chairman, I thank my friend for yielding me this time.

This morning during the debate, I took a look at an old CONGRESSIONAL RECORD. In April and May of 1956 they were raising the same kinds of points that they are raising today in support of this very well-intended but horrible amendment. It had to do with the B-52 bomber, and we know full well how successful that has been as a part of the triad.

The only point that I would like to make, Mr. Chairman, is that again if we spend too much for our national security, what do we lose? We lose something very important, some money. If we spend too little, we lose something which is much more important than that. We violate our oath of office to "provide for the common defense" if we spend too little.

Mr. SYNAR. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, today I want to rise in strong opposition to the Dellums-Kasich amendment,

which would kill the B-2 bomber program. I believe that this amendment would undermine our deterrent posture. We need to continue to modernize our air-breathing leg of the triad, and that is what the B-2 bomber does. It gives assured penetrating capability into the next century.

The Kasich-Dellums amendment would also undermine our position on the START agreement. Ambassador Burt, Secretary Cheney, and the President, have all pointed out that in START we are trying to reduce ICBM's and encourage bombers. We have a very favorable counting rule for bombers. If we pass the Kasich amendment, we will undermine our negotiators in Geneva.

The gentleman from Ohio [Mr. KASICH] talks about the cruise missile program. Well, I serve on the Defense Appropriations Subcommittee. The advanced cruise missile program today is in deep trouble, and if we only have cruise missiles it makes the job of the Soviet Union easier. They can go out on the periphery of the country and attack the incoming B-52's and the incoming B-1's.

It is the combination of a penetrating bomber and cruise missile capability that stretches Soviet air defenses.

I believe the B-2 is a wise and prudent investment of taxpayer dollars. If we have to vote for an amendment, let us wait and vote for the Aspin amendment, which is a much more prudent way to go.

Mr. SYNAR. Mr. Chairman, I yield such time as he may consume to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, I rise in opposition to the Kasich-Dellums amendment.

Mr. SYNAR. Mr. Chairman. I yield myself my remaining time.

Mr. Chairman, to my colleagues who have not followed this debate for the last 3 hours, it has been a very productive debate. There has been general agreement on one thing, and that is that this B-2 program is in serious trouble. In literally a matter of minutes we are going to have a clear choice on the future of this bomber.

The Kasich-Dellums-Rowland amendment will very simply terminate the B-2 bomber once and for all after the 13th plane.

On the other hand, if you believe that we as Members of Congress and on behalf of the taxpayers should look to see what the \$23 billion that we have invested is going to work out and try to get reins on this program, then I ask you to vote no on the Kasich-Dellums-Rowland amendment and vote in favor of the Aspin-Synar amendment.

Under the Aspin-Synar amendment, we will mandate cost reductions of the B-2. We will mandate a massive restructuring of this program. We will require testing before we buy the

plane. We will strengthen the program's oversight, and finally and probably most important to this debate, we will break the back of excessive secrecy which has existed for too long in this program and too many weapons systems.

Today the most responsible decision in behalf of Congress to get the most complete informed decision is to vote against the Kasich-Dellums-Rowland amendment and in favor of the Aspin-Synar amendment.

Mr. KASICH. Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, we have had a serious debate. The issue is before us. The time is now. You have an opportunity to step up to the plate and make the hard decisions.

I will not go further in our explanation in support of our amendment. We have done that as significantly and as profoundly as we thought we could.

Mr. Chairman, I yield the balance of my time to the distinguished gentleman from California [Mr. PANETTA], who is the chairman of the Budget Committee.

Mr. PANETTA. Mr. Chairman, this has been an important debate and I pay tribute to those on both sides of this issue. This is a difficult and tough issue for all of us.

My view, as is the view of the gentleman from Minnesota, is obviously a view from the budget perspective, and it goes beyond the resources that we need simply to meet our military needs to the resources of the Nation and our ability to manage those resources and to make decisions about those resources.

Our biggest bargaining chip, whether it is in arms discussions or trade decisions or diplomatic discussions of any kind is our economic strength. That is our bargaining chip and that is what is at the heart of what makes us a major power in the world today, the economic strength to provide sufficient resources to meet our military needs, but also to feed and clothe and care for our American people. That is what national security is all about, achieving that balance between defense and domestic needs. It is what Gorbachev is learning the hard way in trying to balance the choice between a Blackjack bomber or feeding starving coal miners.

The greatest weakness we have as we approach the 1990's is not our military strength and it is not our sense of vigilance. It is a serious lack of resources, a tremendous debt which is undermining our economy, and worst of all, it is the lack of political courage to make tough choices when it comes to taxes, entitlements and defense.

The B-2 bomber is that kind of tough choice. If we cannot slow down a commitment to a weapons system

that is the most questionable in our arsenal, then where do we begin? History will judge us today as still having a chance to rebuild our national resources.

This vote that comes now on this amendment is that chance. Make the tough choice. Make the right choice. Vote for Kasich-Dellums.

Mr. LEVINE of California. Mr. Chairman, I firmly believe that a strong and modern bomber force is an essential component of the U.S. strategic triad. Of all the weapons in the U.S. nuclear arsenal, bomber aircraft are the most stabilizing. They are recallable, they are slow to reach their targets, and they are survivable in the event of an enemy first strike. Strong supporters of arms control and strategic stability, as I am, have traditionally supported such weapons over land-based, first strike nuclear missiles for these reasons.

Despite my strong support for modernizing the air-based leg of the U.S. strategic triad, I do not believe we should move full speed ahead to procure the B-2 Stealth bomber, and I am supporting the Kasich-Dellums amendment today.

Although I am and have long been sympathetic to the B-2 program and the importance of stealth technology, I have two compelling concerns about the B-2 program: The program's overall cost, and the method of its procurement. The Pentagon plans to build and flight test the B-2 concurrently. As a result, we will purchase nearly a third of the total B-2 force before testing is completed. I remind my colleagues that concurrent procurement is the mistake we made with the B-1B bomber. As a result of that buy before you fly program, the taxpayers have been saddled with what may amount to an additional \$8 billion to replace the faulty electronic countermeasures system and make other needed changes—above and beyond the numerous other mishaps and revisions that resulted in delays and increased program costs for the B-1B.

Now, before even the B-1B bomber is fully capable, we are about to plunge into the procurement of another untried and untested plane. As many observers have noted, this plane is stealthy in more than one aspect. Information about the costs of this program have only recently become available and the \$70 billion price tag has caused more than a few raised eyebrows. As important as is both this program and this technology, the procurement methods and the enormous costs require making the very tough choice which the amendment requires.

I have long been a strong proponent of the view that national security is measured by more than just the size of a nation's military arsenal. The health of a nation's economy and the welfare of its people are an essential component of national security as well. At a time when drugs and gangs are destroying our cities, when many of our citizens are homeless, when our children are not receiving an education that will adequately prepare them for the 21st century, and when we are slipping in our ability to be competitive in the international marketplace, we simply cannot afford \$70 billion for a new bomber. Our national security will suffer more than it will be enhanced by such a massive expenditure.

Even assuming that we could afford this program today, the strapped defense budgets of the 1990's will surely not have room for the anticipated \$8 billion annual cost the B-2 will call for in a few years. We are only fooling ourselves if we think we will find the money for a program that will dwarf even the bloated outlays for star wars.

As difficult as it always is to know when it is time to cut losses, it is clear that the time to do so on the B-2 is now. No matter how well the B-2 might eventually perform, we cannot afford the costs of this program. I urge my colleagues to join with me and support the Kasich-Dellums amendment.

Mr. MFUME. Mr. Chairman, I join my friend and colleague from Ohio [Mr. KASICH] in support of the Kasich-Dellums amendment to limit procurement of the Stealth bomber.

The bipartisan Kasich-Dellums amendment is a reasonable approach to restructure the B-2 bomber program. This amendment will allow for the completion of the research and development program, as well as production of 13 planes for which funds have already been appropriated.

The B-2 bomber program has already consumed \$23 billion in research and development and production funds before its first successful test flight just last week. At \$530 million per plane this program is the most expensive weapons system in history that will cost more than \$70 billion overall. Mr. Chairman, at such a tremendous cost a single B-2 bomber will literally be worth its weight in gold.

Opponents of this amendment argue that since we have already spent \$23 billion, we are obliged to spend \$50 billion more of the taxpayers money on a program that we are not sure what its mission is to be or how well the plane will operate under an actual military-conflict situation. How can we ask our constituents to bear the burden of such an expensive program at a time when we are beset with a tremendous Federal budget deficit, an increase in the trade deficit, and a tight defense budget? It simply doesn't make sense especially since the Defense Department will be faced with a \$125 billion budget shortfall over the next 5 years according to the Government Accounting Office.

Mr. Chairman, the Kasich-Dellums amendment reasserts financial responsibility on the part of the House by saving \$50 billion. In my opinion, it is quite obvious that the B-2 bomber simply costs too much and is not vital to our national security interest at the present time.

I urge my colleagues to vote in favor of the Kasich-Dellums amendment now before the House.

Mr. POSHARD. Mr. Chairman, I rise in strong support of the Dellums-Kasich-Rowland amendment to limit production of the B-2 bomber to the 13 aircraft for which funding has already been provided.

If we cannot afford to fully fund the WIC program, if we cannot find the funds to fight drugs, retain displaced workers and take care of our poor and elderly, then we certainly cannot and should not spend an additional \$70 billion to buy 132 bombers.

With a Federal deficit approaching \$3 trillion, it is simply irresponsible to even consider

buying airplanes which cost half a billion dollars apiece.

In my district in southern Illinois, we have the highest unemployment rate in the State—twice the national average. We have thousands of unemployed coal miners who need jobs and job training. We have veterans and seniors in desperate need of quality health care. The 22d District cannot afford to pay the \$1 million it would be taxed for every Stealth bomber which rolls off the assembly line.

Mr. Speaker, the Stealth bomber is tremendously expensive and my constituents just cannot afford it. If there were a way to eliminate the program completely, I would support it, but the Dellums amendment is the best option we have.

In the interest of the people of the 22d District, I am going to vote to keep the costs of this program as low as possible. I urge all of my colleagues to join with me in support of the Dellums-Kasich-Rowland amendment.

Mr. LOWERY of California. Mr. Chairman, I rise in support of the B-2 program and in strong opposition to the Kasich-Dellums amendment.

For over 30 years, long-range manned bombers have formed an integral and uniquely flexible leg of our strategic triad. This triad of manned bombers, ICBM's, and SLBM's complement each other so that their combined effectiveness is greater than the sum of their parts. The careful maintenance of this triad has played a crucial role in deterring war in the nuclear age. By the year 2000, the capability of the bomber leg of the triad, composed primarily of aging B-52's, will be greatly reduced. Production of the B-2 bomber is vital to the preservation of an effective strategic deterrent force.

The estimated price of the B-2 program has been the subject of much debate. As is the case with any expenditure, the cost of the B-2 must be put in proper perspective. There are simply no low-cost alternatives to the B-2, and, no alternatives whatsoever that match its advanced technology and mission capabilities.

With current and projected advances in Soviet air defenses, by the year 2000, only the B-2 will have the capability to evade Soviet radar and penetrate Soviet airspace at higher altitudes and with much greater survivability than either the B-52 or the B-1. In addition to the technology breakthrough of its small radar profile, the B-2 can fly higher, farther, and with a greater payload than any other bomber.

If the B-2 costs too much, what could we use to replace it? Purchasing more B-1 bombers, a possible alternative to the B-2, would not be less expensive. Approximately \$47 billion is needed to finish the Stealth program. The cost of buying 132 B-1B bombers—the number of Stealth bombers the administration plans to buy—and the tankers needed to refuel them would be \$44 billion, saving only \$3 billion and forgoing all of the major advantages of the Stealth. In addition, the Air Force estimates it would require 185 B-1's to meet the same objectives as the B-2.

Does the B-2 cost more than any previous bomber? No. At 1.3 percent the B-2 program procurement represents a smaller percentage of a no-growth defense budget over the 1987–

1996 period, then did the B-1 and the B-52 programs over comparable periods.

The cost of the B-2 must be weighed against its tremendous technological value. The fruits of the research and development program in stealth technology have applications far beyond the B-2. All future, fixed-wing, combat aircraft, as well as missiles, will benefit from stealth technology. The low radar observability of the B-2 will enable us to utilize it in a variety of missions, conventional as well as nuclear.

Finally, cancellation of the B-2 program would weaken our defensive triad, force us to rely on less stable missile systems, and weaken the U.S. position in the START nuclear arms reduction talks.

Manned bombers are the most stabilizing factor in the nuclear equation. A bomber can be recalled after launch; ICBM's and SLBM's cannot. Those who argue against the MX and Midgetman will force us to rely more heavily on these missiles for deterrence if the B-2 is terminated. Increased reliance on ICBM's for deterrence will weaken the strategic balance between the United States and Soviet Union.

To those who argue that we can replace the B-2's capability by using B-52's and B-1's as stand-off platforms for air launched cruise missiles, the loss of the B-2 will seriously affect our negotiating position at the START talks.

Under START rules, penetrating bombers such as the B-2 are counted as 1 strategic delivery vehicle under the 1,600 permitted, and 1 strategic warhead under the 6,000 permitted. In contrast, bombers that carry cruise missiles are counted as a strategic delivery vehicle and each ALCM is counted as 1 warhead against the 6,000 total. Termination of the B-2 will force a total reevaluation of our strategic defense posture and our arms control strategy.

I ask my colleagues to consider not just the cost of the B-2 bomber, but its unprecedented and unrivaled capability and its value to our arms control efforts. Examined in this light, the merits of the B-2 more than justify its price tag. I strongly support the continuation of this vital program.

Mr. LEHMAN of California. Mr. Chairman, today I rise in support of the Kasich-Dellums-Rowland amendment to the Defense authorization for fiscal year 1990 which would terminate production of the B-2 Stealth bomber. The amendment permits completion of the current development program and production of 13 aircraft for which funding has already been provided. It also requires that production facilities for the B-2 be preserved to retain an option to produce additional aircraft in the future.

I am outraged by the costs of the Stealth bomber. Recently we have learned that we have already spent \$23 billion for the B-2 program and it is projected that it will require another \$50 billion before it is completed. According to the current estimate, each Stealth bomber costs approximately \$530 million, making it the single most expensive weapon program in our Nation's history. Considering that we are currently facing a budget deficit of \$150 billion, this type of expenditure is ludicrous.

The exorbitant cost is not the only concern about the Stealth. One test flight does not answer the question on whether the radical and untried technology—the avionics, airframe design, and manufacturing technology—will ever perform up to initial expectations. After encountering a number of expensive technological problems with the B-1B strategic bombers and keeping in mind the cost overruns and schedule delays with the Stealth program, we can assume more complex difficulties with the B-2 bomber.

Most importantly, we must ask ourselves whether we need this bomber. There appears to be no clear mission for the B-2. The Pentagon first claimed the B-2 would be able to hit mobile targets inside Soviet territory. Recently the Pentagon has admitted that this cannot be done for many years to come, if ever. Currently, the Pentagon claims that the Stealth bomber can be used for conventional missions to attack terrorist targets. This is completely absurd, because the United States would not send its most sophisticated half-billion dollar plane and risk it being shot down and its technology revealed. Mr. Chairman, we cannot rationalize funding a program that will spend out at a rate of \$8 billion per year at peak production when there is no mission that would justify its enormous cost.

During this time of deficit reduction it isposterous to consider a \$75-billion program that does not have a mission. To make matters worse, the General Accounting Office projects that, during the next 5 years, there will be a \$125-billion shortfall in funding for weapons systems the Pentagon has already programmed in its Five-Year Defense Plan. We must consider programs that are efficient and costs-effective, which the B-2 is not. The Stealth bomber is a bad investment no matter how you look at it.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Ohio [Mr. KASICH] as a substitute for the amendment offered by the gentleman from Oklahoma [Mr. SYNAR].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. KASICH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 144, noes 279, not voting 8, as follows:

[Roll No. 167]

AYES—144

Ackerman
Applegate
Atkins
Barton
Bates
Bellenson
Bennett
Berman
Bonior
Boucher
Boxer
Brennan
Brooks
Bruce
Cardin
Carper

Clay
Clement
Conte
Coyne
Crockett
DeFazio
Dellums
DeWine
Dingell
Downey
Durbin
Early
Eckart
Edwards (CA)
Engel
Espy

Evans
Feighan
Flake
Foglietta
Ford (TN)
Frank
Frenzel
Garcia
Gejdenson
Gibbons
Grandy
Gray
Green
Hawkins
Hayes (IL)
Hertel

Hopkins
Horton
Hughes
Ireland
Jacobs
Johnson (SD)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kildee
Kleczka
Kolbe
Kostmayer
LaFalce
Leach (IA)
Lehman (CA)
Lehman (FL)
Levine (CA)
Lewis (GA)
Lowey (NY)
Machtley
Madigan
Markey
Martinez
Mfume
Miller (CA)
Mineta

Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Archer
Armey
Aspin
AuCoin
Baker
Ballenger
Barnard
Bartlett
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlt
Boggs
Borski
Bosco
Broomfield
Browder
Brown (CA)
Brown (CO)
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Carr
Chandler
Chapman
Clarke
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Cooper
Costello
Coughlin
Cox
Craig
Crane
Darden
Davis
de la Garza
DeLay
Derrick
Dickinson
Dicks
Dixon

Moakley
Moody
Morella
Morrison (CT)
Mrazek
Neal (MA)
Oakar
Oberstar
Obey
Owens (NY)
Owens (UT)
Pallone
Panetta
Payne (NJ)
Pease
Pelosi
Penny
Perkins
Porter
Poshard
Price
Rahall
Rangel
Ravenel
Ridge
Roth
Roukema
Rowland (CT)
Roybal
Russo
Sangmeister
Savage

NOES—279

Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Dreier
Duncan
Dwyer
Dymally
Dyson
Edwards (OK)
Emerson
English
Erdreich
Fascell
Fawell
Fazio
Fields
Fish
Flippo
Frost
Gallegly
Gallo
Gaydos
Gekas
Gephardt
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grant
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hiler
Hoagland
Hochbrueckner
Holloway
Houghton
Hoyer
Hubbard
Huckaby
Hunter
Hutto

Sawyer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Sikorski
Skaggs
Slaughter (NY)
Smith (VT)
Stark
Stokes
Studds
Tallon
Tauke
Towns
Traficant
Traxler
Udall
Unsoeld
Vento
Visclosky
Waxman
Weiss
Wheat
Wolpe
Yates
Yatron

Inhofe
James
Jenkins
Johnson (CT)
Jones (GA)
Kennelly
Kolter
Kyl
Lagomarsino
Lancaster
Lantos
Laughlin
Leath (TX)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Luken, Thomas
Lukens, Donald
Manton
Marlenee
Martin (IL)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (OH)
Miller (WA)
Molinaro
Mollohan
Montgomery
Moorhead
Morrison (WA)
Murphy
Murtha
Myers
Nagle
Natcher
Neal (NC)
Nelson

Nielson	Sarpallus	Stenholm
Nowak	Saxton	Stump
Olin	Schaefer	Sundquist
Ortiz	Schiff	Swift
Oxley	Schuetz	Synar
Packard	Shumway	Tanner
Parker	Shuster	Tauzin
Parris	Sisisky	Thomas (CA)
Pashayan	Skeen	Thomas (GA)
Patterson	Skelton	Thomas (WY)
Paxon	Slatery	Torres
Payne (VA)	Slaughter (VA)	Torricelli
Petri	Smith (FL)	Upton
Pickett	Smith (IA)	Valentine
Pickle	Smith (MS)	Vander Jagt
Pursell	Smith (NE)	Volkmer
Quillen	Smith (NJ)	Vucanovich
Ray	Smith (TX)	Walgren
Regula	Smith, Denny	Walker
Rhodes	(OR)	Walsh
Richardson	Smith, Robert	Watkins
Rinaldo	(NH)	Weber
Ritter	Smith, Robert	Weldon
Roberts	(OR)	Whittaker
Robinson	Snowe	Whitten
Roe	Solarz	Williams
Rogers	Solomon	Wilson
Rohrabacher	Spence	Wise
Rose	Spratt	Wolf
Rostenkowski	Staggers	Wyden
Rowland (GA)	Stallings	Wylie
Sabo	Stangeland	Young (AK)
Saiki	Stearns	Young (FL)

NOT VOTING—8

Collins	Dannemeyer	Hyde
Conyers	Florio	Leland
Courter	Ford (MI)	

□ 1355

The Clerk announced the following pair:

On this vote:

Mr. Leland for, with Mr. Dannemeyer against.

Mr. DE LA GARZA and Mr. HALL of Texas changed their vote from "aye" to "no."

Mr. LaFALCE changed his vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SYNAR

The CHAIRMAN pro tempore (Mr. BRUCE). It is now in order to debate amendment No. 11 offered by the gentleman from Wisconsin [Mr. ASPIN] or the gentleman from Oklahoma [Mr. SYNAR].

Pursuant to the order of the House of earlier today, the gentleman from Wisconsin [Mr. ASPIN], will be recognized for 5 minutes and a Member opposed will be recognized for 5 minutes.

Mr. DAVIS. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN pro tempore. The gentleman from Michigan [Mr. DAVIS] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Very briefly, my colleagues, we are now down to the amendment that will provide four basic things which we need in the B-2 bomber. First, cost reduction. Second, performance standards and rigorous

testing. Third, a reduction of the concurrency which is presently going on. Finally, and most importantly, the strengthening of the oversight through independent audits and the lifting of the excessive secrecy which for too long has plagued this program.

If Members want to get reins on this program, if they want to come back in a year and make an informed and complete decision about the B-2, then they have but one choice left, and that is to support the Aspin-Synar amendment.

Mr. DAVIS. Mr. Chairman, I yield such time as he may consume to the gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. Mr. Chairman, nuclear deterrence has preserved peace over 44 years.

Mr. Chairman, our nuclear deterrent has preserved the peace over the past 44 years primarily because the United States decided to split our strategic forces among land, sea, and air components. This strategic triad is crucial to a stable and effective deterrent against our adversaries.

When the B-1 bomber was considered for production by the Reagan administration during the early 1980's, many opponents felt that this weapons system was a waste of money. They argued that we should upgrade our 30-year-old B-52's with cruise missiles and other advanced electronic gear. In addition, they proposed that the United States accelerate development of the Stealth bomber, which was then viewed as the technology of the future.

Now the time has come for a decision on building the Stealth bomber, and these same liberal critics all of a sudden have a change of heart. They now oppose this system because it's too costly and it may not fly.

These critics have forgotten the strategic importance of the need for this weapons system. The Soviets have deployed several hundred mobile missiles, similar to our proposed Midgetman and MX on rail cars. Because of the vast air defense network throughout the Soviet Union, we need a bomber that is capable of evading radar to hit these mobile missiles.

The Stealth bomber fits these requirements. Its design and composition repels radar scans, and its advanced electronics could track down Soviet mobile missiles and destroy them. In addition, the potential spinoffs from the research in this advanced technology is limitless. These two factors in the minds of Soviet war planners would serve as a deterrent to starting a nuclear war. That is, in essence, real peace.

Attempts to stretch out this program will only increase the cost of the B-2 Program. We've heard from opponents of the Stealth that the bombers may eventually cost over \$1 billion a copy, using sticker shock to scare the American people into believing that we can't afford this weapon system.

But this is not what Defense Secretary Cheney proposes. If we endorse his proposal, the procurement costs will be kept at the lowest level. However, this means that we must appropriate sufficient funds to keep the

production lines open at the most cost-efficient level.

It's basically a simple lesson in economies of scale. You can't expect to save money by stretching out the costs over a longer period of time. It may work in the short-run, but ultimately it will cost the taxpayers more money. Just like family budgets, you can't expect the total cost of an interest-bearing loan to decrease if you keep lowering the monthly payment and agree to lengthen the payment period. Ultimately, it'll cost you more money.

If Cheney's proposal is enacted, the Stealth bomber would be built over a period of 5 to 7 years, making the yearly cost between an affordable \$10 to \$12 billion. This would comprise about 1.3 percent of the total defense budget, which is proportionally less than what was required to build the B-47, the B-52, or the B-1 bomber force.

Mr. Chairman, we need the B-2. The Air Force plans to retire the aging B-52 bomber force by the end of the 1990's. With only 97 B-1 bombers forming the remaining component of the air breathing leg of our triad, this will not be a sufficient force to evade the sophisticated and dense air defense network surrounding the Soviet Union. The bomber force comprises the most stable leg of our triad because of its ability to be recalled after take-off. Unlike the ICBM force, we cannot bring the missiles back once they've been launched. That's why we need the next generation of aviation technology to maintain our deterrent.

Finally, because the President has emphasized retaining the most stable component of our nuclear deterrent in arms control talks, the bomber force will be assigned a very large percentage of our targets. In the initial START negotiations, despite the number of warheads a bomber can carry, it will be counted as one nuclear weapon for purposes of arms reduction. Other strategic systems will be counted on the basis of the number of warheads they can carry. In other words, the Soviet Union and the United States have agreed in principle to assign a greater priority to the bomber component of the triad.

As a result, to cut the B-2 will severely damage our capability to penetrate the Soviet Union in the post-START environment. This is not the time to abolish the bomber component of our triad. Combined with the land-based mobile missile force, the bomber wing would add a stabilizing factor to our deterrent.

Mr. Chairman, I encourage my colleagues to oppose all amendments that restrict our ability to proceed with the B-2 program. These amendments undercut the President's arms reduction proposal in Geneva. In addition, all that research into the cutting-edge stealth technology would go down the drain.

What a waste that would be. Stealth technology is the next generation of research in aviation, which have many other military and civilian applications. Let's resist sticker shock, and support the President's bipartisan strategic nuclear modernization proposal.

Mr. DAVIS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Alabama [Mr. DICKINSON], the ranking member of the Armed Services Committee.

□ 1400

Mr. DICKINSON. Mr. Chairman, reluctantly I rise in opposition to the pending Aspin-Synar amendment, because I support the committee position, I support the committee position, because I feel that is the most economically sound and reasonable way.

The Air Force, in furnishing the figures, says that the Aspin-Synar amendment would increase the research and development program by \$300 million and aircraft procurement cost by \$3 billion.

The initial operational capability would be delayed by about 9 months. In just the remaining months of 1989, fiscal year 1989, this amendment would increase the cost of research and development by \$33 million and procurement of aircraft by \$352 million.

The Aspin-Synar amendment would, in effect, build a 1-year delay into the program each and every year because of the restriction of the obligation and expenditure of funds.

Really it boils down to this: We have a tough choice. I will tell you, anything that goes to delay the production of the program just runs up the unit cost. This is very restrictive. As Mr. SYNAR has said, this brings about a radical restructuring of the whole program.

I really believe that the committee position is the best. I would urge a vote against Aspin-Synar so that we can sustain the committee position.

Mr. ASPIN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, the debate that we have had over the B-2 bomber will continue. The question about its effectiveness and its cost will continue to be a concern for every Member of Congress and every taxpayer. I am happy that the committee and the chairman have agreed to an amendment which I have offered which will require that we receive on an annual basis not only a classified report on the cost and effectiveness of this project but also an unclassified report so that we can discuss the merits and the future of this project with the people who are more responsible for paying for it, our constituents, the taxpayers of this country.

I think that this report will help bring information to the eyes of the Congress and the Nation and help us evaluate this project in the years to come.

Mr. ASPIN. Mr. Chairman, I would like to point out that the amendment the gentleman from Illinois is referring to is part of the amendment that the gentleman from Oklahoma [Mr. SYNAR] and myself have introduced. It is a very important part of that amendment, and I want to commend the gentleman from Illinois [Mr.

DURBIN] for his addition to our amendment.

Mr. DAVIS. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, it is not every day we have the opportunity to revisit a decision previously made.

I had an amendment to the Aspin-Synar amendment which, as you know, failed a few moments ago. But I think we should take a good look at this. If the Aspin-Synar amendment fails, what do we go back to? We do not go back to what the Secretary of Defense sent over, a \$4.7 billion request. We go back to \$3.9 billion, some \$800 million less than the request. That is what is in the bill. That is what I proposed as an amendment a moment ago. That is what I propose we do now.

I think it is important that we look at this in light of the testimony of the Secretary of Defense when he came before our committee and he said, "Either do it or kill it." This amendment delays a vote on the final decision on this for 1 whole year, if you read it carefully.

I urge a "no" vote on the Aspin amendment.

Mr. ASPIN. Mr. Chairman, we have one more speaker. We would like the other side to use their time and then we may finish on our side.

Mr. DAVIS. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. McEWEN].

Mr. McEWEN. I thank the gentleman.

Mr. Chairman, I rise to express my appreciation to the chairman of the Committee on Armed Services and his cosponsor, Mr. SYNAR, for introducing this amendment.

It appeared some weeks ago that we were going to make a tragic mistake in this important handoff from the Committee on Intelligence to the Committee on Armed Services when we became aware of this program. It looked as though very possibly the Dellums-Kasich amendment whereby we would take 14 years of research supported by 6 Presidents, 7 Secretaries of Defense, 10 National Security Advisers, and all of that research and development, put it in a pile and throw it away.

It was a very, very dangerous position. So the chairman of the Committee on Armed Services said, "Let me strike a balance between two proposals. Number one, building it; number two, throwing it away; number three," standard operating procedure for the Pentagon, "let's just stretch it out."

So, at the time, 2 weeks ago, it appeared as though that that might be a responsible position to take rather than throwing away all the work and progress we have come to.

Yet just moments ago by a vote of greater than 2 to 1, this House of Rep-

resentatives said, "No, we are not going to take the greatest technological advances since the jet engine, this tremendous leap forward in aerospace technology, we are not going to throw it away, we are going to proceed."

Now the question is, Do we do it as the Committee on Armed Services said or do we stretch it out, adding additional cost? We have already stretched it out 1 year. We jumped the cost from \$400 million a copy to \$523 million.

Under the Aspin-Synar amendment we stretch it out even further.

The question is, as posed by the gentleman from Missouri so well, "Let's either do it or let's kill it."

We have already determined we are not going to kill it.

Now let us look forward to the future as every fighter aircraft, every bomber aircraft from now on would be built with the Stealth technology. We will look back at these big heavy airplanes, we try to load them with anti-jamming equipment to look as primitive as the days when we had the piston engine. We are now on the threshold of a quantum leap forward. Let us proceed to do it.

Every day that we wait it will cost more.

Let's do it.

Mr. DAVIS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would doubt that anything that we can say at this point will stop the Aspin-Synar amendment from being adopted. But I think we ought to be clear on exactly what is happening.

As the gentleman from Alabama [Mr. DICKINSON], the ranking member, said, if we go ahead with the Aspin amendment it will add costs to the program, \$3.3 billion. When you divide that out, if in fact we go ahead with eventually 132 airplanes, we are going to add to the cost approximately \$30 million per aircraft.

I just want you to be aware of that.

If we defeat the Aspin-Synar amendment, we will end up with a committee position which is 132 bombers. We have already cut \$800 million out of the program. So we would go back to the committee position. I think that is the responsible way to go. Go ahead with the bomber. We defeated the Kasich amendment. Let us go ahead with it. There is enough fencing both on the House side and on the Senate side, in the committee amendment, to fence the program, to look at it so we can make an intelligent decision in the future.

The proper way to go, I think, is to defeat the Aspin-Synar amendment and to go with the committee position.

Mr. ASPIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me tell you that there are a number of people who have said that this program will cost

more money if we vote for the delay that is in our amendment. It only costs more money if two things happen: No. 1, we decide to go ahead with the full bore \$70 billion, 132-plane program.

□ 1410

Mr. Chairman, as I was saying, this amendment only costs money under two circumstances: No. 1, that we ultimately decide to go with the \$70 billion 132-plane program; No. 2, everything works perfectly, all the testing works perfectly. If that is the case, then what we are buying with the extra time and money is a little peace of mind that we made the right decision. However, the fact of the matter is, there is no chance, no way, we can go ahead with the program that is as costly as has been laid out.

Part of this amendment is to tell the Air Force, go back, restructure the program, come up with a cheaper program by buying less than 132, and then Congress will have a chance to vote on that. Second, it gives some time for testing. Moneys spent early, to make sure that we test before we buy, is money well spent. It is only money down the drain if the subsequent tests prove to be perfect without any further fiddling. As history has shown, when we do not spend the money up front, and do not test before we go ahead with full production, we waste money in the outyears.

This amendment does not cost money. This amendment will save money. It will give the administration and the Air Force a chance to come back with a restructured program that is more acceptable politically in this constrained environment, fiscal environment that we are living in. It will give Members a chance to test this plane, and test it enough to know whether we want to go into full production. This amendment fences the money in 1990 and says, "Let's go back, take a look at it, take a little time. At some point we will be back with a recommendation. Go/no-go." This is not the time to make that decision. Let Members restructure the program, let the Air Force restructure the program, let the Air Force test the plane and make the go/no-go decision a little later. I urge the adoption of the amendment.

Mr. DIXON. Mr. Chairman, today I rise to express my support for the amendment offered by the chairman of Armed Services LES ASPIN and Representative MIKE SYNAR.

I realize that the B-2 program costs a great deal of money. But, the procurement cost of the B-2 is only 1 percent of the total defense budget over the life of the program. It's only 20 percent higher than the B-1 despite its technological quantum leap. The B-2 will consume a smaller percent of future defense budgets than the B-52 did in the 1950's-1960's or the B-1 in the early 1980's.

We cannot change the amount we spend on defense. Whether we vote to terminate

production of the B-2 Stealth bomber or fund the program, our defense budget is nonnegotiable. An agreement between Congress and the White House set spending limits on defense and social programs. No matter what we do here today, we cannot—I repeat, cannot—shift resources from the B-2 to the drug war, to our schools, or to affordable housing. That means if we vote to dismantle the B-2, we will have no choice but to shift funds to other weapons systems and defense programs. Considering the new technological frontiers of the B-2, that would make little sense.

I believe the B-2, with its immense technological advantages, is a system that we can ill afford to eliminate. The question is: Can we afford not to eliminate it? The answer, guardedly, is yes. No weapons program deserves carte blanche treatment. I believe we should place restrictions on the B-2 program and demand greater accountability on the part of the contractors. The American taxpayers deserve it. We should freeze all spending until the Pentagon redesigns the program to make it more economical. We should cut the number of planes until the aircraft has successfully completed its first series of flight tests. It is essential that the B-2 meet its test objectives before we fund full scale production.

I believe we have built in sufficient safeguards—safeguards that guarantee that a decision on full scale production of the B-2 will not take place until the Stealth is capable of performing. By the time the decision on full rate production is made, each aspect of the plane and its radar system will have been thoroughly tested. We will know what our dollars are being spent on.

Nationwide, the B-2 is supported by tens of thousands of working men and women in 46 of our 50 States. Over the past week, I have received letters and telephone calls from many of those workers whose jobs are at risk. We cannot mothball the thousands of workers whose jobs will be terminated should we vote not to continue the program.

The highly advanced Stealth bomber has revolutionized the concept of strategic defense. The aircraft is designed to be invisible to radar tracking, which could render obsolete hundreds of billions of dollars of Soviet air-defense investment including radars, interceptor aircraft and surface-to-air missiles. It will augment a strategic bomber force which has dwindled from 1,600 in the early 1960's to less than 350 by 1990.

Through the research and development of the B-2, we have learned how to incorporate the highest degree of low observable technology into a practical weapon system with all the range and payload and dependability in a strategic bomber. The Stealth is a 150-ton flying wing, product of 900 new materials and processes, with a million parts and 200 on-board computers, with radar-nullifying technologies.

The revolution in design and manufacturing technologies as well as the advances in materials resulting from B-2 development will be applicable to our commercial aerospace and development. Even opponents of the program agree that it has produced technological expertise that can be applied to other programs,

such as the Stealth cruise missile, and fixed wing, combat aircraft.

But, Mr. Chairman, can we afford it? Manned bombers will long remain a vital component of America's strategic nuclear deterrent. Yes, the Air Force already has the B-52. But the B-52, with all its tested capabilities, is over 27 years old. The B-1 is beset with severe problems, including an electronic jamming system that may be beyond remedy.

The Stealth is an important part of our defense triad, and offers the best guarantee that a nuclear attack will not be launched against the United States and its allies. It will provide a safer, more stable, and more flexible deterrent to a nuclear attack. Cruise missiles cannot replace the penetrating bomber in the triad. At a time when we are proceeding toward an arms reduction agreement with the Soviets, our objective should be to reduce the reliance on the more threatening intercontinental ballistic missiles. Recallable, manned bombers are considered far more stable. They are not first-strike weapons.

The B-2 deserves our continued support. It will serve our long-range and long-term security interests—it will improve our military technological capability—it will create spinoff technologies for our civilian economy—and it will preserve the jobs of thousands of Americans.

Mr. Chairman, at this stage I believe we can ill afford to stop the Stealth Program. I am convinced that to terminate or dismantle it would be short-sighted. While I have reservations as to quality and cost control, I support continual funding, and agree that we should move forward with caution.

Mr. HANSEN. Mr. Chairman, the B-2 Stealth bomber is an issue that rightly concerns us all. I rise today to discuss a key aspect of this complex, but important, program. The issue is whether a bomber which is able to penetrate the air defenses of the Soviet Union is a sound idea.

I have heard some of my colleagues suggest that if we go with the B-2, we will simply be pushing the Soviets toward greater reliance on bombers and cruise missiles. And since our air defenses against Soviet strategic bombers and cruise missiles are on the weak side, the United States would be the net loser. So, if we move forward with the B-2, we are simply putting ourselves in a position of having to make major investments in U.S. air defenses.

While this argument may sound plausible, I do not believe it is based on reality. If we look back over the last 40 years of strategic arms competition between ourselves and the Soviets, this country has consistently and successfully posed a penetrating bomber threat to the Soviet Union. Yet, while the Soviets have maintained small numbers of heavy bombers, the capability of their long-range aviation has been modest compared to ours and the focus of their bombers has been primarily in support of theater war on the U.S.S.R.'s periphery.

So, the Soviets have never been inclined to lean heavily on penetrating bombers as a major component of their nuclear force posture. For reasons unrelated to what we have done in strategic arms, the Soviet leaders have preferred, instead, to emphasize land-based and submarine-launched ballistic mis-

siles. They have sought to cope with U.S. strategic bombers not by building bombers, but by building ballistic missiles and investing heavily in territorial air defenses.

Given this long-standing preference, it is hard to understand why the B-2 would now provoke them to respond in kind. Indeed, given the Soviets' great need to restructure their failing economy, the next decade would appear to be the worst time imaginable for them to try to match United States bomber capabilities. At best, the Soviets could not hope to field a bomber comparable to the B-2 for at least one decade, and probably not for two. Moreover, they could only do so if they managed to duplicate the advanced design and manufacturing technologies that have taken us a decade to create in this country.

But suppose the worst. Suppose the Soviets shifted more of their strategic offensive capabilities to bombers and cruise missiles. Would they be able, as some believe, to confront the United States with the need for large investments in territorial air defenses? I don't think so.

The easiest Soviet option would be to deploy more of what they already have: the Bear H cruise-missile carrier and the Blackjack bomber. But the U.S. response to such a response would have to be massive. In recent years, our air defenses against such systems have undergone prudent modernization. Modern F-15's and F-16's have replaced the F-106's on which we previously relied; and we have new North warning system radars as well as AWACS. So we have the infrastructure on which to build, and we should be able to keep pace with the threat the Soviets pose by the kinds of bombers and cruise missiles the Soviets currently possess.

What this tells me is that the concerns of my colleagues about what the Soviet might eventually do in response to the B-2 is an excessive fear which springs from automatically granting the Soviets military capabilities identical to our own.

Manned, penetrating, heavy bombers represent an area in which the United States has enjoyed a significant advantage for decades, although the Soviets' massive investments in radar-based air defenses have increasingly chipped away at this advantage since the early 1960's. The B-2's Stealth features would allow us to reestablish our earlier margin of advantage by negating Soviet strength in territorial air defenses. We simply cannot afford to throw away the opportunity to do so just as the B-2's promise is on the brink of realization.

The CHAIRMAN pro tempore (Mr. BRUCE). All time has expired.

The question is on the amendment offered by the gentleman from Oklahoma (Mr. SYNAR).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. ASPIN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 257, noes 160, not voting 14, as follows:

[Roll No. 168]

AYES—257

Ackerman	Hatcher	Penny
Akaka	Hayes (IL)	Perkins
Annunzio	Hayes (LA)	Petri
Anthony	Hefley	Pickett
Applegate	Hefner	Pickle
Aspin	Hertel	Porter
Atkins	Hochbrueckner	Poshard
Baker	Horton	Price
Bates	Hoyer	Pursell
Beilenson	Hughes	Rahall
Bennett	Jacobs	Rangel
Bereuter	Jenkins	Ravenel
Berman	Johnson (CT)	Regula
Bilbray	Johnson (SD)	Richardson
Billirakis	Johnston	Ridge
Boehlert	Jones (GA)	Roe
Boggs	Jones (NC)	Rogers
Bonior	Jontz	Rohrabacher
Borski	Kanjorski	Rose
Bosco	Kaptur	Roth
Boucher	Kastenmeier	Roukema
Boxer	Kennedy	Rowland (GA)
Brennan	Kennelly	Russo
Brooks	Kildee	Sabo
Browder	Kleczka	Saiki
Brown (CA)	Kolter	Sangmeister
Brown (CO)	Kostmayer	Savage
Bruce	LaFalce	Sawyer
Bustamante	Lantos	Saxton
Campbell (CO)	Leach (IA)	Schaefer
Cardin	Lehman (CA)	Scheuer
Carper	Lehman (FL)	Schneider
Carr	Levin (MI)	Schroeder
Chandler	Levine (CA)	Schulze
Clarke	Lipinski	Schumer
Clay	Lloyd	Sensenbrenner
Coleman (TX)	Long	Shaw
Conte	Lowey (NY)	Shays
Cooper	Lukens, Thomas	Sikorski
Costello	Madigan	Siskis
Coyne	Manton	Skaggs
Crockett	Markey	Slattery
Darden	Martinez	Slaughter (NY)
de la Garza	Matsui	Smith (FL)
Dellums	Mavroules	Smith (IA)
Derrick	Mazzoli	Smith (NE)
Dicks	McCloskey	Smith (NJ)
Dingell	McDade	Smith (VT)
Dixon	McDermott	Snowe
Donnelly	McHugh	Solarz
Dorgan (ND)	McMillen (MD)	Spratt
Downey	McNulty	Staggers
Duncan	Meyers	Stallings
Durbin	Mfume	Stark
Dwyer	Miller (CA)	Stearns
Dymally	Miller (WA)	Stokes
Dyson	Mineta	Studds
Early	Moakley	Swift
Eckart	Montgomery	Synar
Edwards (CA)	Moody	Tallon
Engel	Morella	Tanner
English	Morrison (CT)	Torres
Erdreich	Morrison (WA)	Torricelli
Espy	Mrazek	Towns
Evans	Murphy	Trafficant
Fazio	Murtha	Traxler
Feighan	Natcher	Unsold
Fish	Neal (MA)	Upton
Foglietta	Neal (NC)	Valentine
Ford (TN)	Nowak	Vento
Frank	Oakar	Visclosky
Garcia	Oberstar	Volkmer
Gejdenson	Obey	Walgren
Gephardt	Olin	Walsh
Gibbons	Ortiz	Waxman
Glickman	Owens (NY)	Weiss
Gonzalez	Owens (UT)	Weldon
Goodling	Pallone	Wheat
Gordon	Panetta	Whitten
Gray	Parker	Williams
Green	Parris	Wise
Guarini	Patterson	Wolpe
Hall (OH)	Payne (NJ)	Wyden
Hamilton	Payne (VA)	Yates
Harris	Pease	Yatron
Hastert	Pelosi	

NOES—160

Alexander	Armey	Bartlett
Anderson	AuCoin	Bateman
Andrews	Ballenger	Bentley
Archer	Barnard	Bevill

Bliley	Henry	Paxon
Broomfield	Herger	Quillen
Bryant	Hiller	Ray
Buechner	Hoagland	Rhodes
Bunning	Holloway	Rinaldo
Burton	Hopkins	Ritter
Byron	Houghton	Roberts
Callahan	Hubbard	Robinson
Campbell (CA)	Huckaby	Rostenkowski
Chapman	Hunter	Rowland (CT)
Clement	Hutto	Sarpallus
Clinger	Inhofe	Schiff
Coble	Ireland	Schuetz
Coleman (MO)	James	Shumway
Combest	Kasich	Shuster
Coughlin	Kolbe	Skeen
Cox	Kyl	Skelton
Craig	Lagomarsino	Slaughter (VA)
Crane	Laughlin	Smith (MS)
Davis	Leath (TX)	Smith (TX)
DeFazio	Lent	Smith, Denny
DeLay	Lewis (CA)	(OR)
DeWine	Lewis (FL)	Smith, Robert
Dickinson	Lewis (GA)	(NH)
Dornan (CA)	Lightfoot	Smith, Robert
Douglas	Livingston	(OR)
Dreier	Lowery (CA)	Solomon
Edwards (OK)	Lukens, Donald	Spence
Emerson	Machtley	Stangeland
Fawell	Marlenee	Stenholm
Fields	Martin (IL)	Stump
Flippo	Martin (NY)	Sundquist
Frenzel	McCandless	Tauke
Frost	McCollum	Tauzin
Galleghy	McCrery	Thomas (CA)
Gallo	McCurdy	Thomas (GA)
Gaydos	McEwen	Thomas (WY)
Gekas	McGrath	Udall
Gillmor	McMillan (NC)	Vander Jagt
Gilman	Michel	Vucanovich
Gingrich	Miller (OH)	Walker
Goss	Molinari	Watkins
Gradison	Mollohan	Weber
Grandy	Moorhead	Whittaker
Grant	Myers	Wilson
Gunderson	Nagle	Wolf
Hall (TX)	Nelson	Wylie
Hammerschmidt	Nielson	Young (AK)
Hancock	Oxley	Young (FL)
Hansen	Packard	
Hawkins	Pashayan	

NOT VOTING—14

Barton	Fascell	Lancaster
Collins	Flake	Leland
Conyers	Florio	Roybal
Courter	Ford (MI)	Sharp
Dannemeyer	Hyde	

□ 1431

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. LANCASTER. Mr. Chairman, on the last vote, rollcall no. 168, I was present in the Chamber and inserted my voting card in a voting box and intended to cast my vote for the amendment. For some reason, the vote did not take.

I returned to my office, and colleagues who had seen me vote but noticed that my vote did not register called me at my office, but I was not able to get back to the Chamber in time to insert my card again and vote.

Mr. Chairman, I wish to have the RECORD show, immediately following the vote, that I do support the amendment, and that I would, if I had been voting correctly, have voted "aye" on that amendment.

PERSONAL EXPLANATION

Mr. FASCELL. Mr. Chairman, I was unavoidably out of the Chamber on committee business and either did not

hear the bells or they did not ring. In any event, I did not get back to the Chamber in time to cast my vote on the last amendment, the Aspin amendment on the B-2 bomber. Had I been here, I would have voted for that amendment, in the affirmative.

□ 1430

The CHAIRMAN pro tempore (Mr. DURBIN). It is now in order to consider the amendments relating to intercontinental ballistic missiles printed in part 1 of House Report 101-168, by, and if offered by, the following Members or their designees, which shall be considered in the following order only: Representative DELLUMS; Representative HERTEL; Representative FRANK; Representative SPRATT; and Representative MAVROULES.

Mr. ASPIN. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN pro tempore. Without objection the gentleman from Wisconsin [Mr. ASPIN] is recognized for 5 minutes.

There was no objection.

Mr. ASPIN. Mr. Chairman, the purpose for doing this is to review where we are in the schedule for today and to talk about where we want to go in the future.

Mr. Chairman, we have finished the issue of the B-2 bomber. We are now proceeding according to the rule laid out on a series of amendments relating to the ICBM programs, and we have five different amendments. All of them have been printed. All of them are available to the Members. The procedure will be, according to the rule, a 30-minute debate on each of these amendments followed by a vote, the time to be divided 15 minutes by the proponent of the amendment and 15 minutes by an opponent of the amendment, and we will vote on them in sequence. We will begin with five of these amendments, and that will take care of the issue. We are then completed with the two big parts of today's bill before we complete today's action.

Mr. Chairman, we would also allow this evening for a few minutes to go back to some of those part B class 2 amendments that we were doing last night. If the House will remember, we postponed action on some of those amendments because the Cheney budget was under consideration and the amendments applied to the procurement part of the bill. What we would like to do tonight is to go back, now that we have dealt with the issue of the Cheney budget, go back and pick up those amendments. We are looking for, in this case, maybe six more amendments done. We would like to, and it is up, of course, to the Chair to decide, but we would like to roll the vote tonight or today as we did last night to deal with those.

Mr. Chairman, in that regard I have an important statement. Under the rule we are to give an hour's notice, a 1-hour notice, of the callup of these amendments. This hereby certifies as the 1-hour notice. In fact it is more like a 4-hour notice because it will take us 4 hours to get through the ICBM's. But in accordance with section 2, paragraph 6, of the rule, I would like to give notice that the remaining amendments in section 2 of the Committee on Rules report, except for the amendments numbered 30, 31, 32, and 33, will be considered later today after the last of the votes on the ICBM issue.

Mr. Chairman, that notification is given to warn all Members that, if they do not come and are not here, they run the risk of not being able to offer their amendment.

We did get through most of the amendments last night. The remaining amendments will be dealt with tonight, and the Members should be on notice that, if they miss their appearance, they may not get a chance to offer their amendment.

The CHAIRMAN pro tempore. The Chair will note that the gentleman from Wisconsin [Mr. ASPIN], the manager of the bill, has given notice as of approximately 2:35 p.m. that these amendments will be called later in the day.

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DELLUMS:

At the end of title II (page 55, line 8), insert the following new sections:

SEC. 255. TERMINATION OF SMALL ICBM PROGRAM.

(a) TERMINATION OF PROGRAM.—The Secretary of Defense shall terminate the small ICBM program.

(b) LIMITATION.—No funds may be obligated or expended after the date of the enactment of this Act for a contract for the small ICBM program, other than expenditures for termination expenses required under a contract in existence on the date of the enactment of this Act.

(c) REDUCTION OF FUNDING.—The amount provided in section 201 for the Air Force is hereby reduced by \$100,000,000.

SEC. 256. TERMINATION OF MX RAIL-GARRISON PROGRAM.

(a) TERMINATION OF PROGRAM.—The Secretary of Defense shall terminate the MX Rail-Garrison basing mode program.

(b) LIMITATION.—No funds may be obligated or expended after the date of the enactment of this Act for a contract for the MX Rail-Garrison basing mode program, other than expenditures for termination expenses required under a contract in existence on the date of the enactment of this Act.

(c) REDUCTION IN FUNDING.—The amount provided in section 103 for procurement of missiles for the Air Force is hereby reduced by \$163,607,000. The amount provided in section 201 for the Air Force is hereby reduced by \$774,244,000.

Page 287, strike out lines 1 and 2.

Page 296, after line 10, add the following:
(d) REDUCTION.—The total amount authorized by subsection (a) and the amount authorized by paragraph (1) of such subsection are each reduced by \$104,850,000.

The CHAIRMAN pro tempore. Under the rule, the gentleman from California [Mr. DELLUMS] will be recognized for 15 minutes in support of the amendment, and a Member opposed will also be recognized for 15 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I might just say at the outset that this is an exhausting rule. We just came out of a very exhausting debate on the B-2, and now those of us who are principal supporters of amendments dealing with modernization of our ICBM's now have to come back to a very grueling debate.

Having said that, I would like, with your indulgence, Mr. Chairman, to point out that the amendment that this gentleman from California [Mr. DELLUMS] is offering is an amendment that would strike the funds for both mobile systems, the MX rail garrison and the weapons system that we euphemistically refer to as the Midget Man. Let me tell my colleagues why.

Go back historically, particularly for those of my colleagues who have not been in the Congress for a long time. The rationale for a mobile missile was based upon an argument that has been rattling around Washington, DC since the early 1970's. The argument is called the window of vulnerability. It goes as follows:

Mr. Chairman, the argument is that our land-based missiles, the land-based leg of our nuclear triad, would be vulnerable to Soviet attack by the mid-to late-1980's because our missiles are in fixed silos. The rationale was that we close the window of vulnerability if we took those fixed-based missiles and put them in a mobile mode. The Pentagon went on a magnificent journey trying to find a mobile missile.

At one time, Mr. Chairman, they thought about digging 5,000 holes in the ground, but these are not just old, garden variety holes. These are very expensive holes because the Soviet Union was not supposed to know which hole has this important strategic missile. But they disregarded that one.

Then, Mr. Chairman, we came up with a race track concept which I thought was kind of interesting.

Then we came up with a mass transit system which, for a moment, had great appeal to this gentleman. Since the Pentagon has greater capacity to derive resources than we in the civilian sector, I thought maybe we ought to allow them to build this mass transit system connecting 435 congression-

al districts and allow the MX missile to travel all around, and once we got it built, we could then civilianize it, and we would have a mass transit system connecting the entire United States, and we could get rid of the pollution derived by automobiles. That had a certain logic to it, so the Pentagon decided to get away from that.

During the Carter administration we came up with dense pack. As a matter of fact, on numerous occasions I have stood on the floor straight faced and just named off the nomenclature of the various mobile modes that the Pentagon tried to use to figure out a way to move these MX missiles around, and it cracked up everyone on the floor of Congress, and I just read it straight faced. It looked like a comedy act standup routine. But then we continued to move trying to find this mobile missile.

President Reagan is now elected to become the President. No one knows quite what to do, what mode should we place the MX missile in, so then, as we often do around here when we cannot make a decision, we establish a commission.

Former President Reagan established the Scowcroft Commission. General Scowcroft is now the National Security Adviser to the Bush administration. The Scowcroft Commission labored long and hard, but I would add parenthetically, just a quick digression, this gentleman back in the mid-1970's, when we attempted to develop a mobile MX missile, I took the well at that time and said, "You're attempting to fashion a solution to a problem that does not exist. The Soviet planner would not look at the land-based leg of our nuclear triad and say, 'Ah hah, they're vulnerable to nuclear attack. Let's send nuclear missiles toward the United States,' because they knew what I knew, and that is that the air breathing wing of our nuclear triad and our sea-launched leg of our nuclear triad could respond inflicting such incredible, unacceptable damage to the Soviet Union that they could not emerge in a civilized society.

□ 1440

My colleagues thought that this was some radical idea at the time and my effort to defeat the mobile MX missile went down in flames.

Getting back now to the Scowcroft Commission, they labored long and hard and finally came to the conclusion that they would place MX missiles in those same old fixed Minuteman silos. The argument was, "I thought you said these silos were vulnerable? Why are you placing the MX missiles in those silos?"

And guess what the Scowcroft Commission said as a justification. On page 8, if you do not believe me, paragraphs 2 and 3 of the 1983 Scowcroft Commis-

sion report, they stated in justification:

One leg of our nuclear triad does not need to be independently survivable. The survivability of our nuclear forces is in the aggregate of our nuclear forces, because the other two legs have the capacity to respond inflicting unacceptable damage upon the Soviet Union.

All of a sudden RON DELLUMS' argument became extremely credible. They even gave it a sophisticated name. They called it synergism.

Now, I would argue this, Mr. Chairman, not as a democratic argument, not as an ideological argument, but simple logic. If you accept the premise of synergism as the Scowcroft Commission did that one leg of our nuclear triad does not need to be independently survivable, that survivability is in the aggregate of our nuclear forces, those forces capable of responding, then I would argue stringently on the floor of this House that that argument of synergism slams shut for all time the window of vulnerability and puts to rest this tired, absurd old argument.

If you slam shut the window of vulnerability as a justification for a mobile MX missile system, you slam shut the door of the window of vulnerability on all mobile systems. We do not need any mobile systems.

When Secretary Cheney became the Secretary, he looked at both these missiles. He said, "I will take the MX rail garrison. I don't want the Midgetman."

The gentleman from Wisconsin [Mr. ASPIN], chairman of the Armed Services Committee and the chair of the Armed Services Committee in the other body, wrote a letter to the President and the Secretary gravely concerned about the fact that the Secretary did not support the Midgetman. They even went to the White House to importune the President, and the President in a great moment of leadership decided that he had to choose between the MX and the Midgetman, and guess what he did? He said, "I'll take both."

So now we have this great two-missile-love-in.

I am here to say to my colleagues, we do not need these two missiles, because the Soviet Union is not going to attack the United States knowing we have the capacity to blow them off the face of the Earth.

I might add parenthetically, this is the late 1980's. We have not been attacked by the Soviet Union. And guess what? We do not have a mobile land based missile system, because rationality is prevailing. Everyone realizes that once you start down the road toward nuclear war, you unload the incredible capacity to destroy all life on this planet. Anyone who believes that we can fight a nuclear war is living in a never-never land. We do not need these missiles. These are war-fighting

weapons that make no sense whatsoever.

In this period where tensions have been reduced, where détente has been revived, where Gorbachev is not a new reality, where INF is a new reality, we need to go to the table to negotiate.

President Reagan's justification for his huge military budget was, "I'll spend them to the table." So here is the Soviet Union, spent to the table. They are now saying, "You made your point. Let's negotiate."

I ask all of you, why then are we willing to spend 9-plus billions of dollars to place the MX in a mobile mode, an unnecessary \$24 to some \$30-odd billion to build the Midgetman because a few Members of Congress want the Midgetman at a time of incredible budget austerity, at a time when we need to be dealing with the human concerns of our people in this country, the children in this country, the senior citizens in this country, the homeless, the helpless, the locked out, the unemployed in this country, the people who desperately need education. Here we are in a two-missile love-in.

Mr. Chairman, we do not need either one of these mobile systems. This is an incredible waste of the American taxpayers' resources. To contemplate nuclear war, to talk about war-fighting capability, is an immoral, absurd idea.

I am a psychiatric social worker by training. I invoke that training at this moment. Anyone who thinks we can fight, survive and win a nuclear war, is by definition certifiably mentally disturbed. Make no mistake about that.

Let us deal from rationality at this moment and reject this awesome expenditure of funds that takes the world not toward peace, but toward a more dangerous place.

The CHAIRMAN pro tempore. Is the gentleman from Louisiana [Mr. McCRERY] opposed to the amendment?

Mr. McCRERY. Yes, I am, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman is recognized for 15 minutes.

Mr. McCRERY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, from the standpoint of deterrence and stability, military experts agree it is highly desirable to maintain at least a portion of each leg of the triad in a survivable posture. In our air-based leg, bombers on alert meet that criterion; in our sea-based leg, submarines at sea meet the criterion. But in our land-based leg, none of our ICBM's are survivable. They are all vulnerable to a first strike. So, if you believe in the concept of the triad as a competent approach to deterrence, and if you agree with the military experts that at least a portion of each leg of the triad ought to be survivable, then the question be-

comes—how do we achieve that for our land-based leg of the triad? Well, the Soviets figured it out several years ago—put your missiles on mobile launchers—put some of them on railcars and some on trucks in remote areas. That makes them virtually unfindable, and certainly makes the cost of attacking them way too high to be considered a viable option—thus deterrence, and stability.

After years of debate in this House, we finally have a plan, President Bush's plan, to make mobile our land-based ICBM's which seems to enjoy widespread support—support from those who have heretofore preferred the redeployment of our MX missiles—this Nation's most successful missile ever—into rail garrisons; and support from those who have heretofore preferred the development and deployment of a new missile—the so-called small ICBM, or midgetman, to be carried on trucks, or hard mobile launchers. President Bush's plan is an affordable way to deploy both—it calls for sequential, not simultaneous, deployment, and in the case of the MX, only redeployment of the 50 MX's already produced, currently deployed in fixed silos. Those 50 missiles, the most accurate in our arsenal, can be deployed in rail garrisons by 1992, with deployment complete by 1994, at a total cost from this date of \$5.6 billion. Then, the midgetman will begin to come on line in 1997, with total deployment occurring over the following several years, at a total cost from this date of about \$24.9 billion.

Not only will expending about \$30 billion over the next 15 years accomplish our agreed-upon goal of making a portion of our land-based leg of the triad survivable, and therefore a tremendously effective deterrent force, but we will also have greatly strengthened our hand in the strategic arms reduction talks. As I alluded to earlier, the Soviets already have mobile-based ICBM's in place—the SS-24, their rail garrison system, and the SS-25, their road-mobile system. Well, surely no one believes for a minute that the Soviets will give up their mobile ICBM's if the United States has none to give up, or that they will agree to an effective monitoring plan for verification of mobile ICBM limits if the United States has none for the Soviets to monitor.

The bottom line is that if we have survivable, effective mobile ICBM systems to match those of the Soviets, it strengthens our security with or without arms control, and it certainly improves our START negotiating position and our chance of achieving meaningful arms reduction. Land-based ICBM modernization has waited long enough—it is time to act. Please reject the Dellums amendment, and the four amendments to follow, keep

the modernization plan intact, and let us move forward toward a safer world.

1450

PARLIAMENTARY INQUIRY

Mr. DELLUMS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. (Mr. DURBIN). The gentleman will state his parliamentary inquiry.

Mr. DELLUMS. Is the gentleman from California, as the author of the amendment, entitled to close debate on this matter.

The CHAIRMAN pro tempore. The question is whether the gentleman from Louisiana represents the committee position on this amendment.

Mr. McCRERY. Yes.

The CHAIRMAN pro tempore. Does the gentleman from Louisiana state that he does represent the committee position?

Mr. McCRERY. Yes Mr. Chairman, I do.

The CHAIRMAN pro tempore. By custom, the Member representing the committee position is given the opportunity to close.

Mr. DELLUMS. I thank the Chair for his explanation.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, Congress spent billions on the Trident II submarine-launched missiles, and when it fired them, they did cartwheels. They looked like Shamu coming out of the ocean.

Congress then spent billions on an M-1 tank. The tests and studies now show it could not hit the ocean if it was fired from dockside. Some people say it could not hit a shopping cart at a local Safeway store.

Today Congress all but put in motion the Batplane, \$72 billion. We passed an MX missile program with billions of dollars. It was a sitting duck back then, and now, even the administration realizes it, and they want to put it on rail cars, which means this drunk turkey that cannot fly straight will not be disassembled and shipped through my district, through Lowellville and Girard, OH, and it will not even be able to be fired. What are we coming to here now?

Mr. Chairman, I agree that we cannot protect Americans and defend our country with the neighborhood crime watch and the Salvation Army, but I say here today that we do not need a missile and a bomber and a rocket for every barroom brawl in this country.

No one is talking about education, health care, roads, bridges, water lines, kids. The city of Cleveland has a higher infant mortality rate than does Ethiopia.

What are we doing with our money? We are financing all of these high-priced turkeys. It is time someone lis-

tens to this chairman from California. I stand with him and support this amendment.

Mr. Chairman, I think it is time we start cutting some of the real pork. All of these generals who tell us it is a lot cheaper to get these goods overseas, and that they need all of these high-priced items. Here is what I say to the Congress: We could hire generals a hell of a lot cheaper from Korea who would do a better job for America than these turkeys at the Pentagon.

Let us vote for this amendment.

Mr. McCRERY. Mr. Chairman, I yield 2 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I rise in support of President Bush's ICBM Modernization Program. There are currently amendments proposed to either cancel or cut the Peacekeeper Missile Program. I oppose these amendments and urge my colleagues to support full funding of the Peacekeeper and the proposed rail-garrison basing mode.

The Peacekeeper ICBM Program has the most successful development and deployment record in U.S. Air Force history. The Peacekeeper ICBM is the world's best ballistic missile, better than anything else in either the American or Soviet arsenal.

Peacekeeper was deployed on schedule, below the predicted cost, and has exceeded performance requirements in tests. Peacekeeper's reliability has met and exceeded program requirements. The Test Flight Program has been one of an unbroken string of successes. Eighteen flight tests have occurred to date. All 18 have been successful.

The Peacekeeper missile provides needed counterforce capability at affordable costs. The 50 Peacekeepers now in existence help offset the growing Soviet ICBM advantage. This ensures the continual peace and security of the western world.

This is the first step toward augmenting and replacing the aging U.S. Minuteman ICBM force. Most importantly, the 50 Peacekeepers have added to U.S. bargaining leverage at the current strategic arms reduction talks. It is vital that we keep this leverage, because I believe that the Peacekeeper's primary mission is its ability to stop a nuclear war from ever taking place.

Pulling the Peacekeeper missiles from their current silos and placing them on rail mobile launchers, based in garrisons prior to dispersal, offers many advantages to the United States.

First, the Peacekeeper Rail Garrison Program will provide an affordable and cost-effective U.S. mobile ICBM. It is estimated to cost just \$5.4 billion to convert the present force of 50 missiles to rail garrison basing, the first to be deployed in 1992 and the entire 50 in 1994.

Such mobile missiles, when dispersed, will provide much improved ICBM survivability. Peacekeepers can also be launched with just a minute or two warning when still in garrison—a fact that should deter any Soviet inclinations toward a surprise attack. Such deployments can easily be verified, should we sign a new Strategic Reduction Treaty. Deployment of such a missile also would increase the Soviet's willingness to agree to limit mobile ICBM's and approve cooperative measures that should make it easier to verify their numbers. Only during national emergency would the force be dispersed onto the U.S. rail network. Public interface would be minimal.

I urge my colleagues to fully fund the Peacekeeper Missile Program and the rail garrison basing mode. It has been a model program, one essential to the deterrence of war now and in the future.

Mr. McCRERY. Mr. Chairman, I yield 3½ minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, once again we are in a time in the debate when I think it is important to talk about the triad as a whole and our strategic systems.

First, I think we should go back to the fact that although we have lost about 1 million Americans in wars in this country defending the country, our strategic triad, that is, our deterrent that consists of our bombers, our submarines, and our land-based missiles, have deterred war and kept ourselves and our Western democracy allies in Europe at peace with the Soviet Union for 40 years and more since World War II. It is important to look at the synergism that exists between these three elements.

For example, we have bombers. Our bomber bases, even if we draw them in close to the country, can be hit at some point by submarine-launched ballistic missiles by the other side, but if those ballistic missiles are launched which are not as accurate as the SS-18 missiles that the Soviets would use to take out our silos of our land-based systems, our land-based systems would be able to survive and to launch and to get their missiles out before the very accurate Soviet land-based missiles were able to travel that 30 or 40 minutes from the Soviet Union.

Those facts are facts that are looked at by Soviet strategic planners every day and analyzed by our people as well.

The submarines are at this point still relatively invulnerable to Soviet preemption, but the Soviets are putting many, many billions of dollars into the task of being able to find and trail and destroy our submarines in a time of conflict.

I think it is important not to let the Soviet Union paralyze us with regard to the land-based leg of the triad. It is

the most stable leg, because we have command and control over here. We have those missiles on our own soil, and it is something that is going to be very important if the Soviets should achieve a breakthrough, for example, in their ability to locate our submarines.

□ 1500

We do not have the perfect answer. The facts are that the Soviet Union has built 308 SS-18 missiles, and those 3,080 warheads have the capability right now of preempting our land-based system, but that would still allow our bombers the time to escape from their bomber bases.

Mr. MOODY. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I am happy to yield to the gentleman for a short period of time. I just have a few minutes.

Mr. MOODY. Mr. Chairman, my understanding is we have 2,450 land-based warheads right now. Does the gentleman seriously think that the Soviet Union would dedicate all 3,000 of their land-based missiles or that they have any hope of knocking out all of those? That would be almost a 1-for-1 ratio.

Mr. HUNTER. Our scientists and our top intelligence people feel that the SS-18 force alone that the Soviet Union fields, that is 308 SS-18 missiles are very accurate missiles by themselves and have the capability of knocking out our land-based system, and that is without dedication of the 17's and the 19's. So the point is there is a synergism that exists, and I would hope we would not move to destroy that synergism by destroying strategic modernization.

Let me just say we have just preceded this debate with a debate on the Stealth bomber, a system that is going to cost about \$360 million per unit, per aircraft from here on out. So I guess the point is that the triad, all elements of the triad, including our strategic submarines, are becoming very, very expensive.

But to answer the words of the other gentleman who preceded me, who said this is all too expensive, strategic systems are still only about 15 percent of that defense budget, and they are a very well spent 15 percent.

I thank my colleagues, and ask that they vote against the Dellums amendment.

Mr. McCRERY. Mr. Chairman, I yield myself 1 minute just to respond to the point the gentleman made about the aim points that are in the United States vis-a-vis the Soviet number of warheads. The Soviets have 3,000 SS-18's alone. We only have a thousand aim points here in the United States. That gives them three for every aim point just with their SS-18 force, and of course they have many more thousands of warheads

other than the SS-18's in the Soviet Union to more than overcome our land-based ICBM force.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from California [Mr. DELLUMS] has 3 minutes remaining.

Mr. DELLUMS. Mr. Chairman, I yield myself my remaining time.

Mr. Chairman, in closing this debate I would like to first say to those Members who are following this debate, it is clear that no one has challenged the logic of this gentleman's argument, and they never have attempted to challenge the logic of the argument. But I will challenge their argument.

Mr. Chairman, it has been pointed out that the Soviet Union has two mobile missile systems. We get into this mentality that whatever the Soviet Union has we need. Our nuclear triad is radically different from the Soviet Union's. One-half to two-thirds of the Soviet Union's ICBM's are land-based missiles and much more vulnerable. They have to be much more preoccupied with that. I still raise the argument of synergism.

No. 2, we ought to strengthen our hands as we go into the SALT talks, so we have to purchase all of these heinous weapons. Mr. Chairman, if walking into that START agreement with over 10,000 strategic nuclear warheads, with the capability to destroy all life on this planet is not going into the SALT talks from a position of strength, I do not know what is.

The third point I would make, Mr. Chairman, is I would remind my colleagues that the negotiating position of the Reagan administration before we got into this two-missile love-in was to prohibit mobile missiles, prohibit them. But we got into politics. One side wants the MX, the other side wanted the Midgetman, so they decided in a moment of great valor that they would accept both.

Finally, I would say to those persons watching this debate, listen, we are here fighting a nuclear war, 3,000 aim points, 1,000 aim points, as if nuclear war is like a conventional war and we can just shoot at each other. We are talking about the war that would destroy life on this planet.

I would say that there is a much more time urgent matter here. If Members read the Times magazine a week or two ago, the front page in the first week of May, 464 American people died violently in various communities throughout this Nation, a typical week of violence in America, which means in excess of 20,000 American people are dying violently in this country every year, not from the Soviet Union. We are killing each other, and we need to begin to address that reality. The Soviet Union is not mugging us on the streets. The Soviet Union is not selling crack to our chil-

dren. The Soviet Union is not shooting children, children shooting children, gangs fighting gangs. These are the issues we need to be addressing.

But to continue to engage in debate on this floor as if we could fight World War III with nuclear weapons that would destroy us is beyond comprehension, Mr. Chairman. We do not need these weapons. We need to radically alter the priorities of this Nation.

There have to be some weapons that we can stop. Going to SALT from a position of strength? That was the justification for the most incredible, outrageous expansion of the military budget in the history of America. That is enough strength, and I ask my colleagues to support this amendment.

The CHAIRMAN pro tempore. The gentleman from Louisiana [Mr. McCrery] has 3½ minutes remaining.

Mr. McCrery. Mr. Chairman, I yield that 3½ minutes to the gentleman from Utah [Mr. Hansen].

Mr. Hansen. Mr. Chairman, I always enjoy the gentleman from California as he explains the problems we have had with missiles. He always does an outstanding job on it. I agree with his premises; I just do not agree with his conclusions.

But let me just say in my 9 years on this floor I remember the MX when we first brought this out. The question of the Reagan administration was how do we deploy the thing. All kinds of ideas came up, as the gentleman from California talked about. I remember distinctly the MPS system, which was a shuttle system between Utah and Nevada where they were going to run it around in little trucks and hide the thing. Then another person came up with the big bird idea. We were going to drop it out of an airplane. Another person said well, let us shoot it out of mine shafts. No one could find out what to do with it.

I disagree respectfully with some of the individuals who said it was not a good missile. Many of us have gone to Vandenberg. We have seen it launched. We have heard about the great success, and I personally feel that there is probably no missile on the face of this Earth that is as accurate and as good as the MX missile we have at the present time.

Finally, we ended up after the Scowcroft Commission putting it in hardened silos. But the thing I think we have to keep in mind, Mr. Chairman, is that the technology changes. Just like we went through the B-2 thing, we talked about the old airplanes that we used to have, that cannot penetrate the Soviet Union. We now find the same thing exactly in our missiles. We do not have the technology to do it.

I think the Bush administration and others were intelligent to come up with the idea of let us go with two mobile missile systems, one being the MX rail garrison, and as Members

know, this would work. It would be virtually impossible to find out where we are going to go or how to find the MX missile after it once got on the tracks, and we went around in the West or wherever it may go. We will find the same thing with the small ICBM.

Now keep in mind, what has the Soviet Union been doing? They have the SS-18, 10 warheads, very devastating. I seem to get the impression when people talk about MIRVing that we do not understand MIRVing. MIRVing does not mean that we can drop one on New York and another one in San Francisco. I think the best idea of MIRVing is to take a plate, take a salt shaker, and drop it. There is only a certain area that it can hit in, so you do not have the latitude of going all over the continental United States when you MIRV on a particular warhead.

Now we have the position of having the small ICBM. We have the position of having it, and it would be mobile. We also have the position of the rail garrison.

But back to the Soviet Union.

Mr. Moody. Mr. Chairman, will the gentleman yield?

Mr. Hansen. I am happy to yield to the gentleman from Wisconsin.

Mr. Moody. Mr. Chairman, I am following the gentleman's arguments, and I find I agree with some of them.

But let me ask the gentleman, if we have one mobile system, and let us say it is the MX mobile, do we need another mobile system to go with it? Why do we need two mobile systems if mobility does what the gentleman says; namely, it makes it hard to hit, or impossible to hit?

Mr. Hansen. I would like to respond to the gentleman by saying I think that mobile is the way we are going to go in modern technology. In effect, if we are talking mobile systems, submarines are mobile systems, cruise missiles are mobile systems.

Mr. Moody. But why do we need two land-based mobile systems?

Mr. Hansen. I understand the gentleman's question and I am adding to that. I am also saying it is a lot harder to overcome a mobile system. We talked today about the B-2, and how does it find relocatable targets, that type of thing. Now we are saying the way that that makes it extremely difficult for the Soviet Union is we have some small ICBM's, some rail garrisons, and it is that many more that they would have to overcome.

The Soviet Union, as Members know, have both the road and the rail on the SS-24 and the SS-25. We know they have proceeded that way.

I hate to get into this thing where we build something and they build something, but as I look at it, it is the technology that we are always facing. If we could say everything stays as is, nothing changes, I think we would be

all right. But we cannot do that, because some brilliant mind is always coming up with a new idea, and I say that the bright minds in the Pentagon and the bright minds of the industrial complex have said now the way to stay ahead of the Soviet Union, to take them away from having this madness that the gentleman from California, Mr. Dellums, talks about, the thing to do is to build a mobile system wherever we can. That is why.

Now I agree that we should go ahead on the small ICBM and the rail garrison, and I reluctantly urge that we defeat the Dellums amendment.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. Dellums].

The amendment was rejected.

□ 1510

AMENDMENT OFFERED BY MR. HERTEL

Mr. Hertel. Mr. Chairman, I offer an amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Hertel; at the end of title II (page 55, after line 8) insert the following new section:

SEC. 255. PROHIBITION ON EXPENDITURE OF FUNDS FOR MX RAIL-GARRISON BASING MODE.

None of the funds appropriated or otherwise made available for fiscal year 1990 for the Air Force for research, development, test, and evaluation may be obligated or expended for a Rail-Garrison basing mode for the MX missile.

The CHAIRMAN pro tempore (Mr. Durbin). Pursuant to the rule, the gentleman from Michigan [Mr. Hertel] will be recognized for 15 minutes, and a Member in opposition to the amendment will be recognized for 15 minutes.

The Chair recognizes the gentleman from Michigan [Mr. Hertel].

Mr. Hertel. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have this tremendous deficit that our Nation faces. They told us that really because we are leveling off the defense budget that we could not afford either missile system. So we had the administration, the new administration, study it because last year and the year before that Congress deferred a decision, saying, "Let's let the new President decide."

So even though we could not afford either system, the recommendation was to build both.

Today I am offering an amendment to strike funds for the rail garrison MX missiles. This will result in a savings of \$774 million for fiscal year 1990.

You know, last year we had this debate and we asked a lot of questions. The Committee on Armed Services and this House and the American

people still do not have answers to those questions.

Specifically what has been done in studying the rail system? We have had so many terrible accidents, one between Washington and New York, another tragic one last week in Michigan with loss of life occurring, to a great degree, over the last couple of years in this country in railroad accidents.

To what extent have we had a study on facts about using a civilian railroad system for our largest and most powerful weapon, the MX missile?

We have had no answers to those questions. In fact, under the administration's proposal, if this House goes along, we are talking about using civilian railroad tracks and civilian operators to run those trains with the most powerful missile this country has ever built. Does that make any sense? Every missile system we have, every nuclear system we have that has been deployed in this country, our submarines, our bombers, our missiles in the ground, and the Midgetman if this House goes along with the authorization.

All of these nuclear systems have always been separate from the civilian populations, and the one exception is taking the largest missile, the MX, and putting it on railroad tracks through civilian areas. That is the exception. I not only think there is a terrible chance of having accidents but natural disasters.

Can you see the incredible increase in opportunities for sabotage anywhere along the hundreds of miles of railroad track and the terrible disaster that would occur there? So none of those questions have been answered about safety, about the condition of our tracks, about the problems with civilians operating a system with a nuclear weapon on it.

Finally, sabotage. There are no plans by the Department of Defense to do anything different with those civilian tracks. They are not going to be fenced in or anything else because they are going to be used by civilian railroad cars for commerce and passengers except when there is an alert. Then the largest missile we have ever built would be placed on them in civilian areas.

What about the alert? Well, for 2 years I and other members of the Committee on Armed Services have asked, "What do you mean by an alert? When are you going to put the missile on the railroad track and take it out of the garrison?" I have asked everybody all the way up to last month with General Scowcroft. No one in the administration can tell us what the answer to that is.

They can tell us that they will study it some more, they can tell us that they will look at that problem or in some cases they can tell us that they are not going to be able to tell us be-

cause each situation will present a different need.

Now I do not think that the American people are going to be happy with not having answers to railroad accidents with this huge missile, sabotage with this huge missile, and especially they have no idea how often they will be on these tracks that are so unsafe, out in the open, unlike any nuclear system that we have.

The danger to civilian life is so much greater than with any other type of nuclear installation.

I think when the people see this Congress is moving ahead with the administration in this area they are going to be more than outraged, they are going to be concerned about the decisionmaking process in this administration and in this body.

You see, this is not a new idea. Twenty years ago the idea of putting the MX missile on railroad tracks was discarded for these very reasons.

So I ask my colleagues today, the proponents of this system, once again to answer these questions of safety, sabotage, of decisionmaking because the administration and Department of Defense after 2 years have not been able to answer any of these questions to the satisfaction of many Members of this House.

The CHAIRMAN pro tempore. The gentleman from Michigan has consumed 6 of the 15 minutes allotted to him.

Does the gentleman from Louisiana [Mr. McCRERY] seek recognition in opposition to this amendment?

Mr. McCRERY. Yes, Mr. Chairman, I do.

The CHAIRMAN pro tempore. The gentleman from Louisiana [Mr. McCRERY] will be recognized for 15 minutes.

Mr. McCRERY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of President Bush's ICBM modernization program. Some in Congress support just the Small ICBM program and oppose the Peacekeeper. Some oppose both. I speak on behalf of the Peacekeeper program and urge my colleagues to support full funding of both that missile and the proposed rail garrison basing mode.

The Peacekeeper ICBM Program has the most successful development and deployment program in U.S. Air Force history. The Peacekeeper ICBM is the world's best ballistic missile, better than anything else in either the American or Soviet arsenal.

Peacekeeper was deployed on schedule, below the predicted cost, and has exceeded performance requirements in tests. The missile is the most accurate strategic missile in the world, registering a test accuracy 20 percent better than requirements. Peacekeeper reliability has met and exceeded require-

ments. The test flight program has been one of an unbroken string of successes. Eighteen flight tests have occurred to date. All 18 have been successes.

The December 1986 IOC for the first Peacekeeper was met on schedule as was the December 1988 FOC for the complete 50 in silos at Warren AFB, WY.

The Peacekeeper missile provides needed counterforce capability at affordable costs. It provides important military advantages, including the world's best capability against high-value, time-urgent, hardened targets. The 50 Peacekeeper missiles now in existence helps offset the growing Soviet ICBM advantage and holds at immediate risk those things Soviet leaders hold most dear—their own lives and instruments of power.

The Peacekeeper deployments are a first step toward augmenting and replacing the aging U.S. Minuteman ICBM force. The deployment of the 50 Peacekeeper has added to U.S. bargaining leverage at START and its capability is needed to implement the U.S. deterrence and targeting policy.

Pulling the Peacekeeper missiles from their silos and placing them on rail-mobile launchers, based in garrisons prior to dispersal offers many advantages to the United States.

First, the Peacekeeper Rail Garrison Program will provide an affordable and cost-effective U.S. mobile ICBM. It is estimated to cost just \$5.6 billion to convert the present force of 50 missiles to rail garrison basing, the first to be deployed in 1992 and the entire 50 by 1994.

Such mobile ICBM's, when dispersed, will provide much improved ICBM survivability. Peacekeepers can also be launched with just a minute or two of warning when still in garrison—a fact that should deter any Soviet inclinations toward a surprise attack. Such deployments can easily be verified, should we sign a START Treaty. Deployment of such a United States mobile ICBM also should increase Soviet willingness to agree to limit mobile ICBM's in START and to approve cooperative measures that should make it easier to verify their numbers. Public interface of this garrisoned train-based missile force will be minimal in peacetime. Only in times of national need would the force be dispersed onto the U.S. rail network.

I urge my colleagues to fully fund the Peacekeeper missile program and the Rail Garrison Basing Program. It has been a model program, one essential to the deterrence of war, now and in the future.

Mr. Chairman, I submit a résumé of the Peacekeeper program:

PEACEKEEPER—A MODEL PROGRAM
Peacekeeper:

Most successful development and deployment program in USAF history.

Major accomplishments:

Produced the foremost ICBM now in existence.

Came in below predicted cost.

Exceeded performance requirements in tests.

Came in on-schedule.

World's best ballistic missile:

Best accuracy in the world.

Most accurate missile in existence. Test accuracy 20 percent better than requirements.

Missile reliability is meeting or exceeding system requirements after over 2 years of operation.

Peacekeeper is the best instrument of U.S. deterrence policy: Threatens and holds at risk the highest valued assets of the Soviet leadership. The U.S. ace-in-the-silo hole during an acute international crisis. Tests demonstrate missile has the range to cover the entire Soviet target spectrum.

Peacekeeper has sufficient throwweight to permit the addition of penetration aids should Soviet ballistic missile defenses be expanded or improved in quality to warrant countermeasures.

Remarkably Successful Test Program: Test flight program has been one of an unbroken string of success (18 straight). Accuracy requirements exceeded. Scientific Advisory Board termed PK accuracy as "remarkable." Reentry vehicle requirements exceeded. Fuze performance requirements exceeded. Missile brought in under cost goal. World's premier ICBM development.

Peacekeeper deployed on schedule: December, 1986 IOC met on schedule. First 50 Peacekeepers to be deployed at F.E. Warren AFB—on schedule. Only U.S. ICBM in production today. All major milestones completed on schedule.

Peacekeeper Program continues to meet unparalleled successes: Military effectiveness. Technical performance. Schedule maintenance. Cost effectiveness.

Peacekeeper ICBM provides important Military advantages: Highly accurate ICBM—best in the world. Prompt ICBM (versus time-urgent targets). Hard target capable ICBM (versus hard targets). Improves U.S. counter-military capability. Offsets growing Soviet ICBM advantage. Replaces some of aging ICBM force. Provides important START bargaining leverage. Heart of U.S. deterrence/targeting policy.

Peacekeeper Rail Garrison basing would provide exceptional advantages: Affordable and cost-effective mobile ICBM. Provides great pre-launch survivability when dispersed. Little public interface (missiles in garrisons in normal peacetime). Launch on warning capability from garrison deters surprise attack threat.

Dispersed onto nation's railways in time of national need: Verifiable. Provides bargaining leverage at START negotiations. Mobile ICBMs are insensitive to improved Soviet missile accuracy, higher warhead yields, or RV proliferation. Mobile ICBMs are a hedge versus Soviet START cheating or breakout.

□ 1520

Mr. MOODY. Mr. Chairman, will the gentleman yield?

Mr. McCRERY. Mr. Chairman, I yield to the gentleman from Wisconsin.

Mr. MOODY. The gentleman said only in times of "national need,"

would these be deployed. How do we square that with the short presentation time? These cannot be moved around. The gentleman said within a minute they could be fired from fixed locations. We do not need to spend \$13 billion for rail tracks if they will be fired from fixed locations within 60 seconds. Why do we want to spend \$13 billion to move them around, if the chief advantage is they can be fired quickly, or be moved quickly?

Mr. McCRERY. As I stated, the total cost is not \$13 billion but \$5.6 billion, and we will get into that later in terms of the synergism of the two systems, Midgetman and Peacekeeper. The two work together. The small ICBM's serving to protect the Peacekeeper garrison in the early moments of a crisis and giving them time to disperse, so that after that couple of hours they become virtually undetectable, unfindable. However, even in the case of a surprise attack it only takes a minute or two to fire the Peacekeepers from the garrison.

So the argument that the gentleman presents is really not one that should deter Members from going ahead with this program. It is a good program in and of itself, by itself. It is a better program in connection with the Midgetman, which we will talk about later.

I yield to the gentleman from Wisconsin.

Mr. MOODY. Mr. Chairman, it seems to me we are arguing a contradictory position here. The MX is a very frightening weapon, obviously, for the Soviet Union. The gentleman may be right that it has increased their increase in bargaining with the United States in Geneva.

If your argument is it is something that leaves the silo quickly and therefore could not be taken out, I think the gentleman has a strong point. However, that does not argue for spending. I repeat the number, \$13 billion, which is the number we were told last year to make them mobile, which would take more time, and not a response to a quick attack.

Mr. McCRERY. Mr. Chairman, I yield to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, let me make a response at that because the gentleman tried to explain it, but let me explain it in another way.

It has been argued that we should not put the MX on rail because, after all, that does not solve the bolt out of the blue problem. By the time we have it dispersed, the Soviet missiles could already be on their way and could blow everything up. The response is, these missiles can be fired from their site in the garrison. That is the response to the argument. They can be fired just as quickly in that mode as they can be fired from a missile silo.

Mr. McCRERY. Mr. Chairman, I yield to the gentleman from Wisconsin.

Mr. MOODY. Why not leave them in the silo?

Mr. KYL. Because the reason they put them on rail is to make them mobile and to make them survivable, which is precisely the same reasons that the Soviets have spent so much money having not one, but two mobile systems, the SS-24 and the SS-25, which I am sure the gentleman is aware, we cannot detect. We had the B-2 debate here a while ago, and those who said this bomber might be able to search out the relocatable targets, correctly, others responded cannot be done yet. That is the truth. We cannot find, and they would not be able to find ours, once dispersed.

Mr. MOODY. If the gentleman will further yield, the argument is not to keep them in garrisons and wait to move them in times of national dispersion but keep them moving all the time?

Mr. KYL. If the gentleman would further yield, whereas in the Soviet Union they have the capability of running these kinds of weapons throughout their systems any time they please because of the nature of their society, we do not do it that way in the United States. We say that these missiles should be kept in a garrison until there is a conflict brewing, until there is some reason for the United States to so-call "flush them out onto our system." At that point in time they are mobile, they are survivable, and the Soviets would not dare launch an attack because they cannot find them, and restore them, and they represent a retaliatory strike.

Mr. McCRERY. Mr. Chairman, I thank the gentleman, and I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman has consumed 8 minutes of the 15 minutes allotted to him, and the gentleman from Michigan [Mr. HERTEL] has 9 minutes remaining in support of the amendment.

Mr. HERTEL. Mr. Chairman, I yield myself such time as I may consume.

Unfortunately, we are half way through this short 30-minute debate and we have not heard the answers to the questions I asked. I asked three. What about accidents on the railroad tracks, I went into that into great detail. What about the civilians running those railroads with nuclear weapons on them? What about the problem of sabotage? That is the second point, with all the civilian railroad tracks. The third point is, when will they be dispersed, because this is not the Soviet Union, thank goodness, and we care about our civilian population. They can run their rail system with their missiles any time they want

to, any place they want to. In this country we are worried about public safety, thank goodness for that. We are trying to avoid nuclear accidents with the biggest weapon ever built by this country.

Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. McCloskey].

Mr. McCLOSKEY. Mr. Chairman, the rail garrison MX makes no strategic or budgetary sense. Let Members stop the nonsense before we obligate billions of taxpayer dollars for a bad idea.

The rail MX defies deterrence doctrine. Deployment of the rail MX would take hours, not minutes. This, Mr. Chairman, is not deterrence, it's destabilizing foolishness. Early deployment of the rail MX would be destabilizing not only toward the Soviet Union, but for United States citizens.

The location of the rail MX missiles also lacks strategic justification. Colocating the missiles next to bomber bases would give the Soviets a two for one bargain during conflict. The rail MX would be susceptible to sabotage and rail line delays.

Mobilization of our MX missiles, Mr. Chairman, would eliminate their survivability during conflict and eliminate their deterrent value.

Finally, we cannot afford both the rail MX and the Midgetman small mobile system, despite the administration's pledge to fund both systems. This is a time to choose, not to vacillate. I strongly prefer the midgetman. I think it is the far better strategic system. But if the question is between funding both systems or funding neither, I say we bite the bullet and fund neither.

If the Hertel amendment fails, it is all the more reason to vote against the small mobile system. We do not need both.

Mr. HERTEL. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. AuCoin].

Mr. AU COIN. Mr. Chairman, to listen to the logic on the floor in this issue, is really to see logic bent in half. The gentleman from Arizona just made an interesting statement. He said that we need to understand that these missiles can be launched out of their garrisons. If that is true, as the gentleman from Wisconsin [Mr. Moory] has suggested, why not leave them in the hard silos where they will be less vulnerable? There is no good answer to that question, because the gentleman from Wisconsin [Mr. Moory] knows, and he is accurate, if we leave them in their silos, they are more survivable. MX's would be left less vulnerable than on the soft railroad garrisons.

So the gentleman from Arizona, when he says they can be launched out of the garrisons, does not impress

me. I hope he does not impress my colleagues. They are very vulnerable.

Second, I think my colleagues ought to know that once the gentleman from Indiana [Mr. McCloskey] made the point, there are 4 hours to disperse these MX's out of their garrisons, against a 30-minute threat. Now, even under new math, it ought to be possible for Members of the House to understand that that is a loser for the United States. A 4-hour dispersal against a 30-minute threat means the United States loses by 3½ hours. Now, if anyone else had math that gives me a different answer, please stand up and correct me.

Finally, let me just make it very clear about this. The MX, once it is put in the garrisons, is vulnerable to not just one, not two, not three, it is vulnerable against any ICBM or SLBM the Soviets have in their arsenal, because it is in a soft basing mode that any semiaccurate Soviet missile can take out, not to mention sabotage. So the entire Soviet arsenal can be used against the MX when it is on the rail garrison.

Leave it in the silo, and at least we have hardened silos that give it a measure of survivability. However, the thing is a waste, in any event, because it is a first strike provocation and that is something we should not want to see done.

Mr. MCCRERY. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. Kyl].

Mr. KYL. Mr. Chairman, there is a lot of mistaken information going around about the rail garrison basing mode for the MX or Peacekeeper missile. I think we ought to clear it up.

□ 1530

First of all, our administration and those which have preceded it, all recognized that there ought to be a means of making this missile survivable, and to that end a great deal of work and study has gone into the different methods by which we might protect this missile. Hardening has worked for a while, but the fact of the matter is that after a point in time hardening no longer works to protect the missile, and that is why we want to make it mobile, to make it survivable.

The Soviets have two mobile, and therefore survivable missiles, the SS-24 and the SS-25. They recognize the desirability of being able to put these kinds of weapons on rail and on trucks so they can move around undetected and remain immune from attack. As I said, neither side is going to be able to find the other's mobile missiles. That is why these missiles are much less vulnerable when they can be put out on tracks than they are in a fixed site.

The comment of my colleague just a moment ago that we should leave them in a silo where they are less vul-

nerable has it exactly turned on its head. The fact of the matter is that anything that is in a fixed place is more vulnerable to Soviet attack than that which can be put into a mobile mode.

Mr. Chairman, these are important arguments. The American people want to know that we have an adequate deterrent to Soviet attack. That is what we are talking about here, and the question is, what do the Soviets fear? What are they concerned about? What will cause them to think twice or three times before they decide that they want to launch an attack against us? I think having this kind of survivable, second-strike capability is what will cause them to hold back and decide that it is better to try to work things out with us than to launch an attack. Moreover, one reason we have a bomber force is that it is not a hair trigger kind of retaliation. Everybody knows when the bombers take off and it takes them a while to get to their targets. It is not a first strike kind of weapon, and it does not require us, when we have been warned of an attack by the Soviets, to react to that kind of attack in a hair trigger fashion.

Likewise, if we have a mobile missile such as the MX on rails, it can be flushed in times of tension, and it does not need to be fired immediately. The President does not have to decide that he has only 15 minutes to decide whether to begin the holocaust that ends the world. He does not have to press the button and launch all of our ICBM's. Just like launching the bombers, he can flush the MX onto its rail system and see what develops. He can communicate with the Soviet leadership, he can try to demonstrate by doing this that we are serious, that we are ready to go if they do not stop whatever it is they are doing.

But it is one step removed between that nuclear holocaust and the signals from the Soviets that are up to something. I would think that my friends who desire peace, who desire to have an ability to deter, short of pressing that nuclear trigger, would want to have a system like this which clearly gets us away from the hair trigger response, makes our system survivable and provides the deterrence we want.

Therefore, Mr. Chairman, I think that the amendment that is being proposed should be defeated.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Louisiana [Mr. McCrery] has 4 minutes remaining, and the gentleman from Michigan [Mr. Hertel] has 5 minutes remaining.

Mr. HERTEL. Mr. Chairman, I yield myself such time as I may consume just to emphasize that we are now almost out of time on this debate and my three questions have not been an-

swered. What about accidents on the railroad tracks? What about sabotage? What about the decision when this is put out on the rails? I want those answers before this debate ends.

Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. Moody].

Mr. MOODY. Mr. Chairman, I appreciate the gentleman's yielding me this time.

Mr. Chairman, this debate has taken on a never-never land cost. We are talking about essentially a doomsday machine. We are talking about moving these things around once the attack has started or when we are in a high alert, and we all know that we have two other legs of the triad that are also vulnerable. We have the submarines, and we have all sorts of other ways of delivering nuclear warheads to the Soviet Union if war actually breaks out. The key issue is this: Are these things really operable? If it takes 4 hours to really deploy these things, the war will be basically over. What is the point of it at that time?

The other point I want to make is this: If we have to have a mobile system—and there is an argument for that—does it not make more sense to have a Midgetman mobile system than an MX mobile system, putting these big expensive warheads at risk, putting them on soft boxcars where they can be blown away by anything the Soviets throw at us?

Finally, there is the cost. It is \$13 billion. That is \$13 billion for the latest gimmick of land wars, if you will, when we are only spending about \$700 million a year for Amtrak. This administration is prepared to spend less than \$1 billion a year to move people around the country but is willing to spend \$13 billion to move missiles around the country.

Which is more important to the quality of life in the United States? Does anybody seriously think that this is a worthwhile and cost-effective expenditure of scarce tax dollars?

Mr. McCRERY. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Mr. Rowland].

Mr. ROWLAND of Connecticut. First, Mr. Chairman, I would respond to the gentleman's inquiry about the vulnerability of the rail garrison system and some of the problems that may occur.

As a member of not only the Committee on Armed Services but also of the Intelligence Committee, I can assure the gentleman that there is a very adequate and detailed briefing which will give him, I think, an excellent analysis of those problems, and I would encourage the gentleman to get that briefing. If there are problems making arrangements, I would be glad to work with my colleagues on the Intelligence Committee to obtain a briefing for the gentleman.

Mr. HERTEL. Mr. Chairman, will the gentleman yield?

Mr. ROWLAND of Connecticut. I yield to the gentleman from Michigan.

Mr. HERTEL. Mr. Chairman, is the gentleman talking about a briefing in regard to when the dispersal of the missile will take place?

Mr. ROWLAND of Connecticut. It is very difficult to talk about the classification, but I can tell the gentleman that through the Intelligence Committee he can receive a full briefing on the vulnerabilities and the problems that could occur and how we will respond to those.

Mr. HERTEL. Mr. Chairman, if the gentleman will yield, I have had several briefings in 8 years on the R&D Subcommittee and the Procurement Subcommittee before that, and these questions cannot be answered in any briefing because the decisions have not been made regarding safety, sabotage, or final deployment. The decision on deployment has not been made.

Mr. ROWLAND of Connecticut. Again, talking in an unclassified manner, it is my understanding, again as a member of the Intelligence Committee, and I can assure the gentleman that I do not think he has gotten the briefing to which I am making reference, and perhaps sometime in the next few days we can make those arrangements.

Mr. Chairman, I would just like to make a few quick comments. Earlier today we spent several hours on the B-2. We talked about everything from the defense triad to the fact that we are going to spend some \$70 billion on 132 planes.

What we are now facing is some other hard economic choices. The MX is here to stay. That debate is over. We have 50 MX missiles. Now we have to work together, hopefully in a bipartisan fashion, to determine the best way to protect them and the best way to make them mobile. Someone has suggested that we walk away from the MX, that we walk away from an expenditure of anywhere from \$25 to \$30 billion and go to the more expensive, smaller Midgetman missile system.

Mr. Chairman, I simply say that we cannot afford to spend an additional \$30 billion to build two land-based systems.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Michigan [Mr. HERTEL] has 3 minutes remaining.

Mr. HERTEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is our last chance to ask the questions that have not been answered. I have had all the briefings, so it is not classified. The fact is there is not an answer to the problem of sabotage or to the possibility of accidents over miles of railroad tracks in civilian areas. There is no

answer, and that is why we have gotten no answer from the proponents.

As far as accidents on railroad tracks, which we are having, unfortunately, on a monthly or weekly basis in the country, there is no answer, classified, or not, as to how we can avoid accidents with the largest missile ever built in this country put on railroad tracks and going through hundreds of miles in civilian areas. There is no answer, classified or not.

As to deployment, I have talked to General Scowcroft at the highest level last month, and there still are not specifics. This was at the White House. I was briefed with other members of the Armed Services Committee. There still are not strict answers on deployment, and that is why the proponents cannot give this House an answer.

But more importantly, we cannot give the American people an answer, and we are talking about taking the largest missile ever built in the country and putting it on railroad tracks where we have accidents and where we can have sabotage, and we do not know when or how long it is going to be deployed. They deserve an answer, and that is why I am here offering this amendment to reduce the billions of dollars the proponents want to spend this year. There is only \$269 million left after cutting out \$774 million.

Why? We want to get answers to these questions, because otherwise we are going to go down that same road and spend more and more money and then have to face the public and try to get answers to questions that have not been forthcoming on a policy that has been ill thought out.

As far as mobile systems are concerned, we already have many of those. We have three types of systems we are going forward with. We have our submarines, the best force in the triad, three types of bombers, and we are going to have possibly the Midgetman.

□ 1540

Mr. Chairman, those are all mobile systems, so we have plenty, but not one of those systems endangers the civilian population, and that is the difference, and that is why the MX rail system was rejected by past leadership and administrations, and that is why we cannot answer the questions now this afternoon.

So, Mr. Chairman, I ask my colleagues to consider this because when we spend a billion dollars this year, we are going too far forward to having this in cement, and then having the questions that I have asked today all day in this debate, all year and the year before, answered when it is too late.

I ask my colleagues to vote for this amendment to reduce and give a second thought to how much we are going to spend on the MX system and why it will not work on public rail systems in this Nation.

Mr. McCRERY. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I appreciate the comments made regarding the questions that were asked. I really would like to submit to the committee, if there is anyone who can find a foolproof system in this whole military thing, I would like to see it. I do not think there is one.

I remember as a State legislator when we were worried about Hill Air Force Base because planes were coming in. These were not 757's; there were test aircraft, and they would go through areas, and my colleagues know that problems can occur. In a vertical silo my colleagues know problems can occur. We talked about the idea of, well, what about going to the civilian population. Well, I hope my colleagues in the East realize that those of us out in the West have a lot of wide-open spaces, and sometimes one can go for miles and miles and miles and one will see nothing but rattlesnakes and jackrabbits, and I am not too concerned about some of those particular areas.

Also one can talk about civilians per se. If we look at our Navy, our Air Force and our Army, we find that civilians are working on those things constantly. So, when my colleagues get right down to it and take those things into consideration, we realize that we have a lot of problems in this, but there is no foolproof system.

I think those who have had some of these briefings realize that the military is doing the very best that they can and possibly this is as foolproof as any aircraft would be, any military installation, and so when my colleagues get to this, I really do not feel these are honest, viable questions that have been brought up concerning this.

A rail garrison, the small ICBM and the train, the truck, however my colleagues want to do this, is again an advanced piece of technology, and it is important to the United States, to the military. It is important to the idea of defending this country, and, as we see the Soviet Union do this, we find out how difficult it is. We know that they would have the same problem. I really feel that we look at the big picture, and the big picture is that we go ahead and continue on with the rail garrison and the small ICBM.

Mr. Chairman, I would urge the defeat of this amendment.

The CHAIRMAN pro tempore. Under the rule, all time for debate under this amendment has expired.

The question is on the amendment offered by the gentleman from Michigan [Mr. HERTEL].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McCRERY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 168, noes 253, not voting 10, as follows:

[Roll No. 169]

AYES—168

Ackerman	Hopkins	Poshard
Annunzio	Horton	Price
Anthony	Jacobs	Rahall
Atkins	Johnson (SD)	Rangel
AuCoin	Johnston	Roberts
Bates	Jontz	Rose
Beilenson	Kanjorski	Rostenkowski
Berman	Kaptur	Roukema
Boggs	Kastenmeier	Roybal
Bonior	Kennedy	Russo
Borski	Kennelly	Sabo
Bosco	Kildee	Saiki
Boucher	Kiecicka	Sangmeister
Boxer	Kostmayer	Savage
Brennan	LaFalce	Sawyer
Brooks	Leach (IA)	Scheuer
Bruce	Lehman (CA)	Schneider
Bryant	Lehman (FL)	Schroeder
Cardin	Levin (MI)	Schumer
Carr	Levine (CA)	Sensenbrenner
Clay	Lewis (GA)	Shays
Clement	Long	Sikorski
Conte	Lowey (NY)	Skaggs
Conyers	Markey	Slaughter (NY)
Coyne	Matsui	Smith (FL)
Crockett	Mavroules	Smith (IA)
DeFazio	McCloskey	Smith (NE)
Dellums	McDermott	Smith (NJ)
Dingell	McHugh	Smith (VT)
Donnelly	Mfume	Solarz
Downey	Miller (CA)	Staggers
Durbin	Miller (WA)	Stark
Dymally	Mineta	Stokes
Early	Moakley	Studds
Eckart	Moody	Swift
Edwards (CA)	Morella	Synar
Engel	Morrison (CT)	Tanner
Evans	Mrazek	Torres
Feighan	Murphy	Torricelli
Flake	Nagle	Towns
Foglietta	Neal (MA)	Trafficant
Ford (MI)	Nowak	Traxler
Ford (TN)	Oakar	Udall
Frank	Oberstar	Unsoeld
Garcia	Obey	Vento
Gejdenson	Olin	Visclosky
Gephardt	Owens (NY)	Volkmer
Gibbons	Owens (UT)	Walgren
Goodling	Panetta	Waxman
Gray	Payne (NJ)	Weiss
Green	Pease	Wheat
Hall (OH)	Pelosi	Williams
Hawkins	Perkins	Wolpe
Hayes (IL)	Petri	Wyden
Hertel	Pickett	Yates
Hochbrueckner	Porter	Yatron

NOES—253

Akaka	Bevill	Carper
Alexander	Bilbray	Chandler
Anderson	Bilirakis	Chapman
Andrews	Biiley	Clarke
Applegate	Boehlert	Clinger
Archer	Broomfield	Coble
Armey	Browder	Coleman (MO)
Aspin	Brown (CA)	Coleman (TX)
Baker	Brown (CO)	Combest
Ballenger	Buechner	Cooper
Barnard	Bunning	Costello
Bartlett	Burton	Coughlin
Barton	Bustamante	Cox
Bateman	Byron	Craig
Bennett	Callahan	Crane
Bentley	Campbell (CA)	Darden
Bereuter	Campbell (CO)	Davis

de la Garza	Jones (NC)	Richardson
DeLay	Kasich	Ridge
Derrick	Kolbe	Rinaldo
DeWine	Kolter	Ritter
Dicks	Kyl	Robinson
Dorgan (ND)	Lagomarsino	Roe
Dornan (CA)	Lancaster	Rogers
Douglas	Lantos	Rohrabacher
Dreier	Laughlin	Roth
Duncan	Leath (TX)	Rowland (CT)
Dwyer	Lent	Rowland (GA)
Dyson	Lewis (CA)	Sarpallus
Edwards (OK)	Lewis (FL)	Saxton
Emerson	Lightfoot	Schaefer
English	Lipinski	Schiff
Erdreich	Livingston	Schuetz
Espy	Lloyd	Schulze
Fascell	Lowery (CA)	Sharp
Fawell	Lukens, Thomas	Shaw
Fazio	Lukens, Donald	Shumway
Fields	Machtley	Shuster
Fish	Madigan	Sisisky
Flippo	Manton	Skeen
Frenzel	Marlenee	Skelton
Frost	Martin (IL)	Slattery
Galleghy	Martin (NY)	Slaughter (VA)
Gallo	Mazzoli	Smith (MS)
Gaydos	McCandless	Smith (TX)
Gekas	McCollum	Smith, Denny
Gillmor	McCrery	(OR)
Gilman	McCurdy	Smith, Robert
Glickman	McDade	(NH)
Gonzalez	McEwen	Smith, Robert
Gordon	McGrath	(OR)
Goss	McMillan (NC)	Snowe
Gradison	McMillen (MD)	Solomon
Grandy	McNulty	Spence
Grant	Meyers	Spratt
Guarini	Michel	Stallings
Gunderson	Miller (OH)	Stangeland
Hall (TX)	Mollinari	Stearns
Hamilton	Mollohan	Stenholm
Hammerschmidt	Montgomery	Stump
Hancock	Moorhead	Sundquist
Hansen	Morrison (WA)	Tallon
Harris	Murtha	Tauke
Hastert	Myers	Tauzin
Hatcher	Natcher	Thomas (CA)
Hayes (LA)	Neal (NC)	Thomas (GA)
Hefley	Nelson	Thomas (WY)
Hefner	Nielson	Upton
Henry	Ortiz	Valentine
Herger	Oxley	Vander Jagt
Hiler	Packard	Vucanovich
Hoagland	Pallone	Walker
Holloway	Parker	Walsh
Houghton	Parris	Watkins
Hoyer	Pashayan	Weber
Hubbard	Patterson	Weldon
Huckaby	Paxon	Whittaker
Hughes	Payne (VA)	Whitten
Hunter	Penny	Wilson
Hutto	Pickle	Wise
Inhofe	Pursell	Wolf
Ireland	Quillen	Wylie
James	Ravenel	Young (AK)
Jenkins	Ray	Young (FL)
Johnson (CT)	Regula	
Jones (GA)	Rhodes	

NOT VOTING—10

Collins	Dixon	Leland
Courter	Florio	Martinez
Dannemeyer	Gingrich	
Dickinson	Hyde	

□ 1604

Mr. DERRICK and Mr. PARRIS changed their vote from "aye" to "no."

Mrs. UNSOELD, Mrs. KENNELLY, Mr. MATSUI, and Mr. ANTHONY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FRANK

Mr. FRANK. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. MILLER of California). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FRANK: At the end of title II (page 55, line 8), insert the following new section:

SEC. 255. TERMINATION OF SMALL ICBM PROGRAM.

(a) TERMINATION OF PROGRAM.—The Secretary of Defense shall terminate the small ICBM program.

(b) LIMITATION.—No funds may be obligated or expended after the date of the enactment of this Act for a contract for the small ICBM program other than for termination expenses required under a contract in exchange on the date of the enactment of this Act.

(c) REDUCTION IN FUNDING.—The amount provided in section 201 for research, development, test, and evaluation for the Air Force for fiscal year 1990 is hereby reduced by \$100,000,000.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. FRANK] will be recognized for 15 minutes, and a Member in opposition will be recognized for 15 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. SABO].

PARLIAMENTARY INQUIRY

Mr. AUCCOIN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. AUCCOIN. I am curious to know who is controlling the time on the other side.

The CHAIRMAN pro tempore. No Member has been recognized as of this time for the purposes of opposition.

Mr. McCRERY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Louisiana [Mr. McCRERY] will be recognized for 15 minutes.

Mr. SABO. Mr. Chairman, we have just voted to continue funding the MX rail garrison system. I personally did not agree with that decision, but the House has made its decision. We have decided to fund one mobile missile system.

Mr. Chairman, we should not fund a second one. This is the core of our motion, of those of us who are offering this amendment. We simply do not need to deploy a second mobile system regardless of its merits.

The second very fundamental decision that we raise is a question of cost. The total program cost for a new Midgetman is going to be between \$20 and \$30 billion. That is in addition to the rail garrison's cost of \$4.5 billion.

Another important component of cost that we deal with each year, both in the authorizing bill and the DOD appropriation bill, is the ongoing cost

of operations. The estimate of costs for operation of a 500-missile Midgetman force would be \$410 million every year, and that would be in addition to the operating costs of \$225 million for the MX rail garrison system.

In my judgment, as we do the very difficult process of setting priorities, No. 1, we cannot afford the Midgetman because of its construction costs and procurement costs, but, second, we cannot afford its operations cost for its impact both on other procurements we need to make but also, and equally important, for those very important operational costs that we have year to year.

□ 1610

So I would urge the House, you made a decision earlier today to fund MX rail garrison, let us say no to a second mobile system.

Mr. McCRERY. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. Mr. Chairman, I rise in support of the President's request for land-based ICBM modernization. We have heard from many of my colleagues that we really don't need these weapons. They claim that the United States faces a different Soviet Union. The many seemingly radical changes in the Soviet Union plus promises from Gorbachev for reduced military spending has transformed the image of Soviets from an intractable enemy to our friend in disarmament and world peace. To my colleagues on both sides of the aisle, nothing could be further from the truth.

Despite the very public removal of some Soviet tanks and troops from Eastern Europe, to date there is little sign that the Soviets are slacking off any major aspect of their military production. In the strategic arena, the Soviets already have deployed their counterpart to our MX based in rail garrison and the Midgetman—the SS-24 and the SS-25.

Despite the INF Treaty and all of the rhetoric for peace and disarmament from Gorbachev, Soviet ICBM production rose from 75 weapons per year in 1986 to 150 in 1988. Soviet strategic bombers rolling off the assembly line increased from 35 aircraft in 1983 to 45 per year in 1988. Soviet cruise missile production doubled from 150 weapons per year in 1983 to 300 in 1988, while short-range submarine-launched cruise missile [SLCM] production remained fairly constant over this 5-year period at 800 per year.

Isn't it convenient, Mr. Chairman, that at the exact moment when Congress must make a tough decision to proceed with ICBM modernization, the Soviets volunteer to halt production just as they've reached their quota. In short, amendments to derail the President's proposal is quite

simply a futile exercise in unilateral disarmament.

While we welcome words of encouragement for arms reduction from Gorbachev, I must remind my colleagues that we've been down this primrose path before. Ever since 1917, Soviet leaders have promised disarmament only to fool Western democracies into a position of inferiority. Even if we believe Gorbachev intends to fulfill all of his promises, the United States should not base its defense on the hopes that he stays in office. This month's coal miner's strike has, in Gorbachev's words, been the most serious test of his leadership. How do we know for sure that Gorbachev will remain as the supreme leader of the Soviet Union next week? Because none of his reforms have been institutionalized, all of his dramatic initiatives could be revoked in one fell swoop. Just look at what has happened in China last month.

President Bush has proposed a realistic and sound defense budget. There are no frills, but only sufficient funds to deter potential aggressors. In other words, the President is wisely keeping our powder dry. Land-based ICBM modernization plays a key role in the overall nuclear deterrent strategy.

If you support the amendment offered by my colleague from Massachusetts, you will effectively kill the Midgetman program, which will severely cut the usefulness of the land-based leg of our triad. By relying on 25-year-old Minuteman missiles sitting in fixed silos, you give the Soviet the upper hand. While the Soviets can disperse their mobile forces, our land-based strategic forces are sitting like ducks to Soviet targeters. As the President said in his July 24 letter to Chairman ASPIN in support of the MX and the Midgetman, the Small ICBM "offers a high degree of survivability, even with virtually no warning." You don't have to use it or lose it. The Midgetman dramatically adds to our deterrent capability.

Much noise has been made about the potential cost of this strategic system. Contrary to popular opinion, the Small ICBM will not cost \$40 or \$50 billion. According to Air Force estimates, deploying the full complement of 500 Midgetmen will cost \$25 billion. Plus, many opponents of the Midgetman ignore its main purpose—survivability. The cost per surviving warhead in a bolt-out-of-blue attack on the United States is dramatically less than for the MX rail garrison system. It requires 4 to 6 hours to alert the train crews to evacuate the 10-warhead MX missiles from the rail garrison. Mr. Chairman, it requires less than 5 minutes to disperse the single-warhead Midgetman missiles.

While I strongly support the MX system, I find it amazing to see Mem-

bers who object to the high cost of the Midgetman fail to comprehend that the vast majority of the Small ICBM force would survive any attack with less than 5 minutes' notice. Yet, in order to save money now, supporters of the Frank amendment would endorse the MX missile at the expense of the cost effective, survivable Midgetman program. It doesn't make sense.

Finally, approving the Bush modernization program will support our START negotiators in Geneva. Ambassador Paul Nitze, who successfully negotiated the INF Treaty, has argued that without deploying the Midgetman system, a START agreement will be impossible. If anything is to be learned from the INF talks, it is that we can't get the Soviets to give up something for nothing.

Do we honestly believe that Gorbachev is so magnanimous to give up his land-based mobile capability in return for our paper plans that he can defeat by a simple vote today? Of course not. Vote no on the Frank amendment, and support the President's bipartisan compromise on land-based strategic nuclear modernization.

Mr. FRANK. Mr. Chairman, having begun with the gentleman from Minnesota [Mr. SABO], I yield 1 minute to the other Minnesota twin [Mr. WEBER].

Mr. WEBER. Mr. Chairman, I rise in support of the amendment.

The House has put together a good record today, and in view of that good record, what we are about to do, if indeed we support the Frank amendment, can be described as almost anything except unilateral disarmament. Let us understand the context of the Frank amendment.

This basically is the Reagan-Bush-Cheney position of 1 year ago. Something has changed, but it is not the merits of the argument.

But it is important to remember that just 1 year ago an awful lot of Members that today are supporting this system were against it. Why? A lot of reasons.

Mr. Chairman, we understand that we do not need a perfect land-based leg of the deterrent to have a credible land-based leg of the deterrent, and rail garrison MX is a credible land-based improvement of our deterrent.

Why then change? Why spend the \$20 to \$30 billion, a terrible mistake, not in strategic judgment, in political judgment?

The Armed Services Committee and the administration decided that since many Members opposed one or the other of these systems, perhaps a majority of the body is concerned about the cost of the systems, and since a lot of Members candidly oppose both of the systems, what are we going to do? We will compromise and we will build both of them. That makes no sense to this Member. It makes no sense to

most of the country. It does not make much sense for our national security at all.

I support the Frank amendment.

Mr. McCRERY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I rise in opposition to the amendment offered by my friend, the gentleman from Massachusetts to terminate funding for the Midgetman missile. Quite frankly, I must admit I have been surprised at Members of my own party's desire to kill the Midgetman. I share many of their frustrations over deployment and now rebasing of the MX missile. However, the answer is not to kill the Midgetman.

Beyond the political battles, there remain many substantive reasons why our party has in the past—and should now—continue its support for the Midgetman missile.

It is President Bush's National Security Advisor—Brent Scowcroft—that deserves perhaps the most credit for formally presenting the security rationale for developing the Midgetman. Six years ago, when military and political leaders in this country were up in arms over the perceived vulnerability of our Nation's ICBM force, President Reagan commissioned General Scowcroft to lead a study of U.S. strategic modernization programs.

Scowcroft's Commission concluded that there are three reasons why it was important for the United States to continue to modernize its ICBM force:

First, to provide a hedge against possible vulnerabilities in our SLBM force, and we believe espionage has made us more vulnerable here;

Second, to introduce complexity and uncertainty into any plan of Soviet attack; and

Third, to help deter Soviet threats of massive conventional or limited nuclear attack by the ability to respond promptly and controllably against hardened military targets.

The reasons why ICBM modernization is important have not changed * * * they are every bit as valid today as they were 6 years ago. No matter how much Western leaders have grown in recent years to appreciate the new Soviet leadership, the military requirements of nuclear deterrence have not disappeared.

The Scowcroft Commission recommended that the best way of achieving these requirements was to deploy "a small missile with sufficient accuracy and yield to put Soviet hardened military targets at risk * * * based in a mobile fashion to ensure that the missile is almost totally survivable."

I say to my colleagues, that is precisely what we did 5 years ago when we began development of the Midgetman missile. A great deal of consideration, analysis, and expense has gone into the development of this system.

Now, when we are so close to gleaming the fruits of this effort, it strikes me extremely imprudent to jeopardize the fate of the small missile.

My colleague, the gentleman from Massachusetts makes the argument that we cannot afford Midgetman. I want to say to him and his supporters that the cost of the Midgetman is substantially less than that of more than a dozen current acquisition programs—and furthermore—as research has proceeded—costs have continued to decline dramatically.

Five weeks ago, a few members met with Brent Scowcroft to talk about the Midgetman. He told us that President Bush was seriously considering a START proposal that would call for a ban on mobile MIRV'd missiles—that means trading rail garrison MX for the Soviet SS-24. Should our country adopt such a negotiating position—which I quite frankly believe would be a very good idea—deployment of the Midgetman becomes essential as a stabilizing offset to the Soviets' currently deployed mobile single-warhead SS-25.

I say to BARNEY and MARTY and RON and so forth, now is no time to give up on the Midgetman missile. We need to think about a post START force structure. We need to transcend political games and make prudent decisions that meet our Nation's security requirements. We have come a long way with the small missile. Now is the time to embrace it—not abandon it.

I urge my colleagues to vote against the Frank amendment.

Mr. FRANK. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. MOODY].

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. MOODY. I yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Chairman, many Members of this body have reported their support for Midgetman based on its contribution to arms control and a stable balance between the strategic forces of the two superpowers. The crucial element has been Midgetman's single warhead and moving away from the hair-trigger of MIRV'd or multiple warheads.

The Pentagon, of course, routinely wants as many warheads as it can acquire, and there regularly are scenarios from numerous quarters hatched and floated to arm the Midgetman with two or even three nuclear warheads.

If the body continues its support for Midgetman, we should insist on assurance that this missile will stay a single-warhead missile and not be MIRV'd on down the road?

We should also receive assurance as to whether the Midgetman is likely to be embellished with the high-tech penetration aids and especially the ground-burrowing, silo-busting warhead technology the Pentagon has been developing. In other words, Are we building a weapon that, when combined with the other extraordinarily accurate missiles we have been pursuing, well may be viewed by the So-

viets as a first-strike threat and actually hamper our arms control hopes?

Mr. Chairman, most folks and experts in the field have always assumed—and a few still do—that the Midgetman would be most survivable far into the next century by basing it on our military reservations in the Southwest—where the missile could roam in random regular patterns.

The point always has been to close the so-called window of vulnerability and go for the most survivable ICBM force for the long run.

Despite all of the dire rhetoric of the past administration about Soviet first strikes and our supposedly dangerously vulnerable ICBM's, President Reagan of course surprised many folks by picking the northern plains for the first Midgetman basing. We all know the reason was that, despite all the bravado about a second-to-none defense, the past administration didn't want to pay the higher costs of putting the Midgetman in the Southwest. So they pick a northern site, just 10 hours from the Pacific Coast and the growing threat from Soviet submarines.

Mr. Chairman, how long do you expect it will be before, given advances by the Soviets, that prudence and care for survivability will require that the Midgetman be redeployed elsewhere.

Mr. MOODY. Mr. Chairman, the MX was first sold to us as a bargaining chip because it was unusable, it could not be used because it was a world-ending weapon.

Now that it has been deployed we obviously not only are not going to bargain it away, we are going to put it on rail, make it mobile. The Congress just voted that way.

If Members voted to mobilize the MX, there is no reason why they should now vote to create a whole new system to also be mobile. Can anyone in this body seriously tell me that we need two land-based mobile systems on top of all of the other systems we have? We have 2,450 warheads in over a thousand silos, and if that is not enough, what is?

Since we are going to have a mobile system, why do we want to spend \$20 billion to \$30 billion more in this period of scarce resources to start a whole new system and spend another \$500 million per year on operating costs? I do not think it can be justified.

Last year the Congress went on record that it did not want two systems. But it deferred the decision as to which one and asked the President to give us his suggestion as to which one do you want, Mr. President? The President came back without a choice. He wants both.

Do Members not think it is time that we made some tough decisions around here and picked one? If the President will not, we at least should.

Finally on arms control, it is often argued that we need this for arms control. Members should be aware, and I am a congressional delegate to the arms talks in Geneva, our position in Geneva is that we want zero land-

based mobile systems, zero, not one, not two, zero. This body will be taking us in exactly the wrong direction, and it will not be affordable for us to move to a two-system mobile land-based ICBM.

I urge support of the Frank amendment.

Mr. McCRERY. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. AuCoin].

Mr. AuCOIN. Mr. Chairman, I understand the reasoning behind this amendment of my friends, the gentleman from Massachusetts, and the gentleman from Minnesota [Mr. SABO]. They say Midgetman is dead and the vulnerable MX rail garrison is unstoppable, so we might as well accept the loss of deterrence and stop spending money to feed the corpse.

They may be right. For sure, those of us back in 1983 who signed the famous Treaty of Pennsylvania Avenue, those of you who bought the Scowcroft Snake Oil, you were swindled blind. To think you could get the small single warhead ICBM's by supporting big MIRV'd ICBM's was the bonehead play of the decade.

□ 1620

Now the administration has the MX and it is leaving Midgetman to twist slowly, slowly in the wind.

But, my friends, the curtain has not fallen yet. If we pass the Spratt amendment, which is coming next, and then slow down vulnerable rail garrison and encourage the administration to trade it off against the SS-24, stability and deterrence may yet win out and we will be able to keep first-strike weapons out of the hands of both sides.

If the Spratt amendment fails or if it is dropped in conference, if it is clear that it in fact is dead, then I will join you in killing the Midgetman in the appropriations bill. But for now in the authorization bill I do not think deterrence is dead, I do not think we ought to stop the show. I think we ought to vote for a rational ICBM policy; that means keeping the Midgetman alive and that means defeating the Frank amendment.

Mr. FRANK. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Mr. ROWLAND].

Mr. ROWLAND of Connecticut. Mr. Chairman, this is going to be a very interesting vote today. I offered this exact same amendment last year at this time and last year 75 Republicans voted for this amendment. During the debate, the major argument went something like this, by the proponents of the Midgetman: "Let us not eliminate this Midgetman, let us allow the next administration to make a choice. Let us allow the next administration to decide whether to go with MX or Midgetman. Let us give them the option."

Well, here we are and as usual we have delayed the decision from last year and now we do not want to make the choice.

All of a sudden support emerges for both missiles.

We built the MX, it is here to stay. We have spent \$25 billion and we still need a basing mode.

How in the world are we going to get off and build yet another missile system at a cost of \$30 billion? I suppose there are some politics involved, and that is very unfortunate.

Last year the Midgetman was a Democrat idea, the Republicans were opposed to it. This year the Midgetman is a Republican idea and perhaps the Democrats will be opposed to it. Same missile, same amendment, same arguments.

This administration seems to favor anything and everything. It is the Noah's Ark theory, the theory that you need two land-based missile systems, the MX and the Midgetman, and the theory that you need two bombers, the B-1 and the B-2.

By the way, Mr. Chairman, how are we going to afford the MX, the rail garrison basing mode, the Midgetman missile system the B-1 bomber, the B-2 bomber, SDI, the space program, the space plane and the V-22 and F-14 and all without raising taxes? Good luck. At some point we are going to have to set priorities, we are going to have to make tough choices.

I urge my Republican colleagues to be consistent with last year and support the Frank amendment.

Mr. McCRERY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the force of 500 small ICBM's in hard-mobile launchers provides the United States with a reliable and survivable ICBM force. Even under tactical warning of a Soviet nuclear strike, the small ICBM force is highly survivable. The small ICBM force will be capable of delivering prompt and accurate retaliation against Soviet targets following a Soviet first strike. Like other ICBM systems, the small ICBM is also technically reliable and has very secure command and control links to the national command authority, making the probability of a serious accident or system failure practically nonexistent.

The dispersed small ICBM force creates a variety of serious dilemmas for Soviet warplanners who are considering a disarming strike. First, the dispersed force greatly increases the number of aimpoints for Soviet nuclear forces. A Soviet barrage attack against small ICBM's would be very costly in terms of warheads to target. Even then, the Soviet leadership would be very uncertain of a successful attack. Furthermore, since each small ICBM has only one warhead, the

cost to the U.S.S.R. in terms of attacking warheads for each U.S. warhead is even greater. In general, the mobility and single RV per missile of the small ICBM strengthens strategic stability to a tremendous degree. Mobility also makes the small ICBM insensitive to Soviet improvements in accuracy.

This combination of survivability and reliability of the small ICBM will result in many important synergistic benefits for other U.S. strategic forces. Its high survivability, even when receiving only tactical warning, provides deterrence coverage for the dispersing Peacekeeper rail-garrison ICBM force, U.S. silo-based ICBM's, as well as for the other legs of the U.S. triad.

Deployment of the small ICBM will also provide the United States with important bargaining leverage with the U.S.S.R. during the START negotiations. The Soviet Union has currently deployed road-mobile SS-25 ICBM's each with a single warhead, and rail-mobile SS-24 ICBM's, each with 10 warheads. Deployment of more Soviet mobile missiles are expected. In contrast, the United States has no mobile ICBM's deployed. Without a mobile ICBM force, the United States has no real change to restrain or eliminate such a robust Soviet ICBM force. As history continues to show us, the Soviet leadership is not inclined to make strategic arms control concession at the bargaining table unless faced with a determined U.S. response in the field.

Finally, despite assertions to the contrary, the small ICBM is very affordable and strengthens U.S. deterrence policy at a cost far less than other systems or forces. In general, strategic offensive forces, particularly ICBM's, make up a small percentage of the total DOD budget. In 1989, for example, ICBM funding comprised only 1 percent of the total defense budget. If one considers that a new U.S. armor division costs \$43.8 billion, the deployment of 500 small ICBM's on hard-mobile launchers for a total cost of \$25.85 billion is quite a bargain. Given current and future increases in accuracy and throw-weight to Soviet strategic offensive forces, I hope you will agree that the small ICBM is not only affordable, but a necessity.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK. Mr. Chairman, I yield 1½ minutes to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. I thank the gentleman for yielding.

Mr. Chairman, we are told these are times in which we must make tough choices. You sure could have fooled me.

The Department of Defense a few months ago was confronted with this choice, rail garrison MX or a Midgetman. The consensus was that DOD was going to have to make a choice be-

tween the two. But what choice did the Department of Defense officials make? They said, "We want them both. We want to build it all." They said, "Full speed ahead." No weapons system costs too much for these folks.

I disagree. We do not make this country stronger by building missiles we do not need with money we do not have. That is a fact.

There is nothing midget about the Midgetman. This Midgetman would be a giant tumor in the Federal budget that will grow and grow and grow with every succeeding budget. I understand my colleagues' interest in the Midgetman. But we simply can't afford new missiles.

I think buying both would be a giant mistake for the American taxpayer.

Someplace the appetite for these missile programs must wane. This is the place, in my judgment. Congress must make the right decision, not just for the Department of Defense but for the country.

And the right decision is to defeat the Midgetman missile program. We do not need it and we cannot afford it. It is that simple.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Louisiana has 5 minutes remaining, and the gentleman from Massachusetts [Mr. FRANK] has 6 minutes remaining.

Mr. McCrery. Mr. Chairman, we only have one remaining speaker, and I understand as a representative of the committee we have the right to close.

The CHAIRMAN pro tempore. The gentleman from Louisiana is entitled to close.

PARLIAMENTARY INQUIRY

Mr. FRANK. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. FRANK. Mr. Chairman, do I understand that the offeror of the amendment does not have the right to close?

The CHAIRMAN pro tempore. The gentleman from Louisiana [Mr. McCrery], representing the committee on its position, has the right to close.

□ 1630

Mr. FRANK. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. IRELAND].

Mr. IRELAND. Mr. Chairman, I rise in strong support of the Frank amendment. Now that we have the true story on the Pentagon's 5-year plan for the first time in history, we know that the programs of the Pentagon, the ones that we are addressing today, will cost some \$150 billion more than the Pentagon itself was projecting. We know also that there is not enough money downstream to pay for all these programs, all these programs that are in the bill that we are looking at today.

So we know that we must make cuts and make big cuts.

The question, then, really is what do we cut, and when do we cut it, so that America will be safe? If we cut the wrong weapons system, we are in big trouble. If we keep all the weapons and cut readiness and training, we are in trouble just as we were in the late 1970's. If we wait to cut, the cost just goes up and up and up. However, there is no question that cut we must.

So what should we do? We should cut the Midgetman because we will have the rail mobile MX, and America will be safe. If we cut now, we will save \$23 billion in the outyears, a giant step toward protecting our own readiness.

I urge a vote in favor of the Frank amendment to end the Midgetman. We must cut, and we must cut now.

PARLIAMENTARY INQUIRY

Mr. FRANK. Mr. Chairman, my understanding is the committee has the right to close, which I understood to mean the final speaker. It has been represented to me that there are going to be three final speakers. I do not want to get theological, but is one three, three one? Do they have that right? I would like the answer to that question.

The CHAIRMAN pro tempore (Mr. DURBIN). The Chair would advise the gentleman from Massachusetts that if there is one Member on the floor who is to close, then of course, he will have that opportunity.

Mr. FRANK. My inquiry is that the other side intended to have three final speakers as a final speaker.

The CHAIRMAN pro tempore. It is, of course, the option of the closing Member to yield at any point, while remaining on his feet.

Mr. FRANK. I thank the Chair. The arithmetic of the Committee on Armed Services is constant; they can multiply anything.

Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Chairman, I rise in support of the Frank amendment. I find it a little strange to be out here in league with my good friend and ideological opposite, the gentleman from Massachusetts [Mr. FRANK], but on this one he is right. He is on target.

Upon completion of this authorization we have credible high technology deterrence, MX rail garrison, D5, SLBM, B-2 deployment, we have SDI on track. How much do we need? How much can we afford? There is a vulnerability here, vulnerability of some Members voting for anything and everything because it all sounds good, and it all makes sense, but at some point, if we are going to do the MX and the D5 and the B-2 and the SDI right, we cannot impoverish each and every one of these problems by having

everything else in the hopper at the same time.

I urge my colleagues to strongly support the Frank amendment.

The CHAIRMAN pro tempore. The gentleman from Massachusetts [Mr. FRANK] has 3 minutes remaining.

Mr. FRANK. Mr. Chairman, I yield such time as he may consume to the gentleman from Rhode Island.

Mr. MACHTLEY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the Frank amendment.

Mr. Chairman, I would first like to commend my colleague from Massachusetts the distinguished gentleman, Mr. FRANK, for his efforts to eliminate a costly weapons systems which this country does not need. This is a budget issue.

Mr. Chairman, under Gramm-Rudman guidelines, we are supposed to reduce the deficit to zero by 1993. With this in mind, all possible means of reducing the Federal deficit must be considered. And as we all know, the best means of saving money in the defense budget is to terminate programs early—to kill them before they get rolling.

The Midgetman is one such program early in its development. This midgetman will gobble up money faster than Pacman. If we terminate Midgetman now by passing the Frank amendment, we would save the American taxpayers some \$32 billion. In these times of budget restraint, and with Gramm-Rudman targets hanging over our heads every day, there is simply no room in the long term to fund two ICBM programs—like desserts one is enough. I urge my colleagues to support the Frank amendment.

The best approach for national security is a strong economy without a deficit.

Mr. FRANK. Mr. Chairman, I will close all by myself for my 3 minutes, and yield myself the remainder of the time.

Mr. Chairman, we are hearing from some of my friends the most expensive bedtime story in history. My good friend from Oregon said he does not think we should have the Midgetman and the MX rail. So therefore, he is going to vote to keep the Midgetman alive because one of these days we will beat the MX rail. We just got beat by 84 votes, but hope spring eternal in the heart of the gentleman from Oregon. The money better spring eternal.

The single most expensive piece of budget authority that we now build, after the Stealth is this: It is a \$25 billion budget authority by Pentagon accounting. That is a lot of money. We have only spent \$100 million. We will, if this amendment is defeated, have the ploy of my friend from South Carolina who voted for the MX rail, but then he will vote to reduce it a little, so the bill will come out ahead, as the gentleman said, with the SDI and with the Stealth and with the B-1 and with the MX and with the Midgetman. I know some of my liberal

friends are upset and say, "You are right, we do not want to spend the \$25 billion, but we have to buy a weapon." I will buy the gentleman Mace. It will be cheaper.

This liberal needs to have a weapon. I understand it, but \$25 billion is political insurance above and beyond what the Treasury can bear. We are in the zero sum situation.

Last week we have to choose between space and the homeless and veterans, and the people say, "I hate it, I hate it." We are guaranteeing a repetition of those choices, and even worth. What Members have a chance to do now, today, is to save \$25 billion. Members already have the MX rail. The gentleman from Oregon thinks he will beat those 84 votes. No one else does. I wish we could. However, no one else thinks so.

What we have today is the anti-triage theory of weaponry, letting Members keep everything and spend money on it. We have one chance, and one chance only to kill a weapon.

Now, my friend from California said well, he had met with Mr. Scowcroft, and Mr. Scowcroft said that the President said, but the President will not say it publicly, but he said it to him personally, and Scowcroft and those others have a great record of negotiation. Every time some Democrats go to the White House to negotiate, they leave their pants behind with a lot of money in them, euchring in 1983, euchring them again, talked to Scowcroft and made it nice and said this is good possible theory, maybe yes, maybe no, give me \$25 billion, and they say, "Boy, we got a great deal coming from your pockets." We increased a terrible budget crunch, unmeetable Gramm-Rudman demand. Members have one chance, under this bill, to save some money for the future. If Members vote down this amendment, I guarantee this bill comes out of here and goes to the other body with both the MX rail and the Midgetman committed. Anyone who thinks that Members are going to wheel and deal and somehow make the Midgetman appear and the rail garrison disappear is wrong.

Members have one chance, one chance only, to save \$25 billion that no one thinks is strategically necessary if the MX is also there. Please take it.

Mr. McCRERY. Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. Dicks].

Mr. DICKS. Mr. Chairman, I rise in support of preserving the small single warhead Midgetman missile. It is my judgment that the small ICBM is the most survivable weapon we can put out. I think it is preferable, frankly, to rail garrison, but I think at this point in time we have to move forward on both systems.

It is my hope that in Geneva, that the Bush administration will lay down

a new position on arms control which will give up rail garrison MX if the Soviets give up their SS-24. They would then not deploy the highly mirrored system and go forward with the SS-25, which is their one warhead system, and we would go ahead with the Midgetman, our one warhead system. So there is a way to move away from the necessity of having to go with rail garrison MX. Midgetman gives the United States survivability. It also is stabilizing. It is not a system that can be attacked, except by barrage. It is more survivable, in fact, than the rail garrison approach.

□ 1640

Mr. Chairman, I think the Frank amendment is a mistake at this point.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the chairman of the committee, who has been at the forefront of the Midgetman program for several years.

Mr. ASPIN. Mr. Chairman, I commend the gentleman in the well, and I agree entirely with his statement.

At this point none of us knows whether we are going to end up building both of these systems. We do know that the Soviets have two like systems, the SS-24, like the rail MX and the SS-25, like the Midgetman, and I am convinced that we ought not unilaterally cancel one of these at the point when the Bush administration is just going into negotiations.

I know that many of us in the House did not feel comfortable that the previous administration was interested in arms control. I think that this administration at least shows enough interest in arms control that we ought to give them a chance to negotiate the deal. I think we ought to vote down this amendment, support these missiles, give them a chance to negotiate, and hope that eventually, if we take out one of these missiles, it will be in the context of an arms control agreement in which we get a like system from the Soviets.

Mr. DICKS. Mr. Chairman, let me ask the gentleman, is it not true that what we are talking about here is not a massive amount of money? We are talking about \$100 million to barely keep this program alive, and in fact, I for one think it is too little. If we are going to go ahead, I believe we should have more money, but this is the best we can do under these circumstances. I also think that the Midgetman could be deployed with two warheads instead of one warhead. If it might potentially be deployed with two warheads, that would bring the cost down from about \$26 billion to about \$14 billion. That is another viable option and one that we ought to take a very serious look at, because the gentleman from Massachusetts [Mr. FRANK] is

correct, we do not have unlimited resources. So we are going to have to look at various ways of deploying Midgetman. There might be just 300 instead of 500, and that is another way to save some money.

But, Mr. Chairman, I think to kill this program at this time would be premature.

Mr. DOWNEY. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from New York.

Mr. DOWNEY. Mr. Chairman, sadly, the coalition in support of the Frank Amendment is not just the people like the gentleman from Massachusetts [Mr. FRANK] and others who believe that the world is safer with few nuclear weapons. It contains the gentleman from Pennsylvania [Mr. RITTER] and those people who believe that a stable environment is a world where we have D-5 missiles, rail mobile MX's, and star wars, where we go to war at the drop of a hat, or on a computer-announced warning.

This is not the world I would like to live in. I would like to live in a world where we have very few nuclear weapons, and where those that we do have would be based in stable, mobile systems that are secure from first strike attack. Clearly, we do not need an MX and a Midgetman, and hopefully wise heads in the administration, and here, will prevail at some point and we will abandon the perfectly absurd position that our negotiators are taking, that at the same time we want both mobile ILBMs it is our position in Geneva to want to have the Soviets do away with theirs.

Mr. DICKS. Mr. Chairman, the irony of this is that the Scowcroft Commission said we should go mobile. The Soviets have read the Scowcroft Commission report, and they have gone mobile. We are still here debating the point.

Mr. DOWNEY. Mr. Chairman, will the gentleman yield further to me?

Mr. DICKS. I yield to the gentleman from New York.

Mr. DOWNEY. Mr. Chairman, the administration is unwilling to forebear on the expansion of the rail mobile MX, for the sake of a possible exchange for the SS-24.

The CHAIRMAN pro tempore. Under the rule, all time has expired on this amendment.

The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. FRANK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 168, noes 254, not voting 9, as follows:

[Roll No. 170]

AYES—168

Applegate	Herger	Ritter
Atkins	Hertel	Rohrabacher
Ballenger	Holloway	Rose
Bartlett	Houghton	Rowland (CT)
Bates	Inhofe	Roybal
Bellenson	Ireland	Russo
Bennett	Jacobs	Sabo
Bilirakis	Johnson (CT)	Saiki
Boehlert	Johnson (SD)	Sangmeister
Bonior	Jones (GA)	Sarpalius
Boxer	Jontz	Savage
Brooks	Kanjorski	Scheuer
Broomfield	Kastenmeier	Schiff
Brown (CO)	Kennelly	Schneider
Bryant	Kildee	Schroeder
Buechner	Kleczka	Schuetz
Bunning	Kostmayer	Schulze
Campbell (CA)	Leach (IA)	Shays
Carr	Lehman (FL)	Shumway
Clay	Levin (MI)	Siskorski
Coble	Lewis (GA)	Sisisky
Conyers	Lowery (CA)	Slattery
Cox	Lukens, Thomas	Smith (FL)
Coyne	Machtley	Smith (NJ)
Crockett	Madigan	Smith (VT)
Davis	Markey	Smith, Denny
DeFazio	Martin (IL)	(OR)
Dellums	Matsui	Smith, Robert
Donnelly	McCloskey	(NH)
Dorgan (ND)	McDermott	Smith, Robert
Douglas	McGrath	(OR)
Durbin	Mfume	Stark
Dymally	Miller (CA)	Stenholm
Early	Mineta	Stokes
Eckart	Moakley	Studds
Edwards (CA)	Mollohan	Tauke
Evans	Moody	Torres
Flake	Morella	Towns
Ford (MI)	Morrison (CT)	Trafficant
Ford (TN)	Mrazek	Traxler
Frank	Murphy	Udall
Gallo	Murtha	Unsoeld
Garcia	Neal (MA)	Upton
Gaydos	Nielson	Vento
Gedensson	Oberstar	Visclosky
Gekas	Obey	Walker
Glickman	Owens (NY)	Waxman
Goodling	Oxley	Weber
Grandy	Parris	Weiss
Gray	Payne (NJ)	Weldon
Guarini	Payne (VA)	Wheat
Hastert	Pelosi	Whitten
Hawkins	Penny	Wilson
Hayes (IL)	Pursell	Wolf
Hefley	Rangel	Wolpe
Hefner	Rhodes	Wyden
Henry	Ridge	Yates

NOES—254

Ackerman	Cardin	Erdreich
Akaka	Carper	Espy
Alexander	Chandler	Fascell
Anderson	Chapman	Fawell
Andrews	Clarke	Fazio
Annunzio	Clement	Feighan
Anthony	Clinger	Fields
Archer	Coleman (MO)	Fish
Armey	Coleman (TX)	Filippo
Aspin	Combest	Foglietta
AuCoin	Conte	Frenzel
Baker	Cooper	Frost
Barton	Costello	Gallely
Bateman	Coughlin	Gephardt
Bentley	Craig	Gibbons
Bereuter	Crane	Gillmor
Berman	Darden	Gilman
Bevill	de la Garza	Gingrich
Billbray	DeLay	Gonzalez
Bliley	Derrick	Gordon
Boggs	DeWine	Goss
Borski	Dicks	Gradison
Bosco	Dingell	Grant
Boucher	Dornan (CA)	Green
Brennan	Downey	Gunderson
Browder	Dreier	Hall (OH)
Brown (CA)	Duncan	Hall (TX)
Bruce	Dwyer	Hamilton
Burton	Dyson	Hammerschmidt
Bustamante	Edwards (OK)	Hancock
Byron	Emerson	Hansen
Callahan	Engel	Harris
Campbell (CO)	English	Hatcher

Hayes (LA)	McHugh	Sawyer
Hiller	McMillan (NC)	Saxton
Hoagland	McMillen (MD)	Schaefer
Hochbrueckner	McNulty	Schumer
Hopkins	Meyers	Sensenbrenner
Horton	Michel	Sharp
Hoyer	Miller (OH)	Shaw
Hubbard	Miller (WA)	Shuster
Huckaby	Molinar	Skaggs
Hughes	Montgomery	Skeen
Hunter	Moorhead	Skelton
Hutto	Morrison (WA)	Slaughter (NY)
James	Myers	Slaughter (VA)
Jenkins	Nagle	Smith (IA)
Johnston	Natcher	Smith (MS)
Jones (NC)	Neal (NC)	Smith (NE)
Kaptur	Nelson	Smith (TX)
Kasich	Nowak	Snowe
Kennedy	Oakar	Solarz
Kolbe	Olin	Solomon
Kolter	Ortiz	Spence
Kyl	Owens (UT)	Spratt
LaFalce	Packard	Staggers
Lagomarsino	Pallone	Stallings
Lancaster	Panetta	Stangeland
Lantos	Parker	Stearns
Laughlin	Pashayan	Stump
Leath (TX)	Patterson	Sundquist
Lehman (CA)	Paxon	Swift
Lent	Pease	Synar
Levine (CA)	Perkins	Tallon
Lewis (CA)	Petri	Tanner
Lewis (FL)	Pickett	Tauzin
Lightfoot	Pickle	Thomas (CA)
Lipinski	Porter	Thomas (GA)
Livingston	Poshard	Thomas (WY)
Lloyd	Price	Torricelli
Long	Quillen	Valentine
Lowey (NY)	Rahall	Vander Jagt
Lukens, Donald	Ravenel	Volkmer
Manton	Ray	Vucanovich
Marlenee	Regula	Walgren
Martin (NY)	Richardson	Walsh
Martinez	Rinaldo	Watkins
Mavroules	Roberts	Whittaker
Mazzoli	Robinson	Williams
McCandless	Roe	Wise
McCollum	Rogers	Wyllie
McCrery	Rostenkowski	Yatron
McCurdy	Roth	Young (AK)
McDade	Roukema	Young (FL)
McEwen	Rowland (GA)	

NOT VOTING—9

Barnard	Dannemeyer	Florio
Collins	Dickinson	Hyde
Courter	Dixon	Leland

□ 1703

Messrs. MADIGAN, SMITH of Florida, ROSE, and BOEHLERT changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

LEGISLATIVE PROGRAM

Mr. ASPIN. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN pro tempore (Mr. DURBIN). Without objection, the gentleman from Wisconsin [Mr. ASPIN] is recognized for 5 minutes.

There was no objection.

Mr. ASPIN. Mr. Chairman, just to take a moment here and let the majority leader talk a little bit about the schedule and where we are tonight and what people can expect in the way of votes for the rest of this evening, I would just like to say and then I will yield to the majority leader, but we have in this series of amendments on the ICBM issue two more amendments, a Spratt amendment which reduces the rail MX to \$600 million, and then the Mavroules amendment which

puts a cap of 50 on the MX. Both of those are amendments which are in order to debate for a half an hour and followed by a vote. If we follow the full process, we will have a half an hour debate and a vote and a half an hour of debate and a vote, which would get us one vote around 5:30 and another vote maybe about 6:15, I would guess.

Then beyond that, we will go into the class two amendments.

Mr. GEPHARDT. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the majority leader, the gentleman from Missouri, for what he has in mind for the rest of the evening.

Mr. GEPHARDT. Mr. Chairman, I thank the gentleman for yielding to me.

It will be our intention to continue on with class two amendments, but to hold the votes until tomorrow morning. We will go in at 9 o'clock.

We have a plutonium amendment and then we would propose to have the votes that would be held over to the extent there are some from this evening's work, until that time, which should be around 10 o'clock tomorrow morning.

Mr. GINGRICH. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Chairman, if we follow this schedule, what time tomorrow does the leader believe we would get done tomorrow night?

Mr. GEPHARDT. Mr. Chairman, if the gentleman will yield, we have under the rule as I understand it approximately 10 hours of business, but it is our belief that it will not take that long to complete the business. We believe that we might be able to finish this bill at 6 or 7 o'clock tomorrow night; at least that would be our hope.

Mr. GINGRICH. Mr. Chairman, if I might ask one or two more questions, I am a little concerned, I might say to the distinguished chairman. How many amendments does the distinguished gentleman think would be in order to vote on when we first come in in the morning?

Mr. ASPIN. If all the amendments would be voted on, there would be a total of 5.

Mr. GINGRICH. Would it be the gentleman's intention to deal with those, one with a 15-minute vote and four with 5-minute votes?

Mr. ASPIN. That is up to the Chair, but that is what we did with them yesterday.

Mr. GINGRICH. I think part of our concern or the concern expressed to me by members of the committee on this side of the aisle is that sometimes when you get into a complicated series of amendments that there is some difficulty in making sure that everybody has had a chance to focus on each of

those, particularly if the debate this evening were to occur after Members had their last vote and had gone to dinner.

Mr. ASPIN. I would point out to the gentleman that there is a very good chance that some of these amendments that we are looking at tonight will not be offered and will be settled out. We may end up with only one or two votes tomorrow, in which case it would be a lot simpler; but we will be here in the morning and take some unanimous-consent time in order to make sure that everybody understands the votes.

Mr. GINGRICH. I think if we can have some such arrangement, possibly if the Chair would indulge us tomorrow if necessary in either some process of parliamentary inquiry or some process of unanimous-consent request to walk through each amendment between each vote. I just think it is very important when we go to some of these amendments that Members be very clear about the nuances of what they are voting on.

Mr. ASPIN. I would like to say that I agree with the gentleman. I think it is very important that we do this in a way which gives all the authors of the amendments a fair explanation of their amendments.

Mr. GINGRICH. Mr. Chairman, I commend the committee on how fast it has been working so far, and I thank the gentleman.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Arizona.

Mr. KYL. Mr. Chairman, I would like to address a question to the committee chairman, if I might.

Can the gentleman tell us which of the amendments we are likely to debate this evening and then vote on tomorrow?

Mr. ASPIN. The amendments that will be in order this evening, if they are offered and if they are carried to a vote and if they are voted on, are the following:

Amendment No. 26 by the gentleman from New Mexico [Mr. RICHARDSON].

Amendment No. 27 by the gentleman from New Mexico [Mr. RICHARDSON].

Both of those amendments the gentleman from Arizona is well-aware of. These are two amendments that he has the privilege to offer and we will debate and vote on them if possible.

□ 1710

There is an amendment by the gentleman from Texas [Mr. LEATH], amendment No. 1, regarding AHIP. That will be offered tonight. We will have a vote on it, but that may be settled by voice vote and that we do not have a record vote on that. There will be a Byron amendment that is in order

regarding the EA-6B. Again, the gentlewoman from Maryland indicated she would abide by the decision of the Chair and not offer her amendment, but she has that opportunity to offer her amendment. We have a Bustamante amendment on the C-26 which will possibly go to a vote. That is amendment No. 3. We have two other amendments which it is rumored over here will not be offered, an amendment No. 5 by the gentleman from Rhode Island [Mr. MACHTELY] having to do with the tugboat, and an amendment No. 7 by the gentleman from Louisiana [Mr. MCCREY] having to do with the communications council. If neither of those are offered, we might have two votes on Richardson, no vote on Leath, no vote on Byron, one vote on Bustamante, so we are looking at two or three votes.

Mr. KYL. I appreciate the information. I think it is important for our colleagues to have heard the debate on these prior to a vote, particularly on the two Richardson amendments. That is my concern. If we have an opportunity tomorrow when people are here to express ourselves on those, that is fine.

Mr. ASPIN. I would say to the gentleman from Arizona that that is correct, that of these amendments, the two Richardson amendments are clearly the most controversial and the most important for the Members to understand the issue before they vote.

Mr. KYL. I would hope tomorrow we would have some opportunity to reexplain them.

Mr. ASPIN. I will ask unanimous consent to have a run at those.

The CHAIRMAN pro tempore (Mr. DURBIN). The Chair will advise the Members that it has been the practice of the Chair on these series of postponed votes to have the Clerk redesignate each amendment before it is voted so the Members can be aware of the specific amendment being considered.

AMENDMENT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SPRATT:

At the end of title I (page 43, after line 25), insert the following new sections:

SEC. 137. MX RAIL GARRISON PROGRAM.

None of the funds appropriated (or otherwise made available) for fiscal year 1990 for procurement of missiles for the Air Force shall be available for the MX Rail Garrison Program. The amount provided in section 103 for procurement of missiles for the Air Force is hereby reduced by \$222,600,000.

At the end of title II (page 55, after line 8) insert the following new section:

SEC. 255. MX RAIL GARRISON PROGRAM.

Of the funds appropriated for fiscal year 1990 for research, development, test, and

evaluation for the Air Force not more than \$600,000,000 shall be available for the MX Rail Garrison Program. The amount provided in section 201 for the Air Force is hereby reduced by \$174,200,000.

Page 287, strike out lines 1 and 2.

Page 296, after line 10, and the following:

(d) **REDUCTION.**—The total amount authorized by subsection (a) and the amount authorized by paragraph (1) of such subsection are each reduced by \$104,850,000.

The CHAIRMAN pro tempore. The gentleman from South Carolina [Mr. SPRATT] will be recognized for 15 minutes, and the gentleman from Louisiana [Mr. McCRERY] will be recognized for 15 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in this fiscal year we are spending \$500 million on the so-called rail garrison mobil basing mode for the MX missile. The administration for next year, fiscal year 1990, has requested that we take that \$500 million level of current expenditure up to \$1,102,000,000. My amendment would allow the account to be increased. It would allow spending on the rail mobile basing mode to be increased from \$500 to \$600 million, an increase of 20 percent, but it would not allow the administration the full amount that it is seeking. It would not allow the administration to more than double the amount of expenditure on this particular program.

Basically what we propose in this amendment is to eliminate the funds for procurement of railcars and construction of igloos or garrison structures, whatever the structures may be, eliminate those procurement and construction funds, but leave largely intact the research and development account. We take \$174 million from this line as requested, but we leave in place the research and development program of \$600 million. This amendment, as I said, leaves in place the \$600 million for the MX rail garrison program. It would leave in place a substantially funded R&D program.

Our current position in the START negotiations is to ban all mobile missiles on both sides. I believe I accept the proposition that to succeed with that position or to bargain at all with the Soviets about mobile missiles, and they have two, the road mobile system and a rail mobile system, and I believe we need to have at least something in the works to bargain with, some tit for tat, some quid pro quo, so I support the concept of keeping in existence, in the works, in the backup a system of this kind that could be made into a mobile ICBM system so that our negotiators have some credibility when they try to negotiate away the Soviet mobile systems.

But a \$600 million R&D program, which is \$100 million more than this year, gives our negotiators in the

START negotiations, in my opinion, substantial credibility. It certainly poses the realistic prospect that, if necessary, we could move forward quickly and in short order to put into effect such a system. At the same time, by withholding money for procuring railcars and locomotives and building igloos and protective garrisons, we also protect ourselves against the possibility that our bargaining position might prevail and that mobile missiles on both sides might be banned, in which event we would have to scrap, tear up, dispose of all the money we had spent for procurement of cars, railcars and locomotives. It is a prudent position. It gives backup and credibility to our negotiators, but it does not take us so far that we will waste money if our own position prevails.

In addition to that, Mr. Chairman, this allows us to postpone judgment, final judgment, on what to me is a very questionable proposition, a very questionable basing mode. We have had this debate already.

Basically the rail garrison basing mode would cluster our most powerful ICBM Peacekeepers or MX's in just a few rail garrisons where they would be vulnerable to a surprise first strike, and if we tried to mobilize them in time of tension or crisis, that effort to mobilize them, move them out and disperse them, might be seen by the other side as an escalation in the crisis. It puts us in a very, very difficult position. It is a most unsatisfactory compromise of the basing problem for the MX.

Mr. Chairman, finally, last year when we debated this issue, it was noted by none other than the chairman of our committee in the debate that there was an awful lot of concurrency in this program. The gentleman from Wisconsin [Mr. ASPIN] said, "Another bit of Air Force overconfidence here may be revealed in the schedule for the rail garrison program. It is highly concurrent, which means that the Air Force plans to build it while it is still testing." We see that concurrency right here in this budget request this year. With a lot of R&D, the Air Force still claims to go ahead with procurement and construction next year before it finishes the testing that has started only this year.

Mr. Chairman, if this amendment is approved, we will save \$502 million. The amendment does not allocate that money anywhere. It is free for allocation to other programs, and as other amendments come up, it is free to be used in conference, because this will bring the budget in below the target that was set for us in the budget process, or if the amendment of the gentleman from Minnesota [Mr. FRENZEL] happens to be adopted, and we are not allowed, or the Secretary of Defense is not allowed, to use the pay date, this

\$502 million will probably be money well not spent next year in accommodating ourselves to the requirements of this particular budget. It saves \$502 million this year.

While we are talking about it, I think it is worth reminding everybody that the rail mobile system is not just a trivial system. It is not a low-cost, low-budget system just because it is cheaper than the Midgetman. That does not mean that it is cheap or inexpensive. The rail mobile system will cost, by the Air Force's estimate, \$8.5 billion, and if we take their life-cycle cost, which is usually the cost comparison with the Midgetman, it will cost probably \$14 billion to \$15 billion, by their estimates, during the life cycle, the whole period that it will be used and in deployment; \$14 billion to \$15 billion life-cycle cost is what we are talking about potentially saving here, and I think it is worth slowing this program down and giving our negotiators credibility, giving them backup for our bargaining position, yes, but not pushing forward with a system that may be scrapped and a system we may not wish to procure in any event.

□ 1720

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. DURBIN). The Chair recognizes the gentleman from Louisiana [Mr. McCRERY] for 15 minutes in opposition to the amendment.

Mr. McCRERY. Mr. Chairman, I yield myself so much time as I may consume.

Mr. Chairman, I rise in opposition to this amendment by my colleague from South Carolina. I believe that a strong two-missile ICBM modernization program is best for the United States, both from a deterrence and an arms control point of view, and its amendment puts the two-missile consensus in serious jeopardy.

Deleting the \$222.6 million from rail garrison procurement seriously damages our ability to move the 50 MX missiles out of the Minuteman silos—where they are vulnerable—and base them on trains which will provide them survivability through mobility. The money which this amendment would delete would be used to buy the long-lead items and spares for the trains to base the MX missiles. Without these trains there can be no mobility.

The deletion of \$174 million in research and development money would also seriously hamper our ability to develop the mobile basing for the MX and would delay the development of some very important assets we need to advance the program.

As I said this cut in funding would hurt us in two very important ways. First, it would slow us down in devel-

oping a survivable deterrent, and it would not help our arms control effort in Geneva.

The Soviets have already developed and deployed a rail-mobile missile, the SS-24. They have fifty 10-warhead missiles already out on the rails and targeted at the United States. Five hundred warheads aimed at us. If we are ever going to do something about this threat we are going to have to show the Soviets we are serious about developing our own rail-mobile missile. Then the Soviets will negotiate. They certainly aren't going to trade something for nothing, and if this amendment passes nothing is a real possibility.

An operational MX rail garrison is right around the corner. We will start deploying them in 1992 at the very modest cost of less than \$6 billion. Let's not be shortsighted and approve an amendment that would end our efforts to get a survivable mobile deterrent and a good arms control agreement.

Vote against the Spratt amendment. Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon. [Mr. AuCoin].

Mr. AuCOIN. Mr. Chairman, I thank the gentleman for yielding time to me.

My friends, we could call this the fiscal responsibility amendment or call it the stop-the-Soviet-SS-24 amendment. Either way, whatever we call it, it is a very good deal for American security.

The Soviets have 10-warhead rail-mobile ICBM, the SS-24, already deployed. We would all like to bargain it out of existence, because when its accuracy gets better it could become a serious first-strike threat to the United States of America.

The Spratt amendment lets the R&D for the vulnerable MX rail garrison system go ahead so that George Bush will have something to trade for the SS-24. That is all the vulnerable rail garrison MX is good for. It certainly does not add anything to deterrence, and if the President succeeds in getting rid of those MIRV'd mobile ICBM's, the Spratt amendment, as the gentleman from South Carolina has said, will save us \$502 million that we badly need for other purposes.

At the same time, the Spratt amendment will preserve the President's options for continuing the program at some reduced level if the negotiations prove difficult and a heavier-duty bargaining chip is needed.

This amendment is moderate. This amendment is responsible. This amendment is for a strong nuclear deterrence, one that is based on American security interests.

I urge my colleagues to support the Spratt amendment, and I commend

the gentleman from South Carolina for the leadership he has shown.

Mr. McCRERY. Mr. Chairman, I yield 7 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I think all of us in this body, certainly those on the Armed Services Committee, know that when our colleague from South Carolina, Mr. JOHN SPRATT, is concerned about an issue, it deserves our full attention, and I commend him for his work with me on the Department of Energy panel, and I respect his opinions a great deal. On this matter though I would tell my colleagues that it is an extremely important amendment, and I disagree with my colleague.

We have already voted to sustain our two missile programs, the small ICBM and the MX rail garrison program. I want my colleagues to understand that the Spratt amendment would significantly undercut the MX rail garrison program.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. KYL. I am happy to yield to the gentleman from Wisconsin, chairman of the committee.

Mr. ASPIN. Mr. Chairman, I thank the gentleman for yielding.

Let me just say I am in accord with the point the gentleman is making. I think that we ought not vote for this amendment.

I think the point of all of this right now is that what we ought to do is fund both missile programs and let the administration negotiate. I felt that when we were discussing the amendment to kill the MX. I felt that when we were voting on the amendment to kill the Midgetman. I feel the same way when we are voting on an amendment to cut back on the funding for the rail MX.

Let us go with the program. Let us go with the program the administration has laid out, and let them negotiate it, give them a chance. Do not cripple the negotiations. Give people a chance to negotiate this thing.

We may or may not end up building any of this stuff, but I think that if we cut back on any of it, it ought to be only in the context of an arms control agreement in which we take out similar systems on the Soviet side.

I thank the gentleman for yielding.

Mr. KYL. Let me follow up on the chairman's point, because I think it is an extremely important point for all of our colleagues to understand.

We have been debating this issue in the House Armed Services Committee, and it has not been an easy debate because there are feelings on both sides about these two missile systems. But we have finally reached an agreement, because it is critical that our negotiators have the ability to deal with the Soviets. I do not think any Member here believes that the Soviets are

going to get rid of all of their SS-24's. They have invested too much into that system.

As a result, Secretary Cheney testified to our committee if we went ahead with the small ICBM system, which has his commitment, we would change our bargaining position with the Soviets, and we would no longer demand that all mobile systems be eliminated. That is the Secretary's commitment to those who support the small ICBM.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. KYL. I am happy to yield to my colleague, the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding. The gentleman from Arizona and the gentleman from Wisconsin have made very, very excellent points.

The two-missile program is the result of a bipartisan agreement, Members both sides of the aisle, some Members who were not enchanted with the MX system, other Members like myself who are not enchanted with the small missile system, but it was an agreement to move ahead in a way that will give the administration and our negotiators maximum leverage.

Let me just say to the proponents of this amendment, if we cut the IOC on the larger missile by 2 years, that, in my estimation, is an unraveling of that agreement. The point was made by the gentleman from Oregon that we can save a lot of money if we just kill this system now, and that the Soviets will then conclude that this is a stop-SS-24 amendment, and somehow they are going to eliminate their mobile missiles. Let me remind my colleagues the Soviets have never responded to a unilateral cut by the U.S. Congress by killing a major system. They have never done that. The fact that we built our Pershing system, the fact that we built our ground-launched cruise missiles, and we moved ahead showing some political will on this side of the ocean was the only thing that got the Soviet Union to move the SS-20's away from our allies in Europe.

That basic blueprint of the United States and the West having to show some will in arms control negotiations before they get results has not changed.

I would urge all Members to treat this amendment as they have the ones in the past. Vote against the Spratt amendment.

Mr. KYL. I thank my colleague for those very wise words. I hope that all of our colleagues here understand that Secretary Cheney and the Bush administration have made a solid commitment to those who support the small ICBM.

In addition to the \$100 million already in the budget, an additional \$100 million is being provided this year, and an additional \$900 million is being added in the 5-year budget to support the small ICBM, so that the small ICBM will follow on after the rail garrison has gone into effect.

But the Spratt amendment would take out so much money from the rail garrison that the IOC on the rail garrison would slip by another 2 years and the cost of the program would increase.

□ 1730

The Spratt amendment removes all of the procurement money from the MX rail garrison.

The point I am making ties in with the point that the chairman of the Committee on Armed Services, the gentleman from Wisconsin [Mr. ASPIN] was making—a very delicate balance and agreement has been made here. Secretary Cheney and the Bush administration are keeping their side of the agreement.

They are adding another billion dollars to the small ICBM program. Very frankly, some of our colleagues have criticized us for the quid pro quo nature of the agreement. For those of us who believe it is important to go to Geneva with these two weapons systems moving forward I think we all understand that moving forward I think we all understand that moving forward means funding them, funding the procurement for the rail garrison MX. That is why the Spratt amendment would be so deleterious to our bargaining position in Geneva. That is why we have got to defeat the Spratt amendment, because it cuts the legs out from underneath the MX rail garrison program. The two programs, the rail garrison MX and the small ICBM program, cannot proceed at the pace that the administration and the Congress have agreed to under the Spratt amendment. It would cut \$222 million in procurement funds. This is the first-year procurement for the MX rail garrison. Do not let anybody tell you that this merely slips the date a little bit or saves a little bit of time. The fact of the matter is that we are ready to go with procurement in the program.

Now to the last point that Mr. SPRATT made, that there is concurrency in this program; there is a certain degree of concurrency, but, folks, this is not the B-2. This is not something brand-new. We are dealing here with the MX missile, which has already flown, and we have all 50 of them. This is not something that needs to be tested.

Now railroad cars are not exactly a brandnew technology. It's true when you put the two of them together you have some testing to do. But it is not as if there is some kind of dangerous

concurrency in this program. It is not that kind of new technology. So I do not think the excuse of concurrency should cause us to have to slip the procurement of the program.

So in conclusion, Mr. Chairman, and my colleagues, this is a very important amendment. Do not be deceived. It is not some kind of middle ground. It is just as crippling to the MX rail garrison as the amendment that would have killed the program altogether insofar as our negotiators are concerned. The Spratt amendment should be defeated.

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. I thank the gentleman for yielding.

Mr. Chairman and Members, I was just chatting with the staff here and some of my colleagues may be interested to know that after tabulating up all the amendments we have made to the committee draft it appears that right now we are about \$170 million below the committee position when the bill was brought before us several days ago.

I would point out to my colleagues that we are still facing this \$2.3 billion problem relating to the pay raise issue.

To refresh your memories, as you may know, the committee has suggested we should move the pay forward a couple of days and thereby sort of slip \$2.3 billion into the previous year.

I have a concern. I would like to address the question if I might to the chairman of the committee.

I am just concerned about where we are going to find this \$2.3 billion that we need and does the chairman of the committee plan to support the amendment that I think is going to be offered by our friend from Minnesota [Mr. FRENZEL], to reduce the overall committee mark by some \$2.3 billion to address this pay issue? If we are not going to, if the committee is not going to support that amendment, it seems to me that we are going to have to be voting for some of these individual amendments to bring us down closer to the position that we should be to conform with the budget resolution.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. SLATTERY. I yield to the chairman of the committee.

Mr. ASPIN. I thank the gentleman for yielding.

Mr. Chairman, just to respond to the gentleman from Kansas: The problem with the outlay problem is a separate problem. It is an estimating problem.

The OMB people say that with the budget that Cheney submitted we have no outlay problem. CBO says we have an outlay problem.

Now we need to deal with that, but I think that is a separate issue from the question of the composition of some of these votes on amendments.

To be sure, if we voted to cut some of these budgets and indeed I voted for the Cheney budget and other things to try to do that, we could save on the outlays. But these amendments by themselves will not deal with the outlay problem. We are going to have to deal with that in the context of amending at the end.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I believe that this amendment to save \$502 million on rail garrison MX is well thought out and well considered.

As I said earlier in the debate, I think we need to move down the track with both Midgetman and rail garrison. But the way the funding is laid out by the administration, all the money is on rail garrison and very little is on Midgetman.

Now I have listened to the chairman of the Committee on the Budget and others today say we have to make some savings.

I happen to believe in this area we can slow this program down without undermining the arms control talks whatsoever.

As I said, I believe there is a real prospect in Geneva to give up rail garrison MX for the Soviets' giving up their SS-24.

So by slowing this down we may save billions of dollars if the administration can put that arms control position forward and be successful. This gives them the leverage of having both systems moving ahead but not getting us into heavy procurement dollars that can be saved if we do not have to go ahead and deploy this weapon.

So let us all support the Spratt amendment. I think it is well thought out. I think we have a chance here to save some money and also maintain the leverage in the arms control talks.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from South Carolina [Mr. SPRATT] has 3 minutes remaining, and the gentleman from Louisiana [Mr. McCURDY], who is entitled to close debate, has 5 minutes remaining.

Mr. SPRATT. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma [Mr. McCURDY].

Mr. McCURDY. Mr. Chairman, I rise in support of the Spratt amendment.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I rise in support of the gentleman's amendment. I think it is obvious that at a point when our defense budget is stretched as tightly as it is now, that we have no need to rush into the development of systems that have not been adequately tested. I know Mr.

KYL spoke to the issue of concurrency. But there is absolutely no reason for us to begin deployment of a system at the same point that we have not tested the rail cars, not tested the missiles in their operational capability.

It seems to me only logical that we accept the reasoning behind the Spratt amendment, save \$502 million, keep our options at the bargaining table so we can proceed with rail garrison if we fail in the START talks and at the same time do all we can to save money on the potentially mistaken rail-basing-mode approach.

There is no question that the Congress does not have to rush forward at this time with a \$1.1 billion allocation. Certainly a \$600 million expenditure in this area makes our posture at the START talks a very credible one.

Mr. McCRERY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman and my colleagues, to address a couple of the statements that have been made by the proponents of this amendment, the idea that somehow we are going to promote arms control talks by making unilateral cuts, there simply is not the history to support that. Just as we are going to slip in real terms, we are going to slip the initial operating capability date of this rail system by 2 years, I think we are also going to slip meaningful mobile missile reduction with the Soviet Union by 2 years.

□ 1740

The Soviet Union is watching what this Congress does, and in the past has done in cutting systems unilaterally.

The package that we put together here, the small missile-big missile package, was a result of bipartisan compromise. It was directed to giving the United States of America manifested in our arms negotiation the maximum possible leverage in the arms talks. We are undoing that now.

Let me just say to the proponents of this amendment, 110 Republicans voted for the small missile. A lot of them did not agree completely with the concept of the small missile, but they move forward in good faith on the basis that this overall package is in the best interests of the United States of America. Members are now unraveling that package by saying, "Okay, we got ours in the small missile, and now we want to cut back the rail mobile section." That is not in our strategic interests.

Mr. Chairman, I yield to the gentleman from Arizona.

Mr. KYL. Mr. Chairman, I concur with the point that the chairman of the Committee on Armed Services, the gentleman from Wisconsin [Mr. ASPIN] made a moment ago, this is not

the time to tie the hands of our arms negotiators.

Will the gentleman from California edify Members on the comparison between what the Soviets have in the way of deployed systems and what the United States has in the way of deployed mobile systems?

Mr. HUNTER. Since 1972 the Soviet Union has built, deployed, and aimed, primarily at the United States, over 758 big missiles: SS-17's, SS-18's, SS-19's. At the same time, our side, we have deployed a total of 50 missiles. So to score since 1972, in the wake of those wonderful SALT negotiations is 758 to 50. For a long time it was 758 to nothing. Our stepping back and making unilateral cuts by this Congress is not going to forward arms control, it is going to slip the date of effective arms control and weaken the hand of our President.

We had an excellent precedent set here with Republicans and Democrats, conservatives and liberals coming together on this dual missile program, and that is now being unraveled by the Spratt amendment. I urge every Member of this House to vote "no" on this amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). There are 2 minutes remaining on each side.

Mr. SPRATT. Mr. Chairman, I yield myself the remainder of time, and let me wrap up by stating again what is before us. It has been said we are going to tie the hands of our arms negotiators. That is absurd. This program, this year, is funded at \$500 million. This amendment would allow the program to increase by 20 percent, to \$600 million. Still, a strong, robust program, a fully fledged research and development program, and several reasons for keeping the program for the coming year in research and development.

First of all, the argument of currency, I will not stress that. It is fairly basic technology. Second, how negotiators do not come back, if they are going to trade our systems against Soviet systems, our mobile MX's against their SS-24's, we do need at least to have the potential of a mobile system. That gives real potential. It gives the U.S. negotiators the strength to bargain, chips they can call on if they need to spend them. At the same time, it does not rush forward into procurement and construction, a system, a basing system, at substantial costs, total costs will be \$8.5 billion that we very well may scrap, discard, dismantle, get rid of as the result of the negotiations that are going on now.

Indeed, our position in the START talks is that we ban mobile missiles on both sides. So if we want to ban them on both sides, why are we going ahead full bore with one on our side, which we may very well have to scrap in

short order if our own position prevails? It is a good amendment, saves about \$502 million, and we will need that money before we get through the budget process on this Defense authorization bill.

Mr. McCRERY. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas [Mr. ROBINSON].

Mr. ROBINSON. Mr. Chairman, I am not going to take the full 2 minutes, but I want to go over a couple of points that I think have been likened to today.

As a member of the Committee on Armed Services that led the fight in the committee to stop the Dellums amendment to kill the MX Program, I made a couple of points that were undisputed. First, the Soviet Union has flatly refused to negotiate their SS-24 rail garrison system. They have told the United States they are not going to put that on the table, period. Second, their program is in place, it works, they have tested it, they know it works. Third, they have heard all of those same arguments over the past 4 or 5 years.

The truth of the matter is, my distinguished colleagues and others are opposed to the MX missile system, they would rather go with a paper system. It is always well, let Members go with the next system, maybe the Midgetman or some other system down the road.

My colleagues, his proposal was like a banker telling you, "We are going to loan you the \$100,000 that you want to build your home, but we are not going to let you build it. We will give you \$200,000 more, but you cannot build it." My colleagues, the Soviet Union does not want the United States to have a rail garrison system. They are not going to negotiate it. We need to vote with the President on this issue. We have reached an agreement. It is a good agreement. Let Members move forward with peace through strength, as we start the START talks.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from South Carolina [Mr. SPRATT].

The question was taken; and on division (demanded by Mr. SPRATT) there were—ayes 34, noes 32.

RECORDED VOTE

Mr. McCRERY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 197, not voting 10, as follows:

[Roll No. 171]

AYES—224

Ackerman	AuCoin	Borski
Andrews	Bates	Bosco
Annunzio	Bellenson	Boucher
Anthony	Berman	Boxer
Applegate	Bilbray	Brennan
Atkins	Bonior	Brooks

Brown (CA) Jontz Richardson
 Bruce Kanjorski Roberts
 Bryant Kaptur Roe
 Bustamante Kastenmeier Rose
 Cardin Kennedy Rostenkowski
 Carper Kennelly Roth
 Carr Kildee Roukema
 Chapman Kieczka Roybal
 Clarke Kostmayer Russo
 Clay LaFalce Sabo
 Clement Lantos Sangmeister
 Coleman (TX) Laughlin Sarpalius
 Conte Leach (IA) Savage
 Conyers Leath (TX) Sawyer
 Cooper Lehman (CA) Scheuer
 Costello Lehman (FL) Schneider
 Coyne Levin (MI) Schroeder
 Crockett Levine (CA) Schulze
 DeFazio Lewis (GA) Schumer
 Dellums Long Sensenbrenner
 Derrick Lowey (NY) Sharp
 Dicks Luken, Thomas Shays
 Dingell Manton Sikorski
 Donnelly Markey Sisisky
 Downey Martinez Skaggs
 Durbin Matsui Skelton
 Dwyer Mavroules Slattery
 Dymally McCloskey Slaughter (NY)
 Early McCurdy Smith (FL)
 Eckart McDermott Smith (IA)
 Edwards (CA) McHugh Smith (NE)
 Engel McMillen (MD) Smith (NJ)
 Espy Mfume Smith (VT)
 Evans Miller (CA) Snowe
 Fascell Miller (WA) Solarz
 Fazio Mineta Spratt
 Feighan Moakley Staggers
 Flake Moody Stallings
 Foglietta Morella Stark
 Ford (MI) Morrison (CT) Stokes
 Ford (TN) Mrazek Studds
 Frank Murphy Swift
 Frost Nagle Synar
 Garcia Natcher Tallon
 Gejdenson Neal (MA) Tanner
 Gephardt Neal (NC) Torres
 Gibbons Nelson Torricelli
 Gonzalez Nowak Towns
 Goodling Oakar Traficant
 Gordon Oberstar Traxler
 Gray Obey Udall
 Green Olin Unsoeld
 Guarini Ortiz Valentine
 Hall (OH) Owens (NY) Vento
 Hamilton Owens (UT) Visclosky
 Hawkins Pallone Volkmer
 Hayes (IL) Panetta Walgren
 Hertel Payne (NJ) Watkins
 Hochbrueckner Payne (VA) Waxman
 Hopkins Pease Weiss
 Horton Pelosi Wheat
 Hoyer Perkins Whitten
 Hubbard Petri Williams
 Hughes Pickett Wise
 Jacobs Porter Wolpe
 Johnson (SD) Poshard Wyden
 Johnston Price Yates
 Jones (GA) Rahall Yatron
 Jones (NC) Rangel

NOES—197

Akaka Bunning Duncan
 Alexander Burton Dyson
 Anderson Byron Edwards (OK)
 Archer Callahan Emerson
 Arney Campbell (CA) English
 Aspin Campbell (CO) Erdreich
 Baker Chandler Fawell
 Ballenger Clinger Fields
 Barnard Coble Fish
 Bartlett Coleman (MO) Filippo
 Barton Combust Frenzel
 Bateman Coughlin Gallegly
 Bennett Cox Gallo
 Bentley Craig Gaydos
 Bereuter Crane Gekas
 Bevil Darden Gillmor
 Bilirakis Davis Gilman
 Billey de la Garza Gingrich
 Boehlert DeLay Gluckman
 Boggs DeWine Goss
 Broomfield Dorgan (ND) Gradison
 Browder Dornan (CA) Grandy
 Brown (CO) Douglas Grant
 Buechner Dreier Gunderson

Hall (TX) Martin (NY)
 Hammerschmidt Mazzoli
 Hancock McCandless
 Hansen McColium
 Harris McCrery
 Hastert McDade
 Hatcher McEwen
 Hayes (LA) McGrath
 Hefley McMillan (NC)
 Hefner McNulty
 Henry Meyers
 Herger Michel
 Hiler Miller (OH)
 Hoagland Mollohan
 Holloway Moorhead
 Houghton Morrison (WA)
 Huckaby Murtha
 Hunter Myers
 Hutto Nielson
 Inhofe Oxley
 Ireland Packard
 James Parker
 Jenkins Parris
 Johnson (CT) Pashayan
 Kasich Patterson
 Kolbe Faxon
 Kolter Penny
 Kyl Pickle
 Lagomarsino Pursell
 Lancaster Quillen
 Lent Ravenel
 Lewis (CA) Ray
 Lewis (FL) Regula
 Lightfoot Rhodes
 Lipinski Ridge
 Livingston Rinaldo
 Lloyd Ritter
 Lowery (CA) Robinson
 Lukens, Donald Rogers
 Machtley Rohrabacher
 Madigan Rowland (CT)
 Marlenee Rowland (GA)
 Martin (IL) Saiki

NOT VOTING—10

Collins Dixon Molinari
 Courter Florio Montgomery
 Dannemeyer Hyde
 Dickinson Leland

□ 1807

Mr. BEVILL changed his vote from "aye" to "no."

Mr. ROSE changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MAVROULES

Mr. MAVROULES. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MAVROULES: Page 43, after line 25, insert the following new section:

SEC. 137. CAP ON NUMBER OF MX MISSILES THAT MAY BE DEPLOYED.

The number of MX missiles deployed at any time may not exceed 50.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Massachusetts [Mr. MAVROULES] will be recognized for 15 minutes, and a Member in opposition will be recognized for 15 minutes.

Mr. McCRERY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Louisiana [Mr. McCRERY] will be recognized for 15

minutes in opposition to the amendment.

The Chair recognizes the gentleman from Massachusetts [Mr. MAVROULES].

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. Mr. Chairman, I yield to the gentleman from Arizona.

□ 1810

Mr. KYL. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I ask unanimous consent to offer an amendment in the nature of a substitute to the amendment offered by the gentleman from Massachusetts [Mr. MAVROULES].

The CHAIRMAN pro tempore (Mr. DURBIN). Under the rule and precedents, the gentleman from Massachusetts may modify his own amendment by unanimous consent, but the rule does not permit another Member to offer an amendment to the amendment even by unanimous consent in Committee of the Whole, since that would constitute a change in the rule.

Mr. MAVROULES. Mr. Chairman, in view of the time and the hour this evening and, quite frankly, I do not make the rules, those are approved by the Committee on Rules and voted upon by the full House, I would very reluctantly object to the request put forth by my colleague, the gentleman from Arizona [Mr. KYL].

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Massachusetts [Mr. MAVROULES] for 15 minutes.

Mr. MAVROULES. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon [Mr. AuCOIN].

Mr. AuCOIN. Mr. Chairman, the Mavroules amendment is a "must have"—for the House and for the American people.

It is a "must have" for the House because a cap on 50 vulnerable MX missiles deployed was part of the agreement under which those of us who oppose vulnerable missiles agreed to allow some to go ahead.

The 50 cap is a "must have" for the American people, who are entitled to a nuclear deterrent that works.

The fundamental requirement for any nuclear deterrent is that it neither invite a first strike by the other side, nor enable a first strike by the side possessing it. The vulnerable MX fails to meet either requirement.

Based in hard silos as it is today, the MX is vulnerable to a first strike from the large, relatively accurate Soviet SS-18 ICBM's: about 80 percent vulnerable today, rising to 100 percent when Soviet accuracy improves.

Based on the soft rail garrison system that takes more than 4 hours to disperse, it will immediately be 100 percent vulnerable to every ICBM and SLBM in the Soviet inventory. Rail garrison is a step backward, not for-

ward for the survivability of the American nuclear deterrent.

So the vulnerable MX invites a Soviet first strike. It also enables a U.S. first strike. With its 10 highly accurate warheads, it is the most first-strike capable weapon in the world—far more capable than the Soviet SS-18. Soviet knowledge of this capability hurts us rather than helps: it increases the Soviet temptation to take out the vulnerable MX before we can use it against them.

None of this is good, but it is a manageable disaster so long as we limit the vulnerable MX to 50 missiles. It does not carry a big enough portion of the U.S. deterrent to really tempt a Soviet first strike. And 50 of these missiles in themselves are not enough for a U.S. first strike.

But if we take off the cap and go to 100 this year, and then to the 300 or 400 vulnerable MX missiles the Air Force really wants to deploy, then, my friends, it is "Use It Or Lost It City." The American nuclear deterrent will suffer a setback of catastrophic proportions if we deploy large numbers of these vulnerable missiles.

Do not let that happen. Vote yes on the Mavroules amendment.

Mr. McCRERY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment to cap the Peacekeeper force at 50 deployed ICBM's.

Air Force has made it clear that U.S. targeting requirements for prompt hard target ICBM warheads was 1,500.

Even if we fully fund 50 Peacekeepers in the rail garrison basing mode and 500 small ICBM's on hardened mobile launchers, this provides only 1,000 of the needed ICBM warheads, a shortfall of 500. This is one good reason not to cap the Peacekeeper force at 50 missiles.

A second reason for avoiding such a cap is arms control. Why tell the Soviets we will not continue the Peacekeeper Program, the world's best ballistic missile, while we are locked in an earnest START negotiation with them at Geneva? A cap on the Peacekeeper Program strengthens the Soviet bargaining position and weakens that of the United States.

Finally, a formal cap on the Peacekeeper Program will not secure any more funding for the small ICBM Program. The administration already has agreed to build just 50 Peacekeepers and to begin the small ICBM deployment in 1997. Budgetary pressure alone will restrict the size of the U.S. ICBM force, as will a START agreement. A formal cap of 50 on Peacekeeper is not necessary, and could rob us of our bargaining power at the very time we need it most.

Let us remember, the Peacekeeper Program is not the enemy. Rather, Soviet ICBM's are the threat. A uni-

lateral cap on our own programs prior to formalizing an arms control cap on both programs is not needed, and could be counterproductive.

Mr. Chairman, I reserve the balance of my time.

Mr. MAVROULES. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I would like to ask the gentleman a question: As I recall it, the House adopted the Mavroules cap of 50 MX's deployed about 3 years ago? Is that not correct?

Mr. MAVROULES. If the gentleman will yield, about 3 years ago.

Mr. DICKS. I think that has been overwhelmingly the policy that we have had here in the House, that we would deploy 50 MX's in the current basing mode? Is that not correct?

Mr. MAVROULES. That is correct.

Mr. DICKS. Mr. Chairman, I want to rise in support of the Mavroules amendment. I think when we had the negotiations with the administration over the MX missile, the agreement was that we would deploy some MX's if they would go ahead and deploy the small ICBM and move ahead on arms control. As everybody knows, we got 50 MX's, but the administration did not move ahead on the small ICBM, and until we see a little more good faith on the small ICBM, I think we are wise and prudent to keep the cap on the 50 MX's.

Mr. McCRERY. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I just wanted to take 1 minute to respond to the argument that the gentleman from Washington just made. He is correct that there was a deal negotiated 3 years ago, but he says that the administration has not made good on its part of the deal to properly fund and proceed with the small ICBM.

□ 1820

That is what the agreement with President Bush and Secretary Cheney was all about. Secretary Cheney stated in testimony before the House Armed Services Committee that there is a full commitment to the small ICBM. As a matter of fact, there is a commitment to put an additional \$1 billion over the next 3 years into the small ICBM.

So while the gentleman from Massachusetts may have some reasons for proceeding with this, I do not think we can say that one reason is because of bad faith on the part of the administration, and I want to make that point very clear so that we can dispel it and get it out of the way in this debate.

Mr. MAVROULES. Mr. Chairman, I yield 2 minutes to my friend and colleague, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Chairman, we just heard that the President showed his good faith with another \$1 billion. We

are going to love each other to death in this process and totally run out of money.

The argument appears to be that we no longer need to limit the ICBM on rail, and by the way, we are not just talking about 50, we are talking about 500 because each one has 10 warheads. So we are not only not going to have a 500 cap here, but we are also going to have more Midgetmen, and then we need more than that.

There has to be some common sense about this process. Do my colleagues know what happens when the administration is allowed to begin spending? They commit money, and then they come in here and say, "Oh, don't try to slow us down, you will waste money."

The only way to be fiscally responsible is to use the legislative authority to set limits at the outset. The gentleman from Massachusetts [Mr. MAVROULES] has said all right, some of us were not for the rail garrison and we lost, we are going to have a rail garrison. We said that should be no more than 500 warheads, and the gentleman from Louisiana says it is not necessary. We all know that the argument of last resort when you do not want something is to say that it is not necessary. If it was not necessary it would not be harmful. If it was not necessary you would not be fighting it, because there would not be any intention to evade it.

If we do not now limit the 50, 500 warheads, we will confront a situation, my colleagues can be sure, where we will say, "Well, you did not say this could only be 50, you gave us this money and we put a little more into it." They will come back and say we have to give them more.

Vote this down and we will complete the process of this bill. We have mailed ourselves a financial time bomb, and then we are going to complain when we get it in the mail and it blows up our budget. This can at least put a little bit of a limit on it. We are exercising here our congressional prerogative.

Members voted for 50. I say we need 50, that is 500 warheads plus you have the Midgetman warheads. That is enough for now. If they want more, come back and tell us, but do not do it without any authority.

Mr. McCRERY. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for yielding the time.

Mr. Chairman, I want to talk to my colleagues on this side of the aisle for 1 minute. During the debate in the Rules Committee, with all due respect to the sponsor of this amendment, and with all due respect to the chairman of the Rules Committee, we were told

that the Democrat caucus could not go along with a Dickinson substitute to this vital issue. The Democrat caucus could not go along with this vital issue with a Dickinson substitute.

Let me tell every Member on this side of the aisle, the Republican conference cannot go along without a Dickinson substitute. There were 21 Republicans who voted against the Republican conference on the last vote. There had better not be one single Republican vote in favor of this amendment, or else do not come to the Rules Committee to me for anything. The Republican conference is against this amendment, and Members had better vote it down.

Mr. MAVROULES. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I appreciate very much the gentleman yielding time to me.

Mr. Chairman, I suppose as there is some division in the ranks on the other side of the aisle I can report that on this amendment we seem to be in a unified position. The gentleman from Massachusetts [Mr. FRANK] and I are now together, and we were not a minute ago on the Midgetman. The gentleman from Wisconsin [Mr. ASPIN], who was opposed to the Spratt amendment, is now in support of the Mavroules amendment, and I think it is because we on this side of the aisle believe in the two-missile strategy, but in proportion.

The genius of the Mavroules amendment to limit deployment of the MX in any basing mode to 50 is I think proportionate to our desire to see the Midgetman move forward in a time-frame that will make it happen during the next century. There is no question that the Mavroules amendment is popular because in our view the MX continues to be a destabilizing system.

Obviously as part of the Scowcroft Commission recommendation it was one way of quickly developing more land-based capability. But it does not meet the test of a stable and flexible system that will outlive the START negotiation.

I think we all understand what we want from START. We want to move away from first-strike systems. We want to move away from the potential for a launch on warning. We want to move back toward the air-breathing leg of the triad, and that single warhead system that will be survivable and yet give us the deterrent we need to keep the Soviet Union from anticipating the potential success of a first-strike attack.

The gentleman from Massachusetts [Mr. MAVROULES] has said, as many Members have said over the years, MX, only in small measure. As one Member who has struggled with this issue for most of my early years in Congress, I think I can firmly say that

we have come to a stop with the MX. Fifty is sufficient. We have many other conventional and strategic programs that are going to take funds that we still do not know where we will find them.

This is a prudent way of balancing the development of the Scowcroft Commission recommendations for modernization of our strategic forces, and I strongly urge a unified Democratic caucus to support it.

Mr. McCRERY. Mr. Chairman, I yield 3 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I rise in opposition to the amendment to cap the Peacekeeper at 50.

For over 20 years, the United States has relied on a combination land-based missiles, sea-based missiles, and bombers to deter Soviet aggression. This strategic triad, as the combination is called, ensures that U.S. forces will be able, under all conditions, to survive a Soviet first strike and to retaliate.

The Peacekeeper offers a unique contribution to the effective deterrent value of the strategic triad. It is the most successful program in U.S. Air Force history. It is accurate and responsive; it has reliable, real-time communications with command authorities; it possesses short time-to-target capability; and it cost significantly less to operate than other elements of the triad.

Since the late 1960's, the Soviet Union has engaged in a massive and destabilizing strategic arms buildup that threatens and survivability and retaliatory effectiveness of the triad. They have developed and deployed numerous large and highly accurate weapons that have plagued the United States—the SS-18, the SS-19, the SS-24's, and SS-25's. The Peacekeeper is our first step toward providing a badly needed counterforce at an affordable cost.

Capping the Peacekeeper at 50 at this time is not only unnecessary but it lets the Soviets in on our game plan. Finally, it sends the signal that the United States is willing to allow the Soviets to achieve superiority in strategic forces.

Members really have to ask themselves what are we going to play with? What do we have to take its place? And we say where is this vulnerability people talk about? No military experts have ever really talked about it, so we are really down to the point where we really do not have another missile to play with.

So if we want anything, Mr. Chairman, I think we should stay where we are, and I respectfully disagree with our good friend from Massachusetts regarding the amendment that he has put forward.

Mr. Chairman, I urge that we vote against the Mavroules amendment.

Mr. MAVROULES. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. McCURDY].

Mr. McCURDY. Mr. Chairman, in 1985 the gentleman from Massachusetts [Mr. MAVROULES] and I cosponsored the amendment to cap the MX at 50. We had an agreement then, and I may say that he continues to support that agreement and honor it to this date.

Opponents of this amendment argue that they need prompt, hard-target capability of 1,500 warheads. If we go to the 51st MX warhead, my friends, the genie is going to be literally out of the bottle, and we will not see the more stable, single-warhead Midgetman missile. We want to be certain that the next new ICBM we deploy is the single-warhead Midgetman, not the 51st MX.

Mr. Chairman, the Scowcroft Commission recommended 6 years ago the best way to modernize our ICBM force is to deploy a small missile with sufficient accuracy and yield to put Soviet hardened military targets at risk, based in a mobile fashion to ensure almost total survivability.

□ 1830

That is precisely what the Midgetman offers, stability, survivability, and deterrence.

General Scowcroft, the President's national security adviser, has indicated that the administration is seriously considering trading the MX for the Soviet 10-warhead SS-24. It makes no sense then to exceed the 50-missile cap when the prospects for negotiating away the MX at the recently convened START negotiations appears so promising.

I urge a "yes" vote on the Mavroules amendment.

Mr. McCRERY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. The gentleman from Massachusetts knows I hold him in high regard. My objection to this amendment is simply vis-à-vis the Russians one more time. Now tell me, why are we capping the Peacekeeper? It reminds me of back on June 30, 1977, when President Carter, after a large House vote in favor of the B-1, 2 days before on the 28th of June, and on June 30 he tells Hamilton Jordan, on the tennis court, "I am canceling the B-1." Some of us went over to Geneva, as arms control observers, pressed the Russians for some interesting quid pro quo. The Russians said what they had already told then-Senator Tower, "We are neither pacifists nor philanthropists. That is an internal American problem."

Why should we cap at 50 the Peacekeeper when we have no assurance out of them that they are going to cap the SS-24, the SS-25? They have their

trains out there on the rails and garri-soned; they have their mobile missiles traveling around the Soviet Union. We know that we have yet to target and find one that we were looking for.

This is a very difficult period for us to be giving things away. That was the principal part of my brief discussion about the B-2 bomber.

I can remember standing in this well being hit with sticker shock on 244 B-1's at \$55 million a copy. That is 55, not 274 on reborn B-1B, not 274 on the B-2, which we have just upped by \$36 billion if the Senate does not stop us in conference. But why are we doing this when things are happening in the Soviet Union that are exciting?

I picked up Monday's newspaper and I read something that I found almost unbelievable. You could not reconcile in your mind with the print. It said Mother Theresa is in Moscow and is going to build a hospital for paraplegic Russian veterans from Afghanistan. That is exciting. But let us not give them something for nothing.

Mr. McCRERY. Mr. Chairman, I yield myself 1 minute.

I just want to respond: To hear some of the proponents of the amendment talk, the gentleman from Oklahoma and the gentleman from Massachusetts, one would think that what we have before us is an amendment to build more MX missiles. That is not the case. What we are debating here is whether we want to unilaterally cap before START negotiations the number of MX missiles that we would build. That is the question on this amendment. We are not asking you to build any more MX missiles. We are only asking you not to unilaterally cap our production of MX. We are only asking you not to tie the hands of our negotiators.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. McCRERY. I yield to the gentleman from Oregon.

Mr. AuCOIN. I thank the gentleman for yielding.

Mr. Chairman, we have been negotiating START for the last several years. This legislated cap has been in place for the last several years. It has been a cornerstone of our policy.

The negotiators have not had their hands tied. The Republican administration indicated it is making progress on this and it has done so with the cap in place. It is past policy and it is current policy and it ought to be continued.

Mr. McCRERY. I yield myself an additional 15 seconds.

Mr. Chairman, if that is the case, then why is the gentleman so adamant here about placing a cap in this body? It does not make sense.

Mr. MAVROULES. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. I thank the gentleman.

Mr. Chairman, I have been skeptical about some of these weapons. But I just want to pay tribute because I have seen today the ultimate deterrent. It is not the MX, it is not the Midgetman, it is Rules Committee-man. We just heard the gentleman from New York on the Rules Committee addressing the Republicans and saying, and I think this ought to be noted, "Don't any of you dare vote your conscience or I will punish you with the Rules Committee." Maybe we should forget about all these other people and send the gentleman from New York [Mr. SOLOMON] to Moscow, because now we are talking tough. We are not into Midgets and we are not into MX's and rails, we are certainly not into Mother Theresa and the gentleman from California. I just think we ought to note what I have never seen: The commitment of my Republican colleagues to open government and democracy has never seemed more graphic than when the gentleman from New York says to the Democrats, "Don't listen," but we eavesdrop, "if any of you vote your conscience, we will get you in the Rules Committee."

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I will yield if I have enough time.

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

Mr. McCRERY. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. I thank the gentleman.

Ladies and gentlemen, talk about fairness; here is a printout of the 5 o'clock printout on the rule schedule. They list five Democrat amendments allowed on this subject, DELLUMS, HERTEL, FRANK, SPRATT, and MAVROULES. We asked for one simple substitute by the ranking Republican of the committee. I do not know what fairness is if they would not allow that gentleman his one substitute amendment. What could be more fair?

Seriously, I would not have said what I said.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. Yes, I yield to the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman for yielding.

I say that if the gentleman is mad at the Democrats, why punish his colleagues?

The CHAIRMAN pro tempore. At this point in the debate, the gentleman from Louisiana [Mr. McCRERY] has 4 minutes remaining, and the gentleman from Massachusetts [Mr. MAVROULES] has 3 minutes remaining.

Mr. MAVROULES. Mr. Chairman, under the rule, would the Chair clarify who has the right to end debate on this amendment?

The CHAIRMAN pro tempore. Under the rule, the gentleman from Louisiana [Mr. McCRERY] represents the committee position and would have the right to close debate.

Mr. MAVROULES. Mr. Chairman, I yield 1 minute to the chairman of the Committee on Armed Services, the gentleman from Wisconsin. [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I rise in support of the Mavroules amendment. It seems to me what we have got is a 50 cap on this bill, which is important because what we need is a balance of programs. We need a balance of MX and Midgetman. I support both missiles.

I think in order to have that balance, we ought to have the 50 cap.

To answer the question posed earlier, "Why do we need it?", we need it to clarify language. In the previous bill it was clear that we had a 50 cap but there was some question about if we went to another basing mode whether the 50 cap still applied. My answer to that is, yes, we are going to another basing mode, but yes, the 50 cap does apply.

We ought to clear it up. I think we ought to support the amendment of the gentleman from Massachusetts.

Mr. MAVROULES. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me see if I can clarify a couple of points here so that I may clear the air.

No. 1, we are not taking away the 12 MX missiles that we have in the budget that now has \$770 million in the fiscal 1990 budget for testing and replacement.

Let us set the record straight, that remains in there.

I heard the very same arguments here a number of years ago when we were debating the MX missile; long before some of those Members, my respected friends, were even in the Congress of the United States, we were talking about the MX missile.

The argument put forth was that. "We need it as a bargaining chip in Geneva during the arms control negotiations."

The truth is, my friends, that the MX missile was never on the table. It was never requested by the Soviet Union.

The arguments put forth back several years ago are the same arguments, the very same arguments put forth today, "We need this for negotiations on START talks."

Let us set the record straight; 3 or 4 years ago it was never on the table.

No. 2 if you look at the budget put forth by Mr. Cheney and approved by the President, if you want to be honest about this, the MX missile rail garri-son has an IOC of 1992. The money put forth for the Midgetman missile—and by the way, the Midgetman mis-

sile won on this floor with 254 votes about 1 hour ago.

□ 1840

Under that agreement put forth by the President, then the Secretary, the IOC is 1997; 1997, we are talking almost 8 years from now for the Midg-etman missile. All we ask is put a cap on the MX missile. I do not care where Members put that cap, keep them on silos, put them on rail garrisons, Members do that, and if ever there was an emergency, I would be the first one on the floor to take that cap off.

Mr. McCRERY. Mr. Chairman, I yield 4 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I wish to oppose the Mavroules amendment. I have great respect for the gentleman from Massachusetts [Mr. MAVROULES] and for the chairman of the committee, but I really do not understand why this amendment is being proposed tonight.

Now I asked the gentleman from Massachusetts [Mr. MAVROULES] what the purpose was and he essentially said that the primary reason was that either the administration or the Congress, of course, could change its mind. The administration has made a statement that it has no current plans to ask for more than 50 MX, and of course, the Congress clearly has no plans to fund any additional deployed MX's. However, there could be a time in the future when that would be the case.

Now here is my response to my friend: Either the amendment means something or it does not. The Congress has the total authority to decide whether we are going to have any more MX's. If we do not fund them, they do not exist. We are not going to fund them under current circumstances. If we decide that it is necessary to fund them, of course, then we can do that, we can exercise our discretion and our judgment, and perhaps my friend from Massachusetts would be agreeable, at that point in time, because of changed circumstances. However, absent that, we are not going to do that.

Now, the administration is not going to change their mind either, but if it did, it would have to come to Members and have to persuade Members that it is the right thing to do. My friend from Massachusetts would be a key person to help Members make that decision, either rejecting or supporting the administration. So again, we exercise our own free will, our own discretion.

That cap is simply a statement in the law as of right now, is 50 limit, we are not going to do it.

So it really does not have any meaning except in one respect. That is what bothers me about the amendment, it has meaning in one context, and that

is the arms control context. It says to the Soviets we unilaterally decide today, and we will tell the entire world we are not going to build any more than 50 MX missiles. Now, we are at the negotiating table in Geneva right now. Right now is when the START negotiations are getting down to that bottom line of getting rid of 50 percent of the warheads on both sides. This is where it really counts. It does not make any sense for Members, right now, to decide to give up something without getting anything in return. That is the context in which this has meaning, and that is why I think it should be opposed.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Chairman, I want to respond in kind, and I appreciate the fact that the gentleman has yielded to me. When we negotiate for arms control agreements, we are going to be negotiating all three parts with the entire triad. My answer, very simply, very simply put to the gentleman and to the other Members listening, I will take what we have got in this country today and I will deal through strength, whether it is on land, sea, or air, because we negotiate a arms control agreement, we negotiate a triad.

It will take our side far, far quicker, and we are far superior, if we want to get in there and negotiate through strength. That is my only point.

Mr. KYL. Mr. Chairman, I appreciate what the gentleman says, but the MX was developed in response to the SS-18, which is deployed in far greater numbers than the 50 MX's that we have.

In addition to that, the Soviets have since then deployed two new mobile systems, the SS-24 and the SS-25. We have deployed neither. We do not have the MX on rail, and we do not have a mobile missile. A small ICBM yet.

But the result, I do not know that our side, from the land-based of the triad, is necessarily the best side. However, that is irrelevant to the debate. The question is, does this amendment mean anything, or does it not? If it does not mean anything, then why should we be doing it, if it says to the Soviets, "You do not have to give up anything, but we are very graciously handing to you on a silver platter," a statement that says we have capped our MX missiles at 50. It just does not seem to me to make any sense at this point in time.

It is harmful, and as a result, I urge our colleagues to vote no on the Mavroules amendment.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Massachusetts [Mr. MAVROULES].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McCRERY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 259, noes 160, not voting 12, as follows:

[Roll No. 172]

AYES—259

Ackerman	Gephardt	Murphy
Akaka	Gibbons	Nagle
Anderson	Glickman	Natcher
Andrews	Gonzalez	Neal (MA)
Annuzio	Gordon	Neal (NC)
Anthony	Gradison	Nelson
Applegate	Grandy	Nowak
Aspin	Gray	Oakar
Atkins	Green	Oberstar
AuCoin	Guarini	Obey
Bates	Hall (OH)	Olin
Bellenson	Hamilton	Ortiz
Bennett	Harris	Owens (NY)
Bereuter	Hayes (IL)	Owens (UT)
Berman	Hayes (LA)	Pallone
Bilbray	Hefner	Panetta
Boehlert	Hertel	Payne (NJ)
Boggs	Hoagland	Payne (VA)
Bonior	Hochbrueckner	Pease
Borski	Hopkins	Pelosi
Bosco	Horton	Penny
Boucher	Hoyer	Perkins
Boxer	Hubbard	Petri
Brennan	Hughes	Pickett
Brooks	Jacobs	Pickle
Browder	Jenkins	Porter
Brown (CA)	Johnson (CT)	Poshard
Bruce	Johnson (SD)	Price
Bryant	Johnston	Pursell
Bustamante	Jones (GA)	Rahall
Byron	Jones (NC)	Rangel
Campbell (CO)	Jontz	Richardson
Cardin	Kanjorski	Ridge
Carper	Kaptur	Roberts
Carr	Kastenmeier	Rose
Chapman	Kennedy	Rostenkowski
Clarke	Kennelly	Roth
Clay	Kildee	Roukema
Clement	Klecza	Rowland (GA)
Coble	Kolter	Roybal
Coleman (TX)	Kostmayer	Russo
Conte	LaFalce	Sabo
Conyers	Lancaster	Sangmeister
Cooper	Lantos	Sarpalius
Costello	Laughlin	Savage
Coughlin	Leach (IA)	Sawyer
Coyne	Leath (TX)	Scheuer
Crockett	Lehman (CA)	Schneider
de la Garza	Lehman (FL)	Schroeder
DeFazio	Levin (MI)	Schulze
Dellums	Levine (CA)	Schumer
Derrick	Lewis (GA)	Sensenbrenner
Dicks	Lipinski	Sharp
Dingell	Lloyd	Shays
Donnelly	Long	Sikorski
Dorgan (ND)	Lowey (NY)	Sisisky
Downey	Lukens, Thomas	Skaggs
Durbin	Manton	Skelton
Dwyer	Markey	Slattery
Dymally	Martinez	Slaughter (NY)
Dyson	Matsui	Smith (FL)
Early	Mavroules	Smith (IA)
Eckart	Mazzoli	Smith (NE)
Edwards (CA)	McCloskey	Smith (NJ)
Engel	McCurdy	Snowe
Erdreich	McDermott	Solarz
Espy	McHugh	Spratt
Evans	McMillen (MD)	Staggers
Fascell	McNulty	Stallings
Fazio	Meyers	Stark
Feighan	Mfume	Stokes
Flake	Miller (CA)	Studds
Foglietta	Miller (WA)	Swift
Ford (MI)	Mineta	Synar
Frank	Moakley	Tallon
Frost	Moody	Tanner
Garcia	Morella	Tauke
Gaydos	Morrison (CT)	Torres
Gejdenson	Mrazek	Torricelli

Towns	Visclosky	Williams
Traffant	Volkmer	Wise
Traxler	Walgren	Wolpe
Udall	Watkins	Wyden
Unsold	Waxman	Yates
Upton	Weiss	Yatron
Valentine	Wheat	
Vento	Whitten	

NOES—160

Alexander	Hancock	Quillen
Archer	Hansen	Ravenel
Armey	Hastert	Ray
Baker	Hatcher	Regula
Ballenger	Hefley	Rhodes
Barnard	Henry	Rinaldo
Bartlett	Herger	Ritter
Barton	Hill	Robinson
Bateman	Holloway	Rogers
Bentley	Houghton	Rohrabacher
Bevill	Huckaby	Rowland (CT)
Billirakis	Hunter	Salki
Bliley	Hutto	Saxton
Broomfield	Inhofe	Schaefer
Brown (CO)	Ireland	Schiff
Buechner	James	Schuetz
Bunning	Kasich	Shaw
Burton	Kolbe	Shumway
Callahan	Kyl	Shuster
Campbell (CA)	Lagomarsino	Skeen
Chandler	Lent	Slaughter (VA)
Clinger	Lewis (CA)	Smith (MS)
Coleman (MO)	Lewis (FL)	Smith (TX)
Combest	Lightfoot	Smith (VT)
Cox	Livingston	Smith, Denny
Craig	Lowery (CA)	(OR)
Crane	Lukens, Donald	Smith, Robert
Darden	Machtley	(NH)
Davis	Madigan	Smith, Robert
DeLay	Marlenee	(OR)
DeWine	Martin (IL)	Solomon
Dornan (CA)	Martin (NY)	Spence
Douglas	McCandless	Stangeland
Dreier	McCollum	Stearns
Duncan	McCrery	Stenholm
Edwards (OK)	McDade	Stump
Emerson	McEwen	Sundquist
English	McGrath	Tauzin
Fawell	McMillan (NC)	Thomas (CA)
Flelds	Michel	Thomas (GA)
Fish	Miller (OH)	Thomas (WY)
Flippo	Molinari	Vander Jagt
Frenzel	Mollohan	Vucanovich
Gallely	Moorhead	Walker
Gallo	Morrison (WA)	Walsh
Gekas	Murtha	Weber
Gillmor	Myers	Weldon
Gilman	Nielson	Whittaker
Gingrich	Oxley	Wilson
Goodling	Packard	Wolf
Goss	Parker	Wylie
Grant	Parris	Young (AK)
Gunderson	Pashayan	Young (FL)
Hall (TX)	Patterson	
Hammerschmidt	Paxon	

NOT VOTING—12

Collins	Dixon	Hyde
Courter	Florio	Leland
Dannemeyer	Ford (TN)	Montgomery
Dickinson	Hawkins	Roe

□ 1903

Mrs. LLOYD and Mr. TALLON changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. LARGOMARSINO. I rise in opposition to the amendment offered by Mr. MAVROULES capping the number of MS Peacekeeper missiles that may be deployed at any time at 50. I believe this is an ill-timed, shortsighted amendment that will have a negative impact on both our national security and our arms control negotiating position.

The MX Peacekeeper is our most advanced, most accurate, most feared ICBM. It provides a significant amount of muscle to the

ICBM leg of our strategic nuclear triad. Under current law, no more than 50 Peacekeeper missiles may be deployed in silos, the only operational basing mode we use for the MX today. This restriction already limits the full effectiveness of this critical force.

Capping, forever, deployment of Peacekeeper missiles at 50 does not adequately address future needs. The Minuteman system, a product of 1960s technology needs replacement in the near future. Even if we were to fully fund 50 Peacekeepers in the rail-garrison mode and build 500 small ICBM's, this provides only 1,000 of the needed 1,500 ICBM warheads—a shortfall of 500. Today's shortsightedness could jeopardize future national security needs. Some, optimistically, have said that real arms reductions could lessen the need for 1,500 ICBM warheads. Perhaps. But, we don't know that today. We don't need a cap because today we aren't planning to build any additional Peacekeepers. But, we should not close off that option for the future. We should make decisions on that option in the future when we have a much better understanding of the needs at that time.

The second overriding reason to reject the Mavroules amendment is for the sake of arms control. Today we are engaged in very serious and encouraging arms reduction talks with the Soviets in Geneva—the START talks. Like their Soviet counterparts, our negotiators are operating from a position of strength. If we were to unilaterally cap the Peacekeeper—the world's best ballistic missile—we only undercut ourselves and strengthen the Soviet bargaining position. Perhaps during the negotiations we will agree to cap the number of deployed Peacekeepers. However, unlike with the Mavroules amendment, our negotiators will get important concessions from the Soviets in return. Enacting the Mavroules amendment gets us nothing relative to arms control. Further proof of this is a quick review of previous unilateral actions taken by us. They have set back real arms control progress and have not generated reciprocal measures from the Soviets. All we've ever done is hurt ourselves.

Clearly, budgetary pressure will continue to restrict the size of our ICBM force. Future START agreements could as well. This proposed cap on the MX missile has very little real benefits—aside from domestic political rhetoric—and many real national security costs. It makes no sense to close off future options today or give away very useful arms control bargaining points free of charge. The Peacekeeper program is not the enemy. Rather, Soviet ICBMs—which the Peacekeeper is designed to deter—are the threat. We should be focusing on this latter issue.

I strongly urge my colleagues to oppose the Mavroules amendment.

Mr. BRENNAN. Mr. Chairman, I rise in support of Congressman Hertel's amendment which prohibits further use of Air Force R&D funding for the MX rail-garrison program. Last year during this debate, we were told by the proponents of the MX missile that we should wait until after the presidential election and permit the new president to choose which new ICBM they prefer. We had that election but we still haven't made the choice on which new ICBM we should have. Instead we are

now asked to choose both the MX rail-garrison and the Midgetman. Two missiles we certainly can't afford and don't really need to enhance nuclear deterrence.

The concept of ICBM basing has been a perpetual problem for our Nation over the past 10 years. Beginning with the multiple protective shelter [MPS] plan devised during President Carter's administration and now with the rail-garrison scheme under both Presidents Reagan and Bush, we have not found a more survival basing plan which justifies the enormous costs. The premise surrounding the rail-garrison plan is to allow sufficient warning time to permit the train garrisons to flush out from their bases to avoid Soviet warheads. I have not been convinced we will have sufficient warning time to scatter the garrisons and avoid attack before dispersement.

We are told we need a mobile system because the Soviets have two mobile systems and this will strengthen our negotiating posture with the Soviets. It has also been maintained the mobile systems will enhance ICBM survivability. To meet the arms control concerns, I contend one mobile system is sufficient to bargain with the Soviets and that system should be the mobile, survivable and workable Midgetman.

If we are serious about making some tough choices within the defense budget, I believe that time has arrived to choose one mobile ICBM and stop prolonging a decision which has been long overdue. Join me in support of the Hertel amendment and kill the MX rail-garrison scheme which is unworkable and unneeded to enhance nuclear deterrence.

Mr. LAGOMARSINO. Mr. Chairman, before us today are four amendments in various forms and combinations to terminate the MX rail-garrison program and/or the small ICBM. These short-sighted amendments would have an adverse impact on our national security and the credibility of our nuclear deterrence force.

The Armed Services Committee responsibly decided to continue funding both programs. The Peacekeeper is our front-line, modern ICBM capable of carrying 10 warheads. It provides a significant amount of strength to the ICBM leg of our triad. At present, this missile is based in hardened silos—silos which can be very easily targeted and destroyed by Soviet missiles. The Peacekeeper, like the older, smaller, less accurate and more vulnerable Minuteman force, is a very tempting target. The MX—Peacekeeper—rail garrison program would increase the survivability of the Peacekeeper and make first strike targeting by the Soviets far more difficult due to this new basing mobility. Complicating the attack plans of our adversaries and increasing the chances that any attack may not achieve a satisfactory level of success increases nuclear stability and provides further incentive to engage in real strategic nuclear arms reduction negotiations.

The Armed Services Committee also responsibly decided to continue funding development of the new small ICBM, aptly called the Midgetman. This single-warhead, second-strike ICBM is a critical program for the future. It is designed with strategic nuclear arms reductions—like those proposed in start—in

mind. The small ICBM it is designed to provide a mobile, highly survivable deterrent for the United States in an era of limited nuclear missiles. If we proceed with the deep cuts in nuclear missiles envisaged by START, we can no longer count on quantity of missiles and warheads to ensure a successful deterrent. The small ICBM would provide the quality and survivability our limited land based missile force would need. For those wanting deep reductions in nuclear missiles, the small ICBM is an important ingredient for any such agreement.

Both the rail-garrison MX and the small ICBM would undergo intense testing and development at Vandenberg Air Force Base located in my district. In addition to providing critical security benefits to the United States and the free world, these programs are also beneficial to the local economy of northern Santa Barbara County. The Vandenberg AFB area was hard hit by the decision to indefinitely delay launching of the space shuttle from the west coast. Vigorous testing of the Peacekeeper and small ICBM would help offset that loss. This added bonus further strengthens my support for these programs.

While we debate these programs, the Soviets are deploying their MX rail garrison and small ICBM. Rail-mobile SS-24, a fifth-generation missile of comparable size and warhead carrying capability to the MX, is being deployed. The smaller SS-25, which like the Midgetman is a single-warhead, road mobile system, joined operational Soviet units in 1985. I urge my colleagues to remember that we cannot look at our programs as if they are in a vacuum. We must factor in our decisions what the Soviets have done and are doing.

For both national security and future nuclear arms reduction reasons it is very important for the United States to continue with the MX rail garrison and small ICBM programs. To terminate either or both would severely undercut our negotiators in Geneva, making equal, reasonable strategic arms control agreements much more difficult to achieve. I believe the majority—from both sides of the aisle—on the Armed Services Committee recognize these facts and have wisely provided funds for continued development of both programs. The short-term political gains from terminating either of these programs do not even come close to offsetting the long-term national security losses. I urge my colleagues to join me in supporting the committee's position and opposing these amendments.

The CHAIRMAN pro tempore (Mr. DURBIN). It is now in order to consider amendments printed in part two of the House report.

LEGISLATIVE PROGRAM

Mr. ASPIN. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN pro tempore. Without objection, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 5 minutes.

There was no objection.

Mr. ASPIN. Mr. Chairman, I would just like to take a moment to announce the order in which we are going to proceed now for the rest of this evening.

We have finished our votes for tonight, and according to the agreement laid out by the majority leader before we began the debate on the ICBM's, what we have now is a series of seven smaller class two amendments, category two amendments. There will be two of them. We will start out with two amendments by the gentleman from New Mexico [Mr. RICHARDSON].

The third is an amendment of the gentleman from Texas [Mr. LEATH].

The fourth is an amendment by the gentleman from Maryland [Mrs. BYRON].

The fifth is an amendment of the gentleman from Texas [Mr. BUSTAMANTE].

The sixth is an amendment by the gentleman from Rhode Island [Mr. MACHTELY], and the seventh is an amendment by the gentleman from Louisiana [Mr. McCREERY].

If all those are offered, there would be 5 minutes allowed on each side for debate and a vote. Any votes on these, according to the agreement of the majority leader, would be rolled over until tomorrow.

I would anticipate that some of these will not be offered. Others will be settled by a voice vote and will not have a vote. We may have two or three votes tomorrow.

AMENDMENT OFFERED BY MR. RICHARDSON

Mr. RICHARDSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RICHARDSON: Page 350, after line 3, add the following new section:

SEC. 3137. LOS ALAMOS NATIONAL LABORATORY SECURITY CONTRACT.

The Secretary of Energy shall prohibit the contractor operating the Los Alamos National Laboratory from entering into any security services subcontract that lasts for a period in excess of 1 year.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, this amendment would prohibit a protective services contract from being signed by the Los Alamos National Laboratory for a period to exceed 1 year.

Earlier this year there was an extended strike against Mason and Hanger, a subcontractor responsible for providing security for the Los Alamos National Laboratory—one of the most critical facilities in the entire nuclear weapons complex. As a result of the strike, numerous questions have been raised about the adequacy of safeguards and security at the Los

Alamos facility as well as other nuclear weapons facilities.

The Energy and Commerce Committee is currently reviewing security operations in the nuclear weapons complex. A hearing before the Oversight and Investigations Subcommittee is scheduled for Thursday of this week. In addition, the General Accounting Office is conducting a review of the security programs for the nuclear facilities. The findings of the study are not expected until later this year.

Mason and Hanger's contract for security services expires in September of this year. I believe any new multi-year contract should reflect the findings of both the Energy and Commerce Committee and the General Accounting Office.

Accordingly, Mr. Chairman, and in consultation with the Director of the Los Alamos Laboratories, the lab has promised to review the issue of competitive bidding as they look toward the next contract that this subcontractor is going to be pursuing.

My concern is very simple. I want the best security at Los Alamos Laboratories, and because of the strike that took place, the fact that there was a force that was not properly trained in the interim, I think security at the labs was compromised, and I regret it.

I will be withdrawing this amendment simply because the Director of the laboratories has assured me, Mr. Sid Hecker, that he is going to have an open mind in terms of how he proceeds with the contract of Mason and Hanger.

Mr. Chairman, after consultation with both the majority and the minority, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Mexico [Mr. RICHARDSON]?

Mr. KYL. Reserving the right to object, Mr. Chairman, I just want to compliment the gentleman on trying to get into an issue that deserves some attention and to look after the interests of his constituents in this matter and the State of New Mexico, the Los Alamos laboratories, the issues that he raised, and I think it is appropriate for him to raise them, and also for him to withdraw the amendment.

Mr. RICHARDSON. Mr. Chairman, I thank the gentleman.

Mr. KYL. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Mexico [Mr. RICHARDSON] to withdraw his amendment?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. RICHARDSON

Mr. RICHARDSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RICHARDSON: Page 350, after line 3, add the following new section:

SEC. 3137. MORATORIUM ON LOS ALAMOS NATIONAL LABORATORY RADIOACTIVE WASTE INCINERATOR.

The Los Alamos National Laboratory is prohibited from incinerating radioactive waste until the State of New Mexico adopts regulations on the incineration of radioactive waste.

The CHAIRMAN pro tempore. Under the rule, the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, this amendment is very important to me and my congressional district. It is an amendment that is also supported by the State of New Mexico, and I will be attaching for the RECORD a statement of the Environmental Improvement Division of the State of New Mexico in support of my amendment.

This is what the amendment does: This amendment simply does the following: It prohibits the Los Alamos National Laboratories from incinerating radioactive wastes until the State of New Mexico adopts regulations on the incineration of radioactive wastes.

The original Los Alamos Laboratories plan was to build an incinerator for research purposes only in the 1970's. This incinerator was constructed to handle two types of wastes, chemical wastes and mixed wastes.

The incinerator has been closed for the last 2 years for remodeling to bring it up to full-scale capabilities. Prior to this temporary shutdown, the incinerator was operating for 9 years under interim RCRA regulations.

The State legislature is also in support of this amendment. They passed H.B. 59, which puts a moratorium on incinerators until the State EID, the Environmental Improvement Division, implements regulations on incinerators.

What I am simply doing is this, and I have discussed this with the Los Alamos Laboratory. I would like to proceed with a moratorium of approximately 1 year in which the Los Alamos Laboratory proceeds with plans for this incinerator, and does not burn some of this waste until the State of New Mexico has their regulations. The State of New Mexico has a legislative session in January and February of next year. My amendment simply puts a moratorium that says the following, that until all safety regulations are applied, Federal and State, the burning

of this radioactive waste will not take place.

On the side of my constituents in the Santa Fe area, the Los Alamos area, I have had numerous calls. There have been numerous public sessions in which my constituents have appealed to me and said,

We do not necessarily want to stop this incinerator. We want it to proceed simply according to State law. We want to wait and make sure that radioactive wastes are stored properly, and we want to make sure that it is absolutely safe.

All I am saying is let us wait until the State of New Mexico adopts regulations. Again, the State of New Mexico supports this amendment. This is an important amendment for my constituents. It simply says the following: There will be no burning, no burning of radioactive wastes at the Los Alamos Laboratory until the State of New Mexico, and the State's EID division, Environmental Improvement Division, is cognizant of the problem, adopts some regulations. They currently do not have regulations that deal with this issue. This will be an incentive for them to proceed.

To further clarify what the amendment does:

First, prohibits the Los Alamos National Laboratory from incinerating radioactive waste, including any waste containing radioactive constituents, until the earlier of the following occurs: first, a period of 1 year elapses after the date of the enactment of this act; and second, the State of New Mexico adopts regulations on emissions resulting from the incineration of radioactive waste.

This alternative to our original amendment is improved in the following ways:

First it establishes a 1-year moratorium unless the State adopts regulations before this period. This will allow the State time to adopt emissions regulations without delaying operation of the incinerator for an unreasonable amount of time.

Our original amendment has no moratorium so the incinerator could be held up indefinitely until the State adopts regulations.

Second, this amendment deals only with emission standards under the Clean Air Act. States have the authority to implement such regulations.

Our original amendment deal both with RCRA and Clean Air. Before the State could adopt RCRA regulations a change in the Federal RCRA law would be required—this could hold up operation of the incinerator indefinitely.

BACKGROUND

LANL originally built an incinerator for research purposes only in the 1970's. This incinerator was constructed to handle two types of waste: Chemical waste and mixed waste. Mixed wastes has both chemical and radioactive components.

The incinerator has been closed for the last 2 years for remodeling to bring it up to full-scale capabilities. Prior to this temporary shutdown, however, the incinerator was operating for 9 years under interim RCRA [Resource Conservation and Recovery Act] status, a

temporary permit which currently allows LANL to burn radioactive and hazardous waste without any environmental assessment ever being done and without any opportunity for public comment.

Transuranic waste, the same plutonium-contaminated waste that is designated for WIPP, will comprise the bulk of the waste stream destined for the incinerator.

The State environmental improvement division does not have the authority under the State Hazardous Waste Act, or any other act, to regulate radioactive waste. The Hazardous Waste Act does not apply to radioactive waste, it only applies to applies to wastes that meet the legal definition of "hazardous waste", and these are basically chemical wastes.

The Federal Atomic Energy Act authorizes DOE to develop and effectuate its own regulations controlling DOE's management of its own radioactive wastes. Thus, DOE essentially has the right to permit themselves for radioactive substances.

The State legislature passed H.B. 59 this year that puts a moratorium on incinerators until EID implements regulations on incinerators. H.B. 59 however, includes an exemption for incinerators that were constructed before a certain date—since this incinerator was constructed in the 1970's it is exempted from the moratorium and can operate without EID regulation on incinerators.

EID is reviewing LANL's application for this incinerator and has proposed a draft permit. The permit only focuses on chemical waste—not radioactive waste—since chemical waste is the only waste the State has authorization to regulate. EID says the permit will probably be issued in November.

All we wish to do is delay operation of the incinerator until the State adopts regulations on the incineration of radioactive wastes.

Mr. Chairman, I yield the remainder of my time to the chairman of the subcommittee, the gentleman from South Carolina [Mr. SPRATT], who has examined this amendment, and I ask for his response and hopeful support.

Mr. KYL. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I would like to address the amendment, and I would like to, in turn, either have the ranking minority member on our panel, the Committee on Armed Services, recognized or time yielded to him.

Mr. Chairman, the gentleman from New Mexico [Mr. RICHARDSON] brought before our panel two amendments, one which he has just pulled from consideration, and the other was this amendment.

We received the amendments only at approximately the time that we were beginning the markup of the Department of Energy segment of the defense authorization bill. The panel itself, having not had the opportunity to hold hearings on the proposal he made, did not approve the amendment as it was submitted, not so much on

the merits or demerits of it, just because we simply did not have the information or answers to the questions that were raised in our minds.

There was another deficiency in the amendment as presented to us, and that is it is open ended. It does not have a termination date. It says basically that the Los Alamos Laboratory cannot incinerate mixed or radioactive waste until the State of New Mexico develops regulations that apply to radioactive waste. I think that that kind of an open-ended provision is something that we simply cannot agree to.

The rule made this amendment in order, and I had a number of discussions along with the gentleman from Arizona [Mr. KYL], the ranking member. We asked several questions to be clarified, first of all, if this moratorium is granted, can we establish a date certain on it, can we have an understanding, and I had one with the gentleman from New Mexico [Mr. RICHARDSON] that August 1 would be acceptable to him, August 1, 1990. We wanted to find out if this would present an intolerable situation in terms of accumulation of radioactive waste that could not be incinerated pending this ban, and we found it will cause some to be accumulated. There will be some storage costs, but it is not an overwhelming burden monetarily or otherwise for the Laboratory.

Finally, we found that the situation there at Los Alamos is in good condition in the sense that the waste incineration facilities are in compliance with EPA regulations and then some.

I have told the gentleman from New Mexico [Mr. RICHARDSON] that I personally will vote for his bill with the understanding that in conference the date certain has to be cleaned up. There has to be a reasonable time-frame for the State to adopt regulations. I will vote for it because I am sensitive to his concern about the incineration of radioactive waste, but I cannot approve it in its present form. We have to have the understanding that it is cleaned up in conference.

Mr. KYL. Mr. Chairman, I yield 15 seconds to my friend, the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I stress to the gentleman, as the gentleman knows, I would have offered this amendment on unanimous consent with the August date, but the gentleman had some concerns, and I remain very firm in that view, that a date of August 1 is fine with me. I appreciate the way the gentleman has conducted himself in this.

Mr. KYL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the comments of both of my friends and, again, my colleague from New Mexico being very concerned about the situation in his district, but, very frankly, Mr. Chairman, the reason that these

concerns are being expressed is because there are problems with this bill, technical problems, if not other kinds of problems.

There is a third technical problem that has not been mentioned, and that is the fact that States have the authority under the Clean Air Act to regulate radioactive emissions, but this bill is not written in that fashion. This bill is written to adopt regulations on the incineration of radioactive waste, which means it would be a meaningless exercise.

The reason I have not agreed to a unanimous-consent request to improve the language of the bill is because it is a bad bill. It should not be adopted by this body. It is not needed.

If my colleagues would just listen to this one statistic, it is, I think, agreed, and in any event, the laboratory has confirmed through their analysis that the incineration of radioactive wastes here meets the Clean Air Act requirements by a factor of 25,000. In other words, it is not even close.

It is very clear that the atmosphere here is protected by a factor of 25,000.

My colleague from New Mexico has said, "But I have some constituents every concerned about this." I do not doubt that. Our obligation is to explain to them that they have no reason for concern, and that were we to agree to this amendment, what it would require is the Los Alamos Laboratory spend an additional \$30,000 to build a storage facility to put the stuff in it until it can be incinerated, and nothing would have changed in the meantime, because the State of New Mexico is not going to adopt a standard which is 25,000 times more stringent than the Clean Air Act. So the amendment is not necessary. That is why I have refused to agree to the technical amendments that would make the amendment proper.

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield,

Mr. KYL. I am happy to yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Chairman, I just want to stress to my colleague, and I appreciate his concern, but let me just quote to him what the State of New Mexico has sent me.

Mr. KYL. Reclaiming my time and interrupting my colleague, Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The gentleman from Arizona [Mr. KYL] has 2 minutes remaining.

Mr. KYL. Mr. Chairman, I yield the remainder of my time, 2 minutes, to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Chairman, with all due deference to my colleague from New Mexico, I have a concern after reading this place of legislation, because it is totally unnecessary.

What is being done follows the spirit of the request being made in this piece of legislation; that is, that is being done between the State of New Mexico and Los Alamos National Laboratories right now. Los Alamos National Laboratory is the progenitor, or the place in which the whole technology of incineration of these kinds of wastes has come from. If New Mexico is going to have an oversight committee, Los Alamos is going to have to tell them how to do it, and they are already working in cooperation with one another. I think it is an unnecessary burden both on the State and on Los Alamos National Laboratory, because if we put this moratorium on there, we are going to require them to build storage space that puts the waste in a riskier position now than it would be if it were incinerated.

Mr. Chairman, that is the whole answer to this question. We have these environmental questions to resolve, and the laboratory is trying to help do that. I think that what we are doing is we are imposing something on the national laboratory that is totally unnecessary, because there is a spirit of cooperation and oversight that takes place between the State of New Mexico and Los Alamos at the present time.

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I do not believe that the State of New Mexico is asking for this.

Individuals, maybe so. But who speaks for the State of New Mexico?

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield?

Mr. SKEEN. Yes, I yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Chairman, I have a letter from the Director of the New Mexico Environmental Improvement Division, Mr. Richard Mitzelfelt. That is not the issue. The State of New Mexico wants this amendment.

The letter referred to follows:

NEW MEXICO HEALTH AND
ENVIRONMENT DEPARTMENT,
July 25, 1989.

MEMORANDUM

To: Congressman Bill Richardson.

Attention: Steve Crout.

From: Richard Mitzelfelt, Director, New Mexico Environmental Improvement Division.

Re: Incinerator Amendment—Nmeid Comments.

Date: July 25, 1989.

The Division supports this amendment for the following reasons:

1. The amendment would prevent the burning of mixed waste and radioactive waste without a RCRA component at the only facility in the state exempt from state moratorium, H.B. 59.

2. This amendment would enable the Division to move from a position of uncertainty regarding public health impacts to one of protection. The health impacts of this activity would then be discussed in a public hearing.

ing through the adoption of new air regulations before the activity could resume.

3. The Air Quality Bureau which develops regulations would be given more time to address this type of incineration along with municipal and medical waste incineration. This would also alleviate the potential to act too hurriedly.

Although we support this moratorium, one question needs to be researched. Does this moratorium as currently proposed create a conflict by preventing activities currently authorized by the Resource Conservation and Recovery Act? The incineration of mixed waste being one such activity.

NEW MEXICO HEALTH AND
ENVIRONMENT DEPARTMENT,
July 26, 1989.

Congressman BILL RICHARDSON,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN RICHARDSON: This letter concerns your proposed amendment to the Department of Defense Authorization Bill regarding a moratorium on the incineration of radioactive waste at Los Alamos National Laboratory. My comments below are in response to questions raised by the memorandum I sent to your office yesterday, July 25, 1989, regarding the proposed amendment.

The Environmental Improvement Division's priorities in developing new regulations for incineration have been set primarily by citizens and our state legislature reacting to new or proposed facilities in the state. In the spring of 1988, public concern was focused on a proposed municipal waste incinerator at Los Alamos. This concern resulted in our state moratorium bill on incineration. Although this bill covers other classes of incineration besides municipal waste, its primary focus was on municipal waste and we have put our efforts into this area first. We have also begun to address the incineration of medical waste at this time primarily because of a large uncontrolled facility in the southern part of the state. We do not have the staff to concurrently address radioactive waste along with these other categories. We would consider the assistance of a third party in developing such regulations if funding were available.

There are a number of reasons why our interest in incineration of radioactive waste was not expressed as strongly in the past as it is today. The Los Alamos incinerator is to our knowledge the only unit in the state conducting this activity. In the past, this facility was represented as a research unit. Today, it will be used on a larger scale as an integral part of the Laboratory's waste management effort. Potential impacts to human health are therefore much greater. In addition, most of our citizens only became aware of this facility recently and public concern has been very high.

We are confident the state has adequate statutory authority to address the incineration of radioactive waste. Under the New Mexico Air Quality Control Act, "radioactive material" is listed as a substance for which the New Mexico Environmental Board clearly has the right to control through the adoption of regulations. In addition, the state legislature has further directed the EID to develop new regulations with stringent emission limitations for all classes of incineration. This language is within the recently enacted H.B. 59 which is a state bill addressing incineration. Although EPA has not yet delegated authority for mixed waste under the Resource

Conservation and Recovery Act to the state, we do not believe this in any way precludes the development of new air quality regulations for this type of waste.

I hope this answers your recent questions. Please contact me again if additional concerns arise.

Sincerely,

RICHARD MITZELFELT,
Director.

Mr. SKEEN. Taking back my time, I do not think that the State of New Mexico does want this amendment. I do not think that they have had a chance to see this part of it, and I do not think they want it or do not think we need it, and we are just as dedicated to that laboratory as anybody else.

Mr. RICHARDSON. I would like to point out to my colleague that we are talking about a facility in my district.

Mr. SKEEN. The gentleman from New Mexico was also talking about one in my district when we were talking about WIPP, and the gentleman certainly had a lot to say about that, so I certainly think I should return the favor.

The CHAIRMAN pro tempore (Mr. DURBIN). All time has expired.

The question is on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. RICHARDSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to the provisions of paragraph (5) of section 2, House Resolution 211, and the Chair's prior announcement, the vote on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON] will be postponed until tomorrow following the vote on the amendment on plutonium production.

AMENDMENT OFFERED BY MR. LEATH OF TEXAS

Mr. LEATH of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LEATH of Texas: Page 36, after line 16, insert the following new section:

SEC. 128. FUNDING FOR AHIP PROGRAM.

(a) AUTHORIZATION FOR AHIP PROGRAM.—Of the amount appropriated for fiscal year 1990 for procurement of aircraft for the Army, the amount of \$276,400,000 shall be available for the Army Helicopter Improvement Program (AHIP).

(b) FUNDING.—Of the amounts provided in section 101 for procurement for the Army—

(1) the amount provided for procurement of aircraft is hereby increased by \$226,400,000;

(2) the amount provided for procurement of Weapons and Tracked Combat Vehicles is hereby reduced by \$61,500,000; and

(3) the amount provided for other procurement is hereby reduced by \$164,800,000.

MODIFICATION TO AMENDMENT OFFERED BY MR. LEATH OF TEXAS

Mr. LEATH of Texas. Mr. Chairman, I offer a modification to the amendment.

The CHAIRMAN pro tempore. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as modified, offered by Mr. LEATH of Texas: Page 36, after line 16, insert the following new section:

SEC. 128. FUNDING FOR AHIP PROGRAM.

(a) AUTHORIZATION FOR AHIP PROGRAM.—Of the amount appropriated for fiscal year 1990 for procurement of aircraft for the Army, the amount of \$276,400,000 shall be available for the Army Helicopter Improvement Program (AHIP).

(b) FUNDING.—Of the amounts provided in section 101 for procurement for the Army—

(1) the amount provided for procurement of aircraft is hereby increased by \$226,400,000;

(2) the amount provided for procurement of Weapons and Tracked Combat Vehicles is hereby reduced by \$61,500,000; and

(3) the amount provided for Other Procurement is hereby reduced by \$164,800,000, of which not more than \$24,400,000 shall be from the Enhanced Position Location Reporting System.

Mr. LEATH of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LEATH of Texas. Mr. Chairman, I have cleared this with both sides, and I ask unanimous consent to have the modification agreed to so that I may give a brief explanation at this point.

The CHAIRMAN pro tempore. Without objection, the modification is agreed to.

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Texas [Mr. LEATH] is recognized for 5 minutes.

Mr. LEATH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment would reinstate the Army's Helicopter Improvement Program, or AHIP, that was originally included in the budget submitted by President Reagan but deleted in the revision submitted by President Bush. The AHIP is an upgrade of the OH-58 Scout helicopter with state-of-the-art target detection-designation, navigation, communications, and air vehicle performance improvements. Most importantly—it works. It works very well. The Army recently produced an armed version of AHIP that performed some amazing feats at night in the Persian Gulf. In the opinion of the Secretary of the Army, the AHIP is essential in meeting the Army's day and night armed

Scout helicopter requirement through the end of the next decade when follow-on aircraft are anticipated to become available.

This helicopter is a combat proven asset to our conventional force structure and satisfies a critical deficiency in our Army aviation inventory.

The program is the Army's highest unfunded priority. The Secretary of the Army unsuccessfully attempted to "buy back" the program from the Secretary of Defense when it was cut due to budget constraints.

The program is one of the most successful, cost-efficient systems we have ever developed.

The amendment is revenue neutral. I have identified programs within Army procurement accounts to cover the cost of this initiative that have been coordinated with the Army's leadership and with the committee staff.

I urge an affirmative vote on this amendment.

Mr. ASPIN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. ASPIN] is recognized for 5 minutes.

Mr. ASPIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am happy to yield to other Members who wish to talk about this amendment one way or the other, but let me just point out why I am in opposition to this amendment.

I believe basically what we are dealing with is another add-on to the Cheney budget. Last night we had the big fight over the Cheney budget. We have had a continual struggle throughout the process of hearing this before the Procurement Subcommittee, before the full committee about the Cheney budget, and we have managed to come through the whole process, I would say, relatively unscathed.

We have added too much money for the Guard and Reserve, and that is too bad. We have added money for the V-22 and that is too bad. We have added money for the F-14, and that is too bad. But we have not added a lot of money, and we have not done what we have done in other years.

I would hope in the process of dealing with these small amendments toward the end of the bill that we do not let the whole dam burst loose and we end up with a lot of add-ons.

I know there is an awful lot of support for the AHIP, and I understand the gentleman from Texas's interest in it. I think there is a lot of interest on that side for the AHIP, and I have no problem with the funding that the gentleman has and the amendment, and the changes in his amendment by which he now funds the AHIP.

But I would point out that the right vote was the either-or vote on the LHX or the AHIP, which we had yesterday, which was the amendment of-

fered by the gentleman from Kentucky, Mr. HOPKINS, to fund the AHIP by taking the money out of the LHX. That was the right decision. Either we ought to modernize the forces with the current equipment, what the gentleman from Texas would like to do with the AHIP, or we ought to fund the next generation, which is the LHX.

The problem is we did not cut the LHX yesterday to fund the AHIP, and we are now going to fund the AHIP out of other odds and ends in the Army account. We are going to end up with what Dick Cheney has tried to avoid, and which I supported him strongly for avoiding, which is that we do both. We both modernize the current forces and we continue the R&D for the next generation.

I just would like to say that one problem is not going to undo the package we have already. We are already doing it in several places.

I would just say this is a bad policy. I do not object to the weapons system, I do not object to where it is coming from, but the policy is the wrong policy and I therefore rise in opposition to the amendment of the gentleman from Texas.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. ASPIN] has 2 minutes remaining, and the gentleman from Texas [Mr. LEATH] has 4 minutes remaining.

Mr. LEATH of Texas. Mr. Chairman, I yield myself 1 minute to just briefly respond to the gentleman from Wisconsin.

I understand what he is saying, and I do not at all disagree with that generally. However, I would point out that this program is somewhat different. It is a program where we are taking old airframes and making them work in the modern world.

The LHX, even if we develop this, which I am certain we will, is at least 10 years away. The AHIP Program is not a commitment for the next 10 or 15 years. We can stop the AHIP Program at any year in the funding cycle that we feel we have to. There are just some of us who feel that it is not smart to stop it at this point.

Mr. Chairman, I yield 30 seconds to the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Chairman, I rise in support of the amendment offered by my colleague, the gentleman from Texas [Mr. LEATH].

Mr. Chairman, the Army Helicopter Improvement Program is a major modification program that converts the OH-58A helicopter into an OH-58D. The AHIP has been in production since 1985 and has been a model program, satisfying all performance specifications and meeting cost and schedule requirements.

The most significant Army aviation deficiency is the inability to see the battlefield using

current assets. Army officials and field commanders have testified before Congress that the AHIP is an essential ingredient to its war-fighting plans.

The Army wants the AHIP. I urge you to provide the Army with the advanced aircraft it needs and wants and is available today. Continue procurement of AHIP to achieve the Army's aviation modernization goals. I urge you to vote yes on the Leath amendment to restore funding for the AHIP.

Mr. LEATH of Texas. Mr. Chairman, I yield such time as she may consume to the gentleman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, I thank the gentleman from Texas for yielding me this time.

Mr. Chairman, I rise today in support of the amendment offered by my colleague from Texas to restore funding for the Army Helicopter Improvement Program.

As my colleagues have noted, the need for the AHIP is well documented. I, too, have received briefings on the program and have seen, first hand, the unique capabilities that the aircraft brings to the battlefield.

But, in my opinion, the most compelling reason for supporting this amendment comes from our Army commanders in the field, the ones who will fight the next war in a "come-as-you-are" scenario.

Clearly, during these days of fiscal austerity, the Congress is forced to make some difficult decisions. In this case, however, the decision is not as difficult. When our battlefield commanders point out serious deficiencies in our combat readiness, it is our duty to respond by providing our fighting men and women with the best equipment available. In the armed scout helicopter arena, this means only one thing—the AHIP. This is a combat-proven and cost-effective program.

Mr. Chairman, I urge favorable consideration of this amendment.

Mr. LEATH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman for yielding time to me and I rise in strong support of the Leath amendment. I want to commend the gentleman from Texas for his excellent leadership.

Mr. BARTON of Texas. Mr. Chairman, I rise in support of the Leath amendment to restore \$276.4 million to the Army Helicopter Improvement Program [AHIP]. I would like to point out to my colleagues that this was the level requested in the Reagan defense budget. The Army has emphatically stated that AHIP is a top priority. They understand this is a zero sum game and they are willing to offset reinstating AHIP by eliminating other Army expenditures of lesser importance.

The usefulness of this state-of-the-art armed scout helicopter has already been evident from its success in containing Iranian boats that had previously been laying mines in

the Persian Gulf and attacking privately owned tankers. Unlike other weapon systems we have and will consider, the OH-58D is an item we can fund with confidence because we know it works and that its price tag is affordable and known.

As has been stated previously, Secretary Cheney himself is on record praising the AHIP for its work in the Persian Gulf. The existence of the AHIP is necessary to maintain a deterrent to prevent the Iranians and other countries from conducting similar activities. I urge my colleagues support the Leath amendment, and I yield back the balance of my time.

Mr. RICHARDSON. Mr. Chairman, I stand in support of the Leath amendment to earmark \$276.4 million for the Army Helicopter Improvement Program [AHIP], particularly with respect to the role that the aircraft played in the Persian Gulf within the last year.

As most of you are aware, during the peak of the crisis that area, Iranian speed boats and mine laying craft wreaked havoc on neutral shipping. These craft, operating at night under the cover of darkness and in shallow waters where larger draft vessels could not proceed safely, almost single-handedly brought shipping activities to a halt. Certainly, their operations resulted in extensive and costly US forces involvement in that part of the world. Frankly, there did not seem to be a solution to the problem.

In September 1988, however, in very quick order, the AHIP, then an unarmed but very high-technology scout helicopter, was modified to carry a suite of weapons that included hellfire laser guided missiles, stringer heat seeking missiles, rockets and machine guns. An aviation unit from Fort Bragg, NC, equipped with the AHIP, as deployed to the gulf and met with immediate success in deterring Iranian activities.

While much of the information relating to activities in the Persian Gulf is classified, an article appeared in the June 19 edition of Defense Week which described some of the events that took place. In that article, a DOD official who visited the gulf was quoted as saying that the AHIP had " * * * a dramatic effect because it stopped all [Iranian] night operations * * * I think it brought them to a complete stop." Even the Secretary of Defense is quoted in support of the AHIP: " * * * when it's time to go to the Persian Gulf to deal with the problems there, you end up taking the little birds out of Fort Bragg and they do a hell of a job for you."

In addition, the budget cuts would have a crippling effect on New Mexico's economy. It is estimated that New Mexico's economy will suffer \$140 million in lost revenues upon termination of the AHIP Program.

The AHIP is proven in combat. Now is not the time to take cost effective, proven, conventional weapon systems from our armed forces. I strongly recommend that my colleagues support this amendment.

Mr. ASPIN. Mr. Chairman, I have no more requests for time, and I yield back the balance of my time.

Mr. LEATH of Texas. Mr. Chairman, I have no more requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from Texas [Mr. LEATH].

The amendment, as modified, was agreed to.

The next amendment in order is amendment No. 2 by the gentlewoman from Maryland [Mrs. BYRON].

AMENDMENT OFFERED BY MRS. BYRON

Mrs. BYRON. Mr. Chairman, I offer and amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. BYRON: Page 16, after line 19, insert the following:

(f) ADDITIONAL NAVY AIRCRAFT.—Of the amount appropriated for procurement of aircraft for the Navy for fiscal year 1990, the amount of \$268,000,000 shall be available only for the procurement of 18 EA-6B Block 91 aircraft less Improved Capability II (ICAP II) unique components. The amount provided in subsection (a) for procurement of aircraft for the Navy is hereby increased \$268,000,000.

Page 17, line 6, insert "(a) AUTHORIZATIONS.—" before "Funds".

Page 17, after line 15, insert the following:

(b) FUNDING REDUCTION.—The total amount authorized to be appropriated pursuant to subsection (a) is the sum of the amounts provided in that subsection reduced by \$110,000,000.

The CHAIRMAN pro tempore. The gentlewoman from Maryland [Mrs. BYRON] will be recognized for 5 minutes in support of the amendment, and the gentleman from Louisiana [Mr. McCREERY] will be recognized for 5 minutes in opposition to the amendment.

The Chair recognizes the gentlewoman from Maryland [Mrs. BYRON].

□ 1930

Mrs. BYRON. Mr. Chairman, I am going to be very brief on this.

Mr. Chairman, my amendment will provide \$268 million for Navy procurement of 18 EA-6B electronic warfare planes that do not include current generation—improved capability II, ICAP II—electronic components. These planes are intended to be placed in the AVCAP [advanced capability] program—a separately funded program that will upgrade EA-6B's by adding more advanced electronics.

The EA-6B is the Navy's only electronic warfare aircraft. It is the premier tactical electronic warfare aircraft of the U.S. Navy and Marine Corps. The Prowler—as it is called—has a primary mission to protect our strike aircraft and fleet surface ships by jamming enemy radars and command and control networks. There is no planned replacement aircraft.

Of the \$268 million needed for this program, \$110 million has already been approved for 4 aircraft which will go to the Guard and Reserves. My amendment will increase the number of aircraft for the Guard and Reserves

to 10 aircraft, the remaining 8 will go to the Navy and Marines. The additional \$158 million that I am requesting comes from the \$170 million we just carved out of the B-2 program from the Aspin-Synar amendment.

Mr. Chairman, members of the committee, the Prowler is a highly sophisticated and fully integrated electronic warfare weapon system which utilizes sensitive surveillance receivers to detect radars and command control signals at long ranges. The system then interprets the sensors' information. The 10 jammers contained within the pods under the wings and fuselage then go into action, optimally jamming the weak links in the enemy's electronic networks. Terminating production of the EA-6B in fiscal year 1990 will seriously degrade the Navy's electronic warfare posture by the mid-1990's.

In the CRS Report dated June 1989, "Carrier Aircraft for the 1990's" the most pressing shortfall of all Navy aircraft is the EA-6B. I have found the funds and I have certainly found the need, is a one-time buy and there will be no follow-on buys.

I urge my colleagues to support my amendment and the EA-6B.

Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I rise in support of the Byron amendment to restore funding for the EA-6B Prowler Program. This amendment along with funds already approved for Guard and Reserves, will address serious shortfalls in naval aviation and maintain the Navy's electronic warfare posture through the late 1990's.

Currently, the Navy has a requirement to carry an inventory of 147 Prowlers to support 13 carrier wings, the Marine Corps, Reserve forces, and fleet training squadrons. These aircraft provide critical electronic warfare capability, protecting strike aircraft and fleet ships by jamming enemy radars and command and control networks.

Last year, we authorized a buy for an additional 31 EA-6Bs over the next 3 years. Even with that buy, we will not meet the inventory requirement of 147, and on top of that, we have an attrition rate of about 3 Prowlers per year. We currently have 129 EA-6B's, but without additional procurement, this inventory will continue to dwindle through the 1990's to 15 percent below requirement in 1992.

Naval officers have warned us: Once you go below the 15-percent mark, you start to require major changes in force structure to address the deficiencies. And we will continually slip below that number after 1992 if we don't do some-

thing to address this shortfall. By the year 2000, we have a projected shortfall of 33 percent unless we take some action. CRS recently found that the EA-6B is the most pressing shortfall of all carrier aircraft.

What do we lose if we don't have the necessary EA-6B capability? We lose a critical component in our ability to counter an impressive array of electronic related weapons systems around the world. In the words of Vice Adm. Robert Dunn, Chief of Naval Aviation, "The EA-6B remains the primary platform for suppression and degradation of enemy defense systems." It is no surprise that the Navy considers the EA-6B one of its highest unfunded priorities.

Mr. Chairman, the EA-6B is necessary to meet threats we face in low-to-medium intensity conflicts around the globe. The EA-6B was instrumental in Vietnam, it played a major role in our strike on Libya, and was called into action during recent activities in the Persian Gulf. Looking ahead at the threats we face, it is clear this is one system we need. And if we find our forces in a situation where they need it and don't have it, we'll find out just how critical it is. Let's not put ourselves in that position, or our forces at that risk.

The Byron amendment goes a long way toward addressing the EA-6B shortfall. It does not exceed our budget agreement, it simply takes funds that we eliminated from the B-2 program and directs them to meet a more pressing need, to address the threats which we are much more likely to face in the near future.

The CHAIRMAN pro tempore (Mr. DURBIN). The Chair recognizes the gentleman from Louisiana [Mr. McCRERY] for 5 minutes in opposition to the amendment.

Mr. McCRERY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is with some reluctance that I rise in opposition to the amendment by the chairman of our subcommittee, the gentlewoman from Maryland [Mrs. BYRON].

But it appears that if this amendment were to pass, then we would be left with precious little alternatives to find money to reinstate the account for spare parts. This is something that is needed very badly in our Armed Forces. I would like to yield such time as he may consume to the gentleman from Georgia [Mr. RAY], who is an expert, and let him inform us as to the need for this.

Mr. RAY. I thank the gentleman for yielding.

Mr. Chairman, I rise not in opposition to the gentlewoman nor to the project but to the shortage of funds where the funds to fund this particular program would have to come from.

We do have a shortage of \$525 million for Air Force parts.

The committee has been diligently searching for this money since it was taken in an amendment to go into the Guard and Reserve. Therefore, I would have to also reluctantly oppose the amendment.

Mr. McCRERY. I thank the gentleman for his contribution.

If the chairman of the committee would allow me to ask him a question: Mr. Chairman, is it not so that these moneys that have been identified is a source to replenish the spare parts account?

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. McCRERY. I yield to the gentleman from Wisconsin.

Mr. ASPIN. I thank the gentleman for yielding.

Mr. Chairman, let me review the bidding a little bit. The gentlewoman here has an amendment to add money for the EA-6B. She does not identify where the money would come from. Her amendment is totally in order because there is some money that is available.

The question for the House, for the Committee of the Whole initially is essentially a question of funding priorities. Do we want to spend the money that we now have available because of the B-2 amendment and because the Spratt amendment carried on the rail MX where we now have money available that was not available otherwise; the question then is what does the House want to spend the money on?

The gentlewoman says we ought to spend the money on the EA-6B's. What I say is that we ought to spend the money on some of the spare parts and ammunition and some of the other issues that we ended up cutting back in the process of this bill working its way through the whole House.

You will remember, I remind the members of the Committee on Armed Services who are here, one of the things that got cut back in the process of the Montgomery amendment which was part of the Weldon amendment which passed the committee, was approximately a \$500 million cut in the spare parts account for aircraft for the Air Force.

Now what I think is a very high priority, in my sense, of what we ought to do with any extra money that we have. The first thing I would like to see us do is to put the money back into that account, the aircraft spares account for the Air Force.

I would rather spend that money than I would on the EA-6B's. It is a matter for the House to decide.

But it seems to me that that is the question that is facing us with this amendment. The amendment is not a question, "Would some more EA-6B's be nice to have?" The answer is "Yes."

The question is how do we spend the money that we now have made available through some of the cuts which occurred? Do we want to spend the money on EA-6B's or would we rather spend it on some other issues which are coming up in the debate tomorrow which is in principle an amount that I know the gentleman from Georgia is interested in and I am interested in, an amendment to add money for the aircraft spares, which the gentleman from Mississippi cut as part of his amendment in committee in order to add money for the Guard and Reserve.

Mr. McCRERY. Mr. Chairman, I thank the gentleman for his remarks.

Mrs. BYRON. Mr. Chairman, I have 30 seconds to wrap up, and according to my arithmetic, which is usually one of my stronger suits, with the \$158 million that I am requesting for this amendment there will be \$235 million available for spares.

I think the most pressing shortfall that we have seen is in the Navy aviation.

I think the CRS report which stated that for carrier aircraft, that the shortfall in EA-6B aircraft will be the most pressing issue in the 1990's. It states the question and it answers itself.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentlewoman from Maryland [Mrs. BYRON].

The amendment was rejected.

The CHAIRMAN pro tempore. The next amendment in order is the amendment of the gentleman from Texas [Mr. BUSTAMANTE].

AMENDMENT OFFERED BY MR. BUSTAMANTE

Mr. BUSTAMANTE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BUSTAMANTE: At the end of title I (page 43, after line 25) insert the following new section:

SEC. 137. FUNDING ADJUSTMENTS.

(a) DELETION OF BINARY CHEMICAL MUNITIONS FUNDING.—The amount provided in section 101 for the Army for procurement of ammunition is hereby reduced by \$47,000,000. None of the amount appropriated for fiscal year 1990 for procurement of ammunition for the Army shall be available for the 155-millimeter M687 binary chemical munitions projectile program.

(b) NATIONAL GUARD PROGRAMS.—(1) The amount provided in section 105 for the Army National Guard is hereby increased by \$24,000,000, to be available only for procurement of six C-26 aircraft for the Army National Guard.

(2) The amount provided in section 105 for the Air National Guard is hereby increased by \$23,000,000, to be available only for the purchase of F100-PW-220E engine retrofit kits.

□ 1940

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Texas [Mr. BUSTAMANTE] will be recognized for 5 minutes in support of his amendment, and the gentleman from Utah [Mr. HANSEN] will be recognized for 5 minutes in opposition to the amendment.

Mr. BUSTAMANTE. Mr. Chairman, I call up my amendment No. 3 to provide equipment to the National Guard.

During committee consideration of this bill, both the chairman and the ranking member noted that the Cheney budget failed to fund National Guard and Reserve requirements. For this reason, my colleague from Mississippi, Mr. MONTGOMERY, offered a funding package for the Guard and Reserves which the committee adopted. Although the Montgomery package allows the Guard and the Reserve to fulfill a significant portion of their requirements, some important requirements would remain unfunded. As he said, with the inclusion of the Montgomery amendment, funding for the Guard and Reserves accounts for only 1.8 percent of the procurement budget, even though they are responsible for 50 percent of Army missions and a third of Air Force missions. My amendment makes an additional contribution to meeting National Guard equipment requirements.

The Army National Guard has a serious deficiency in its authorized fleet of operational support aircraft due to age and inability to meet mission requirements. The Army Guard is authorized 104 operational support fixed-wing aircraft. Of those aircraft, over 60 percent are unable to fulfill mission requirements and are non-supportable due to age. The C-26 operational support aircraft provide the capability to meet mobilization requirements and support the movement of personnel, equipment, and supplies to and from training areas. The C-26 is, therefore, important in maintaining the Army Guard's readiness.

The Air National Guard which has most of the air defense mission for the United States has found that its older F-15 and F-16 models' engines are increasingly difficult and expensive to maintain. In order to cut down on expensive maintenance and improve engine performance, the Air Force has identified a retrofit program which reduces maintenance by 30 percent at a quarter of the cost of buying the more modern engine that is powering new F-15's and F-16's. There 220E engine retrofit not only greatly improves the reliability and maintainability of Air Guard F-15's and F-16's, but also significantly improves the capability of these aircraft. If you believe that the F-16's and F-15's that protect America's airspace should be as capable as our F-16's and F-15's in Europe, you should support my amendment.

The amendment provides a total of \$47 million for these two worthwhile National Guard programs by offsetting that amount from the 155-millimeter chemical munition. Although I support chemical weapons production until we get a verifiable ban on chemical weapons, I recognize the fact that the Chemical Munitions Program suffers serious backlogs and that the Defense Department will be unable to procure the munitions in fiscal 1990. According to committee staff, the Chemical Munitions Program has a significant amount of previous year procurement money which has not been spent due to execution problems. There is enough money in the pipeline to keep the program going until fiscal 1991. My amendment is not intended to prejudice the Chemical Munitions Program, it uses funding which otherwise will not be spent in fiscal 1990 to meet recognized National Guard requirements. Should the backlog be addressed by next year, this Member will continue to support this program.

The chairman of the Armed Services Committee, who also supports chemical weapons production, is a cosponsor of a similar amendment which he will offer tomorrow. The difference between the two amendments is that his amendment does not earmark the money he takes out of the program while my amendment designates unfunded National Guard requirements for funding. If you want to determine where the money will be spent, vote for my amendment. Finally, if you support the readiness of our National Guard vote for my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate my good friend and the interesting comments he made. I have to say respectively, I read this amendment a little differently. I read it the least money for the binary. We have argued this for many years, what is binary, what is unitary. We all realize unitary is now obsolete, and we have this in many bases waiting and hoping that the technology will be there and we can demilitarize this unitary and go to binary. We all realize that binary is relatively safe and sane and the two elements will be kept in different places and be brought together if we ever use them.

Really, Mr. Chairman, this is a relatively small program that we have in binary. The Soviet Union, they have all kinds of chemical things, and we would hope that this would be something we could keep alive. I would really worry if we took the money out of this as something to pay for possibly a laudatory program, possibly not, back in a Member's particular district.

Second, we have six of these aircraft in the gentleman from Mississippi, Mr. MONTGOMERY's package, and I person-

ally feel that will be adequate. I just really hate to see Members gut this program at this particular time when we are sitting there with absolutely nothing to give to our soldiers. We do not have the unitary any longer. It is sitting waiting to be demilitarized. Forty-two percent is in Utah. What do we give them?

I feel that we have to move forward with binary, and I respectfully say this is not a good amendment as far as taking the binary out and deleting the funds for it. I think we should reject the Bustamante amendment and go ahead and leave it as is. I think tomorrow we will have the time to debate this.

Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, let me say that my problems with the Bustamante amendment are where we spend the money, not where the money comes from.

We have in the bill now, thanks to the Montgomery amendment, money for six C-26 planes. The Bustamante amendment would add three more. Again, a question of should we spend our defense priorities money, tight money, in this kind of a situation? My answer to that is no. These are administration planes. They are VIP planes. They are executive planes to fly people around in small numbers, a 10-seater, 12-seater plane, small triple prop plane that moves people around.

In a tight budget, I do not think that the priorities ought to go to this kind of aircraft. What we ought to spend our money is fighting equipment, on ammunition, on weapons, and on planes that are part of the fighter force.

I think the gentleman would have a case if we had no planes in there, C-26's, but thanks to the Montgomery amendment, we already have six. We are adding three more in this amendment. I think that is the wrong thing to do. It is the wrong priority, budgets are tight with the Guard and Reserve. If we give money to the Guard and Reserve, we are going to have to give it to them for tanks and planes and fighting planes, and not planes that move equipment around.

Mr. HANSEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Chairman, let me also, certainly an objection to the gentleman's very thoughtful amendment, but when we look at the situation that is in the Guard and Reserve, last year we put in 50 airplanes with no avionics in them. I think the Secretary says \$150 million short on avionics in certain aircraft that the Guard has.

I think as we go in conference with the Senate and they take a good look at the hard choices we have made, and they see that in the final hours of our

debate, that there is some frivolous things in there, it will not go good for the Congress.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Utah [Mr. HANSEN] has 1 minute remaining and the gentleman from Texas [Mr. BUSTAMANTE] has 1½ minutes remaining. It is the custom that the gentleman from Utah would have the right to close.

Mr. BUSTAMANTE. Mr. Chairman, let me assure my friend from Utah it was not my intention, and I know the amendment reads otherwise, to cut the binary chemical weapons, but just in case that money was not used as the chairman said, if it is not used, I certainly wanted the C-26 as considered, and also the retrofit of the engines on the F-15 and F-16's. That is a needed item.

The chairman says these planes are going to be used to move generals and high officials of the Guard. These planes are scattered all over the country. In an emergency we have to mobilize troops, we have to mobilize troops and we have to bring them together, and we have to map our plan of action. These planes would serve that mission in mobilizing our people in case of an emergency.

Mr. HANSEN. Mr. Chairman, I yield my remaining time to the gentleman from Louisiana [Mr. McCRERY].

Mr. McCRERY. Mr. Chairman, I rise in opposition to the Bustamante amendment. Now is the time for this Congress to reaffirm its commitment to controlling the scourge of chemical weapons. Over the last several years we have repeatedly debated this issue and have always come to the conclusion that we need to modernize our chemical arsenal. The reasons are clear to me.

We all know our unitary stockpile is grossly inadequate, that is one of the reasons we are so willing to destroy it by 1997. More than 90 percent of our current stockpile is not useful in a future chemical conflict. It is a stockpile built to fight a chemical war in the 1950's and 1960's using delivery systems, technologies, and doctrine of that era. It is an old stockpile and getting older. In just a few more years, the useful percentage of this stockpile will be even smaller as the 8-inch artillery pieces and F-4 fighters leave the active inventory.

Many people, including Members of this body, have pointed to recent news stories about a United States/U.S.S.R. agreement on chemical weapons as a reason to stop our binary chemical weapons programs. Well, they are engaging in wishful thinking. The State Department even responded to that story saying, in essence, don't get your hopes up. Over 20 countries now have chemicals—not just us and the Soviets. In addition, we still have many problems to overcome in the area of verifi-

ing compliance with the chemical weapons ban. To me the only guarantee in the interim is an adequate, credible stockpile of binary weapons and the will to use them.

Now is not the time to back away from our commitment to arms control by foolishly reinstituting what amounts to a unilateral moratorium on chemical weapons. It did not work in the past, and it will not work now.

Mr. NIELSON of Utah. Mr. Chairman, I rise in opposition to the Bustamante amendment calling for a diversion of funds from the production of chemical weapons to the National Guard for the purchase of six C-26 aircraft.

What a choice?

On the one hand we have the opportunity of producing a highly efficient and completely safe chemical weapons system to deter our enemies, to defend our country, and to serve as a chip in reaching any international accord regarding these munitions.

On the other hand we have a chance to buy the National Guard a half-dozen airborne staff vehicles which have not been requested by the Secretary of Defense or the administration, and which serve only a few.

The threat of chemical warfare is real.

There are 20 nations with chemical weapon capability, including Iraq, Afghanistan, and Libya.

Iraq and Afghanistan already have used their chemical weapons against enemies who could not retaliate, and Qadhafi is building up his arsenal right now.

Assuming we can only afford one or the other, would you rather vote to keep us safe from a fanatic like Qadhafi who has no fear of anyone who cannot retaliate?

Or would you rather vote for an expansion of the National Guard Airborne Taxi Service? I call for defeat of this amendment.

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The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas [Mr. BUSTAMANTE].

The question was taken; and the Chairman pro tempore [Mr. DURBIN] announced that the yeas appeared to have it.

RECORDED VOTE

Mr. BUSTAMANTE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to the provisions of paragraph (5) of section 2, House Resolution 211, and the Chair's prior announcement, the vote on the amendment offered by the gentleman from Texas [Mr. BUSTAMANTE] will be postponed until tomorrow, following the vote on the amendment on plutonium production.

AMENDMENT OFFERED BY MR. MACHTLEY

Mr. MACHTLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MACHTLEY:

Page 12, line 6, insert "(a) AUTHORIZATIONS.—" before "Funds".

Page 12, after line 13, insert the following:
(b) SPECIFIED PROCUREMENT.—Of the amount appropriated pursuant to subsection (a)(5) for Other Procurement for the Army for fiscal year 1990, \$7,500,000 shall be available only for procurement of one Large Inland and Coastal Waterways tugboat.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Rhode Island [Mr. MACHTLEY] will be recognized for 5 minutes in support of the amendment, and a Member in opposition will also be recognized for 5 minutes.

The Chair recognizes the gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. MACHTLEY. Mr. Chairman, since 1917, the worldwide foreign port authority for tugboats has been vested with the Army. The Navy is responsible for tugboats in the continental United States and in towing ocean tugs.

In 1985 the Army concluded a worldwide tugboat cost risk analysis study looking at our lift capabilities. It concluded that tugs, both commercial and host nation tugs, were available with the exception that 23 tugboats were needed to meet our lift needs.

Mr. Chairman, my amendment deals with 13 of these large tugs. Six have been built. The seventh is currently under construction.

My amendment is to earmark money for the eighth tug. The Army has indicated that it has sources of funding available for these tugs. I have confirmed this with the chairman and the ranking minority member of the Committee on Armed Services, and I believe that they understand the importance to the Army of the continuation of a large Army tugboat program. I have also spoken with the Appropriations Subcommittee.

Mr. Chairman, in view of the fact that this tugboat is currently in the Senate Armed Services Committee bill, I ask unanimous consent to withdraw my amendment at this time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The CHAIRMAN pro tempore. The amendment of the gentleman from Rhode Island [Mr. MACHTLEY] is withdrawn.

AMENDMENT OFFERED BY MR. McCRERY

Mr. McCRERY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. McCRERY: At the end of title I (page 43, after line 25) insert the following new section:

SEC. 137. ARMY AIRBORNE COMMAND AND CONTROL CONSOLE.

(a) PROGRAM DETERMINATIONS.—The Secretary of the Army shall determine whether there is a requirement within the Department of Defense for Joint Services Airborne Command and Control Console. If the Secretary determines that there is such a requirement, the Secretary shall establish a competition for procurement for the Airborne Command and Control Console not later than fiscal year 1991.

(b) FUNDING.—(1) Of the amount appropriated for fiscal year 1990 for procurement aircraft for the Army, the amount of \$2,800,000 shall be available only for the modification of aircraft to accept the AN/ASC-15B Command and Control Console.

(2) Of the amount appropriated for fiscal year 1990 for other procurement for the Army, the amount of \$2,000,000 shall be available only for the procurement of the AN/ASC-15B Command and Control Console.

(c) FUNDING ADJUSTMENTS.—(1) The amount provided in section 101 for procurement of aircraft for the Army is hereby increased by \$2,800,000. The amount provided in section 101 for other procurement for the Army is hereby increased by \$2,000,000.

(2) The amount provided in section 102(a) for procurement of aircraft for the Navy, and the amount provided in section 126(1) for the V-22 aircraft program, and each hereby reduced by \$4,800,000.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Louisiana [Mr. McCRERY] will be recognized for 5 minutes in support of the amendment, and a Member in opposition will also be recognized for 5 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. McCRERY].

Mr. McCRERY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment addresses a problem that the Army has recognized for several years ever since the invasion of Grenada. In the invasion of Grenada there was evidenced a problem between the communications of our helicopters, our air support or offshore ships and our ground troops. That need was recognized by the Army, and emergency procurement was ordered, and communications consoles to fit in command helicopters were ordered, however the initially identified requirement was not met.

Mr. Chairman, although I believe the Army definitely has a requirement for more of the communications consoles, I did tell in my appearance before the Committee on Rules, the members of that committee, that I would not offer my amendment if I did not have the consent of the ranking member and chairman of the committee.

Mr. Chairman, I do not have that at this time.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN pro tempore. The amendment offered by the gentleman from Louisiana [Mr. McCRERY] is withdrawn.

Mr. ASPIN. Mr. Chairman, if I could raise this question, have we, therefore, disposed of all of the section 2 amendments with the exception of those enumerated earlier today? There are about four of them: No. 30, No. 31, No. 32, and No. 33.

Mr. Chairman, it is my understanding that we have now disposed of all section 2 amendments with the exception of those four.

The CHAIRMAN pro tempore. That is the Chair's understanding as well. Under the rule, others can no longer be offered.

Mr. ASPIN. Mr. Chairman, if that is the case, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore, Mr. RAY, having assumed the chair, Mr. DURBIN, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2461) to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes, had come to no resolution thereon.

MUTUAL DEFENSE COSTS AND CONSULTATIONS—UNITED STATES-JAPAN

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, we soon will consider my amendment in the en bloc amendment, dealing with burden sharing. Specifically, my amendment suggests that we ought to negotiate for Japan to pay for more of the host nation support; to absorb all costs other than the salaries of U.S. military personnel.

Let me explain why I think it is a first step and a necessary step. The American taxpayer is tired of paying the bill for the defense umbrella for the free world. We simply cannot afford any longer to pay more than our fair share of mutual defense costs.

It sounds crazy, but it is true, we are borrowing money from our allies so that we can spend it to pay for their defense. That does not make any defense.

Yes, our allies are good friends. Japan and South Korea are good friends of America. However, they are also tough, shrewd, smart, economic competitors with America, and we simply cannot afford to pay 10 times, per capita, the cost for defense that

Japan or some other of our allies pay for defense.

Keeping the free world free is important. Yes, it will cost, but the cost ought to be more fairly distributed. My amendment asks the Japanese to start paying an increased host nation support cost, and also to engage in regional defense consultations with other Pacific allies. The taxpayers of this country are tired, and it is time for a change.

Mr. Speaker, I want to call my colleagues attention to my amendment on mutual defense costs with Japan and consultations on security affairs with our Pacific allies to the bill H.R. 2461, the National Defense Authorization Act of 1990. The amendment will be taken up as part of Chairman ASPIN's en bloc amendment. I wish to thank the chairman and the ranking member, Mr. DICKINSON, for their cooperation and support.

WHAT IS THE AMENDMENT?

It is a sense of Congress expression that the President should:

First, encourage the Government of Japan to start in 1991 to increase its host nation support to cover all except the salaries of United States military personnel; and

Second, invite by 1991 Japan and our other Pacific allies—South Korea, Australia, Philippines, and Thailand—to engage in annual security consultations, consistent with each nation's own constitution and national defense requirements.

The amendment seeks to increase Japan's host nation support by about \$2.5 billion while it also urges that Japan play a larger role in setting security policy through annual multilateral consultations. In a word, it addresses burden sharing and power sharing.

The amendment does not mandate negotiations, does not set a rigid timetable, and does not ask the Japanese government to disregard its Constitution. It clearly, but fairly, puts Congress on record that we need a change in our security relationship with Japan.

WHY IS THE AMENDMENT NEEDED?

It lays out some guidelines to meet a goal on which most everyone agrees.

It would implement recommendations compatible with the Armed Services Committee burden-sharing panel, Secretary Baker's call for improved consultations among Pacific allies, and the North Atlantic Assembly's request for a Western Working Group on Security Issues which would include Japan.

It addresses a key defense issue not addressed directly in the bill.

If implemented, the guidelines would result in significant savings to U.S. taxpayers and a stronger partnership with our major Pacific ally.

The Japanese Government, the administration, and the American public all agree on the need to enlarge Japan's role in mutual defense.

The only questions remaining are what should we do, when should we do it, and how should we do it? The committee bill is silent on these points and the report is very vague. Frankly, that concerns me because burden sharing is one of the most important foreign

policy and defense questions we must address.

GUIDELINES FOR A NEW PACIFIC SECURITY POLICY

But my amendment fills this void and proposes guidelines for each of these issues.

When? By 1991 the President should set a plan for increased burden sharing by Japan and should call for multilateral consultations with Japan and other Pacific allies.

What? The Japanese should pay for all host nation costs—except the actual salaries of U.S. military personnel. Note that this prevents the U.S. military from being perceived as merely a mercenary force. It also gives Japan a wider forum—consistent with its Constitution—to discuss mutual security concerns. These are consultations—not an alliance.

The amendment proposes—but does not mandate—that Japan begin to pay for operations and maintenance, most all military construction costs, civilian personnel, currency fluctuations, family housing beyond what it now budgets for new facilities, labor cost sharing, environmental matters, and deferred costs. This will result in increased Japanese defense spending without increasing Japan's defense forces.

The present total cost of United States military forces in Japan is about \$7 billion per year, of which the United States pays \$4.5 billion and Japan only \$2.5 billion. My amendment seeks to have those shares reversed, with the United States paying \$2 billion for military salaries and Japan absorbing all other costs.

The amendment goes beyond burden sharing to power sharing. If we say Japan should pay more for mutual defense, it should have more to say about it. We already have bilateral contacts with Japan. But, there is no multilateral forum for Japan, the United States, Australia, South Korea, the Philippines, and Thailand to discuss mutual concerns. I believe this would give Japan an appropriate forum in which to enlarge its role, while giving other Pacific allies a voice in this change.

How? The President is given wide latitude in the arrangements and timetable for meeting this goal.

In a word, the two provisions of this amendment offer a fair, flexible and measured approach to the critical issue of mutual defense requirements in the Pacific. Since the reported bill provides limited guidance on this issue, I would urge my colleagues to support my amendment as part of the en bloc measure.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FORD of Michigan (at the request of Mr. GEPHARDT) for today between the hours of noon and 2:30, on account of a funeral.

Mr. LELAND (at the request of Mr. GEPHARDT) for today and tomorrow, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special

orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MACHTLEY) to revise and extend their remarks and include extraneous material:)

Mr. BEREUTER, for 5 minutes, today.

Mr. McEWEN, for 5 minutes, today.

Mr. DORNAN of California, for 60 minutes, today.

Mr. LENT, for 60 minutes, on July 27.

(The following Member (at the request of Mr. DURBIN) to revise and extend his remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MACHTLEY) and to include extraneous matter:)

Mr. COBLE.

Mr. PORTER.

Ms. SCHNEIDER.

Mr. BEREUTER.

Mr. HANSEN.

Mr. SCHUETTE.

Mr. STANGELAND.

Mr. CONTE.

(The following Members (at the request of Mr. DURBIN) and to include extraneous matter:)

Mr. DYMALLY in two instances.

Mr. HAMILTON.

Mr. BATES in two instances.

Mrs. LLOYD.

Mr. ROE.

Mr. FAZIO.

Mr. TORRICELLI.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 182. Joint resolution to commemorate the 50th anniversary of Little League Baseball; to the Committee on Post Office and Civil Service.

ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 999. An act to reauthorize the Advisory Council on Historic Preservation; and

H.R. 1485. An act to direct the sale of certain lands in Clark County, NV, to meet national defense and other needs; to authorize the sale of certain other lands in Clark County, NV; and for other purposes.

ADJOURNMENT

Mr. DURBIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock p.m.), under its previous order, the House adjourned until tomorrow, Thursday, July 27, 1989, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1518. A letter from the Comptroller General, General Accounting Office, transmitting the GAO list of all reports issued or released in June 1989, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

1519. A letter from the Comptroller General of the United States, transmitting a report on the financial statements of the Export-Import Bank of the United States for the years ended September 30 1988 and 1987, and reports on the bank's system of internal accounting controls and on its compliance with applicable laws and regulations (GAO/AFMD-89-94), pursuant to 31 U.S.C. 9105; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ANDERSON: Committee on Public Works and Transportation. H.R. 2151. A bill to amend the Federal Aviation Act of 1958 to establish a schedule for the installation in certain civil aircraft of the collision avoidance system known as TCAS-II, and for other purposes; with an amendment (Rep. 101-174). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2120. A bill to amend the Deep Seabed Hard Mineral Resources Act to authorize appropriations to carry out the provisions of the Act for fiscal years 1990, 1991, and 1992; with an amendment (Rep. 101-175, Pt. 1). Ordered to be printed.

Mr. HEFNER: Committee on Appropriations. H.R. 3012. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes (Rep. 101-176). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORD of Michigan: Committee on Post Office and Civil Service. H.R. 982. A bill to amend title 39, United States Code, with respect to the budgetary treatment of the Postal Service Fund, and for other purposes (Rep. 101-177, Pt. 1). Ordered to be printed.

Mr. FORD of Michigan: Committee on Post Office and Civil Service. H.R. 2331. A bill to amend title 39, United States Code, to designate as nonavailable matter solicitations of donations which could reasonably be misconstrued as a bill, invoice, or statement of account due, solicitations for the purchase of products or services which are provided either free of charge or at a lower price by the Federal Government, and solicitations which are offered in terms imply-

ing any Federal Government connection or endorsement, unless such matter contains an appropriate conspicuous disclaimer, and for other purposes; with amendments (Rep. 101-178). Referred to the Committee of the Whole House on the State of the Union.

Mr. FAZIO: Committee on Appropriations. H.R. 3014. A bill making appropriations for the legislative branch for the fiscal year ending September 30, 1990, and for other purposes (Rep. 101-179). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORD of Michigan: Committee on Post Office and Civil Service. H.R. 2847. A bill to extend by 1 year a program under which the Government is allowed to accept the voluntary services of private sector executives (Rep. 101-180). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2783. A bill to improve the management of certain public lands in the State of Minnesota; with amendments (Rep. 101-181). Referred to the Committee of the Whole House on the State of the Union.

Mr. LEHMAN of Florida: Committee on Appropriations. H.R. 3015. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1990, and for other purposes. Rep. 101-183. Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 1727. A bill to modify the boundaries of the Everglades National Park and provide for the protection of lands, waters, and natural resources within the park, and for other purposes; with an amendment; referred to the committee on Public Works and Transportation for a period ending not later than September 29, 1989, for consideration of such provisions of the amendment as fall within the jurisdiction of that committee pursuant to clause 1(p), rule X, (Rep. 101-182, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HEFNER:

H.R. 3012. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes.

By Mr. ROSTENKOWSKI (for himself and Mr. ARCHER):

H.R. 3013. A bill to increase the statutory limit on the public debt, and for other purposes; to the Committee on Ways and Means.

By Mr. FAZIO:

H.R. 3014. A bill making appropriations for the legislative branch for the fiscal year ending September 30, 1990, and for other purposes.

By Mr. LEHMAN of Florida:

H.R. 3015. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1990, and for other purposes.

By Mr. DYMALLY:

H.R. 3016. A bill to amend title 13, United States Code, to provide for the inclusion of members of the uniformed services and civilian employees of the Government assigned to posts of duty outside the United States, and their dependents, in censuses of population for purposes of the apportionment of Representatives in Congress; to the Committee on Post Office and Civil Service.

By Mr. GEPHARDT (for himself, Mr. MOORHEAD, Mr. BROOKS, Mr. MICHEL, Mr. MOAKLEY, Mr. ACKERMAN, Mr. BROOMFIELD, Mr. CAMPBELL of California, Mr. COBLE, Mrs. COLLINS, Mr. DOWNEY, Mr. ERDREICH, Mr. ESPY, Mr. FAUNTROY, Mr. FISH, Mr. GORDON, Mr. HYDE, Mr. HUGHES, Mr. JONTZ, Mr. LIPINSKI, Mr. LAGOMARSINO, Mr. MANTON, Mr. ROE, Mr. SANGMEISTER, Mr. SENSENBRENNER, Mr. SMITH of Florida, Mr. TRAXLER, Mr. SLAUGHTER of Virginia, and Mr. CARR):

H.R. 3017. A bill to amend the copyright law, title 17 of the United States Code, to provide for protection of industrial designs of useful articles; to the Committee on the Judiciary.

By Mr. PEASE:

H.R. 3018. A bill to suspend temporarily the duty on metallurgical fluorspar; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey:

H.R. 3019. A bill to reduce temporarily the duty on certain ceramic statues, statuettes, and handmade flowers; to the Committee on Ways and Means.

By Mr. SMITH of Texas:

H.R. 3020. A bill to amend the Federal Election Campaign Act of 1971 to provide that multicandidate political committee contributions to a candidate in a Senate or House of Representatives election may constitute only one-third of the total of contributions accepted by the candidate; to the Committee on House Administration.

By Mrs. UNSOELD:

H.R. 3021. A bill to extend the deadlines under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Washington; to the Committee on Energy and Commerce.

By Mr. STENHOLM (for himself, Mr. ANDREWS, Mr. BEVILL, Mr. BROOKS, Mr. BRYANT, Mr. BUSTAMANTE, Mrs. BYRON, Mr. DE LA GARZA, Mr. EMERSON, Mr. FAUNTROY, Mr. FROST, Mr. HALL of Texas, Mr. HORTON, Ms. KAPTUR, Mr. LAUGHLIN, Mr. LELAND, Mrs. LLOYD, Mr. MONTGOMERY, Mr. NELSON of Florida, Mr. OLIN, Mr. ORTIZ, Mr. OWENS of Utah, Mrs. PATTERSON, Mr. PAYNE of Virginia, Mr. PICKLE, and Mr. SARPALIUS):

H.J. Res. 376. Joint resolution to designate the second Saturday in August 1989, as "Duck Day USA"; to the Committee on Post Office and Civil Service.

By Mr. SIKORSKI:

H. Con. Res. 175. Concurrent resolution expressing the sense of the Congress that the Exxon Co. U.S.A. has not fulfilled its obligation to clean up the oil spill caused by its tanker in Prince William Sound in Alaska and that Exxon should take appropriate steps to ensure a thorough cleanup, including maintaining monitoring crews during the winter; jointly, to the Commit-

tees on Public Works and Transportation and Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ROSE:

H.R. 3022. A bill to allow a claim against the United States under chapter 171 of title 28, United States Code, for damages for the death of Maj. Michael J. Wall; to the Committee on the Judiciary.

H.R. 3023. A bill to provide that the death of Edwin J. Boughter (U.S. Army, retired) was the result of a service-connected disability; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. BERMAN, Mr. BOSCO, Mr. BROWN of California, Mr. CARDIN, Mr. EVANS, Mr. HOAGLAND, Mr. KOLTER, Mr. LEVINE of California, and Mr. SAVAGE.

H.R. 39: Mr. KILDEE and Mr. JAMES.

H.R. 44: Mr. PICKETT and Mr. BATEMAN.

H.R. 101: Mr. FEIGHAN.

H.R. 196: Mr. STUMP.

H.R. 215: Mr. ANNUNZIO, Mr. PICKETT, Mr. JENKINS, Mr. MORRISON of Connecticut, and Mr. RAVENEL.

H.R. 285: Mr. DANNEMEYER, Mr. CAMPBELL of Colorado, and Mr. AKAKA.

H.R. 458: Mr. SLATTERY.

H.R. 461: Mr. RITTER.

H.R. 586: Mr. VISLOSKEY.

H.R. 598: Mr. LIPINSKI, Mr. JOHNSON of South Dakota, and Mr. TRAFICANT.

H.R. 642: Mr. PAYNE of Virginia, Mr. FAWELL, Mr. HASTERT, Mr. CHAPMAN, and Mr. SUNDUQUIST.

H.R. 645: Mr. MOAKLEY and Mr. ROSE.

H.R. 737: Mr. MARTINEZ, Mr. THOMAS of California, Mr. PANETTA, Mr. DELLUMS, Mrs. SMITH of Nebraska, Mr. TOWNS, Mr. STALLINGS, Mr. ATKINS, Mr. FAZIO, and Mr. ECKART.

H.R. 780: Mr. PEASE, Mr. SAVAGE, Mr. BRYANT, and Mr. GUARINI.

H.R. 799: Mr. GRANDY.

H.R. 830: Mrs. MORELLA, Mr. FAUNTROY, Mr. MFUME, and Mrs. BOXER.

H.R. 844: Mr. MARLENEE and Mr. CAMPBELL of California.

H.R. 854: Mr. EDWARDS of California, Mr. BOEHLERT, and Mr. DARDEN.

H.R. 982: Mr. SPENCE.

H.R. 1068: Mr. OXLEY and Mr. CLEMENT.

H.R. 1074: Ms. LONG and Mr. WALSH.

H.R. 1087: Mr. DARDEN, Mr. NEAL of North Carolina, and Mr. SABO.

H.R. 1095: Mr. BURTON of Indiana, Mr. DOUGLAS, and Mr. HAYES of Louisiana.

H.R. 1138: Mr. OBERSTAR.

H.R. 1305: Mr. BORSKI.

H.R. 1383: Mr. YATES.

H.R. 1429: Mr. HERGER.

H.R. 1494: Mr. MOLINARI, Mr. HENRY, Mr. GOODLING, Mr. OWENS of Utah, Mr. WALGREN, and Mr. SIKORSKI.

H.R. 1532: Mr. MAVROULES.

H.R. 1582: Mr. LELAND and Mr. CROCKETT.

H.R. 1589: Mr. BROWDER, Mrs. MARTIN of Illinois, and Mr. RAHALL.

H.R. 1633: Mr. KILDEE.

H.R. 1691: Mr. EVANS, Mr. HAYES of Illinois, Mr. KANJORSKI, and Mr. UPTON.

H.R. 1880: Mr. NELSON of Florida, Mr. PASHAYAN, and Mr. LEWIS of Florida.
 H.R. 2002: Mr. FISH and Mr. HERGER.
 H.R. 2162: Mrs. JOHNSON of Connecticut.
 H.R. 2212: Mr. HOLLOWAY.
 H.R. 2386: Mr. MACHTELEY, Mr. ARMEY, Mr. CARPER, and Ms. LONG.
 H.R. 2538: Mr. FROST, Mr. BAKER, Mr. COURTER, Mr. ROBERTS, Mrs. SAIKI, Mr. BOEHLERT, Mr. CAMPBELL of Colorado, Mr. CHAPMAN, Mr. COLEMAN of Texas, Mr. HALL of Ohio, Mr. MURPHY, Mr. HASTERT, Mr. PARKER, Mr. ROBERT F. SMITH, Mr. FAUNTROY, and Mr. DYMALLY.
 H.R. 2584: Mr. HUGHES.
 H.R. 2588: Mr. DE LUGO, Mr. SCHEUER, Mr. DYMALLY, Mr. RANGEL, Ms. PELOSI, Mr. GARCIA, Mr. STARK, Mrs. SCHROEDER, Mrs. UNSOLD, Mr. FOGLIETTA.
 H.R. 2611: Mr. NEAL of North Carolina.
 H.R. 2614: Mrs. SCHROEDER and Mr. SMITH of Vermont.
 H.R. 2642: Mr. PAYNE of Virginia and Mr. BATEMAN.
 H.R. 2681: Mr. KILDEE.
 H.R. 2694: Mr. KENNEDY.
 H.R. 2699: Mr. YATES.
 H.R. 2708: Mr. TORRES and Mr. ACKERMAN.
 H.R. 2712: Mr. UPTON.
 H.R. 2726: Mr. AU COIN, Mr. OBERSTAR, Mr. MRAZEK, Mr. WEBER, Mr. BROWN of California, Mr. HUGHES, and Mr. FOGLIETTA.
 H.R. 2756: Mr. ACKERMAN, Mr. GARCIA, Mr. BRYANT, and Mr. HATCHER.
 H.R. 2760: Mrs. BENTLEY, Mr. WALSH, and Mr. JONTZ.
 H.R. 2812: Mr. McNULTY, Mr. BORSKI, and Mr. GARCIA.
 H.R. 2886: Ms. OAKAR and Mr. SIKORSKI.
 H.R. 2968: Mr. BRUCE, Mr. LELAND, Mr. KILDEE, and Mr. WALSH.
 H.R. 3004: Mr. KILDEE, Mr. COLEMAN of Texas, Mr. CONYERS, Mr. FOGLIETTA, Mr. McHUGH, Mr. WATKINS, and Mr. FROST.
 H.J. Res. 81: Mr. CRAIG and Mr. JAMES.
 H.J. Res. 163: Mr. PURSELL, Mr. BATEMAN, Mr. YATES, Mr. JACOBS, and Mr. SCHUETTE.
 H.J. Res. 189: Mr. KOLBE.
 H.J. Res. 195: Mr. GALLO, Mr. RANGEL, Mr. RAVENEL, Mr. SKELTON, Mr. STAGGERS, Mr. SISISKY, Mr. YOUNG of Alaska, Mr. PALLONE, Mr. FLORIO, Mr. HASTERT, Mr. HILER, Mr. GOODLING, Mr. FEIGHAN, Mr. TAUKE, Mr. SPENCE, and Mr. BOEHLERT.
 H.J. Res. 255: Mr. LANCASTER, Mr. HERTEL, and Mr. HUBBARD.
 H.J. Res. 265: Mr. ANDREWS, Mr. ANNUNZIO, Mr. ANTHONY, Mr. BERMAN, Mr. BEILEN-SON, Mr. BRUCE, Mrs. BYRON, Mr. DINGELL, Mr. ERDREICH, Mr. FLIPPO, Mr. GEPHARDT, Mr. GLICKMAN, Mr. GRAY, Mr. HARRIS, Mr. HUCKABY, Mr. THOMAS A. LUKE, Mr. MARKEY, Mr. MOLLOHAN, Mr. PICKLE, Mr. RAHALL, Mr. RUSSO, Mr. SKELTON, Mr. SLAT-TERY, Mr. SPRATT, Mr. STENHOLM, Mr. WAXMAN, Mrs. LLOYD, and Mr. ROBINSON.
 H.J. Res. 267: Mr. GARCIA, Mr. JONES of Georgia, Mr. WEISS, Mr. BATES, Mr. BERMAN, Mr. LANCASTER, Mr. GEJDENSON, Mr. MILLER of California, Mr. MOAKLEY, Mr. MURPHY,

Mr. OWENS of New York, Mr. CLAY, Mr. ORTIZ, Mr. VENTO, Mrs. BENTLEY, Mr. SOLO-MON, Mr. HORTON, Mr. McCOLLUM, Mr. RA-VENEL, Mr. MARTIN of New York, Mrs. KEN-NELLY, Mr. MILLER of Ohio, Mr. SPRATT, Mr. STAGGERS, Mr. TALLON, Mr. McDADE, Mr. KANJORSKI, Mr. MOORHEAD, Mr. TOWNS, Mr. YATRON, Mr. MOLLOHAN, Mr. SYNAR, Mr. HOUGHTON, Mr. WHITTAKER, and Mr. SAXTON.

H.J. Res. 278: Mr. KILDEE.

H.J. Res. 293: Mr. SCHAEFER, Mr. SAXTON, Mr. COBLE, Mr. LIGHTFOOT, Mrs. MEYERS of Kansas, Mr. SLAUGHTER of Virginia, Mr. SMITH of New Hampshire, Mr. BUNNING, Mr. GRANT, Mr. HEFLEY, Mr. HOUGHTON, Mr. INHOPE, Mr. RHODES, Mrs. SAIKI, Mr. SMITH of Texas, Mr. CAMPBELL of California, Mr. COX, Mr. DOUGLAS, Mr. GOSS, Mr. MACHTELEY, Mr. PAXON, Mr. ROHRBACHER, Mr. SMITH of Mississippi, Mr. STEARNS, Mr. MOODY, Mr. OBERSTAR, Mr. OWENS of New York, Mr. VANDER JAGT, Mr. MILLER of Ohio, Mr. WYLLIE, Mr. FISH, Mr. GILMAN, Mr. SHU-STER, Mr. EDWARDS of Oklahoma, Mr. PUR-SELL, Mr. GREEN, Mr. DANNEMEYER, Mr. GINGRICH, Mr. SOLOMON, Mr. THOMAS of California, Mr. BROWN of Colorado, Mr. CRAIG, Mr. DREIER of California, Mr. EMER-SON, Mr. HANSEN, Mr. HILER, Mr. LOWERY of California, Mr. McGRATH, Mr. MOLINARI, Mr. ROBERTS, Mr. SKEEN, Mr. WEBER, Mr. OXLEY, Mr. BARTLETT, Mr. BATEMAN, Mr. BILIRAKIS, Mr. CHANDLER, Mr. DEWINE, Mr. McCANDLESS, Mr. ROBERT F. SMITH, Mr. SUNDQUIST, Mrs. VUCANOVICH, Mr. ANNUN- ZIO, Mr. APPLEGATE, Mr. ASPIN, Mr. ATKINS, Mr. AU COIN, Mr. BATES, Mr. BEILEN-SON, Mr. BENNETT, Mr. BERMAN, Mr. BILBRAY, Mr. BONIOR, Mr. BORSKI, Mr. BOSCO, Mr. BOU-CHER, Mrs. BOXER, Mr. BRENNAN, Mr. BUSTA- MANTE, Mr. CARDIN, Mr. CLARKE, Mr. COLE- MAN of Texas, Mr. CONYERS, Mr. COUGHLIN, Mr. COYNE, Mr. CROCKETT, Mr. DELLUMS, Mr. DIXON, Mr. DE LUGO, Mr. DYSON, Mr. ENGEL, Mr. ENGLISH, Mr. EVANS, Mr. FAZIO, Mr. FLAKE, Mr. FLORIO, Mr. FOGLIETTA, Mr. FRANK, Mr. FROST, Mr. FUSTER, Mr. GIB- BONS, Mr. GORDON, Mr. GRAY, Mr. GUARINI, Mr. HALL of Texas, Mr. HARRIS, Mr. HATCH- ER, Mr. HAWKINS, Mr. HAYES of Illinois, Mr. HOCHBRUECKNER, Mr. HUBBARD, Mr. HUCK- ABY, Mr. HUTTO, Mr. JONES of North Caroli- na, Mr. KANJORSKI, Mr. KASTENMEIER, Mr. KENNEDY, Mr. KILDEE, Mr. KLECZKA, Mr. KOSTMAYER, Mr. LaFALCE, Mr. LEATH of Texas, Mr. LELAND, Mr. LEVINE of California, Mr. LEWIS of Georgia, Mr. THOMAS A. LUKE, Mr. McCLOSKEY, Mr. McHUGH, Mr. McMILLEN of Maryland, Mr. McNULTY, Mr. MARKEY, Mr. MFUME, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. MONTGOMERY, Mr. MORRISON of Connecticut, Mr. MURPHY, Mr. NEAL of North Carolina, Mr. NELSON of Florida, Mr. NOWAK, Mr. OLIN, Mr. ORTIZ, Mr. PALLONE, Mr. PANETTA, Mr. PAYNE of New Jersey, Mr. PERKINS, Mr. PICKLE, Mr. RAY, Mr. RICHARD- SON, Mr. ROBINSON, Mr. ROE, Mr. ROWLAND of Georgia, Mr. SANGMEISTER, Mr. SCHEUER,

Mr. SCHUMER, Mr. SISISKY, Mr. SKELTON, Mr. SMITH of Iowa, Mr. SPRATT, Mr. STAG- GERS, Mr. STARK, Mr. STUDDS, Mr. TALLON, Mr. TAUZIN, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. VALENTINE, Mr. VISCLOSKEY, Mr. WALGREN, Mr. WATKINS, Mr. WAXMAN, Mr. WEISS, Mr. WOLPE, Mr. YATRON, Mr. BUECHNER, Mr. CLINGER, Mr. CONTE, Mr. GALLO, Mr. KASICH, Mr. McCRERY, Mr. ROGERS, Mr. DENNY SMITH, Mr. WELDON, Mr. WOLF, and Mr. HOYER.

H.J. Res. 338: Mr. HERTEL, Mr. McDER- MOTT, Mr. TALLON, Mr. PARKER, Mr. PAYNE of New Jersey, Mr. RAVENEL, Mr. SAVAGE, Mr. SCHUETTE, Mr. SKAGGS, Mr. SAWYER, Mr. BUSTAMANTE, Mr. KANJORSKI, Mr. BROWN of Colorado, Mr. YATRON, Mr. FAWELL, Mr. SIKORSKI, Mr. BATES, Mr. TAUZIN, Mr. BOU-CHER, Mr. SKELTON, Mr. SOLARZ, Mr. SMITH of Vermont, Mr. BEVILL, Mr. ERDREICH, Mr. VOLKMER, and Mr. REGULA.

H.J. Res. 340: Mr. HOLLOWAY.

H.J. Res. 342: Mr. HOLLOWAY.

H.J. Res. 348: Mr. LAGOMARSINO, and Mr. McEWEN.

H.J. Res. 349: Mr. HOLLOWAY.

H.J. Res. 350: Mr. EMERSON, Mr. MILLER of Ohio, Mr. SLAUGHTER of Virginia, and Mr. MOLINARI.

H.J. Res. 354: Mr. BERMAN, Mr. HYDE, Mr. DONALD E. LUKENS, Mr. LAGOMARSINO, Mr. TALLON, Mr. MATSUI, Mr. MURPHY, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. LEWIS of Florida, Mr. RAVENEL, Mr. WAXMAN, Mr. BATES, Mr. FISH, Mr. DYSON, Mr. BILBRAY, Mr. WALGREN, Mr. LENT, Mr. McNULTY, Mr. SMITH of New Jersey, Mrs. BOXER, Mr. TOWNS, and Mr. SPRATT.

H.J. Res. 359: Mr. HOLLOWAY.

H.J. Res. 372: Mr. FAWALL, Mr. FEIGHAN, Mr. WALSH, and Mr. WOLF.

H. Con. Res. 128: Mr. PEASE.

H. Con. Res. 149: Mr. STUDDS, Mr. SHAW, Mr. HERTEL, Mr. PARKER, Mr. TOWNS, Mr. RICHARDSON, Mr. JONES of Georgia, Mr. LEWIS of Florida, Mr. GEJDENSON, Mr. TORRES, Mr. HUGHES, Mr. BONIOR, Mr. FA- LEOMAVAEGA, and Mr. FAZIO.

H. Con. Res. 166: Mr. DE LUGO and Mr. GIBBONS.

H. Res. 141: Mr. McMILLEN of Maryland, Mr. GOODLING, Mr. PALLONE, Mrs. BYRON, and Mr. KLECZKA.

H. Res. 206: Mr. FROST, Mr. ACKERMAN, Mr. STARK, Mr. BARTON of Texas, Ms. PELOSI, Mr. SMITH of Mississippi, and Mrs. LOWEY of New York.

PETITIONS, ETC.

Under clause 1 of rule XXII, peti- tions and papers were laid on the Clerk's desk and referred as follows:

72. The Speaker presented a petition of the Town Council, Davie, FL, relative to a constitutional amendment prohibiting flag burning, which was referred to the Commit- tee on the Judiciary.

EXTENSIONS OF REMARKS

THE RAINBOW COALITION AND
THE RAINBOW LOBBY

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. DYMALLY. Mr. Speaker, in recent months a great deal of confusion has arisen about: The National Rainbow Coalition Inc. (Rev. Jesse Jackson, founder and national president), and the Rainbow Lobby (Nancy Ross, director). To clarify the differences between these two organizations I am submitting two papers on both groups for review by Members of the House.

The first paper on the Rainbow Coalition (Rev. Jesse Jackson) was prepared by Frank Watkins, author and communications director of the National Rainbow Coalition. The second paper on the Rainbow Lobby (Nancy Ross) was prepared by Chip Berlet, of the Massachusetts based Political Research Associates, "an independent research institute which collects and disseminates information on right wing political groups and trends."

The reports follow:

THE RAINBOW COALITION

The National Rainbow Coalition (NRC) is part of a long history of struggle for progressive change in this country. Its roots are in the anti-slavery abolitionist, labor, populist, civil rights, women's, environmental, peace and other progressive movements that have fought for progressive social change in our country through 370 years of struggle. The NRC is in the spirit and tradition of those movements who have sought progressive social and political change.

The strategy of Rev. Jesse Jackson's 1984 presidential campaign was to build a broad political support base around a concept he called the "rainbow coalition." The "rainbow," at one level, meant a multiethnic, multi-cultural and multi-interest coalition of farmers, workers, environmentalists, peace activists, women, civil rights and other progressive groups and people. But it was more than that. It was a diverse group of people whose moral and political judgments led them to conclude that the nation needed to go in a fundamentally new direction with regard to both domestic and foreign policy.

The National Rainbow Coalition, Inc. (the formal organization)—not to be confused with the Rainbow Lobby, the National Alliance and other organizations that deliberately try covertly to link themselves to us—was founded and formed in late 1984 and early 1985, immediately following the 1984 Jesse Jackson presidential campaign. It is a permanent progressive independent political organization operating within the Democratic Party. It seeks to build coalition around "commonground" (fundamentally) economic issues that will lead to a society of justice built on equal protection under the law for everyone, and an improved quality of life; and peace in the world based on re-

spect for human rights (measured by one yardstick everywhere), justice and economic development. Beyond this, the coalition seeks to create a better nation by lifting the hopes and aspirations of all Americans.

WHY ARE WE ORGANIZING?

Today, the NRC is mobilizing a new progressive majority to help set a new climate for progressive politics; working for progressive legislation and policies, both domestically and in our foreign policy; and working to elect progressive political leadership at all levels of government.

The nation is in a serious crisis. Family farmers are facing bankruptcy in record numbers; workers are facing plant closings without notice; millions of people are without basic health insurance; the number of homeless and poor people are growing everyday; there is a disturbing increase and climate for racial violence; drug addiction has become epidemic; and no clear vision is being put before the nation by its national leadership. The Rainbow is putting forth a clear vision and direction for the country.

HOW ARE WE ORGANIZED?

The NRC is a national membership organization. Every person who agrees with the general direction and basic progressive program approach of the organization is encouraged and welcome to join and participate. The NRC is organized on a national, state and local level.

WHAT IS OUR VISION? (UPDATED AS OF JUNE 25, 1989)

The NRC has a vision of an America where every person has both the right and the opportunity to develop his or her maximum human potential. The NRC believes that every person, willing and able to work, has a human right to a job and liveable wages. It believes that the American people have a human right to affordable housing, quality health care and education. It believes that every American has the right to live in a society without discrimination based on race, religion, national origin, sex or sex orientation.

The NRC is clear about the specific direction and the national priorities that our movement for social justice has at this particular moment in time and history.

1. The NRC supports Congressman John Conyer's Universal Same-Day Voter Registration Bill in an uncompromised form. The right to vote should come with citizenship—as automatic as a birth certificate.

2. The NRC supports DC statehood. A country founded in revolution on "no taxation without representation" should not continue a District of Columbia, when a New Columbia is deserved and desirable. There are five states with less population than DC. DC deserves two U.S. Senators, voting members in the House, and a Governor.

3. The NRC supports a national health care plan. We must reinvest in a National Health Care Plan that provides comprehensive and universal health care to every American. Only the U.S. and South Africa in the industrialized world does not have one, and even South Africa has one for its white citizens.

4. The NRC supports and urges that we reinvest in public education. There's a lot of talk about educational reform. But any reform movement that is not focusing on reforming the inequalities in public education funding, is not a serious reform movement. We must move away from the unequal and inadequate mechanism of funding public education with property taxes, and toward equal and adequate funding of public education with general revenues.

Equal and inadequate funding is not good enough. Equalizing inadequate funds will leave everyone displeased and not improve our schools. Morally and politically, then, we must not lower any educational standards, and we must raise many. That's why, during the 1988 presidential campaign, Jesse Jackson put forth a plan for doubling federal education funds over a five-year period.

We cannot get around the fact that better funded school systems and better paid teachers produce better students. The 1988 Chicago Tribune study of the "Chicago Schools: Worst In America" documented the inequities. There has been virtually no change in the amount of money invested in Chicago students over two decades—1970, \$1,000 per pupil, 1986, \$1,100 (adjusted for inflation). Equalized assessed evaluation per pupil—suburban average \$69,483, Chicago average \$38,390. Property tax revenue per pupil—suburban average \$3,208, Chicago average \$1,447. The pattern is the same across the country and must change.

5. The NRC supports the ABC Child Care Bill. There can be no better investment than in the future generation. We either invest in prenatal care, head start and day care on the front side of life, or in welfare and jail care on the back side. Investing in our children makes better moral and economic sense.

6. In light of five recent Supreme Court decisions, which is shifting the burden of proof onto the backs of the oppressed, Congress should introduce legislation clarifying the original intent and meaning of affirmative action—and President Bush should support it and agree not to veto it. And "we the people" must use our consumer power to take direct action against any company that continues to discriminate or abandons affirmative action.

7. The NRC will continue to stand with and support the people and students in the "freedom and democracy" movement in China. In addition to other concrete actions that we have and might take, the United States should call a special meeting of the UN Security Council in an attempt to deal with the massacre and oppression of the Chinese people by their own government. The world must use every moral and legal means available to it to defend human rights everywhere.

8. The NRC will continue to escalate the war on drugs. Why? Because, the threat of nuclear war or an enemy invasion does not pose the greatest menace to our nation today. Drugs do! Drugs are the single greatest threat to our national security.

9. The NRC will continue to stand with workers in their fight against economic vio-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

lence. Labor is not a "special interest." It is a "legitimate interest" that we must support and protect. Thus, the NRC will continue to stand with the miners on strike in West Virginia and elsewhere, with the Eastern Airline workers, and with workers everywhere who are fighting for economic justice. The NRC will also fight for a raise in the minimum wage so that the poorest workers can work with dignity and a degree of economic security.

10. The NRC supports a major "Invest America" plan that involves the creative use and leveraging of workers' pension fund monies. Pension funds are the largest and fastest growing source of capital formation. There is approximately \$2.3 trillion dollars in pension funds—\$1.5 trillion in private funds, and about \$800 billion in public pension funds.

The NRC has put forth a plan to use 10 percent of public pension funds, \$8 billion per year, over a ten year period—federally secured, with a fair rate of return guaranteed. That \$8 billion will be leveraged 5 times (\$40 billion), and would generate \$400 billion over a 10-year period to build affordable housing, create small businesses, jobs and a broader tax base. Enough of excuses and questions of, "Where's the money? Where's the plan?" We have the money and the plan and, though political organization, the NRC intends to increase the political will.

HOW ARE WE DEVELOPING?

To achieve these goals the NRC has engaged in specific programs. NRC organizations across the country have constantly fought racial and sexual discrimination wherever it has occurred. Many state Rainbow Coalitions have been in the forefront of voter registration and political education activities, bringing new voters to the polls. Rainbow candidates have run and won local offices. State and local chapters have begun to participate and take the lead in formulating strategies to address local issues. The national board has created commissions to deal substantially with programs for major issue areas, including labor, women, health and international affairs, with more commissions to be developed.

CLOUDS BLUR THE RAINBOW—THE OTHER SIDE OF THE NEW ALLIANCE PARTY (By Chip Berlet)

WHAT IS THE NEW ALLIANCE PARTY?

The New Alliance Party describes itself as a Black-led, women-led, multi-racial, pro-gay independent political organization. Its most outspoken critics call it an opportunistic political movement controlled by an unethical therapy cult whose white male guru once led his followers into an affiliation with neo-fascist cult leader Lyndon LaRouche.

The actual nature and history of the New Alliance Party is complex, controversial, and ultimately a matter of individual perspective and judgment. The controversy surrounding NAP, however, is seldom discussed with candor. With the New Alliance Party already well-established in several cities, including New York and Boston, and with newly-opened national headquarters in Chicago, a discussion of the group is long overdue. To discuss NAP without reference to the political milieu in which it operates is impossible. This report attempts to seriously analyze the history, activities and internal dimensions of NAP in the context of its work in the American progressive political community. This analysis is highly critical of the role of NAP within that community,

but is not an attempt to bait the organization on the basis of its publicly-espoused political views.

CURRENT NAP ACTIVITIES

In May of 1985 the New Alliance Party held a national funding convention in Chicago. The significance of the event is blurred by the fact that its own history dates the original founding of the New Alliance Party as 1979. The chairperson elected at the 1985 Chicago meeting was Emily Carter, an organizer from Jackson, Mississippi who joined the New Alliance Party in New York in 1981. She calls herself a "former organizer, now therapist."

When the New Alliance Party moved its national headquarters to Chicago, it came with a related "medical and therapeutic center." In fact, wherever the New Alliance Party has a major organizing effort underway, there is a related "therapy" group reaching out to persons with progressive politics who are also seeking emotional or psychological counseling. The therapy groups use a technique they call "Social Therapy" or "Crisis Normalization" designed to provide "immediate help for the everyday crisis situations that happen to everyone." Both the political organization and the therapy institutes make a point to involve persons of color, gay men and lesbians, and political radicals.

Closely allied with the New Alliance Party is the Rainbow Alliance and the Rainbow Lobby. That the slogans of the New Alliance Party, Rainbow Alliance and the Rainbow Lobby tend to reflect a progressive political framework is not questioned. Here for example are some of their slogans and issues:

Put teeth back into Civil Rights laws;
Repeal Gramm-Rudman;
Support the Fair Elections bill introduced by Rep. John Conyers (D., Mich.); and
Seek legislation that would "protect the democratic rights of gays and all Americans."

One flyer explains:
"The Rainbow Lobby is fighting for grand jury reform, affordable public housing and Congolese liberation from the human rights abuses of the Mobutu dictatorship. . . . The Rainbow Lobby is fighting against the death penalty; against aid for the C.I.A. supported contra terrorists and against arming South African supported mercenaries in Angola. And the Rainbow Lobby is exposing the Right's misuse of federal funds for AIDS."

The New Alliance Party moved its national headquarters to Chicago to be closer to Minister Louis Farrakhan, The Rev. Jesse Jackson and Mayor Harold Washington, according to NAP chairwoman Emily Carter. The office is located on Chicago's north side (in the 44th Ward), and fundraisers are already soliciting support for the "Rainbow." The NAP-related Chicago Center for Crisis Normalization is open and another therapy center is planned for the west side. NAP organizers have been recruiting in some sectors of the Black and progressive political community for almost five years, and have a presence in several Chicago colleges.

In New York the New Alliance Party offers a free legal clinic in Harlem, sponsors lectures, and publishes its newspaper, the National Alliance. National Alliance discussion groups are held in Chicago, Illinois; Jackson, Mississippi; Long Island, New York; Philadelphia, Pennsylvania; Washington, D.C. and Boston, Massachusetts.

The New Alliance Party maintains regional and state offices in: Alaska, Arizona, California (Oakland and Los Angeles), Colorado,

Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Maryland, Massachusetts, Michigan (Ann Arbor and Detroit), Mississippi, Montana, Nebraska, New Jersey, New Hampshire, New York (Albany, New York City and Buffalo), North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont and Washington, D.C.

FRED NEWMAN AND THE HISTORICAL ROOTS OF NAP

The history of the New Alliance Party starts with a history of its primary theoretician, Dr. Fred Newman. In 1968 Newman and several followers formed "IF . . . THEN", a political collective in New York City. "IF . . . THEN" prided itself on its anarchistic and confrontational approach to organizing and consciousness-raising. During the early 1970's Newman and his followers established a group called Centers for Change in New York City. Centers for Change (CFC) was characterized by a more introspective approach to political organizing. CFC described itself as:

" . . . a collective of liberation centers including: a school for children, ages 3 to 7; a community oriented therapeutic and dental clinic located in the Bronx; and a press (CFC Press) operating out of the CFC offices. . . . Also, the Community Media Project; (an) information service for the people of the upper west side. . . ."

While involved with CFC, Newman and others in his circle began developing a unique perspective within the evolving theory of radical psychology. This movement attracted attention and debate in progressive circles; Newman, however, soon branched off from the mainstream of the radical psychology movement and eventually developed a theory of "social therapy." By 1973 CFC was offering therapy and counseling at its drop-in center.

At the same time, another New York political organizer, Lyndon H. LaRouche, Jr., was also espousing controversial psychological theories, and Newman began to examine LaRouche's writings on psychology and economics which were appearing in published collections of Marxist analysis.

Lyndon LaRouche in 1973 was the leader of the National Caucus of Labor Committees (NCLC), a Marxist political organization based in New York City. LaRouche, using the name Lyn Marcus, had led the Labor Caucus of the Students for a Democratic Society (SDS) until SDS voted to expel LaRouche and his followers in 1969. The controversy inside SDS arose when the SDS Labor Caucus under LaRouche called for support of striking members of New York City's teacher's union. A key union issue was opposition to community control of schools in New York City—a demand of community leaders which ad the support of many Black parents. The union's opposition to community control of schools was widely perceived in the progressive political community as having racist overtones. After being expelled from SDS, LaRouche created the National Caucus of Labor Committees, which in 1973 had at least 1,000 members nationwide.

Newman says he first made contact with Lyndon LaRouche's forces within the National Caucus of Labor Committees (NCLC) in October of 1973. In January of 1974 Newman's organization, Centers for Change (CFC), published a newsletter Right on Time which called for the organization of leftist political cadres and relied heavily on psychoanalytic terminology. LaRouche's theories were in many ways similar to those

espoused by Newman, and in June of 1974, Newman led almost 40 CFC members into an official political alliance with LaRouche and the National Caucus of Labor Committees (NCLC).

NEWMAN'S ALLIANCE WITH LAROCHE

Even NAP supporters concede that Newman and some of his followers worked for a time under the political leadership of LaRouche. What keeps this aspect of the controversy alive is what critics feel are misrepresentations regarding the character of the relationship and the nature of the LaRouche organization at the time of the alliance. NAP's position is stated in a letter circulated by its supporters under the name "The Committee to Set the Record Straight."

"Five years prior to NAP's founding, a handful of activists, five of whom now sit on NAP's 40-member national Executive Board, joined the National Caucus of Labor Committees, then a left organization founded by LaRouche. At the time, it was attracting many organic progressive leaders from the welfare, trade union, and electoral arenas. Dr. Newman was one of those who joined. He and his colleagues' membership in the NCLC lasted approximately two months.

"Following their departure in the summer of 1974, they began an extensive political and methodological critique of LaRouche and the NCLC and by 1975 became among the first on the Left to explicitly identify LaRouche as a neo-fascist."

This characterization of the Newman/LaRouche relationship is at best self-serving and at worst largely fictional. With some ten percent of the current NAP executive board comprised of persons who at one time chose to put themselves under the political leadership of Lyndon LaRouche, it becomes crucial to examine the relationship carefully.

During most of 1974, the NCLC under LaRouche was primarily attracting middle-class and upper-class white intellectual students from prestigious eastern and mid-western college campuses—hardly a core of trade unionists and welfare recipients as characterized by Newman's supporters.

A former member of LaRouche's NCLC remembers the arrivals in 1974 of what were called the "Newmanites:"

"They put themselves under the actual political leadership of LaRouche for a few months, and we came to believe that what Newman really wanted during that period was to get act an understudy to LaRouche—to learn his methods and techniques of controlling persons in an organization.

"The individuals in Newman's group seemed to lack clarity and political focus and were obsessed with psychology and sexuality. Newman was clearly the leader and it was obvious that LaRouche's ego and Newman's ego were to big to allow them to work together in the same organization for long."

While actual membership by New Alliance Party executive board members in LaRouche's NCLC may have lasted only a few months, the working alliance between groups led by LaRouche, Newman and a third New York political leader named Gino Parente lasted far longer. Some activists from New York remember the three groups working in a loose alliance around issues such as welfare reform farm labor, and organizing the working class for a period as long as one year. One internal NCLC discussion of the Newmanites describes "ten months of serious political discussion" before several months of actual membership. "Joint forums" between the Newman-

ites and the LaRouchites were held in November and December, 1973, and the Newmanite split took place in late August 1974.

Even after officially leaving NCLC in August, 1974, Newman and his followers continued to debate and criticize LaRouche and the NCLC over issues of shared political ideology as if it represented legitimate leftist theory long after the rest of the American Left had denounced NCLC as either pro-Nazi Brownshirts, a sick political cult, or outright police agents.

Fred Norman insists his group was not sophisticated about the American Left when it joined with LaRouche, yet when the Newmanites split from NCLC, they announced the formation of a "vanguard" Marxist-Leninist political party. In the resignation letter signed by Newman and 38 of his followers, there is a significant use of Marxist-Leninist terminology which suggests a far greater degree of political sophistication than admitted. Announcing that Newman's International Workers Party (IWP) had "now become the vanguard party of the working class," the letter went on to say:

"The organization of the vanguard party is, as Marx makes clear, the organization of the class. The formation of the IWP has grown from our attempt to organize the [NCLC] from within that it might move from a position of left hegemony to a position of leadership of the class."

When joining the NCLC, Newman announced he was putting himself and his followers under the political "hegemony" of LaRouche. After leading his followers out of the NCLC, Newman continued to struggle with LaRouche over theory within the principles of criticism among friends. None of this indicates a casual, naive or short-lived relationship.

THE NATURE OF NCLC DURING THE NEWMANITE ALLIANCE

Still, Newman's merger and split with LaRouche would have little merit as a criticism of NAP (after all it is a sign of political maturity to recognize mistakes) were it not for how supporters of Newman relentlessly misrepresent the nature of LaRouche and the NCLC in late 1973 and 1974—the period when Newman grew close to NCLC and then put himself and his followers under the political leadership of LaRouche. In 1974 NCLC was not attracting "organic progressive leaders" from the welfare rights movement, as claimed by the Newmanites. In fact, it was having trouble attracting significant Black support at all, since it was leading a successful attempt to destroy the Black-led National Welfare Rights Organization and defame its popular leader, the late George Wiley.

During the same period, LaRouche also propounded ideas which were widely perceived to represent outright racism. LaRouche, for instance, offended the Hispanic community in a November, 1973 essay (published in both English and Spanish) titled "The Male Impotence of the Puerto-Rican Socialist Party." An internal memo by LaRouche asked "Can we imagine anything more viciously sadistic than the Black Ghetto mother?" He described the majority of the Chinese people as "approximating the lower animal species" by manifesting a "paranoid personality . . . a parallel general form of fundamental distinction from actual human personalities."

As early as the spring of 1973 LaRouche had begun to articulate a psychosexual theory of political organizing and began descending into a paranoid style of historical analysis that stressed not Marxist dialecti-

cal materialism and class analysis, but macabre conspiracy theories and a subjective ego-centric analysis. LaRouche warned of a global plot by the CIA/KGB to kidnap and program his membership to assassinate him. His homophobia became a central theme of the organization's conspiracy theories. He said women's feelings of degradation in modern society could be traced to the physical placement of sexual organs near the anus which caused them to confuse sex with excretion.

A September, 1973 editorial in the NCLC ideological journal *Campaigner* charged that "Concretely, all across the USA, there are workers who are prepared to fight. They are held back, most immediately, by pressure from their wives. . . ." Writing in an August, 1973 memo, LaRouche propounded the startling and sexist psychological theory that "the principle source of impotence, both male and female, is the mother." LaRouche claimed only he could cure the political and sexual impotence of his followers. NCLC members were forced into what was called psychological therapy and "de-programming" but were what former members call "brainwashing" and "ego-stripping" sessions. The NCLC rapidly became totalitarian in style, with a peculiar obsession with sexuality and homophobia used as a weapon against internal dissent. "To the extent that my physical powers do not prevent me," LaRouche told his followers in August, 1973, "I am now confident and capable of ending your political—and sexual—impotence; the two are inter-connected aspects of the same problem."

By 1974 LaRouche had started his swing toward fascist economic and political principles—well before Newman and his followers joined NCLC and announced that they would place themselves under LaRouche's political leadership and "hegemony." It was during this period that LaRouche began talking of the need for rapid industrialization to build the working class. He talked of a historic tactical alliance between revolutionaries, the working class and the forces of industrial capital against the forces of finance capital. He began developing an authoritarian world view with a glorification of historic mission, metaphysical commitment and physical confrontation. He told reporters that only he was capable of bringing revolution and socialism to the United States, and his speeches began to take on the tone and style of a demagogue. LaRouche, in short, began to adopt the same ideas and styles which had formed the basis of National Socialism, a political tendency that historically became part of the European fascist movement and eventually played a key role in Hitler's rise to power in Nazi Germany. In fact, LaRouche was denounced as a Nazi by U.S. Communists following physical attacks on them in 1973 by NCLC members who were likened to Hitler's violent Brownshirts.

From May to September of 1973, LaRouche followers engaged in "Operation Mop-up" which consisted of NCLC members brutally assaulting rivals such as members of the Communist Party USA (CPUSA) and the Socialist Workers Party (SWP). NCLC thugs used bats, chains, and martial arts weapons (*numchukas*) in their campaign to control and establish "hegemony" over the American revolutionary movement. There were many injuries and some persons required hospitalization.

"Operation Mop-up" was front-page news in virtually every American progressive newspaper during 1973, and it is difficult to

believe it was not known to Newman and his followers when they first contacted NCLC a few weeks after Operation Mop-up was declared a success by LaRouche. Furthermore, physical assaults by NCLC members against critics were reported regularly well into 1976, and periodic assaults by LaRouche fundraisers still occur. In 1974, many former NCLC members report, they were still required to take paramilitary training classes led by fellow members.

The trigger for Operation Mop-up was a March, 1973 warning by NCLC to the Communist Party, USA to stop opposing the creation by LaRouche of an alternative to the Black-led National Welfare Rights Organization (NWRO) which LaRouche denounced as being part of a "union-busting slave-labor" alliance. LaRouche set up an alternative, the National Unemployed and Welfare Rights Organization (NUWRO), and, according to LaRouche, NCLC then sent delegations into public Communist Party meetings, "demanding that this criminal behavior of the CP leadership"—that is, support for the original NWRO—"be openly discussed and voted down by the body assembled."

Eyewitnesses recall this "discussion" usually consisted of primarily-white and young NCLC members standing up and disrupting meetings of the primarily-Black and older NWRO with calls for a debate on LaRouche's charges against NWRO leaders until members of the audience were forced to physically drag the NCLC members out of the meeting. These confrontations became formalized under Operation Mop-Up.

When the Socialist Workers Party joined in supporting the original Black-led NWRO, they too were attacked by the predominantly white NCLC supporters. While the Operation Mop-Up attacks were officially ended in late 1973 or early 1974, another campaign of assaults was launched in 1974 against local rank-and-file leaders of the United Autoworkers and other industrial unions. Reports of these assaults continued through 1976, and NCLC members have continued until recently to assist in assaults on members of Teamsters for a Democratic Union and another rank-and-file Teamster reform group, PROD.

In 1974, according to former NCLC members, LaRouche first began to seek contact with extremist and anti-Semitic right-wing groups and individuals around the idea of tactical unity in opposing imperialism and the ruling class in general, and the Rockefeller family in particular. LaRouche's obsession with conspiracy theories blossomed in 1974, and during this period he began expounding a view linking certain Jewish institutions to a plot to destroy Western civilization and usher in a "New Dark Age".

This is the character of the NCLC that attracted Newman and his followers in early 1974. In his 1974 book "Power and Authority," Newman wrote that his followers would "organize in the spirit outlined" by LaRouche. The question is not how long the Newmanites worked under the political leadership of Lyndon LaRouche, but how they can explain what attracted Newman and his followers to LaRouche in the first place. To this day NAP leadership has refused to renounce or to deal candidly or accurately with the fact that the Newmanites at one time joined an organization which was at best a collection of paranoid sexist homophobic thugs and at worst a nascent fascist political movement.

USING THE FBI TO HARASS DISSIDENTS

It was during the period that the Newmanites were involved with NCLC that NCLC began to collect and disseminate intelligence on progressive groups. It is well documented that NCLC went on to provide intelligence to domestic and foreign government agencies. While documents released under the Freedom of Information Act reveal that U.S. government agencies frequently dismissed the material provided by the NCLC, it was provided nonetheless. As early as February, 1974, NCLC representatives met with an official in the U.S. Department of Commerce to "provide substantial evidence which would exonerate President Nixon from Watergate charges," according to a Commerce Department memorandum released under the Freedom of Information Act.

The Newmanites were at the center of the first documented instance of NCLC collaboration with U.S. intelligence agencies. In 1974, several Newmanites in NCLC attempted to use the FBI to locate and spy on a former Newmanite who had left at the time of the NCLC Newmanite merger and taken his child with him. Jim Retherford had left the Newmanites citing psychological manipulation among other reasons. His spouse, Ann Green, remained in the organization and quite reasonably sought access to their child. Green and Newmanite Harry Kresky, an attorney, contacted the FBI and suggested that Retherford was a former member of the Weatherman faction of SDS, had harbored Weather Underground fugitives, and was in contact with Jane Alpert, a fugitive the FBI was particularly keen on locating.

Supporters of Newman claim he was unaware of the contact with the FBI. However, a former member of Newman's Centers for Change who joined and left NCLC with Newman, and then later split with the Newmanites, recalls the FBI incident was widely known within NCLC and the Newmanite faction. "The CFC [Centers for Change/Newmanite] people for the most part stuck together while in the NCLC . . . denying Fred Newman knew about the communications with the FBI is utterly absurd."

THE INTERNATIONAL WORKERS PARTY

After leaving the NCLC, Newman formed the International Workers Party (IWP). The Newmanite document issued upon their leaving NCLC and establishing the International Workers Party re-affirms a commitment to carry out current and future joint work with the LaRouche organization. The charge of a direct and ongoing LaRouche connection to the Newmanites, however, appears to be speculation—no credible reports of a direct connection between Newman and LaRouche since the mid-1970's have been documented, and it is unlikely that any such relationship exists today.

MANIPULATIVE AND CONFRONTATIONAL

In many ways the theory, ideology, strategy, tactics, and internal organizing practices of the LaRouchites and the Newmanites are very similar:

A methodological link between the psychological and the political which forms both a theoretical world-view and a justification for indoctrinating members through so-called "therapy";

Psychologically coercive techniques to manipulate members' views and actions;

Organizing strategies that target according to stratas or sectors rather than social class;

Attempts to establish hegemonic relationships with other similar political groups,

and, failing that, attempts to undermine the group and establish parallel organizations;

Virulent and unprincipled attacks on critics, including insults, agent-baiting, threats by attorneys and defamation lawsuits;

A shared political strategy (vanguardism with roots in Trotskyist political theory);

Re-writing of the group's political and organizational history to meet current needs;

A closed and covert hierarchical internal structure that is not necessarily congruent with the public organizational structure; and

Differentiation between internal in group and external out-group reality, use of propaganda, and implementation of a "secret-society" style—all markedly similar to that of a totalitarian movement.

These similarities do not change the fact that LaRouchite philosophy is apparently neo-fascist while Newmanite philosophy is apparently left-progressive, but it does mean that internally both groups have an authoritarian hierarchy whose existence is denied, and both groups rely on psychologically-manipulative theories to control core members. Both groups match a cult paradigm and are far from democratic, despite outward claims and appearances.

It is crucial to note the relationship of LaRouche, Parente, and Newman during the early 1970's in light of their subsequent activities. All three white male political leaders saw Marxist revolution through the prism of ego-mania, and used psychologically manipulative techniques to enforce obedience in the institutions they have built—institutions which sought political hegemony over other groups.

All three groups share many elements of a totalitarian movement as outlined by Hanna Arendt in "The Origins of Totalitarianism." In recent years there has been a revisionist interpretation of Arendt's work, linking nazism and communism as two sides of the same ideological coin, or claiming that all communist or Marxist movements are totalitarian, or that only nazi and communist ideologies can become totalitarian. Arendt specifically repudiates this simplistic interpretation of her work when she writes ". . . ideologies of the nineteenth century are not in themselves totalitarian," and that although fascism and communism became "the decisive ideologies of the twentieth century they were not, in principle, any 'more totalitarian' than others." According to Arendt, the ideological victory of fascism and communism over other twentieth century belief structures was "decided before the totalitarian movements took hold of precisely these ideologies" as a vehicle for seizing and holding state power.

A totalitarian movement is correctly defined by its style, structure and methods, not by its stated or apparent ideology.

THE INTELLECTUAL VANGUARD

The early theoretical writings of LaRouche and the early and current theoretical writings of Newman reflect a derivative (and heretical) form of Trotskyist Marxism that is both unusual and virtually unique on the American Left. This shared theory is best described as an aberrant "Messianic" form of Trotskyism with an ego-centric view of the importance of the individual leader in shaping history, coupled with a patronizing "noblesse oblige" approach to organizing the working class and people of color that reflects a political colonialist mentality.

Journalist Dennis King has studied numerous internal documents from the Newmanites and concluded that in terms of

their political theory of organizing, they make a crucial distinction between the core cadre (primarily white intellectuals) and the "organic" members (primarily people of color). According to King, the primarily-white intellectual vanguard trained by Newman through "therapy" is in the process of using "therapy" to raise the consciousness of the primarily Black and Latino recruits so that some day in the future they will have the wherewithal to actually lead the organization . . . but not yet. King has described this as "paternalistic racism."

INSTITUTES FOR SOCIAL THERAPY

Dr. Fred Newman's doctorate is not in a health-related field, but in the philosophy of science and foundations of mathematics. For several years psychologists and groups concerned about cults have questioned the ethics of the process used by the Institutes for Social Therapy. These criticisms are crystallized in the following statement by an East Coast Latina activist working in the area of support for Central Americans:

"I first came into contact with the Social Therapy Institutes through a friend who . . . said there was a group that offered therapy for people with progressive views, so I went to see what they offered.

"I was told everybody has problems, which is true everyone does, but they use that as an excuse to recruit people. People with emotional problems think they are going to be helped but they don't help people.

"Before or after the therapy session, they would say 'why not sell the newspaper or maybe you could do us a favor and hand out these leaflets. The therapy offices are full of their political propaganda. In the group therapy sometimes we discussed politics and their political party. They want people to get involved in their political activities, but they don't really give any treatment. This was something I didn't like.

"Some people get involved because they think the political work will help them get better emotionally. They told us societal problems are making people ill and the New Alliance Party is going to change things so people will get better.

"They got angry with me when I asked for individual therapy. 'You need group therapy not individual therapy, I was told so I left. Then they started sending me literature about their political organizations.

"In the literature and in the therapy sessions they try to destroy any other left organization by saying bad things about it. They also destroy a progressive organization by recruiting away its members.

"They call themselves Leftists but they use the dialectic method just to recruit people. When you get involved there is no dialectic, it is static, they don't progress beyond the criticism of the other group. They have no real program, they just say 'if you are not with NAP you are the enemy'. They raise a lot of money by saying they raise a lot of money by saying they are doing all these things, but they are a fraud.

"It is not true that there is no pressure to work with the New Alliance Party when you are in the therapy. They tell you if you are working with them you will feel good. I said 'I need help, I need individual therapy'. Instead they had me assisting them in the group therapy sessions.

"They don't like it if you pay a low fee and don't work for them politically, such as doing propaganda work for the New Alliance Party. If you pay more, you get a better work position in the organization. If

you can afford a lot, you can get individual therapy. Everything is money or power.

"Some people are fooled, especially the uneducated or emotionally ill, they use them. It is disgusting. They don't care about people—they want numbers: more money, more people, more power. The social therapy is just an excuse to recruit members. It is just like their many other activities, concerts, rallies, they are active in many areas, but they accomplish nothing."

Certainly it is legitimate as part of psychological counseling to recommend that a person become involved directly in the community—even to the extent of becoming part of a political movement. But for a patient to know the therapist is involved in a particular political movement is to consciously or unconsciously steer the patient, who is in a dependent and fragile relationship with the therapist, toward that political movement. This error is compounded by the fact that, according to several Therapy Institute staff members, a portion of the fees for the therapy go to support the world of the New Alliance Party.

Therapy centers with ties to the New Alliance Party include the following locations listed in the November 27, 1987 issue of the National Alliance:

New York: Harlem Institute for Social Therapy and Research; Bronx Institute for Social Therapy and Research; South Bronx Annex; West Side Social Therapy Network; East Side Center for Short Term Therapy; Brooklyn Institute for Social Therapy and Research; Long Island Institute for Social Therapy and Research.

Massachusetts: Boston Institute for Social Therapy and Research.

Illinois: Chicago Center for Crisis Normalization.

California: Los Angeles Center for Crisis Normalization.

Pennsylvania: Social Therapy Associates. Washington, D.C.: Washington Center for Crisis Normalization.

Mississippi: Jackson Center for Crisis Normalization.

New Jersey: New Jersey Center for Crisis Normalization.

CULTISM

Chicago-based political consultant Don Rose summed up the feelings of some NAP critics when he told Chicago Sun-Times columnist Basil Talbot that NAP "is a left group with the modus of a cult." Talbot noted that critics call NAP the "LaRouchies of the Left." Several cult watchdog groups list the Newmanites as a cult, other critics say the core of the cult is the Therapy Institute, while a few critics think the entire NAP movement displays cult aspects. Those that say the Newmanite movement is totalitarian in style feel the word cult is superfluous, since totalitarian groups by definition enforce a high level of blind loyalty and unquestioning obedience.

As early as 1977, journalist Dennis King was writing of the cult-like nature of the Newmanites, and interviewed Frank Touchet, a New New York professional psychotherapist who studies therapy cults such as the Reichians and the Sullivans. After studying the therapy group which forms the core of Newman's followers, Touchet concluded:

"What you are dealing with is people who have been criminally tampered with in the deepest fibers of their being, and who have descended into a strange childlike world of dependency, in which the rational functions of the ego are relinquished completely to

Fred Newman—who regulates their lives on the most intimate level."

It is difficult to resolve the issue of psychological manipulation because there are undoubtedly NAP supporters who are sincere and genuine in their beliefs and have no connection to the Newmanites, the IWP nor the Social Therapy Institutes. Still, most of the functional core leadership of NAP has a connection to the Therapy Institutes and the Newmanite political philosophy. Ultimately the question of psychological manipulation, cultism and cult of personality can only be resolved by each person who comes into contact with NAP on the basis of the individual practice and process observed, and within the framework of one's own sensitivity to and wariness about cultism.

OPPORTUNISM

One example of what critics call the political opportunism of the Newmanites and the New Alliance Party is their continuing effort to imply a connection with Rev. Jesse Jackson and the Rainbow Coalition. For instance the Newmanites have established in Washington, D.C. the "Rainbow Lobby" billed as "The Lobbying Office of the Rainbow Alliance." The Rainbow Lobby has offices at 236 Massachusetts Avenue, N.E., and lists Nancy Ross as Executive Director and Tamara Weinstein as Assistant Director.

The Rainbow Lobby office has been frequently mistaken for the Washington office of Jesse Jackson's Rainbow Coalition, a mistake that in the past, NAP leadership seems to have gone out of its way not to clarify. Newspaper articles have appeared about NAP's Rainbow Lobby in which throughout, the reporter assumes the Rainbow Coalition—a circumstance NAP leadership could have easily avoided by explaining upfront that the two groups are unrelated.

Jackson has had to publicly distance himself and the Rainbow Coalition from NAP and its Rainbow Alliance and Rainbow Lobby on several occasions. Most recently Jackson told Chicago Sun-Times reporter Basil Talbot that "we have no relationship at all."

In the June 21, 1985 issue of the National Alliance, an article on the Rainbow Alliance shows how artfully the question of a relationship has been dodged in the past:

"Hostile critics and curious allies are forever saying to Nancy Ross, 'Does Jesse Jackson support what you're doing?'

"Ross, who heads the Washington office of the Rainbow Alliance Confederation's lobbying arm, has learned how to respond to such inquiries.

"The point is not whether Jesse Jackson supports me, but whether I support Jesse Jackson," says Ross, a founder of the six-year-old independent New Alliance Party, and candidate for Jackson delegate in Harlem in 1984. "And I support Jesse completely because of the social vision he has articulated on behalf of the Rainbow movement. Yes, I have real differences with Jesse—he thinks independent politics is 'prophetic' whereas I believe its time has come right now—but I won't allow anyone to sever the historic ties between Jesse and myself, because I am committed to see that his vision of a just society be brought about today."

While admittedly clever, the above explanation is essentially a dishonest misrepresentation of the facts, designed to confuse the issue and suggest a connection where none exists. The confusion over support

from Jesse Jackson and the Rainbow Coalition is exacerbated by how the New Alliance Party describes itself. The February 13, 1987 edition of the National Alliance newspaper contained a centerfold spread with the multi-color slogan "The Real Rainbow" spanning the two pages. A letter on New Alliance Party stationery to gay activists on the west coast had the slogan "The Party of the Rainbow." A petition calling for an independent Black Presidential campaign was titled "An Open Letter To Reverend Jesse Jackson."

Ironically, in a 1983 issue of the Newmanite theoretical journal Practice, Newman attacked Jesse Jackson and Jackson's progressive supporters in strong terms:

"The U.S. ultra-Left has traditionally suffered very badly from a mental disorder perhaps best identified as premature vanguardism. There has, over the past few years, been a positive attempt by some to rectify this problem (called by some friendly left critics 'wreckification') which, however, has dealt mainly with the symptoms of the disease by essentially helping the 'client' to feel more comfortable masturbating. Hence, some of the rectified ultra-left—for example supporters of 'Jesse Jackson, Democrat'—are smilingly convincing themselves these days that it is alright to unite with Jackson's 'progressive aspects'. Many have raised questions as to which part of Jackson's political anatomy embodies his 'progressive aspects'."

At the end of 1987 the National Alliance newspaper column by Rainbow Lobby Executive Director Nancy Ross began to include a disclaimer which reads:

"The Rainbow Lobby is an independent citizens' lobby based in Washington, DC which supports important legislation that affects civil, human, voting and democratic rights at home and abroad. For more information on the Lobby, please contact Nancy Ross at 236 Massachusetts Ave., NE., Suite 409, Washington, DC 20002 (202) 543-8324."

"The Rainbow Lobby, Inc. is an independent lobby, not affiliated with the Rainbow Coalition, Inc."

The disclaimer began appearing during the same time period that NAP launched the campaign of Lenora Fulani for President. During 1987 the NAP began to publicly attack the Rainbow Coalition and in the National Alliance Lenora Fulani was quoted as saying "With all due respect to Brother Jesse Jackson, almost everyone knows he hasn't built a real Rainbow. He might have incorporated something called the National Rainbow Coalition, Inc., but he hasn't built a Rainbow. We've built a real Rainbow."

Despite the criticisms and disclaimers, there is still much public confusion concerning the relationship of NAP to the Rainbow Coalition, and Jackson's Presidential candidacy. This confusion is not alleviated by NAP public statements. For instance in the November 20, 1987 issue of the National Alliance, William Pleasant attacks the Rainbow Coalition as "the Democratic Party's phony left wing", but then writes that "Fulani, under her 'Two Roads Are Better Than One' plan, backs Reverend Jesse Jackson in the Democratic Party primaries. But she has done everything possible to ensure that the progressive Rainbow agenda will be carried through to the general election in November. . . ."

SMEARING CRITICS

Among the most persistent critics of the New Alliance Party are freelance writer Dennis King of New York, the author of this study. Chip Berlet (and other members

of the Public Eye Network), and tow researchers who often work closely together, Ken Lawrence of Mississippi and Dan Stern of Illinois. In 1985 Ken Lawrence and Dan Stern provided information on NAP to Charles Tisdale, publisher of the Jackson Advocate newspaper in Mississippi. Tisdale ran a series of articles critical of Newman and NAP in the Advocate, which for many years has served as a voice for Black residents in the area.

In response to the Advocate articles, NAP embarked on a smear campaign against its critics—a tactic it frequently employs. An article by William Pleasant in NAP's National Alliance newspaper attacked Tisdale, Lawrence, Stern and Berlet. A photograph of Tisdale (who is Black) is accompanied by a bold headline which reads: "Jackson Advocate publisher Charles Tisdale: The Advocate has come to play the role of Black front for a national network that is a nestling place for agents."

The same article claims that Dennis King and Chip Berlet have shown "a willingness to relent on their earlier false and sectarian charges of La-Rouche affiliation of cultism." (In fact, both Berlet and King still stand by their earlier charges.) Ken Lawrence and Dan Stern are described as "absorbed in another agenda, beyond sectarianism, bordering on straight out provocateurism." NAP organizers also began circulating charges that Ken Lawrence was a government agent.

When Tisdale refused to back down from his criticisms of NAP, and continued to detail the charges of other NAP critics, NAP chairwoman Emily Carter responded by filing a defamation lawsuit against Tisdale, the Jackson Advocate and Ken Lawrence. (A judge subsequently ordered Lawrence dropped from the lawsuit). After the lawsuit was filed, when well-known organizer Flo Kennedy accepted an invitation to speak at a banquet sponsored by the Jackson Advocate, a self-described NAP member disrupted a press conference with her by shouting "You're a very stupid woman." Other critics of NAP are frequently ridiculed or attacked in an unprincipled manner.

PENETRATION AND DISRUPTION OF RIVAL GROUPS

Critics of the Newmanites claim one of the tactics used by the group is to penetrate a progressive organization and seek to take it over or recruit away its membership. One of the themes in the Jackson Advocate series on NAP was the frequently with which NAP engaged in what critics considered disruptive tactics. Lily Mae Irwin, a well-known welfare rights activist told the Advocate how, in 1985, NAP tried to merge with the group she was leading, the Mississippi Welfare Rights Organization. After she refused the merger idea, she soon discovered NAP was scheduling their meetings with her key organizers opposite the regular monthly Welfare Right Organization meetings. "Yes Siree," said Irwin, "they were trying to hold meetings at the same time we were; they were trying to mess us up."

Eddie Sandifer, a well-known Mississippi Gay rights activist, told the Advocate he resented the claim by NAP that it is the party of gays, lesbians, Blacks and dispossessed people in general. In particular, Sandifer was angry that NAP contacted several members of the Mississippi Gay Alliance and invited them to NAP meetings, but did not contact him, the group's leader. "I think their purpose is to divide and conquer," said Sandifer. "I'm very suspicious of them . . .

I'm worried about what they are doing in Mississippi."

A long-time gay activist in California voiced similar concerns to the author after NAP sponsored a gay rights conference in that state. He feared the NAP wanted to duplicate the work of existing gay organizations as a way to build credibility and recruit new members for the NAP.

A woman activist in New York told the author of a call she received from a friend in England complaining of disruptive activities by a NAP organizer who attended functions of a women's peace group. Disruption has been a hallmark of NAP organizing for years, and reports of this nature have been consistently surfaced over the year from a wide variety of sources.

One early example of a Newmanite attempt to penetrate and manipulate a progressive organization involved the now-defunct People's Party, a multi-racial progressive electoral party which once ran Dr. Benjamin Spock for President. In early 1978, according to a former People's Party organizer, the People's Party "expelled the Newmanite when it was uncovered that they were operating within the party as a secret faction with an undisclosed agenda as to their intentions and plans."

The Newmanites had told members of the People's Party that Newman's International Workers Party had been disbanded, but the People's Party stumbled across a secret Newmanite newsletter marked "confidential internal bulletin" and bearing the name Party Building. According to Party Building, the Newmanites were recruiting inside the People's Party and other progressive groups to build a secret "pre-party formation." The confidential Newmanite newsletter explained it was being published to "function as intelligence and communications networks, reporting on the social movement of various strata in particular areas."

Even though the IWP was supposed to have dissolved, plans were sketched out in Party Building for its "Fourth Party Plenary" held in Gary, Indiana in early 1977. The meeting brought together representatives from various Newmanite front groups organized under the public banner of the "Council of Independent Organizers."

DEPTH OF BLACK LEADERSHIP

The New Alliance Party does engage in activities which support Black candidates, as the following excerpt from a letter by NAP supporters points out:

"In 1984, after campaigning for Reverend Jesse Jackson and witnessing his public rejection at the Democratic National Convention in San Francisco, NAP moved ahead with its independent Presidential campaign for the Afro-American candidate Dennis L. Serrette in a record-breaking 33 states where the party had managed to secure access to the ballot."

What the letter fails to mention is that Serrette left the New Alliance Party after unsuccessfully struggling for a meaningful leadership role for Black NAP officials who he felt had organizational titles but no real influence or control. At first, Serrette, as a point of personal and political principle, refused to openly criticize NAP, but when it became obvious NAP leaders were characterizing his reasons for leaving as primarily personal, and implying that Serrette continued to support NAP. Serrette went public with his charges in Mississippi's Jackson Advocate newspaper.

"I left the party because it continued to claim it was Black-led—I knew better," Serrette is quoted as saying in the Jackson Advocate. "I mean no harm to these powerful Black women. Emily Carter, Lenora Fulani and Barbara Taylor, when I say that . . . I knew from being there that they were not leading Fred Newman—he was leading them—that's why I left . . . I don't feel they can use 'Black-led' continuously without falling on their faces—falsehoods just won't hold up under close scrutiny."

According to Serrette, NAP had no real commitment to Black-led independent politics. "I had to think about my reputation then—of people who continue to believe in me." After raising his criticisms internally, Serrette said he was cut off from the flow of information within the party. "It got so I didn't know when they were holding meetings or anything," said Serrette.

In the course of the lawsuit by Emily Carter against the Jackson Advocate, Dennis Serrette was called by Carter's attorney to answer questions in a deposition. Serrette thoroughly denounced Newman and his followers as running a racist, sexist "therapy cult" that put people of color in public leadership positions merely as window dressing. Regarding the New Alliance Party, Serrette said:

" . . . I don't believe that it's organic . . . in terms of it being a working-class movement . . . Black, white and Latino. I think it's an elitist organization. It certainly serves the purposes of its leader . . . it was a lie, it was clearly a tactical . . . a racist scheme of using Black and Latino and Asian people to do the bidding of one man, namely Fred Newman, that's my opinion, and to use other whites as well, you know through the therapy practices."

"No one challenges Fred Newman. I have seen people maybe raise a few polite questions in . . . planning sessions . . . but Fred Newman's word is the word. There is no such thing as opposition within that organization, or principled opposition, that in my opinion could demonstrate a different will or challenge to power, a different political position of a major order, unless he agreed with it in some way."

Serrette said he came to believe the promise that the organization would eventually be turned over to Black people was a lie, and he challenged Newman on the point:

"And I stated to him, 'turned over' means, you know, resources, it means making policy, it means running personnel . . . that's Black control to me. I don't understand it as just having a Black face in a high place. That's nothing more than racism and nothing more than window dressing."

"It's no different from the system we seem to fight in this case. So I raised those questions to Fred and we had . . . a very heated meeting. It was a meeting in which many of the Black leadership was there."

"It was very intense. We had Lenora [Fulani] making criticisms . . . Emily [Carter] making criticisms, there was a lot of folks making criticisms of some of the racism that they heretofore hadn't mentioned to Fred, but had told me and told other Blacks in a whisper type kind of way, the times that we were together . . . and they came forward."

Shortly after that meeting, according to Serrette, his stature and treatment by other NAP leaders changed dramatically. Serrette said he was not opposed to therapy on principle since he believed many people are helped by other forms of therapy. But therapy played a different role inside NAP according to Serrette:

" . . . therapy was a way of getting people to not only operate in an organizational way, but also a way of controlling every aspect of their lives . . . you certainly couldn't straighten anybody out. But it was certainly effective in terms of controlling a lot of people to do the kinds of things that were asked of them . . . they would do anything just about, that he would ask them to do."

"I wouldn't even be surprised if they'd turn from a so-called left organization to a right-wing organization with a blink of an eye. I think that the ideological question that is supposedly the thrust of who they call themselves, International Workers' Party, there's nothing more than a front itself."

"I certainly believe that [of] the New Alliance Party, and when I say 'front,' I just mean it's the cover to cover, possibly the ego of Fred Newman and the control of so many individuals in terms of power."

Serrette also said the therapy was not voluntary and that one Newman associate made this clear:

"She said that it was an order that if you wanted to be part of this organization, you will have to take therapy because it is the backbone of our tendency . . . she says that comes as an order . . . from the governing body."

SUPPORT FOR MINISTER FARRAKHAN

When Minister Louis Farrakhan addressed a New York City rally of his supporters in 1985, he was greeted with a telegram of support from the then NAP mayoral candidate Dr. Lenora Fulani:

"It is with deep respect and the most profound commitment to the liberation of our people that I welcome you to New York City, hopeful that your visit will bring us, as Black people, the leadership of all this country's oppressed, a step closer to our freedom."

NAP at the time was seeking "a working relationship with Farrakhan's Nation of Islam," and members of both groups had attended each others' conferences. Fulani was not unaware of the controversial nature of some of Farrakhan's remarks regarding Jewish people and other groups. "I remain concerned that Minister Farrakhan's language can be interpreted as anti-Semitic or anti-gay. But I know, as do my Jewish friends and followers, that the Jewish people have nothing to fear from the Nation of Islam."

Minister Farrakhan's language is indeed a cause of concern, as are the actions of his organization. In Chicago, representatives of the Nation of Islam invited the author of a book calling the Nazi Holocaust a hoax to share their stage with other special guests. Members of anti-Jewish white racist groups have been invited to attend Nation of Islam events. Representatives of the Nation of Islam have made speeches where white racial characteristics have been held up for ridicule.

It is true that many critics of Minister Farrakhan treat him in a racist manner. Further, many of Farrakhan's statements against political Zionism and the actions of the state of Israel in the Middle East are, for whatever reason, incorrectly labeled "anti-Semitic." However there is ample documentation that Farrakhan regularly makes references about the Jewish people that reflect a bigoted and stereotyped bias. This is not a question of semantics, but a question of prejudice.

CONCLUSIONS

The refusal of the Newmanites to deal candidly with, and accept criticism for, the LaRouche period—no matter how short-lived—and the attempt to provoke the FBI to target a former member and critics, will continue to be a valid issue to raise publicly concerning the New Alliance Party until that group's leadership accepts responsibility for the actions of its founders and current colleagues.

The connection between the leadership of the New Alliance Party and the Newmanite Social Therapy centers is manipulative and unethical. So long as there is such a relationship, the New Alliance Party must be judged in the context of being a political moment that lacks clarity concerning basic moral issues involving personal and political exploitation. How can a group aspire to moral and political leadership when with one hand it reaches out to those in need of emotional help, and with the other hand points to related political organization as a cure?

Finally, the issue of the apparent opportunistic use of the "Rainbow" slogan is important to confront. This is especially true in Chicago where political consultant Don Rose, hardly a political neophyte, thought a Rainbow Lobby fundraiser that came to his home was representing Jesse Jackson until he spotted a name he recognized as being involved with the Newmanites on the literature. If a person with political sophistication can make the mistake, what about the average citizen? This continued confusion in the city that provides a base for Jesse Jackson and the real Rainbow Coalition can only serve to weaken Jackson's credibility among potential constituents whose first crucial introduction to the Rainbow may well be through distorted prism of the Newmanites and NAP.

PERSONAL EXPLANATION

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. PALLONE. Mr. Speaker, I was unavoidably detained today and missed rollcall vote 155. Had I been able to vote on rollcall vote 155, I would have voted "aye."

Rollcall vote 155, an amendment to H.R. 2461, the Defense authorization bill for fiscal year 1990, provides \$300 million for the clean-up of nuclear production plants at Department of Energy facilities. The environmental problems currently being experienced at several Department of Energy facilities, require immediate action. We can no longer delay the cleanup caused by the Government's neglect—especially since our Government must lead the way and show State government and industry leaders that we will not tolerate inaction when it comes to stopping dangerous polluting activities and cleaning up their aftermath.

**JAMES R. WESTLAKE ELECTED
PRESIDENT GENERAL OF THE
SONS OF THE AMERICAN REV-
OLUTION**

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. GINGRICH. Mr. Speaker, on July 4, 1989, James R. Westlake was elected the 86th President General of the National Society of the Sons of the American Revolution. This is a great honor to both Mr. Westlake and for the entire State of Georgia, since this is the first time that a Georgian has held this high office.

The Sons of the American Revolution was founded in 1889 and chartered by Congress in 1906. Through patriotic, historical, and educational activities, the Sons of the American Revolution perpetuates the memory of the patriots of the Revolutionary War who achieved the independence of our country. The activities of the Sons of the American Revolution are designed to inspire the descendants of the patriots of the American Revolution and the people of the United States with respect and reverence for the principles of government that were established by our patriots.

James R. Westlake is currently regional program manager for the Economic Adjustment Program of EDA, region IV. He served as deputy secretarial representative for region IV for the U.S. Department of Commerce from February, 1976 to June, 1981. From September, 1971 to February, 1976 he served at the U.S. Environmental Protection Agency in several capacities, as interagency liaison officer; as senior staff advisor to the regional administrator, and as deputy regional administrator region IV. While at the Environmental Protection Agency, Mr. Westlake was awarded a Bronze Medal for commendable service in helping to design and plan Project Safeguard, a program designed to reduce accidents in the use of toxic substitutes for DDT. In 1982, he received a Certificate of Commendation for outstanding performance in assisting the regional office of EDA exceed its goals and objectives for that year. In 1988, he also received EDA's certificate of recognition for outstanding performance.

He attended the University of Missouri, the University of Georgia, and Georgia State University, and holds bachelor's and master's degrees in business administration and a master's degree in public administration. Mr. Westlake has also completed the resident study program of the Federal Executive Institute in Charlottesville, VA.

Mr. Westlake came to the Federal Government from the business community, where he has 22 years of experience in management and operation of two business firms which he founded. He holds the professional designations of chartered life of underwriter [CLU] and chartered property casualty underwriter [CPCU] and Chartered Financial Consultant (ChFC). From 1960 to 1965, he was a part-time faculty member at Georgia State University. He was also an instructor of professional risk and insurance courses and was awarded a 10-year certificate of appreciation by the So-

EXTENSIONS OF REMARKS

ciety of Chartered Property and Casualty Underwriters in 1971.

Mr. Westlake was elected to 4 terms as State representative to the Georgia Legislature from Dekalb County Georgia, beginning in 1965. From 1965 to 1971, he also wrote a weekly public interest column for the Decatur-Dekalb News.

Mr. Westlake was elected president general of the National Society of the Sons of the American Revolution on July 4, 1989 at the 99th Annual Congress of the society in San Francisco. He is on the commandant's staff of the Old Guard of the Gate City Guard of Atlanta and is also President of the National Society of Washington Family Descendants. He is a member of the Honorable Order of Kentucky Colonels; a life member of the Sigma Chi Fraternity; a life member of the Delta Sigma Pi Professional Fraternity; an honorary member of Omicron Delta Kappa, Leadership Fraternity; Beta Gamma Sigma, Business Scholastic Fraternity; and Phi Kappa Phi, Honorary Scholastic Fraternity in public administration. He is board chairman for the Atlanta School of Biblical Studies and is an elder in the Presbyterian Church. Mr. Westlake is married to the former Joyce Rosemary Covey. They have four children.

I'm sure my colleagues join me in congratulating Mr. Westlake on this outstanding achievement.

**TRIBUTE TO MR. CHARLES
CROWE**

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mrs. LLOYD. Mr. Speaker, I rise with great pride today to bring to the attention of my colleagues the accomplishments of one of my constituents, Mr. Charles Crowe. Mr. Crowe has been recognized by the Department of Energy for his outstanding service as a volunteer in his community of Oak Ridge, TN. I would like to congratulate him for receiving such an honor and share my pride in the inspiring example he has set for all American citizens by briefly describing the extensive work he has done for his community.

Mr. Crowe, currently Chief of the Contract Management Branch at the Department of Energy's Oak Ridge Operations Office, has used his free time to help with various community programs that promote the well-being of young people, primarily minority youth. Some of Mr. Crowe's work includes tutoring, career and college counseling, helping students find summer employment, providing transportation, and helping students with applications for college admission, financial aid, and scholarships. In addition, Mr. Crowe sponsors an annual career opportunity program for high school seniors where approximately 30 minority professionals are asked to meet and share their experiences with the students.

Because of the work he has done, Mr. Crowe has been selected as one of two exceptional employees from the Oak Ridge Operations Office in the Department of Energy's

national program to honor extraordinary community service provided by DOE employees.

I am very proud that this exceptional individual is a member of my constituency. Because of his time and dedication, the lives of many young people in Oak Ridge are a little brighter. Mr. Charles Crowe is a shining example of an active and concerned citizen and I am so pleased to be able to honor him today.

Please allow me to thank the Secretary of Energy, Adm. James D. Watkins for bringing Mr. Crowe's extraordinary achievements to my attention. And finally, let me congratulate Charles Crowe again for his accomplishments and the distinguished honor which he received.

IN SUPPORT OF CIVIL RIGHTS

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. WALKER. Mr. Speaker, today I would like to take this opportunity to discuss a recent addition to the Veterans Affairs, Housing and Urban Development, and the independent agencies appropriations bill; my amendment in support of peaceful civil rights demonstrators. As you know, this amendment was passed by voice vote, and I thank all my colleagues who supported me in this critical civil rights vote. There has been much talk about this amendment, and I would like to explain in detail exactly what this amendment does, and why it is needed.

My amendment will cut off all Community Development Block Grant funds to any community that has had three or more employees convicted of the use of unnecessary force against peaceful civil rights demonstrators. It is not retroactive. The use of the number of three convictions is meant to assure a demonstration of a pattern of police brutality within a certain municipality. So far there has not been a conviction of a law-enforcement official under these circumstances, so it is apparent my amendment demands a rigorous test before being applied.

Community Development Block Grants, or CDBG's were targeted because it is one of the few places within the entire Federal budget where funds are sent en bloc to local governments to do with as they wish. The purpose of my amendment is to make local officials think twice before ordering pain compliance techniques or other use of force be directed against nonviolent demonstrators. The complete loss of CDBG funds as a potential penalty for such orders will act as a deterrent. Since some of the funds end up going to law enforcement it is also an area where there is some direct link between funding and the prevention of activities not condoned by the Federal Government.

There is no doubt as to the need for this amendment. A Federal court in San Francisco just awarded \$50,000 to three antiwar demonstrators whose arms were either wrenched or broken by police during what was shown to be a peaceful demonstration.

In Pittsburgh, PA, in March, during a peaceful pro-life demonstration outrageous actions

were taken against persons in police custody. An ongoing legal pursuit of this matter has produced sworn depositions from several women who were abused. Let me quote from one of these depositions:

Jane Doe No. 37: "I saw that they (police officers) didn't have any (badges) on . . . I was dragged—when I was being dragged onto the bus, I was being dragged into the front entrance by my ponytail and a lot of my hair came out, and that's the same that I saw with a lot of the other girls that were being dragged and kicked in the private parts. (Later on the bus): 'He (police officer) grabbed me by my hair and yanked me out of the wagon and I landed on my back on the concrete . . . one officer kicked me in between my legs . . . hard enough to where I just felt a shock of pain run through my entire body . . . the policeman kept screaming vulgar things and saying it didn't matter what happened and it was their (pro-life demonstrators) own fault . . . They said 'We don't care what the f . . . happens to these . . . And they said, 'They're going to be seeing some blood soon.' 'The male officer started to undo my coat and he tried to undo my pants . . . a (male) officer (touched me) on my breasts and also between my legs.' 'The warden came up to her (another woman) and threatened to break her fingers and pulled them all the way back . . . the warden came to me and started to do the same thing to my fingers on this hand . . . They began to drag me . . . up the stairs . . . I felt them pull my T-shirt up and my bra all the way up above my head . . . Question: 'He punched you in one breast and then the other?' Answer: 'And also in the center . . .'"

Mr. Speaker, incidents in at least 22 States within recent months have shown evident of a pattern of violence directed against peaceful civil rights demonstrators. With my amendment, Congress is saying that we do not want this trend to continue.

Violence ordered by public officials against peaceful demonstrators is unacceptable. Where civil rights demonstrators pursue their right of expression peacefully, they should not be confronted with violence perpetuated by the community. My amendment seeks to protect that kind of peaceful protest. It does not protect those who themselves use force and violence as a part of their demonstration. Where police are faced with violent demonstrations, bodily harm being directed against others or damage to property, the police must be supported in the reasonable use of force to end such lawlessness. But where protests are peaceful, the response should never include unnecessary force. That is the purpose of the Walker amendment passed by the House on July 20, 1989.

VICTIMS' WELFARE COMPENSATION ACT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. BROWN of California. Mr. Speaker, today I am introducing legislation to revise the current rules governing eligibility for Aid to Families With Dependent Children [AFDC] for

victims of major disasters. As a result of two tragic accidents which occurred in the congressional district which I represent, I have learned of an injustice in AFDC eligibility rules. The current law punishes the victims of major disasters by terminating all aid to families who accept compensation.

On May 12, a 69-car Southern Pacific train jumped the tracks at the foot of the steep Cajon Pass in San Bernardino, CA. The train was unable to navigate a sharp turn when it reached the bottom of the hill, after it accelerated to more than 90 miles per hour. The runaway train jumped the tracks, and plowed through a residential neighborhood, demolishing seven houses and killing four people. The train also landed on top of a pipeline, operated by the Calnev Pipeline Co., which transports gasoline from California to Nevada. Following the accident, the resident were told that the area had been inspected, and that it was safe to return home. Someone was wrong. Only 13 days after the train accident, tragedy struck the San Bernardino neighborhood again when the pipeline exploded in the same location. The flames rose 500 feet into the sky. Two people were killed, 10 homes were burned to the ground, and dozens of people were injured.

Fire crews were unable to put the fire out immediately because faulty check valves permitted the backflow of gasoline to fuel the fire even after the pipeline was shut down. The firefighting efforts caused fluctuating water pressures, and several homes flooded as a result.

The most severely damaged homes have been bulldozed, and trucks rumbled through the neighborhood as they removed the fuel-soaked soil. Lawns throughout the neighborhood were charred. While touring the site recently, I saw an automobile with tail lights that melted off the car from the heat of the fire that burned several blocks away. The air still reeks of gasoline, and much of the trona carried by the train remained on the ground 3 months after the accident to remind the residents of the tragedies that have taken place. Residents are experiencing upper-respiratory ailments, yet they are told the chemicals they are breathing are not toxic, just "irritants" that are uncomfortable. Yet, no one will sign a statement calling the neighborhood safe.

Families have been torn apart as a result of the stress, and children still live with relatives because they are afraid to return home. One mother told me that her children ask her whether their house will blow up in the future. But it is not just the children who are terrified to return to their neighborhood. The residents were told it was safe to return after the railroad accident—someone was wrong that time, and maybe they are wrong again. Many want to sell their homes, but their property values have declined so dramatically that they cannot afford to move.

In order to help the victims recover from the accidents, the railroad and pipeline companies offered each household that had been evacuated \$5,000 as a partial settlement. This money was to be used to cover the inconvenience, transportation, housing, food, clothing, and incidental expenses during the evacuation period. Should a family feel that they are emotionally unable to return to their home, this

money would enable them to look for a new place to live. In time, I expect the courts will see to it that the victims are fairly compensated for their damages and losses. In the meantime, most of the residents have spent the money, and are working to pick up the pieces of their shattered lives.

The families in the neighborhood have experienced two major disasters in the past few months. Now some of these families will endure yet another crisis. Last week I learned that the County's Department of Social Services sent letters to several families in the neighborhood to inform them that their AFDC payments would be terminated—until February 1990—because the victims accepted compensation for expenses and losses experienced as a result of the accidents. Clearly, the intention of the law is not to cause victims additional suffering, yet this is what is happening.

Because there is no distinction in the eligibility rules, the State considers this to be the same type of windfall as winning the lottery. AFDC regulations consider it to be income, and declare the families ineligible for aid for the number of months equal to the lump sum divided by each family's monthly need standard. The State has agreed to disregard portions of this money, if the victims can supply receipts proving that this money was used to replace items lost or damaged in the accidents. Considering the circumstances of the twin disasters, it is highly unlikely that these victims kept full records and receipts of how the money was spent. These people experienced multiple evacuations, and many were victims of extreme emotional trauma. Keeping sales receipts was the least of their worries at the time.

Given this injustice, I have introduced the Victims' Welfare Compensation Act to help victims of accidents such as these. It disregards disaster relief compensation for victims for 3 months. This gives victims a short time period in which they can use the money to put their lives back in order. The bill also accounts for those who may receive a large settlement, and whose situation may improve in the long-term. After the 3-month time limit, the remaining cash on hand would be considered when determining eligibility. Furthermore, the new assets purchased by the victims could be included as resources. This effectively caps the amount that a victim could claim as disaster assistance.

By allowing this compensation to be disregarded as income, we are permitting victims of major disasters to move ahead with their lives. Accidents such as these do not happen often, but when they do, we must be sure that we do not punish innocent victims.

INTRODUCTION OF THE REVERSE MORTGAGE INSURANCE FOR OLDER AMERICANS ACT OF 1989

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. FLORIO. Mr. Speaker, as chairman of the Subcommittee on Housing and Consumer

Interests of the Select Committee on Aging, I am pleased today to introduce a bill which will help older Americans remain in their homes while at the same time benefiting from the equity that they have built up in those homes. My legislation, the Reverse Mortgage Insurance for Older Americans Act of 1989, would expand and improve the 5-year home equity conversion demonstration that Congress authorized in the Housing and Community Development Act of 1987. This legislation will also strengthen the consumer protection provisions in the current program.

Mr. Speaker, I am honored to have my distinguished colleague from the Third District of New Jersey, Representative FRANK PALLONE, Jr., join me as an original cosponsor of this legislation to assist older Americans. Last February, we conducted a hearing of the Select Committee on Aging in Toms River, NJ, and we heard excellent testimony on a number of subjects including home equity conversion. This bill is in part a result of that hearing, and I appreciate my colleague's support.

The current Home Equity Conversion Mortgage Insurance Demonstration Program, which is administered by the Department of Housing and Urban Development, will insure 2,500 reverse mortgages. The mortgages are available to homeowners who are 62 years of age and older and have little or no mortgage debt remaining on their property. The demonstration, which is authorized through September 1991, enables elderly homeowners to convert the equity in their homes into cash. The Federal Housing Administration [FHA] insures the reverse mortgages and protects both the lenders and the homeowners against risks such as default and eviction.

A reverse mortgage operates in the opposite way from a forward mortgage. Rather than borrowing a lump sum to buy a house and repaying it monthly [forward mortgage], the homeowners instead receive monthly advances based on their home equity. The repayment plus interest will be paid in the form of a lump sum at a future date—when the borrower dies, sells the house, or upon reaching a previously agreed-to date. This arrangement allows homeowners to receive a stream of income based on the accumulated equity in their homes.

Mr. Speaker, before I describe the specific provisions in the Reverse Mortgage Insurance for Older Americans Act of 1989, I would like to explain why these changes are needed. To begin, one must understand the enormous resources that many Americans have invested in their homes. It is estimated that there is \$630 billion of equity tied up in the houses of people 65 years of age and older, and that by 1990, that figure will increase to \$750 billion. These facts have created a strong interest in developing financial arrangements to allow access to this equity.

Homes are the most commonly held and most valuable assets that older Americans possess; three out of four elderly persons own their own homes. It is estimated that 80 percent of these homeowners do not have a mortgage. However, despite the value of home equity held by the elderly, 6 out of every 10 of these homeowners are low-income or very low-income. When older Americans are

house-rich but cash-poor, the demands of property taxes, insurance, home repairs, utilities, and health care can become overwhelming.

Many older homeowners find it impossible to keep up with the cost of living and are forced to sell the home that they worked most of their lives to obtain. Needless to say, there is a great need for reverse mortgage options, and it was a significant step forward when Congress authorized the demonstration in 1987.

Mr. Speaker, my legislation will make a number of straightforward changes in the current law to improve the demonstration program. When Congress developed the demonstration in 1987, we underestimated the need for insured reverse mortgages and the interest from both lenders and homeowners that the demonstration would create. Although the 2,500 insured reverse mortgages became available only yesterday, there are many financial institutions that would like to offer these mortgages but were not selected in the lottery that HUD conducted from the large number of applicants. In addition, over 12,000 interested homeowners have contacted HUD regarding this limited program.

I believe that we must expand substantially the number of reverse mortgages that will be available over the next 3 years in order to clearly demonstrate the demand for reverse mortgages, the types of arrangements selected by homeowners, and the long-term benefits of such arrangements. After consultation with the National Center for Home Equity Conversion and the American Association of Retired Persons, I propose increasing the number of available insured reverse mortgages under the mortgage insurance demonstration from 2,500 to 25,000.

It is important to note that the cost of increasing the number of reverse mortgages will not be significant because the FHA insurance is financed through the premiums that each homeowner pays to the FHA or the lending institution.

Mr. Speaker, the bill that I am introducing today makes several other changes to strengthen the program. It modifies the maximum value of the home that may be used to determine payments to the borrower. In order to make the demonstration more helpful to persons living in areas with high housing costs, the legislation bases the maximum amount of equity that may be converted into income at the greater of 95 percent of the median one-family house price in the United States or in the particular area where the house is located. This approach replaces the provision that tied the maximum amount allowed to be converted to the maximum amount that FHA insures for single-family home mortgages. There is little reason to tie these programs together.

Next, the bill clarifies that each financial institution offering reverse mortgages must offer to the homeowner—mortgagor—a full range of reverse mortgage options. These methods include the following: Line of credit, monthly payments over a term specified by the mortgage, a combination of monthly payments and a line of credit, monthly payments over the tenure of the mortgage, and a combination of both monthly payments over the tenure of the

mortgage and a line of credit. This provision will ensure that these options are available to homeowners and will enable Congress to make a better evaluation of the demand for the different types of reverse mortgage methods. If homeowners are not offered all of these methods, we will not be able to know if they wanted them.

Mr. Speaker, this legislation also allows the mortgagor to switch from one type of reverse mortgage to another during the course of the mortgage. This change does not affect the soundness of the mortgages, and allows some flexibility for the older person and his or her family.

The bill also clarifies a very important point for older homeowners across the Nation. It states that a homeowner may conserve part of the accumulated equity in the home. This means, for example, that a single, 70-year-old woman entering into a reverse mortgage could elect to set aside a portion of her equity to be used for future needs, such as health care, if she needs to leave the home and sell it at a future date. She could also elect to conserve a portion of the equity to be left to her children. Once again, this does not affect the soundness of the mortgage. If the homeowner chooses to conserve some of the equity, that amount is not calculated into the reverse mortgage for the purpose of monthly payments and interest.

Mr. Speaker, the last section of my bill addresses several issues relating to protecting the older consumer of these reverse mortgages. There is currently some confusion as to how lenders must describe the limits of the mortgagors' liability under reverse mortgages. This bill states that the lender must explain that under a reverse mortgage there are definite limitations on the liability that the homeowner is assuming. Further, the legislation states that the lender must provide to the homeowner, prior to closing, a statement of the projected total cost of the mortgage to the homeowner. This information must be provided as a single annual average interest rate under at least two different appreciation rates for not less than two projected loan terms.

This provision will ensure that lenders provide a clear picture of the cost of reverse mortgages to consumers, with little administrative burden to financial institutions offering such mortgages.

Mr. Speaker, the Subcommittee on Housing and Consumer Interests has a long history of support for home equity conversion for older Americans. I believe home equity conversion is an excellent way of improving the quality of life for many seniors who might be forced to move from their homes without such options. The legislation I am introducing today simply expands and improves the good work that Congress did when it passed the Home Equity Conversion Mortgage Insurance Demonstration 2 years ago.

I am very pleased to state that the National Center for Home Equity Conversion and the American Association of Retired Persons have endorsed this legislation. Also, it is important to note that both the Federal National Mortgage Association [Fannie Mae] and the Federal Home Loan Mortgage Corporation [Freddie Mac], who plan to purchase the reverse

mortgages, have indicated that they believe the demonstration should be expanded to 25,000 to 30,000 reverse mortgages.

Mr. Speaker, I look forward to working with members of the Committee on Banking, Finance and Urban Affairs, particularly the distinguished chairman, Mr. GONZALEZ, to expand and improve this important program.

HONORING TRACY SHANNON FITCH

HON. H. MARTIN LANCASTER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. LANCASTER. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct the Voice of Democracy broadcast scriptwriting contest. This year, more than 250,000 secondary school students participated in the contest competing for the nine national scholarships. The theme of the contest this year was "Preparing for America's Future." Each State winner came to Washington, DC, for the final judging as a guest of the Veterans of Foreign Wars.

Mr. Speaker, I am proud to say that the 1989 State finalist from North Carolina is from the Third Congressional District, which I am privileged to represent. Our winner, Ms. Tracy Shannon Fitch, is from Jacksonville, NC, where she attends White Oak High School. She is the daughter of James H. and Gaynell G. Fitch. I am sure that my colleagues will enjoy reading her script, which follows my remarks. Her message stresses the importance of making a commitment to education in order for the United States to remain a strong democracy. I agree wholeheartedly with Tracy, and commend her for her own effort to strive for excellence through education.

PREPARING FOR AMERICA'S FUTURE

(By Tracy S. Fitch, Jacksonville, NC)

The Future of American Democracy lies in awakening today's youth to the weaknesses in its own attitudes. We must recognize the need to educate ourselves so we may become well informed and functional citizens. As young people, we must plan ahead to the time when we will make decisions which may affect more than just ourselves.

We must open our minds to learning all that we can about the issues that affect our country and world today. History frequently dictates a great deal of the future. What happens today is the history of tomorrow. Therefore it is important that we become aware of what is happening in the world today, that needs our attention so that we may improve tomorrow.

As Americans, we often forget that democracy is not solely an American idea. Aristotle felt that with the privilege of citizenship came the responsibility for the education of youth and that the "neglect of education does harm to the states." He also said, "The citizen should be molded to suit the form of government under which he lives." It was his theory that we must practice as children what we will become as adults.

There is a poem which says, "Children learn what they live." The theory that what we see and do as children establishes the

pattern for our adulthood is supported by sociologists. This brings us to an examination of the structure of today's society. Consider the change in the family. More and more youth are without adult supervision due to working parents. There is a critical need for better child care. If we do not care for our youth adequately, we fall in our responsibility to our country. These young people are the citizens of tomorrow. If they are not taught caring and compassion. If we are taught apathy then we will become apathetic. All this affects the attitudes of tomorrow's leaders.

It is the responsibility of youth to seek and find the information which will allow them to be all that they can be, for themselves, as well as for the good of this country. It is a challenge to improve our knowledge so we can evaluate these decisions we must have the fortitude to act upon them.

Democracy is founded on the needs and wants of the people for the benefit of all the people. It is of primary importance that we, as citizens, change the attitudes of society regarding the value of education. We can only do this if we become involved by demanding the best education for the youth of America!

The nation is only as strong as its people! We, as young people can only become the sum of the education we receive. If that education is not a quality education, then ultimately the country shall suffer! The Constitution grants us many rights and privileges. These freedoms must be carefully nurtured for the future citizenry.

Jacqueline Kennedy said, "If we bungle raising our children, I don't think whatever else we do well matters very much." In other words, whatever you might accomplish may well be undone by an uninvolved, uninformed next generation.

As today's citizens, it is your responsibility to create an educated system which will provide the background for learning that young people need. As tomorrow's citizens, we have the responsibility of learning all that we can to build a solid foundation for self-government. We must become a part of the tradition of American democracy, by adding our voices to those of the past—Voices which speak with the authority of well educated minds.

IMPORTANT TAX REDUCTION MEASURE

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. GUNDERSON. Mr. Speaker, it is likely that the Ways and Means Committee today will vote on a major tax provision—restoration of a differential in the taxation of capital gains. I urge my colleagues on the committee, my colleagues from both political parties, to support this important tax reduction measure.

Some have cast the capital gains differential as a boon for the rich. This is unfortunate and quite simply not the case. On June 19, the vice chairman of the Ways and Means Committee, BILL ARCHER, wrote in the letter to the editor section of the Washington Post, "on the question of who would benefit from a capital gains reduction, according to a recent study, low- and middle-income taxpayers account for the vast majority of people who realize capital gains."

Further, today's Wall Street Journal lead editorial "I'm a Democrat" speaks to the misinformation campaign being employed to discourage Members from supporting a reduction in the capital gains tax.

[From the Wall Street Journal, July 25, 1989]

"I'M A DEMOCRAT"

With those immortal words, House Ways and Means Chairman Dan Rostenkowski explained last week why he opposes any cut in the capital-gains tax. He might as well have been explaining why the voters have come to believe his party cares more about redistributing wealth than creating it.

The Democratic effort of the past week to defeat a capital-gains cut can be described only as a political obsession—defined by Webster's as "a persistent idea, desire, emotion . . . especially one that cannot be got rid of by reasoning." It doesn't matter that almost everyone agrees that the tax cut would raise revenue, stimulate investment, make the U.S. economy more competitive or even benefit millions who are elderly or middle class. This is a matter of dogma, of Democratic fealty to the High Church of class warfare.

CAPITAL GAINS DISTRIBUTION—BY LEVELS OF ORDINARY INCOME, EXCLUDING CAPITAL GAINS

[Gains in billions]

Income group	Capital gains	Percentage of all gains
Less than \$10,000	\$35.3	20.8
\$10,000 to \$20,000	8.9	5.2
\$20,000 to \$30,000	10.7	6.3
\$30,000 to \$40,000	10.1	6.0
\$40,000 to \$50,000	11.1	6.5
\$50,000 to \$75,000	17.5	10.3
\$75,000 to \$100,000	12.5	7.4
\$100,000 to \$150,000	13.1	7.7
\$150,000 to \$200,000	8.7	5.1
Over \$200,000	41.9	24.7
Total	169.8	100

Source: Board on IRS data for 1985.

Tom Foley, trying to beat back bi-partisan support for the capital-gains cut, has made it the first litmus test of his Speakership. Majority Leader Richard Gephardt, replaying his populist demagoguery from the Iowa primary, denounced the idea as a betrayal of party principles. "This is an issue that describes a vast difference between the two parties at a time when the gap is widening between the rich and the poor," he said. When Ohio Representative Dennis Eckart declared at a party caucus that Democrats never would approve this giveaway to "the rich," his colleagues broke into applause.

The targets of this wrath are six Democrats on the Ways and Means Committee who want to cut the tax. Let's read the roll, because they are being threatened with reprisals for their independence: Ed Jenkins of Georgia, Beryl Anthony of Arkansas, Andrew Jacobs of Indiana, Ronnie Filippo of Alabama, and J.J. Pickle and Michael Andrews of Texas.

Mr. Jenkins, co-sponsor of a proposal to cut the top rate to 19.6% from 33%, says he's baffled by the vehemence of his party's opposition. "Suddenly it's become heresy for a Democrat to talk about capital gains," he told us last week. "But I was here as a staffer when John Kennedy reduced the

capital-gains tax." He was there, too, in 1978 when he co-sponsored the Steiger-Jenkins Amendment that cut the gains tax and ignited a burst of new venture capital.

He also may remember 1981, when a Democrat from Michigan, William Brodhead, outflanked the Reagan administration and offered an amendment to reduce the top tax rate on investment income to 50% from 70%. The Democratic Party hasn't always limited its message to class envy.

Yet today's national Democrats have somehow come to believe that only "the rich" realize capital gains. This view relies on numbers grouping taxpayers according to "adjusted gross income," which of course includes the capital gain itself. By that measure, if a grandmother living off her Social Security check decides to sell the AT&T stock she accumulated over the years for a \$80,000 gain, she suddenly qualifies as one of the "the rich." Since she wouldn't be "rich" the year before or the year after, this can be highly misleading.

A better measure would be classifying capital-gains recipients according to "ordinary income," as indicated in the accompanying chart: while this compilation is not ordinarily done, it has been tackled by former Treasury Assistant Secretary Paul Craig Roberts on IRS data for 1985 incomes. The result shows that some 20% of the dollar volume of all gains are realized by taxpayers with less than \$10,000 in wages and other ordinary income—retirees cashing in their lifetime savings.

"Of course there are wealthy people who are going to benefit. But the people I hear from are the people who have a gain from the sale of a farm or small business," says Rep. Jenkins, who returns to Georgia often enough to understand the voters. "They now pay 33% in capital gains to the federal government, and then about 15% to the state." Yet according to Messrs. Gephardt and Rostenkowski, these farmers might as well be Donald Trump.

If Mr. Gephardt were really so confident that class warfare is good politics, he'd let the capital-gains cut out of Ways and Means for a full debate on the House floor. But his party's efforts to kill the bill in committee suggest no such bravado. His "economic populism" includes appealing to middle-class voters without letting them discover that the Democratic Party considers them so rich they can be taxed with impunity. In 1989, this unfortunately is what it means to say, "I'm a Democrat."

The most significant element of the editorial is the chart which shows, by levels of ordinary income, the capital gains distribution. The result clearly shows that nearly 21 percent of the dollar volume of capital gains is realized by taxpayers with less than \$10,000 in wages and ordinary income. That accounts for \$35.3 billion in capital gains.

Mr. Speaker, a reduction in the capital gains tax rate is not a partisan issue, and, as the Wall Street Journal correctly points out, it is not a rich man's tax break. Instead, it will raise revenue, stimulate investment, enhance the competitiveness of our economy, and benefit the middle class and our elderly.

**SR. CPL. RICHARD C. MORRELL—
DALLAS POLICE OFFICER OF
THE MONTH**

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. BRYANT. Mr. Speaker, our local law enforcement agencies and their dedicated employees are our first line of defense against crime. It is always a great pleasure for me, as a member of the House Committee on the Judiciary and its Criminal Justice Subcommittee, as a Dallas resident, to join in paying tribute to some of our best local law enforcement officers.

Dallas Police Sr. Cpl. Richard C. Morrell has been recognized as July officer of the month, and I take pride in calling his achievements, described in the Dallas Police News, to the attention of my colleagues and fellow citizens.

**OFFICER OF THE MONTH—SENIOR CORPORAL
MORRELL RECEIVES JULY HONOR**

North Central Cpl. Richard C. Morrell, a nine-year veteran of the department, has been selected as the July Officer of the Month by the Dallas Community Police Awards Committee. He was honored Wednesday at a luncheon hosted by the Dallas Downtown Rotary Club at Union Station.

Cpl. Morrell has received 31 supervisor's commendations, 36 personal commendations, a Life Saving Bar, two Safe Driving Awards, Marksmanship Award, Field Training Officer Bar, Perfect Attendance Award and a Certificate of Merit for excellence in police work.

A Johnny Sides Rookie of the Year Award nominee in 1982, Morrell has kept his enthusiasm, dedication and continuing level of high performance since that time.

"He consistently maintains one of the highest activities in my sector," said Sgt. M.D. Adamek, "leading by far in 'on view' investigative arrests. He possesses an extraordinary knowledge of the state penal code, traffic laws, city ordinances and departmental procedures which give him the cutting edge in the field."

Continually keeping abreast of crime trends and problems, Cpl. Morrell directs all his efforts toward reducing them in his beat and sector. In December 1988, while assigned to a special task force to identify vandals who were desecrating local religious institutions, he spent long hours and diligent effort to help in its successful completion.

"Long-service employees such as Sr. Cpl. Morrell are the foundation upon which this department is built," said Sgt. Adamek. "The benefits gained by his years of experience and outstanding knowledge of his job cannot be measured in either monetary terms or on a performance evaluation form. He is a credit to both this division and the department as a whole."

**VFW VOICE OF DEMOCRACY—
"PREPARING FOR AMERICA'S
FUTURE"**

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. FRENZEL. Mr. Speaker, Heidi Johnson from Edina, MN, deserves congratulation on her fine speech-writing skills. Heidi was recently awarded sixth place honors in the VFW's Voice of Democracy broadcast script-writing contest.

I am pleased to include the text of her prize-winning speech, which follows, in the RECORD:

"PREPARING FOR AMERICA'S FUTURE"

What do you eat? No, I don't mean what do you consume through the mouth. On what does your soul feed? "That's my personal business, thank you!" True, however, the book which greatly influenced the establishment of our country states, "as a man thinks in his heart, so is he." So also, what you live affects me—your neighbor, your fellow citizen, your co-worker in preparing for America's future.

Preparation for America's future begins today as we build our character. "My character has little if nothing to do with the future of America!" you may say. Yet, we desire this moral stability in our leaders, do we not? Ah, yes. And who will be the leaders of our nation tomorrow? Why not ask Judge Allen Ginsburg and Senator Gary Hart, or on the other hand, why not ask George Washington and Abraham Lincoln? I am sure that each of these men would recommend the youth of America who have written "character" at the top of their priority list to be the future leaders. Character. Character is a composite of good moral qualities typically of moral excellence and firmness blended with resolution, self-discipline, high ethics, force, and judgment.

Character demands consistent responsible action. Does this application of self discipline permit us, America's youth to lay aside the pursuit of character until the future so that we can enjoy ourselves now? I ask you: Does a novice singer attain recognition overnight? Does a mathematician achieve a Ph.D. without consistent study? I am afraid the answer is "no". Leadership begins now as we build our character; as we say "no" to drugs, alcohol, immorality; as we determine to be obedient followers of good leaders; as we resolve to discipline ourselves to abide by a high set of moral principles and values even when we are all alone—this is character.

Do you understand the importance of character in your life? Consider this aspect: Which future leader is following your example? You can't respond definitely, for no one knows the answer. We need to mirror our expectations of America's leaders.

Do you have a healthy appetite? Do you feed your soul good food? It has been said, "Sow a thought, reap an action; sow an action, reap a habit; sow a habit, reap a character; sow a character, reap a destiny." If you display character in your life, then you have taken the first and foremost step in preparing for America's future.

PERSONAL EXPLANATION

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. LELAND. Mr. Speaker, I was unavoidably detained at the time of the House rollcall vote 154. If present I would have voted "aye."

**TRIBUTE TO MELANIE CINCALA,
PASSENGER OF UNITED
FLIGHT 232**

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Ms. KAPTUR. Mr. Speaker, the tragedy of United flight 232 on July 19, 1989, has, in some way or another, filled each of us with a profound sense of remorse for those who did not survive and astonishment at the number of passengers who in fact did. While the revelation of new details each day assists in providing a clearer understanding of what may have gone so terribly wrong, it does little to help us resolve the persistent desire to know the why of what went wrong.

Much more memorable than the facts, when they are finally known, will be the heroic acts of those who endured the carrier's traumatic ordeal and helped to ensure that others survived as well. Clearly, the skills and composure demonstrated by Capt. A.C. Haynes when the odds were most against him is the reason so many of his passengers were able to survive. However, equal responsibility for those who survived rests with those who demonstrated outstanding courage and selfless determination in doing what they could to rescue the lives of their fellow passengers. We in Ohio's Ninth District are particularly thankful for the life of Melanie Cincala, a 17-year-old passenger of flight 232, and proud beyond words of her efforts to ensure the safety of two small children who otherwise may have perished.

A resident of Sylvania Township and a junior at Sylvania Southview High School, Melanie's experience, and that of her fellow passengers, serves as a poignant reminder that when human technology falters, the strength and determination of the human spirit is sure and true. While we will long mourn the tragedy of the lives lost, both young and old alike, the courage demonstrated by Melanie and others like her, provides lasting comfort in that while human life is too often fragile, our resolve to protect its demise is forever strong.

Mr. Speaker, I know my colleagues in the House join me in rejoicing with her family and friends for her return to our community. Our hope is that her memory of this fateful incident will be forever overshadowed by the inexpressible gratitude of the family whose children's lives she helped to secure.

**AGENT ORANGE BENEFITS ACT
DESERVES OUR SUPPORT**

HON. JOLENE UNSOELD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mrs. UNSOELD. Mr. Speaker, I am joining Congressman LANE EVANS today in cosponsoring his bill to bring justice to thousands of Vietnam era veterans who are still suffering from the effects of the herbicide, agent orange, but have been denied assistance by the Department of Veterans Affairs.

Ironically, millions of gallons of agent orange were dropped on the jungles of Vietnam in an effort to save lives. Years later, thousands of soldiers have cancer, nervous system disorders, or other serious problems that they attribute to agent orange exposure. Numerous studies and health experts agree with this conclusion.

In the face of this suffering, the Department of Veterans Affairs has dodged its duty to assist those afflicted veterans. Time after time, the VA has refused to acknowledge the health problems attributable to agent orange. And it has imposed an impossible burden of proof on vets seeking to establish that their health problems are related to agent orange exposure. The VA has set up one roadblock after another to those who loyally and unselfishly served their country.

In my congressional district, there is a veteran who served as an infantryman in Vietnam. Immediately upon his return in the early seventies, he began to develop chloracne, boils, and lesions. Eventually his skin had erupted so much that the affected areas grew together, damaging his nervous system. He is now unable to walk and is confined to a wheelchair. He cannot write and his speech is impaired. He also has associated kidney and liver problems.

This veteran has been examined by the Department of Veterans Affairs physicians, and has been told they cannot determine the cause of his afflictions. The VA has, however, determined that they are not service connected, and thus not eligible for treatment by the VA.

For thousands of other Vietnam vets, the war has not yet come to an end. In light of bureaucratic delays and mounting evidence, it is past time for Congress to step in on the side of these veterans and end the conflict. The time for further study is over.

I rise today in support of legislation which will give the benefit of the doubt to the veterans afflicted by agent orange. Congressman EVAN's bill would establish a presumption that certain illnesses and conditions of Vietnam veterans are related to agent orange exposure and should be compensated. To do otherwise would unfairly deprive these veterans of their right to medical attention for service-connected disabilities.

Veterans who suffered from problems due to agent orange exposure need our help now, not after another 12 years of study. Veterans who risked their lives in Vietnam for their country should not be ignored by their country when their lives are again in danger. I urge my

colleagues to support this important legislation and bring home fairness for these veterans.

HONORING WENDEL THOMPSON

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. CARDIN. Mr. Speaker, I rise today to recognize an outstanding resident of Maryland's Third Congressional District. The Department of Energy has selected Wendel Thompson as 1 of 50 DOE employees nationwide being honored for outstanding volunteer service to their communities.

Dr. Thompson was chosen by the Department of Energy for his work in the United States and Puerto Rico, assisting the homeless and disadvantaged.

For more than 10 years, Wendel Thompson has worked as a telephone volunteer for FISH, a 24-hour emergency hotline in Howard County, MD, helping fill emergency requests for food, transportation, and other forms of assistance.

In addition, Dr. Thompson headed a project to help build sanitary facilities for a church in the mountains of Puerto Rico. He is also an active worker in his church, participating in the prison ministry at Jessup, the church choir, and Habitat for Humanity which provides homes for people who otherwise could not afford one.

Wendel Thompson is one of the unsung heroes bringing a spirit of compassionate volunteer activism to work in our Nation.

I urge my colleagues to join me in honoring Wendel Thompson for his many years of outstanding volunteer work.

**TRIBUTE TO THE MAHONING
VALLEY CHAPTER OF THE
ULSTER PROJECT COMMUNITIES
FOR PEACE**

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the Mahoning Valley chapter of the Ulster Project Communities for Peace of my 17th Congressional District of Ohio.

The Mahoning Valley chapter of the Ulster Project Communities for Peace was formed 2 years ago by a committee of men and women concerned with the welfare of the children of Northern Ireland. These children have been forced to live in an atmosphere of fear and hate, in a country where their religion dictates where they go to school, where they work, and where they live. Religious freedom is a concept seldom imagined by the children of Northern Ireland.

The Mahoning Valley chapter of the Ulster Project Communities for Peace has succeeded in defining the concept of religious freedom for a number of Irish teens from both Protestant and Catholic families. This program, which is funded by donations from generous

individuals and businesses of Mahoning Valley, selected an equal number of boys and girls and Protestants and Catholics to come to the United States and live with host teens and their families. The host teens in this program contribute invaluable amounts of their time and energy to ensure a valuable experience for the visiting Irish teens. During their 1-month stay, the teens from Northern Ireland participate in events that allow them to meet other young people from various religions, including the other Protestant and Catholic teens from their home country. This allows both Protestant and Catholic teens to meet on neutral territory, and form friendships based on mutual understanding and acceptance.

Mr. Speaker, the Mahoning Valley chapter of the Ulster Project Communities for Peace has given the gift of free choice to the teens from Northern Ireland. It has given them an alternate view of religious expression and tolerance. Above all, it has given them the opportunity to cross religious barriers, and even form friendships that will touch their lives forever. It is an honor to represent this outstanding group of individuals.

STRENGTHENED OVERSIGHT OF NUCLEAR WEAPONS COMPLEX DESERVED DEBATE

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. SKAGGS. Mr. Speaker, I am disappointed that the rule for the consideration of the Department of Defense authorization bill will not allow me to offer two amendments that I believe would have significantly improved health, safety, and environmental compliance at our Nation's nuclear weapons plants, including the Rocky Flats plant in Colorado.

The first amendment would have given the Defense Nuclear Facilities Safety Board a stronger hand in its efforts to oversee operations at the weapons plants. The second amendment would have prevented the Department of Energy [DOE] from paying production bonuses to the contractors who run the nuclear weapons plants unless the contractors were in substantial compliance with health, safety, and environmental laws.

I believe our Nation will be the worse off without these changes. I also believe Congress will be the worse off for not having had the opportunity to debate the issues these amendments bring up.

The first amendment would have strengthened the Board and given it more credibility in the eyes of the public. With better assurance of safe operations at its facilities, perhaps DOE itself could have carried out the safety initiatives Secretary Watkins has announced with more credibility. It's a real shame the amendment was not allowed.

The amendment would have:

Protected members of the Safety Board from being removed by the President for political reasons;

Removed an absurd limit on Board staff. Under current law, the Board can hire no more than 100 people to help oversee the

entire DOE weapons complex, a hiring limit that makes a mockery of the Board's responsibilities;

Allowed the Board to conduct unannounced inspections of any DOE weapons plant;

Required the DOE to notify the Board of any abnormal occurrence at a weapons facility that resulted, or could have resulted in, a release of radioactive or hazardous materials in excess of allowable limits; and

Broadened the Board's jurisdiction to include several facilities, like the Nevada test site, the Mound plant in Ohio, and two tritium facilities in South Carolina, which are currently exempt from Board scrutiny.

It is even more of a shame when you consider that this amendment was already modified from its original form. The amendment I offered originally would have given the Board true regulatory powers, something I've been working on for over a year now. The current Board has no such powers; the only power it has is to investigate, to review, and to make recommendations.

However, I had to modify that amendment because of the way Congress is structured into committees, each of which jealously guards its area of jurisdiction. Two of the three committees affected by my original amendment objected to having it come up on the defense bill without hearings by their committees. So I worked with these committees and came up with changes that met their concerns while still adding some strength to the Board. Even after this effort, however, a fourth committee, the Rules Committee, prevented the amendment's consideration.

The second amendment I wanted to offer would have prevented the DOE from paying contractors production bonuses unless the contractors were in substantial compliance with safety, health, and environmental laws. This amendment is needed because of what we've seen at Rocky Flats and other plants, where contractors have received multimillion dollar bonuses even as safety and environmental concerns were largely ignored.

Secretary Watkins did recently propose an improvement to the bonus system, but it just doesn't go far enough. The problem is, even under his proposal, a contractor could still do a terrible job on safety and the environment and yet get multimillion dollar bonuses. That's just not acceptable, which is why it's again a shame that this amendment will not be considered by Congress.

While I'm disappointed at this outcome, I intend to continue to work for strong independent regulation of DOE's weapons plants, and for other provisions that will improve the safety of those plants. I'm dedicated to this because it's of vital importance to the people of my district who live near the Rocky Flats plant.

It's also critical for national security reasons. At one point last year, three key facilities were closed for safety reasons. A strong regulatory board could have made a big difference in addressing those safety problems before they had developed into a national security crisis.

PERSONAL EXPLANATION

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. PAYNE of New Jersey. Mr. Speaker, last week I was granted a leave of absence for official business. Had I been present, I would have voted "yea" on H.R. 2939, rollcall No. 150, the foreign operations appropriations bill.

KUDOS TO MR. MICK BLACKSTONE

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to commend Mr. Mick Blackstone, a constituent of mine, on the occasion of his receipt of the Environmental Education Achievement Award from the U.S. Environmental Protection Agency [EPA]. As the head of the Anne Arundel County, MD Marine Trades Association, I have had the pleasure of working with Mick on an array of issues affecting the Chesapeake Bay and Maryland waterway boaters. I have always been impressed by the depth and breadth of his commitment to serving his association members. His dedication to environmental education is equally as strong, as he is the author of two informative books on the Chesapeake Bay. One is a child's fable, but a story from which all of us can learn. In "The Day That They Left The Bay," Blackstone tells of a calamitous day that may come if we do not respect the Chesapeake Bay ecosystem. Another book, "Sunup to Sundown: Watermen of the Chesapeake Bay" details the daily lives of Maryland's watermen and their contributions to our maritime heritage.

I remain convinced that this recognition from the EPA is only the first of many kudos to come to this public service-minded gentleman. I ask that my colleagues to join me in saluting Mick Blackstone on this auspicious occasion.

VETERANS' HEALTH CARE FACILITIES

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. MONTGOMERY. Mr. Speaker, today I am introducing at the request of the administration legislation which would establish a national commission to review the alignment and mission structure of Federal veterans' health care facilities nationwide.

I want to emphasize that the bill is being introduced as a courtesy to the administration. It should not be construed that I support the legislation. I met with Secretary Derwinski yesterday and expressed to him my reservations

about the bill. The Veterans' Affairs Committee will, however, give the proposal a fair hearing.

NATIONAL D.A.R.E. DAY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mrs. MORELLA. Mr. Speaker, as an original cosponsor of H.J. Res. 276, I urge my colleagues to observe September 14, 1989, as "National D.A.R.E. Day." D.A.R.E. is an acronym for drug abuse resistance education, which is a nonprofit educational program designed to teach children how to refuse drugs. The program uses a trained police officer for 17 weeks to teach fifth and sixth grade students about topics such as: drug use and misuse, resisting peer pressure, building self-esteem, assertiveness training, media images of drug use, role models, and support systems.

I would like to commend Sargent Kathi Rhodes and the D.A.R.E. Unit of the Montgomery County, Maryland Police Department for their drug prevention work in my district. A report from the Rand Corp. stated that: "Prevention is the principal long-term hope for controlling the problem of drug abuse, and there are many and varied prevention programs underway in the [Washington] area." The D.A.R.E. Program is an effective part of the area drug prevention program. In national studies, students involved in the D.A.R.E. Program show significantly less drug abuse, less vandalism and truancy, better study habits, decreased gang activity, and a more positive attitude toward police and school officials.

While I continue to give strong support for drug interdiction efforts and treatment for substance abuse, I believe our best hope for a reduction in drug abuse lies in prevention. The D.A.R.E. Program seeks to provide a foundation for young children to live a life free from substance abuse. Once again I applaud the work of D.A.R.E., and I urge my colleagues to observe September 14, 1989, as "National D.A.R.E. Day."

A TRIBUTE TO MRS. SADAE IWATAKI

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. DYMALLY. Mr. Speaker, I rise today to pay tribute to a very extraordinary individual and "Super Lady," my friend and constituent, Mrs. Sadae Iwataki, supervisor of adult English as a second language programs for the Los Angeles Unified School District.

As a teacher, curriculum development specialist and administrator, Mrs. Iwataki has been a leading educator in addressing the English language acquisition needs of adults in the Los Angeles area. At the end of July, she will be retiring after 32 years of service.

Indeed, her hard work, energy and sheer determination has paid off. She brought the

AESL program to acclaim as an excellent provider of instruction to students with language acquisition needs, making the department a dynamic force in both the division and district. Through her work and recognition, she has brought honor to the division.

Highlights of her career include serving as supervisor for 8 years at LAUSD. This position involved staff development, the supervised planning, organization, implementation and evaluation of the ESL programs, coordination of onsite inservices, direction of two annual districtwide inservices, and her involvement of input and guidance to principals and teachers in improving ESL instruction. Mrs. Iwataki was also responsible for curriculum, and the supervision of ESL teacher committees which resulted in instructional support materials. In 1978 until 1981, she served as a consultant and assistant to the supervisor.

Her tenure in the education field began in 1957, as an ESL teacher with the Los Angeles Unified School District. Her other positions include project director of bridging the Asian language and culture gap between 1971 until 1974. She also served as instructor between 1975 and 1982, teaching methods and materials in teaching English to the foreign born adult, as part of the extension program at UCLA. In addition, she was curriculum coordinator between 1969 and 1971 at Cambria—Evans—Community Adult School.

Mrs. Iwataki holds numerous memberships and affiliations having served as CATESOL president, 1981-82; TESOL, member of the large executive board, 1977-80; and conference presenter.

Mrs. Iwataki has long been recognized for her outstanding contributions to the community having received the E. Manfred Evans Award in 1982, the CATESOL Regional Service Award in 1986, the CATESOL Service Award in 1987, and the James E. Alatis Award TESOL in 1988, a personal award established in her honor.

In honoring Mrs. Iwataki on the special occasion of her retirement, the parents, teachers, educators and students in Los Angeles wish to extend a thank you from their hearts, for your invaluable contributions to the community. We wish you the very best for continued success and prosperity in the future.

You will be sorely missed, but never forgotten.

PATIENT ACCOUNT MANAGEMENT DAY

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. BATES. Mr. Speaker, I rise today to introduce a resolution which will designate October 4, 1989 as "Patient Account Management Day." Patient account management personnel directly influence the health-care delivery system of every State in the Union by efficiently managing the administrative needs of health-care providers.

There are 4,500 members in 44 chapters of the national organization of the American Guild of Patient Account Management. These

members represent patient account management personnel from all across the Nation. Patient account managers provide patients with important and relevant information, guidance, and assistance about the complex system of health care reimbursement so they may better understand and manage their medical bills.

Patient account management personnel assist hospital and/or physician's offices by monitoring an effective and positive cash flow. Patient's rely on patient account management personnel's expertise to assist them in understanding the complex world of Medicare, Medicaid, and commercial insurance coverage.

Please join me in declaring October 4, 1989 as "Patient Account Management Day." Patient account management personnel are the financial backbone of today's health-care system.

THE NICARAGUAN REVOLUTION: AN ANNIVERSARY NOT WORTH CELEBRATING

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. BEREUTER. Mr. Speaker, this past week marked the 10th anniversary of the Sandinista's accession to power in Nicaragua. The Sandinistas came to power with the promise of a new and better Nicaragua, offering greater freedom from the civil and political strife that had plagued the Somoza regime. The transition government that was formed by Daniel and Umberto Ortega and their associates was met, at least initially, with overwhelming support.

Mr. Speaker, the subsequent 10 years have shown the Sandinista's promise of a new and better Nicaragua to have been empty. The last 10 years have been marked by massive arrests of political prisoners, torture, the extermination campaign against native Nicaraguan Indians, and a broad counterinsurgency campaign. In addition, Nicaragua has been active in exporting revolution to its neighbors. The Sandinistas back their words and deeds with a 70,000 man military, far beyond any possible security requirement. Not surprisingly Nicaragua has alienated virtually all of the states of the Western Hemisphere. Only Cuba and Panama continue to voice support for the Ortega regime.

The economy of Nicaragua is in a shambles. The Sandinistas who seized control of the government have demonstrated that they are incompetent managers—inept at handling the day to day affairs of government and providing basic services to its citizens. Per capita income is \$300, lower than any nation in the hemisphere. Inflation continues at an astronomical rate, making the currency virtually worthless. Indeed, were it not for the continued support of the Soviet Union, the Nicaraguan economy long ago would have collapsed.

But the Sandinistas have behaved so badly that even the Soviet Union has begun to disavow them. Soviet General Secretary Gorbachev has stated that the Nicaraguans should

not expect continued military and economic assistance.

Mr. Speaker, I would call to the attention of the members of this body a prescient essay that recently appeared in the July 20 edition of the Omaha World Herald entitled "A Date Not Worth Celebrating." As this editorial notes, "foreign aid from the west is down to a trickle. Continued Soviet aid is questionable and the hostility of the United States is unchanged. The best hope for Nicaragua is that 10 years hence the Sandinistas will be gone altogether." This is indeed a worthwhile hope.

Following is the editorial "A Date Not Worth Celebrating," Omaha World Herald, July 20, 1989.

[From the Omaha World Herald, July 20, 1989]

A DATE NOT WORTH CELEBRATING

The flags waved in the Plaza of the Revolution in Managua, Nicaragua, this week, but the country had little to celebrate as it marked the 10th anniversary of the Sandinista revolution.

Ten years ago the Sandinistas were confident that they could repeat in Nicaragua what Fidel Castro had managed in Cuba—an old-fashioned, mass-based, socialist-fascist revolution led by an elite band of revolutionaries.

In truth, the Castro model of revolution was already fading and made no sense in the dynamic age of international trade that exploded in the 1980's.

To make matters worse, the Sandinista leaders had naive ideas about economic life and made the mistake of running roughshod over businessmen, the press, the Catholic Church and the middle class.

These heavy-handed tactics inspired democratic opposition. An armed guerrilla movement formed that for a time was subsidized by the United States, whose initial friendliness to the revolutionary regime (including millions of dollars in aid) was repaid with scorn and an open invitation to Cuba and the Soviets to help build another socialist state.

The results of Sandinista incompetence and the contra guerrilla war have been devastating. Inflation is so high that the nation's currency is worthless. Illiteracy and unemployment are at 30 percent. Per capita income is \$300, the lowest in the hemisphere. Managua has become a shabby, run-down city, and enthusiasm for the revolution is restricted to the favored few—the Sandinista elite and the 70,000 in the army.

Despite these travails, President Daniel Ortega and his inner circle remain arrogant and spiteful. They have not cooperated with the Arias peace plan devised by neighboring Central American presidents. They have flirted with Panamanian dictator Manuel Noriega and remain cozy with Castro while accepting military aid from the Soviets. Concessions that have been made to the democratic opposition have been made grudgingly.

It remains to be seen if the Sandinistas keep their pledge to hold free elections next February. Their stubbornness has cost them the support of neutral Western European nations and has alienated the good will of many former friends in the U.S. House and Senate.

Foreign aid from the West is down to a trickle. Continued Soviet aid is questionable and the hostility of the United States is unchanged. The best hope for Nicaraguans is that 10 years hence the Sandinistas will be gone altogether.

OUR ELECTORAL COLLEGE

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. COBLE. Mr. Speaker, yesterday marked an important day in North Carolina history. It was on this day 202 years ago that a North Carolinian introduced a measure which led to the creation of our current system of electing the President of the United States. I am referring to our electoral college.

Rather than my description of how this system came to be, below is an essay written by one of my constituents which tells the story much better than I could have done. It is written by Mr. Seth B. Hinshaw of Julian, NC. Seth was the Republican elector for the Sixth Congressional District in the 1988 elections.

If you are interested in how our electoral college system of electing Presidents came to be, I commend the following essay to you:

Today, July 25, 1989, is the 202nd anniversary of the greatest contribution of North Carolina to the Constitution, for on July 25, 1787, delegate Hugh Williamson of Edenton, North Carolina, introduced a measure in the Constitutional Convention which led to the creation of the system of electing our Presidents which came to be called the Electoral College.

The Constitutional Convention faced a serious problem as it considered a fair mode of selecting the national executive. James Wilson of Pennsylvania wanted the people to elect the president directly, but this proposal was widely considered to be inexpedient. Delegate George Mason of Virginia said that it would "be as unnatural to refer the choice of a proper character for a chief magistrate to the people, as it would to refer a trial of colors to a blind man." James Madison in the Virginia Plan called for the president to be selected by the congress, but this proposal became less popular as the delegates realized that the president needed to be independent of the legislative branch. Madison even changed his mind upon the selection by congress. "The candidate would intrigue with the Legislature (Congress), would derive his appointment from the predominant faction, and be apt to render his administration subservient to its views."

The solution of the crisis on presidential selection came from Hugh Williamson. He proposed on July 25, 1787, that the people of each State select Electors to cast the votes for President. The local communities would elect one of their members to cast the vote of that region, and the Electors of each State thus chosen would meet together. Each Elector would cast two votes for President, thereby giving the small States an opportunity to have a serious chance of electing one of their citizens the president. Since the Electors could not vote for two people from their own State, the large States would be forced to cast ballots for people from other States and not dominate the executive branch of government.

Delegate Williamson guided his proposal through the Brearly Committee and then to adoption with help from Gouverneur Morris of Pennsylvania. They foresaw that the large States might "throw away" the second votes of their Electors to ensure the election of a pre-arranged candidate, so Williamson amended his proposal by creating the office of Vice-President. This office would be given

to that person who received the second highest number of Electoral Votes, so the Electors would know that both of their votes should be cast seriously. He later said, "Such an officer as vice-President was not wanted. He was introduced only for the sake of a valuable mode of election which required two to be chosen at the same time."

This compromise was influential in the early adjournment of the Convention. Richard P. McCormick wrote that "To its designers, and to the delegates generally, this plan was viewed as a compromise between the large and the small States, a fact that was adverted too frequently in the Convention, during the course of ratification, and subsequently. . . . This arrangement was thoroughly consistent with the federal principle, if not with the principle of majority rule."

The Constitutional Convention's decision on the election of the President through Presidential Electors was hailed as a victory by those who wanted the people to have a voice in the election of the president. Charles C. Pinckney of South Carolina stated that "the dangers of intrigue and corruption are avoided." Delegate William R. Davie of Halifax, North Carolina, said "It is impossible for human ingenuity to devise any mode of election better calculated to exclude undue influences."

Of all the articles in the Constitution, only the presidential electoral system was widely accepted by the people immediately. Alexander Hamilton began Federalist 68 as follows:

"The mode of appointment of the Chief Magistrate of the United States is almost the only part of the system, of any consequence, which has escaped without severe censure or which has received the slightest mark of approbation from its opponents. The most plausible of these, who has appeared in print, has even deigned to admit that the election of the President is pretty well-guarded. I venture somewhat further, and hesitate not to affirm that if the manner of it be too perfect, it is at least excellent. It united in an eminent degree all the advantages the Union of which was to be desired. It was desirable that the sense of the people should operate in the choice of the person to whom so important a trust was to be confided."

Although the use of Electors in the selection of a president has been ridiculed in the past, the fact is that in several instances it was the use of such Electors which helped the Nation to avoid national calamities. In 1824, it was the failure to the Electors to elect a President which helped bring congressional interference in the selection of presidents to an end by discrediting the caucus system.

Then in 1876 and 1888, the Presidential Electors prevented the theft of the presidential election. There was a sizeable bloc of Democratic office-holders in the Southern States which was opposed to giving black citizens of the United States the right to vote. These people used every means ever conceived to deny the vote to the black third of the population. As a result, they were able to deny the Republican Party of hundreds of thousands of votes by former slaves, as any respectable historian of the era will admit. But the Presidential Electors stepped in and gave the election to the candidate who actually won the elections of 1876 and 1888. In the former case (1876), this intervention saved the nation from a second and unnecessary civil war.

The Electors have operated even recently to avoid national distress. In 1960, the presi-

dential election was so close that both sides could (and did) claim to have received the most popular votes. Every reform of the system which has been proposed would have elected Richard Nixon that year, and the direct vote would have led to a series of national recounts which would have held the selection of the president prisoner to the petty influence of partisan canvassing boards. But the Presidential Electors give legitimacy to the election of President Kennedy and averted the national nightmare which might have ensued.

The "Electoral College" system, which was proposed by Hugh Williamson 202 years ago today, is a vital and productive part of our national governmental system. At several key points in our Nation's history, the Electors were there to save us from unwarranted disaster, both by bringing the Constitutional Convention to a successful close and later in solving presidential succession problems before they occurred. It was, then, an American solution to American conditions and a system which we as Americans can cherish as exemplary of the foresight of our founding fathers.

TRIBUTE TO THE LATE HON. FRANK THOMPSON

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. JACOBS. Mr. Speaker, our wise and witty friend and former colleague Frank Thompson died on July 22, 1989.

Those of us who had the privilege of serving with Frank and of enjoying his humor and his hard work found grief in the news of his passing.

The following are excerpts from the obituary published by the Washington Post:

He served in the House from 1955 to 1981. When he left Congress, he was second-ranking Democrat on the Education and Labor Committee and chairman of the Administration Committee. He also had been a founder of the Democratic Study Group, a leader in passage of the landmark Landrum-Griffin Labor Act, a high official in the 1960 presidential election campaign of his friend John F. Kennedy, and a House whip in the passage of the 1964 civil rights bill. He was a figure of accomplishment, wit and grace. Tall and debonair, he was a worldclass raconteur who seemed both highly respected and well liked. He was often mentioned as a possible candidate for governor or senator, or member of the Cabinet in a Democratic administration.

Mr. Thompson was a native of Trenton, N.J. After his father's death, when Mr. Thompson was 12 years old, he went to work as a machine operator in the local General Motors plant. He was educated at Wake Forest College and its law school and also received a law degree from Rutgers University. During World War II, he served with the Navy in the Pacific battles of Iwo Jima and Okinawa. He also served on active duty during the Korean War.

He began practicing law in Trenton in 1948. From 1950 to 1954, he served in the New Jersey General Assembly, becoming its minority leader. He was elected to the House of Representatives from Trenton in 1954.

Soon after going to Congress, he joined with other liberal members of his party to

form the Democratic Study Group. That forum eventually played an important role in advancing civil rights legislation, persuading the House to turn against the war in Southeast Asia, and promoting House procedural reforms.

In 1960, he led the Kennedy presidential campaign's voter registration operation. After the election, Mr. Thompson teamed with Rep. Richard Bolling (D-Mo.) and House Speaker Sam Rayburn (D-Tex.) in an epic and successful effort to enlarge the House Rules Committee.

This was to make the powerful body more accurately reflect the will of the democratic majority and to greatly increase the chances of the Kennedy administration's legislative program. After Rayburn's death, Mr. Thompson managed the unsuccessful campaign of Bolling to become majority leader.

He later sponsored bills creating the John F. Kennedy Center for the Performing Arts and the National Endowments for the Arts and Humanities.

He also made his mark on bills dealing with education.

On the Education and Labor Committee, Mr. Thompson was recognized as one of labor's strongest supporters in Congress and rose to become chairman of the labor-management relations subcommittee. That subcommittee had jurisdiction over the drafting of labor-management relations laws. Long respected for both his clout and intelligence, some observers wrote that in later years he lost several key battles for labor when he misread the mood of the Congress and the country for pro-labor legislation.

He took over the chairmanship of the House Administration Committee in 1976. His predecessor, Wayne Hayes (D-Ohio), had built a seemingly unimportant committee chairmanship into a power bastion that controlled enormous patronage on the Hill and passed on congressional expense accounts, staff and many staff salaries. Hayes was ousted from the chairmanship and left Congress after it was revealed that he had put his mistress, Elizabeth Ray, on the House payroll. Mr. Thompson devoted his energies on the committee to pushing for campaign finance reform.

Survivors include his wife, Evelina, of Alexandria; two daughters, Ann Henderson of Washington, and Nina Lyons of Crosswicks N.J. a brother, Daws, of Trenton; and three grandchildren.

CELEBRATION OF THE PANDIT JAWAHARLAL NEHRU

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. DYMALLY. Mr. Speaker, it is with great pleasure that I bring to your attention to an upcoming special event. The Rajan Devadas Photographic Exhibition will be inaugurated by His Excellency P.K. Kaul, Ambassador of India, this Thursday, July 27, 1989, at 7 p.m. at the Capital Children's Museum, 800 Third Street NE, in Washington, DC. The theme of the exhibition is "Unity in Diversity."

The Children's Museum has graciously provided the space for this month-long exhibit. The exhibit is being held as part of the Birth Centenary Celebration of Pandit Jawaharlal Nehru and will showcase India in its diversity and grandeur. Later, the exhibit will travel to

other U.S. cities to promote good will and Indo-American friendship.

In 1986, at the invitation of the Government of India, Rajan Devadas spent almost 3 months traveling throughout India. A selection of these photographs encompasses the exhibition, illuminating various aspects of life in India—its people, places, art, architecture, and the magnificent Indian landscape. A special segment of the exhibition consists of photographs of the children of India in tribute to Jawaharlal Nehru, whose love and respect for children is legendary.

Mr. Devadas' art of photography embraces numerous styles, allowing a multifaceted framework to explore the universality and versatility of his themes and approaches. While inaugurating Mr. Devadas' first one-man show in Washington, DC, in 1967, then ambassador the Honorable B.K. Nehru, in his eloquent speech, said, "Rajan's work is a feast to the eyes and food for the soul."

The evening should prove to be educational, exciting, and most of all, inspiring. I encourage everyone to attend this important celebration to demonstrate our appreciation and support for the special relationship that exists between the United States and India.

PATIENT ACCOUNT MANAGEMENT DAY

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. BATES. Mr. Speaker, I introduced the following resolution designating October 4, 1989, as "Patient Account Management Day," a day in which Congress and the American people will recognize and increase awareness of people who are patient account managers nationwide:

Whereas 4,500 members in 44 chapters of the American Guild of Patient Account Management represent patient account management personnel from across the nation.

Whereas patient account management personnel directly influence the health care delivery system of the United States by efficiently managing the administrative needs of health care providers.

Whereas hospital and/or physician's offices depend on patient account management personnel for their expertise to monitor an effective and positive cash flow.

Whereas patients rely on their expertise to assist them in understanding the complex world of Medicare, Medicaid, and commercial insurance coverage.

Whereas patient account management personnel provide patients with important and relevant information, guidance, and assistance about the complex system of health care reimbursement so they may better understand and manage their medical bills.

Whereas patient account management personnel are the "Financial Backbone" of today's health care system: Now, therefore, be it

Resolved by the House of Representatives of the United States of America in Congress assembled, that October 4, 1989 is designated as "Patient Account Management Day", and that the President of the United States

is authorized and requested to issue a proclamation calling upon the people of the United States to observe the designated day with appropriate ceremonies and activities.

IN RECOGNITION OF GREG YOUNG, "CITIZEN BEE" NATIONAL CHAMPION

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. PICKLE. Mr. Speaker, I rise today to offer my congratulations to one of my outstanding young constituents, Greg Young of Austin, TX, the winner of the fourth national Citizen Bee competition sponsored by the Close Up Foundation. Greg recently graduated from Pflugerville High School and will be attending my alma mater, the University of Texas, this fall.

Members may know that the Citizen Bee competition is one of the Close Up Foundation's most recent initiatives, designed to stimulate a greater understanding of our American heritage and the issues confronting our Nation. Participating students are asked to master information based on American political and cultural history, government, economics, and current events. Competitions are held at the school, regional, and State levels, with the best of each State competing in national finals such as those recently held here in Washington, DC. This year, more than 35,000 students from 29 States took part in the Citizen Bee competition, and 76 finalists competed in the national competition with 15 advancing to the final round. Mr. Speaker, I want to applaud each of these finalists for the countless hours of study and preparation which this rigorous competition demands, and I ask that a list of all 76 finalists be entered in the RECORD at the end of my statement.

Mr. Speaker, I also want to express my gratitude to all of the local, State, and national sponsors who helped to provide this learning opportunity for our young people. At a time when news reports cite the appalling lack of civic knowledge among students, it is truly gratifying and refreshing to know that programs such as Close Up and the Citizen Bee are receiving such support. They do inspire our students to become better informed participants in our system of government, and this surely is a prudent investment in our country's future.

Again, my hearty congratulations to Greg Young of Austin. He and his parents should be very proud of this outstanding accomplishment. I know my colleagues in the House will join me in wishing him continued success throughout his college days and well beyond.

CITIZEN BEE STATE WINNERS

Alabama: Tracy Lynn, Albertville. Matthew Robb, Huntsville. Jason Watts, Boaz.

Arizona: Frank Pasquale, Phoenix. John Hawkins, Morenci.

Arkansas: Louritha Green, Mineral Springs. Chris Brazell, Pine Bluff. Edward Shane Smith, Beebe.

California: Stephanus Philip, Moorpark. Margaret Kuo, San Clemente. Ken Kuniyuki, Torrance.

EXTENSIONS OF REMARKS

Colorado: Beth Bates, Colorado Springs. Jon Whitney, Littleton.

Delaware: R. Vaughan Williams, Wilmington. Vinay Vauki, Dover.

Florida: Tim Delaune, Titusville. Vickie Edrington, Tallahassee. Matt D'Alessio, Sunrise.

Hawaii: David Suzuki, Honolulu. Lance Suzuki, Honolulu.

Kansas: Christopher Warren, Topeka. Brian Lipscomb, Olathe. Lee Hallagin, Buffalo.

Maryland: John Davidson, Potomac. Marc Singer, Lanham.

Massachusetts: Gabe Ross, Southboro. Luke Erickson, Westfield.

Michigan: Jofi Joseph, Muskegon. Todd House, Fenton. Kevin Schnell, Fremont.

Mississippi: Lisa Stanley, Horn Lake. Carey Roberts, Petal.

Minnesota: Tim Arretche, Sebeka. Tony Schmitz, Annandale. John Devlin, International Falls.

Missouri: Brian Shipley, Kansas City. David Grebe, St. Charles.

New Mexico: Brian Black, Melrose. Robert Byrd, Melrose.

North Carolina: Richard Senzel, Raleigh. Chris Layton, Greensboro.

North Dakota: Ryan Candee, Bismarck. Bob Sanders, Glenburn.

Ohio: Wendy Crowl, Libson. Benjamin Wriht, Columbus Grove. Dale Masel, Fostoria. Glenn Gibson, Hamilton. Hao-Yuan Tung, St. Clairsville. Amy Schneider, Norwalk.

Oklahoma: Matt Taylor, Altus. Greg Willis, Hobart. Steven Shipe, Walters. William Staufenberg, Tulsa. John Glover, Bristow.

Oregon: Shawn Monette, Salem. Todd Rygh, Woodburn.

Pennsylvania: Nareh Kannan, Salisbury. Andrew Irwin, Radnor.

Rhode Island: William T. Johnson III, Warwick. Denis M. Beauregard, Woonsocket.

South Dakota: Robin Benson, Sioux Falls. Mike Jerstad, Sioux Falls.

Tennessee: John Sellars, Dandridge. Derek Dawson, Millington.

Texas: Corey Weiss, Amarillo. Steven Rodriguez, Austin. Greg Young, Austin. Robert Rogers, Houston. Gautum Dutta, Arlington.

Vermont: Vincent Byrne, Fair Haven. Andrew Toye, Perkinsville.

Virginia: Caleb Echterling, Harrisonburg. Chris Martin, Fairfax.

Washington: Mel Wheaton, Spokane. Veronica Carrillo, Bremerton.

DoD Schools: Daniel Taylor, Sembach, West Germany.

DUCK DAY, USA

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. STENHOLM. Mr. Speaker, despite the kidding which will undoubtedly result, I gladly lend my support today for a cause in which I believe, by introducing a resolution which will designate August 12, 1989, as "Duck Day, USA." I have already heard plenty of wisequacks and allegations of fowl play and I know that if any bill fails Mr. Darman's "Quack" test, this is it.

This resolution, however, is not about ducks—it's about children with learning dis-

abilities. "Duck Day, USA" recognizes the Kenley School, which holds annual duck races in Abilene, TX, to raise money for its work with learning disabled children. Kenley has served as an educational model for institutions that help children with these disabilities. Recognizing the school's unique activities will help others to develop their own innovative programs.

The fact that Duck Day is fun, however, doesn't mean we shouldn't take it seriously. I hope that while my colleagues tease me about my ducks, they will also give their serious support to learning disabled children in their own districts, as well as those at Kenley School. I hope that they won't duck their responsibility to this worthy cause, but rather, will support my bill, "Duck Day, USA."

EMILY K. RAY, A VALUED EMPLOYEE

HON. WES WATKINS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. WATKINS. Mr. Speaker, for the past 11-plus years I have had on my Washington staff an outstanding person in Emily K. Ray, a product of Cashion, OK, and a graduate of my alma mater, Oklahoma State University. Cashion is a Kingfisher County community of 547 people according to the 1980 census.

Emily went to work for the constituents of the Third District of Oklahoma as a receptionist when we were housed on the top floor of the Cannon House Office Building but, as cream rises to the top, she quickly rose to become a legislative correspondent, then a legislative assistant, and for the past 3 years she has been my legislative director. She was my Appropriations Committee legislative assistant dealing with defense, energy and water development, transportation, science and technology, education, and several other important issue areas. She effectively served as my liaison with the various committee staffs dealing with those issues, as well as the constituents and the number of outside firms and individuals and Federal agency representatives whose interests are a part of the process.

She was quickly recognized as one who knows what is going on and also recognized for her intelligence and her ability to comprehend the situation while suggesting and devising answers to the many problems we face. Emily has also provided off-the-Hill leadership by currently serving as president of the Oklahoma State Society. She has also been very active and is a former president of the Oklahoma State University Alumni Association in the Washington area. She has served as an officer in several capacities in both organizations.

Emily is leaving employment with the House of Representatives in the middle of August. However, we will see more of her, for she has been chosen to be the first special assistant for Federal relations to the new president of Oklahoma State University, John R. Campbell. Her new duties will require her to return to Washington from time to time.

Also, although the two facts are not related, her moving to Stillwater certainly made the following more feasible—Emily and Charley Elliott, a Pawnee, OK, livestock auction owner and former banker, are going to be married in November.

The impact that Emily K. Ray's intelligence, hard work, and ability have had on the lives of the residents of the Third District of Oklahoma is incalculable. She has worked long and hard hours over 11 years at my side to improve the quality of life for Oklahoma residents.

I'm going to miss her. My staff is going to miss her. But, in her going, we wish her well, for she has an opportunity to better herself and better one of our mutual loves—Oklahoma State University.

As she parts, I can think of no better adieu for her than the phrase attributed to St. Matthew, 25:21, "Well done, thou good and faithful servant. . . ."

TRIBUTE TO REBECCA IRRER

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. SCHUETTE. Mr. Speaker, I rise today to honor Rebecca Irrer of St. Johns, MI. Ms. Irrer, 21, recently qualified to compete in the World Triathlon in Avignon, France, during August. Rebecca is 1 of 6 women in her age division who will represent the United States, racing against women from 58 other countries. The triathlon will consist of a 1.5 kilometer swim, 40 kilometer bike race and a 10 kilometer run.

Rebecca, who is an exercise physiology major at Michigan State University, has achieved the ranking of All-American in the triathlon and hopes to one day turn professional. She has prepared for what she describes as "my biggest race" by training up to 6 hours per day for the past 3 years.

Community support for Rebecca has been tremendous. Several St. Johns area businesses and residents have pledged to help her finance her trip to Europe, and more are expected to contribute before she leaves on August 6.

Mr. Speaker, and my colleagues in the House, please join me in congratulating Rebecca on her outstanding achievement and wishing her the best of luck as she travels overseas to represent our country in this most prestigious athletic event.

H.R. 3009, THE STEEL MODERNIZATION AND FAIR TRADE ACT

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. PEASE. Mr. Speaker, on Tuesday, U.S. Trade Representative Carla Hills announced the President's steel policy. The Bush plan would extend the steel voluntary restraint agreements [VRA's] for 2½ years, begin international negotiations to eliminate trade-distorting practices in steel, revamp the short supply

process, and increase the overall import ceiling by 1 percent per year, with the additional quotas going to those countries committed to eliminating trade-distorting practices.

Overall, I approve of the direction of the President's plan, particularly its emphasis on international negotiations and rewarding fair traders. Where I differ with the proposal, however, is on the length of extension. Achieving an international consensus on fair trade in steel will be difficult. Our negotiating leverage will be greatest if our trading partners believe that VRA's will remain in place until an agreement is reached. A 5-year extension would provide this leverage; 2½ years do not.

Given my views on steel, I have introduced the Steel Modernization and Fair Trade Act (H.R. 3009). My bill would:

Extend the VRA's for another 5 years.

Like the President's plan, reserve a percentage of the domestic market for fair traders. My plan would reserve up to 4 percent of our domestic market as bonus quotas for foreign countries that: First, commit to fair trade in steel; second, observe environmental standards equivalent to those imposed on the domestic steel industry; and third, respect basic worker rights. These bonus allocations would not change the overall level of steel allowed into the United States; rather, they would redistribute steel imports in favor of fair traders. Besides providing an incentive for countries to change their trade and other practices, these bonus quotas would buttress negotiations for an international agreement in steel.

Call for international negotiations on fair trade in steel, leading to the reduction or elimination of the use of subsidies, dumping, and other unfair practices and the creation of an effective mechanism to enforce the agreement. Upon completion of the agreement, the President would phase out the VRA's gradually, guarding against any immediate surges in steel imports.

Require the Commerce Department to establish procedures for processing short supply requests within 20 days. The President calls for a 30-day standard, with a 15-day fast track procedure in certain cases.

Expand the International Trade Commission's annual report to include information from steel users and producers about steel quality and service, and to indicate the method by which steel producers are fulfilling their worker retraining requirement; i.e., are companies preparing former employees for jobs outside the steel industry or are they conducting on-the-job training for current employees?

My plan offers many of the innovations of the Bush plan but maintains the 5-year extension of Representative MURTHA's bill, which I cosponsored. Printed below is the text of my bill.

H.R. 3009

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Steel Modernization and Fair Trade Act".

SEC. 2. MULTILATERAL AGREEMENT REGARDING UNFAIR TRADE PRACTICES IN STEEL PRODUCTS.

Section 803 of the Steel Import Stabilization Act (19 U.S.C. 2253 note) is amended—

(1) by inserting "PROVISIONS RELATING TO FAIR INTERNATIONAL TRADING PRACTICES IN STEEL PRODUCTS" before the period in the section heading;

(2) by inserting "(a)" before "It is the sense of the Congress that—"; and

(3) by adding at the end thereof the following new subsections:

"(b) It is further the sense of the Congress that the President should promptly commence negotiations with steel-exporting nations for the purpose of entering into a multilateral agreement under which the parties agree to—

"(1) the reduction or elimination of the use of subsidies, dumping, and other unfair and restrictive international trade practices regarding steel products; and

"(2) effective mechanisms for the strict enforcement of violations of the agreement.

"(c) If a multilateral agreement described in subsection (b) is entered into, it is further the sense of Congress that the President should take appropriate action to phase-out bilateral arrangements gradually (without permitting surges in overall or specific steel product imports) and should submit to the Congress at biannual intervals a report containing information regarding—

"(1) the operation of the multilateral agreement during the interval; and

"(2) the share of the domestic market for steel products that was accounted for by foreign-made articles during the interval.

"(d)(1) Subject to paragraph (2), until a multilateral agreement described in subsection (b) is entered into, the President shall reserve not to exceed 4 percent of the annual domestic market in steel products for articles produced by those foreign countries that, in the judgment of the President—

"(A) are not engaging in, or are substantially reducing their use of, unfair and restrictive trading practices regarding steel products;

"(B) require steel product manufacturing facilities to observe pollution control and other environmental standards that are substantially equivalent to those imposed on the steel industry; and

"(C) are satisfactorily implementing internationally recognized worker rights within the meaning of section 502(a)(4) of the Trade Act of 1974 (19 U.S.C. 2417(a)(4)).

"(2) The reservation under paragraph (1) of a portion of the domestic market for steel products manufactured in foreign countries may not result in an aggregate foreign share of the domestic market in steel products that exceeds 20.2 percent."

SEC. 3. SHORT SUPPLY SITUATIONS.

Section 805(b) of the Steel Import Stabilization Act is amended by adding at the end thereof the following new sentence: "The Secretary of Commerce shall establish—

"(1) procedures for processing, within 20 days after the date of request therefor, authorizations to import steel products in short supply situations; and

"(2) in coordination with the steel industry, a system for anticipating, and implementing preventive action regarding, short supply situations."

SEC. 4. EFFECTIVE PERIOD OF ACT.

Section 806(a) of the Steel Import Stabilization Act (19 U.S.C. 2253 note) is amended—

(1) by striking out "fifth" in subsection (a)(1) and inserting "tenth";

(2) by striking out "or fourth" in subsection (a)(2) and inserting "fourth, fifth, sixth, seventh, eighth, or ninth";

(3) by inserting "to promote efficient service to the customer," after "employment costs," in subsection (b)(1)(A)(ii); and

(4) by adding at the end of subsection (b) (3) the following: "For purposes of this paragraph, the United States International Trade Commission shall—

"(A) particularly focus on obtaining information from small and large domestic steel products consumers, as well as from companies in the steel industry, regarding the improvements in quality and service that result from industry modernization; and

"(B) indicate—

"(i) the general nature of the worker retraining efforts undertaken by the steel industry, and

"(ii) with respect to the moneys referred to in paragraph (1)(B), the amounts used to retain displaced former employees as compared with the amounts used for on-the-job retraining within the industry."

RECOGNIZING THE CONTRIBUTIONS OF THE INTERFRATERNITY COUNCIL AT URI

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Ms. SCHNEIDER. Mr. Speaker, Mr. Bill Fishbein, president of Coffee Kids, recently brought to my attention some of the good work that has been undertaken by the interfraternity council at the University of Rhode Island.

Fraternities and sororities are frequently featured in the news in a negative sense. Seldom do we read in the newspaper such outstanding accomplishments as the \$114,000 for charitable activities that were raised by the IFC at the University of Rhode Island last year. The six o'clock news doesn't mention the 600 units of blood donated or the 7,700 hours of community service provided by fraternities and sororities at URI. It is these activities that go unnoticed by all but those who give of themselves and their time and those who directly benefit.

Mr. Speaker, I wish to commend the interfraternity council at the University of Rhode Island for its exemplary work under IFC president, Jeff Britt. The outstanding contributions of the IFC have a positive impact on the campus and on the community, and I am proud to represent the young men and women at URI who are willing to work to make a different world.

DOD AUTHORIZATION AMENDMENTS

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. LELAND. Mr. Speaker, unfortunately, due to very pressing business in my district, I was not present to vote on the amendments to H.R. 2461, the Department of Defense authorization bill. Had I been present, I would have voted as follows:

Rollcall No. 166 "nay";

Rollcall No. 167 "yea";
Rollcall No. 168 "yea";
Rollcall No. 169 "yea";
Rollcall No. 170 "yea";
Rollcall No. 171 "yea"; and
Rollcall No. 172 "yea".

INTRODUCTION OF THE FAIRNESS IN CAMPAIGN FINANCE ACT OF 1989

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. SMITH of Texas. Mr. Speaker, today I am introducing the Fairness in Campaign Finance Act of 1989, a bill that will accomplish an important task that Americans have demanded of us. It reforms the election process.

With this bill, we can check the growing power of special interest groups and offer challenging candidates a fair chance for electoral success. Campaign costs will return to a more reasonable level and the proper balance will be restored between the influence of individual citizens and special interest groups in the election process.

My bill would allow only one-third of the total funds raised for a campaign to come from political action committees. The bill provides for periodic checks through FEC reports to ensure this ratio throughout the campaign. This plan would ensure that the majority of funds come from the most proper source, the constituency of individual citizens. The people's voice will not be drowned out by a flood of PAC dollars.

To understand the influence that PAC's now have on the political process, one needs only to examine a few statistics. Approximately \$500 million in PAC money was raised for the 1988 elections, a 500-percent increase since 1974. This trend clearly illustrates the enormous role that special interest groups play in today's election process.

House incumbents pull in an average of 47 percent of their campaign funds from PAC's. Citizens have doubts that Members of Congress can continue to fairly represent individual citizens when nearly half of their campaign funding comes from special interest groups.

An equally important point to consider is the impact that PAC money has on the ability of challengers to run effective races against incumbents. In the 1988 congressional campaigns, the 408 incumbent candidates raised a total of \$82 million in PAC funds compared to \$9 million raised by the 328 challengers. In light of these figures, it is not surprising that 402 of the 408 incumbents were reelected, a 98.5-percent victory rate.

This tremendous advantage is unfair and undemocratic. The challenger must now not only prove himself politically, but must also overcome overwhelming financial obstacles. PAC money allows incumbents to sit back, relax on the issues and pour amounts of money into their campaigns that their opponents cannot hope to raise.

With the proliferation of political action committees and PAC dollars, our legislators are now torn between the interests of these new

financial constituencies and the constituency of the individual citizens we are elected to represent. This is not the way representative government was meant to be established, and it must be changed. We must ease the pressure on members of Congress to conform to the interests of these financial constituencies and return our loyalty to the voters.

Several bills have been offered to accomplish this goal. Of these, only the Fairness in Campaign Finance Act offers a reduction in PAC dollars that is fair to all parties and avoids future loopholes.

I do not favor legislation such as that which would disallow any form of PAC funding. The bill is too strong and rejects the value of PAC's altogether. I believe that PAC's are not undesirable per se. They provide the means for like-minded citizens to form, pool their resources, and promote their interests during the election process. Special interest groups are legitimate organs of the political process and their opinions should be considered. They are a useful tool for the expression of strongly held views, but a tool which should be used within limits. The problem exists because, without limits, the influence of PAC's have grown disproportionately strong.

A second proposal would put dollar limits on the amount of money a PAC can contribute to a campaign. Though this approach acknowledges the need for reform, it would be an easy law to sidestep. PAC's could simply divide, contribute in smaller increments and achieve the same outcome. Though the number of contributing sources would increase, an equal amount of dollars would be exchanged.

Another approach to the problem is to set a maximum level of contributions that candidates may receive from PAC's. But this approach would artificially create an equality of candidacies that may not be appropriate. If one candidate is an overwhelming favorite among citizens and interest groups alike, there should be no reason to limit the money he can receive from PAC's so long as the proportion of PAC dollars to funds from other sources is reasonable.

Finally, we might consider the bill that calls for limiting PAC money from certain types of organizations. The difficulty of implementing such a bill would outweigh the benefits. Outlawing some PAC contributions at the expense of others would create the opportunity for numerous loopholes and require an enormous monitoring task to ensure that contributing organizations are properly qualified. Such a bill would prove costly and inefficient.

What we need instead is to set simple rules that allow no misunderstanding and no exceptions. The Fairness in Campaign Finance Act will not only limit the financial impact that special interest groups can have on elections, but will also allow challenging candidates a reasonable chance to win.

Incumbent Members will no longer be able to rely so heavily on the contributions of the industries they regulate. Their candidacies—like those of their challengers—will have to be based on a solid foundation of support from individuals in the districts they represent. Elections will once again be based more upon the

exchange of opinions and ideas than on unequal levels of campaign funding.

I urge my colleagues' support for the Fairness in Campaign Finance Act. It will give the campaign field back to the people and restore the standard of fair and democratic elections.

THE B-2 DEFICIT CONNECTION

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. PORTER. Mr. Speaker, future historians will look back on this time and not believe that the American Congress spent itself into poverty. They will say that while the smoke and mirrors of the Gramm-Rudman deficit number lulled the Congress to sleep, the real debt of the United States continued to rise at an astronomical rate.

You all may have heard it already. While Gramm-Rudman says the deficit will run "only" \$128.4 billion, the real amount of debt the United States will sell on the marketplace this year is \$264 billion. The difference in the numbers is what Gramm-Rudman does not count but everyone else does. Wall Street knows it, the Europeans know it, and the Japanese figured it out a long time ago.

And in the face of ever rising budgetary deficits, we will be asked today to endorse yet another big spending program today.

We have already said "yes" to the Superconducting super collider and then to the space station. Soon we will be asked for initial funding for Mars. Today we will be asked for \$70 billion for the B-2 bomber.

Everyone knows that by saying "yes" to every big project we are really going to say "no" later on, in midproject, with half the funding already spent. Everyone knows that * * * but Congress.

IN RECOGNITION OF NATIONAL LIGHTHOUSE DAY

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. HUGHES. Mr. Speaker, I rise today to call attention to a special occasion which communities all across America will be celebrating next week. August 7, 1989, marks the 200th anniversary of the signing of the Lighthouse Act and the commissioning of the first Federal lighthouse in the United States.

In honor of those events, I was proud to sponsor a resolution last year which designated August 7, 1989, as National Lighthouse Day. The celebration next week will provide some long overdue recognition for the important role which lighthouses played in the history of our country, and the values of safety, heroism, and American ingenuity which they represent. At the same time, I am hopeful that it will encourage communities and citizens groups around the country to rededicate themselves to the protection and restoration of these historic structures.

As America continues its technological progress into the 21st century, it becomes easy to forget the wholesomeness and serenity of preindustrial establishments such as lighthouses. The history they provide gives us the opportunity to step back in time and learn more about our country. The contributions they made to our society, from protecting our coasts to guiding our sailors, should continue to be appreciated and remembered.

I am proud to point out that there are three restored lighthouses in my congressional district in southern New Jersey. These three, the Cape May Point lighthouse, the Finns Point lighthouse, and the Hereford Inlet lighthouse, contribute greatly to New Jersey's beautiful coastline.

The Cape May Point lighthouse, which was first lit on October 31, 1859, was reopened to the public in 1988 after being closed for 50 years. Today, with restoration virtually complete, its light once again shines bright, giving comfort to seamen nearly 19 miles into the Atlantic Ocean.

The Hereford Inlet lighthouse was built in 1874 and is a beautiful example of Victorian architecture. Under restoration since 1982, it continues to provide North Wildwood with a valuable monument to Cape May County's maritime history.

Last, the Finns Point lighthouse, located in Pennsville, is a 113-year-old marvel. It served as an aid to navigation along the Delaware River from 1877 until 1950, when the river channel was enlarged and deepened.

Unfortunately, not every lighthouse is as lucky as these to have been adopted by a local citizens group or community. Many have fallen into disrepair and desperately need support. For this reason, I have been pleased to join with other Members of Congress in sponsoring legislation to establish the National Bicentennial Lighthouse Fund in order to provide Federal assistance for local lighthouse restoration efforts.

Mr. Speaker, the National Lighthouse Day celebration on August 7, 1989, will indeed be a special event. I hope it further rejuvenates the spirit of these maritime institutions and the impressive restoration efforts which are now taking place in the many communities. It is important that future generations have the opportunity to learn more about and appreciate the unique role which lighthouses played in helping to build our great Nation. I hope that everyone will join me in supporting this effort in the months and years ahead.

COUNTERFEIT BOLTS AND FASTENERS

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. ROE. Mr. Speaker, I rise to focus my colleagues' attention on H.R. 3000, the Fastener Quality Act. Today the Committee on Science, Space, and Technology favorably reported the bill without amendment.

The legislation was introduced yesterday by Chairman DINGELL and myself. The bill reflects several months of bipartisan negotiations be-

tween the Committee on Science, Space, and Technology and the Committee on Energy and Commerce. Over 100 Members have joined us as cosponsors including 90 percent of the Science, Space, and Technology Committee's membership.

The purpose of the act is to reduce the danger and costs of fastener failure in buildings, aircraft, motor vehicles, military equipment, and in other critical uses. It requires that fasteners used in high strength or critical applications conform to the standards and specifications declared by the manufacturer. Conformity must be demonstrated by tests in an accredited laboratory and on certificates of conformance showing the results of the testing. Civil and criminal penalties are prescribed for the sale in commerce of counterfeit fasteners. In addition, the act provides a mechanism for standardization of high strength fasteners and establishes a testing laboratory accreditation program in the National Institute of Standards and Technology.

The United States uses billions of fasteners in buildings, nuclear powerplants, bridges, motor vehicles, airplanes, and other equipment each year. High strength bolts are used by the military, the space program, and private industry. In recent years, counterfeit and substandard metal fasteners, produced both in the United States and abroad, have pervaded U.S. industry, creating an enormous national safety problem. As a result, both the military and civilian sectors of the economy have experienced dangerous equipment and construction failures, as well as extraordinary expenses.

Since the problem was initially identified, collective steps taken by industry and the Government have proven to be very costly. In some cases, entire inventories have been scrapped and structures have been reassembled. These failures have also led to increased emphasis on supplier quality and receipt inspection. While industry may be able to correct the problem with increased surveillance of fastener suppliers and sole source procurement, this can eventually result in less competition among producers and would provide no protection for the unwary. Existing protections of law governing transactions between buyer and seller have been ineffective in eliminating the dangers created by counterfeit fasteners introduced into our country's infrastructure.

This legislation is designed to ensure that a supply of quality fasteners exists for use in critical applications. It requires final testing of sample fasteners by an accredited laboratory for conformance to standards, specifications, and grade identification markings, before the lot from which the sample is drawn can be sold. The act also requires certificates of conformance to document the test results, traceability through a registered manufacturer's mark on the fastener, and a lot number identification on the shipping container.

Civil and criminal penalties will encourage compliance. The legislation will provide backing to fastener industry efforts to police its own ranks and to promote competitive sources of supply for fasteners used in critical applications. Quality fasteners used in both the military and civilian sectors of our econ-

my will reduce the dangers of construction and equipment failures, and the subsequent threats to public safety and national security.

Mr. Speaker, I believe that the Fastener Quality Act will help eliminate defective fasteners, and that it is long overdue. I urge my colleagues to give it their strongest support.

SUPPORT OF TIME EXTENSION FOR THE COWLITZ FALLS HY- DROELECTRIC PROJECT

HON. JOLENE UNSOELD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mrs. UNSOELD. Mr. Speaker, today I am introducing legislation that has far-reaching implications for two very important Northwest resources: fisheries and hydroelectric power. This measure authorizes the Federal Energy Regulatory Commission [FERC] to extend the deadline for the commencement of the Cowlitz Falls Hydroelectric Project, No. 2833.

The Lewis County Public Utility District [PUD] has been pursuing this project for nearly 10 years and was given the green light by FERC in June 1988. In April 1988, FERC granted the one-time, 2-year time extension to the PUD. The project is now required to be under construction by June 30, 1990. FERC has no discretion to further extend the deadline, only Congress can do so.

The Senate has already passed the necessary legislation (S. 750) on June 8, 1989, to permit FERC to issue as many as three, 2-year extensions on this project. The bill that I am introducing today would do the same.

Mr. Speaker, the PUD has identified the Cowlitz Falls project as the only major energy resource, apart from energy conservation, that is both cost-effective and located within the district. Earlier this year, the Northwest Power Planning Council agreed with the PUD's conclusions and projected a need for more regional power resources in the 1990's. Additionally, the Bonneville Power Administration announced recently that there no longer existed a regional energy surplus and that new sources would need to be developed.

The Cowlitz Falls project, with the generating capacity of 70 megawatts and an average of 261,000 megawatt-hours of electricity annually has the potential to contribute substantially to the region's future energy needs. This energy production is the equivalent of about 428,000 barrels of oil or 128,000 tons of coal per year.

Despite the need for the project, it is too costly for the ratepayers of Lewis County to finance alone at this time. With the extensions provided by this bill, the PUD hopes to attract other utilities who will share the costs—and benefits—of the Cowlitz Falls project. In agreements signed earlier this year, the PUD assured its customers that it would raise rates by no more than 14 percent. This extension will provide needed flexibility to develop the best financing program for the project.

This project is also the only potential means of someday restoring the magnificent salmon and steelhead runs that once returned to the upper Cowlitz River. Older dams, built in an-

other era, have cut off this habitat. Because of its run-of-the-river design, the Cowlitz Falls project will permit fish collection in the future when scientists cure the fish diseases now plaguing lower Cowlitz River fish runs.

Mr. Speaker, the question that many of my colleagues will have is why Congress should allow this project to receive additional time before proceeding with construction?

The answer is simple.

After the Cowlitz Falls project received a FERC license in 1986, the PUD applied for a Washington State Shoreline permit. At that time, three separate parties—a State agency, a corporation, and a local citizen—filed formal appeals before the State Shoreline's Hearings Board. The PUD, while recognizing its Federal preemptive rights, did not exercise them. Instead it attempted to negotiate reasonable solutions acceptable to all of the parties.

Last month, the PUD reached an accord with all appellants through separate, but inter-related, settlement agreements. These agreements contain many project enhancements and provide added environmental mitigation.

One of the most exciting aspects of this project is its potential benefit to the fisheries resources in the upper Cowlitz drainage. I am particularly pleased that the PUD will be providing financial support for a new Trophy Trout Program being sponsored by one of my local sportsmen's organizations, the Friends of the Cowlitz.

Under the Trophy Trout Program, the PUD will grant \$100,000 in capital construction matching funds to build trout rearing pens on the upper reaches of the Cowlitz River. In addition, the PUD will contribute up to \$35,000 annually to rear and stock trophy-sized rainbow and cutthroat trout. These are trout which will be raised in river water ponds for 3 to 4 years, on a natural diet, before being released.

Once established, the trophy trout fishery on the Cowlitz River is expected to attract sports enthusiasts from throughout the Pacific Northwest, pumping needed tourism dollars into the local economy.

In short, I want my colleagues to know that this utility district used its one-time, 2-year extension to address the environmental concerns of the three appellants. It chose not to enter the courts to seek its Federal preemptive rights and it agreed to provide additional mitigation for fisheries resources that were not required under its FERC license.

Mr. Speaker, my legislation differs in minor respects to the Senate counterpart. To begin, it pertains only to the Cowlitz Falls project. My colleague from Arkansas, Mr. ALEXANDER, recently has introduced H.R. 2694, which covers the three projects in his State that were included in the Senate bill.

Also, my bill does not include provisions of S. 750 relating to the time limits within which the PUD must complete construction of the project and acquire necessary real property interests. While I would be quite content if this body were to pass legislation identical to the Senate bill, I will be encouraging the Energy and Commerce Committee to consider several deletions from the Senate bill.

First, the Federal Power Act does not specifically limit the time for completion of a project's construction. It requires the licensee

to commence such construction in good faith and with due diligence, but gives FERC the discretion to extend the time for finishing a project when necessary.

Similarly, the Federal Power Act presently does not constrain the time in which the licensee may acquire the property needed for project construction and operation. FERC typically requires that all necessary property rights be acquired within 5 years after issuance of a license, but that time can be extended for good cause. Therefore, there really is no need for the provisions in S. 750 that authorize FERC to extend the time requirements for project completion and acquisition of real property—the Commission already has the discretion to do so.

Not only are these provisions unnecessary, they actually create deadlines that don't presently exist and thus could detract from the flexibility this legislation is intended to provide. While the PUD believes it can complete project construction well within the 5-year timeframe, it is concerned about tying the deadline for property acquisition to the date of the bill's enactment. The legislation might require the PUD to purchase thousands of acres of land in and around the project reservoir years before the project becomes operational. In such a case, a premature and onerous expense would be imposed upon the PUD's ratepayers.

Mr. Speaker, I offer these minor modifications of S. 750 in an effort to fine-tune that legislation, not to overhaul it. I do not want the differences in my bill to delay consideration of this legislation in any way. As I have indicated, if my alternations pose significant problems, I would be pleased to amend my bill to conform to S. 750.

A TRIBUTE TO MR. CHARLES CROWE

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mrs. LLOYD. Mr. Speaker, I rise with great pride to bring to the attention of my colleagues the accomplishments of one of my constituents, Mr. Charles Crowe. Mr. Crowe has been recognized by the Department of Energy for his outstanding service as a volunteer in his community of Oak Ridge, TN. I would like to congratulate him for receiving such an honor and share my pride in the inspiring example he has set for all American citizens by briefly describing the extensive work he has done for his community.

Mr. Crowe, currently chief of the contract management branch at the Department of Energy's Oak Ridge operations office, has used his free time to help with various community programs that promote the well-being of young people, primarily minority youth. Some of Mr. Crowe's work includes tutoring, career, and college counseling, helping students find summer employment, providing transportation, and helping students with applications for college admission, financial aid, and scholarships. In addition, Mr. Crowe sponsors an annual career opportunity program for high

school seniors where approximately 30 minority professionals are asked to meet and share their experiences with the students.

Because of the work he has done, Mr. Crowe has been selected as one of two exceptional employees from the Oak Ridge operations office in the Department of Energy's national program to honor extraordinary community service provided by DOE employees.

I am very proud that this exceptional individual is a member of my constituency. Because of his time and dedication, the lives of many young people in Oak Ridge are a little brighter. Mr. Charles Crowe is a shining example of an active and concerned citizen and I am so pleased to be able to honor him today.

I want to thank the Secretary of Energy, Adm. James D. Watkins for bringing Mr. Crowe's extraordinary achievements to my attention. And finally, let me congratulate Charles Crowe again for his accomplishments and the distinguished honor which he received.

THE 250TH BIRTHDAY OF THE TOWN OF TYRINGHAM, MA

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. CONTE. Mr. Speaker, I rise today to recognize the town of Tyringham, MA, as it prepares to celebrate its 250th birthday.

Secluded deep in a valley of the picturesque hills of Berkshire County, the town of Tyringham can boast about many things, among them a most interesting history. Tyringham is the only town in Massachusetts to be named after a woman. The town was incorporated in 1762, during the time in which Francis Bernard was Governor. Governor Bernard had inherited land in England from a Mrs. Beresford, formerly Miss Tyringham, whom he decided to name the town after.

The town was settled in 1739, from which date the 250th birthday is taken. Tyringham can boast its skill in the maple-sugar-making trade, which it learned early on from the Indians. The town also prides itself in possessing one of the earliest paper mills in the country which was built in 1832, and the manufacturing of hand rakes at an even earlier date.

Tyringham was also the sight of a Shaker settlement. It was here that, according to legend, the devil was buried. Apparently, the devil was causing a great deal of trouble for the Shakers in Tyringham and in turn, was chased out to Mt. Horeb. Here the Shakers dug a pit and threw the devil in, face down, with clam shells in his hands so that when he attempted to claw his way out, he would only dig himself further down.

Among the many noted residents of the town was the renowned author, Samuel Clemens, better known as Mark Twain. Twain lived in Tyringham during the summer of 1903 and presented the library with a complete set of his books. Another well-known summer visitor was Grover Cleveland. The residents of the town have always taken great pride in Tyringham and this 250th birthday is something that they certainly have the right to boast about.

Unlike many neighboring towns, Tyringham remains free from tourists and to this day retains its reputation as a "hinterland settlement." In fact, it can be said that Tyringham remains virtually unchanged by time. The population of this small town is currently 350 people, the same number as when the Federal census was taken in 1790. The mood of the town is the same as it was many years ago, adhering to the same old-fashioned New England values. Tyringham remains a pure and traditional town, and has no industry, not even a gas station. The residents are proud of their town and enjoy the peace and quiet of their humble abode.

The town of Tyringham has a number of festivities planned to commemorate this special occasion. Among the events arranged for the birthday celebration, which begins July 30 and runs through August 6, are a town picnic at Shaker Pond, a concert given by several members of the Boston Symphony, a photography contest, a pet show, a hay ride, and a spectacular parade consisting of 12 fire departments, marching bands, antique cars, floats, and many special guests.

In addition, Tyringham memorabilia will be gathered for a time capsule which will be buried in the Tyringham cemetery later in the summer. The festivities will conclude on Sunday, August 6, with an old-time service at the Tyringham church, featuring actual excerpts delivered from sermons given 250 years ago.

A 250th birthday is indeed a milestone that the town of Tyringham should be proud of. I am honored to extend my most sincere congratulations to all the residents of Tyringham on this most festive and historic occasion.

HONORING DR. DAVID A. SHIRLEY

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. FAZIO. Mr. Speaker, it is my privilege today to honor one of America's great research scientists and administrators: David A. Shirley. Dr. Shirley will be stepping down as director of the Lawrence Berkeley Laboratory on August 30, 1989.

Dr. Shirley received his B.S. from the University of Maine in 1955 and his Ph.D. in chemistry from the University of California, Berkeley in 1958. He then joined the staff at the Lawrence Berkeley Laboratory, where he rose to become an associate director of the laboratory and founding head of the materials and Molecular Research Division from 1975 to 1980. Since 1980, he has been director of the Lawrence Berkeley Laboratory. Dr. Shirley has also been a faculty member in the University of California, Berkeley Chemistry Department since 1959, and a full professor since 1967. He served as vice chairman from 1968 to 1971, and chairman, from 1971 to 1975, of the chemistry department.

During his tenure as director of Lawrence Berkeley Laboratory, Dr. Shirley has been extremely successful in guiding the scientific direction of the laboratory to help meet our na-

tional scientific and technological goals. LBL recently served as the intellectual and physical home for the central design group for the superconducting super collider. LBL's historic expertise in constructing accelerators was essential to this project's early success. Under Dr. Shirley's leadership, LBL also became the home for the Center for Advanced Materials, which is today working with the American industry to provide our Nation with advanced materials for the 21st century.

Two more recent projects begun under Dr. Shirley's leadership will have a major impact on LBL and our Nation in the coming years. Currently under construction at LBL is the advanced light source, a new \$100 million accelerator complex that will put LBL in the forefront of international synchrotron radiation research. This is a unique national user facility, whose design is now being duplicated all over the world. It will be used by government, academic and industrial researchers in fields as wide ranging as advanced materials development, biological imaging and semiconductor development. It will be a world-class facility that will keep LBL at the cutting edge of scientific research.

The second project is LBL's involvement as a DOE Human Genome Center. The human genome project may well be one of the most scientifically important projects that this nation has ever undertaken. Fully decoding the genetic book of man will provide us with the potential of treating, and eventually eliminating the more than 3,000 genetically related diseases. It is an extremely exciting project and one in which LBL and the Department of Energy have a critically important role.

With these major projects, and many others either underway or in the planning stages, Dr. Shirley has placed LBL in a strong scientific leadership position. People have referred to our national laboratories as the hidden jewels of our national scientific enterprise. I agree with this sentiment and believe that Dr. Shirley's tenure as director of the Lawrence Berkeley Laboratory has added a special luster to that particular jewel. I wish him well in his continued role as a senior scientist at LBL, and chemistry professor at the University of California, Berkeley, and I thank him for his outstanding service and contributions to our Nation.

IN MEMORY OF SALVATORE BONTEMPO

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. TORRICELLI. Mr. Speaker, I rise today to mourn the passing of a distinguished citizen and good friend, Salvatore Bontempo, former State chairman of the New Jersey Democratic Party and Assistant Secretary of State under President Kennedy. In both public and private, Sal Bontempo was, for the 79 years of his life, an inspiration to his family, friends, and neighbors.

Salvatore Bontempo was an unselfish man who dedicated most of his life to public service. His contributions on the local, State, Fed-

eral, and military level enriched the lives of many while providing a model for the young people of his day.

Born and raised in Newark, NJ, Sal Bontempo earned a bachelor's degree in government science from the University of Notre Dame. Immediately upon graduation he entered local government, serving as Newark's director of purchasing from 1933 to 1942 while at the same time working towards a law degree from the John Marshall School of Law, now Seton Hall Law School.

With the advent of World War II, Sal Bontempo proudly came to the aid of his country, serving as a colonel in the Army Air Force and, after the war, continuing on to serve in the U.S. Air Reserves.

On his return to Newark, Sal Bontempo was elected to the office of city commissioner, a job he performed until 1957 when he was appointed by Gov. Robert B. Meyner to the post of commissioner of conservation and economic development. In this capacity Sal Bontempo led the drive to improve and maintain the 14,000-acre Meadowlands tract in Hackensack, as well as instituting the Green Acres program to acquire and preserve open lands in New Jersey. Thanks to Sal Bontempo's efforts, millions of New Jersey residents and visitors today enjoy hundreds of Green Acres parkland tracts across the State.

In 1961 Sal Bontempo had the honor of being selected by President Kennedy for the post of Assistant Secretary of State for the Bureau of Security and Consular affairs. It was only fitting that this man, who had done so much for the State of New Jersey, now have the opportunity to serve his President and his country.

Sal Bontempo returned to New Jersey in 1969 to become chairman of the Democratic State Committee. His strong leadership of the State party won him the admiration and friendship of a new, younger breed of Democratic leadership, and the deepened respect of the old.

Sal Bontempo's dedication to his party led Vice President Hubert Humphrey, a life-long friend, to call him: "Mr. Democrat". Sal Bontempo's love of his State led him to place 142 acres of land from the Braidburn Country Club, which he owned, in a restrictive covenant so that the people of Florham Park could enjoy its beauty for years to come. And Sal Bontempo's loyalty to his friends led him to place them before all else, save his family: his wife, Gloria; his sons, Thomas and Paul; his sisters, Theresa and Catherine; and his granddaughter, Christina; all of whom he loved dearly.

Perhaps my admiration for Sal Bontempo can be summed up in his own words, spoken to friends and colleagues at a dinner honoring him in 1976. He said, "I haven't done anything special, it just turned out that way. Like most people, I've just done what I'm supposed to do".

Salvatore Bontempo was an inspiration to many. He served as a model to his community, and to those who wanted to help others, not advance themselves. Sal Bontempo was my friend, and he will be sorely missed; but I can take solace in the knowledge that his memory and deeds will bring warmth and hap-

piness to the hearts and minds of his family and many friends for years to come.

THE SUPREME COURT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 26, 1989, into the CONGRESSIONAL RECORD.

THE SUPREME COURT

The decisions of the recently concluded session of the Supreme Court demonstrate again that the Court remains a powerful institution in American society. The Court's decisions may be written in dry legal language, but they cut to the quick of American lives, arouse passions on both sides, and propel hot issues into the political arena.

The session that ended recently appears to stand as a watershed in the Court's history. The most striking event of the session was the emergence of a conservative majority. The decided shift resulted from the appointment of one justice, Anthony Kennedy. The Court was dominated for the first time in many years by a conservative majority that controlled the outcome of important issues ranging from civil rights, abortion, the death penalty, and criminal law.

The decisions in this term—more than 130 written opinions—remove all doubt about President Reagan's success in his eight-year effort to shift the Court in a more conservative direction. Reagan appointed three members to the Court and their importance can be seen in the number of recent cases decided by a 5-to-4 majority. More than one-fifth of the decisions written by the Court were decided by this narrow margin, and almost all of these cases involved the Reagan appointees as part of the majority. Overall, Chief Justice Rehnquist, leader of the conservative bloc, helped form the majority in more than 70% of the decisions.

The conservative tilt of the Court can be seen in its outlook toward individual rights and protection. Traditionally the Court has been the branch of government where people who felt frustrated or aggrieved by the political process sought relief, but that era may be ending. Many of the most recent decisions limited personal rights against those of the state or community. Although they often stopped short of flatly overruling major precedents, the majority was sufficiently united to narrow the application of federal laws and constitutional provisions.

Conservatives also moved to check judicial activism. The Courts has, in large measure, adopted the view that judicial decision-making is illegitimate unless based on specific decisions by elected representatives or on relevant tradition or history. Where the Court found that the Congress left ambiguity in the law, as in the anti-racketeering statute, it refused to infer congressional intent. Instead, the Court left to elected officials the business of rejuvenating ambiguous or intellectual laws.

An unusually sharp tone characterized exchanges between justices this term. Most often the exchanges were within the conservative majority as it debated how far to go in revising existing doctrines and how quickly to do it. In the abortion decision, for example, one justice said another who

agreed with only part of the majority decision "cannot be taken seriously" and that the justice's thinking was "irrational."

The Court issued a large number of civil rights decisions withdrawing from an active approach to individual rights and liberties. The Court acted to narrow the application of anti-discrimination and job bias laws, making it harder for minority workers to sue employers. The Court ruled that affirmative action programs to help minority-owned businesses must be limited to correcting carefully documented examples of past discrimination. It also held that affirmative action settlements are vulnerable to attack by workers citing reverse discrimination. Further, the Court limited the scope of an 1866 civil rights law, holding that it applies only to hiring policies and cannot be used to bring a lawsuit over biased treatment once a job commences.

On abortion, the Court handed down a single major ruling by a narrow 5-to-4 decision. The Court gave states the right to impose new restrictions on abortions performed with public funds or by public officials. The decision threatens a woman's right to an abortion in the early stages of pregnancy. The Court may now be inclined to uphold state restrictions concerning abortions if they do not "impose an undue burden on a woman's abortion decision." The Court will hear three more cases during the upcoming October session which should clarify its position toward abortion restrictions.

The Court issued several opinions concerning the death penalty. It upheld state laws to impose the death penalty on minors who were 16 or 17, and also ruled that states may impose the death penalty on the mentally retarded as long as juries consider their mental capacity as a factor in the defendant's favor. Both rulings are based on the conclusion that the death penalty in neither case was "cruel and unusual punishment" barred by the Eighth Amendment.

In the area of criminal law, the Court moved to expand the power of the police. The Court ruled that the "Miranda" warning police give suspects need only say that a lawyer will be appointed for them if they go to court. The Court also held that the government may freeze the assets of people facing racketeering or narcotics charges, even if this leaves them without enough funds to afford a lawyer. In another case, the Court ruled that police may stop airline passengers for questioning if their behavior matches a drug-courier profile.

The Court handed down several decisions concerning freedom of expression, one of the few areas where the conservative majority fractured. The Court ruled that a Texas law against flag desecration violated First Amendment protection of free speech. The Court also ruled that the Congress may ban dial-a-porn which is obscene, but it cannot totally ban telephone messages which are indecent.

Several other cases stand out in the session that just ended. Ruling that local governments cannot support overtly religious holiday displays, the Court decided that a Nativity scene standing by itself in a county court house was an unconstitutional endorsement of religion, but that a Hanukkah menorah displayed next to Christmas decorations was permissible. The Court upheld drug testing for railroad workers after accidents and for government workers in some instances. It also ruled that states must tax the pensions of retired federal and state workers equally.

HONORING MIKE SCHMIDT

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1989

Mr. WELDON. Mr. Speaker, 1 year ago today, a constituent of mine by the name of Michael Jack Schmidt played his 2,155th game at third base to break Eddie Matthews' all-time National League record. On May 28, of this year Michael Schmidt played his final game in the major leagues. I rise today to pay tribute to this Hall of Famer-to-be, who for the past 16 years has thrilled Philadelphia Phillies fans and baseball fans across the country.

Whether it was one of his booming home runs to deep left-center field or a charging bare-handed throw to first base, Mike Schmidt was a sheer delight to watch.

In his career he amassed 548 home runs, seventh all-time in the major leagues, and the most of any third baseman in baseball history. He led the National League in home runs eight times, the most ever.

He led the National League in RBI's four times, compiling 1,595 RBI's, the most of any third baseman, 17th alltime in the major leagues, and 6th in the National League.

Mike Schmidt was an all-around player, probably the best overall third baseman in baseball history. He earned 10 Gold Gloves during his career, the most of any National League player ever. He was selected to play in the All-Star game 12 times and selected to start 9 times. Fans across the Nation paid tribute to Mike Schmidt this year by selecting him as the starting third baseman for the National League, after having already retired earlier in the year. He was one of only three players selected as league MVP three times and was selected as MVP of the 1980 World Series. He was voted the greatest Phillies player ever by fans in 1983.

Along with his accomplishments on the field, Mike Schmidt has worked to help the community. Beginning in 1981, Mike Schmidt provided tickets to each game for groups not normally able to attend a Phillies game. Additionally, he has raised over \$1 million for the United Way since 1985.

I want to congratulate Mike Schmidt for the great career he had and thank him for the excitement and entertainment he provided for us. A great career has come to an end, but the memories of his competitive flair and devotion to the game will live long in the hearts of baseball fans across the Nation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when sched-

uled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, July 27, 1989, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 28

10:00 a.m.
Finance
Energy and Agricultural Taxation Subcommittee
To hold hearings on the tax treatment of debts that are cancelled when farmers attempt to restructure their loans.
SD-215

JULY 31

8:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Janet D. Steiger, of the District of Columbia, and Deborah Kaye Owen, of Maryland, each to be a Federal Trade Commissioner.
SR-253

9:00 a.m.
Energy and Natural Resources
Mineral Resources Development and Production Subcommittee
To hold hearings on S. 30 and H.R. 2392, bills relating to oil shale mining claims.
SD-366

9:30 a.m.
Special on Impeachment Committee
To resume evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of John A. Knauss, of Rhode Island, to be Under Secretary of Commerce for Oceans and Atmospheres.
SR-253

1:30 p.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

2:00 p.m.
Banking, Housing, and Urban Affairs
Consumer and Regulatory Affairs Subcommittee
To hold oversight hearings on enforcement of the Community Reinvestment Act (CRA).
SD-538

Commerce, Science, and Transportation
To hold hearings on the nominations of Andrew C. Barrett, of Illinois, Sherry P. Marshall, of North Carolina, and Alfred Sikes, of Missouri, each to be a

Member of the Federal Communications Commission.
SR-253

Energy and Natural Resources
To hold hearings on S. 972 and S. 1304, bills relating to the Department of Energy's efforts to operate and manage its atomic energy defense activities in a safe and environmentally sound manner.
SD-366

AUGUST 1

9:00 a.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

Environment and Public Works
Superfund, Ocean and Water Protection Subcommittee
To hold hearings on the seriousness and extent of ground water contamination problems.
SD-406

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on livestock and poultry.
SR-332

Judiciary
To hold hearings on S. 1338, S.J. Res. 179, and S.J. Res. 180, measures to protect the physical integrity of the flag of the United States.
SR-325

2:00 p.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

Joint Economic
To resume hearings on the midyear economic outlook.
2359 Rayburn Building

2:30 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Credit Subcommittee
To resume oversight hearings on the Farmers Home Administration implementation of the Agriculture Credit Act of 1987 (P.L. 100-233).
SR-332

AUGUST 2

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1009, S. 743, and S. 744, bills relating to the purchase of broadcasting time by candidates for public office.
SR-253

Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.
SH-216

9:30 a.m.

Environment and Public Works
Superfund, Ocean and Water Protection
Subcommittee

To hold hearings on S. 630, to conserve,
protect, and to restore the coastal wet-
lands of the State of Louisiana.

SD-406

Governmental Affairs

To hold oversight hearings on certain
programs of the Department of
Energy.

SD-342

11:30 a.m.

Select on Indian Affairs

Business meeting, to mark up S. 321, to
revise provisions of law that provide a
preference to Indians.

SR-485

1:30 p.m.

Special on Impeachment Committee

To continue evidentiary hearings in the
matter relating to the impeachment of
Judge Alcee L. Hastings.

SH-216

2:00 p.m.

Select on Intelligence

To hold closed hearings on intelligence
matters.

SH-219

AUGUST 3

9:00 a.m.

Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization
of Prices Subcommittee

To hold hearings on proposed legislation
to strengthen and improve U.S. agri-
cultural programs, focusing on wool
and honey.

SR-332

Special on Impeachment Committee

To continue evidentiary hearings in the
matter relating to the impeachment of
Judge Alcee L. Hastings.

SH-216

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings in conjunction with
the National Ocean Policy Study on
coastal zone management.

SR-253

Commerce, Science, and Transportation
Aviation Subcommittee

To hold hearings on airline pilot supply.

SR-301

1:30 p.m.

Special on Impeachment Committee

To continue evidentiary hearings in the
matter relating to the impeachment of
Judge Alcee L. Hastings.

SH-216

AUGUST 4

9:00 a.m.

Special on Impeachment Committee

To continue evidentiary hearings in the
matter relating to the impeachment of
Judge Alcee L. Hastings.

SH-216

1:30 p.m.

Special on Impeachment Committee

To continue evidentiary hearings in the
matter relating to the impeachment of
Judge Alcee L. Hastings.

SH-216

SEPTEMBER 14

9:30 a.m.

Governmental Affairs

To hold hearings on S. 1165, to provide
for fair employment practices in the
U.S. Senate and U.S. House of Repre-
sentatives.

SD-342

SEPTEMBER 19

9:00 a.m.

Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee

To hold hearings on the protection of
water quality.

SR-332

CANCELLATIONS

AUGUST 2

9:30 a.m.

Commerce, Science, and Transportation
Consumer Subcommittee

To hold hearings on S. 870, to label con-
sumer products containing substances
that contribute to the depletion of the
ozone layer in the upper atmosphere,
to regulate the sale, distribution, and
use of such substances in consumer
products and services in and affecting
interstate commerce, and to recapture
and recycle such substances.

SR-253

HOUSE OF REPRESENTATIVES—Thursday, July 27, 1989

The House met at 9 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O God, so to grow in our spirits that we focus on the way life can be, and not only as the way life is. May we hear Your voice speak to us through our hopes and dreams of a time when the darkness will be conquered by the brightness of Your presence. May we see that we cannot find fulfillment only by what we can measure and prove but rather by the infinite possibilities of Your abiding truth, and Your enduring promises. This we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. TRAFICANT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. TRAFICANT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 275, nays 107, answered "present" 1, not voting 48, as follows:

[Roll No. 173]

YEAS—275

Ackerman	Bilbray	Clarke
Akaka	Bonior	Clement
Alexander	Borski	Clinger
Anderson	Bosco	Coleman (TX)
Andrews	Boucher	Combust
Annunzio	Boxer	Conte
Anthony	Brennan	Cooper
Applegate	Brooks	Costello
Archer	Broomfield	Coyne
Aspin	Browder	Crockett
Atkins	Brown (CA)	Darden
Barnard	Bruce	Davis
Bartlett	Bryant	de la Garza
Bateman	Bustamante	DeFazio
Bates	Byron	Dellums
Bellenson	Callahan	Derrick
Bennett	Campbell (CO)	Dicks
Bereuter	Cardin	Dixon
Berman	Carper	Donnelly
Bevill	Chapman	Dorgan (ND)

Downey	LaFalce	Robinson
Duncan	Lancaster	Roe
Durbin	Lantos	Rose
Dwyer	Laughlin	Rostenkowski
Dymally	Lehman (CA)	Rowland (CT)
Dyson	Lehman (FL)	Rowland (GA)
Early	Lent	Roybal
Eckart	Levin (MI)	Russo
Edwards (CA)	Levine (CA)	Sabo
Edwards (OK)	Lewis (GA)	Saiki
Emerson	Lipinski	Sangmeister
Engel	Livingston	Sarpalius
English	Long	Savage
Erdreich	Lowey (NY)	Sawyer
Espy	Lukens, Thomas	Saxton
Evans	Manton	Scheuer
Fascell	Martin (NY)	Schiff
Feltham	Martinez	Schneider
Fish	Matsui	Schulze
Flippo	Mavroules	Schumer
Foglietta	Mazzoli	Sharp
Frank	McCloskey	Shaw
McCurdy	McDermott	Shumway
McEwen	McEwen	Shuster
McMillen (MD)	McNulty	Sisk
McNulty	Meyers	Skaggs
Meyers	Mfume	Skeen
Mfume	Miller (CA)	Skelton
Miller (CA)	Miller (WA)	Slatery
Miller (WA)	Mineta	Slaughter (NY)
Mineta	Moakley	Smith (FL)
Moakley	Mollohan	Smith (IA)
Mollohan	Montgomery	Smith (NE)
Montgomery	Moody	Smith (NJ)
Moody	Morrison (CT)	Smith (VT)
Morrison (CT)	Morrison (WA)	Snowe
Morrison (WA)	Murtha	Solarz
Murtha	Myers	Spence
Myers	Natcher	Spratt
Natcher	Neal (MA)	Staggers
Neal (MA)	Nelson	Stallings
Nelson	Nowak	Stark
Nowak	Oakar	Stenholm
Oakar	Obeys	Studds
Obeys	Olin	Synar
Olin	Ortiz	Tallan
Ortiz	Oxley	Tanner
Oxley	Packard	Tauzin
Packard	Pallone	Thomas (GA)
Pallone	Panetta	Torricelli
Panetta	Patterson	Towns
Patterson	Payne (NJ)	Traficant
Payne (NJ)	Payne (VA)	Unsoeld
Payne (VA)	Pease	Valentine
Pease	Pelosi	Vento
Pelosi	Penny	Visclosky
Penny	Perkins	Volkmer
Perkins	Petri	Walsh
Petri	Pickett	Watkins
Pickett	Porter	Waxman
Porter	Poshard	Weiss
Poshard	Price	Weldon
Price	Rahall	Whitten
Rahall	Rangel	Williams
Rangel	Ravenel	Wilson
Ravenel	Ray	Wise
Ray	Regula	Wolpe
Regula	Richardson	Wyden
Richardson	Rinaldo	Wyllie
Rinaldo	Ritter	Yates
Ritter		Yatron

NAYS—107

Armey	Burton	Dickinson
Baker	Chandler	Dornan (CA)
Ballenger	Clay	Douglas
Barton	Coble	Dreier
Bentley	Coleman (MO)	Fawell
Billirakis	Coughlin	Fields
Bliley	Courter	Frenzel
Boehlert	Craig	Gallely
Brown (CO)	Crane	Gekas
Buechner	DeLay	Goodling
Bunning	DeWine	Goss

Grandy	McCandless	Slaughter (VA)
Hancock	McCollum	Smith (MS)
Hansen	McGrath	Smith (TX)
Hastert	McMillan (NC)	Smith, Denny
Hefley	Michel	(OR)
Herger	Miller (OH)	Smith, Robert
Hill	Molinar	(NH)
Holloway	Moorhead	Smith, Robert
Hopkins	Murphy	(OR)
Hunter	Nielson	Solomon
Inhofe	Parris	Stangeland
Ireland	Pashayan	Stearns
Jacobs	Paxon	Stump
James	Quillen	Sundquist
Kolbe	Rhodes	Tauke
Kyl	Ridge	Thomas (CA)
Lagomarsino	Rogers	Thomas (WY)
Leach (IA)	Rohrabacher	Upton
Lewis (CA)	Roth	Vucanovich
Lewis (FL)	Roukema	Walker
Lightfoot	Schaefer	Weber
Lukens, Donald	Schroeder	Wheat
Machtley	Schuetter	Whittaker
Madigan	Sensenbrenner	Wolf
Marlenee	Shays	Young (FL)
Martin (IL)	Sikorski	

ANSWERED "PRESENT"—1

Campbell (CA)

NOT VOTING—48

AuCoin	Hertel	Neal (NC)
Boggs	Huckaby	Oberstar
Carr	Hyde	Owens (NY)
Collins	Johnson (CT)	Owens (UT)
Conyers	Jones (NC)	Parker
Cox	Leath (TX)	Pickie
Dannemeyer	Leland	Pursell
Dingell	Lloyd	Roberts
Flake	Lowery (CA)	Stokes
Florio	Markey	Swift
Ford (MI)	McCrery	Torres
Ford (TN)	McDade	Traxler
Gibbons	McHugh	Udall
Hall (TX)	Morella	Vander Jagt
Hatcher	Mrazek	Walgren
Hawkins	Nagle	Young (AK)

□ 0925

So the Journal was approved.
The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Louisiana [Mr. BAKER] come forward and lead the House in the Pledge of Allegiance.

Mr. BAKER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON DISTRICT OF COLUMBIA APPROPRIATION BILL, 1990

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, Thursday, July 27,

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

1989, to file a privileged report on a bill making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1990, and for other purposes.

Mr. GALLO reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PROVIDING FOR CONTINUED SERVICE AS CHAIRMAN OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE NOTWITHSTANDING CERTAIN PROVISIONS OF THE RULES OF THE HOUSE

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 213.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 213

Resolved, That notwithstanding the provisions of clause 1(c) of rule XLVIII, Representative Bellenson of California may continue to serve as Chairman of the Permanent Select Committee on Intelligence for the remainder of the One Hundred First Congress.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING AMOUNTS FROM CONTINGENT FUND FOR FURTHER EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON THE JUDICIARY IN FIRST SESSION OF THE 101ST CONGRESS

Mr. GAYDOS, from the Committee on House Administration, submitted a privileged report (Rept. No. 101-184) on the resolution (H. Res. 201) providing amounts from the contingent fund of the House for further expenses of investigations and studies by the Committee on the Judiciary in the first session of the 101st Congress, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING AMOUNTS FROM CONTINGENT FUND FOR FURTHER EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT IN FIRST SESSION OF THE 101ST CONGRESS

Mr. GAYDOS, from the Committee on House Administration, submitted a privileged report (Rept. No. 101-185) on the resolution (H. Res. 208) providing amounts from the contingent fund of the House for further expenses of investigations and studies by the Committee on Standards of Official Conduct in the first session of the 101st Congress, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR SUBCOMMITTEE ON WATER, POWER AND OFFSHORE ENERGY RESOURCES OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO SIT ON FRIDAY, JULY 28, 1989 DURING THE 5-MINUTE RULE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that the Subcommittee on Water, Power and Offshore Energy Resources of the Committee on Interior and Insular Affairs be permitted to sit on Friday, July 28, 1989, while the House is meeting under the 5-minute rule.

Mr. Speaker, this has been cleared with the minority on the committee.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT ON FRIDAY, JULY 28, 1989 DURING THE 5-MINUTE RULE

Mr. BOSCO. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be permitted to sit tomorrow, July 28, 1989, during the 5-minute rule.

This has been approved by the minority as well, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

□ 0930

CAUSE OF 1985 GANDER CRASH REMAINS A MYSTERY

(Mr. TALLON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALLON. Mr. Speaker, I am outraged at the recent findings of the former Canadian Supreme Court Judge regarding the 1985 Gander crash which killed 256 Americans. After years of controversy and speculation, the Judge says that the causes of the crash are unknown but that to reopen the investigation would cause unnecessary heartache for the families of victims.

Nothing could be more ludicrous. Families have been fighting for the truth for 4 years. The judge's conclusion means that Gander remains a mystery, perhaps even a coverup. I strongly urge my colleagues to work with me to get to the bottom of this nonsense that persists in the form of silence from both the Canadian and American Governments in this matter.

THROUGH THE DRUG WAR MAZE IN 28 DAYS—DAY 8: HOUSE GOVERNMENT OPERATIONS COMMITTEE

(Mr. SMITH of Mississippi asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Mississippi. Mr. Speaker, as a member of the House Government Operations Committee, I have no qualms with admitting that my committee is part of the drug war maze—as depicted in the illustration at my left—in the United States Congress. It is one of the 80-plus committees, subcommittees and select committees that the Nation's drug czar must pass through to form a drug-control strategy.

Yesterday, in the 7th day of my guided tour of the drug war maze, this issue drew its first spark of debate on the House floor. I was pleased to see that there is some interest.

As I expected, the opposing argument was that some committees need their jurisdiction over drug control, that it would be imprudent to take away their authority.

I firmly believe that in the Congress, we can come up with a committee of members who are capable of handling all legislation on the war on drugs. They will certainly be expected to have the input of the President, his Cabinet, including the drug czar, and other Members of Congress so that all angles are considered. Let us remember that during another war, the Civil War, Congress put its faith in a single, joint committee composed of just seven members.

Currently, all 435 House Members have a committee assignment with some connection to the war on drugs. Every Member has at least a small piece of the public relations pie.

If we want a true war on drugs, we will fight it by troop, and not by choir. If we want a true war on drugs, we will

pass the Paxon bill and put our efforts behind one committee that has the power to get something done.

UNITED STATES SHOULD USE CAUTION IN POSSIBLE WAIVING OF JACKSON-VANIK AMENDMENT

(Mr. BUSTAMANTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUSTAMANTE. Mr. Speaker, I am constantly amazed by the rapid changes which are occurring in the Soviet Union today. However, although I applaud the efforts of Mr. Gorbachev and hope that his program of perestroika launches the Soviet Union on the irreversible path toward freedom and prosperity, I am still a realist, who recognizes that Mr. Gorbachev is vulnerable and his policies may in fact represent only a temporary respite in the tumultuous history of the Soviet Union. It is this fundamental realization which prompts me to urge caution in our dealings with the Soviet Union, particularly in reference to waiving the Jackson-Vanik amendment.

Clearly, one must acknowledge that the Soviet Union has made improvements in their emigration policy under Mr. Gorbachev. However, progress concerning emigration has been limited. For example, there are still many long-term refuseniks who are not permitted to emigrate; state security is still used as a justification to bar emigration; the poor relative's clause is still a means to curb emigration; and psychiatric hospitals are still used for political purposes.

The changes in Soviet emigration policy which have been implemented thus far are somewhat superficial, and there is little indication beyond verbal assurances that they would survive should Mr. Gorbachev fall. Therefore, we must encourage the Soviet Union to adopt institutional reforms which are irreversible, so that if the Gorbachev phenomena fades from the horizon, future Soviet leaders will still be bound to an emigration standard, in line with the Jackson-Vanik amendment. Only when these reforms are adopted and annual Jewish emigration levels exceed 60,000, with evidence that this level will be maintained or surpassed in the future, should we consider granting a 1-year waiver or the Jackson-Vanik amendment. Clearly, now is not the time for this to take place.

NEW CRISIS ON CYPRUS

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, last week a group of Greek Cypriot women and several clergymen and journalists crossed the green line and occupied an abandoned chapel and school in the buffer zone in Cyprus to protest and mark the 15th anniversary of the Turkish invasion of Cyprus.

These peaceful demonstrators were abducted and seized by Turkish armed forces on Cyprus as they were praying. The Turkish forces violently broke through the U.N. troops who were there to protect the buffer zone and proceeded to brutally arrest the peaceful demonstrators. These women, clergymen, and journalists were bayoneted, beaten slapped, pulled by the hair, and frequently poked with electric cattle prods. After being held for 5 days, the Greek-Cypriot women were released early in the morning of July 25. However, the journalists and clergymen continue to be held.

Mr. Speaker, I call for the immediate release of these individuals and ask my colleagues to also lend their voice to this cause.

The sanctity of the religious service, and the religious and human rights of these peaceful demonstrators has been violated by the Turkish Government—a government, Mr. Speaker, that receives over three quarters of a billion American dollars in foreign and military aid each year.

Let's not sit quietly by and let Turkey get away with such disregard for law and humane practices. The remaining captives must be released immediately.

LOS ALAMOS INCINERATION OF RADIOACTIVE WASTE SHOULD BE DELAYED 1 YEAR

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, later this morning this body will have an opportunity to vote on an amendment that I have offered. This amendment is important to me, to my district and to the citizens of the Third Congressional District of New Mexico.

It does the following: It delays incineration of radioactive waste at Los Alamos Laboratory for 1 year until the State of New Mexico has some regulations to oversee this matter properly. This is an amendment that is approved and supported by the State of New Mexico, by Chairman ASPIN, by Chairman SPRATT.

It is a good amendment that simply says we are not stopping this incineration; we just want to make sure there is proper Federal and State oversight.

This is an amendment that simply says that there must be public participation, there must be environmental safeguards. It is not a partisan amendment.

Mr. Speaker, I ask support of both parties in supporting an amendment that is very important to the citizens of New Mexico.

GUTLESS SECRETARY OF COMMERCE MOSBACHER CAVES IN TO BULLY TACTICS OF GULF SHRIMPERS

(Mr. RAVENEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAVENEL. Mr. Speaker, here is what the St. Petersburg Florida Times had to say about our gutless Secretary of Commerce yesterday morning:

U.S. Commerce Secretary Robert Mosbacher showed this week what kind of courage he has—none. He caved in to the bully tactics of the Gulf shrimpers who don't want to comply with a Federal requirement that they use devices to keep endangered sea turtles from dying in their nets. It is shameful that Mosbacher can't bear to listen to the shrimpers' rantings, yet, he apparently has no trouble watching an endangered animal die off.

Mr. Speaker, Mosbacher's flip flops on enforcing the Endangered Species Act is a disgrace to the Bush administration. All the drowned turtles that will now be washing ashore, Mosbacher and Mosbacher alone will have caused to be killed—shame on you Robert Mosbacher, shame on you!

IRS IS OUT OF CONTROL

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, this week a congressional subcommittee was told that the IRS has overstepped its bounds many times.

Now I do not know what the big surprise is. The American people have known this for years.

The witnesses testified that the IRS targeted critics, the IRS intimidated innocent taxpayers, the IRS plays politics with tax returns; they used excessive force and even violence; they promoted ruthless agents who carried out the plan and threatened agents who did not.

Now this all came to light in an incident in Los Angeles where Ron Saranow, the former head of the Los Angeles criminal division, is being investigated.

You know what IRS agents said, folks? They said they were afraid to talk about Saranow because they did not want the IRS to go after them.

Now, Congress, if IRS agents are afraid of the IRS, what about taxpayers? It is time to do something about it.

Congress should pull in the reins on an abusive agency. No one in America should fear their Government, no one,

and the IRS is a part of our Government that has been out of control.

□ 0940

UNITE CONGRESS ON DRUGS AND CRIME WAR

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, our Nation is united in the fight against crime and drugs. We created the drug czar to unite law enforcement in the fight against crime and drugs. The most disunited group in the fight against crime and drugs is the Congress of the United States.

I commend my colleague from Mississippi [Mr. SMITH], for his ongoing educational 1 minutes which highlight the inefficient committee system which exists today in Congress.

Likewise, I have joined with my colleague from New York [Mr. PAXON], as an original cosponsor of legislation—which he will introduce today—establishing a permanent standing committee of the House with exclusive jurisdiction over all drug legislation. I urge all my colleagues to support this effort to unite the Congress with everyone else in the fight against crime and drugs.

FORGET DRUG WAR BONDS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, the Bush administration is about to repeat the mistake of not living up to responsible budgeting. As we sit here today, the House and Senate conferees are putting the finishing touches on the Bush savings and loan bailout bill that will essentially bail out the savings and loan industry, by paying off its debt in the wrong way by issuing more debt. This amounts to nothing less than a long-term tax on the American people.

Now we hear the drug czar William Bennett has come up with a grand new proposal to put teeth into the drug war. He wants to issue what he calls war bonds, another trick to create more debt and put another tax on the American people. This proposal bespeaks a remarkable capacity for missing the point. Our Nation's credit card reached the limit long ago. We should not fight this Nation's drug war by compounding the national debt.

Now, a few weeks ago, our colleague, the gentleman from Oregon [Mr. AUCOIN] had a responsible and sensible amendment, to shift money in next year's budget, a billion dollars, from the star wars program to drug wars. The administration opposed Members

on that important effort. Now it proceeds to try to cover its faulty tracks in the drug war by proposing this phony proposal that only creates another tax on the American people. It does not stand up to the real need to fight the drug war in this Nation today and not pass on the bill for it by taxing future generations.

MILITARY IS VITAL TO DRUG WAR

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, being from Florida as I am, we well know the problems that we have with drugs, and the trouble that is expressed all across this country. Yesterday, before the Senate, a report was released by the Attorney General for the State Department, saying something that many Members have known for years. Many Members have worked with and tried to correct for many, many years. That is the fact that we are losing the war against drugs in South America. Most particularly, in Bolivia and Peru. We have DEA agents leading troops, Bolivian and Peruvian troops, that cannot even speak Spanish, and therefore cannot communicate with them.

We have terrible situations down there where the troops are not properly trained. If we are serious about winning the war against drugs, it is time for Members to get behind Mr. Bennett's proposal to get Special Forces of the United States military actively involved. For Members to continue going through and pulling up by the hands, hectares of coca plants, while for every hectare that we are destroying, nine more are being planted. If we are to get serious, we are to get our first line of defense actively involved, and that is the U.S. military.

HOUSE JUDICIARY COMMITTEE PASSES FLAG BILL

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, the House Judiciary Committee, in a strong bipartisan vote, has this morning passed a statute prohibiting the burning or destruction of the American flag. We believe that the statute is constitutional and will be able to withstand court review.

The bill makes it a criminal offense to destroy a flag without regard to the intent of the person who engages in the prohibitive conduct, thereby avoiding a conflict with the first amendment. The bill provides an expedited review process so that the courts can quickly determine the constitutional viability of this bill.

All Members, Democrats and Republicans, deplore the offensive conduct of flag burning. The flag represents the values that this great Nation stands for, and the values that millions died for. Every morning we begin our legislative day with the Pledge of Allegiance, reaffirming our devotion to the highest value of all, liberty and justice for all. This statute sets the boundaries by which all Americans can show proper respect for the flag, without running afoul for our precious Constitution, and the liberties and rights it preserves.

This bill will come before the House soon. I hope the full House, the Senate, and the President can give their support, as well.

OVERLAPPING COMMITTEE JURISDICTION HURTS CONGRESSIONAL WAR ON DRUGS

(Mr. PAXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker, today I rise to introduce the Congressional Drug Committee Reorganization Act of 1989, a bill to amend the rules of the House to establish a permanent standing Committee on Narcotics Abuse and Control.

If enacted my legislation will abolish the overlapping jurisdiction of the 53 House committees and subcommittees that currently have legislative authority on illegal drug issues and establish instead a single standing committee with exclusive authority to hold hearings and report legislation on all Federal antidrug efforts.

My legislation, Mr. Speaker, would eliminate what is clearly an inefficient system of conflicting policies and then establish a singular effort to advance the get-tough approach to drugs that the American people—continually tell Members they want and deserve.

When Congress receives the President's national drug policy in September, it is absolutely crucial that we have a coordinated process for dealing with the President's recommendations for winning the war on drugs in America.

It is time for Congress to get as serious as the American people on this vital issue, Mr. Speaker, and reform our current war of words into a real war on drugs.

I invite my colleagues to join me and 28 cosponsors in this effort by cosponsoring this important legislation to improve our effectiveness in moving toward a drug-free America.

INTRODUCTION OF FAIR EMPLOYMENT REINSTATEMENT ACT

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, today I rise to introduce the Fair Employment Reinstatement Act. This legislation is in direct response to the Supreme Court decision in the case of *Wards Cove Packing Co. versus Atonio*. By rendering this decision the Court abandoned the rule it unanimously adopted 18 years ago in *Griggs Versus Duke Power* that when employment practices have a disparate impact on minorities and women, employers must prove that these practices are required by business necessity. The *Griggs* rule was a critically important weapon in ending the practices that perpetuated discrimination, and the Fair Employment Reinstatement Act will restore the *Griggs* rule to the civil rights arsenal.

This legislation would reestablish that it is the defendants' burden to prove that a practice is a business necessity once the plaintiff has established a discriminatory disparate impact. Second, under this act the plaintiff may challenge a group of employment practices without having to demonstrate that each specific practice within the group resulted in disparate impact. Additionally, this bill would clarify that proof of business necessity requires a showing that the challenged business practice is essential to job performance.

Mr. Speaker, protecting civil rights is and should be a bipartisan issue. If our country stands for anything, it stands for the principle that equal rights and equal opportunity shall not be denied. This legislation has been endorsed by the NAACP Legal Defense Fund, the Lawyers Committee for Civil Rights Under Law, the National Women's Law Center, and the ACLU. I look forward to working with my colleagues on this legislation and on the upcoming omnibus civil rights legislation.

DAVIS-BACON REFORM

(Mr. CRAIG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAIG. Mr. Speaker, the American people have entrusted us with a great responsibility—one I believe has been often shirked in these times of runaway congressional spending. This is why I believe the choice we face in considering Davis-Bacon reform is a simple one.

Davis-Bacon was enacted in 1931 to protect the wages of construction workers engaged in Federal Government projects. However, experience,

proves that it reduces competition for Federal contracts, costs the American people an unprecedented amount of money, and bogs down the Department of Labor with unnecessary paperwork.

The Davis-Bacon reform amendment, proposed by Congressman STENHOLM and Congressman STANGELAND erase all of these problems and many others. This reform is painless and would do much good for small business owners and the American taxpayer. As I stated before, Mr. Speaker, this choice is a simple one. Act responsibly; vote for the Stenholm-Stangeland amendment today.

RECOGNITION OF POLISH ARMED FORCES OF WORLD WAR II

(Mr. KOLTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLTER. Mr. Speaker, on September 1, the Friday before Labor Day, most Americans will begin the summer's last long weekend—a time for picnics and camping, a time of fun with family and friends.

For many Polish-Americans, however, September 1st this year has far greater significance. In Poland, 50 years ago, September 1 was not a place for fun with family or friends. It was, instead, a day of terror and anguish, a day of pain and death.

With the Nazi invasion of Poland, September 1, 1939, marked the beginning of World War II, a date that changed all of our lives, and the world, forever. Against horrible odds, the Polish men and women who fought bravely against the Nazi onslaught were eventually defeated. Those who died, sacrificed their lives fighting the most terrible totalitarian force our world has yet witnessed. Those who survived were imprisoned, or escaped to regroup, and distinguish themselves on numerous European and North African battlefronts.

I ask my colleagues to join me in commemorating the anniversary of that fateful day by cosponsoring a resolution marking September 1, 1989, as "National Day of Recognition of the Polish Armed Forces of World War II" in honor of those brave Polish Armed Forces who provided the world such inspiration in one of democracy's darkest hours.

TRUE REFORM OF DAVIS-BACON COMES WITH THE STENHOLM-STANGELAND AMENDMENT

(Mr. STANGELAND asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. STANGELAND. Mr. Speaker, today the House will consider amend-

ments to the Department of Defense authorization bill that are designed to reform the Davis-Bacon Act. Despite rhetoric to the contrary, only the Stenholm-Stangeland amendment is true reform.

The Stenholm-Stangeland amendment makes several meaningful changes to Davis-Bacon, including raising the threshold to \$250,000. The result of these changes will bring about the following:

First, it will save \$3.5 billion in taxpayer dollars by 1994; No. 2, it would open up Federal procurement opportunities for small business; No. 3, it will offer entry-level jobs for youth, minorities, and women; No. 4, it will reduce dramatically burdensome Federal paperwork; and, No. 5, it will provide quality, cost-effective Federal construction.

Mr. Speaker, I ask the Members, if they want to vote for real reform, to vote yes on Stenholm-Stangeland today.

PROPOSED ENVIRONMENTAL AMENDMENTS TO THE DEFENSE AUTHORIZATION BILL

(Mr. RAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAY. Mr. Speaker, last week I appeared before the Rules Committee to seek to have made in order five amendments to H.R. 2461, the National Defense authorization bill for fiscal years 1990-91, to address a number of major issues involving the environmental restoration activities of the Department of Defense. Although they were not made in order, the problems they seek to address remain and the need for timely remedies are as pressing as ever.

Amendment 105 would authorize the use of DERA funds to reimburse a State for its costs of technical review and oversight through cooperative agreements and eliminate the current need for waivers from the Office of Management and Budget.

Amendment 106 would limit the obligation and expenditure to DERA funds in a manner which would be consistent with a "worst-first" priority scheme for environmental restoration and would provide for the inclusion of the State and Administrator of the Environmental Protection Agency in the priority setting process. The objective of the amendment was to make more difficult the earmarking of funds by Members of Congress who would try to accelerate environmental cleanups at lower priority hazardous waste sites in their districts.

Amendment 107 would limit the use of DERA funds for cleanups at DOD national priority list sites to those where the EPA Administrator has ap-

proved remedial action. This amendment was designed to ensure that DERA funds are expended for cleanups in a cost effective manner and to fend off State efforts to compel the expenditure of DERA funds for remedies at NPL sites not approved by the EPA Administrator.

Amendment 108 would provide that no DOD officer, agent, or employee shall be liable for civil penalties for violating an environmental statute where the individual was acting within the scope of his or her employment at the time of the alleged violation. This amendment would provide a standardized protection against civil liability for DOD employees that would be consistent with existing similar language in the Safe Drinking Water Act.

Amendment 109 would have provided the Secretary of Defense with discretionary authority in certain circumstances to make DOD attorneys, personnel, and funds available to be used to assist in the representation of DOD employees who are charged with criminal violations of environmental laws.

I regret that these amendments were not made in order because they seek to remedy problems that are growing more serious with each passing day and impair the DOD's ability to carry out environmental activities in a cost-effective, coherent, and responsive fashion. Timely solutions to these problems are imperative, and the Members may be assured that I will continue to press for responsible legislative remedies.

GOOD NEWS ON TAX REFORM

(Mr. GEKAS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, there is good news for all those who are watching very carefully the fate of section 89 of the Tax Reform Act of 1986. That odious, complex section is a real burden to the businessmen and working people of the country, and efforts are being mounted in various ways to remove it from the scene of the American Tax Code.

Very recently the Appropriations Committee was successful in adding an amendment that would prohibit the Treasury Department from enforcing or spending any money to enforce this provision of the Tax Code.

That is very good news, but it does not end the problem. The law still remains on the books, so the next full efforts will be beginning to try to repeal section 89. Over 300 Members of the House have signed on legislation to eliminate and repeal it, and we feel all our efforts from now until that occurs will be molded toward that objective.

WILL THE REAL DAVIS-BACON COMPROMISE PLEASE STAND UP?

(Mr. STENHOLM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, from the writing of our Constitution by our Nation's founders to splitting the difference on the smallest appropriations here in Congress, compromise always has been an essential feature of American democracy.

Claiming compromise, some have urged my colleagues to vote for the Murphy-Davis-Bacon amendment later today as a compromise. These same special interest groups have tarred my amendment as a "virtual repeal" of Davis-Bacon.

As I did yesterday, I call your attention to this graph. You will notice that the budget savings from the Stenholm amendment amount to 53 percent of repeal. And you see where the Murphy amendment takes us—deeper into red ink.

Which is the compromise?

In my amendment, I give up 47 percent—I call that compromise.

I have a copy of the Murphy amendment right here. Where is the compromise?

It's on the bottom half of page 2, where we find a complicated, bifurcated, slightly higher threshold—and that change is undone on the very next page.

But the rest of the Murphy amendment—the remaining 22 pages—expand Davis-Bacon in every way imaginable. That is organized labor's idea of compromise: One-half page of token relief plus 22 pages that makes a bad status quo even worse.

If you have been told the Murphy amendment is a compromise, just read this amendment, and then read this chart.

A PROPOSAL TO ALLOW BURNING OF SOILED FLAGS

(Mr. DOUGLAS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DOUGLAS. Mr. Speaker, the Judiciary Committee this morning just committed an outrageous act. We approved, over my opposition, a statute that allegedly fixes the problem of the burning of the flag. It has a loophole in it big enough to drive a Mack truck through, and any lawyer who did not get his degree out of a Wheaties box can figure that out.

It permits the burning of a flag if it is soiled, and it says any conduct may be used to destroy such a flag. I could take a lighter and burn a soiled flag for protest purposes, and under this law I am not guilty.

Those of us who support a constitutional amendment were denied our first amendment rights to debate and discuss a constitutional amendment. Next week on this floor the bill will come in under suspension, and we will have been gagged; 162 Members who sponsored the constitutional amendment have been gagged by a prior restraint caused by the majority on the committee, and I urge the Members next week to watch very carefully what happens with that outrageous statute.

WHAT PRICE POLITICS?

(Mr. FASCELL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, I will entitle this brief statement: "What price politics?"

We had a vote in the House some time ago on an amendment offered in good faith to provide for mandatory drug testing in the State Department. A legitimate argument could be made as to whether or not that is a great idea or a bad idea. But in the course of discussion it was pointed out that for about 90 percent of the people who are now reached in a program put into place by the administration with regard to drug testing in the State Department and related agencies, this legislation for mandatory testing really was unnecessary. The position that was taken by the committee at that time which had responsibility for the legislation was: This was supported at the request of the Secretary of State and the administration to oppose the amendment.

So we did that, and the amendment was defeated. But the national committee of the other party decided this was great politics, so they sent out a press release only to the Democratic Members who voted in support of the administration's position and accused them of being soft on drugs or unwilling to enter into the drug fight. No Republican got that press release.

So I ask, Mr. Speaker, what price politics? What price bipartisanship?

NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1990

The SPEAKER pro tempore. Pursuant to House Resolution 211 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2461.

□ 0959

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the

Union for the further consideration of the bill (H.R. 2461) to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes, with Mr. DURBIN (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, July 26, 1989, amendment No. 7 printed in part two of House Report 101-168 had been disposed of.

It is now in order to consider amendment No. 19 relating to plutonium production printed in part one of House Report 101-168, by, and if offered by, the gentleman from Oregon [Mr. WYDEN] or his designee.

The Chair recognizes the gentleman from Oregon [Mr. WYDEN].

□ 1000

AMENDMENT OFFERED BY MR. WYDEN

Mr. WYDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WYDEN: At the end of title XXXI (page 350, after line 3), add the following new part (and conform the table of contents accordingly):

PART D—INTERNATIONAL PLUTONIUM CONTROL

SEC. 3141. SHORT TITLE.

This part may be cited as the "International Plutonium Control Act".

SEC. 3142. FINDINGS AND DECLARATIONS OF POLICY.

The Congress finds and declares as follows:

(1) While the United States has ceased operating all of its reactors used for the production of plutonium for weapons purposes, the Soviet Union is currently operating as many as 11 reactors for the production of materials for nuclear weapons.

(2) A mutual United States-Soviet ban on the production of plutonium and highly enriched uranium for weapons purposes would impose an additional constraint on a "break out" from arms limitation agreements by making it more difficult to accumulate an inventory of weapons-grade nuclear material, and thus would strengthen mutual confidence between the superpowers about the reliability of future nuclear arms reduction agreements.

(3) Such a ban would also provide evidence to nonnuclear weapons states of further progress in United States-Soviet compliance with Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, which calls for negotiations on cessation of the nuclear arms race at an early date.

(4) In view of the prospect of significantly reduced nuclear arsenals in the future and the availability of special nuclear materials from dismantled weapons to meet future stockpile requirements, the United States and the Soviet Union should agree to forgo further production of plutonium and highly enriched uranium for weapons purposes.

(5) A cutoff in the production of plutonium and highly enriched uranium for weapons purposes in an essential prerequisite for any long-term plan to verifiably dismantle and reduce permanently nuclear warhead stockpiles.

(6) Before the United States spends billions of dollars to ensure the future safe operation of facilities to produce plutonium and highly enriched uranium for weapons purposes, the United States and the Soviet Union should jointly explore the feasibility of—

(A) a mutual shutdown of plutonium production reactors, chemical separation facilities, and isotope separation plants dedicated to the production of plutonium for weapons purposes; and

(B) the safeguarded operation of uranium enrichment and chemical separation facilities for nonweapons purposes.

(7) National and cooperative technical means of verification, and safeguards against the diversion of weapon-grade nuclear materials from use in civilian nuclear facilities to use in the production of nuclear weapons, would detect attempts by the United States or the Soviet Union to produce or divert significant quantities of the current stockpiles of these materials.

(8) An agreement between the United States and the Soviet Union to terminate production of plutonium and highly enriched uranium for weapons purposes should be opened at the earliest possible date for signature by other nations possessing nuclear weapons.

SEC. 3143. NEGOTIATIONS TO END PRODUCTION OF PLUTONIUM AND HIGHLY ENRICHED URANIUM FOR NUCLEAR WEAPONS.

The Congress urges the President to seek negotiations with the Soviet Union on a verifiable agreement for an end by both countries to the production of plutonium and highly enriched uranium for weapons purposes.

SEC. 3144. VERIFICATION.

It is the sense of the Congress that the United States and the Soviet Union—

(1) should establish verification arrangements to monitor the cessation of activities called for by this part, including mutual inspections as necessary—

(A) of the production reactors, chemical separation facilities, and isotope separation plants in each country that are dedicated to the production of plutonium for weapons purposes in order to verify, for purposes of section 3146, that the Soviet Union and the United States have ceased such production; and

(B) of the production reactors, chemical separation facilities, uranium enrichment facilities, and isotope separation plants in each country in order to verify compliance with the agreement called for in section 3143;

(2) should furnish the technical equipment and personnel to implement safeguards at civilian nuclear facilities in each country, and should consider eventually transferring the safeguards mission to the International Atomic Energy Agency; and

(3) should consider increasing their respective contributions to the International Atomic Energy Agency to the level necessary to fund the assignment of additional fully trained inspectors to each country to assume additional safeguards responsibilities at civilian nuclear facilities.

SEC. 3145. EXCHANGES OF INFORMATION.

In furtherance of the purposes of this part, the Congress urges the President to seek agreement with the Soviet Union that

the United States and the Soviet Union will—

(1) exchange information on the location, mission, and maximum annual capacity of their facilities essential to the production of tritium for stockpile replenishment; and

(2) provide to each other a complete inventory of the facilities dedicated to the production of plutonium and highly enriched uranium for weapons purposes.

SEC. 3146. PRODUCTION OF PLUTONIUM FOR NUCLEAR WEAPONS.

(a) IN GENERAL.—Consistent with section 3143, the Congress urges the President to—

(1) propose a mutual and verifiable halt in United States-Soviet production of plutonium for weapons purposes; and

(2) seek to establish a mutual United States-Soviet working group to examine the technical aspects of a United States-Soviet halt in the production of fissile materials for weapons purposes.

(b) REPORT.—The President shall prepare a report for the Congress on the verification and technical aspects of a mutual and verifiable United States-Soviet halt in production of plutonium for weapons purposes. The report shall be submitted to Congress no later than April 30, 1990. In order to prepare this report, the President shall, by December 31, 1989, establish a United States technical working group to advise the President on the verification and technical aspects of such a halt.

SEC. 3147. PRODUCTION OF TRITIUM.

Nothing in this part shall be construed as intending to affect the production of tritium.

SEC. 3148. DEFINITIONS.

For the purposes of this part—

(1) the term "chemical separation plant dedicated to the production of plutonium" means a facility that separates fission products from plutonium contained in reactor spent fuel and irradiated target assemblies;

(2) the term "production of plutonium and highly enriched uranium for weapons purposes" does not include—

(A) activities described in paragraph (3); or

(B) the operation of a uranium enrichment or chemical separation facility under mutually agreed safeguards to obtain—

(i) highly enriched uranium fuel for tritium production reactors and naval reactors, or

(ii) plutonium for civil purposes;

(3) the term "production of plutonium for weapons purposes" does not include activities conducted in connection with the recycling of special nuclear material from retired weapons and the recovery from scrap of the existing weapon-grade plutonium inventory; and

(4) the term "isotope separation plant dedicated to the production of plutonium for weapons purposes" does not include pilot-scale facilities utilized exclusively for the purpose of research and development.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Oregon [Mr. WYDEN] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. Chairman, this amendment I offer is coauthored by the chairman of the Foreign Affairs Committee, the gentleman from Flori-

da [Mr. FASCELL], and two of our colleagues on the other side, the gentleman from Iowa [Mr. TAUKE] and the gentleman from New York [Mr. GREEN].

In its broadest sense, Mr. Chairman, this amendment is a step toward achieving two goals that all of our colleagues share, a safer world and a cleaner environment. It stands for a safer world because you cannot talk about arms control without also pursuing negotiations toward halting the production of plutonium and highly enriched uranium that goes into those weapons.

It stands for a cleaner environment because you cannot stand for having clean water and clean air without cleaning up the radioactive chemical muck that has been poured into our ground and air and water over many years by DOE weapons facilities.

We are on the floor today because right now the Soviet Union and the United States have a unique opportunity to reach a mutual and verifiable agreement that bans the further production of plutonium and highly enriched uranium for weapons purposes. That is all our amendment seeks to do today. It urges the President to seek negotiations with the Soviets on a plutonium production ban.

Right now we are not producing any nuclear weapons materials at all. We have shut down our reactors for environmental and safety purposes, but the Soviets, on the other hand, are operating 12 to 14 nuclear weapons production reactors at the very time that we debate this issue; so there is an imbalance, I would say to the Chair and our colleagues, with respect to weapons production and it is an imbalance that favors the Soviet Union.

The sponsors and supporters of today's amendment want to do something about that imbalance and shut down the Soviet reactors permanently and correct the asymmetry in weapons production materials that favor the Soviet Union.

If the Soviets are willing to do that, to shut down their production capability while our reactors are still down, we would be able to achieve a de facto moratorium on production and would then be in a position to achieve a mutual and verifiable agreement with the Soviets on a permanent cutoff of plutonium and highly enriched uranium.

What this is all about, Mr. Chairman, is a question of whether or not we want to test the Soviets, whether or not we want to challenge them, whether or not we want to call their bluff and press them, push them to shut down their own reactors.

If the Congress passes this amendment, we put the ball in the Soviets court. We will be sending them a strong message that says that we are willing to negotiate about weapons

production controls if they are willing to shut down their own reactor complex.

Now, as our colleagues know, Secretary Gorbachev has been flying all over the world saying that he would shut down a handful of reactors; but the fact is that most of the Soviets have theirs open, while Secretary Gorbachev tries to take credit for shutting down a handful, even though we shut down all of ours many months ago.

So we would like to see if the Soviets mean business on this nuclear weapons production issue. That is why we are urging that negotiations be pursued.

Our stockpile of weapons grade plutonium is immense. The half life of plutonium is 24,000 years, and all the evidence indicates that we have a very substantial stockpile.

An agreement, if one can be achieved, would put a ceiling on the production of new plutonium that would prevent the Soviets from accumulating a secret inventory of weapons materials that might enable them to break out of other arms control agreements.

Finally, a United States-Soviet agreement could strengthen the non-proliferation treaty by demonstrating that the superpowers are cutting back their own production of weapons materials.

The amendment does four things. It urges the President to negotiate a mutual halt to United States-Soviet plutonium production. It urges the President to establish a United States-Soviet technical working group to examine the technical aspects of the issue. It requires that a working group be established by December 31, 1989, to look at verification and technical aspects of the issue, and requires the U.S. working group to submit its report to the Congress on the technical issues by April 30, 1990.

It is the view of the sponsors that we should use this unique historical opportunity to challenge the Soviets.

Mr. CARR. Mr. Chairman, will the gentleman yield?

Mr. WYDEN. I am happy to yield to my colleague, the gentleman from Michigan.

Mr. CARR. Mr. Chairman, I rise to applaud the gentleman's initiative and in support of his amendment.

With two colleagues, we just returned from the Soviet Union and one of our visits to the Soviet Union was to a nuclear weapons plutonium production complex near Kystym in Eastern Europe, also near the city of Chelyabinsk. We were able to verify that Secretary Gorbachev, or President Gorbachev's statement about beginning to close their nuclear weapons reactors has in fact begun. We verified and visited two nuclear weapons reactors that had been in fact closed.

They announced to us that they were going to close a third one and we, of course, urged them to close them all.

In our discussions there, I might tell our colleagues, we were able to have conversations with members of the Supreme Soviet who told us of their intention within a very short period of time, perhaps a number of months, that they were going to pass legislation revising what is their version of the Atomic Energy Act and in which they hope to declassify or begin to disclose important data about their plutonium production.

We were able to verify to our colleagues here in the Congress that there is a solid community, I cannot say that it is a majority of the members of the Supreme Soviet, our counterparts, by some people who indeed see that the fact that the United States is at a crossroads of trying to decide whether to crank up plutonium production again as a window of opportunity for their own society to begin shutting their weapons complexes down.

I think it is very important that we not get out of phase with each other, so that we have reaction and overreaction and set off a new spiral of plutonium production.

So I think the gentleman's amendment is timely. I applaud him for all the work that he has been doing over the past year on this particular issue, and I hope our colleagues will approve this amendment.

Mr. WYDEN. Mr. Chairman, I thank my colleague, and the fact that he has just been to the Soviet Union is particularly helpful and we appreciate the gentleman's comments.

The CHAIRMAN pro tempore. Does the gentleman from Arizona [Mr. KYL] rise in opposition to the amendment?

Mr. KYL. Yes, I do Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Arizona [Mr. KYL] is recognized for 30 minutes.

Mr. KYL. Mr. Chairman, I compliment the sponsor of this amendment, the gentleman from Oregon [Mr. WYDEN], for raising this important issue. He has been before the DOE panel and we have had an opportunity to discuss this.

I disagree with the gentleman's amendment, and I would like to take a moment to explain why. This amendment is a revised version of the International Plutonium Control Act, which was a bill that would deny funding to programs which would reestablish our ability to produce nuclear weapons materials.

This amendment has been revised to make that law nonbinding, except for a requirement that the President prepare a report and that he establish a technical working group to advise him

on the verification and technical aspects of a United States-Soviet halt in production of plutonium for weapons purposes.

Despite this revision, however, the Wyden amendment still deserves to be defeated, and here are some of the reasons why.

First of all, it is detrimental to the national security interests of the United States.

Second, it would undercut our ability to negotiate effective arms control agreements.

Third, it promotes a freeze in a dangerous asymmetry between the United States and the Soviet Union.

Today, as my colleague pointed out, the Soviets have the capacity to produce nuclear weapons materials, while the United States has none, and let me explain that just a little further.

As my colleague pointed out, the Soviets have between 12 and 14 weapons production facilities working today. The United States has none.

In addition to that, the Soviets can produce some of these materials in commercial reactors, and it would be very difficult for us to verify whether or not that kind of capacity was terminated.

□ 1010

The Soviets do not, as the United States does, draw a line between their commercial and weapons-producing capability. The United States is on a path to begin the construction of a facility which will take between 10 and 12 years to complete, and until that is done we will not have an isotope-separation facility in this country, so today we have no capacity whatsoever. The facility that we plan on using to separate the isotopes to provide plutonium will not be ready for a period of 10 years at least, probably closer to 12. This is a dangerous asymmetry.

What this legislation ultimately seeks to accomplish is for both sides to agree not to produce plutonium and highly enriched uranium, but it does nothing about the capacity to produce. We have no capacity. The Soviets have a significant capacity.

Even if we were to negotiate an agreement as the authors of this amendment propose, the Soviets would still have the capacity, and they can begin ginning up that capacity to produce this weapons material in as little as 2 or 3, perhaps 4 or 5, days. We are not talking about a long time for them to break out. Their capacity is there. It is ready to go. They can begin using it virtually overnight, whereas the United States would take 10 or 12 years to develop our capacity, and the only exception to that is if the United States were to convert tritium-producing-capacity facilities into plutonium. That would take time. We do not even have the tritium-producing

facilities right now, although we hope to get them up and running over the course of the next year to 3 years.

If we follow this path, we end up with a very dangerous asymmetry, where if our colleagues are successful, there is no production on either side but the Soviets are left with the capacity to produce at any time, and the United States has none.

Finally, Mr. Chairman, this amendment contains erroneous findings which the Congress should not accept as policy. Some of the sponsors of the amendment will say that there is nothing binding about this; it is just a sense of Congress. Mr. Chairman, it does not make sense to say things that are not sensible. This Congress should not be on record as saying things that are wrong and that are contrary to the best interests of our negotiating position in Geneva. So a sense of Congress resolution which is wrong does have negative consequences, and we should not be a party to the adoption of such an amendment.

Let me get into some of the specifics about the proposed Wyden amendment. It declares that a mutual United States-Soviet ban on production of plutonium and highly enriched uranium would impose an additional constraint on a breakout. As I suggested a moment ago, Mr. Chairman, exactly the opposite is the case.

If an agreement is reached, neither side is producing this material, but the Soviets retain the capacity, the ability, to do so virtually overnight. The United States does not.

We do not constrain a breakout with this amendment. As a matter of fact, we promote the possibility of a breakout.

Second, the Wyden amendment suggests that the United States and the Soviet Union should agree to stop production of nuclear weapons material because of the ongoing START negotiations and the possibility that we will someday reduce the number of our nuclear weapons. This is a prospect to be devoutly wished, and it is assumed, I think, by all of us that the START negotiations will in fact relatively soon result in a decrease by about 50 percent of our strategic warheads.

Mr. Chairman, first, as we all know, there is no START agreement yet; but, secondly, it would be very detrimental to our ability to negotiate on such an agreement when the Soviets see the United States Congress willing to undercut our ability to maintain our nuclear deterrent through the cutoff of weapons-material production. What message does this send to the Soviets? It tells them that we are willing to have no capacity to produce, while allowing the Soviets to maintain their capacity to produce. That is not conducive to the establishment of an agreement between the two sides.

Third, the Wyden amendment claims that a cutoff of production of nuclear weapons materials is an essential prerequisite for long-term plans to verify; but, again, the opposite is true. The only way to verify the dismantling and permanent reduction of warhead stockpiles is to permanently eliminate all capacity to produce nuclear weapons materials. There is nothing permanent in cutting off production without eliminating capacity.

Again, our capacity is zero, while the Soviets retain theirs. We do not have the capability to verify a cessation of production; and this was the testimony before our panel by Kathleen Bailey, Assistant Director of the U.S. Arms Control and Disarmament Agency. She testified very clearly that we do not have the capability of verifying whether the Soviets had ceased production in their facilities. Moreover, she said that because they can produce these materials in commercial reactors, there is absolutely no way, even if we could verify in their weapons-producing facilities, that we could verify production in their commercial reactors. She said:

We do not have the technology to be confident that we could detect undeclared Soviet production of special nuclear materials.

Fifth, Mr. Chairman, the Wyden amendment says that before the United States spends billions of dollars on producing or creating a facility to produce plutonium, we ought to consider this kind of a program. Certainly we are not desiring to waste a lot of money; but, Mr. Chairman, as long as the United States relies upon a nuclear deterrent, and even after START we will be relying upon a nuclear deterrent—and we have not adopted the Strategic Defense Initiative yet—so as long as we do not have SDI and rely upon a nuclear deterrent, we have to know and have the Soviets understand that we have the capability of maintaining that deterrent.

Mr. Chairman, we do not have that capability today. The Soviets do. We need to go forward with that capability. The United States has already halted all production.

The Wyden amendment, as I said, emphasizes production, while ignoring the issue of asymmetry existing in our respective abilities with respect to capacity.

I would ask my colleagues: Is this sense of Congress resolution really a forerunner of future legislation already introduced to prohibit the expenditure of funds to reestablish our production capacity, which was the intent of the original amendment?

Whether by binding or nonbinding action, the Congress must not send signals to the Soviet Union that it is not committed to reestablishing our capacity to produce nuclear weapons

materials. To do so would be to send signals to the Soviets that Congress is not committed to maintaining our nuclear deterrent. This would have grave implications for United States national security.

I urge my colleagues to support the national-security interests of the United States, to support our arms negotiators in Geneva, and to vote against the Wyden International Plutonium Control Act amendment.

Mr. WYDEN. Mr. Chairman, I yield such time as he may consume to the chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Chairman, if the preceding speaker is frightened about the future because of the resolution that is now pending by way of an amendment to this bill, he ought to be purple with fear at the position of the United States that we find ourselves in right now.

I really do not understand the logic. First of all, we are in a position where we are not producing plutonium or highly enriched uranium as a matter of policy.

The decision to restart our reactors has not been made for a variety of very good reasons, not the least of which is cleanup costs, the most important of which is the fact that we are in a new era of negotiations with our principal adversary on a number of fronts.

I would say to the previous speaker and anybody else who is interested that the situation we have is that today we ought to be purple with fear.

This resolution seeks to do something about the present situation where the Soviets have 12 to 14 military plants operating which are adding to their stockpile, while we are at zero.

What we are saying is that this is not a very sensible position to be in. The thing to do, I would say to the President, is to negotiate to achieve a ban on the production of plutonium and highly enriched uranium for weapons purposes. Not to negotiate, it seems to me, would be detrimental to our national security and should be very disturbing to every American.

□ 1020

The fact that we would allow this unrestricted Soviet production, with no effort by this Government to discuss the matter with the Soviet Union is at the least unwise. Mr. President, let us see if we cannot talk to the Soviets about stopping the production of this very dangerous material. We do not even know what to do with the refuse that is left behind in the United States from this production, which is causing considerable damage to the environment.

This amendment calls for a common sense approach and is in our national security interests. Rather than under-

cutting our negotiating position in Geneva today, it seems to me this strengthens our negotiating position. The challenge is to reach a verifiable agreement to cut off production. So we say, Mr. President, we are not going to do anything stupid here, and we trust the President. He is not going to do anything that is detrimental to the best interests of the United States. Our negotiators are not. I have confidence in him, and I have confidence in the negotiators. So I am not concerned that they are going to do something stupid at the negotiation. If this proposition cannot be satisfactorily verified, that is, a termination of production or elimination of capacity, for that matter, or termination of conversion from civilian to military, then of course it cannot be done. But what is wrong with getting the technical people together, as we did on the nuclear test ban and see if together we can come up with a satisfactory method of verification and mutuality of systems that gives us confidence in the verifiability of a cut off of production. If we can do that, then it would not be necessary for the United States to commit tremendous funds to the construction of new plant capacity to produce a highly dangerous element, either in plutonium or enriched uranium, in order to make missiles or weapons which are extremely dangerous—and in the process accumulating radioactive waste that we do not know what to do with. I do not know why it makes sense to suggest that Members vote against this amendment and, therefore, say that the way to deal with this problem is for the United States to demonstrate to the world that we are going to build more plants, we are going to increase our capacity to produce this material, when all estimates show that what we have on the shelf right now will last for centuries. It just does not make sense. It beguiles the imagination.

What it says is really the opposite of this resolution, which is simply an effort to get us on the negotiating track and reach an agreement, if it is possible. To spend untold billions of dollars, build more plants, produce more plutonium, more enriched uranium, excess that we do not even need for the weapons, while on the other hand working diligently, and I say properly with the Soviets, to cut down our nuclear arsenals does not make any common, fiscal or arms control sense.

As I have described earlier, this amendment calls upon the President to seek negotiations on a United States-Soviet halt to the production of plutonium and highly enriched uranium for weapons purposes. It also urges the President to establish a United States-Soviet working group to examine the technical aspects of a superpower halt in the production of fissile materials for weapons purposes.

The basic purpose of the amendment is to rectify the current superpower imbalance in nuclear materials production for nuclear weapons which favors the Soviet Union. The United States has already closed its military reactors for plutonium production, while the Soviet Union continues to operate some 12 to 14 military reactors. This amendment would turn our action into a negotiated agreement calling on the Soviets to shut down their military reactors, thereby eliminating the current imbalance in favor of the Soviets.

Some argue that this existing lopsided situation in United States-Soviet production is not conducive to a successful negotiation of a ban on United States-Soviet plutonium and highly enriched uranium—fissile material—production for weapons purposes. Quite the contrary. It is precisely this asymmetry that the amendment attempts to redress.

The INF Treaty was initially lopsided and we reached an agreement. START is lopsided, but we are pressing for an agreement in Geneva.

If President Bush gives it the proper priority and Gorbachev's actions match his words, then we will succeed. In the conventional area, there are significant asymmetries between NATO and Warsaw Pact forces in favor of the Warsaw Pact—yet we are wisely and prudently engaging in these negotiations. Why is a mutual plutonium and highly enriched uranium cutoff any different? Why should we forego negotiations in this area when we have a clear opportunity before us to encourage concrete reciprocal action by the Soviets?

While General Secretary Gorbachev announced a few months ago that we was closing 2 out of 14 military reactors and ending the production of highly enriched uranium—which the United States stopped producing in 1964—supporters of the amendment concluded that these initiatives were not in and of themselves militarily significant.

By calling for a negotiated end to United States-Soviet production of plutonium and highly enriched uranium for weapons purposes, this amendment seeks to engage the Soviet Union in taking militarily significant action. A shutdown in the Soviet Union's 12 to 14 military reactors would most certainly be in United States interests.

Such a cutoff in production does not provide a panacea to the arms control tensions between the superpowers. It is not being proposed as a replacement for negotiations to reduce the numbers of nuclear weapons. In my view, there is no one way to do arms control. A fissile material ban is complementary to arms control reductions.

In fact such a ban has been a major part of the United States arms control agenda since the Eisenhower days. Accordingly, this amendment calls upon the President to enter into negotiations with the Soviet Union on a mutual and verifiable halt to United States-Soviet production of plutonium and highly enriched uranium for nuclear weapons purposes.

Contrary to what some have argued, a superpower halt would not result in removing sources of U.S. plutonium. We have roughly 100,000 kilograms of plutonium in our stockpile—that's centuries upon centuries worth of plutonium. Under the legislation, we can con-

tinued to recycle the plutonium from old weapons into new weapons. We have plutonium in our warhead production pipeline that could be used for weapons and we could also accelerate the recovery of the huge inventory of plutonium used in making warheads.

Clandestine activity by the Soviet Union is possible in almost any area of arms control, including this one, but the more important question is the military significance of such potential activity. Given the superpowers' already tremendous quantity of fissile material, such potential clandestine production is unlikely and would make little, if any, strategic difference. Moreover, early in the Nixon administration, there was an executive branch decision that our national technical means of intelligence was good enough to detect the amounts of clandestine production which would be significant under a ban on fissile material production.

The United States is facing severe safety and environmental problems that are difficult and expensive to resolve at our nuclear facilities. By eliminating the need to build new plutonium production facilities and rebuilding aged facilities, and by reducing nuclear and toxic wastes, such a negotiated agreement would free up significant funds that could be used to clean up the extensive contamination caused by the past production of nuclear warheads.

Through a combination of on-site and national technical means, the United States and the Soviet Union would establish the verification arrangements necessary to monitor the cessation of fissile material production. The 30-year experience of the International Atomic Energy Agency [IAEA] in implementing a verification safeguards regime in over 50 countries is applicable to the halt in production envisioned by this amendment. The United States and the Soviet Union could incorporate IAEA-type safeguards as part of their bilateral procedures for verifying such an agreement.

Continued production of fissile materials undercuts efforts to include elimination of nuclear warheads in arms control agreements. By placing a ceiling on the amount of plutonium and highly enriched uranium each side would have available for nuclear weapons, a halt would lay the groundwork for subsequent arms control agreements that seek to verify warhead dismantlement.

At its most basic level, this amendment is a common sense approach to addressing the superpower asymmetry in plutonium production in favor of the Soviet Union. The United States has no reactors operating, while the Soviets have 12-14 operating to produce plutonium for weapons purposes. Let's try an arms control approach that gets us negotiating before we extend the arms race into unnecessary and costly plutonium and highly enriched uranium production.

We have a clear opportunity before us to get the Soviets to stop adding to their nuclear weapons arsenal with new fissile material production. Let's use it.

A July 22, Washington Post editorial by Chairman FASCELL follows:

STOP THE PLUTONIUM RACE

From a reading of the Post editorial "A Plutonium Cutoff?" [July 7], one would think that the International Plutonium

Control Act would have the Bush administration negotiate with one hand tied behind its back and the other holding a tin cup to receive whatever pittance of a donation it can wrest from General Secretary Mikhail Gorbachev.

Rather than tying the president's hands, this legislation offers him an opportunity to rectify the current superpower imbalance in nuclear materials production for nuclear weapons, which favors the Soviet Union. The United States has already closed its military reactors for plutonium production, while the Soviet Union continues to operate 12 to 14 military reactors. This legislation would turn our action into a negotiated agreement calling on the Soviets to shut down their military reactors, thereby eliminating the current imbalance in favor of the Soviets.

The United States is facing severe safety and environmental problems that are difficult and expensive to resolve at our nuclear facilities. By eliminating the need to build new plutonium production facilities and rebuilding aged facilities, and by reducing nuclear and toxic wastes, such a negotiated agreement would free up significant funds that could be used to clean up the extensive contamination caused by the past production of nuclear warheads.

By placing a ceiling on the amount of plutonium and highly enriched uranium each side would have available for nuclear weapons, this legislation would lay the groundwork for subsequent arms control agreements that seek to verify warhead dismantlement.

At its most basic level, this legislation is a common-sense approach to addressing the superpower asymmetry in plutonium production in favor of the Soviet Union. Let's try an arms control approach before we extend the arms race into unnecessary and costly plutonium and highly enriched uranium production.

DANTE B. FASCELL,

Chairman, Committee on Foreign Affairs.

The CHAIRMAN pro tempore. (Mr. DUBIN). The gentleman from Florida [Mr. FASCELL] has consumed 9 minutes.

The gentleman from Oregon [Mr. WYDEN] has 13 minutes remaining, and the gentleman from Arizona [Mr. KYL] has 21 minutes remaining.

Mr. KYL. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I think it is important to understand just exactly what kind of balance we are talking about in this particular proposal. The balance, as I understand it, has 12 Soviet plants capable of making plutonium versus zero in the United States. So balance in this case means at least 12 to zero, and I say at least because the Soviets have commercial reactors capable of making plutonium and we do not even know how many of those might enter into the picture.

So the balance here that we are talking about is 12 to 0 in favor of the Soviets. That does not sound like much balance to me. It sounds like unilateral disarmament to me.

I also was fascinated by the previous argument that suggested that our arms negotiators will not do something stupid. Let us understand what our arms negotiators are saying about this proposal. Our arms negotiators are saying that this is a wrong proposal. Our arms negotiators, in the person of the Assistant Director of the U.S. Arms Control and Disarmament Agency, says flatly this is an agreement that cannot be effectively verified. So in other words, what they are saying is with that 12 to 0 ratio, we do not know whether those 12 plants are producing plutonium or not. We cannot effectively verify it. Our arms negotiators are saying this is something that we should not do.

If we really believe that our arms negotiators will not do something stupid, why do we not listen to them, why do we not say flatly that our arms negotiators are right and we ought not take this action?

I guess what I am saying is let us be as good as our arms negotiators. Let us not do something stupid.

Mr. KYL. Mr. Chairman, I yield 4 minutes to my colleague, the gentleman from Connecticut [Mr. ROWLAND].

Mr. ROWLAND of Connecticut. Mr. Chairman, I have to admit that I took a very serious look at this amendment, and in discussions with the gentleman from Oregon considered sponsoring the resolution. I have the utmost respect for the sponsor and felt that his intentions were very, very strong, and on the appearance of it, the amendment looks like a safe, nondescript, perhaps even a mom and apple pie position.

But I think it is important for all of us as proponents of defense policy and defense strategy to take a closer look. It is important that we weigh our actions today, and we understand the implications of the votes we take today.

We need to look to the future. How will this affect the START talks? How will this affect our bargaining position, and how does it help or hinder Mr. Gorbachev?

□ 1030

Mr. Chairman, in the last years of the Reagan administration and continuing on with the Bush administration, we have witnessed an exciting period in Soviet history. Under the leadership of Secretary General Mikhail Gorbachev, the Soviet Union is slowly attempting to loosen the control of the Communist party on the Soviet economy and society. These initiatives are to be lauded and I earnestly hope they succeed.

However, Mr. Chairman, at the same time that we applaud these developments, I believe that we must also recognize the U.S. policies which helped

propel these developments along. Our commitment over the past 8 years to meet the Soviets head on in terms of tactical and strategic nuclear weaponry provided Mr. Gorbachev with the environment he needed to promote glasnost and perestroika and to begin to demilitarize the Soviet Union in favor of economic growth.

The Soviet military command came to recognize that it was futile to "out-missile" the United States. In short, peace through strength became proven doctrine.

The "International Plutonium Control Act" would fundamentally undermine the peace through strength doctrine. At the critical juncture when our policies are about to bear real fruit, we're going to chop down the arms control tree just so we can pick some good-looking, but unripened apples. By approving the Wyden amendment, Congress would encourage both the United States and Soviets to refrain from producing plutonium and weapons grade uranium, but it would establish the Soviet Union as the only superpower with the capacity to do so.

In a world where the United States not only refrains from producing plutonium and weapons grade uranium, but it forfeits its capacity to do so on short notice, then the strategic balance of forces is compromised. The position of strength which Mr. Gorbachev used to establish glasnost and perestroika is made weak and ineffective.

Proponents of the plutonium amendment claim that our ability to produce nuclear weapons material would be left intact. That would be true if the United States did not separate its civil and military nuclear weapons production as the Soviet Union does. The fact is, by law we do separate the two.

Compounding the separation problem is the reality that the U.S. civil nuclear weapons production industry has no breeder or on-line refuelable reactors. That means that without dedicated nuclear weapons material production, the United States would have virtually no short-term capacity to meet Soviet production in the event of a treaty "break out" scenario.

Mr. Chairman, I am not prepared to abandon the "peace through strength" doctrine that has produced such enormous arms control gains in the past 8 years. By voting against the Wyden amendment we keep a winning doctrine alive and give Mr. Gorbachev the support he needs to reform the Soviet Union.

Please vote "no" on the Wyden amendment.

Mr. WYDEN. Mr. Chairman, I yield 2 minutes to my very helpful cosponsor, the gentleman from New York [Mr. GREEN].

Mr. GREEN. Mr. Chairman, during this Congress more than 170 members

of the House—including me—have cosponsored the International Plutonium Control Act, a bill which urges the President to negotiate a mutual and verifiable ban with the Soviet Union on the United States-Soviet production of plutonium and highly enriched uranium for nuclear weapons. The ultimate goal of this proposal is to eliminate the asymmetry in nuclear materials production capabilities which currently favors the Soviet Union.

The Wyden amendment we have before us preserves the goals of the original International Plutonium Control Act legislation, but it does not bind the President to any single course of action. The amendment before us today does not—and I repeat, does not—cut off funds for production of weapon-grade fissionable material. The Wyden amendment we are voting on simply states that it is the sense of the Congress that the United States and the Soviet Union should seek to negotiate a mutual halt to superpower plutonium and highly enriched uranium production for weapons purposes. The Wyden amendment urges the establishment of a United States-Soviet working group to examine the technical aspects of such a ban, and then calls upon the President to prepare a report for the Congress on the verification and technical issues involved. The report is to be completed by April 1990. Finally, the amendment establishes, by the end of 1989, a U.S. technical working group to advise the president on those issues.

The fact of the matter is that the United States has not produced highly enriched uranium since 1964. That same year, then-President Johnson decided to cut back on weapons-grade plutonium production and 10 U.S. production reactors were shut down. Our country has produced small amounts of weapons-grade plutonium over the last two decades, although in the last year all of our reactors have been shut down due to safety concerns. We have a massive stockpile of roughly 100,000 kilograms of weapon-grade plutonium, which has a half-life of more than 20,000 years. The Soviet's stockpile of weapon-grade plutonium is a little more than ours. And in 10 or more plants, the Soviets continue to produce.

There are important reasons why so many House members joined in support of the original bill. First, Soviet President Gorbachev is clearly interested in negotiating such a ban, and President Bush needs to seize that opportunity. Gorbachev announced in April that his country would "cease production this year of enriched weapons-grade plutonium." After the press conference we held in May to introduce the International Plutonium Control Act, I was told by an official from the Soviet Embassy that when Gorbachev met with Secretary of

State Baker in Moscow, Gorbachev expressed to Secretary Baker his support of a bilateral agreement on the controlled cessation of the production of all weapon-grade fissionable materials. And for the first time, earlier this month Congressman SPRATT and others were allowed to visit the Kyshtym Industrial Complex in the Soviet Union which was built over 40 years ago as the Soviet response to the American Manhattan project.

I urge the administration to make good use of such openings. The Soviets are sending a steady series of signals that they are interested in discussing this type of proposal. By voting yes on the Wyden amendment, Congress has a chance today to let President Bush know that we support such discussions.

Second, a superpower agreement to cut off the production of fissile materials for nuclear weapons would free up significant funds which can be used to clean up the extensive contamination caused by past production of nuclear warheads. Estimates are that such an agreement could save our country more than \$10 billion over the next 20 years.

Finally, and ultimately most important, such an agreement is in the interests of nonproliferation. I have always felt that the biggest threat of nuclear catastrophe comes not from problems between the Soviets and us, but because of the "n-country" problem, the problem that a Libya or some country of that sort is going to develop nuclear weapons.

A "yes" vote on the Wyden amendment sends a very important signal to nonnuclear nations that the superpowers are moving closer to accepting some of the same standards as non-weapons nations who are party to the Non-Proliferation Treaty. Article 6 of that treaty encourages weapons states to agree to negotiate good faith reductions of nuclear arsenals. If the Soviets and we will not comply with article 6, we cannot expect the nonnuclear powers to comply with the other parts of the Nonproliferation Treaty. Further, such an agreement puts additional political pressure on nations such as Pakistan and India to put their facilities which can produce nuclear explosive materials under international or bilateral inspection. Lack of such an agreement on the part of the United States and the Soviet Union can act to discourage compliance by nonweapons States with the NPT.

The United States needs to lead on this issue—to act rather than to react. I strongly urge President Bush to take leadership on this issue. If he does not, we can be certain General Secretary Gorbachev will.

Support of the Wyden amendment allows the President plenty of room

for bargaining, and I urge my colleagues to vote "yes."

Mr. KYL. Mr. Chairman, I yield myself 3 minutes in order to respond to some of the points made most recently.

Mr. Chairman, my colleague from New York [Mr. GREEN] just said that there might be a powerful incentive in this amendment to move us toward a nonproliferation treaty in which Third World countries would be willing to participate. I really do not understand why, because at this very time that the Third World countries are beginning to have the capacity, the ability to produce these kinds of materials for weapons, the United States would be saying we are going to deny ourselves that capacity.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from New York.

Mr. GREEN. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman should be aware that the existing Nonproliferation Treaty imposes obligations on the Soviet Union and the United States and not just on the non-nuclear weapons powers. The agreement that we have adopted is that we are going to work down our nuclear capacity and so bring us down toward the level of the states that do not have nuclear weapons; that we will reduce our capacity to produce; we will reduce our stockpile of weapons.

Thus far we have done precious little to live up to our obligations under article VI of the NPT.

All I am saying is that if we do not live up to our obligations under article VI of the Nonproliferation Treaty we can expect the nonnuclear weapons powers to point to our violation of that agreement as an excuse for them to go ahead and produce.

I am not suggesting that there should be a new treaty; I am saying that we have not done what we should be doing under article VI of the existing treaty, and it is about time we and the Soviet Union got about doing it.

Mr. KYL. I think the gentleman makes a point worth emphasizing here, though. That is, the gentleman is talking about reducing arms, not reducing the capacity to produce the material that goes into the arms.

Let me finish because this is a critical point that the gentleman and other Members who are sponsors have not yet addressed here.

The way to get true arms control is to reduce arms. That is what our START negotiations are for and the other negotiations in which we are involved. It is the only way to get to the point that the gentleman says the Third World countries of the world need to reach, because right now, as he says, they are not complying with the Nonproliferation Treaty. It is a

treaty that relates to the amount of arms that we have.

It would be ironic if at the very time that the Third World countries are developing capacity to produce these weapons, we would unilaterally deny ourselves that very capacity.

So the gentleman is talking about apples and oranges. The proliferation treaty deals with arms, not capacity. This amendment deals not with arms but with capacity.

Mr. GREEN. With all due respect to the gentleman, I can think of no stronger signal we could send to the nonnuclear powers that we are prepared to comply with the agreement, than if we are—

Mr. KYL. Let me reclaim my time for just a moment. The strong signal both the United States and the U.S.S.R. will be sending is we reduce our stockpiles by 50 percent. That is a pretty strong signal, and yet I doubt we would see many of these Third World nations joining us in a Nonproliferation Treaty.

Mr. WYDEN. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment.

I want to clarify with my friend, the gentleman from Oregon [Mr. WYDEN], this matter: First of all, that this amendment does not deal substantively with any of our existing plutonium-producing facilities.

Mr. WYDEN. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Oregon.

Mr. WYDEN. I thank the gentleman for yielding.

Mr. Chairman, that is correct.

Mr. DICKS. No. 2, as everyone understands, we have a national crisis in tritium. We have every single facility in our country that produces tritium today shut down, and from a defense perspective this is probably one of our most important crises.

As I understand it, this amendment does not deal with tritium and only is focused on plutonium and enhanced uranium, is that correct?

Mr. WYDEN. Mr. Chairman, the gentleman is right.

Under section 3147 the language is, "Nothing in this part shall be construed as intending to affect the production of tritium."

□ 1040

In that case, I think the House and the body should adopt the Wyden amendment.

Mr. KYL. Mr. Chairman, I yield myself 1 minute for the purpose of asking a question of the sponsor of the amendment.

Is it not true that the section 3145 of the amendment provides that in fur-

therance of the act of Congress, it urges the President to seek an agreement with the Soviet Union, that the Soviet Union and the United States will exchange information on the location, mission, and maximum annual capacity of their facilities essential to the production of tritium for stockpile replenishment? Is it not correct that tritium was dealt with?

Mr. WYDEN. The gentleman's point, again, is like mixing apples and oranges. The purpose of that is to get information so we can distinguish between production facilities and tritium facilities with respect to affecting our production capability on tritium.

The gentleman from Washington has talked about how important that issue is under section 3147. Nothing in this legislation can be construed as intending to affect the production of tritium.

Mr. KYL. Mr. Chairman, I just wanted to clarify, when the statement was made that this has nothing to do with tritium, that it is not correct. The subject of tritium is dealt with in the amendment. I am happy to have that clarified.

Mr. WYDEN. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. TAUKE] a very helpful cosponsor.

Mr. TAUKE. Mr. Chairman, I join with my colleague from Oregon in urging Members to approve this amendment. I believe that it is an amendment which strikes a very favorable blow to the environment across the world, but also is consistent with the pattern in which this Nation has entered into to try to negotiate for arms control.

Some of my colleagues on our side of the aisle have suggested that it abandons the peace-through-strength position that the United States has taken because it suggests we are unwilling to meet the Soviets head on. I do not think that that is at all clear. I think, in fact, that just the opposite is true. The reality is that today, the United States is not meeting the Soviet Union head on in this area. We have eliminated our production of plutonium. We have cut back on our capacity. The Soviet Union has not cut back on their capacity. It is continuing to produce.

So we are in a situation today where we are not meeting the Soviets head on.

Under those circumstances, would it not be wise for Members to suggest to the Soviets that since we have cut back, we also think they should, and enter into negotiations to see if that is possible? I do not see a downside to entering into those negotiations, or to this resolution that we are considering, because the amendment leaves completely intact whatever capacity the United States currently has to produce nuclear weapons materials. It contemplates no further restrictions

on United States production capacity until the Soviet Union shuts down all of their reactors and agrees to a permanent ban on the production of plutonium.

Second, there is no unilateral action by the United States that would ever be required at any time by this amendment. So there is no downside, but there certainly is an opportunity to bring the Soviet Union in the direction we have already marched.

Mr. KYL. Mr. Chairman, might I inquire as to how much time remains?

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Arizona [Mr. KYL] has 11 minutes remaining, and the gentleman from Oregon [Mr. WYDEN] has 8 minutes remaining.

Mr. KYL. Mr. Chairman, I yield myself 2 minutes to respond to my colleagues from Iowa, for whom I have the greatest regard.

I know we have talked about this, that he very much desires to see the United States and the Soviet Union move toward arms negotiations that are meaningful, and in that we all agree.

The question here, I guess, is what is stopping the Soviets from shutting off their production? We have shut our production off. There is nothing stopping them from doing so. One thing that might be stopping them from doing so is that we have nothing to give in return. We do not have any production that we can also agree to shut off. They have 12 to 14 weapons reactors operating. Why cannot they shut them off now? What prohibits them from entering into negotiations with the United States, and as a show of good faith on their part, shutting theirs down?

When my colleague says there is no downside, it seems to me that there is. The downside is if we adopt this as the sense of the Congress, we are saying we believe that we should tell our President that he has got to file a report with Members and that he has to establish a working group. He already has a working group, but he has to establish another working group, and we strongly urge him to begin negotiations with the Soviets. They say, what does the United States have to give up here? We cannot give up any production capacity, because we do not have any. However, apparently the Congress is telling our negotiators that we want them to do more, even though, as my colleague from Pennsylvania [Mr. WALKER] said, the arms negotiators are saying, "Wait a minute, we could not verify this even if it happens, so do not force the United States into this process."

There is a downside, Mr. Chairman. On the other hand, there is absolutely nothing that would keep the Soviets from entering into negotiations with the United States right now, or doing as we did, unilaterally ceasing their

production. They could close down their facilities as we closed down our facilities.

Mr. Chairman, I yield to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, I wanted to comment on that one point. I, too, have been concerned about any steps that the United States would take unilaterally.

Mr. WYDEN. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma [Mr. McCURDY].

Mr. McCURDY. Mr. Chairman, I not a proponent of arms control gimmickry. I voted against the nuclear freeze. I do not vote for arms control for arms control sake.

However, I will say to my colleague from Arizona that I am, for one, tired of Gorbachev getting all the public relations value internationally for very little action. If there is going to be anything that is going to pressure Gorbachev, it ought to be the public relations benefit that the United States can receive and reap by taking an action that we have to do, based on necessity. Let Members get some virtue out of necessity.

George Bush went to Europe and recently announced a unilateral troop reduction. He did not do it because we want to take the troops out. He did it because we had to, the budget constraints of the United States forced us into that position. However, what happened? George Bush came back a hero. He was a hero in Europe. He was a hero here. Let Members learn from the lessons.

If we have to take this step, let Members get some benefit. I believe that the Wyden provision has merit.

Now, he has revised it. It is not a binding resolution. It does not require the President to enter negotiations. It merely asks him to report to the Congress the pros and cons of this decision. The pros and cons of this provision.

My friend from Pennsylvania [Mr. WALKER] said, "Well, what is the balance? It is 12 zip. They have 12 reactors. We do not have any." Well, my God, we are not going to start up today. We do not have the money to start up today. Let Members take advantage of a very tough situation. Let Members take the offensive for a change, as opposed to playing defense all the time.

They mention the verification issue. Let me submit, to my colleagues, this provision will be easier verified. I submit, as the chairman of the Subcommittee on Oversight and Evaluation that held hearings on verification of arms control, that this provision would be easier to verify in a chemical treaty, much easier. It has merit. It is not more important than START. It is not more important than CFE. It is not, in my opinion, more important

than a chemical treaty. Those are our agenda.

However, let Members at least reap some benefit, some benefit, from necessity. Let Members put virtue into our policy today. I vote an aye vote on the Wyden provision.

Mr. KYL. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, let me engage in colloquy. Let me tell Members what bothers me about this.

Basically, what I worry about is we are overloading the arms control agenda. We do have a very full arms control agenda, right now, with START beginning, with the CFE talks moving very quickly. It looks like even some action on the chemicals. I worry about overloading the agenda. What we are saying is, it is the sense of the Congress to seek negotiations, that the President should seek negotiation with the Soviet Union, work out a verifiable agreement, and by both countries, to the production of plutonium and highly enriched uranium.

I am not sure we ought to say that. Mr. Chairman, I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Chairman, this particular amendment does not put that item on the agenda. Gorbachev himself raised the topic in a speech. We did not have a speech ready for him.

□ 1050

They have recently made a proposal with respect to restrictions on the production of fissile materials, because the issue is becoming topical. So we can take it, as the gentleman from Oklahoma [Mr. McCURDY] has said, and make a virtue of necessity. They have at least 12 reactors up and producing fissile materials. Several of them surely are producing plutonium. We have none. So we can say to Mr. Gorbachev, if he wants restrictions, "Fine, let's work out the terms of verification. Let's find out what you have in your stockpile and what we have in our stockpile."

This is something topical, and we can turn it to our advantage.

Mr. KYL. Mr. Chairman, let me reclaim my time for just a moment and respond to that, and then I will yield further.

Making a virtue of necessity means not building our capacity. I say to my friends that we cannot have it both ways. Many of my friends have said that this does not keep us from developing our capacity to produce this material. Nothing would stop us from doing that. But that appears to be the goal, to keep us from having the capacity. Unless the Soviets were willing to give up their capacity, the result will be the kind of asymmetry that my

colleague, the gentleman from Pennsylvania, described.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, let me first go back to the point that the gentleman from South Carolina [Mr. SPRATT] made. I guess the question is this: Are we trying to call Gorbachev's bluff here, or do we seriously want to get into negotiations on this issue?

If we seriously want to get into negotiations on this issue, it is going to take away from the negotiations on START and CFE and others. I know that we can set up a team of people to do this thing, and they are not going to be the same people, but it ultimately all comes to the top people, Scowcroft, Cheney, and Baker. Do we really want Scowcroft, Cheney, and Baker to devote the limited amount of time they have to this issue, or do we want them to do START and CFE and others? I would say that we would want them to do START and CFE.

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. KYL. Before I yield further to the gentleman from Oklahoma, I do want to inquire how much time I have remaining, because this colloquy is coming on my time.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Arizona [Mr. KYL] has 6 minutes remaining.

Mr. KYL. I am happy to yield to my friend, the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, I appreciate the gentleman's spending his nickel.

I would just say, first of all, to my colleague, the gentleman from Wisconsin, and then as a quick response to my friend, the gentleman from Arizona, that I do not believe this is going to rise to the top of the arms control agenda. Clearly, on the international agenda, the START and CFE agreements are the most important for us today. Below that, then we look at chemical, and we look at others.

Five years ago I would not have been in the well supporting a position like this. I believe that the administration should have the initiative on arms control agreements. However, we are forced into this position based on events and factors outside of our control. I believe the administration can handle this and deal with it. It can prioritize this, because it is an important issue. Five years ago I would not have voted for this because we did not have the intrusive verification measures that we are currently negotiating.

Mr. KYL. Mr. Chairman, let me just reclaim my time and quote for the gentleman from a statement of the Assistant Director of the U.S. Arms Control and Disarmament Agency: "We do not have the technology to be confident that we could detect undeclared

Soviet production of strategic nuclear materials."

Second, she said this: "An agreement to cut off highly enriched uranium production cannot be effectively verified."

So here are our experts telling us that we do not have the capacity to verify. Let us not say, therefore, that with all these intrusive methods now existing, maybe we do have the capacity to verify. We do not.

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, the gentleman had better be careful, because the gentleman may be forced into a position, when the administration comes back on a verification of chemical and others, that he may have a hard time supporting.

Mr. KYL. I may.

Mr. McCURDY. Mr. Chairman, I chaired the hearings of the Intelligence Committee looking at the verification requirements on most of the agreements, and I have great concern about this. There is some merit here, though, to this.

Let us at least talk about what potential there is in exploring new means and new methods, even getting a count. If the Soviets would proffer to us the locations and the amount of production—and that is one of the merits here—of the existing plutonium facilities in the Soviet Union, then that would give us something, and we could either confirm it or verify it or challenge them on that. That would be making some progress. From an intelligence standpoint, I would like to have that information. I would like to test the Soviets on their willingness to offer that information and whether or not we can actually verify it.

Mr. KYL. Mr. Chairman, let me reclaim my time.

Mr. Chairman, I would also point out that the testimony of the arms control people suggests some extreme concern about the concomitant intrusion into our nuclear facilities, including our naval reactors and others. They are very concerned about that, and I think before we decide that all the advantages relate to our going to the Soviet Union, we should understand we would have to give up the same thing to the Soviets.

Mr. Chairman, if the chairman of the committee has any further questions, I would be happy to yield to him.

Mr. ASPIN. Mr. Chairman, I just want to say that my concern with this thing and my opposition to it is based really on the question of priorities. I do not quarrel with the gentleman in the well is saying when he says, "Let's call Gorbachev on it."

I think some of these issues are good. I am concerned that there is a

tendency for everybody to want to add to the arms control agenda, and we are likely to overload it. We made a mistake in the early Carter administration. To be sure, we are dealing with a different kind of Soviet Union now than we were then, but we had an arms control agenda that would not quit. We were negotiating the Indian Ocean and this and that, and the end result was that we overloaded the agenda, we had so much going. The Soviet Union is even less capable of dealing with a multi-item agenda than we are, and we find it hard to do it. I just do not want to overload the agenda.

Mr. KYL. Mr. Chairman, I would like to ask again, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentleman from Arizona [Mr. KYL] has 2 minutes remaining.

Mr. KYL. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Oregon [Mr. WYDEN] has 5 minutes remaining.

Mr. WYDEN. Mr. Chairman, I yield 2 minutes to the chairman of the Armed Services Panel on DOE facilities, the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, like my colleague, the gentleman from Oklahoma [Mr. McCURDY], I did not support this bill as it was originally filed, and one of the reasons I did not support it was the reason just brought forth by the gentleman from Wisconsin [Mr. ASPIN], namely, that it would force the President's hand. It presumed that we ought to force a halt. It did not call for a study. It said that the President should move forward toward instituting a bilateral halt, and it decreed in effect that this halt should precede START, not being a part of it or a sequel following it, that it should precede the talks and induce arms control cuts.

All of that is gone from the bill now. This amendment has a certain appeal to it, but it does not decree or it does not require anything, and it certainly does not force this issue on to the arms control agenda.

There are merits to the idea, the issue, or the proposition of stopping the production of plutonium. First of all, roughly we have enough plutonium in our arsenal right now. We take it out of old weapons, put it into new weapons, recycle it, and there is basically enough. If we succeed in the START talks with deep arms reductions, we will have more than enough plutonium, so we do not need to produce any more if we succeed in START.

Second, we have no production reactors today up and running and producing plutonium. Indeed we have none producing any nuclear materials, al-

though we have three at Savannah River which are to be brought on line to produce tritium, but we have currently no production facilities for the production of plutonium.

The Soviets have 10 to 12 operating reactors today. Certainly some of those are committed to the production of plutonium. Can we verify? Can we tell which is producing plutonium and which is producing tritium? Not with overhead inspections.

Maybe the verification problem is a nightmare. All we ask for here is a study. That is all we ask for. What we ask for is it start a dialog, some communication among the National Security Council, the Department of Energy, those having to do with defense weapons production, DOD, ACTA, all the agencies that have the expertise and the concern here. We should ask the questions. We should ask, is there a plutonium halt on both sides? There are the questions we should put to these agencies, and we should not prejudge the answers.

We should ask them, is the plutonium halt bilaterally of advantage to us? Are the problems of verification manageable?

Should we make restrictions on plutonium or fissile material production part of the START agenda, or should we make a sequel to START II or START III? All these questions should be put to them without prejudging the answers.

Mr. Chairman, as it has been revised, I think this is a sensible proposition, and I support it.

The CHAIRMAN pro tempore. The gentleman from Oregon [Mr. WYDEN] has 2½ minutes remaining, the gentleman from Arizona [Mr. KYL] has 2 minutes remaining, and the gentleman from Arizona is entitled to close.

Mr. WYDEN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BOSCO].

Mr. BOSCO. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, a lot of hysteria has been whipped up today over the possibility that some time in the future the United States would not have the capacity to produce weapons of fissionable grade material. One of the mistakes we make is the fact that we do not realize that we have over 100 nuclear power plants in this country, any one of which can produce the plutonium we would need for weapons. It does not happen to be the policy of the United States right now to allow us to produce it for weapons purposes, but we could.

The fact is that arms control talks have not meant bombs control. Of all the treaties we have had, the ABM, SALT I, SALT II, or INF, not a single one of them speaks to the bombs. They all speak to delivery vehicles.

□ 1100

This proposal before us finally gets at the heart of arms control. What do we do about the increase of these highly toxic materials that will pollute this world for thousands of years to come?

Mr. WYDEN. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Oregon [Mr. AU COIN], and I thank him for his involvement and expertise.

Mr. AU COIN. Mr. Chairman, I thank the gentleman from Oregon [Mr. WYDEN] for yielding this time to me, and I appreciate his leadership on this issue.

I want to say to the gentleman from Wisconsin [Mr. ASPIN], my friend, that his concern about overloading the arms agenda is not one that I can buy. I really have great confidence in our negotiators. I think our people can chew gum and walk at the same time. I really do.

Now I think we all know the nuclear production, plutonium production dilemma we face in this country. The question is: What are we going to do to solve it?

Some people say, "Let's save money." They say, "Let's negotiate first, and spend afterwards only if we have no alternative." They say, "Let's seize the opportunity to combine arms control with cost cutting. Let's take a hard look at negotiating a bilateral, verifiable plutonium production ban with the Soviet Union. Let's see if we can avoid spending tens of billions of dollars we don't have—to rebuild a capacity we don't need."

Mr. Chairman, people who say that call themselves supporters of this amendment.

Others say, "Let's just do business as usual. Let's ignore this unique opportunity to save money." They say, "negotiate from strength," but they mean, "negotiate from poverty; spend now, negotiate later."

Mr. Chairman, these people call themselves fiscal conservatives. So much for fiscal conservatism.

Mr. Chairman, this is a chance for arms control and cost cutting. It is a good amendment. Let us pass it. It calls for a study. What rational person can oppose that?

Mr. WYDEN. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I rise in support of this amendment. I would also like to commend Mr. WYDEN and Mr. FASCELL for their leadership in this very important area.

In our discussions of East-West relations, we have heard a great deal in recent months about the fact that we are witnessing the emergence of a new era. After 40 years of living under the threat of nuclear war, we are hopeful that we will experience a world with a greatly diminished risk of nuclear war,

in which the relationship with the Soviet Union becomes one of peaceful coexistence.

As much as we all hope for it, though, this day has not yet arrived. What is important, however, is that we have established an unprecedented momentum in our relationship with the Soviet Union which has produced an environment conducive to true progress in the area of nuclear arms reductions.

We have been missing a very important point throughout this whole process, however. Although much attention has been paid to nuclear weapons reductions, both sides have virtually ignored the issue of the production of weapons materials. The amendment before us today begins to address this important issue. Without an accompanying agreement in this area, the effect of a reduction in strategic arms will be significantly undermined. For an arms-control treaty to be truly successful, it must attack the root of the problem at its source.

The Wyden-Fascell amendment calls on the President to take this important step by encouraging him to pursue negotiations to achieve a mutual halt to superpower production of plutonium and highly enriched uranium. It further calls on the President to begin having American and Soviet technical experts address the verification and technical aspects of a halt in weapons material production. I am proud to have been a sponsor of the legislation introduced by Representatives WYDEN and FASCELL which has raised the prominence of this issue before the Congress.

With the passage of the amendment, the United States will have the opportunity to prepare for a major achievement in addressing a vital issue on the arms control agenda. Accusations have abounded that we have lost the initiative to the Soviet Union at the negotiating table and in world popular opinion. We now have the chance, however, to lay down a meaningful and very relevant proposal. This will not only help us in dealing with a problem which has been ignored for far too long, but it will also help the United States to regain the initiative in setting the arms control agenda.

The United States has closed all of its military reactors for producing plutonium. The Soviets have some 12 to 14 currently operating. We should enter into negotiations to rectify this asymmetry and get the Soviets to shut down their reactors. It is not in our interests to have the Soviets continuing to produce plutonium and highly enriched uranium for weapons.

Gorbachev announced that he would close down 2 of his 14 reactors and that he would stop producing highly enriched uranium. This is not enough. He needs to do more. Engaging in ne-

gotiations to this end is the way to get him to take militarily significant action.

We have enough plutonium—about 100,000 kilograms in our stockpile. It will take 24,000 years for just half of our stockpile to decay. Under a production ban, we could still recycle the plutonium from old weapons into new weapons.

We have heard a great deal of talk about a kinder, gentler America. But for a kinder, gentler America to be true to character, it must be surrounded by a kinder, gentler world. A comprehensive arms control agreement is a prerequisite to this goal, and a truly comprehensive arms control agreement must deal with the issue of weapons material production. If Mr. Gorbachev is true to his self-description as a peacemaker, he will see the sensibility of our argument. But to understand our argument, he must hear it first. It is essential that the United States introduce the issue of weapons material production on the arms control agenda, and it is for this reason that I offer my support to the amendment.

Mr. KYL. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, let me close this by pointing out a couple of things, first of all, with respect to the comments of the gentleman from Wisconsin [Mr. ASPIN]. He expressed his concern that we are overloading the arms negotiations agenda, and I would like to read to my colleagues from testimony which verifies precisely what he said. This is testimony before the Department of Energy panel. It was by Kathleen Bailey, who is the Assistant Director of the U.S. Arms Control and Disarmament Agency. She pointed out in the beginning of her testimony that we have the following arms control agenda right now: two sets of NATO and Warsaw Pact negotiations on conventional forces in Europe, START talks which resumed on June 19, defense and space talks which resumed on June 19, nuclear test talks on protocols for the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty, bilateral and multilateral efforts on a global ban of chemical weapons, bilateral and multilateral efforts to prevent proliferation of nuclear weapons and of ballistic missiles, and talks to continue the implementation of the provisions of the 1987 INF Treaty.

Mr. Chairman, this is indeed a full platter, and it does not serve us well to add an item to the agenda on which even the proponents of the amendment suggest we would have to be going slow on because of all these ongoing negotiations.

Mr. Chairman, Miss Bailey concluded her testimony by saying this:

In conclusion, Mr. Chairman, the administration is committed to arms control and

has a full agenda of meaningful negotiations underway. The administration strongly opposes legislation which detracts from the arms control agenda and is clearly not in U.S. national interests.

So, if we believe that we should take the advice of our arms control negotiators—the gentleman from Oregon [Mr. AUCORIN], for example, just said that he has great confidence in our arms control negotiators—then I suggest we take their advice, which is: This is not a good idea. This is not necessary. It is not helpful and, in fact, would detract from our arms control position with the full platter of negotiations currently under way.

The gentleman from Oklahoma [Mr. McCURDY] said, "Well, gosh, Gorbachev seems to get all the PR. We ought to get some for a change." One of the reasons is that he has got all the chips, and we do not have any. He could shut down reactors because he has them. We do not have them. This proposal would lead us to the proposition of asymmetry, where they continue to have theirs, we do not have ours, and, as a result, it is harmful to our negotiating process.

Mr. Chairman, I urge my colleagues to vote no on this amendment.

Mr. BUSTAMANTE. Mr. Chairman, I rise in support of the Wyden-Fascell-Tauke amendment. As a member of the Armed Services panel on Department of Energy defense programs who has closely followed plutonium production issues, I am convinced that pursuing a verifiable ban on plutonium production would be in our best interest.

At a time when the President is committed to continue the nuclear arms reductions process begun by the Reagan administration with the INF Treaty, our already well-stocked plutonium reserves will be flooded by a 50 percent cut of our strategic weapons arsenal. It makes economic sense to achieve a verifiable ban with the Soviets, instead of spending billions of dollars to produce nuclear materials for which we have no delivery systems available.

Last year, the former Secretary of Energy declared that we were awash with plutonium. Is this not the best time to consider a ban on further production? After all, all of the plutonium that the United States has produced since the 1950's will be around for many millennia unless we get involved in a nuclear exchange.

Again, I urge my colleagues to support the plutonium amendment.

The CHAIRMAN pro tempore. Under the rule all time has expired.

The question is on the amendment offered by the gentleman from Oregon [Mr. WYDEN].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KYL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 284, noes 138, not voting 9, as follows:

[Roll No. 174]

AYES—284

Ackerman	Gray	Panetta
Akaka	Green	Parker
Alexander	Guarini	Patterson
Anderson	Gunderson	Payne (NJ)
Andrews	Hall (OH)	Payne (VA)
Annunzio	Hamilton	Pease
Applegate	Harris	Pelosi
Atkins	Hatcher	Penny
AuCoin	Hawkins	Perkins
Barnard	Hayes (IL)	Petri
Bates	Hayes (LA)	Pickle
Bellenson	Hefner	Porter
Bennett	Henry	Poshard
Berman	Hertel	Price
Bevill	Hoagland	Pursell
Bilbray	Hochbrueckner	Rahall
Boehlert	Horton	Rangel
Boggs	Hoyer	Regula
Bonior	Hubbard	Richardson
Borski	Huckaby	Ridge
Bosco	Hughes	Rinaldo
Boucher	Jacobs	Robinson
Boxer	Jenkins	Roe
Brennan	Johnson (CT)	Rose
Brooks	Johnson (SD)	Rostenkowski
Browder	Johnston	Roukema
Brown (CA)	Jones (GA)	Rowland (GA)
Brown (CO)	Jones (NC)	Roybal
Bruce	Jontz	Russo
Bryant	Kanjorski	Sabo
Bustamante	Kaptur	Salki
Campbell (CA)	Kastenmeier	Sangmeister
Campbell (CO)	Kennedy	Savage
Cardin	Kennelly	Sawyer
Carper	Kildee	Schaefer
Carr	Kleczka	Scheuer
Chandler	Kolbe	Schneider
Chapman	Kolter	Schroeder
Clarke	Kostmayer	Schulze
Clay	LaFalce	Schumer
Clement	Lancaster	Sharp
Clinger	Lantos	Shays
Coleman (TX)	Laughlin	Sikorski
Conte	Leach (IA)	Skaggs
Conyers	Lehman (CA)	Slattery
Cooper	Lehman (FL)	Slaughter (NY)
Costello	Levin (MI)	Smith (FL)
Coyne	Levine (CA)	Smith (IA)
Crockett	Lewis (GA)	Smith (NJ)
Darden	Lipinski	Smith (VT)
DeFazio	Long	Smith, Denny
Dellums	Lowey (NY)	(OR)
Derrick	Lukens, Thomas	Smith, Robert
Dicks	Machtley	(OR)
Dingell	Manton	Snowe
Dixon	Markey	Solarz
Donnelly	Martin (IL)	Spratt
Dorgan (ND)	Martinez	Staggers
Downey	Matsui	Stallings
Durbin	Mavroules	Stark
Dwyer	Mazzoli	Stenholm
Dymally	McCloskey	Studds
Dyson	McCurdy	Swift
Early	McDade	Synar
Eckart	McDermott	Tallon
Edwards (CA)	McHugh	Tanner
Engel	McMillen (MD)	Tauke
English	McNulty	Tauzin
Erdreich	Meyers	Torres
Espy	Mfume	Torricelli
Evans	Miller (CA)	Townes
Fascell	Miller (WA)	Traficant
Fawell	Mineta	Traxler
Fazio	Moakley	Udall
Feighan	Mollohan	Unsold
Fish	Montgomery	Upton
Flake	Moody	Valentine
Flippo	Morella	Vento
Foglietta	Morrison (CT)	Visclosky
Ford (TN)	Mrazek	Volkmere
Frank	Murphy	Walgren
Frost	Murtha	Walsh
Garcia	Nagle	Watkins
Gaydos	Natcher	Waxman
Gejdenson	Neal (MA)	Weiss
Gephardt	Neal (NC)	Wheat
Gibbons	Nelson	Whitten
Gillmor	Nowak	Williams
Gilman	Oakar	Wise
Glickman	Oberstar	Wolpe
Gonzalez	Obey	Wyden
Goodling	Olin	Wyllie
Gordon	Ortiz	Yates
Gradison	Owens (NY)	Yatron
Grandy	Owens (UT)	
Grant	Pallone	

NOES—138

Archer	Hastert	Ravenel
Armey	Hefley	Ray
Aspin	Herger	Rhodes
Baker	Hiler	Ritter
Ballenger	Holloway	Roberts
Bartlett	Hopkins	Rogers
Barton	Houghton	Rohrabacher
Bateman	Hunter	Roth
Bentley	Hutto	Rowland (CT)
Bereuter	Inhofe	Sarpallius
Billakis	Ireland	Saxton
Billie	James	Schiff
Broomfield	Kasich	Schuetz
Buechner	Kyl	Sensenbrenner
Bunning	Lagomarsino	Shaw
Burton	Leath (TX)	Shumway
Byron	Lent	Shuster
Callahan	Lewis (CA)	Sisk
Coble	Lewis (FL)	Skeen
Coleman (MO)	Lightfoot	Skelton
Combest	Livingston	Slaughter (VA)
Coughlin	Lloyd	Smith (MS)
Courter	Lowery (CA)	Smith (NE)
Cox	Lukens, Donald	Smith (TX)
Craig	Madigan	Smith, Robert
Crane	Marlenee	(NH)
Davis	Martin (NY)	Solomon
DeLay	McCandless	Spence
DeWine	McCollum	Stangeland
Dickinson	McCrery	Stearns
Dorman (CA)	McEwen	Stump
Douglas	McGrath	Sundquist
Dreier	McMillan (NC)	Thomas (CA)
Duncan	Michel	Thomas (GA)
Edwards (OK)	Miller (OH)	Thomas (WY)
Emerson	Mollinari	Vander Jagt
Fields	Moorhead	Vucanovich
Frenzel	Morrison (WA)	Walker
Galleghy	Myers	Weber
Gallo	Nelson	Weldon
Gekas	Oxley	Whittaker
Gingrich	Packard	Wilson
Goss	Parris	Wolf
Hall (TX)	Pashayan	Young (AK)
Hammerschmidt	Paxon	Young (FL)
Hancock	Pickett	
Hansen	Quillen	

NOT VOTING—9

Anthony	de la Garza	Hyde
Collins	Florio	Leland
Dannemeyer	Ford (MI)	Stokes

□ 1126

Mr. LAGOMARSINO and Mr. GALLEGLY changed their vote from "aye" to "no."

Mr. VOLKMER changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. ASPIN. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Wisconsin is recognized for 5 minutes.

There was no objection.

Mr. ASPIN. Mr. Chairman, I just rise because we are going to vote now on the two votes that were rolled over from the debate yesterday. The question was raised yesterday that before we actually get to a vote we might take a moment to explain the two amendments.

There are two amendments that are coming over from yesterday. The gentleman from Illinois has rolled them into a 15-minute vote on the first one and as 5-minute vote on the second one.

□ 1130

The first vote will occur on the Richardson amendment, and the second vote will occur on the Bustamante amendment.

Mr. Chairman, I yield to the gentleman from South Carolina [Mr. SPRATT] to explain in the case of the Richardson amendment what the vote is.

Mr. SPRATT. Mr. Chairman, the Richardson amendment is one sentence, and I will read it.

The Los Alamos National Laboratory is prohibited from incinerating radioactive waste until the State of New Mexico adopts regulations on the incineration of radioactive waste.

I have told the gentleman from New Mexico [Mr. RICHARDSON] that in that form I think the amendment is objectionable. I can support it and will support it with his distinct understanding that in conference we must impose a reasonable date certain. There is no date certain in the text of the amendment as it is being proposed here.

Under those circumstances, the State of New Mexico could drag its feet indefinitely, and there would be a permanent moratorium, a long-term moratorium on the incineration of radioactive waste. It is his understanding that a reasonable date certain must be inserted in the conference, and then I can support it.

But I think the gentleman should yield to the ranking member of the committee who has objections to it and is on our panel on DOE, the gentleman from Arizona [Mr. KYL].

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I thank the gentleman for yielding.

If there were ever special interest legislation, this is it. There is absolutely no need for this amendment, and it should be voted down.

What this does is impose a moratorium on the Los Alamos Laboratory from burning waste that it needs to burn. Its facilities burn this waste so cleanly that it cannot even be measured. The radioactivity is calculated to be 25,000 times less than the existing EPA standard.

My colleague says, let us give the State of New Mexico a chance to adopt regulations and impose a moratorium on the burning of this material until that is done. The State of New Mexico can adopt regulations today if it wishes to do so. We do not need to impose a moratorium before these regulations can be adopted. In any event, they are not going to adopt regulations 25,000 times more stringent than the EPA.

This amendment is not needed. The laboratory complies totally with the Environmental Protection Agency's standards, and no one denies that fact.

Also the amendment is flawed technically, as the gentleman from South Carolina [Mr. SPRATT] has pointed out, and third, stopping the incineration is not without cost. If this amendment were to be adopted, the Los Alamos Laboratory would have to build a new storage facility to store this stuff at a cost of about \$30,000 to the taxpayers.

So, Mr. Chairman, I would urge my colleagues to vote no on this amendment because it is unnecessary, it is technically flawed, and it will cost the U.S. taxpayers money.

Vote no on this special interest piece of legislation.

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this amendment is important to the constituents of my district. This facility is in my district, and we have had demonstrations from the citizens of Santa Fe and Los Alamos in support of legislation like this.

The State of New Mexico, run by a Republican governor, with the State Environmental Improvement Division, supports this amendment. I am going to read what they say.

This amendment would enable the Division to move from a position of uncertainty regarding public health impacts to one of protection.

What we are simply doing it this, we are not shutting down the incinerator, we are just saying that this incinerator should comply with Federal standards. The New Mexico legislature is meeting in January. They will adopt this, and what I want to do is simply give them time.

Again, I would have agreed to a 1-year moratorium, but the gentleman from Arizona [Mr. KYL] would have objected to getting unanimous consent for this 1-year moratorium.

I thank the gentleman from South Carolina [Mr. SPRATT] and the gentleman from Wisconsin [Mr. ASPIN] for their support, and I urge a strong vote for this amendment for environmental protection.

The CHAIRMAN pro tempore (Mr. DURBIN). The time of the gentleman from Wisconsin [Mr. ASPIN] has expired.

Mr. ASPIN. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ASPIN. Mr. Chairman I have one word about the other amendment.

PARLIAMENTARY INQUIRY

Mr. KYL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. KYL. Mr. Chairman, is it not correct that the committee position has the right to be heard last on any amendment?

The CHAIRMAN pro tempore. The gentleman from Wisconsin has asked unanimous consent to strike the last word.

Mr. KYL. I understand, but as a general proposition?

The CHAIRMAN pro tempore. The Chair does not quarrel with the general proposition, but the gentleman from Wisconsin asked for unanimous consent to be recognized to strike the last word. The Chair is going to hold the position that both sides have been heard on this issue.

Mr. KYL. Mr. Chairman, may I ask unanimous consent that the gentleman from New Mexico [Mr. SKEEN] have 1 minute to respond to the other gentleman from New Mexico on this issue?

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Arizona?

Mr. ECKART. Mr. Chairman, I object.

The CHAIRMAN pro tempore. The Chair hears an objection.

Mr. KYL. Mr. Chairman, did the Chair say there was an objection to my unanimous-consent request?

The CHAIRMAN pro tempore. The Chair heard an objection, yes.

Mr. ASPIN. Mr. Chairman, let us not take any more time. I think Members are anxious to vote.

The other vote will occur on the Bustamante amendment, which is an amendment to add some planes, some C-26 planes for the Air National Guard, executive jets. It takes money out of the 155 binary weapons.

Mr. Chairman, I yield back the balance of my time.

Mr. McCRERY. Mr. Chairman, I ask unanimous consent to address the committee for 1 minute with respect to the Bustamante amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Louisiana [Mr. McCRERY] is recognized for 1 minute.

Mr. McCRERY. Mr. Chairman, I would ask Members to please vote no on the Bustamante amendment.

The committee took care of the Guard and Reserve and their executive aircraft. The Bustamante amendment would give them six more executive aircraft that they do not need, and it would take money away from our binary chemical production which we do badly need in this country if we are ever to enter into serious negotiations with respect to chemical warfare.

Our present stockpile has deteriorated. The binary chemical is the weapon of the future that we must produce if

we are to have a strong negotiating position.

The Bustamante amendment takes the money from that direly needed source. I beg Members to vote no on the Bustamante amendment.

Mr. BUSTAMANTE. Mr. Chairman, I ask unanimous consent to address the committee for 1 minute.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. THOMAS of California. Reserving the right to object, Mr. Chairman, I would like to object, but as I recall, earlier the gentleman from New Mexico [Mr. SKEEN] requested 1 minute and was denied. I feel compelled to hope that from the other side of the aisle, when the gentleman from New Mexico asks unanimous consent for 1 minute, we do not hear an objection. I reserve my right and will not object.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Texas [Mr. BUSTAMANTE] is recognized for 1 minute.

Mr. BUSTAMANTE. Mr. Chairman, let me explain my position. These are not executive jets. These are National Guard planes that will be used to mobilize the National Guard people who are just not like the Army. They are just not in one place, they are all over the country. There are six of them.

But the main thing also is that we are also using some of these moneys, if they are not used, if the money is not used by the chemical weapons, and I want to identify the areas that they can be used.

□ 1140

They can be used for the National Guard to also retrofit F-15 and F-16 planes.

So it is not only the planes, it is also the readiness of the National Guard.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent to address the committee for 1 minute.

The CHAIRMAN pro tempore (Mr. DURBIN). Is there objection to the request of the gentleman from New Mexico?

Mr. ROSTENKOWSKI. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to the provisions of paragraph (5) of section 2, House Resolution 211, the Committee will now resume proceedings postponed on Wednesday, July 26, 1989, on which recorded votes were ordered on part two amend-

ments. Votes will be taken in the following order:

First, amendment No. 27 offered by the gentleman from New Mexico [Mr. RICHARDSON]; and

Second, amendment No. 3 offered by the gentleman from Texas [Mr. BUSTAMANTE].

The Chair will reduce to 5 minutes the time for the electronic vote after the first vote in this series.

PREFERENTIAL MOTION OFFERED BY MR. SKEEN

Mr. SKEEN. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. SKEEN moves that the Committee do now rise and report the bill to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN pro tempore. The gentleman from New Mexico [Mr. SKEEN] is recognized for 5 minutes in support of his preferential motion.

Mr. SKEEN. Mr. Chairman, I regret I have to use this parliamentary procedure to get a little time, but I think this is essential because we were cut off in debate. I do not want to prolong it. I would like to get to the vote just as much as anybody else does.

But I want to say this: Mr. Chairman, with due deference to my colleague from New Mexico, this is not—on his amendment, it is not the State position, it is not the citizens' position, it has not been and has never been and never will be.

This amendment he has offered is flawed and superfluous. I am sorry to have to oppose him on it, but I think it is important for the smooth and stable operation of the Los Alamos National Laboratory that we do not have this moratorium, which is a flawed amendment, has no expiration date whatsoever.

With that I would suggest, Mr. Chairman, a "no" vote on the Richardson amendment.

Mr. Chairman, I ask unanimous consent that I be permitted to withdraw my preferential motion.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The CHAIRMAN pro tempore. The Chair would like to remind members of the committee that the first vote is a 15-minute vote and the subsequent vote 5 minutes.

AMENDMENT NO. 27 OFFERED BY MR. RICHARDSON

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON].

The Clerk designated the amendment.

The CHAIRMAN pro tempore. The unfinished business is the vote on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON] on which a recorded vote is ordered.

The vote was taken by electronic device, and there were—ayes 245, noes 177, answered "present" 1, not voting 8, as follows:

[Roll No. 175]

AYES—245

Ackerman
Akaka
Anderson
Andrews
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bates
Beilenson
Bennett
Berman
Bilbray
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Browder
Brown (CA)
Bruce
Bryant
Bustamante
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clarke
Clay
Coleman (TX)
Conyers
Cooper
Costello
Courter
Coyne
Crockett
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Douglas
Downey
Dunbar
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Flippo
Foglietta
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt

Gibbons
Gilman
Glickman
Gordon
Gray
Guarini
Hall (OH)
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Hertel
Hoagland
Hochbrueckner
Hoyer
Hubbard
Huckaby
Hughes
Jacobs
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Klecza
Kolter
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lloyd
Long
Lowey (NY)
Luken, Thomas
Lukens, Donald
Manton
Markey
Martinez
Matsui
Mavroules
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nowak
Oakar
Oberstar

Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Payne (NJ)
Payne (VA)
Pelosi
Penny
Perkins
Pickle
Poshard
Price
Rahall
Rangel
Richardson
Rinaldo
Roe
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Sangmeister
Savage
Sawyer
Schauer
Schneider
Schroeder
Schumer
Sharp
Shays
Sikorski
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (NJ)
Smith (VT)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Studds
Synar
Tallon
Tanner
Tausin
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Willson
Wise
Wolpe
Wyden
Yates
Yatron

NOES—177

Alexander
Archer
Armey

Baker
Ballenger
Barnard

Bartlett
Barton
Bateman

Bentley
Bereuter
Bevill
Bilirakis
Bliley
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Chandler
Clement
Clinger
Coble
Coleman (MO)
Combest
Conte
Coughlin
Cox
Craig
Crane
DeLay
DeWine
Dickinson
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Fish
Frenzel
Gallely
Gallo
Gekas
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Grant
Green
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Hastert
Henry
Herger
Hiller
Holloway

Hopkins
Horton
Houghton
Hunter
Hutto
Inhofe
Ireland
James
Johnson (CT)
Kasich
Kolbe
Kyl
Leach (IA)
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtle
Madigan
Marlenee
Martin (IL)
Martin (NY)
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Michel
Miller (OH)
Molinar
Moorhead
Morrison (WA)
Murphy
Myers
Nielsen
Oxley
Packard
Parris
Pashayan
Patterson
Paxon
Pease
Petri
Pickett
Porter
Pursell
Quillen
Ravenel
Ray

Regula
Rhodes
Ridge
Ritter
Roberts
Robinson
Rogers
Rohrabacher
Roth
Saiki
Sarpalius
Saxton
Schaefer
Schiff
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skeen
Slaughter (VA)
Smith (IA)
Smith (MS)
Smith (NE)
Smith (TX)
Smith, Denny
(OR)
Smith, Robert
(NH)
Smith, Robert
(OR)
Solomon
Stangeland
Stearns
Stenholm
Stump
Sundquist
Swift
Tauke
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Whittaker
Wolf
Wylie
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—8

Anthony
Collins
Dannemeyer

Florio
Hyde
Leland

Lipinski
Stokes

□ 1202

Mr. SMITH of New Hampshire changed his vote from "aye" to "no."

Mr. BOSCO and Mr. JENKINS changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. BUSTAMANTE

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered by the gentleman from Texas [Mr. BUSTAMANTE].

The Clerk designated the amendment.

The CHAIRMAN pro tempore. The unfinished business is the vote on the amendment offered by the gentleman from Texas [Mr. BUSTAMANTE] on which a recorded vote is ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 160, noes 260, answered "present" 1, not voting 10, as follows:

[Roll No. 176]

AYES—160

Ackerman
Akaka
Andrews
Applegate
Atkins
Bates
Bennett
Berman
Bilbray
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Bruce
Bryant
Bustamante
Campbell (CA)
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Conte
Conyers
Costello
Coyne
Crockett
Darden
de la Garza
Dellums
Dingell
Donnelly
Dorgan (ND)
Downey
Duncan
Dunbar
Dwyer
Dymally
Dyson
Eckart
Engel
Evans
Fascell
Filippo
Foglietta
Ford (MI)
Ford (TN)
Frank
Frost

Garcia
Gaydos
Gejdenson
Gephardt
Gordon
Gray
Green
Hall (OH)
Hall (TX)
Hawkins
Hayes (IL)
Hertel
Hochbrueckner
Huckaby
Hutto
Jacobs
Jenkins
Jones (GA)
Jones (NC)
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Klecza
Kolter
Kostmayer
LaFalce
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Levine (CA)
Lewis (GA)
Markey
Marlenee
Martinez
Mavroules
Mazzoli
McDermott
McHugh
McMillen (MD)
Moakley
Mollohan
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Neal (MA)

Nowak
Oakar
Oberstar
Ortiz
Owens (NY)
Owens (UT)
Payne (NJ)
Payne (VA)
Penny
Perkins
Pickle
Porter
Poshard
Pursell
Rahall
Rangel
Richardson
Rose
Rowland (GA)
Roybal
Sabo
Sangmeister
Sarpalius
Savage
Schneider
Schumer
Sensenbrenner
Shays
Sikorski
Slaughter (VA)
Smith (FL)
Smith (TX)
Smith, Robert
(OR)
Staggers
Stark
Stenholm
Studds
Synar
Tausin
Torres
Torricelli
Towns
Traficant
Udall
Vento
Visclosky
Walgren
Waxman
Wilson
Wise
Wyden
Yatron

NOES—260

Anderson
Annunzio
Archer
Armey
Aspin
AuCoin
Baker
Ballenger
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Boehlert
Broomfield
Browder
Brown (CA)
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Campbell (CO)
Cardin
Chandler
Clarke

Clinger
Coble
Coleman (MO)
Combest
Cooper
Coughlin
Courter
Cox
Craig
Crane
Davis
DeFazio
DeLay
Derrick
DeWine
Dickinson
Dicks
Dixon
Dornan (CA)
Douglas
Dreier
Early
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Fawell
Fazio
Feighan

Fields
Fish
Flake
Frenzel
Gallely
Gallo
Gekas
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Goodling
Goss
Gradison
Grandy
Grant
Guarini
Gunderson
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger

Hiler	Mineta	Sliskys
Hoagland	Molinari	Skaags
Holloway	Montgomery	Skeen
Hopkins	Moorhead	Skelton
Horton	Morrison (WA)	Slattery
Houghton	Myers	Slaughter (NY)
Hoyer	Natcher	Smith (IA)
Hubbard	Neal (NC)	Smith (MS)
Hughes	Nelson	Smith (NE)
Hunter	Nielson	Smith (NJ)
Inhofe	Obey	Smith (VT)
Ireland	Olin	Smith, Denny
James	Oxley	(OR)
Johnson (CT)	Packard	Smith, Robert
Johnson (SD)	Pallone	(NH)
Johnston	Panetta	Snowe
Jontz	Parker	Solarz
Kasich	Parris	Solomon
Kolbe	Pashayan	Spence
Kyl	Patterson	Spratt
Lagomarsino	Paxon	Stallings
Lancaster	Pease	Stangeland
Lantos	Pelosi	Stearns
Lent	Petri	Stump
Levin (MI)	Pickett	Sundquist
Lewis (CA)	Price	Swift
Lewis (FL)	Quillen	Tallon
Lightfoot	Ravenel	Tanner
Livingston	Ray	Tauke
Lloyd	Regula	Thomas (CA)
Long	Rhodes	Thomas (GA)
Lowery (CA)	Ridge	Thomas (WY)
Lowey (NY)	Rinaldo	Traxler
Luken, Thomas	Ritter	Unsoeld
Lukens, Donald	Roberts	Upton
Machtley	Robinson	Valentine
Madigan	Roe	Vander Jagt
Manton	Rogers	Volkmer
Martin (IL)	Rohrabacher	Vucanovich
Martin (NY)	Rostenkowski	Walker
Matsui	Roth	Walsh
McCandless	Roukema	Watkins
McCloskey	Rowland (CT)	Weber
McCollum	Russo	Weiss
McCrery	Salki	Weldon
McCurdy	Sawyer	Wheat
McDade	Saxton	Whittaker
McEwen	Schaefer	Whitten
McGrath	Scheuer	Williams
McMillan (NC)	Schiff	Wolf
McNulty	Schroeder	Wolpe
Meyers	Schuette	Wylie
Mfume	Schulze	Yates
Michel	Sharp	Young (AK)
Miller (CA)	Shaw	Young (FL)
Miller (OH)	Shumway	
Miller (WA)	Shuster	

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—10

Alexander	Dannemeyer	Lipinski
Anthony	Florio	Stokes
Barnard	Hyde	
Collins	Leland	

□ 1209

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANTISATELLITE WEAPONS

The CHAIRMAN pro tempore (Mr. DURBIN). It is now in order to consider amendment No. 20 relating to antisatellite weapons printed in part 1 of House Report 101-168, by, and if offered by, the gentleman from California [Mr. BROWN] or his designee.

For what purpose does the gentleman from California rise?

AMENDMENT OFFERED BY MR. BROWN OF CALIFORNIA

Mr. BROWN of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BROWN of California: At the end of title II (page 55, after line 8) insert the following new section:

SEC. 255. SATELLITE SURVIVABILITY.

(a) SENSE OF CONGRESS CONCERNING TREATY LIMITATIONS ON ANTISATELLITE WEAPONS.—It is the sense of Congress—

(1) that the President should seek the dismantlement of the ground-launched co-orbital antisatellite weapon deployed by the Soviet Union and should seek to achieve with the Soviet Union a mutual verifiable treaty which places the strictest possible limitations on antisatellite weapons; and

(2) that, in pursuit of strict negotiated limitations on antisatellite weapons, the United States should explore with the Soviet Union cooperative verification procedures such as—

(A) mutual, on-site inspections of known and suspected antisatellite weapons facilities;

(B) mutual, on-site emplacement near known and suspected high-energy laser facilities of devices capable of detecting and monitoring laser tests in the atmosphere; and

(C) mutual advance notification of all space launch activities.

(b) REPORT.—The President shall submit to Congress a comprehensive report on United States antisatellite weapons activities and the survivability of United States satellites against current and potential antisatellite weapons deployed by the Soviet Union. The report shall be submitted by May 31, 1990, and shall be submitted in unclassified form with classified appendices as necessary.

(c) MATTERS TO BE INCLUDED IN REPORT.—The report required by subsection (b) shall include the following:

(1) Detailed information (including funding profiles, expected capabilities, and schedules for development, testing, and deployment) on all United States antisatellite weapons programs.

(2) An analysis of the antisatellite potential of the anticipated deployed version of each Strategic Defense Initiative technology capable of damaging or destroying objects in space.

(3) An assessment of the threat that would be posed to United States satellites if the technologies described in paragraphs (1) and (2) were to be tested by the Soviet Union, at levels of performance equal to those intended by the United States, and developed into weapons for damaging objects in space.

(4) A review of arms control options and satellite survivability measures (including cost data) that would increase the survivability of current and future United States military satellite systems.

(5) A review of alternative means of providing the support to United States military forces that is currently provided by United States satellites if those satellites become vulnerable to attack as the result of the deployment by the Soviet Union of highly capable antisatellite weapons, as contemplated in paragraph (3).

Mr. CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from California [Mr. BROWN] will be recognized for 15 minutes and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. CHAIRMAN, if we may have the attention of Members, I think we may be able to dispose of this amendment in a very brief time and save the members of the committee a half hour or so of the time.

Mr. Chairman, we have had discussions with the Members on the Republican side with regard to this, and it is my understanding that if I will ask unanimous consent to add a half dozen words clarifying this amendment, they would be willing to accept the amendment and we could proceed without further debate.

The CHAIRMAN pro tempore. Does the gentleman from California [Mr. BROWN] ask for unanimous consent to modify the amendment?

Mr. BROWN of California. Mr. Chairman, I was going to work up to that.

The CHAIRMAN pro tempore. The gentleman from California [Mr. BROWN] may proceed.

Mr. BROWN of California. Mr. Chairman, I ask unanimous consent to add clarifying language on line 8 of my amendment, the language which the Clerk has at the desk.

The CHAIRMAN pro tempore. The Clerk will report the proposed modification.

The Clerk read as follows:

Amendment, as modified, offered by Mr. BROWN of California. At the end of title II (page 55, after line 8) insert the following new section:

SEC. 255. SATELLITE SURVIVABILITY.

(a) SENSE OF CONGRESS CONCERNING TREATY LIMITATIONS ON ANTISATELLITE WEAPONS.—It is the sense of Congress—

(1) that the President should seek the dismantlement of the ground-launched co-orbital antisatellite weapon deployed by the Soviet Union and should seek to achieve with the Soviet Union a mutual verifiable treaty which places the strictest possible limitations, consistent with the security interests of the United States and its allies, on antisatellite weapons; and

(2) that, in pursuit of strict negotiated limitations on antisatellite weapons, the United States should explore with the Soviet Union cooperative verification procedures such as—

(A) mutual, on-site inspections of known and suspected antisatellite weapon facilities;

(B) mutual, on-site emplacement near known and suspected high-energy laser facilities of devices capable of detecting and monitoring laser tests in the atmosphere; and

(C) mutual advance notification of all space launch activities.

(b) REPORT.—The President shall submit to Congress a comprehensive report on United States antisatellite weapon activities and the survivability of United States satellites against current and potential antisatellite weapons deployed by the Soviet Union. The report shall be submitted by May 31, 1990, and shall be submitted in unclassified form with classified appendices as necessary.

(C) MATTERS TO BE INCLUDED IN REPORT.—The report required by subsection (b) shall include the following:

(1) Detailed information (including funding profiles, expected capabilities, and schedules for development, testing, and deployment) on all United States antisatellite weapon programs.

(2) An analysis of the antisatellite potential of the anticipated deployed version of each Strategic Defense Initiative technology capable of damaging or destroying objects in space.

(3) An assessment of the threat that would be posed to United States satellites if the technologies described in paragraphs (1) and (2) were to be tested by the Soviet Union, at levels of performance equal to those intended by the United States, and developed into weapons for damaging objects in space.

(4) A review of arms control options and satellite survivability measures (including cost data) that would increase the survivability of current and future United States military satellite systems.

(5) A review of alternative means of providing the support to United States military forces that is currently provided by United States satellites if those satellites become vulnerable to attack as the result of the deployment by the Soviet Union of highly capable antisatellite weapons, as contemplated in paragraph (3).

Mr. BROWN of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROWN of California. Mr. Chairman, I ask unanimous consent that I be permitted to offer that modification.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

Mr. DICKINSON. Mr. Chairman reserving the right to object under my reservation I would request of the distinguished gentleman from California [Mr. BROWN] an explanation of the effect of the modification here so that all members might be apprised of what is involved.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, this gentleman from California considers the language which has just been read by the Clerk to be clarifying language expressing the intent of the amendment, although perhaps it is not as well expressed as it should have been.

The amendment itself calls upon the President of the United States to seek a mutually verifiable treaty which places limitations on antisatellite weapons.

It is, of course, our assumption that that would be consistent with the security interests of the United States, and the language suggested by the

gentleman makes that absolutely clear. That is why we are more than pleased to accept the language.

Mr. DICKINSON. Mr. Chairman, I thank the gentleman from California [Mr. BROWN].

Mr. Chairman, let me say, if I might continue under my reservation, that the gentleman from California [Mr. BROWN] and I have been on opposite sides of the issues of ASAT's for several years now, he being the protagonist for the exclusion of the right, I being the antagonist to his amendments to deny the United States the right under certain circumstances to develop and test ASAT's.

Mr. Chairman, this is a sense-of-the-Congress amendment that we have worked out, as I understand it, saying that the President should work toward an agreement: first, that the President should urge that the Soviets dismantle a site that we are aware of, that they have in being now, and that we work toward a verifiable prohibition on antisatellite weaponry in the future.

Mr. Chairman, the words added were consistent with the security interests of the United States and its allies, so we certainly want to do whatever is in consistency with our interests. There is nothing wrong with working toward that goal. The gentleman from California [Mr. BROWN] and I both agree on that.

Mr. Chairman, since this is a sense-of-the-Congress language amendment consistent with the security interests of the United States and its allies, we find no fault with it.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Chairman, I want to thank the distinguished ranking member of the Committee on Armed Services, the gentleman from Alabama [Mr. DICKINSON], for yielding to me.

Mr. Chairman, I rise today to urge my colleagues to support the Brown-Coughlin Asat amendment.

Mr. Chairman, the Asat amendment that is being introduced this year is quite different from the measures that the gentleman from California and I have put forth in years past. Though this year's measure is modest relative to previous efforts, it remains a very important initiative.

We are offering an amendment on anti-satellite weapons again this year because the fundamental reasons for supporting constraints on Asat's remain basically unchanged. A United States-Soviet competition in the Asat arena would be contrary to United States interests. The United States remains far more dependent on our satellites than the Soviets are on theirs, for a number of reasons. First, because our forces are more widely dispersed around the world, we must rely on our satellite constellation to maintain effective command and control. Second, because our technology is so much more sophisticated than the Sovi-

ets', we derive greater benefits from our satellite network than the Soviets do from theirs. Third, while glasnost has opened the Soviet Union up in important ways, the Soviet Union remains more closed to outside observers than does the United States. We need our satellites to know what is going on in the U.S.S.R. Finally, because our satellites are more reliable than are Soviet satellites, we can afford to rely on them to a greater degree.

We are offering this particular amendment, however, because some aspects of the situation here and abroad have changed markedly. This year's Brown-Coughlin amendment reflects the fact that we have a new President, whose national security adviser, General Brent Scowcroft, has in the past indicated support for negotiated limitations on Asat weapons. It reflects the fact that there is a new reality in United States-Soviet relations, built on the success of the Reagan administration's dealing with Mikhail Gorbachev and the signing of the INF Treaty. It reflects the fact that the Soviets have signaled a willingness to explore verification measures they have not been willing to discuss before, as is clear from the highly intrusive verification provisions in the INF Treaty and the Soviets' recent invitation to our colleagues JIM OLIN, JOHN SPRATT, and BOB CARR to visit the Sary Shagan laser site.

Simply stated, the Brown-Coughlin amendment expresses the sense of the Congress on four points:

First, it calls on the President to seek the dismantlement of the Soviet coorbital Asat. Certainly this is a goal that everyone here can support.

Second, it urges the President to seek strict limits on Asat's with the Soviets. We have not held discussions on antisatellite weapons for some 10 years, since the Soviet invasion of Afghanistan. The time is right to resume these talks.

Third, it recommends, in the course of United States-Soviet Asat discussions, that the President explore cooperative verification measures with the Soviet Union. As noted above, the Soviets have expressed a willingness to consider new means of verification.

Fourth, finally, it requires a report that would provide information to the Congress about United States satellite survivability, United States Asat programs, and the nature of the threat to our military forces should the Soviets build Asat's similar to those now on our drawing boards.

Mr. Chairman, the amendment the gentleman from California and I are putting forward this year is very important in its purpose, but very restrained in its approach. It does not prohibit testing. It does not alter funding profiles. It does not impose constraints on the President or require a particular negotiating stance or strategy. Our amendment merely expresses Congressional concern about the dangers of an Asat arms race in space and the huge accompanying costs that we would bear if such a race goes unchecked. I urge all my colleagues to support this measure.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. Under my reservation of objection, Mr. Chairman, I

yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman from Alabama [Mr. DICKINSON] for yielding, and under the leadership of the gentleman from Alabama, a number of us have been very concerned about satellite capability of the Soviet Union and the fact that they have the capability with Eorsat's and Rorsat's to essentially target the men and women of the U.S. Navy on our ships deployed at sea, and my simple question to the offerers of this agreement is:

If you accept that the Soviets have satellites that presently target our ships in a way that they can bring destruction on those ships from the air, and from sea-launched cruise missiles and other sources, how can we possibly make this agreement to have a moratorium on shooting down those forward observers in such a way as to be consistent with the national security interests of the men and women of the armed services?

Mr. Chairman, I think it is important to lay this out.

Mr. DICKINSON. Mr. Chairman, if I might reply?

The CHAIRMAN pro tempore. Will the gentleman from Alabama [Mr. DICKINSON] suspend?

The Chair will ask the gentleman from Alabama [Mr. DICKINSON] to either object or to withdraw his objection to return to the orderly business of the rule which allots time for debate on this amendment. The Chair notices that this debate is going to the substance of the amendment, and it should be allotted accordingly.

Mr. DICKINSON. Very well, Mr. Chairman. I will withdraw my reservation of objection.

Mr. McEWEN. Mr. Chairman, I reserve the right to object.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California [Mr. BROWN] that the amendment be modified?

There was no objection.

The CHAIRMAN pro tempore. The amendment is modified.

The gentleman from California [Mr. BROWN] has 15 minutes in support of the modified amendment, and the gentleman from Alabama [Mr. DICKINSON] will control the time in opposition, 15 minutes.

The Chair recognizes the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I am not going to take much time.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. MRAZEK].

Mr. MRAZEK. Mr. Chairman, I rise in support of the Brown-Coughlin amendment because it is a pronational security amend-

ment—and I mean national security needs in terms of the world in which we live today.

In past debates, the House has considered two valid concerns: First, the threat posed by the Soviet coorbital Asat and whether or not that threat was sufficient to warrant testing of the F-15 Asat by the United States, and second, the consequences of both the United States and Soviet Union of testing Asat's in outer space. I would like to suggest that the issue before us is broader than the two points I just mentioned. In short, we should consider our Nation's strategy in space. Will we become transfixed by old rivalries or will our Nation's space policy help address a host of national and international security concerns?

On the national side of the ledger, I have long supported a strong military and civilian presence in space with respect to communications, reconnaissance, and intelligence gathering operations. Our Nation's investment in these technologies has markedly increased international security and stability. President Bush should, as the amendment suggests, do everything possible to ensure the survivability of these assets and erase the threat posed by the Soviet coorbital Asat and future Asat's.

Many nations are now recognizing the role civilian space technology will play with respect to scientific, economic, and environmental endeavors. Outer space has become an arena in which activities reflect what has occurred on Earth where we have witnessed a transition from military to economic competition and an awakening to address global environmental concerns.

Therefore, in this time of unlimited possibilities with respect to the United States-Soviet relationship, should the President use this opportunity to start a process that will eliminate any threat posed by the Asat capabilities of the Soviet Union? Second, will pursuing an Asat capability fit in with the ongoing trends in civilian space development such as understanding and managing the global ecosystem or hinder it? I would like to see our Nation lead the way in this grand adventure in which all humanity will ultimately benefit.

If you feel these questions are relevant, I urge you to support the Brown-Coughlin amendment. The President must know he has the support of Congress to proactively address the issue of Soviet Asat capabilities and ensure the survival of our military satellites and other space assets. Let's send that message of support today.

Mr. BROWN of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon [Mr. AuCOIN].

Mr. AuCOIN. Mr. Chairman, I rise in support of the amendment. For years we have been hearing about how we have to have an ASAT because the Soviets have this ferocious laser ASAT at Sary Shagan. We've had that weapon described to us in terms that make Darth Vader seem like a wimp.

But now three of our colleagues, led by Mr. SPRATT, have actually visited that site, and they've seen the Sary Shagan wonder device up close. And you know what? The tiger is a pussycat. Those who described that thing as an ASAT were dead wrong.

We now know there are two lasers at the Sary Shagan site.

One is a ruby laser of less than 100 watts output. Looking at it, a Princeton physicist said any junior college could have built it.

The second laser, a carbon dioxide type, has about 20,000 watts output. That's about 100th as powerful as our MIRACL, and MIRACL can only warm the solar screens of a very low orbit satellite. The Soviet installation has no ASAT capability at all. None! It can't hurt a fly in space!

Theoretically, it should be able to track a cooperating satellite with a corner reflector as we've done from Hawaii. But in practice, it hasn't even done that!

So my friends, the Soviet laser ASAT threat is a fraud. We have time to sort out the problem to negotiate for an ASAT-free world. The Brown-Coughlin amendment calls on the President to do that. If negotiations don't work, if the Soviets don't produce, if verification is impossible, then so be it. But let's give it a try. That's all this amendment calls for. Let's pass it.

Mr. BROWN of California. Mr. Chairman, let me make just a couple of comments: First, a word of appreciation to the gentleman from Alabama [Mr. DICKINSON] who, as he correctly stated, has been on the opposite side from me and the gentleman from Pennsylvania [Mr. COUGHLIN] on the issue of Asat's for a number of years.

Mr. Chairman, I have to point out, because I think there is some misunderstanding, this is not the same amendment we have offered in the past. This is not a curtailment of testing. This in no way places any restrictions on the executive branch. It is an effort to focus the attention of the executive branch on the possibility that our security interests might be better served by an arms control agreement in this area than if we proceeded with an effort to outpace the Soviets in building antisatellite weapons. So, as I say, it is in that respect completely different from previous amendments.

Mr. Chairman, I am also constrained to again compliment the gentleman from Pennsylvania [Mr. COUGHLIN], my good friend, for his consistent and sustained interest and support in this issue which seeks to preserve the security of the United States in a cost-effective way through the restraint on the development of weapons programs in space.

I might tell the gentleman from California [Mr. HUNTER] that I agree with him that the Soviet Rorsat's and Eorsat's should be eliminated.

□ 1220

I have introduced separate legislation to this effect, and I will do everything I can to persuade or to require the Soviets to dismantle their system also.

Mr. Chairman, the amendment I am offering today—with the assistance of my colleague from Pennsylvania [Mr. COUGHLIN]—is aimed at helping steer the Nation toward a rational, bipartisan policy that would prevent an unre-

strained United States-Soviet antisatellite [Asat] weapon competition.

As you know, Congress and the previous administration were at loggerheads on the question of Asat testing and deployment. The Reagan administration wanted to deploy an Asat launched from F-15 aircraft, while the majority in Congress felt that the superpowers should work to prevent an Asat competition. For 4 consecutive years beginning in 1984, this body voted to prevent tests of the F-15 Asat against objects in space so long as the Soviet Union showed similar restraint. Largely as a result of that action, a United States-Soviet Asat arms race that showed every sign of being ignited in the early 1980's has been avoided.

The Soviet Union has not conducted a single test in space of its existing, limited Asat weapon since June 1982, more than 7 years ago. During the same period, the United States conducted only one Asat test against a space target. In almost no other realm of the United States-Soviet military rivalry has there been such a low level of activity. And we should keep it that way.

The United States is enormously dependent on military satellites for intelligence gathering, early warning of attack, and command and control of its military forces. These satellites serve as the eyes and ears of our worldwide military capability, and it has been a boon to United States security interests that our satellites have not witnessed a growing Soviet Asat threat.

The four simple goals of our amendment should not even be controversial.

We call on the President to seek dismantlement of the Soviet Union's existing Asat. Who can object to that?

We call on President Bush to seek with the Soviet Union the strictest possible limitations on Asat's. This is in line with the views of Ambassador Paul Nitze, who earlier this year called for a United States-Soviet Asat ban.

We call for cooperative, on-site verification procedures as part of an Asat limitation treaty. There should be no objection there.

And finally, we require a comprehensive report on U.S. Asat programs and satellite survivability options. This is information that the Congress needs in order to develop its policy on Asat's.

The Pentagon plans to spend several billion dollars over the next 5 years on RDT&E and deployment of a vast array of new antisatellite weapons. The Armed Services Committee has actually authorized more than \$200 million for Asat R&D in this bill, and has increased funding for Asat survivability and verification. I do not object, in fact I commend the committee for this action. But testing and deployment of increasingly complex and expensive systems for warfighting in space is not the path we should be traveling on. We should not be extending the arms race into the new arena of space.

I want to believe that the Bush administration will take a fresh look at the Asat issue, and realize the importance of negotiating a United States-Soviet Asat ban. I want to believe that administration policy will not be dictated by those who have fanciful notions about space warfare and the need to gain U.S. military superiority in space.

Passage of this amendment will send a message to the administration that Congress is not going to sanction an unconstrained United States-Soviet Asat competition. This is an important message to send. I urge your support for the amendment, and I include supporting information in the RECORD:

OFFICE OF TECHNOLOGY ASSESSMENT: ASAT TEST BAN COULD BLOCK SPACE ARMS RACE

In 1985, the Office of Technology Assessment produced an excellent report entitled "Anti-Satellite Weapons, Countermeasures, and Arms Control." That document provided a thorough analysis of the issues that would need to be addressed during ASAT limitation talks. It also explains how ASAT limitations and satellite survivability measures could be made to work in concert to help ensure the survivability of critical U.S. military satellites. The following valuable passages are taken from pages 109-111 of the report:

"The United States is sufficiently familiar with the operational characteristics of the current generation of Soviet ASAT interceptors to make its covert testing unlikely. The development of a new system would require an extensive testing program, some portion of which we would almost certainly identify. New or unusual orbiting vehicles would be noticed, especially maneuvering ones. Monitoring equipment could be developed that would detect the laser illumination of Soviet satellites, and which could aid in monitoring Soviet directed-energy facilities. Soviet efforts to hide overt testing might serve to narrow down the regions where the United States needs to concentrate its verification efforts. In any case, it is likely that an ASAT test limitation agreement would provide the means by which parties could inquire about suspicious activities . . .

"It is important to note that modest satellite survivability measures would reduce the risk posed by current ASAT weapons and could do much to reduce the risk posed by covert weapons developments. In the absence of an agreement limiting ASAT weapon development, the United States must still monitor Soviet activities but modest survivability measures might not be effective . . .

"A ban which prohibited all testing 'in the ASAT mode' would severely reduce the likelihood that the Soviets could successfully develop advanced, highly capable ASAT weapons. The categories of weapons eliminated might include space mines capable of 'shadowing' valuable military assets in any orbit, or directed-energy weapons. . . . In the absence of an agreement limiting the development of these weapons, each side might seek continually more effective means to attack threatening satellites and to defend valuable assets. This could result in a potentially destabilizing arms race in space. The 'instantaneous kill' ability of the most advanced ASATs would be destabilizing in a crisis, since each side would have the incentive to 'shoot first' or else risk the loss of its space assets.

"Over time, a comprehensive test ban would gradually erode each side's confidence in its respective (ASAT) weapons, thereby reducing the possibility of their use. If a test ban were combined with additional restrictions on possession or deployment, this might result in somewhat greater security.

"A comprehensive test ban would be less effective at reducing the threat posed by . . . ICBMs, SLBMs, and ABM interceptors with nuclear payloads. . . . However, some

of the ASAT threat posed by nuclear weapons is offset by their very nature. The collateral physical, political, and military consequences of using nuclear ICBMs or ABMs as ASATs could well deter their use in most conflicts short of a terrestrial nuclear war . . .

The Soviet draft treaties and the 1983 unilateral Soviet moratorium on ASAT testing suggest that the Soviets would be willing to negotiate a comprehensive ASAT test ban."

[From the Los Angeles Times, July 16, 1989]

BUILDING NEW ANTI-SATELLITE WEAPONS COULD SHOOT DOWN NATIONAL SECURITY

(By Noel Gayler and Matthew Bunn)

In a dramatic new step toward military glasnost, the Soviet Union permitted a group of Americans to tour the top-secret laser research station at Sary Shagan this month. Far from the dangerous beam-weapon threat to U.S. satellites that the Pentagon had long touted, the visit revealed an antiquated laser far too weak to be a threat. Demolishing the myth of a "laser gap," the visit should help slow a Pentagon drive to build new anti-satellite (ASAT) weapons. And that is good news; such weapons are a can of worms best left unopened.

Orbiting spacecraft have become essential to U.S. national security. Military forces rely on them for intelligence on potential adversaries, for early warning of attack, for communications, command, navigation and other indispensable tasks.

Yet rather than working toward an agreement to limit threats to these satellites, the Defense Department is pushing for immediate ASAT development—a move that would inevitably spur the Soviets to build advanced ASATs of their own, dramatically increasing the threat to our critical spacecraft.

This ASAT program is ostensibly separate from the still-unrealistic Strategic Defense Initiative against missiles. While many of the technologies are the same—from homing rockets to giant lasers—the problem of shooting down a few satellites in predictable orbits is infinitely simpler to resolve.

In part, Defense Department ASAT desires are a response to an existing Soviet space weapon, separate from the Sary Shagan laser. For six years, the Soviet Union has unilaterally refrained from testing its primitive ASAT, but U.S. ASAT tests would impel the Soviets to develop far more threatening ASATs than they have today. Reigniting this cycle of action and response is a formula for an unending arms race, turning the depths of space into yet another potential battleground.

That would be a disaster for the United States. While dependence on satellites in future confrontations will vary, our military forces are likely to be far more space-dependent than the Soviets'. The Soviet Union is a land power; most potential arenas of conflict are near its borders. The United States is an oceanic power with global responsibilities, making space support essential. U.S. forces around the world would be crippled if the satellites they rely on were destroyed.

We need to know. Even in the age of glasnost, Soviet society remains far less open than our own. The Soviets can learn most of what they need to know from technical journals, congressional hearings and the U.S. media. For the United States, satellites are essential to keep tabs on Soviet developments—not to mention activities in such countries as Libya and Iran. Without secure

spacecraft, we would be virtually blind and deaf.

Worse, quick-strike threats to both sides' spacecraft could be dangerously destabilizing in crisis. Sudden destruction of a critical early-warning or communications satellite would inevitably heighten the danger of a confrontation spiraling out of control. As Brent Scowcroft concluded before becoming President Bush's national security adviser, "all scenarios involving the use of ASATs . . . increase the risks of accident, misperception and inadvertent escalation."

An ASAT system is certain to be expensive, draining funds from other crucial programs. The Pentagon plans to spend more than \$1 billion on ASAT development over the next five years; experience shows that deployment would cost billions more. Once the program is underway, momentum to continue will inevitably build—good money after bad.

Fortunately, it is not too late for an ASAT agreement to avoid these costs and dangers. The Soviet ASAT is a dog—slow, unreliable, capable of only low-altitude attack, susceptible to countermeasures and untested since 1982. Our ASAT technology is better but the planned systems are not yet tested or deployed.

Now is the time to deal; preventing either side from building a robust ASAT capability will be easier than limiting one already developed. As the tour of Sary Shagan indicates, the Soviets are eager to negotiate, having unilaterally ceased testing and having proposed an ASAT test ban, combined with dismantlement of their existing system.

We should grab that deal—with some haggling over specifics. An ASAT ban is in U.S. interest. Rejecting a ban in favor of an aggressive ASAT program could chill the warming of U.S.-Soviet relations. And in today's multipolar world, it is worth remembering that virtually every nation on earth has called for agreements to head off an arms race on space.

Current and evolving intelligence capabilities can readily verify an ASAT test ban, particularly when combined with on-site inspections and other cooperative measures. The cold, black background of space makes monitoring of many types of ASAT activities comparatively easy.

There are those who resist a ban and argue that any agreement would leave some "residual" ASAT capabilities. That is perfectly true, but such left-over threats—from Soviet space shuttles, for example—are minor compared to the devastating space weapons the Soviets could build in the absence of agreement.

Others argue for an American ASAT to deter use of the Soviet system. But the Soviets have offered to dismantle their ASAT. If we fear that a few might be hidden away, we can protect U.S. satellites at affordable cost. Satellite-survivability measures are essential with or without agreement. Combined with an ASAT test ban to prevent development of more threatening space weapons, they would ensure that a Soviet ASAT attack would fail—the best kind of deterrence.

Deterrence without an ASAT agreement is unlikely to work. With Moscow's lower dependence on space, cheaper satellites and huge rocket replacement inventory, Soviet leaders would have comparatively little to fear from a tit-for-tat space shoot-out.

Other ASAT supporters say we need to be able to shoot down threatening Soviet satellites. Soviet ship-tracking satellites do pose

a limited threat to U.S. surface fleets—though efforts to detect submarines from space have yet to prove themselves, and probably never will. But the Soviets have other, more effective means of tracking U.S. ships and the tracking satellites can be stymied by electronic countermeasures plus other tactics already developed and proven in naval exercises. In a crisis, these non-destructive measures would be far less provocative than using an ASAT weapon.

More important, the naval threat posed by Soviet satellites pales in comparison with advantages the U.S. Navy derives from its own spacecraft—all of which could be threatened if an ASAT race is renewed. That goes double for the other U.S. military services, which face even less threat from Soviet satellites.

Two paths lie open: To build a U.S. ASAT weapon will inexorably lead to new Soviet ASATs; soon even the outermost reaches of space will offer no sanctuary. But if we deal now, and prudently protect U.S. satellites against residual ASAT threats, we can continue to rely on the enormous benefits of secure spacecraft. The intelligence choice, then, is the intelligent one.

[From the San Bernardino Sun, July 23, 1989]

ANTI-SATELLITE WEAPONS SHOULD BE OUT DURING ARMS REDUCTION DRIVE

(By George E. Brown, Jr.)

At a time when the U.S.-Soviet Cold War appears to be ending, and when the prospects for major arms reductions have rarely appeared brighter, it is disturbing to hear calls for the deployment of a whole new class of weaponry: Anti-satellite weapons. The United States should not deploy ASATs. The arms race should not be shifted to the new arena of space. Rather, we should enact a bipartisan policy centering around ASAT arms control and improving the survivability of our satellites.

The United States is enormously dependent on military satellites for intelligence gathering, early warning of attack, and command and control of its military forces. These satellites serve as the "eyes and ears" of our worldwide military capability. If they become vulnerable to attack, U.S. security will suffer.

ASAT proponents argue that the United States needs an array of satellite killers to deter Soviet ASAT use and to attack Soviet ocean reconnaissance satellites, which can observe our naval surface forces. Yet these avowed threats have been greatly overstated, while the merits of ASAT arms control have been foolishly overlooked.

The Soviet Union has a crude ASAT that involves launching and maneuvering a satellite to destroy another satellite. The weapon is unreliable, is effective only against satellites in low orbit, can be defeated by countermeasures, and has not been tested in seven years. According to Leslie Dirks, a former high-ranking CIA official, "It doesn't work. Anyone who has followed it closely would have to agree." If there is lingering concern about this weapon, then let's urge the Soviets to dismantle it, which they have suggested they might do.

An allegedly more advanced Soviet ASAT, involving ground-based lasers at a top-secret Soviet weapons facility, has turned out to be a Potemkin Village created by our own military. A group of congressmen and scientists toured the site earlier this month, only to find that the facility's lasers are between 100 and 1,000 times less powerful than Pen-

tagon assessments have suggested, and incapable of destroying our satellites.

Although ASAT proponents claim that U.S. surface vessels are more vulnerable because of Soviet tracking satellites, the director of Naval Intelligence apparently doesn't think so. Otherwise, why, during the course of his 54-page testimony to Congress this year on the Soviet threat, did he not once mention a threat posed by Soviet satellites? It's because the Navy has straightforward countermeasures to confuse and spoof those satellites.

There exist too many serious problems in the world for us to spend billions of dollars countering minor or non-existent threats, but that is what ASAT proponents want us to do. It is understandable why Gen. Piotrowski feels that the U.S. Space Command would have a fuller mission in life if it were given a space warfighting capability, but U.S. policy needs to be based on a much broader assessment than that.

The superpowers face a historic opportunity to card off some of their old avenues of weapons competition, while blocking the entrance to new ones. Ambassador Paul Nitze, ending his tour as the Reagan administration's top arms control adviser, said that the ASAT path should be blocked off through a U.S.-Soviet ban on ASAT deployments. Before his appointment as national security adviser, Gen. Brent Scowcroft authored strong statements about the need to curb threats to our satellites.

As part of a broad policy initiative aimed at protecting our satellites from attack, we should:

Increase funding for satellite survivability programs.

Develop systems for on-site monitoring of suspected Soviet laser ASAT facilities.

Continue ASAT research, but refrain from ASAT testing so long as the Soviet Union does not conduct an ASAT test.

Seek dismantlement of the Soviet ASAT system. The United States needs satellites more than it needs anti-satellites. To protect the former we should ban the latter.

Mr. PURSELL. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Michigan.

Mr. PURSELL. Mr. Chairman, I rise in support of the amendment being offered by the gentlemen from California and Pennsylvania regarding antisatellite [Asat] weapons.

In recent years, I have supported legislation to impose a 1-year, mutual, verifiable moratorium on the testing of Asat weapons. I have done so to enable the United States to maintain its historical advantage in this technology. Without a moratorium, I feared that the Soviet Union would be forced to develop a modern sophisticated Asat system. If this were to happen, the Soviets would likely surpass the United States in this area and force us to play catch-up.

The amendment being offered today differs somewhat than Asat amendments from previous years. Instead of establishing a moratorium, today's amendment is simply a nonbinding, sense-of-the-Congress measure to encourage the President to seek a resumption of negotiations with the Soviet Union to limit Asat's.

This amendment does not include any constraints on the President—on testing bans, no

funding reductions. Final discretion would remain with the President.

I encourage my colleagues to support this measure. Without an effort to begin negotiations, the United States may be forced into a new Asat competition. Not only would we stand to lose our present advantage, developing a new system would cost money the Pentagon, and the Nation, simply cannot afford at this time.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Let me say that I do not intend to ask for a vote on this. I just want to make as a part of the Record the statement that over the past several years we have been debating and voting on this issue. This year, by agreement with the gentleman from California [Mr. BROWN] and the gentleman from Pennsylvania [Mr. COUGHLIN], this is not a mandatory and inhibiting or crippling amendment directed against our capability of deploying or building an Asat for the United States. This is a sense-of-the-Congress resolution that first would urge the President and this administration work with the Soviet Union toward dismantling their Asat capabilities and facilities that are in place at Sary Shagan and perhaps two or three other places there, and second that we work with the Soviet Union toward a verifiable treaty toward abolishing the right of either country to have an Asat, so long as it is consistent with the interests of the United States. I find nothing objectionable about that. I think it is more or less a commonsense approach. For that reason, we have worked out this accord. I do not think it is necessary for us to debate it at length. I think we have made it amply clear what it will do.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding me this time.

I just wanted to insert my statement into the RECORD, and I am the world's greatest expert on my own opinion, and that is what I am going to give now with respect to the sense of Congress.

In the words of this agreement that says we shall work toward an Asat ban in the context of maintaining the security of the United States, I just want to say that I think at this time the Soviet satellite capability, the fact that they launched some 29 satellites during the Falklands war, got those satellites up, and if they had been participants in that war that would have operated to the great detriment of any other military forces. They could have killed a lot of people as a result of their ability to target their adversaries.

They obviously developed their satellites with a war-fighting capability.

The mothers and fathers in America who have young people in uniform, the Soviets right now have in my estimation one great weapon for targeting your children when they serve in the uniform of the United States on ships, and that main weapon is satellites, because they can maintain targeting of our carrier battlegroups and they have enormous firepower to then bring in, just like you would have a forward observer in artillery in a military battle who calls in artillery on opposing land forces.

I think that the Soviet satellite capability will contribute to many American battlefield deaths in the event of a war.

So let me just say that in my interpretation of this agreement, it is done in the context that we do not have a duty to allow the Soviets to maintain with impunity a forward observer satellite system with the ability to kill, that is directed toward killing American men and women in a time of conflict.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I am glad to yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, I just would make the point today, particularly to my colleagues on the other side, that there are only a handful of people who would even try to think through military space Asat's in this Congress.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. HUNTER] has expired.

Mr. DICKINSON. Mr. Chairman, we are just going to exacerbate the situation here. Further yielding will just trigger somebody else, but I will yield 1 additional minute to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. I am glad, Mr. Chairman, that the gentleman from Alabama [Mr. DICKINSON] was able to find something that is satisfactory, but I hope that over the next year we can, on a bipartisan basis, try to figure out how to resolve this problem and really determine how space Asat's play into this debate, whether it is SDI, whether it is relocatable targets, I mean, any number of ways. I think there have not been enough of us to stop and think about what our strategy really is on the use of space. It will be used in a military way. I am glad we have a way to get through this this year, but I think we really have to work in earnest to try to come up with some strategy for how we are going to apply ourselves.

Mr. BROWN of California. Mr. Chairman, I yield myself 1 further minute.

I cannot disagree with the statements that have been made. Part of the purpose of this amendment actual-

ly is to get the administration to focus on the use of our Asat's in space in the most constructive way. I will hope they will do that. We have no basic disagreement on that.

Mr. DICKINSON. Mr. Chairman, I yield back the balance of my time.

Mr. BROWN of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. DURBIN). The question is on the amendment offered by the gentleman from California [Mr. BROWN], as modified.

The amendment as modified, was agreed to.

NUCLEAR TEST BAN

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 21 relating to the nuclear test ban printed in part 1 of House Report 101-168, by, and if offered by, the gentleman from Massachusetts [Mr. MARKEY] or his designee.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY: At the end of title XXXI (page 350, after line 3) add the following new section:

SEC. 3137. CONDUCT OF NUCLEAR TEST BAN READINESS PROGRAM.

(a) REQUIREMENT.—The Secretary of Energy, in consultation with the Secretary of defense, shall prepare a plan to implement the program described in section 1436 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2075), in a manner that ensures that, no later than the end of fiscal year 1994, the Department could have the capability to meet reliability and safety requirements for certified nuclear weapons designs in the United States nuclear weapons stockpile within the constraints imposed by a future agreement requiring a low-threshold or comprehensive ban on nuclear explosives testing.

(b) REPORT.—The Secretary of Energy shall submit the second annual report required under section 1436(e) of such Act not later than July 1, 1990. The report shall describe the plan required under subsection (a), provide a year-by-year description of the financial costs and nuclear tests, if any, that would be necessary to execute the purposes of the nuclear ban readiness program, and provide a description of the milestones that would be useful to Congress in judging the progress of the Department in carrying out such plan, including the Department's best estimate for when each of the milestones would be reached. The report also shall address the following issues:

(1) Which of the nuclear weapons designs now in stockpile will not be replaced at the end of their stockpile life.

(2) A case-by-case analysis of the requirements for remanufacture of each of the certified nuclear weapons designs planned for retention in stockpile after 1994.

(3) A specification of those certified nuclear weapons designs planned for retention in stockpile that could be recertified after re-

manufacture with no requirement for any nuclear explosive test.

(4) Identification of certified nuclear weapons designs, if any, planned for retention in stockpile that could be remanufactured and recertified for stockpile following a single nuclear explosive test to demonstrate proper performance.

(5) Identification of certified nuclear weapon designs planned for retention in stockpile that require modification to the degree that more than one test is indicated to assure recertification for stockpile.

(6) What specific improvements, if any, should be made in existing stockpile inspection and nonnuclear explosive testing programs to improve United States capabilities to detect and identify potential nuclear weapons stockpile reliability or safety problems.

(7) What specific steps should be taken to assure that vigorous program of research in areas related to nuclear weapons science and engineering is supported in order to maintain a base of technical knowledge about nuclear weapons design and nuclear weapons effects under a low-threshold or comprehensive test ban agreement.

(c) INDEPENDENT REVIEW.—(1) The Secretary of Energy shall request the National Academy of Sciences to conduct an independent technical review of the implementation plan required under subsection (a) and submit a report as described in paragraph (2). The review shall be made by a panel of distinguished scientists and engineers chosen by the president of the National Academy of Sciences who are drawn from the councils of the Academy and are chosen with special regard to their special competence and expertise.

(2) The report referred to in paragraph (1) shall be submitted by the Academy to the Secretary and Congress not later than 6 months after submission of the report described in subsection (b) and shall contain the Academy's findings and recommendations with respect to the implementation plan.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 10 minutes, and the gentleman from Arizona [Mr. KYL] will be recognized for 10 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I would like to begin by explaining to my colleagues what this amendment is not. This amendment is not the one kiloton testing amendment which we have debated out on the floor for the last 3 or 4 years, which was passed here in the Congress. We are not making that amendment on the floor this year.

What I am offering is an amendment that deals with another topic, which is the technical preparation that should be undertaken to assure that our nuclear weapons stockpile can be maintained in a safe and reliable fashion in the event that a nuclear testing agreement is reached on a mutual and verifiable basis between the United States and the Soviet Union.

Last year the Congress established a nuclear test ban readiness program with the Department of Energy in order to assure that the United States would be in a position to maintain the safety, the reliability, and the deterrent effect of our existing nuclear weapons stockpile. That program is now being put into place.

What my amendment does here today is say to the Secretary of Energy, in consultation with the Pentagon, that they should have a plan prepared to implement the purposes of the nuclear test ban program by 1995, so that if testing limits are reached by the United States and the Soviet Union that we will be prepared in the United States to move forward rapidly to insure that our existing nuclear weapons stockpile still continues to give us the deterrent capability which our country wants, but on a safe and reliable basis.

My amendment requires that the Secretary submit a report on DOE's plan by next July, and it directs that this report should provide information on the cost and the milestones for executing the purposes established under law for the test ban readiness program.

□ 1230

The amendment also provides for an independent technical review of the implementation plan by the National Academy of Sciences. That is what the amendment does. It does not tie the President's hands. It does not have anything to do with the timetable for any negotiations that would be undertaken in order to reach a test-ban agreement or testing limitations between the United States and the Soviet Union. All it does, however, is free him up to know that if an agreement was negotiated that we would be prepared to implement that type of policy.

What we are doing in this amendment is quite simple. It is anticipating what appears to be an ongoing series of negotiations between the United States and the Soviet Union. It is being praised by the minority. It is being praised by the majority. We are talking about intermediate; we are talking about long-range; we are talking about cruise missiles; we are talking about SLBM's; we are talking about nuclear testing as well.

Last year after the Moscow summit, the United States and the Soviet Union agreed, as part of the protocol, that we would begin to negotiate, begin to talk about, further intermediate limitations upon nuclear testing. Those are the words of the United States and the Soviet Union as part of a joint protocol signed last May, in 1988.

What we are doing is moving forward to ensure that we have the program in place that will then allow it to

be implemented on a safe and reliable basis from the United States' perspective.

Mr. KYL. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the Markey amendment should be defeated. A similar amendment was defeated last year, and yet in conference found its way into our law; but there is a difference between the law that is currently on the books and the Markey amendment.

Mr. Chairman, I would like to have my colleague explain a very significant omission from this year's amendment. In last year's law we provided that:

The Secretary of Energy shall establish and support a program to assure that the United States is in a position to maintain the reliability, safety, and the continued deterrent effect of its stockpile of existing nuclear weapons designs; and continued deterrent effect.

There was a lot of negotiations to ensure that those words "continued deterrent effect" were in last year's bill, because after all, if we are going to have a treaty and we cannot do any more testing, we not only have to maintain reliability and safety, but the deterrent effect of those weapons.

My colleague inferred that that language was in this amendment, but I am quoting from the amendment as I have it, which says:

In a manner that ensures no later than by the end of fiscal year 1994 the Department could have the capability to meet reliability and safety requirements for certified nuclear weapon designs.

Somehow we seem to have dropped the "continued deterrent" requirement.

Mr. Chairman, I think perhaps that says more than my colleague would have it say. I think it suggests what is really afoot here. We are not concerned about the deterrent effect, and yet that is what this Congress ought to be concerned with, the deterrent effect of our stockpile.

There are safety and reliability questions galore. It is going to be very difficult to deal with those, but clearly the deterrent effect must also be dealt with.

Mr. Chairman, I think that is a very critical omission from the amendment.

Second, let us talk about reliability and safety. Reliability and safety are very, very important. When it comes to other weapons, we go to great lengths to ensure that they are properly tested. As a matter of fact, some in this body are even critical of the extent to which this testing occurs.

The Congressional Military Reform Caucus, chaired by the gentlewoman from California [Mrs. BOXER] and WILLIAM ROTH, and with a variety of other Members involved, just wrote a letter on June 2 to Secretary Dick Cheney expressing deep concern that our weapons are not being tested.

Allow me just to quote a couple of statements from the letter: "Testing is still not as realistic and objective as it could or should be," and then to a point that goes right to the heart of a regimen of nontesting, trying to find some other way of maintaining our stockpile, they say, "In addition, we are concerned about the use of so-called operational assessments to substitute for realistic operational testing. There can be no acceptable substitute for realistic and objective operational testing and evaluation as a weapon nears production."

Clearly they are correct; and if we are going to continue to upgrade our nuclear stockpile, if we are to continue to be able to ensure that it is reliable, that it is safe, and that it has the deterrent effect we wish it to have, we would be denied the ability to conduct tests under the regime that is suggested by this amendment. Reliability and safety are compromised.

Mr. Chairman, furthermore, in practice this amendment proposes that we prepare to freeze our safety and environmental standards after a period of 5 years, and we all know that safety standards are continually being improved.

Finally, Mr. Chairman, there is in the nuclear testing area a very important component of experienced human judgment involved, the skills that are acquired only by virtue of conducting these tests. Testing is an integral part of keeping these needed technical-judgment skills at the highest practical level. But this amendment implicitly presumes not only that these skills can be allowed to erode past 1994, because we are assuming there would be a test ban in effect, but somehow an NAS panel could second-guess the judgment of these professionals with their long experience in the science of nuclear weapons design and maintenance.

I think this is a very unrealistic and impractical suggestion.

In conclusion, my friends, the Markey amendment should be defeated, because it does not adequately protect the safety and reliability of the weapons, and because, most importantly, it would not allow for the deterrent effect of the weapons to be maintained.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. GREEN].

Mr. GREEN. Mr. Chairman, as my colleagues will remember, during consideration of last year's defense authorization bill, Congress enacted the Nuclear Test Ban Readiness Program within the Department of Energy. This year I encourage my colleagues to build upon that program by supporting an amendment to require the Department of Energy to prepare a 5-year plan which will provide Congress with a year-by-year description of the

costs and milestones for fully preparing the U.S. nuclear weapons stockpile for future nuclear testing restrictions by 1995.

The Test Ban Readiness Program we enacted last year is designed to prepare the U.S. nuclear weapons stockpile for possible future limits on nuclear testing. That program is the direct implementation of what the so-called Kidder report from the Lawrence Livermore Laboratory suggested to the Committee on Armed Services when asked by the distinguished chairman of that committee, Mr. ASPIN, to evaluate the consequences of a low threshold or comprehensive test ban. Now that we have established the program, we should take the next logical step and request that the Department of Energy formulate a 5-year plan with costs and implementation milestones for the program.

Let me take a minute to remind my colleagues of the Kidder report recommendations. I read now from the unclassified version of the Kidder report on, "Maintaining the U.S. Stockpile of Nuclear Weapons During a Low Threshold or Comprehensive Test Ban":

During the Moratorium of 1958-61, a Readiness Program was instituted whose purpose was to ensure that the United States would be in good position to resume nuclear testing should the Moratorium suddenly be terminated. What is needed today is a Readiness Program whose purpose is to ensure that the United States is in good position to maintain the reliability of its stockpile of nuclear weapons in the absence of nuclear explosive tests. There is much work to be done, inasmuch as preparations for future remanufacture of the nuclear weapons now in stockpile must be done individually for each different weapon design on a case-by-case basis.

It is recommended that the DOE be encouraged to undertake the formulation and execution of such a plan, and that funds earmarked for this purpose be provided.

The Kidder report shows us that we can, in fact, live with a limited threshold test ban or a comprehensive test ban if we will take the steps recommended in the report. We have gone halfway by establishing the program. The amendment before us today completes the task by asking DOE to tell us what their plan of action will be over the next 5 years, and how much it will cost. I urge my colleagues to support the Markey amendment.

Mr. KYL. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I yield myself this minute to respond, and I am referring now to the testimony of Dr. Ray Kidder of the Lawrence Livermore National Laboratory, which I would like for my colleague from New York to hear, because in testimony on April 26, 1989, before our Department of Energy nuclear facilities panel of the Committee on Armed Services, the gentleman from South Carolina [Mr. SPRATT] specifically asked Dr. Kidder

if the replacement of the conventional high explosive with insensitive high explosive—this is safety requirement—requires testing of a new weapon. Dr. Kidder said that such weapons would require nuclear testing. The gentleman from South Carolina [Mr. SPRATT] asked if a total test ban could include exceptions for safety tests. Dr. Kidder said that this was impractical. Dr. Kidder said that testing for IHE would require tests greater than 1 kiloton.

Mr. Chairman, my colleague from New York should understand that Dr. Kidder's testimony, the expert upon which he has just relied, indicates that there must be nuclear tests in order to understand the safety requirements of these new weapons.

□ 1240

Mr. MARKEY. Mr. Chairman, could the Chair inform me how much time is remaining on either side?

The CHAIRMAN pro tempore (Mr. BRUCE). The gentleman from Massachusetts [Mr. MARKEY] has 4 minutes remaining, and the gentleman from Arizona [Mr. KYL] has 4 minutes remaining.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. GREEN].

Mr. GREEN. Mr. Chairman, again I think the gentleman from Arizona is confusing what we are debating here today. We are not debating a test ban provision. We are simply debating the question of whether we should have a program to prepare for the eventuality that some day we may have a test ban, and that is what Dr. Kidder was addressing in the report.

I see nothing in his testimony to the gentleman that changes anything he said in the report.

Mr. MARKEY. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I think it would be helpful to read to the House the preamble of section 1436 adopted last year as part of the conference report on the defense authorization bill.

The first paragraph says:

On September 17, 1987, the United States and the Soviet Union announced that they would resume full-scale, stage-by-stage negotiations on issues relating to nuclear testing, including further intermediate limitations on nuclear testing leading to the ultimate objective of a comprehensive nuclear test ban.

The second paragraph:

It was agreed that the first step in these negotiations would be to reach agreement on verification measures that will make possible the ratification of the Threshold Test Ban Treaty of 1974 and the Peaceful Nuclear Explosions Treaty of 1976.

The third paragraph:

To achieve the agreement on verification measures, the United States and the Soviet

Union have agreed to design and conduct a Joint Verification Experiment at the test sites of each country . . . and these have been carried out.

The fourth point:

At the Moscow summit in May 1988, President Reagan and General Secretary Gorbachev reaffirmed their commitment to negotiations on "effective verification measures which will make it possible to ratify the Threshold Test Ban Treaty of 1974 and Peaceful Nuclear Explosions Treaty of 1976, and proceed to negotiating further intermediate limitations on nuclear testing leading to the ultimate objective of the complete cessation of nuclear testing as part of an effective disarmament process.

The President of the United States, Mr. Reagan, and Mr. Gorbachev, made that commitment, signed that communiqué.

The question before us is if we are committed to that ultimate objective, should we not now be determining whether we can carry it out, whether we can have a ban, a complete cessation on nuclear testing and still have confidence in the reliability of our stockpile.

All this amendment calls for is a plan of action whereby the Department of Energy will set itself to asking those questions and giving us the answers in a form where we can later take up the implementation and execution of that plan. This calls only for planning a milestone that we can crack with a completion date that we can determine whether or not is feasible to accomplish. The debate is left for another day as to whether or not that plan should be executed and carried out. This requires formulation of a plan.

Should we not be about, if we are committed to ceasing nuclear testing, a determination as to whether or not it is feasible to have a ban on open nuclear testing and still have reliability and confidence in our stockpile?

Mr. KYL. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I am still waiting for a reply to the question why the very important requirement of protecting the deterrent effect of our nuclear stockpile was eliminated from this year's legislation.

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. KYL. I am happy to yield to my colleague, the gentleman from Massachusetts, to answer that question on my time.

Mr. MARKEY. Mr. Chairman, I thank the gentleman for yielding, and he asks a good question. And it is, in fact, a part of the legislative drafting that is so common here on the floor that makes it less than clear.

But if the gentleman will read the amendment it says that the Secretary of Defense, in consultation with the Secretary of Energy, and this is just the first three lines, "shall prepare a plan to implement the program de-

scribed in section 1436 of the National Defense Authorization Act."

So it then refers to that act, and the act reads that the responsibility of the Secretary of Energy is to develop a program which ensures for the continued deterrent effect of the stockpile.

Mr. KYL. So I ask my colleague another question. The two provisions are inconsistent. The first references all of the items in the last year's bill, and the second eliminates this one important provision. Is that correct?

Mr. MARKEY. If the gentleman will yield, absolutely not. What we have here is a totally consistent program.

Mr. KYL. Reclaiming my time, the two provisions are totally inconsistent. If the gentleman is saying it is his intention to include what was covered in last year's legislation, that is fine. But if he is saying it is accomplished by eliminating one of the three critical provisions, then it does not accomplish that.

There is a rule of law that the expression of one is the exclusion of the others. The gentleman has expressed two of the three, and it is significant that one of the three, the deterrent effect, has been eliminated.

After all of the negotiations last year to insert that provision, I find it hard to believe that it is just a mistake in drafting that somehow this critical provision got eliminated. Again, last year's legislation specifically talks to maintenance of reliability, safety, and continued deterrent effect. Somehow the words "and continued deterrent effect" got eliminated this year. I am still waiting for an answer as to why.

The CHAIRMAN pro tempore. The gentleman from Massachusetts [Mr. MARKEY] has one-half minute remaining.

Mr. MARKEY. Mr. Chairman, I would like to reserve my right as proponent to close debate.

Mr. KYL. Mr. Chairman, I believe I have the right to close debate. I am representing the committee position, and I have the right to close debate.

The CHAIRMAN pro tempore. The gentleman from Arizona [Mr. KYL], representing the committee, would be entitled to close debate.

Mr. MARKEY. Mr. Chairman, the gentleman from Arizona [Mr. KYL] misrepresents the amendment. It ensures that deterrence is the primary objective of the amendment.

We started this program last year so that it would be a logical first step toward the goal of ensuring that we could have a safe, reliable, and a strong deterrent in the nuclear weapons force if an agreement was reached between the United States and the Soviet Union, which is the sole stated objective of both countries, according to a protocol signed last May by the Soviet Union and the United States.

We should move forward to prepare for peace in the same way that we

move forward to prepare for war. We are spending over \$300 million here to prepare for a war that we hope we never have, so let us also prepare for peace. If the United States and the Soviet Union reach an agreement, this will be an indispensable part of ensuring that that agreement can be put in place.

Mr. KYL. Mr. Chairman, I yield myself my remaining 2 minutes.

Mr. Chairman, I have carefully read the Markey amendment. The word "deterrence" or "deterrent" is nowhere to be found in the Markey amendment.

My colleague is simply wrong when he suggests that it ensures deterrence is the primary objective. How can one say deterrence is the primary objective when the term is not even in here, No. 1; and second, when it has explicitly been dropped from last year's language?

I hope my colleague will understand this very, very important point. Last year's language, which was carefully negotiated, says that the program is to ensure that the United States is in a position to maintain the reliability, the safety, and the continued deterrent effect of its stockpile of existing nuclear weapons designs. This year's language says only to have the capability to meet the reliability and safety requirements. Where is the language "continued deterrent effectiveness?" It has been dropped.

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. KYL. No. It seems to me that I yielded to the gentleman on my time to please explain why it had been dropped. My colleague said that his language ensures that deterrence is the primary objective. It cannot ensure that deterrence is the primary objective if the term nowhere appears in the document, No. 1. Second, it has been explicitly dropped from the provision that was in the bill from last year.

So it seems to me that the real intention here is to prepare for a report that may focus on reliability or safety, but not to focus on deterrence. That is not a good thing to do.

If we are going to prepare for real arms negotiations and a limitation which would require us not to test nuclear weapons, we have to focus on safety, on reliability, and on the deterrent effect of our weapons.

□ 1250

It is not true that this amendment has no adverse effect. It is not true that it can do no harm.

This amendment would bind us, it would bind the President and should be defeated.

The CHAIRMAN pro tempore (Mr. BRUCE). All time has expired.

The question is on the amendment offered by the gentleman from Massachusetts [Mr. MARKEY].

The question was taken and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 207, noes 211, not voting 13, as follows:

[Roll No. 177]

AYES—207

Ackerman	Gephardt	Oberstar
Akaka	Gibbons	Obey
Anderson	Gilman	Olin
Anunzio	Glickman	Ortiz
Applegate	Gonzalez	Owens (NY)
Aspin	Gordon	Owens (UT)
Atkins	Green	Pallone
AuCoin	Hall (OH)	Panetta
Bates	Hamilton	Payne (NJ)
Bellenson	Hawkins	Pease
Bennett	Hayes (IL)	Pelosi
Berman	Henry	Penny
Berholt	Hertel	Perkins
Bonior	Hoagland	Pickle
Borski	Hochbrueckner	Poshard
Bosco	Horton	Price
Boucher	Hoyer	Pursell
Boxer	Hughes	Rahall
Brennan	Jacobs	Rangel
Brooks	Johnson (SD)	Roe
Brown (CA)	Johnston	Rose
Bruce	Jones (NC)	Roybal
Bryant	Jontz	Russo
Bustamante	Kanjorski	Sabo
Campbell (CA)	Kaptur	Sangmeister
Cardin	Kastenmeier	Savage
Carper	Kennedy	Sawyer
Carr	Kennelly	Scheuer
Clarke	Kildee	Schneider
Clay	Kolter	Schroeder
Coleman (TX)	Kostmayer	Schumer
Conte	LaFalce	Sharp
Conyers	Lantos	Shays
Cooper	Leach (IA)	Sikorski
Costello	Lehman (CA)	Skaggs
Coyne	Lehman (FL)	Slattery
Crockett	Levin (MI)	Slaughter (NY)
de la Garza	Levine (CA)	Smith (FL)
DeFazio	Lewis (GA)	Smith (IA)
Dellums	Long	Smith (NJ)
Dicks	Lowe (NY)	Smith (VT)
Dingell	Lukens, Thomas	Solarz
Dixon	Machtley	Spratt
Donnelly	Manton	Staggers
Dorgan (ND)	Markey	Stark
Downey	Martinez	Studds
Durbin	Matsui	Swift
Dwyer	Mavroules	Synar
Dymally	McCloskey	Torres
Early	McCurdy	Torricelli
Eckart	McDermott	Towns
Edwards (CA)	McHugh	Trafficant
Engel	McMillen (MD)	Traxler
English	McNulty	Udall
Espy	Mfume	Unsoeld
Evans	Miller (CA)	Vento
Fascell	Mineta	Visclosky
Fawell	Moakley	Volkmeyer
Fazio	Moody	Walgren
Feighan	Morella	Watkins
Fish	Morrison (CT)	Waxman
Flake	Mrazek	Weiss
Foglietta	Murphy	Wheat
Ford (MI)	Nagle	Williams
Ford (TN)	Neal (MA)	Wise
Frank	Neal (NC)	Wolpe
Frost	Nelson	Wyden
Garcia	Nowak	Yates
Gejdenson	Oakar	Yatron

NOES—211

Alexander	Armey	Bartlett
Andrews	Baker	Barton
Anthony	Ballenger	Bateman
Archer	Barnard	Bentley

Bereuter	Hopkins	Ridge
Bevill	Houghton	Rinaldo
Billbray	Hubbard	Ritter
Billrakis	Huckaby	Roberts
Billey	Hunter	Robinson
Boggs	Hutto	Rogers
Broomfield	Inhofe	Rohrabacher
Browder	Ireland	Rostenkowski
Brown (CO)	James	Roth
Buechner	Jenkins	Roukema
Bunning	Johnson (CT)	Rowland (CT)
Burton	Jones (GA)	Rowland (GA)
Byron	Kasich	Salki
Callahan	Kolbe	Saxton
Campbell (CO)	Kyl	Schaefer
Chandler	Lagomarsino	Schiff
Chapman	Lancaster	Schuetz
Clement	Laughlin	Schulze
Clinger	Leath (TX)	Sensenbrenner
Coble	Lent	Shaw
Coleman (MO)	Lewis (CA)	Shumway
Combest	Lewis (FL)	Shuster
Coughlin	Lightfoot	Sisisky
Courter	Livingston	Skeen
Cox	Lloyd	Skelton
Craig	Lowery (CA)	Slaughter (VA)
Crane	Lukens, Donald	Smith (MS)
Darden	Madigan	Smith (NE)
Davis	Marlenee	Smith (TX)
DeLay	Martin (IL)	Smith, Denny
Derrick	Martin (NY)	(OR)
DeWine	Mazzoli	Smith, Robert
Dickinson	McCandless	(NH)
Dornan (CA)	McCollum	Smith, Robert
Douglas	McCrery	(OR)
Dreier	McDade	Snowe
Duncan	McEwen	Solomon
Dyson	McGrath	Spence
Edwards (OK)	McMillan (NC)	Stallings
Emerson	Meyers	Stangeland
Erdreich	Miller (OH)	Stearns
Fields	Miller (WA)	Stenholm
Flippo	Molinar	Stump
Frenzel	Mollohan	Sundquist
Gallegly	Montgomery	Tallon
Gallo	Moorhead	Tanner
Gekas	Morrison (WA)	Tauke
Gillmor	Murtha	Tauzin
Gingrich	Myers	Thomas (CA)
Goodling	Natcher	Thomas (GA)
Goss	Nielson	Thomas (WY)
Gradison	Oxley	Upton
Grandy	Packard	Valentine
Grant	Parker	Vander Jagt
Gunderson	Parris	Vucanovich
Hall (TX)	Pashayan	Walker
Hammerschmidt	Patterson	Walsh
Hancock	Paxon	Weber
Hansen	Payne (VA)	Weldon
Harris	Petri	Whittaker
Hastert	Pickett	Whitten
Hatcher	Porter	Wilson
Hayes (LA)	Quillen	Wolf
Hefley	Ravenel	Wylie
Hefner	Ray	Young (AK)
Herger	Regula	Young (FL)
Hiller	Rhodes	
Holloway	Richardson	

NOT VOTING—13

Collins	Guarini	Michel
Dannemeyer	Hyde	Sarpalius
Florio	Kleccka	Stokes
Gaydos	Leland	
Gray	Lipinski	

□ 1311

The Clerk announced the following pairs:

On this vote:

Mr. Kleczka for, with Mr. Michel against.
Mr. Stokes for, with Mr. Dannemeyer against.

Mr. SKEEN changed his vote from "aye" to "no."

Mr. McNULTY and Mr. HUGHES changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

CHEMICAL WEAPONS AMENDMENTS

The CHAIRMAN pro tempore (Mr. BRUCE). It is now in order to consider the amendments relating to chemical weapons printed in part 1 of House Report 101-168, by, and if offered by, the following Members or their designees, which shall be considered in the following order only:

First, amendment No. 22 by Representative OWENS of Utah, Representative ASPIN, or Representative FASCELL; and

Second, amendment No. 23 by Representative PORTER or Representative ROUKEMA.

AMENDMENT OFFERED BY MR. OWENS OF UTAH

Mr. OWENS of Utah. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OWENS of Utah: Page 12, line 6, insert "(a) AUTHORIZATIONS.—".

Page 12, after line 13, insert the following:

(b) 155-MILLIMETER BINARY CHEMICAL MUNITIONS.—(1) None of the funds appropriated or otherwise made available for fiscal year 1990 for procurement of ammunition for the Army may be used for production of 155-millimeter binary chemical munition projectiles. The amount provided in subsection (a) for procurement of ammunition for the Army is hereby reduced by \$47,000,000.

(2) The Secretary of the Army may use reprogramming authority only if the Secretary of Defense certifies to the Committees on Armed Services of the Senate and House of Representatives that such reprogramming is necessary for the preservation of the production base or capability for such munitions.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. OWENS] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Mr. HANSEN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Utah [Mr. HANSEN] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is an amendment which actually cuts money, \$47 million, from the amount for procurement of ammunition, and it saves that money. This is an amendment which does not kill the binary nerve gas system. Personally I wish it did, but it does not. It would cut \$47 million.

This amendment would cut the amounts appropriated or authorized for fiscal year 1990 of \$47 million to construct the 155-millimeter binary chemical munition projectiles, but there is also, I must say to those who favor the binary system, \$100 million available for use of the Secretary of Defense should he undertake produc-

tion of the 155-millimeter binary chemical system.

In addition, my amendment would provide for reprogramming authority upon his certification that that is required.

Mr. Chairman, chemical weapons have in recent years become the poor man's atomic bomb—an inexpensive alternative to nuclear weapons, and they have proliferated throughout the Third World. The 1925 Geneva Protocol, which explicitly prohibits the use of chemical weapons, has been ignored over and over again. The most notorious example is Iraq, a signatory to that agreement, which not only used poison gas against Iranian troops in the gulf war but also against Kurdish villages inside its own border.

The State Department reported that these weapons were used in Cambodia, Laos, and Afghanistan by Vietnamese and Soviet forces. Now Libya, a state which sponsors terrorism worldwide, has constructed the largest chemical weapons facility in the developing world.

An important event occurred in April 1987 when the Soviet Union declared a unilateral freeze on all chemical weapons manufacturing. Regrettably, in that same year, the United States abandoned an 18-year moratorium on poison gas production and started to produce the 155-millimeter binary chemical artillery shell, a whole new generation of chemical weapons.

Mr. Chairman, there has never been a more urgent need for the United States to assume a leadership role at the United Nations conference on disarmament in Geneva. We must quit producing modern new chemical weapons ourselves and work, with the real credibility we would gain, toward achieving a total, verifiable world ban on chemical weapons.

Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise in support of this amendment which would eliminate \$47 million for the production of chemical capable 155 millimeter artillery munition.

Today's debate is a little different than past debates on this issue. For this Member, the focus has shifted to a President who is absolutely committed to achieving an international ban on chemical weapons and a renewed vigor on the part of our negotiators to reach such an agreement.

As the recent Paris communique stated, "the participating states are determined to promote international peace . . . by completely eliminating (chemical weapons)." The United States was a leader in formulating this statement.

Yet, there is one key element missing from this commitment to rid the world of the scourge of chemical weapons.

That element is that this Nation, the leader in the effort to ban the production, proliferation and use of these terrible weapons, is still producing chemical weapons. It seems there is a flawed contradiction to our logic and our policy.

If our goal is to achieve a ban on these weapons, and if we to be effective in convincing other nations to refrain from producing or stockpiling these weapons, then it makes no sense for this Congress to approve the continued funding for these weapons.

Everyone here agrees that deterrence is necessary and that a stockpile of chemical weapons, no matter what the age or condition of that stockpile, does constitute a credible retaliatory threat and therefore a deterrent.

And we all know that our current inventory of chemical weapons, although imperfect for some, is sufficient to meet the anticipated wartime needs of the military. In fact, the Department of Defense continues to estimate that our current stockpile would provide up to 30 days' worth of retaliatory capability.

The issue we are debating here is not precisely the same issue we have debated before. In the past, the debate and the arguments were always the same. They centered on the need to maintain an adequate retaliatory stockpile of weapons and to modernize our stockpile by producing the binary weapon.

We do not need new, flashy, state-of-the-art munitions to deliver chemicals. In Afghanistan, in Iraq and Iran, military forces did not need shiny, new, sophisticated, two-stage artillery shells to deliver the reign of chemical terror that descended on the unprotected civilian populations. The Iraqis did not need weapons which are safer to store and transport to deliver death and destruction to the Kurdish people.

In sum, we do not need a new round of chemical weapons production and we certainly do not need to continue new production at the same time we are condemning other nations for doing the same thing.

We cannot ignore the fact that the United States has signed two treaties concerning chemical and biological weapons. Nor can we ignore the fact that this country for 7 years survived with a moratorium on the production of chemical weapons imposed by President Nixon. I have argued before and I say it again, the production of binary chemical weapons at this point in time damages our credibility in the world community.

Since the United States has taken the lead in the debate to find a multilateral and verifiable ban of chemical weapons, with a President who wants to be remembered for achieving this goal, the production of new chemical weapons on our part will undermine our efforts and weaken our condemna-

tion of chemical weapons and their use around the world.

Finally, although we would all agree that we must provide the most affordable and adequate defense of this country that we can, we simply cannot afford the bills for every new weapon requested—particularly a weapon that is politically, technically and morally flawed. It is a weapon the use of which we have absolutely renounced and a weapon we have committed to abolish. On our scale of defense priorities, production of new binary nerve gas should be at the bottom. We cannot use it; we cannot afford it; we cannot justify it.

I urge a vote to reject the production of chemical weapons.

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have listened to the opening remarks, and I surely would like to know where this stockpile is that we talk about. In all candor, I hear these three arguments constantly. We have debated this thing for an awfully long time. This is the fourth or fifth time we have gone through this thing of binary versus unitary. We know that in unitary we do not have it, and we are not using binary, contrary to what the gentleman said, because none of the other nations have it and we do not have it fully developed.

□ 1320

Mr. Chairman, this first argument that we do not need additional chemical weapons; let me just ask this question. Let me ask my colleagues, "Where is this stockpile?"

This is what we have: M-55 rockets, obsolete or limited, spray tanks, the same, mines, grenades, MC-1 bombs. We in effect do not have any weapons right now in unitary, and so now we are talking about going on. Less than 10 percent of our stockpile is in unitary weapons, and less than 10 percent of ours is unusable. It is just not usable at this time.

Now, second, we talk about being close to an arms control agreement with the Soviets. "Close" is a relative term. We are closer than we were 10 years ago, but we are still a long way off from a verifiable chemical arms treaty.

Mr. Chairman, what got us this far? It was our interest in producing binary that got the Soviets to the negotiating table. It was not too long ago that the Soviet Union sent out their ambassador, and he came to Tooele, UT, and he wanted to talk binary, and he said, "Why are you building it?" and he confessed right there in front of myself and other people in the State, the Governor of the State, they were in it because they knew we were into binary, and it was scaring them to

death that we were into binary which we do not have developed.

It is because of this. Let me say this. It is because we modernized our ICBM's that the Soviets are talking further arms reductions, and it is because we have gone to binary that they are talking about this reducing the supply of chemical warfare.

Now, Mr. Chairman, if it really comes down to it, the argument is: Should we slow down the line, or should we keep it going?

In all candor, if I may say so, the chairman, the gentleman from Wisconsin [Mr. ASPIN], received a letter today from Mr. B. Richardson, acting deputy of chemical matters, and he said that we are on line. Of the three parts we have only got one we have a problem with, and that is Marquardt. We have a colonel out there now from the Pentagon, we have got other people looking at it, and now we are finding, according to what they wrote out, that everything is going well, that they have hired a new individual, that the production line is going, and so this little, innocuous program, and some people say, "Oh, we shouldn't have it," and they wish we did not.

We do not have much, and compared to the Soviet Union it is infinitesimal what we have, and I ask these folks, "What are you going to give the soldiers in the field? Do you want them to just walk out with anything? You ought to go out to Tooele and stand in there in these dirty, rotten, smelly things that they have to operate—"

Mr. OWENS of Utah. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. Mr. Chairman, I will when I am finished, and, as far as I am concerned, I cannot see a reason in the world to do away with this small amount of money, the \$47 million which we are putting into this area of which the Senate has fully funded, and we all know realistically in the conference committee that it will come out somewhere close to that.

Mr. OWENS of Utah. Mr. Chairman, the gentleman from Utah [Mr. HANSEN] asks a question in which I would be pleased to respond to.

Mr. HANSEN. Mr. Chairman, I think the gentleman from Utah [Mr. OWENS] has his own time, if I may say so.

Mr. OWENS of Utah. Mr. Chairman, the gentleman from Utah [Mr. HANSEN] is asking questions. I would be delighted to respond.

Mr. HANSEN. Mr. Chairman, I reserve the balance of my time.

Mr. OWENS of Utah. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, when we last considered in May the fairly significant consideration on this floor several years ago to begin the production of 155-millimeter rounds, I supported it. The existing unitary rounds

have a shelf life, and we are reaching the limit of that. The base plates are corroding. These new shelves are safer to use, and, furthermore, they have a longer range, so they are more effective to be used.

Mr. Chairman, I think we should continue the production of them, but this particular amendment will not impede the production of the 155 rounds. There is \$188 million in prior year unused funds that will allow this program to continue. This is money we can take out. We have especially provided that, if by some miracle the production problems of the major contractor in this case are overcome, then the Army has reprogramming authority to come back here and get the moneys they may need to see that there is no break in production. There is plenty of money from prior years that for various reasons has not been used up to now. I do not want to stop the production line. I support the production program to back up our negotiators, and, even if we reach an agreement, we may want to have a residual defensive stock of weapons that should include these, but we are not stopping the program with this amendment.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Chairman, let me say that I rise in opposition to the amendment offered by the gentleman from Utah [Mr. OWENS].

Mr. Chairman, we have wrestled for many, many years with the questions of how to deal with the offer of reality of chemical weapons. For the past several years Congress has taken a consistent position in measured production of binary munitions gradually eliminating the older, less safe chemical weapons in pursuit of negotiation on a treaty of eventual banning of all chemical weapons. Our policy is one of deterrence. Our possession of chemical binary munitions is to deter potential enemies from considering such weapons.

Mr. Chairman, for those Members that are undecided on this important issue, let me inform them that this amendment has been debated. Let me say that it was a long, long discussion—year after year—and this is the safest program developed. It is an ill-timed amendment not discussed in committee running counter to a well-thought-out policy on chemical weapons. Mr. Cheney has endorsed it, an amendment that would mean a sudden loss of jobs at home while undercutting our negotiators trying to carve out international treaties.

Mr. Chairman, I urge all Members to defeat this amendment.

Mr. OWENS of Utah. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, this is the ninth year we have debated the production of chemical weapons. At the beginning of the debate we had 1 trillion dollars' worth of debt, and now our Nation has 2.7 trillion dollars' worth of debt, and the issue is the same and my concerns the same. With a deficit of over \$150 billion this year, actually over \$200 billion, can we really afford this money on a new program for chemical weapons? I think the answer to that, Mr. Chairman, is "no."

Those that want to spend the money now on new binary weapons say that the old stockpile, that is the current stockpile, is old and leaky.

Sure, part of it is, but that is not the part we are relying on. The usable stockpile is in excellent condition. There is six thousandths of one percent leakers in that usable stockpile. The aging tests show that the agent is in good shape. A blue ribbon commission said that it is not deteriorating. They said it is fine. We have a huge stockpile of very viable and efficient unitary chemical weapons forward deployed in Europe where the Soviets might first use it. We provide that deterrent, it is in good shape, and it is available.

In addition, Mr. Chairman, I believe it does irreparable harm to efforts to conclude a comprehensive multinational treaty banning the production of chemical weapons, when our country commits to building new ones. The Committee bill authorizes \$47 million for binary weapons. I believe that sends the absolute wrong signal to the rest of the world.

The 155mm binary artillery shell is far behind on its production schedule and there are over \$188 million in unspent, uncontracted funds from the past years. In addition to budgetary problems, and the disturbing effect production of these weapons may have on our efforts to gain international support for a chemical weapons treaty, we now know that there are serious practical problems as well.

The 155mm production facility is supposed to be a Pine Bluff. It is scheduled to be completed in September, 1989 but as of this date, after 15 months, only \$2 million of \$18 million has been spent, there is only a big hole in the ground and only one quarter of the production equipment is in hand.

Mr. Chairman, we do not need a new stockpile of binary chemical weapons sitting in southern Utah. We need a deterrent right at the front in West Germany where it is right now, and we don't need to spend any more money on new weapons that have no utility, no deterrence, and no purpose.

I urge Members to vote for this amendment.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentleman from Utah [Mr. NIELSON].

Mr. NIELSON of Utah. Mr. Chairman, I rise in opposition to the amendment offered by my colleague, the gentleman from Utah, that seeks to cut some \$47 million from the chemical warfare portion of the Department of Defense budget for fiscal year 1990, by prohibiting the production of 155mm binary chemical munitions.

These funds are absolutely essential to assure the safety of the Nation, for the strength and stability of the Nation's defense, and for maintaining a posture of strength from which we may negotiate peace.

I speak from the vantage point of personal experience, having worked at Dugway Proving Ground during the very years our current chemical weapon systems were being developed and tested.

The recent development of binary chemical weapon systems and the serious deterioration of those old unitary weapons systems demand that we appropriate sufficient funding to safely destroy those old systems and replace them with the new, safer systems.

The argument that these munitions are not necessary because of recent Soviet announcements of unilateral cutbacks in chemical weaponry is simply not valid.

The Soviet arsenal of chemical weapons was on the increase right up to the moment former President Reagan requested modernization of our chemical weapons. When the Soviets came to the realization that the United States was serious, then and only then did they begin talking about negotiating a ban on chemical weapons.

The Soviets possess an 8-to-1 advantage in chemical weapons and a 14-to-1 advantage in production facilities with no environmental restrictions inhibiting production schedules.

History has proven time and again that possession of chemical weapons is in itself a deterrent to using weapons in wartime. It would be suicide for us to abandon and to obstruct our own capacity to retaliate in kind.

During World War II, Hitler did not use the chemical weapons he had because he knew the Allies would use them right back.

On the other hand, the Soviets recently did use chemical weapons on the Afghanists who had no means of retaliating.

Chemical weapons were used in Laos and Cambodia, again where the victims had no means of retaliating in kind.

The same thing happened when Iraq used chemical weapons against Iran. There is no way anyone can convince me they would have been used in the first place had Iran been capable of re-

taliating with its own chemical weaponry.

Chemical weapons are absolutely necessary at a deterrent to a chemical attack on the United States or any of our allies.

What is hard to understand about this proposed amendment is its intent to obstruct the production of binary chemical munitions as a replacement for our existing arsenal of unitary chemical weapons which are extremely dangerous to those who handle them as they just sit there in the crate.

Our current stockpile of chemical weaponry is old, between 17 and 34 years old. There has not been a test firing of these weapons since 1969. And the lethal agents in these munitions are aging.

Only 10 percent of the arsenal is usable. It is costing the Department of Defense \$60 million per year to store these aging munitions. Mr. Chairman, 42 percent of all chemical weapons are stored in my State. There is at least one leaker reported every week.

Mr. Chairman, what is leaking is nothing like a simple leak from the engine of your cars. A leaker can be as lethal to the warehouse caretakers as the bomb might be if it exploded.

Those ancient munitions are dangerous and must be replaced. Those munitions must be disposed of safely and replaced with the new binary munitions that are completely safe. Binary munitions are composed of two separate chemicals which are completely safe independently and do not become lethal until they are combined during flight to the target.

Storage problems are minimal since the two components can be stored in separate facilities until they are needed. Should a leak occur in one of the binary elements, it would be no more serious than sniffing fumes from a leaking bottle of rubbing alcohol.

Utah is one of eight chemical storage sites designated for disposing of existing chemical munitions. The people who work with these weapons want to get rid of the dangerous unitary munitions and are anxious to replace them with binary components which pose little or no hazard to the community.

Mr. Chairman, I strongly urge my colleagues to oppose this amendment which may have the best of intentions but in fact is designed to perpetuate an extremely dangerous situation and to obstruct a safer way to deter other nations from attacking us with chemical weapons.

Mr. OWENS of Utah. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. ASPIN], the chairman of the Committee on Armed Services.

Mr. ASPIN. Mr. Chairman, let me just say that I am one of the people who have supported the production of

the binary weapons, and I am also one of those that is very concerned about any action that we take on weapons systems undercutting our arms control position. But what worries me about this program is that we have a program here which is way behind schedule, which they cannot spend the production money in any case, and, that being the case, I do not think we ought to just waste money, waste production money, in order to show that we are strongly committed to production of binary weapons and strong-backing a strong negotiating position for the arms control.

□ 1330

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, is it safe to say then that the chairman under this amendment would consider a reprogramming request from the Army if the Army were to submit it stating that the production problems, manufacturing problems, had been addressed and the Army has requested additional funding?

Mr. ASPIN. I would go further to say that when the Army straightens out this problem, we would welcome such a reprogramming.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Chairman, I believe this amendment will harm the national security of the United States and undermine our negotiating position at the current chemical weapons talks in Geneva.

Historically, we have been a Nation that believes in the essential deterrent value of chemical weapons. We are also the world's leader in attempting to prevent the proliferation of chemical weapons, particularly to irresponsible nations in the Third World.

We have been staunch supporters of the Geneva protocol and we are actively engaged in negotiations with the Soviet Union.

As you know there is optimism that a CW agreement will be reached in the future. But in the meantime, we cannot afford to weaken our national security.

What's more, a vote to continue production of binary shells is far more likely to bring the Soviets to an agreement. We should recall that Soviet negotiators did not become truly serious at the chemical weapons negotiations until after Congress passed legislation in 1986 authorizing the production of the 155mm binary artillery shell.

As my colleagues know, the United States is currently in the process of destroying aging unitary chemical weapons in our arsenal, as well as those in the arsenals of our NATO

allies. The replacements will be binary weapons, including the 155mm shells.

Modern binary weapons are far safer, and I believe we should not overlook that fact.

As previously stated, our negotiations are proceeding well. If successful, this amendment will send the wrong signal to the Soviet Union. If binary weapons production is halted, the Soviets will have little reason to negotiate on chemical weapons. In fact, they might well choose to increase their stockpiles, unrestricted by any mutually verifiable chemical weapons agreement.

Each of us wants to leave future generations a better world. But unless we maintain a strong defense, this goal will be impossible. The Bush administration arms control agenda is aggressive, realistic and has only one objective—to protect the national security interest of the United States.

President Bush has made the global elimination of chemical weapons one of his primary arms control goals. As Vice President, he personally tabled the U.S. draft treaty proposal at the Geneva talks. Does anyone really doubt his commitment to this goal?

On Tuesday, the House passed an amendment to this bill, commending President Bush for his arms control efforts. In this same amendment we went on record opposing legislative actions which would unilaterally limit U.S. weapon systems in an attempt to affect U.S. arms control positions. If the House supports this amendment it will contradict its earlier vote on the general issue of congressional arms control actions.

I urge my colleagues to be consistent, and to vote against this measure. Let the President negotiate with the Soviet Union unfettered by congressional actions which would have only one effect—to undermine his current chemical weapons negotiating position.

Mr. OWENS of Utah. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. FASCELL], the chairman of the Foreign Affairs Committee.

Mr. FASCELL. Mr. Chairman, I thank the gentleman for yielding me this time and I commend the gentleman on his leadership with regard to this amendment, a subject matter which we have discussed on this floor and in this body for the last 9 years.

Let me just say to some of the previous speakers who oppose this amendment, if we think we are fooling the Soviets about chemical warfare or our ability, I think you should take another look. I do not think that there is anything that goes on in the defense business that everybody does not know about one way or the other. If we do not have a full production schedule, but we have the money to do it, we are not going to scare the Soviets or fool

them because we add more money to the production pot.

I think the Armed Services Committee, has faced up to this problem very intelligently. They are supporting the binary program, but they recognize that there is no need to put more money into the pot, to waste money on production until production gets caught up.

In the meantime, however, philosophically, we are looking at an arms control effort to do something about one of the most nefarious and heinous means of conducting warfare.

The administration is working diligently with the Soviets to see if we can stop the use of chemical warfare and bacteriological warfare.

Now, the United States can say, "Okay, we are going to a new chemical system, a binary system, and we hope it works, but we are ready to negotiate, and therefore until we get a credible production line and capability, we are not going to put more money into the pot."

Basically that is all this amendment does, and therefore it really ought to be supported by everybody.

As I have said before, for practical, budgetary, and arms control policy reasons, no new funding is needed for the 155mm binary artillery projectile program. The Owens-Aspin-Fascell amendment recognizes these facts and eliminates the \$47 million requested for the 155mm program.

The Army has experienced significant start-up problems with production of the 155mm artillery shell. Some \$100 million in past years' appropriated funds have not even been spent due to program problems and delays.

One part of the 155mm binary shell is only at 2 percent of its schedule and the other part is only at 20 percent of its schedule. We just cannot fund programs that slip, slip again and then don't need any money. The amendment solves the problem by cutting the new money out, a savings of \$47 million.

These practical and budgetary reasons for saving \$47 million combine with sound arms control policy reasons to avoid the production of new chemical weapons.

As President Bush has pledged, we should be working for a comprehensive ban on the production and use of chemical weapons.

Over the past few months, considerable progress has been made in arms control talks with the Soviets on such a ban.

Both sides have agreed: to allow onsite surprise inspection as part of a verification regime; to the destruction of all chemical weapons stocks; and to the exchange of necessary data on CW capabilities.

In addition, the Soviets have declared a moratorium on their own chemical weapons production program. These are the positive elements which compel me to recommend a comprehensive chemical weapons policy which is based on our producing arms control results not new chemical weapons.

In conclusion, all of the essential breakthroughs on the major issues have been made in Geneva. We must now be careful to avoid

any breakdowns in those very promising arms control talks.

Cooperation between the administration and Congress is necessary to obtain a realistic, viable, and effective arms control ban on chemical weapons use and production. These efforts should be based on using the arms control process to eliminate Soviet and American chemical weapons as part of a global ban.

The Owens-Aspin-Fascell amendment makes an important contribution to that arms control solution and objective.

A comprehensive arms control policy on chemical weapons will allow us to take a leadership role. That's exactly what the Owens-Aspin-Fascell amendment does. No new binary chemical weapons production in fiscal year 1990 clears the last hurdle for U.S. leadership for comprehensive nonproduction nonuse of chemical weapons. A leadership role means that the comprehensive policy on chemical weapons must command respect domestically and internationally. If achievement of an effective and verifiable worldwide ban on chemical weapons is set as a top Presidential priority, the job will get done. The Congress and the executive branch should combine political muscle and political will to make achievement of an agreement in Geneva a top arms control priority, to strengthen our own export controls and encourage other nations to follow our lead, to work for multilateral sanctions on chemical weapons use and proliferation, and to reclaim world leadership by halting our own chemical weapons production. That is the net effect of the Owens-Aspin-Fascell amendment.

Persistent DOD proposals to produce new binary chemical weapons for the past several years has only resulted in dilemmas and problems rather than solutions and opportunities for our national defense. The Bigeye bomb does not work and has not yet gone into production per congressional persistence and insistence. There are no production funds for the Bigeye bomb in fiscal year 1990. The 155mm binary chemical artillery projectile is far behind in its production schedule, no new production funds are needed in fiscal year 1990 as reflected in the Owens-Aspin-Fascell amendment which eliminates the \$47 million. The new binary chemical weapons cannot be based in Europe where they are needed for deterrence and a retaliatory capability because the Europeans won't accept them on their soil in peacetime. Little, if any, new chemical weapons production has begun due to Congress' persistent opposition to production based on well-documented foreign policy and arms control reasons as well as technical problems that have plagued the program.

One of Congress' primary concerns has been to make absolutely sure that no more money is wasted on a weapons program, the Bigeye binary nerve gas bomb, that has consistently failed in testing. In 1988 the Congress did not authorize almost one-quarter of a billion dollars for Bigeye bomb production money when even the Secretary of Defense admitted that it was not yet reliable. In a February 18, 1988, letter by Secretary of Defense Carlucci to Chairman LES ASPIN of the House Armed Services Committee, Secretary Car-

lucci admitted that the Bigeye bomb was not "mature" and had not yet met the reliability or testing standards.

Fortunately, the House and Senate decided not to produce such a questionable weapons system and strict limitations were drafted to assure that there would be no low-rate initial production and no full-scale production until the Bigeye bomb proves itself to be production-worthy both to the General Accounting Office [GAO] and the Pentagon's Office of Operational Test and Evaluation. Funds can only be used for purposes related to the continued testing program. Low-rate initial production and final assembly are specifically prohibited for fiscal years 1989 and 1990 and then are subject to positive certifications by the GAO and DOD's Office of Operational Test and Evaluation before any production could be considered. GAO's conclusions regarding persistent failures of the Bigeye bomb were confirmed by an independent panel set up at the request of the Pentagon's Inspector General. That panel concluded that the GAO had been correct in its assessment that major developmental issues affecting the Bigeye's performance remain unresolved, and that further tests are therefore required to answer questions that critically affect the bomb's potential effectiveness.

While the recent positive signs in Geneva are preliminary working agreements between our country and the Soviet Union on the order of destruction of chemical weapons, challenge inspections, and data exchange, such moves can readily be turned into real progress both at the bilateral and multilateral levels. It is my opinion that the superpowers can, on a bilateral basis, seize this opportunity to convince the other nations of the world that they are serious about chemical weapons arms control. The superpowers can lead the way to a worldwide agreement if they are willing to say to the others—we are the largest possessors of chemical weapons, we will no longer produce chemical weapons nor supply other countries, we are open to inspections by intrusive verification measures, and we will begin destroying our chemical weapons even before a treaty is reached. Congress has supported chemical weapons arms control and the establishment of a chemical weapons nonproliferation regime but it is bilateral United States-Soviet progress which can probably lead most effectively to a successful worldwide chemical weapons arms control treaty and nonproliferation. In short, all of the essential breakthroughs on the major issues have been made in Geneva and now we have to be careful that there will be enough political will and hard work to avoid breakdowns in the negotiations.

Cooperation between the administration and Congress can create the type of realistic, viable, and effective arms control policy for a chemical weapons ban. These efforts should be based on using the arms control process to eliminate Soviet and American chemical weapons as part of a global ban. The Owens-Aspin-Fascell amendment makes an important contribution to that arms control solution and objective.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. DONALD E. "BUZ" LUKENS].

Mr. DONALD E. "BUZ" LUKENS. Mr. Chairman, I rise in opposition to the Owens-Aspin-Fascell amendment prohibiting fiscal year 1990 funds for Army production of binary chemical weapons.

I am not in favor of chemical weapons. I do not know a Member of this body who favors chemical warfare. However, I do believe in protecting those soldiers who are willing to put their lives on the line in defense of freedom and democracy.

Mr. Chairman, modernization of our chemical weapons is critical to deterring other nations from using these weapons against our soldiers. The Chairman of the Joint Chiefs of Staff, William Crowe, has stated that deterring a chemical attack is one of his most deficient areas. Many leaders in the military have stated that failure to modernize our chemical weapon arsenal leaves our forces so vulnerable that it invites an attack from those who are capable of doing so. Since the end of World War I, the only nations that have used these weapons are the ones who know the other side is lacking a credible deterrent.

FDR said in the 1940's that, "it is in the general opinion of civilized mankind, that chemical weapons should be outlawed," and I agree with this assessment. In fact, the Soviet Union has been suggesting that they will stop producing these horrible weapons and even destroy their existing stockpile. However, the simple fact is that to date, to our knowledge they have not destroyed any of their chemical weaponry. And they are, by far, the possessor of the world's largest stockpile. And they are still the world's largest manufacturer of chemical weapons.

The United States has participated actively in the negotiations at the conference on disarmament since 1971 where we have been committed to the eventual destruction of all chemical weapons. But as then-Vice President George Bush said in 1984, a comprehensive ban on chemical weapons cannot work unless states are prepared to "commit themselves to a new, but absolutely necessary degree of openness—a new way of doing business."

Mr. Chairman, I want to see the end of these terrible weapons, but a unilateral decision to stop producing chemical weapons will not force others to stop. This program is a small price to pay to bring the other nations of the world to the bargaining table and I urge my colleagues to vote against this misguided amendment.

Mr. HANSEN. Mr. Chairman, I yield myself the balance of the time.

I thought the gentleman from Florida [Mr. FASCELL] made an interesting statement. He said that the committee handled this right. I hope Members realize that the committee fully funded it. The Armed Services Committee de-

cided that. It is my colleague, the gentleman from Utah, who is taking the money out.

I wonder if the chairman, the gentleman from Wisconsin [Mr. ASPIN], would respond to a question.

I think the real hangup we have got, and I appreciate the Chairman's comment when he talked about the idea that it is not on line, I received a letter today from Mr. Richardson pointing out that the three legs of this that we are in trouble with, I guess we agree is the Marquardt part of the binary program, have they got it done? We have a man down there and we think they are on line, but if we accept the premise they are not on line, what would be wrong with authorizing it and fencing it as we have in numerous places throughout this bill? It seems to me that would be a reasonable approach.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, I have no objection to that response. What we just decided to do in the context of this bill was to take the money out because we thought that, in fact, probably the right thing to do would be to have it closer to zero than full funding, take the money out and seek a reprogramming, or allow the Army to seek a reprogramming, encourage the Army to seek a reprogramming. It has the same effect. The difference is only a little bit of drafting and it was just drafted this way.

I think the effect of this business where we say no money and encourage a reprogramming is the same effect as having the money in there and a fence.

Mr. HANSEN. The only problem I see in that, Mr. Chairman, is that if we reprogram we have to take the money out of somewhere else. If I understand it right, if we just take the money out and kind of fence it, we can use the money we have got.

I would urge a vote against this.

Mr. MOODY. Mr. Chairman, I rise today in support of the Owens-Aspin-Fascell amendment on binary chemical weapons.

In 1969, the United States unilaterally stopped production of chemical weapons. That moratorium remained in force for 18 years with no harm to our security. In 1987, the Soviets also stopped production of chemical weapons. In response, we resumed production 10 months later.

We should not be here today considering a request for production of new chemical weapons for four very important reasons.

First, we don't know how to safely dispose of the huge and dangerous stockpile of chemical weapons that already exists and yet we want to build more. According to a 1988 Army study on current research facilities, chemical safety has slipped through a crack and poses increased risk to workers and surrounding

populations. The Department of Defense will require anywhere from \$2 billion to \$10 billion to destroy the existing U.S. stockpile. Then it will need almost \$1 billion to build new weapons over the next 5 years. We have entered into an endless cycle with serious environmental consequences that we don't fully understand.

Second, the United States has a tremendous opportunity to work with the Soviets to ban the production of chemical weapons throughout the world. This is a vital initiative on which the superpowers can work together. In addition, the Soviets are not producing chemical weapons of their own. With these two countries working together to pursue an extensive verification regime, we have an historic opportunity to stop the production of chemical weapons. This is the wrong time to produce binary shells.

Third, our condemnation of Libya and other countries producing chemical weapons carries little or no force when we ourselves are producers. In 1988, President Bush said: "I want it—the United States—to be the one to finally lead the world to banishing chemical and biological weapons." How can we if we are the world's leading producer? We undermine whatever moral authority we might hope to assert.

Finally, on a more fundamental note, these weapons are morally repugnant. Armies have protective gear, gas masks, antidotes. But civilians, children, the elderly, the wounded—they do not. These are weapons that kill the innocent while soldiers survive to continue the war. What do these weapons do? Some blister the skin, others attack the lungs to prevent breathing, they attack the nervous system, still others lead to severe headaches, pain in the chest, and nausea. These are the weapons we are considering today.

Please support the Owens-Aspin-Fascell amendment. Stop the United States from spending \$47 million to produce new binary munitions.

The CHAIRMAN pro tempore (Mr. BRUCE). All time has expired.

The question is on the amendment offered by the gentleman from Utah [Mr. OWENS].

The question was taken; and the CHAIRMAN pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OWENS of Utah. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 240, noes 179, not voting 12, as follows:

[Roll No. 178]

AYES—240

Ackerman	Borski	Clay
Akaka	Bosco	Clement
Anderson	Boucher	Clinger
Annuzio	Boxer	Coble
Applegate	Brennan	Coleman (TX)
Aspin	Brown (CA)	Conte
Atkins	Bryant	Conyers
AuCoin	Campbell (CA)	Cooper
Bates	Campbell (CO)	Costello
Beilenson	Cardin	Coyne
Berman	Carper	Crockett
Bilbray	Carr	Darden
Boggs	Clarke	DeFazio
Bonior		Dellums

Derrick	Kolter
Dicks	Kostmayer
Dixon	LaFalce
Donnelly	Lancaster
Dorgan (ND)	Lantos
Downey	Lehman (CA)
Duncan	Lehman (FL)
Durbin	Levin (MI)
Dwyer	Levine (CA)
Dymally	Lewis (FL)
Early	Lewis (GA)
Eckart	Long
Edwards (CA)	Lowey (NY)
Engel	Luken, Thomas
Espy	Machtley
Evans	Manton
Fascell	Markey
Fawell	Martin (IL)
Feighan	Martinez
Fish	Matsui
Flake	Mavroules
Foglietta	Mazzoli
Ford (MI)	McCloskey
Ford (TN)	McDade
Frank	McDermott
Frenzel	McHugh
Frost	McMillen (MD)
Garcia	McNulty
Gaydos	Mfume
Gejdenson	Miller (CA)
Gephardt	Mineta
Gibbons	Moakley
Gilman	Molinar
Glickman	Morella
Gonzalez	Morrison (CT)
Gordon	Mrazek
Grandy	Murphy
Gray	Nagle
Green	Natcher
Guarini	Neal (MA)
Hall (OH)	Neal (NC)
Hatcher	Nelson
Hawkins	Nowak
Hayes (IL)	Oakar
Hefner	Oberstar
Henry	Obey
Hertel	Olin
Hoagland	Owens (NY)
Hochbrueckner	Owens (UT)
Horton	Pallone
Hoyer	Panetta
Huckaby	Payne (NJ)
Hughes	Pease
Jacobs	Pelosi
Jenkins	Penny
Johnson (SD)	Perkins
Johnston	Pickle
Jones (GA)	Porter
Jones (NC)	Poshard
Jontz	Price
Kanjorski	Pursell
Kaptur	Rahall
Kastenmeier	Rangel
Kennedy	Ravenel
Kennelly	Ray
Kildee	Regula
Klaczka	Richardson

NOES—179

Alexander	Callahan	Flippo
Andrews	Chandler	Galleghy
Anthony	Chapman	Gallo
Archer	Coleman (MO)	Gekas
Army	Combest	Gillmor
Baker	Coughlin	Gingrich
Ballenger	Courter	Goodling
Bartlett	Cox	Goss
Barton	Craig	Gradison
Bateman	Crane	Grant
Bennett	Davis	Gunderson
Bentley	de la Garza	Hall (TX)
Bereuter	DeLay	Hamilton
Bevill	DeWine	Hammerschmidt
Billrakis	Dickinson	Hancock
Bliley	Dingell	Hansen
Boehlert	Dornan (CA)	Harris
Brooks	Douglas	Hayes (LA)
Broomfield	Dreier	Hefley
Browder	Dyson	Herger
Brown (CO)	Edwards (OK)	Hiler
Buechner	Emerson	Holloway
Bunning	English	Hopkins
Burton	Erdreich	Houghton
Bustamante	Fazio	Hubbard
Byron	Fields	Hunter

Hutto	Murtha	Skeen
Inhofe	Myers	Skelton
Ireland	Nielson	Slaughter (VA)
James	Ortiz	Smith (MS)
Johnson (CT)	Oxley	Smith (NE)
Kasich	Packard	Smith (TX)
Kolbe	Parker	Smith, Denny
Kyl	Parris	(OR)
Lagomarsino	Pashayan	Smith, Robert
Laughlin	Patterson	(NH)
Leath (TX)	Paxon	Solomon
Lent	Payne (VA)	Spence
Lewis (CA)	Petri	Stangeland
Lightfoot	Pickett	Stearns
Livingston	Quillen	Stenholm
Lloyd	Rhodes	Stump
Lowery (CA)	Ridge	Sundquist
Lukens, Donald	Ritter	Tallon
Marlenee	Roberts	Tauzin
Martin (NY)	Robinson	Thomas (CA)
McCandless	Roe	Thomas (GA)
McCollum	Rogers	Thomas (WY)
McCrery	Rohrabacher	Vander Jagt
McCurdy	Rose	Volkmeyer
McEwen	Rowland (GA)	Vucanovich
McGrath	Sarpalius	Walker
McMillan (NC)	Saxton	Watkins
Meyers	Schaefer	Whittaker
Michel	Schiff	Wilson
Miller (OH)	Schuetz	Wolf
Miller (WA)	Schulze	Wyllie
Mollohan	Shaw	Young (AK)
Montgomery	Shumway	Young (FL)
Moorhead	Shuster	
Morrison (WA)	Sisisky	

NOT VOTING—12

Barnard	Hastert	Lipinski
Collins	Hyde	Madigan
Dannemeyer	Leach (IA)	Moody
Florio	Leland	Stokes

□ 1358

The Clerk announced the following pairs:

On this vote:

Mr. Stokes for, with Mr. Dannemeyer against.

Mr. Leland for, with Mr. Hastert against.

Messrs. HALL of Texas, BUSTAMANTE, and GALLO changed their vote from "aye" to "no."

Messrs. HEFNER, TOWNS, FAWELL, and DUNCAN changed their vote from "no" to "aye."

So the amendment was agreed to.

The results of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. BRUCE). It is now in order to consider amendment No. 23 by Representative PORTER or Representative ROUKEMA.

AMENDMENT OFFERED BY MR. PORTER

Mr. PORTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PORTER:

At the end of title XII (page 253, after line 15), insert the following new section:

SEC. 1243. SENSE OF CONGRESS ON CHEMICAL WEAPONS NEGOTIATIONS.

It is the sense of Congress that—

(1) the proliferation of chemical weapons and their repeated use represent a grave threat to the security and interests of the United States;

(2) the most comprehensive and effective response to the threat posed by the proliferation of chemical weapons is the completion of a verifiable treaty banning the pro-

duction and stockpiling of chemical weapons;

(3) the President should intensify ongoing efforts to establish an agreement with the Soviet Union and other countries establishing a mutual and verifiable agreement to stop the production, proliferation, and stockpiling of lethal chemical weapons;

(4) the President should personally recommit to securing a treaty and to exerting strong leadership in bringing the international community together to rid the world of the threat of chemical weapons;

(5) the successful completion of a treaty banning chemical weapons being negotiated at the multinational United Nations Committee on Disarmament in Geneva should be one of the highest arms control priorities; and

(6) the United States negotiators in Geneva should take concrete steps to initiate proposals regarding the composition of the verification regime that will meet the legitimate concerns of other negotiating parties while also addressing the security concerns of the United States.

The CHAIRMAN pro tempore. The gentleman from Illinois [Mr. PORTER] will be recognized for 10 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Illinois [Mr. PORTER].

□ 1400

Mr. PORTER. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this amendment, offered by myself and my colleague MARGE ROUKEMA from Connecticut, expresses the sense of the Congress in support of the ongoing talks in Geneva toward a comprehensive, verifiable ban on all chemical weapons. I want to thank Representative ROUKEMA for her tireless efforts on this issue.

Controls on lethal chemical and biological weapons represent the greatest strides made in arms control during the 20th century. World condemnation of the indiscriminate killing and lingering effects caused by poison gases in World War I led to the Geneva Protocol of 1925 which prohibits, in effect, the first-use in war of chemical weapons.

In 1969, President Nixon ordered a moratorium on U.S. chemical weapons production and unconditionally renounced the possession and development of all forms of germ and toxin weapons. This initiative became the basis for the Biological Weapons Convention of 1972 which outlaws the development, production, and possession of chemical and biological weapons. This treaty entered into force in 1975.

In August 1976, President Ford initiated bilateral negotiations with the Soviet Union aimed at a comprehensive chemical weapons ban. More general discussions within the multinational Conference on Disarmament in Geneva began in 1972.

Both sets of negotiations have made substantial progress. Almost all sides have agreed on most major provisions

of a chemical disarmament treaty and have reached partial agreement on verification issues. In fact, the Soviets, for the first time in any arms control treaty, have agreed to onsite-challenge, surprise inspections. Under the framework, all lethal and incapacitating chemical weapons would be banned, and all chemical weapons production facilities and stockpiles would be declared and then destroyed within 10 years.

I think we can all agree that such a treaty would be a historical accomplishment that deserves strong support.

In 1984, then-Vice President Bush traveled to Geneva to present a new draft chemical weapons treaty. This draft has now become the basis of negotiations.

Recent reports in the New York Times, indicate that substantial breakthroughs had been reached, and that a treaty was now only months away from being initiated. While new progress has been achieved, completion of a multinational treaty may be years away unless we have a rededication from the heads of state of all the negotiating parties.

Progress has been made, Mr. Chairman. Just recently, the United States and the Soviet Union agreed to the confidentiality aspects of a bilateral arrangement to ensure that private and government military secret information is not compromised during the essential inspection aspects of the treaty. This was a major breakthrough.

However, much work remains. The United States and the Soviet Union have still not ironed out specific procedures for challenge inspections. While both sides have agreed on unprecedented mandatory challenge inspections, anytime and anywhere, the issue of whether observers from the challenging country will be allowed to witness the inspection is still unresolved.

In addition, negotiators are still working to finalize a 10-year timetable for the destruction of stockpiles and production facilities. And, bilateral data exchanges are still being worked out to provide that prior to initiating of the bilateral agreement, the United States and the Soviet Union will exchange data on stockpiles and facilities in order to verify the information upon which the treaty will be based.

It is estimated that the treaty will have created an inspection regime for an estimated 30,000 production facilities.

Germany has recommended ad hoc qualitative inspections. While Great Britain has tabled a more comprehensive inspection system that our negotiators believe would provide a much greater deterrent effect on new facilities.

All of these, and many other issues must be resolved before a treaty is fi-

nalized. Hard work remains. Our resolve must be unbending.

At a time when reports indicate that over 20 nations have joined the chemical weapons club, and when Kurds are killed by their own country's toxic weapons, a 40-nation treaty could provide the arms control coup of the century.

This amendment states that U.S. negotiators in Geneva should take concrete steps to initiate proposals regarding the composition of the verification regime that will meet the legitimate concerns of other negotiating parties while also providing for the security interests of the United States.

It also states that Congress believes that the President should personally recommit to securing a treaty and to exerting strong leadership in bringing the international community together to rid the world of the threat of chemical weapons. It could be the shining star in his first term as our President.

I urge all Members to support this important amendment and reserve the balance of my time.

Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, you know it would be very difficult to really stand up and speak against a sense of the Congress that we do away with something as dirty, nasty and rotten as chemical warfare. I really do not think that is the intent. I am saying that what we need in this particular instance: you have to realize we did away with unitary or going with unitary many years ago. Out of that we decided, well, what is it that we can best bring the Soviet military power to the table with? Some of the things that we came up with, this idea of binary. As you know, very few people really have a good handle on binary. But what binary basically is, we have one element all by itself which is completely impotent and another element all by itself is completely impotent.

In this Congress we decided that one would be built in one place and one would be built in another place. Eventually if they ever came together they would be put in a shell. This particular shell, when it is fired, it would go through the rifling of a muzzle and that would cause the seal to break and there is a plunger in there. And when they mix it becomes extremely lethal and people die as a result of it.

But this has really been the thing. We decided we would bring it to the table, an all-out effort working to bring to the table the Soviet Union, using this term of binary. Binary, completely safe, no other nation using it.

We had the ambassador from the Soviet Union coming out to where we had most of our chemical areas in Utah. His big complaint was, "We will

not continue with unitary if you will stop binary." However, this did not turn out quite that way. Binary is what brought them to the table.

You may recall President Ronald Reagan speaking in New York at the United Nations made a very interesting statement. He called upon the world leaders to do away with the nasty stuff we call chemical warfare. I agree with the gentleman, if we could get rid of this thing, it would be the greatest thing in the world to do.

But I do not see the necessity of the sense-of-Congress resolution when the President of the United States, the past President of the United States Ronald Reagan agreed on it and now George Bush has agreed on it.

This is a threat to the whole world. I think the President has intensified his efforts. The State Department and the military worked on intensifying their efforts.

So I just say very respectfully I think we are on the right track if we can keep our binary together until the time when we can negotiate a treaty that not only the United States, not only the Soviet Union but all the nations of the Earth see the necessity of doing away with chemical weapons.

I do not think there is a person here who wants to continue chemical weapons. I am sure I do not.

But when it comes to the time, let us not back down, let us not be so foolish as to be unilateral, let us not be so Pollyanna that we believe anything that comes along, that there are some good guys over here that are so nice that they would see our good works and "go thou and do likewise."

I think that was a good admonition from the Savior, but I do not see it too much as applied to arms control.

If I may say very respectfully, I think, Mr. Chairman, we have no need for this. I think the intent is good. The President and the Nation are moving ahead the way it should.

I urge we vote "no" on this sense of the Congress.

Mr. Chairman, I yield back the balance of my time.

Mr. PORTER. I yield 3 minutes to the distinguished gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, this amendment is a sense of the Congress amendment in support of the current effort to achieve a verifiable international ban on chemical weapons.

Last October, during a campaign speech, then Presidential candidate, George Bush, proclaimed that he wanted to be the President who eliminated chemical weapons from the world.

In his statement candidate Bush said:

If I am elected, and if I am remembered for anything, it would be this: a complete and total ban on chemical weapons. Their

destruction forever—that's my solemn mission.

The President in a short few months has earned congratulations for the aggressive spirit in which he has pursued this goal. He has not deviated from his campaign pledge and has directed our negotiators to move forward with bilateral discussions with the Soviets.

At the Paris Conference on Chemical Weapons the United States played a major role in shaping the final communiqué which restated our commitment and that of the international community toward concluding a chemical weapons treaty.

And, the President has reacted very strongly to the disclosures that nations such as Libya have constructed facilities which can be used to produce lethal chemicals.

The goals of this Nation must be at least threefold and are reflected here in the resolution.

First, we must proceed diligently toward the completion of a treaty on chemical weapons.

Second, we must stop the current production of chemical weapons both here and abroad, and,

Third, we must develop clearly delineated verification procedures so that international inspection teams created under the treaty will have no ambiguity as to what is required of the international community to comply with the treaty provisions.

As the press reported recently, the bilateral talks with the Soviets are showing some important breakthroughs. Although I am optimistic, I have been informed by the Arms Control Agency that an actual treaty may still be several years in the making.

This amendment I offer with the gentleman from Illinois simply expresses a sense of Congress that the President should continue to pursue, as vigorously as possible, an international treaty which would ban the production, stockpiling and proliferation of chemical weapons. This amendment accords the chemical weapons treaty a place at the top of the list of arms control priorities and urges the President to remain personally active in securing a treaty.

This amendment is a good opportunity for the Congress to express its support for the administration's efforts in this matter. It will give our negotiators a real boost for their efforts and it will say to the other members of the Committee on Disarmament and those participating in the negotiations that the Congress of the United States supports, in the strongest sense, an international treaty to ban all chemical weapons.

I urge support for this amendment.

□ 1410

Mr. NIELSON of Utah. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from Utah.

Mr. NIELSON of Utah. The gentlewoman mentioned a goal was to stop production. That is not part of the sense of Congress resolution, is it?

Mrs. ROUKEMA. No, it is not the sense of Congress resolution. However, it is a statement of goals that lead Members to a complete test ban treaty and verification.

Mr. NIELSON of Utah. A Member could vote for this resolution without saying a Member wants all production stopped?

Mrs. ROUKEMA. The gentleman is correct.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Illinois has 3 minutes remaining.

Mr. PORTER. Mr. Chairman, I yield the remaining 3 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I rise in support of the Porter amendment expressing the sense of Congress regarding the importance of eliminating chemical weapons. The proliferation of chemical weapons and their potential use and endanger peace across the globe. The 1925 protocol banning the use of chemical weapons demonstrates a world consensus against this lethal weapon of mass destruction. Nonetheless, the past decade has witnessed the spread of chemical weapons to many nations, including some hostile to America like Libya, Iraq and Iran; and many analysts believe that terrorist groups may also gain possession of chemical weapons. We saw how Iraq repeatedly violated international law by using chemical weapons against Iran and against its own Kurdish population, causing the death of thousands of men, women, and children.

For the past several years, the United States has been negotiating in Geneva with 39 other countries in an effort to complete a treaty banning the production or possession of chemical weapons. Every civilized nation in the world has a vested interest in seeing a speedy completion to the talks which lead to the elimination of this weapon. This amendment expresses strong support for a successful completion to the negotiations. It also urges the President to commit this personal resources to accomplishing this important goal by authorizing our negotiators to initiate proposals that will meet the concerns of other negotiating parties regarding the verification regime. These proposals must also be consistent with and protect America's own security interests. When he was running for President, Mr. Bush stated:

If I'm elected President, if I'm remembered for anything, it would be this: a complete and total ban on chemical weapons. Their destruction forever. That's my solemn mission.

I commend the President for those words and this resolution is an effort to hold him to his solemn mission. Reports from Geneva indicate that the United States and the Soviet Union have reached a tentative agreement on several outstanding issues, including the toughest question of verification, which stood between us. Nonetheless, I have been told by administration officials familiar with the negotiations that many issues still stand unresolved, and a treaty will not be completed for at least 2 years. The principal goal for our negotiators must be to ensure that the final treaty is effective, verifiable and protects America's long-term security interests. We must be negotiating out of strength, which is why I have supported funding for production of binary weapons. At the same time, I hope this resolution sends a message to the administration that Congress is committed to a timely completion of a tough and effective treaty which will make it illegal for all nations to produce or possess chemical weapons.

Mr. LANCASTER. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from North Carolina.

Mr. LANCASTER. Mr. Chairman, I submit that there is but one defensible vote on the amendment offered by the gentleman from Illinois and the gentlewoman from New Jersey, and that is a vote for its passage.

With full recognition that we must proceed in our negotiations toward a treaty on chemical weapons with caution and resolve, it must also be recognized that we must negotiate.

The issue here is not unilateral destruction of our own chemical weaponry; rather this amendment acknowledges the fact that the production and stockpiling of chemical weapons represent a very real threat to our own security and to that of the world. This amendment sends a message that we understand that threat and aim to eliminate it by eventually reaching an agreement on a verifiable treaty which bans both production and stockpiling.

Some key phrases in that last statement bear repeating. First, reaching agreement does not mean that we negotiate away our own security. I have, as we all should, full confidence that we will not conclude an agreement which will jeopardize our own security in any way. Furthermore, we are working toward a verifiable treaty, which will safeguard that security.

With regard to verification, the negotiations currently under way in Geneva are hitting the mark in terms of addressing this most difficult aspect of any arms control agreement. It is encouraging that we are making great strides toward concluding an agreement with the Soviet Union as to verification procedures and that that agreement may form the basis for in-

corporation into a multilateral agreement among the 40 nations which are participating in the talks.

We must support these significant discussions as a matter of critical priority and we must make that support known. Moreover, it is incumbent on the President to bring together an even larger portion of the international community to join with us as we lead the initiative in seeking to eliminate the threat of chemical warfare.

That, in essence, is what this amendment is all about, and I suggest again that the only reasonable action to take at this point is to vote in favor of the amendment.

[The CHAIRMAN pro tempore. Under the rule, all time has expired]

The question is on the amendment offered by the gentleman from Illinois [Mr. PORTER].

The question was taken; and the Chairman pro tempore announced that the ayes appears to have it.

RECORDED VOTE

Mr. PORTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 414, noes 4, not voting 13, as follows:

[Roll No. 179]

AYES—414

Ackerman	Carper	English
Akaka	Carr	Erdreich
Alexander	Chandler	Espy
Anderson	Chapman	Evans
Andrews	Clarke	Fascell
Annuzio	Clay	Fawell
Anthony	Clement	Fazio
Applegate	Clinger	Feighan
Archer	Coble	Pields
Arney	Coleman (MO)	Fish
Aspin	Coleman (TX)	Flake
Atkins	Combest	Flippo
AuCoin	Conte	Foglietta
Baker	Conyers	Ford (MI)
Ballenger	Cooper	Ford (TN)
Bartlett	Costello	Frank
Barton	Coughlin	Frenzel
Bateman	Courter	Frost
Bates	Cox	Galleghy
Bellenson	Coyne	Gallo
Bennett	Craig	Garcia
Bentley	Crane	Gaydos
Bereuter	Crockett	Gejdenson
Bevill	Darden	Gephart
Bilbray	Davis	Gibbons
Bilirakis	de la Garza	Gillmor
Billey	DeFazio	Gillman
Boehlert	DeLay	Gingrich
Boggs	Dellums	Glickman
Bonior	Derrick	Gonzalez
Borski	DeWine	Goodling
Bosco	Dickinson	Gordon
Boucher	Dingell	Goss
Boxer	Dixon	Gradison
Brennan	Donnelly	Grandy
Brooks	Dorgan (ND)	Grant
Broomfield	Dornan (CA)	Gray
Browder	Douglas	Green
Brown (CA)	Downey	Guarini
Brown (CO)	Dreier	Gunderson
Bruce	Duncan	Hall (OH)
Bryant	Durbin	Hall (TX)
Buechner	Dwyer	Hamilton
Bunning	Dymally	Hammerschmidt
Burton	Dyson	Hancock
Bustamante	Early	Harris
Byron	Eckart	Hastert
Callahan	Edwards (CA)	Hatcher
Campbell (CA)	Edwards (OK)	Hawkins
Campbell (CO)	Emerson	Hayes (LA)
Cardin	Engel	Hefley

Hefner	Michel	Schroeder
Henry	Miller (CA)	Schuetz
Herger	Miller (OH)	Schulze
Hertel	Miller (WA)	Schumer
Hiler	Mineta	Sensenbrenner
Hoagland	Moakley	Sharp
Hochbrueckner	Mollinari	Shaw
Holloway	Mollohan	Shays
Hopkins	Moody	Shuster
Horton	Moorhead	Sikorski
Houghton	Morella	Sisisky
Hoyer	Morrison (CT)	Skaggs
Hubbard	Morrison (WA)	Skeen
Huckaby	Mrazek	Skelton
Hughes	Murphy	Slattery
Hunter	Murtha	Slaughter (NY)
Hutto	Myers	Slaughter (VA)
Inhofe	Nagle	Smith (FL)
Ireland	Natcher	Smith (IA)
Jacobs	Neal (MA)	Smith (MS)
James	Neal (NC)	Smith (NE)
Jenkins	Nelson	Smith (NJ)
Johnson (CT)	Nielson	Smith (TX)
Johnson (SD)	Nowak	Smith (VT)
Johnston	Oakar	Smith, Denny
Jones (GA)	Oberstar	(OR)
Jones (NC)	Obey	Smith, Robert
Jontz	Olin	(NH)
Kanjorski	Ortiz	Smith, Robert
Kaptur	Owens (NY)	(OR)
Kasich	Owens (UT)	Snowe
Kastenmeier	Oxley	Solarz
Kennedy	Packard	Solomon
Kennelly	Pallone	Spence
Kildee	Panetta	Spratt
Kleczka	Parker	Staggers
Kolbe	Parris	Stallings
Kolter	Pashayan	Stangeland
Kostmayer	Patterson	Stark
Kyl	Paxon	Stearns
LaFalce	Payne (NJ)	Stenholm
Lagomarsino	Payne (VA)	Studds
Lancaster	Pease	Sundquist
Lantos	Pelosi	Swift
Laughlin	Penny	Synar
Leach (IA)	Perkins	Tallon
Leath (TX)	Petri	Tanner
Lehman (CA)	Pickett	Tauke
Lehman (FL)	Pickle	Tauzin
Lent	Porter	Thomas (CA)
Levin (MI)	Poshard	Thomas (GA)
Levine (CA)	Price	Thomas (WY)
Lewis (CA)	Pursell	Torres
Lewis (FL)	Quillen	Torricelli
Lewis (GA)	Rahall	Towns
Lightfoot	Rangel	Trafficant
Livingston	Ravenel	Traxler
Lloyd	Ray	Udall
Long	Regula	Unseald
Lowery (CA)	Rhodes	Upton
Lowey (NY)	Richardson	Valentine
Luken, Thomas	Ridge	Vander Jagt
Lukens, Donald	Rinaldo	Vento
Machtley	Ritter	Visclosky
Manton	Roberts	Volkmer
Markey	Robinson	Vucanovich
Marlenee	Roe	Walgren
Martin (IL)	Rogers	Walker
Martin (NY)	Rohrabacher	Walsh
Martinez	Rose	Watkins
Matsui	Rostenkowski	Waxman
Mavroules	Roth	Weber
Mazzoli	Roukema	Weiss
McCandless	Rowland (CT)	Weldon
McCloskey	Rowland (GA)	Wheat
McColum	Roybal	Whittaker
McCrery	Russo	Whitten
McCurdy	Sabo	Williams
McDade	Saiki	Wilson
McDermott	Sangmeister	Wise
McEwen	Sarpalius	Wolf
McGrath	Savage	Wolpe
McHugh	Sawyer	Wyden
McMillan (NC)	Saxton	Wylie
McMillen (MD)	Schaefer	Yates
McNulty	Scheuer	Yatron
Meyers	Schiff	Young (AK)
Mfume	Schneider	Young (FL)

NOES—4

Gekas	Shumway
Hansen	Stump
Barnard	Berman
	Collins

NOT VOTING—13

Dannemeyer
Dicks
Florio
Hayes (IL)

Hyde
Leland
Lipinski
Madigan

Montgomery
Stokes

□ 1436

Mr. UDALL changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

SMALL DISADVANTAGED BUSINESSES

The CHAIRMAN pro tempore (Mr. DURBIN). It is now in order to consider amendment No. 24 relating to small disadvantaged businesses printed in part 1 of House Report 101-168, by, and if offered by, the gentleman from Massachusetts [Mr. MAVROULES] or his designee.

For what purpose does the gentleman from Massachusetts [Mr. MAVROULES] rise?

AMENDMENT OFFERED BY MR. MAVROULES

Mr. MAVROULES. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MAVROULES: At the end of title IX (page 212, after line 21), insert the following new section:

SEC. 903. EXTENSION OF CONTRACT GOAL FOR SMALL AND DISADVANTAGED BUSINESSES.

Section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3973) is amended in subsections (a) and (h) by striking out "and 1990" and inserting in lieu thereof "1990, 1991, 1992, and 1993".

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. MAVROULES] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. GARCIA].

Mr. GARCIA. Mr. Chairman, I rise today in support of the Mavroules amendment to the Defense authorization bill (H.R. 2461). This amendment authorizes \$450 million in fiscal year 1990 and \$600 million in fiscal year 1991 for drug interdiction and law enforcement activities.

Despite their best efforts to control the rising tide of violence, murder, addiction and terror, local police departments and the Drug Enforcement Agency [DEA] are being outmanned, outspent, and outgunned. The size and strength of the national and international illicit drug networks are so great that efforts of the individual law enforcement agencies have been insufficient. The need for joint agency actions has been well established, but the communication networks necessary for the performance of these complicated operations have not as yet been put in place.

In this era of advanced communication networks and seemingly light speed data retrieval the joint efforts of our local police depart-

ments, the Drug Enforcement Agency and the Department of Defense should have access to the best of available technology. Their activities are too important and their success too necessary to allow them to be hampered by inefficient communications linkups.

Last year, Congress directed the Secretary of Defense to coordinate and implement a communications network using available Federal resources for the many law enforcement agencies. This amendment authorizes the National Guard to expand into drug interdiction programs, provides \$125 million to purchase advanced radar and surveillance devices, and authorizes \$50 million for communications equipment for loan to law enforcement agencies.

We must seek long-term solutions to the drug crisis. The future of our children and our society depends on Congress' ability to confront this tragic situation and win the war against drugs. Participation by the Defense Department may not be the answer to the whole problem. However, it will give our local, State, and Federal agencies much needed additional resources, personnel, and equipment necessary to stop drugs from entering our borders and form a solid network of communication for the various agencies involved. I urge my colleagues to support the Mavroules amendment.

Mr. MAVROULES. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. ORTIZ].

Mr. ORTIZ. Mr. Chairman, I rise in support of the amendment being offered by my colleague from Massachusetts.

In recent meetings held with various major contractors and support organizations in the defense industry, top executives have testified before Congress concerning ongoing initiatives to foster the development of small and disadvantaged businesses.

We were pleased to learn that many large businesses are devoting a lot of effort seeking out capable SDB subcontractors and setting up development groups to encourage small business participation in defense contracting.

Make no mistake, these types of initiatives are being taken because Congress has continued to show an interest in small business through resolutions such as the 5 percent small disadvantaged business subcontracting goal.

We have begun to make progress toward improving the health of our small business industry and I commend all those large businesses and organizations in the defense industry who are helping.

Although DOD is still falling short of the current SDB 5 percent subcontracting goal, it is obvious that very important inroads are being made.

It would be wrong to fall out from this under this effort at this time.

We would be betraying not only the millions of small businesses that employ the majority of the breadwinners in this country, but also the many

other defense industry supporters who have shown their commitment to the idea that small business is the lifeblood of this Nation.

Gentleman, we have only begun the job.

To finish it, we must vote for this amendment which will extend the 5 percent small disadvantaged business goal through fiscal year 1993.

Mr. MAVROULES. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BUSTAMANTE].

□ 1440

Mr. BUSTAMANTE. Mr. Chairman, I thank the gentleman from Massachusetts for yielding me this time.

Mr. Chairman, I rise in support of the Mavroules amendment to extend for 3 years the section 1207 program that sets aside 5 percent of Department of Defense procurement for small disadvantaged businesses.

The section 1207 program which we enacted in 1986 to open opportunities for disadvantaged businesses to participate and compete for defense procurement has only marginally improved minority access to this important market. At this beginning, due to the Defense Department's reluctance to implement the program, a year was wasted to put the program in place. Since then, the program has failed to reach the modest goal we established. Since its inception, many attempts have been made to weaken the provisions which help increase minority business participation in Government procurement. Although Mr. MAVROULES' amendment does not strengthen the program's provisions, it recognizes the fact that we need more time for the program to work.

As chairman of the Armed Services Acquisition Panel, Mr. MAVROULES has committed himself to make this program work. I believe the House should give him the support he needs to succeed. Finally, a vote for the Mavroules amendment sends a message of our strong commitment to open business opportunities for minorities at a time when the Supreme Court decision of Crosson versus the City of Richmond has weakened such programs.

Mr. IRELAND. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, I rise today in opposition to the amendment offered by the gentleman from Massachusetts [Mr. MAVROULES]. His amendment would, if adopted, extend the DOD section 1207 program for another 3 years. If adopted, his amendment would make a 7-year program out of what was originally intended to be a 3-year pilot program. The 1207 program was enacted without benefit of any hearings or studies. This 3-year program was extended for 1 year by Mr. MAVROULES.

Now he wants another 3 years. Mr. Chairman, where will it end? Is the section 1207 program on its way to becoming a permanent part of the DOD landscape? Will it be another section 8(a) program, originally started as a stop-gap measure in our Nation's distressed urban areas and now entering its 20th year of operation? The 8(a) program often suffers from gross mismanagement and corruption and spawned the Wedtech scandal. We have also learned over the years that the 8(a) program only helps a select few. In fact, on an annual basis, the 50 largest 8(a) firms receive over a billion and a half dollars' worth of Government contracts between them. This while they are classified as socially and the economically disadvantaged. And it is happening again in the 1207 program.

Mr. Chairman, the 1207 program establishes a 5-percent set-aside for small disadvantaged firms. Advocates argue that this is their fair share. But a close look at the facts reveals a different picture than they would have us believe. Last year DOD awarded \$130.8 billion in prime contracts. Five percent of that figure is over \$6.5 billion. Of the \$130.8 billion awarded, 60 percent or \$78.5 billion were never even offered to small business. Forty percent or \$52.3 billion were offered to small business. Only 19.3 percent of \$25.2 billion were awarded to small business. Of that \$25 billion, 14.4 percent or \$3.4 billion went to small, disadvantaged businesses. Achievement of the 5-percent overall goal would almost double that figure and would award fully one-third of all small business contracts to minority firms. This despite the fact that only 6 percent of all the small businesses in America are minority owned and over 94 percent of them are sole proprietorships.

Mr. Chairman, the facts are that there are less than 3,000 unique SDB's doing business with DOD. In fiscal year 1988 37 percent of over \$1.2 billion of DOD SDB awards went to only 59 firms. Firms that under rational standards could hardly qualify as small and disadvantaged. On any number of occasions DOD has stated that the 5-percent level is impossible to achieve. DOD simply can't find enough SDB sources so it ends up awarding more and larger contracts to the SBS's it has identified. In order for DOD to achieve the overall 5-percent goal, games have to be played with contracting standards. Games like a 10-point bid preference for SDB's and a nefarious practice known as "bundling" wherein the agency aggregates a number of previously competed small contracts and turns them into one large multifunction contract that eliminates true small business participation. Now, some members of the minority community are even advocating that SBA, in concert with

DOD, promulgate separate and larger size standards specifically intended to achieve the 50-percent goal. These people know that given the limited number of sources and current size standards the 5-percent goal cannot be achieved. They argue that as currently written, size standards exclude many disadvantaged businesses from meaningful participation in the 1207 program. In other words the big minority businesses should be allowed unlimited access into a small business program. That's really what the 1207 program is all about—not helping SDB's but maintaining a special program to help large minority businesses that have or are about to graduate from the 8(a) program. These firms are neither small nor disadvantaged. They are noncompetitive firms who deny legitimate opportunities to small businesses in order to feed their insatiable appetites for noncompetitive Federal contracts. It is a mutation of affirmative action. If the 1207 program is extended this practice will continue, to the great detriment of legitimate small and small minority business.

Mr. Chairman, it is obvious to me that some modification of the Defense Department's section 1207 program is legally required before extending its life for any period of time. In addition, a program far more tailored in scope and coverage seems suggested as a result of the experience thus far under the pilot program.

I believe that Congress should allow the present program to sunset at the end of fiscal year 1989 in accordance with Congress' original intent, and replace it, if deemed appropriate after committee hearings and study, with a modified program that is more sensitive to the structural limitations such a program must meet and better calculated to serve the true interests of small disadvantaged businesses.

At the very least we believe that, the committee must, as a legal matter, eliminate from the program all suggestion of preferential status for small business because of the race of those in management and ownership positions. It is perfectly appropriate for Congress to indulge the presumption that minorities will be among those determined to be "socially and economically disadvantaged." Indeed, it would appear fair to presume that a not insubstantial number of individuals "socially and economically disadvantaged" will be minorities. But that presumption is a far cry from the converse proposition utilized in section 1207: that is, that all minorities are presumptively "socially and economically disadvantaged."

The Supreme Court has ruled that any such racially driven program that is aimed at providing an advantage to some over others because of skin color or ethnic background is legally suspect and must undergo the strictest scruti-

ny—see *City of Richmond versus J.S. Croson*. While Croson involved a municipal ordinance, there is little doubt from Justice O'Connor's majority opinion, as well as from the separate concurrences of Justices Scalia and Kennedy, that any legislative body, Federal, State, or local, inclined toward enacting a racially preferential program can do so legally. First, only in response to a finding of actual discrimination existing in the commercial and geographic areas to be covered by the statute or ordinance, second, only as a last resort remedial measure that is "compelled" because other available race-neutral remedies have proven unsuccessful or wholly impracticable, and, even then, third, only if the program is "narrowly tailored" in scope, duration and impact so as to correct the identified discriminatory conduct with the minimal possible interference with rights and opportunities of innocent third parties.

While it has been suggested that Congress' section 5 authority under the 14th amendment provides it with a bit more latitude than State and local governments to enact such preferential programs, even at the Federal level there still must be the predicate finding of discrimination so that the program is indeed "remedial", and any such remedial program Congress then fashions must, in order to pass constitutional muster, be at last resort measure "narrowly tailored" in scope, duration, and impact to pass the Supreme Court's "strict scrutiny" standard.

Section 1207 of the National Defense Authorization Act for fiscal year 1987 concededly stands on no such footing. Its enactment to benefit SDB's was not premised on any evidence, let alone findings, of racial discrimination in the Defense procurement contracting process. It was a first resort, not a last resort response to a perceived problem of "underrepresentation" in the Defense contract procurement market of minority contractors and subcontractors. And no effort was made at tailoring as to scope or impact, only as to duration and even that has since been arbitrarily enlarged.

Mr. Chairman, Mr. DREIER and I attempted to modify the 1207 program in Rules Committee with eight amendments that would have protected non-minority small business and meet the constitutional test of "strict scrutiny". I would like to briefly discuss the essence of our amendments. First and foremost, the committee must remove the racial presumption that gives to certain small disadvantaged businesses, but not others, a "free pass" into the program solely on account of skin color and ethnic background. Congress may continue to presume, and with a high degree of confidence, that a number of those small businesses able

to qualify as "socially and economically disadvantaged" will indeed be largely owned by minorities. But neither Congress, nor anyone else in this Nation, can properly harbor the stereotypical presumption that all minority-owned businesses are "socially and economically disadvantaged."

Second, with the unconstitutional racial presumption eliminated, there is no longer need for the predicate finding of discrimination, but it remains important that the section 1207 program be "tailored" so as not to trench on the rights of small businesses unable to qualify as SDB's. The Supreme Court this term opened wide the courthouse doors to all wishing to challenge as discriminatory programs not including them—see *Martin versus Wilks*. To avoid inviting this sort of litigation, the program must have one set of uniform standards.

Third, there appears to be good reason to exempt from coverage of the section 1207 SDB requirement the military construction industry. One important failure of the Richmond set-aside ordinance, according to the Supreme Court, was its overinclusiveness. If the purpose of the Defense procurement SDB Program is to open up opportunities when none before existed, the effort should be targeted at the Department of Defense contracting markets that have remained effectively closed to SDB's, such as procurement, research and development, and operations and maintenance.

Military construction contracts, on the other hand, have over the past decade regularly had SDB participation well above the arbitrary 5-percent goal set by section 1207. No evidence of discriminatory contracting activity has been presented, or is even known, and no hostility has been expressed to using SDB's on military construction jobs. To remove this area of contracting from section 1207 in such circumstances seems to be precisely the kind of "tailoring" the Supreme Court contemplated in *Croson* to avoid overinclusiveness.

Fourth, and as corollary to the preceding modification, it would make abundant good sense to "tailor" further the coverage aspect of the provision by permitting any industry to be released from the SDB "goal" requirement upon a showing that it had been involved in new contract matters during the preceding fiscal year and had fully satisfied or exceeded the targeted "goal." These are not lifetime programs, and they should have built into them incentives that will encourage use of SDB's and reward those who do so.

Fifth, program tailoring should exempt as well from coverage small business contracts awarded through the competitive bid process under section 806 of the National Defense Authorization Act. Such contracts—gen-

erally those of less than \$2 million—were never intended to be subject to section 1207, and as part of the separate Small Business Competitiveness Program, have routinely been regarded by DOD and all others as beyond the reach of the SDB pilot program. This is yet another place where program vulnerability can be avoided by resisting overinclusiveness—as Congress has heretofore recognized in the DOD authorization legislation for both fiscal year 1988 and fiscal year 1989.

Sixth, serious consideration should be given to better aiming section 1207 in the direction of new and emerging SDB's so as to enhance contract opportunities for new program entrants who have not yet received contracting or subcontracting work under this provision. One way of accomplishing this objective would be to provide for periodic evaluations of SDB's in both the SBA 8(a) program and the DOD program under section 1207; those who have obtained contract or subcontract opportunities on Defense Department jobs might well be ready to graduate from the program on a determination that they no longer can properly be regarded as "socially and economically disadvantaged."

It is generally agreed that the purpose of the section 1207 program is to provide SDB's an opening wedge into the Defense procurement market; it is not intended that, once into the program, the qualifying SDB has a lifetime membership. Periodic reviews of business performance will provide the opportunity to graduate those SDB's that have demonstrated their ability to compete on their own, and thereby provide new program entrants enhanced opportunities to be selected for the available jobs.

Seventh, and finally, there is the matter of the modified program's duration. Congress viewed the SDB provision from its inception as an interim, short-term measure intended to provide needed information to better assess actual contracting opportunities for small disadvantaged businesses in the Defense procurement markets. I am sure there is much to be learned from the program's operation over the past 3 years. I am equally certain that more useful information can be obtained if there is an opportunity to evaluate a revised SDB program that does not depend on unconstitutional props for its processing requirements.

The hard question—the question that Congress rarely wants to tackle—is "how long is long enough." The examples are legion of "pilot" legislative programs that, by annual extensions, have subsequently been elevated to permanent status, without much, if any, thought given to the need or cost of such an evolutionary process.

In the present context, Congress should guard against such a prospect

with particular vigilance. Programs designated to reserve for some small businesses, but not others, a preferential position in the Defense contracting market are legitimate, if racially neutral in their operation, only for the limited purpose of opening up market opportunities now closed to those who can demonstrate they are both "socially and economically disadvantaged." But, once that door has been opened and SDB's have become players in their own right in the contract procurement market, the program has served its purpose and usefulness. At that point, it undercuts and unfairly tilts the competitive-bid process to enlarge the life of the program for a further extended period.

Mr. Chairman, in addition to legal considerations there is also the question of hidden costs to the 1207 program. The first is its adverse impact upon nonminority small business. Of 25 DOD claimant programs, those broad categories of DOD programming, 14 show a small business decline in participation while 15 show SDB gains. From enactment of this program is fiscal year 1986 to fiscal year 1988, small business has lost \$1.7 billion in contract awards while at the same time SDB's have gained \$5 billion. Further, an examination of the growth rates in the four specific areas covered by 1207 show the following: service awards small business grew 7.1 percent SDB's grew 21.9 percent; supplies and equipment small business declined 7.1 percent SDB's declined 6.4 percent; research, development, testing and evaluation small business grew 6.8 percent while SDB's grew 13.6 percent; finally, in construction small business declined 6 percent SDB's grew 5.8 percent. Clearly SDB's are being grown at the expense of nonminority small business, despite provisions in Public Laws 100-180 and 100-656 which militate against this very adverse impact. Extension of the 1207 program will only further exacerbate this situation.

My second point, Mr. Chairman is that SDB firms are given a 10-point bid preference when competing for contracts. In fiscal year 1988 this 10-point preference was used in 314 contracts for a total of \$7.5 million, or an additional cost to the taxpayer of \$24,000 per contract. In its fiscal year 1988 report on the 1207 program DOD admitted that "the application of the 10-percent factor has adversely impacted small businesses that are not disadvantaged." Further Mr. Chairman, not only has the 10-point bid preference been granted SDB's in the award of the contract, it is also being used by contracting officers to make a determination for an SDB set aside. In other words, if within the previous 12-month period an SDB came within 10 percentage points of the lowest evalu-

ated price on a previous procurement, the contracting officer can use other than full and open competition and set it aside for the 1207 program. There are no estimates on the costs of this practice to the taxpayer but we do know that it's being maintained on the back of small business.

Mr. Chairman, there is one final issue I wish to call attention to, and that is the definition of socially and economically disadvantaged. In effect Mr. Chairman there are two definitions of socially and economically disadvantaged. One is used in conjunction with the determination of eligibility for participants in the SBA's section 8(a) program, the other for the 1207 program. Under 8(a) members of certain ethnic and racial groups, which I may add parenthetically Mr. Chairman, now includes the whole world except for those groups whose forefathers came from Europe or the Middle East, are presumed to be socially disadvantaged by reason of birthright. An individual is determined to be economically disadvantaged if their personal net worth does not exceed \$750,000. This definition in itself is a travesty. This while the mean family net worth in America is \$78,000. As ridiculous as the determination is for section 8(a) it at least applies an income threshold. The 1207 program has no limits. Under the terms of its enactment, eligibility for 1207 is determined in section 8(d) of the Small Business Act which states that "a small business concern owned and controlled by a socially and economically disadvantaged individual is a concern which is at least 51 percent owned and controlled by one or more socially and economically disadvantaged individuals." There is a significant difference between the eligibility criteria for the 8(a) program and the 1207 program. Pursuant to the provisions of section 8(d) members of certain racial and ethnic groups are presumed to be both socially and economically disadvantaged. No thresholds, no indexing of any kind, no victim specific guidelines. Any socially disadvantaged individual who has accumulated substantial wealth, has unlimited growth potential and has not experienced or has overcome impediments to competing in the free enterprise system is eligible for the DOD section 1207 program. If Donald Trump were a minority he would qualify for 1207. This situation, Mr. Chairman, has led to an unusual lawsuit in Virginia between two, what I will call, super-small businesses over the award of a \$150-million Navy computer contract. The battle is between two rival firms that were built with the help of hundreds of millions of dollars in no bid contracts awarded through the 8(a) program. The Navy refused to sign a no bid contract with one firm because of guilty pleas by executives

of that firm for participating in a kick-back conspiracy to defraud the Government. The SBA allowed the contract to be awarded in the 1207 program. The other firm was awarded the contract but its eligibility is being challenged on the grounds that the owner is not economically disadvantaged. Consequently, we have a case where two alleged millionaires are now in court arguing over the definition of economic disadvantaged. If we were helping the truly disadvantaged we wouldn't be faced with this embarrassment today.

Mr. Chairman the bottom line is very simple. A vote against the Mavroules amendment is a vote for American small business and a vote for fair play. A vote against continuing the 1207 program will stop the sacrifice of nonminority small business to the attainment of an arbitrary goal. Minority firms are 6 percent of the businesses in America yet they received over 14 percent of DOD prime contract dollars in fiscal year 1988. This program was enacted without appropriate Small Business and Armed Services congressional hearings and consideration. It was only intended to be a 3-year pilot program. With the Mavroules amendment, which was never discussed in subcommittee or full committee, it will become a 7-year program. Where does it end? The 5 percent is impossible to achieve and the definition of economic disadvantage, for the 1207 program, is intended to help those firms who have already grown rich through the non-competitive 8(a) program. Section 1207 is a continuation of special privileges reserved for well-heeled SDB's. Section 1207 hurts legitimate minority-owned and non-minority-owned small business. And finally Mr. Chairman, there is also the question of meeting the constitutional test imposed by the Croson decision, that is: First, was a determination made, second, have we tried other remedies, and, third, is it narrowly tailored in scope and duration to protect the rights and opportunities of innocent third parties. I strongly suggest that the section 1207 program does not meet that test. It is a legal failure and we would be remiss in our duties if we continued it. I would urge all my colleagues to end this program now! Vote no on the Mavroules amendment, vote yes for all small business.

Mr. Chairman, at this point I will insert an article from the Wall Street Journal of February 21, 1989, by the gentleman from California [Mr. DREIER]:

[From the Wall Street Journal, Feb. 21, 1989]

"DISADVANTAGED" CONTRACTOR, UNFAIR ADVANTAGE

(By Representative David Dreier)

The recent Supreme Court decision in *City of Richmond v. J.A. Croson Co.* has brought to the nation's attention the little

known ways in which governments—local, state and federal—distribute billions of tax dollars in contracts for public projects. The implications of the court ruling should be construed as a warning for federal contracting programs targeted toward firms owned by members of "disadvantaged" groups. These programs are examples of social disparity in reverse, and it is likely the Small Business Administration's (SBA) new regulations, to be published March 15, will continue this trend.

Essentially, there are two major federal contracting programs for the socially and economically disadvantaged: the SBA section 8(a) program—named after that section of Small Business Act, and the Department of Defense section 1207 program.

DIFFERENCES IN PROGRAMS

The section 1207 program provides an arbitrary 5 percent set-aside for small businesses owned by socially and economically disadvantaged minorities. It applies specifically to defense contracts and is competitive only among small businesses owned by economically disadvantaged minorities. The 8(a) program is currently a non-competitive, sole-source contracts program with about 3,000 eligible certified firms participating. Last year \$3.2 billion in contracts was awarded to minority-owned firms under the 8(a) program, while the Defense Department awarded about \$1.5 billion more in non-8(a) contracts.

The 1207 program was created as a three-year program to end in 1989 but was recently extended for one more year. The 8(a) program has been in existence for more than 20 years. While an extensive certification process is required for entry into the 8(a) program, the 1207 program is self-certifying. However, if protests are made regarding 1207 eligibility, 8(a) eligibility regulations are the determinant.

While federal regulations require that applicants be both socially and economically disadvantaged to qualify for these special programs, it is the SBA that determines the criteria. According to the SBA, a person is presumed socially disadvantaged if he belongs to a specifically listed racial or ethnic group: "Black Americans, Hispanic Americans, Native Americans, Asian-Americans, and members of other groups designated from time to time by the SBA."

In determining whether economic disadvantage exists, the SBA considers an applicant's personal financial condition, business financial condition, and access to credit and capital. There is a presumption of economic disadvantage if the applicant has a personal net worth of \$750,000 or less. Individuals with a net worth of more than \$750,000 may also be considered economically disadvantaged in certain cases.

The average personal net worth of all current 8(a) participants is approximately \$160,000, according to the staff of the House Small Business Committee. In contrast, 1984 Census Bureau figures show that the mean household net worth is \$78,000 for the average American family, \$20,000 for black Americans, and \$36,000 for Hispanic-Americans.

Proponents of a high income threshold argue that considerable wealth is needed to start a business. However, according to a 1988 study by the National Federation of Independent Businesses, 75% of all small-business start-ups are financed with \$50,000 or less, with most financing coming from personal funds and from family and friends. According to the study: "In one of three in-

stances, the total physical capital investment, prior to the first sale, is less than \$10,000."

Congress last year reformed the 8(a) program in the wake of the Wedtech scandal. At the same time it strongly suggested that the \$750,000 income threshold was inappropriate. Accordingly, the SBA reviewed its criteria and, as of Oct. 1 will lower the threshold to \$250,000. This new threshold, however, will not include—as it does now—the value of the two most important assets held by applicants: primary residence and equity in business. Commerce Department figures indicate that the value of the primary residence of the average American constitutes 41% of personal net worth while the value of business equity on average makes up 10% of personal net worth.

Under the SBA's current procedure, if a minority contractor's personal net worth exceeds the \$750,000 threshold, he is no longer considered economically disadvantaged and thus thrown out of the program. However, at the insistence of program advocates in Congress, the new threshold will be applied only to applicants. Once admitted, an economically disadvantaged contractor cannot be terminated for exceeding the personal net worth threshold. He can get as rich as he wants.

Once in the 8(a) program, in addition to receiving sole-source contracts, these "economically disadvantaged" firms are also entitled to special taxpayer-subsidized loans up to \$750,000, five exemptions from the Miller Act regarding payment and performance bonds on government projects, taxpayer-financed reimbursements for the training of employees, the free transfer of technology and surplus property owned by the taxpayers, plus unlimited management training, technical assistance and joint-venture assistance.

In the 1207 program, eligible firms are entitled to a 10-point bid preference, which means their bids can be up to 10% higher than the lowest responsible bid and still be awarded the contract. This additional cost, of course, is picked up by the taxpayers.

There is a disturbing trend taking place within the Defense Department whereby participation by minority-owned small businesses is increasing while that of non-minority-owned small businesses is falling. In *Richmond v. Croson*, the Supreme Court made a decision that some minority contracting programs were nothing more than a spoils system. It is becoming increasingly apparent that the arbitrary 5% Defense Department participation goal is being accomplished at the expense of non-minority firms that compete for contracts without special assistance.

During a House Armed Services subcommittee hearing last year, Defense Department officials testified that they were unable to find enough qualified minority firms to meet the 5% goal. Yet most subcommittee members had no sympathy and continued to insist that this arbitrary goal be met. Additionally, some members of the House Small Business Committee tried unsuccessfully last year to accommodate minority-owned businesses too large for the program by raising the size standards for 1207 firms to 125% of the current limit.

In general, there has been a pattern in the 8(a) program whereby the top 50 participants account for more than one-third of the contract awards. This is a result of the non-competitive nature of the program, which allows an old-boy network to flourish. Many 8(a) firms also participate in the 1207

program, where they are continuing this trend. Indeed, it is not unusual to have firms in the 8(a) program that have received more than \$100 million in awards and still qualify as disadvantaged.

CERTAIN REFORMS NEEDED

If the federal government chooses to run special set-aside programs for the disadvantaged, certain reforms should be implemented to make them equitable. First, the programs should be targeted to help people who are truly socially and economically disadvantaged according to national standards. In addition, these programs should be enacted without damage to non-minority-owned small businesses and without hidden costs to the federal budget.

It is an injustice that the average American's personal net worth is about one-tenth of that required of minorities to qualify as economically disadvantaged. To give these wealthy individuals additional subsidies and preferences merely compounds the inequities in federal contracting programs, creates resentment and could jeopardize legitimate affirmative actions.

Mr. MAVROULES. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi [Mr. ESPY].

Mr. ESPY. Mr. Chairman, I rise in support of the Mavroules amendment. I think the section 1207 program should be extended until 1993.

Mr. Chairman, I rise to support extending for 3 more years, through fiscal year 1993, the goal of the Department of Defense to award at least 5 percent of its contracts to small and disadvantaged businesses.

I commend the gentleman from Massachusetts for offering the amendment to H.R. 2461 to extend the 1207 program, which reaches out to help small disadvantaged businesses.

There is no reason why we should end this program, which began 3 years ago. We have not reached our 5 percent goal and more time is needed to make sure small disadvantaged businesses are given a fair chance to be awarded at least 5 percent of the Department of Defense contracts. All we are asking is 5 percent of the contracts for these small disadvantaged businesses that have been forever discriminated against.

In the first 6 months of fiscal year 1989, I was pleased to learn that \$1.6 billion in contracts were awarded to small disadvantaged small businesses. That \$1.6 billion represents 4.2 percent of the contracts awarded. The 5 percent goal, not yet achieved, is coming closer to reality. In all of fiscal year 1988, 3.1 percent, or \$1.7 billion, of the contracts and subcontracts awarded went to the disadvantaged small businesses. We are progressing and we need this amendment to ensure that progress is not halted.

Mr. Chairman, I urge all my colleagues to be thoughtful on this matter and to remember that this country can become a caring nation with enactment of amendments like this proposed by Mr. MAVROULES.

Mr. MAVROULES. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Chairman, I rise to speak in support of the Mavroules amendment to extend through 1993 the 5 percent goal for contract awards

to small disadvantaged businesses from section 1207 of the National Defense Authorization Act for fiscal year 1987.

The primary purpose of section 1207 was to redirect the so-called 8(a) Program toward business development and to protect the integrity of small businesses by improving the safeguards against fraud, waste, and abuse.

No more Wedtechs. No more political cronyism.

Mr. Chairman, I insert at this point in the RECORD an article by Jack Anderson from the Washington Post.

[From the Washington Post, July 27, 1989]

SENATOR WILSON'S HELPING HAND

(By Jack Anderson and Dale Van Atta)

Sen. Pete Wilson (R-Calif.) has undergone a wondrous conversion on the campaign road to the governor's mansion in Sacramento. In 1987, Wilson decided that the federal Minority Business Development Agency (MBDA) was a trough for political payoffs. He even asked the General Accounting Office (GAO) to investigate political meddling.

The GAO should start with Wilson. In his eagerness to win votes in the California gubernatorial race, he has helped arrange for his political supporters to feed at the same trough he once condemned.

The MBDA was created under the Commerce Department with the goal of helping minority-owned businesses—but it soon fell under political control. It is ripe for picking by politicians who want to curry favor with minority voters.

As we reported in 1987, grants and contracts were given to firms with close ties to George Bush's nascent presidential campaign. We have since reported that the MBDA spends more money running itself than helping minority businesses.

Wilson had been a vocal critic of the MBDA. But more recently, our associate Stewart Harris found, Wilson interfered in an MBDA contract to help a supporter of his gubernatorial campaign. In a second case, he rescued an MBDA contractor with a checkered performance record. Both times, Wilson says, he was simply performing a "constituent service."

Wilson went to bat for San Diego State University Foundation, which stood to lose its \$1 million contract to run an MBDA center in Los Angeles. The foundation has featured him at its minority business seminars and named him "Advocate of the Year"—not a bad plug for a candidate who needs minority votes.

Wilson isn't ungrateful. He sent a letter of recommendation for it to then-Commerce Secretary William Verity and followed it up with a phone call to MBDA Director Kenneth Bolton. Bolton says Wilson did not pressure him. Maybe not, but Wilson's aide appealed to one of Bolton's underlings, informed sources said.

The aide called Xavier Mena, director of the regional MBDA office in San Francisco, and urged him to let the foundation keep the contract. The aide now denies that. Mena had already decided against the foundation and had sent that recommendation to MBDA headquarters in Washington. It was mysteriously tabled and the foundation won a six-month extension while the MBDA ponders its next move.

In another case, Wilson wrote to the MBDA last year on behalf of SER Jobs for Progress, another California firm that was about to lose its contract to run the MBDA center in Riverside. The company had a critical evaluation and the inspector general for the Commerce Department admits the company had failed to meet its goals during the first two years of its contract. The MBDA is supposed to dump contractors that don't meet their performance goals, but the company recently won a six-month extension.

The next time Wilson asks the GAO to investigate something, it should take him seriously. He knows what he is talking about.

Furthermore, Mr. Chairman, this bill is designed to force Federal agencies to monitor defense prime contractors in complying with the subcontracting provisions of section 1207.

Mr. Chairman, we are just at the beginning of realizing the greatest contribution that small businesses are making to building a strong economy.

The Defense Department has to date barely reached 2.9 percent of their 5-percent goal.

The infusion of capital into depressed areas and the expansion of the industrial base in the defense industry are all strong and long lasting measures. I urge your favorable consideration for this amendment.

Mr. MAVROULES. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, I rise in support of the Mavroules amendment.

Mr. Chairman, I rise in strong support of the amendment introduced by my colleague from Massachusetts, Mr. MAVROULES and I commend the distinguished gentleman for his longstanding leadership on this issue.

The set-aside program established by section 1207 of the 1987 DOD Authorization Act is designed to award 5 percent of Defense Department contracts to small disadvantaged businesses [SDB's]. It is crucial that minority owned businesses are given an opportunity to participate in the procurement process.

As a member of the Department of Defense Appropriations Committee, I have seen first hand the contracting procedures of the Defense Department and I can tell you that without this program, not one dime of the \$300 billion defense budget would go to minority owned businesses. Not one dime of the single largest chunk of the Federal budget.

This is not a social program. It is an opportunity for the minority business community to contribute their initiative and talents to the process. It results in real work, real jobs at real family wage incomes for minority families. In short, this program provides an opportunity for economic advancement.

I take offense at those who say that a mere 5 percent in set-aside is in some way unfair to nonminority businesses. By definition, 5 percent means 95 percent for everyone else. There are those on this floor who would accept nothing less than 100 percent for nonminorities as the only thing that's "fair." That is preposterous and mean spirited.

When you consider the disproportionate number of minorities serving in the Armed Forces—putting their lives on the line in combat duty—the least we can do is assure that 5 percent of Department of Defense contracting awarded on a competitive bases goes to minority small businesses.

This program is fair. It is responsible. It is undertaken in the finest American spirit. And it must be extended.

Once again I'd like to commend my colleague, Mr. MAVROULES, for his longstanding leadership and hard work on this issue and I thank him for that. I urge my colleagues to support the Mavroules amendment.

Mr. MAVROULES. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Mr. Chairman, I rise in support of the Mavroules amendment.

Mr. MAVROULES. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I thank my distinguished colleague for yielding me this time.

Mr. Chairman, in this brief 1 minute, I would like to respond to a few arguments that my colleagues have made.

First, this 1207 program is not the 8(a) set-aside program. I think we ought to be very clear about the distinction in that regard.

Second, I would like to point out to my colleagues that there has not been one single scandal in the 1207 program. The Wedtech situation, interestingly enough, was a corporation that was given great praise by the Reagan administration, brought into the Reagan White House. It had nothing to do with 1207.

Third, they say this is a 7-year program that started out as a 3-year program. It started out as a 3-year program, and the reason why we are asking it to be extended is that the 5-percent goal has never been met. We started out with a greater percentage of minority participation than we have at this very moment. Those are the facts.

Finally, I would remind my colleagues that when the President of the United States, Mr. Bush, met with the Congressional Black Caucus, he said, "I support and will support the 1207 program."

So I ask my colleagues on the other side of the aisle to support their President, support the Mavroules amendment.

Mr. IRELAND. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Chairman, I rise as a proponent of the 1207 program from the House floor here. I am proud to stand here as one who has supported the 1207 program, and I congratulate President Bush for coming out in support of the 1207 program, but I am an opponent of the

amendment being offered by my friend, the gentleman from Massachusetts [Mr. MAVROULES].

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Let me tell the Members why for starters. When this rule was under consideration, and my friend from California [Mr. DELLUMS] knows very well that we were together in the Committee on Rules, and he had a very interesting floor exchange with our friend, the gentleman from Michigan [Mr. BONIOR], on the rule on Monday. One of the things that concerned me about this rule was that I had six amendments, and my friend, the gentleman from Florida [Mr. IRELAND] had two amendments which were designed to streamline and improve the Mavroules amendment.

Do the Members know how many of those amendments I get to offer here under this bill? Not one. Not one. I made that point during the debate on the rule, and I am not here to debate the rule, but I am here to say that while we deal with a program which has not had one single hearing, not one single study to look into its effectiveness, I think that we cannot seriously consider extending it.

It is interesting, as I look around here, the author of the amendment, my very good friend, the gentleman from Massachusetts, a member of the Committee on Small Business, and the lead opponent here, the gentleman from Florida, is a member of the Committee on Small Business, I am a member of the Committee on Small Business, and the gentleman from California [Mr. TORRES] is a member of the Committee on Small Business.

Mr. Chairman, does anyone have any idea how many hearings our Committee on Small Business has had in looking into a very important issue which relates to this extension? Not one. Not one. So that is why, while I am a proponent of doing everything that we can to help the disadvantaged and minorities in this country, I do believe that we should have some hearings. We should have some studies. We should look at some ways in which we could improve this.

Just as one example, which I think is very important for us to consider, is the fact that a non-minority-owned business which has 100 percent of its employees in minority groups cannot in any way be considered to benefit from this program.

Mr. Chairman, I have a letter here which was sent to John Schaufelberger, contracting officer of the Corps of Engineers, Fort Worth, TX, dealing with this particular program. It is from a guy named Roy McGinnis. In this letter, Mr. Chairman, in talking about his plight in dealing with the 1207 program, he says the following:

What your office is doing is putting this firm out of business by denying it the right to compete for this government work and you are doing so based solely on the racial heritage and background of the firms owner. For the last sixteen years, Roy McGinnis & Co., Inc. has bid for and, when successful, contracted to build exclusively for the government. We are situated in Bexar County, Texas. We have complied with the Davis/Bacon Act, EEO, and all other provisions of all of these contracts. More than half of our employees meet the definition of racially disadvantaged people because they have Hispanic surnames.

Yet they cannot be incorporated in this.

Mr. Chairman, here's the entire letter and findings on the 1207 program from the President's 1988 State of Small Business Report to Congress:

ROY MCGINNIS & CO., INC.,
San Antonio, TX, April 3, 1989.

Subject: Small Disadvantaged Set Asides of Contracts bidding in Bexar County, TX.
Col. JOHN E. SCHAUFELBERGER,
Contracting Officer, Fort Worth District,
Corps of Engineers, Fort Worth, TX.

DEAR COLONEL SCHAUFELBERGER: On February 22, 1989 at Fort Sam Houston I discussed with you the proliferation of mid-size contracts which were being set aside 100 percent for Small Disadvantaged Contractors by your office in Bexar County. You indicated that you had little or no control of this situation.

Here are some facts according to our records:

1. DACA63-88-3-0234—Addition to Hazardous Material Storage Facility, Kelly AFB—Bid 25-Oct-88, Size \$1 to \$5 million.
2. DACA63-89-B-0012—Student Officer Housing, Randolph AFB—Bid 30-Nov-88, Size \$1 to \$5 million.
3. DACA63-89-B-0062—Vehicle Maintenance Shop, Brooks, AFB—Bid 22-Feb-89, Size \$1 to \$5 million.
4. DACA63-89-B-0074—Composite Maintenance Shop—Kelly AFB—Bid 16-Feb-89, Size \$1 to \$5 million.
5. DACA63-89-B-0148—Back-Up Power Plant, Lackland AFB—Bid 19-May-89, Size \$1 to \$5 million.
6. DACA63-89-B-0143—Outdoor Wash-rack, Kelly AFB—Bid 11-May-89, Size \$1 to \$5 million.

These six contracts cover an 8-month bidding period—October 1988 thru May 1989. There was only one other contract in this price range (\$1 to \$5 million) put out for bid by your office in Bexar County, Texas during this time frame. All but that one have been 100% Set Aside for Small Disadvantaged Business. This is the size range and the area of Texas that this firm has been in for the last ten years.

What your office is doing is putting this firm out of business by denying it the right to compete for this government work and you are doing so based solely on the racial heritage and background of the firms owner. For the last sixteen years, Roy McGinnis & Co., Inc. has bid for and, when successful, contracted to build exclusively for the government. We are situated in Bexar County, Texas. We have complied with the Davis/Bacon Act, EEO, and all other provisions of all of these contracts. More than half of our employees meet the definition of racially disadvantaged people because they have Hispanic surnames.

By your action of reserving over 80% of these contracts for Small Disadvantaged

Business Set Aside, the very jobs in the category from which we formerly made our living, you have effectively removed the opportunity for our company to bid and compete in an open market. Setting aside 80% of the contracts available, based solely on the race of the owner, must surely be a violation of my constitutional rights as a citizen of this country, a veteran of World War II and Korea, and a tax payer. Your action also penalizes all of my employees, both Caucasian and Hispanic, for working for a company owned by a Caucasian as opposed to working for a company owned by a person of a heritage other than Caucasian.

If this trend continues another three or four months, this firm will be entirely out of work. We will have been forced to lay off all of our employees, many of whom have been steadily employed for over ten years by this firm, and we will be out of business.

I vigorously oppose this blanket set aside of jobs in a given price range and area as being outside the intent of any law. On the contrary, I believe that what is happening is maladministration and believe that it is in your power to more equitably administer the provisions of the Set Aside requirements of existing law.

Very truly yours,

ROY E. MCGINNIS,
President.

Section 1207 of P.L. 99-661 established a goal of awarding 5 percent of all Department of Defense procurement dollars in FY 1987-1989 to small firms owned and controlled by socially and economically disadvantaged individuals, historically black colleges and universities, or other minority institutions. As a first step toward meeting this goal, DOD published an interim rule, effective June 1, 1987, establishing a set-aside program for "small disadvantaged business" (SDB) concerns. This rule directs contracting officers to set aside a particular acquisition for exclusive SDB participation where there is a reasonable expectation that two or more capable SDBs will offer the needed goods or services at a price no more than 10 percent over the "fair market price." Fair market price is defined as a "price based on reasonable costs under normal competitive conditions and not on lowest possible costs." DOD also published a notice of intent to develop a procedure for sole-source awards to SDB firms in certain circumstances, and to establish a 10-percent price evaluation preference for SDB firms on procurements which are not set aside for exclusive SDB participation.

From FY 1981 to FY 1986, defense prime contract awards to all small businesses remained relatively steady at approximately 19 to 20 percent of total procurement dollars, and awards to SDBs were slightly over 2 percent. In FY 1986, SDB concerns were awarded approximately \$3,122.2 million in prime contract dollars, or about 2.3 percent of the total. Among the defense agencies, the Army and the Defense Logistics Agency are closest to meeting the 5 percent goal, while the Navy and Air Force lag far behind.

Achieving the goal of Section 1207 will require more than doubling the historic SDB share (which includes Section 8(a) awards), an increase of over \$3 billion annually in overall SDB awards. In a number of product and service categories, the SDB share of DOD contract dollars presently exceeds two percent. The categories with the largest SDB percentages of awards over \$25,000 are: railway equipment (48 percent); housekeep-

ing services (36 percent); administrative services (29 percent); service equipment (29 percent); nursing services (29 percent); service and trade equipment (29 percent); materials handling equipment (20 percent); ship and marine equipment (15 percent); specialized medical services (12 percent); automated data processing services (11 percent); plumbing, heating and sanitation equipment (10.8 percent); clothing and uniforms (9.8 percent); books and publishing (8.5 percent); building maintenance and repair (8.2 percent); special industrial machinery and repair (7.6 percent) and weapons (6.5 percent). Not surprisingly, these same categories are among those with the highest levels of overall small business and women-owned business participation. Thus, any significant increase in the share of SDB awards in these and a number of other categories is likely to decrease the nonminority small business share.

Congress recognized this potential impact by requiring, in Section 806(b)(7) of the National Defense Authorization Act for Fiscal Years 1988-1989 (P.L. 100-180), that policies and procedures be established to ensure that current levels of small business set-asides and Section 8(a) awards are maintained and every effort is made to provide new opportunities for SDB firms. The intent is to require DOD to emphasize efforts in categories where SDB participation has been low historically, but where untapped SDB potential may exist. This provision is also designed to lessen any institutional tendency to concentrate new SDB procurements in categories where both SDB and other small businesses already compete and where significantly increased SDB procurement would come at the expense of other small businesses.

Mr. Chairman, I believe that we need to do everything that we can to benefit those who are disadvantaged. We should not be doing it at the expense of everyone else, but I do believe that we should be doing what we can to help the disadvantaged and, as such, let us hold some Small Business Committee hearings. Let us figure out how we can improve this very important legislation.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. DREIER of California. Mr. Chairman, I am happy to yield to my friend, the gentleman from California.

Mr. DELLUMS. Mr. Chairman, with all due respect to my distinguished colleague, I certainly never like to personalize the struggle here, but I think we ought to stay on a level of policy and issues.

I have listened very carefully, and that frankly is double speak. If we are going to help minority people, we step up to the plate and assume the responsibility, but we cannot out of one side of our mouth say, "I am dealing with the problems of minority folks," given the racism and discrimination that has been the historic reality in this country and say, "We cannot do it at the expense of someone else." We have to stand there and stand up for freedom and equality in this country. The gentleman knows doggone well that minorities have had great difficulty in

trying to participate in the largesse of the billions of dollars that are spent at the Pentagon. Women and minorities should not have to suffer that.

Mr. DREIER of California. Reclaiming my time, I think it is very important for us to address those questions. I hope very much that we will be able to do it at a set of hearings and studies. My hope is that the product will be such that everyone and I mean everyone will be able to compete fairly.

Mr. MAVROULES. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I do this so that I may set the record straight once and for all. As to the statements of the gentleman from California [Mr. DREIER], he talks about having hearings. As to the Committee on Armed Services, and then I will get to the Committee on Small Business, in 1988, and I want the gentleman to listen to this very carefully, because we had hearings in Chicago, in Memphis, in Montgomery, in Lawton, OK, Houston, Hawthorne, CA, Morristown, NJ, and Oakland, CA. Every single member of the Committee on Armed Services was notified to attend those hearings, and only I, I was the only attendant, except for those who were interested. Every single member of the Committee on Small Business was notified, and they did not show up. I could not get one member to any hearing throughout the country.

Let me set the record straight. If there is something wrong with 1207, we do not eliminate the program. Let us talk it out and see if we can improve the program.

Mr. DREIER of California. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I am happy to yield to the gentleman from California.

Mr. DREIER of California. Mr. Chairman, I do not want to see us eliminate the program. I want to see us improve the program.

Mr. MAVROULES. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, I rise in support of the Mavroules amendment, and hope that all Members of Congress would want to be thoughtful on this subject and will give it their full support. It is a good program. It is a goal, and it is a hard goal to achieve, but I think we will achieve it.

This amendment is designed to help minority business opportunities in this country. It sets a reasonable goal and I believe we can make or exceed the goal. Just because it has been difficult to open these business opportunities is no reason to abandon the effort. We are making progress. Let us keep up the effort.

Mr. MAVROULES. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Chairman, the task force on minority set-asides in our Congress issued a report that declared that if the DOD were to meet its 5-percent goals for minority contracting, it would mean nearly \$8 billion annually for the minority business community. The report went on to conclude that, unfortunately, the Department is far from attaining that goal.

Mr. Chairman, I believe we need the extension provided for in the Mavroules amendment to continue to prod the DOD to implement the program more fully. Thanks to the efforts of the gentleman from Massachusetts, great progress has been made in getting the Defense Department to move more aggressively to pursue minority contracting.

We should not stop this program prematurely when we are on the verge of making real progress. A recent resolution from the aerospace industry, for example, stated that the commitment of the aerospace community to aggressively seek out minority and small, disadvantaged businesses would be emphasized.

Mr. Chairman, I urge my colleagues to strongly support the Mavroules amendment.

Mr. MAVROULES. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Chairman, as a member of the Small Business Committee, I rise in strong support for the Mavroules amendment which will extend the 5 percent contracting goal contained in section 1207 of Public Law 99-661, as amended, for 3 additional fiscal years. This program, enacted in 1986, was designed to open America's free enterprise system to disadvantaged businesses. Businesses that did not have access to the defense marketplace.

While this program was initiated over 2 years ago, the Department of Defense [DOD] has been unable to attain the objectives set forth in the law. Small disadvantaged businesses continue to be isolated from many of the high value categories of DOD procurement, and the limited success attained in selective areas of procurement is evidence that small minority firms do not have access.

Although still far short of its potential, the program has contributed to the viability of small disadvantaged businesses. Without the continued operation of the program, small disadvantaged businesses would have no avenue from which to participate at any level in the lucrative defense marketplace.

This program is further an important tool in efforts to achieve some sort of economic parity for minority business enterprise. On many fronts, other programs designed to work toward the same goal of economic parity have been dismantled or sus-

pending and the window of opportunity for minority business enterprise is rapidly closing. What we are going today, in extending the 5-percent contracting goal program exemplifies that there is still, in fact, support for minority business enterprise and that there are those that would want this segment of our business community to succeed. In supporting the Mavroules amendment, we support the goal of economic parity for minorities.

Mr. MAVROULES. Mr. Chairman, for clarification, although I am the proponent of the amendment, would I have the right to close debate on this issue? There is no committee position.

The CHAIRMAN pro tempore. (Mr. DURBIN). The Chair would inquire as to the committee position. It was the Chair's understanding that the gentleman from Florida represented the committee position.

Mr. MAVROULES. No. Absolutely not. That is not the committee position.

Mr. IRELAND. Mr. Chairman, I have no objection to the gentleman from Massachusetts closing if he so desires.

Mr. MAVROULES. How much time do we have, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Massachusetts [Mr. MAVROULES] has 3 minutes remaining, and the gentleman from Florida [Mr. IRELAND] has 1 minute remaining.

Mr. MAVROULES. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, I rise in support of the Mavroules amendment. Make no mistake about it, these small minority contractors would not have construction jobs without this kind of language.

I urge my colleagues to approve this amendment.

Mr. MAVROULES. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. SAVAGE].

□ 1500

Mr. SAVAGE. Mr. Chairman, I would only add to this debate that at least let us vote intelligently on the basis of the facts, and there have been misstatements here. Hearings have been held. I have attended some. Those who did not attend may not have exhibited the interest to do so. We have met with the President.

There have been accusations against the 8A program, and this is not the 8A program. They have talked about the Small Business Committee not holding hearings. This is not a small business program.

So we must at least recognize that here we have a program that is just beginning to work. We have met with the CEO's of the large defense contractors, and the Secretary of Defense,

and we all agree that it is beginning to work, but it needs a little more time for it to reach its goal.

Finally, let me just point out this is a very dangerous argument, that somehow there is a conflict between small businesses and small disadvantaged businesses. If you say the small disadvantaged business comes out of the small business and, therefore, should be denied, you are missing the point. There is 95 percent of all of the defense contracts available to satisfy the just needs of small businesses. But to deny minority-owned businesses any kind of contract is like saying on the one hand you want to stop dope, but you do not want to create any hope. Give everybody a chance to take a part in America. It will make America stronger.

Mr. MAVROULES. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I rise in support of the amendment offered by our fine colleague, the gentleman from Massachusetts [Mr. MAVROULES].

It is important that all parts of our society participate in the American dream. It is the responsibility of our Government to help our fellow citizens attain that goal.

This House has a longstanding policy to help disadvantaged members of our society start on the road to the American dream. One method we use is to help individuals enter the procurement process.

The SDB set-aside is an important program that must be continued.

I urge my colleagues to join me in supporting the amendment offered by the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Chairman, I yield such time as he may consume to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I rise in support of the amendment.

Mr. MAVROULES. Mr. Chairman, I yield 30 seconds to the gentlewoman from Colorado [Mr. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I just want to say that it is a good thing that Northrop was not a minority contractor or this place would be going nuts.

Everybody pays equal taxes. We have been drafting people equally. We do not even throw them in the front lines equally, but if we want to look at it, all we are saying is give everyone in America a chance.

Women are not included in this, yet they are moving into small businesses at a rapid pace, and they get less than 1 percent of Government contracts.

If anybody really believes government contracts are done on a competitive basis, they believe in the tooth fairy.

I support the Mavroules amendment.

Mr. IRELAND. Mr. Chairman, I yield myself my final minute to close

by saying the record is true, no small business hearings have been held on this matter.

I would also address the figures that have been manipulated here from time to time. Of the 40 percent of the Defense Department contracts that were offered to small business, that is the universe that was available to all small business, small and disadvantaged firms got 7 percent of that total. Of the ones that were offered and awarded to small business, small disadvantaged firms got 14.4 percent.

The gentleman from California [Mr. DREIER] made an important point. This section 1207 could be put in better order, but we were denied the opportunity to address the improvements that could be made to it, so in its present form it should be stopped before the program ends up in the world of Wedtech.

Mr. MAVROULES. Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I rise in strong support of the Mavroules amendment and would like to take just a moment to commend the gentleman from Massachusetts who took this issue on a few years ago with a lot of conflicting claims, and an awful lot of screaming and shouting here on the floor when the original legislation was passed. He led the way to devising what I think is a workable formula in order to increase the amount of small disadvantaged businesses doing work with the Pentagon.

We have a program that I think is on the way. It is a long way before we get anything that is workable yet, but he is on the right track and we need an extension.

Congratulations to the gentleman from Massachusetts. Let us support his amendment.

Mr. MAVROULES. Mr. Chairman, I yield myself my remaining time.

Mr. Chairman, my amendment would extend the section 1207 5-percent goal an additional 3 years, through fiscal year 1993.

Armed Services Committee work on this issue began with the adoption in the fiscal year 1987 DOD Authorization Act (Public Law 99-661) of the 5-percent goal for awards of contracts to small and disadvantaged businesses [SDB's] by the Department of Defense. The committee joined with the Black and Hispanic Caucuses to push for appropriate implementation of the program and intervened with then Deputy Secretary of Defense Taft to have the DOD regulations amended. It was not an easy process.

I and several other Members met with Secretary Taft on numerous occasions in an effort to resolve issues surrounding the Department's implementation of section 1207. In 1987 those efforts culminated in the adoption of a new provision in the DOD

Authorization Act mandating the issuance of regulations which among other things would: First, provide guidance to contracting officers for making advance payments; second, establish goals for DOD prime contractor subcontract awards; third, provide incentives for primes to increase subcontract awards to SDB's; and fourth, establish policies and procedures to ensure that current levels of contracts awarded under the 8(a) and small business set-aside programs did not diminish as a result of section 1207.

At the same time, we were holding hearings both in Washington and around the country. In 1988 we held eight hearings in Chicago, Memphis, Montgomery, Lawton, OK, Houston, Hawthorne, CA, Morristown, NJ, and Oakland, CA.

Then in September 1988, again with the support and assistance of the Hispanic and Black Caucuses, we began a series of roundtable meetings with industry and the Under Secretary of Defense for Acquisition. At the January 31, 1989, roundtable meeting, the Aerospace Industries Association [AIA], on behalf of the industry working group, presented a resolution of the AIA board of governors. That resolution indicates the commitment of AIA member companies to share their SDB sources, set internal goals for SDB awards, review their present buying practices, designate a senior management focal point, pursue teaming agreements with SDB's, and pursue programs with HBCU's and MI's.

As a followup effort approximately 35 staff of interested Members of Congress went on a trip to Wright-Patterson AFB, Oklahoma Air Logistics Center, and General Dynamics, Fort Worth, to examine the efforts of both industry and DOD to increase awards to SDB's.

The latest roundtable meeting with industry CEO's was held on May 17, 1989, and attended by Don White, president of Hughes, "K" Hurt, president of Martin Marietta, Sam Icobellis, president of Rockwell International, Jim Dever, vice-president, TRW, and Don Fuqua, president, Aerospace Industries Association. AIA subsequently announced that data base collection contract they agreed to sponsor was awarded to Conwal, Inc., an SDB. Approximately 4 weeks ago, the contract to survey the programs of member companies and develop a report on the most effective aspects of their programs so that other companies could develop a more effective SDB program was awarded.

As you all know, it is one thing to pass a law. It is another to work with the agencies who implement the law, and to work with the major prime contractors, who are perhaps the best source of contracts for SDB's, on an

ongoing basis. It takes time, it isn't easy, but we have not given up. The bottom line is that this program is still in its infancy—it is just gaining the momentum needed to begin bringing SDB's into the DOD marketplace.

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Wisconsin.

Mr. ROTH. Mr. Chairman, I strongly support this amendment. At a time when we are sending billions of dollars overseas to take care of other industries, it is about time we take care of our own people and our own people's problems.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague, Mr. MAVROULES, that would extend the section 1207 Small Disadvantaged Business Contracting Program within the Department of Defense for 3 additional years. This extension is necessary because in the first 3 years of the section 1207 program, DOD has not done enough to ensure that small disadvantaged businesses receive a representative share of the contract awards for goods and services for defense programs.

Mr. Chairman, the latest figures on DOD's performance show that out of a total of \$133 billion in contract awards for fiscal year 1988, small disadvantaged business received a paltry 2.5 percent of the dollar value of DOD contract awards. This represents one-half of the goal of 5 percent that the Congress established for the 1207 program 3 years ago. The DOD's performance has shown less than 1 percent improvement per year during the period the program has been in place. Notwithstanding the pledge made by former Deputy Secretary Taft, the DOD has yet to fully implement this program throughout its installations.

The amendment will provide additional time for DOD to implement the 1207 program. This program is important to our continuing effort to assure that small disadvantaged businesses become full players in the Federal procurement arena and is vital to the DOD role in preserving the defense industrial base of the United States. I, therefore, urge my colleagues to support the amendment offered by Mr. MAVROULES.

Mr. LELAND. Mr. Chairman, small businesses account for 51 percent of employment; 40 percent of our gross national product; and about 70 percent of all new jobs. Unfortunately, this Nation's most disadvantaged businesses continue to be underrepresented in these figures. Mr. MAVROULES' amendment which extends the 5-percent contracting goal to fiscal year 1993 will demonstrate our commitment to small and disadvantaged businesses.

Historically, small and disadvantaged companies have not had access to prime Government contracts or assistance. Access is the name of the game. Access to contracting or subcontracting opportunities, technical and managerial assistance, or information is essential for such companies. The intent of this program is not to create a strata of companies forever dependent on Government assistance; rather, it intends to give these companies that initial boost to take on lucrative contracts and

thereby gain the valuable experience needed to compete and eventually succeed.

As one of the world's largest procurement agencies, access to DOD's business is a boost to any disadvantaged company attempting to obtain experience with large contractors. This procurement program will not cure the ills facing disadvantaged businesses. Yet it has the potential to increase employment and participation for our minority communities. I urge my colleagues to adopt the Mavroules amendment and support this segment of our business community.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Massachusetts [Mr. MAVROULES].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. IRELAND. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 324, noes 100, not voting 7, as follows:

[Roll No. 180]

AYES—324

Ackerman	Coyne	Green
Akaka	Crane	Guarini
Alexander	Crockett	Gunderson
Anderson	Darden	Hall (OH)
Andrews	Davis	Hamilton
Annunzio	de la Garza	Hansen
Anthony	DeFazio	Harris
Applegate	Dellums	Hatcher
Aspin	Derrick	Hawkins
Atkins	DeWine	Hayes (IL)
AuCoin	Dickinson	Hayes (LA)
Bartlett	Dicks	Hefner
Barton	Dingell	Henry
Bates	Dixon	Hertel
Beilenson	Donnelly	Hoagland
Bennett	Dorgan (ND)	Hochbrueckner
Bentley	Dornan (CA)	Hopkins
Bereuter	Douglas	Horton
Berman	Downey	Houghton
Bevill	Duncan	Hoyer
Bilbray	Durbin	Hubbard
Bilirakis	Dwyer	Huckaby
Bliley	Dymally	Hughes
Boehliert	Dyson	Hutto
Boggs	Early	Jacobs
Bonior	Eckart	James
Borski	Edwards (CA)	Jenkins
Bosco	Emerson	Johnson (CT)
Boucher	Engel	Johnson (SD)
Boxer	English	Johnston
Brennan	Erdreich	Jones (GA)
Brooks	Espy	Jones (NC)
Browder	Evans	Jontz
Brown (CA)	Fascell	Kanjorski
Brown (CO)	Fazio	Kaptur
Bruce	Feighan	Kasich
Bryant	Fish	Kastenmeier
Buechner	Flake	Kennedy
Bustamante	Filippo	Kennelly
Byron	Foglietta	Kildee
Campbell (CO)	Ford (MI)	Kleczka
Cardin	Ford (TN)	Kolter
Carper	Frank	Kostmayer
Carr	Frenzel	LaFalce
Chandler	Frost	Lancaster
Chapman	Garcia	Lantos
Clarke	Gaydos	Laughlin
Clay	Gejdenson	Leach (IA)
Clement	Gephardt	Lehman (CA)
Coleman (MO)	Gibbons	Lehman (FL)
Coleman (TX)	Gilman	Lent
Conyers	Glickman	Levin (MI)
Cooper	Gonzalez	Levine (CA)
Costello	Gordon	Lewis (GA)
Coughlin	Grant	Lloyd
Courter	Gray	Long

Lowey (NY)	Payne (NJ)	Smith (IA)
Luken, Thomas	Payne (VA)	Smith (NJ)
Lukens, Donald	Pease	Smith (VT)
Machtley	Pelosi	Smith, Robert
Manton	Penny	(OR)
Markey	Perkins	Snowe
Martin (IL)	Pickett	Solarz
Martin (NY)	Pickle	Solomon
Martinez	Porter	Spence
Matsui	Poshard	Spratt
Mavroules	Price	Staggers
Mazzoli	Pursell	Stallings
McCandless	Rahall	Stark
McCloskey	Rangel	Studds
McCrery	Ravenel	Sundquist
McDermott	Ray	Swift
McHugh	Regula	Synar
McMillan (NC)	Richardson	Tallon
McMillen (MD)	Ridge	Tanner
McNulty	Rinaldo	Tauke
McFume	Robinson	Thomas (GA)
Michel	Roe	Torres
Miller (CA)	Rose	Torricelli
Mineta	Rostenkowski	Towns
Moakley	Roth	Traffant
Molinari	Rowland (CT)	Traxler
Mollohan	Rowland (GA)	Udall
Moody	Roybal	Unsoeld
Morella	Russo	Upton
Morrison (CT)	Sabo	Valentine
Morrison (WA)	Saiki	Vander Jagt
Mrazek	Sangmeister	Vento
Murphy	Savage	Visclosky
Murtha	Sawyer	Volkmeyer
Nagle	Saxton	Walgren
Natcher	Scheuer	Walsh
Neal (MA)	Schiff	Watkins
Neal (NC)	Schneider	Waxman
Nelson	Schroeder	Weiss
Nowak	Schuette	Weldon
Oakar	Schulze	Wheat
Oberstar	Schumer	Whitten
Obey	Sharp	Williams
Olin	Shays	Wilson
Ortiz	Sikorski	Wise
Owens (NY)	Sisisky	Wolf
Owens (UT)	Skaags	Wolpe
Pallone	Skeen	Wyden
Panetta	Skelton	Yates
Parker	Slattery	Yatron
Parris	Slaughter (NY)	Young (AK)
Pashayan	Slaughter (VA)	
Patterson	Smith (FL)	

NOES—100

Archer	Hastert	Petri
Armey	Hefley	Quillen
Baker	Herger	Rhodes
Ballenger	Hiler	Ritter
Barnard	Holloway	Roberts
Bateman	Hunter	Rogers
Broomfield	Inhofe	Rohrabacher
Bunning	Ireland	Roukema
Burton	Kolbe	Sarpalius
Callahan	Kyl	Schaefer
Campbell (CA)	Lagomarsino	Sensenbrenner
Clinger	Leath (TX)	Shaw
Coble	Lewis (CA)	Shumway
Combest	Lewis (FL)	Shuster
Conte	Lightfoot	Smith (MS)
Cox	Livingston	Smith (NE)
Craig	Lowery (CA)	Smith (TX)
DeLay	Madigan	Smith, Denny
Dreier	Marlenee	(OR)
Edwards (OK)	McCollum	Smith, Robert
Fawell	McCurdy	(NH)
Fields	McDade	Stangeland
Galleghy	McEwen	Stearns
Gallo	McGrath	Stenholm
Gekas	Meyers	Stump
Gillmor	Miller (OH)	Tauzin
Gingrich	Miller (WA)	Thomas (CA)
Goodling	Montgomery	Thomas (WY)
Goss	Moorhead	Vucanovich
Gradison	Myers	Walker
Grandy	Nielson	Weber
Hall (TX)	Oxley	Whittaker
Hammerschmidt	Packard	Wylie
Hancock	Paxon	Young (FL)

NOT VOTING—7

Collins	Hyde	Stokes
Dannemeyer	Leland	
Florio	Lipinski	

□ 1527

Messrs. HALL of Texas and SMITH of Texas changed their vote from "aye" to "no."

Messrs. UPTON, SPENCE, DUNCAN, and PURSELL changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

DAVIS-BACON ACT

The CHAIRMAN pro tempore. (Mr. DURBIN). It is now in order to consider the amendments relating to the Davis-Bacon Act printed in part one of House Report 101-168, by, and if offered by, the gentleman from Texas [Mr. STENHOLM] or his designee, which may be subject to amendment by the substitute amendment, if offered, by the gentleman from Pennsylvania [Mr. MURPHY] or his designee.

Said amendments shall be debatable for 40 minutes, equally divided and controlled by the gentleman from Texas [Mr. STENHOLM] and the gentleman from Pennsylvania [Mr. MURPHY] or their designees. Debate time shall begin after both amendments relating to the Davis-Bacon Act are pending.

The Chair would advise the members of the committee that it is the Chair's intention that if a vote is ordered on the second amendment, that vote will be a 5-minute vote.

For what purpose does the gentleman from Texas [Mr. STENHOLM] rise?

AMENDMENT OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STENHOLM: Page 359, add after line 7 the following:

DIVISION D—MISCELLANEOUS

SEC. 4101. REFERENCE.

Whenever in this division (other than in section 4109) an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Act of March 3, 1931 (commonly referred to as the "Davis-Bacon Act").

SEC. 4102. INCREASE IN THRESHOLD AMOUNT.

Subsection (a) of the first section (40 U.S.C. 276a) is amended by striking out "\$2,000" and inserting in lieu thereof "\$250,000".

SEC. 4103. APPROPRIATE CIVIL SUBDIVISION FOR COMPUTATION OF PREVAILING WAGE.

Subsection (a) of the first section is further amended by striking out "the city, town, village, or other civil subdivision of the State, in which the work is to be performed," and inserting in lieu thereof "the particular urban or rural subdivision (of the State) in which the work is to be performed."

SEC. 4104. DETERMINATION OF PREVAILING WAGE.

Subsection (a) of the first section is further amended by adding at the end thereof the following: "In determining the prevailing wage for a class of laborers, mechanics, or helpers where more than a single wage is

being paid to the corresponding class of laborers, mechanics, or helpers, the Secretary shall establish as the prevailing wage—

"(1) the wage paid to 50 percent or more of the corresponding class of laborers, mechanics, or helpers employed on private industry projects of a character similar to the contract work in the urban or rural subdivision of the State in which the work is to be performed, or in the District of Columbia if the work is to be performed there, or

"(2) if the same wage is not paid to 50 percent or more of the laborers, mechanics, or helpers in the corresponding class, the weighted average of the wages paid to the corresponding class of laborers, mechanics, or helpers employed on private industry projects of a character similar to the contract work in the urban or rural subdivision of the State in which the work is to be performed, or in the District of Columbia, if the work is to be performed there."

SEC. 4105. EXCLUSION OF FEDERAL PROJECTS FROM PREVAILING WAGE COMPUTATION.

Subsection (b)(1) of the first section is amended by inserting before the semicolon the following: ", excluding the basic hourly rates of pay of individuals whose wages are established pursuant to the requirements of this Act, unless it is determined that there is insufficient wage data to determine the prevailing wages in the absence of data from such Federal or federally assisted projects; data from Federal or federally assisted projects may be used in compiling wage rate data for heavy and highway wage determinations".

SEC. 4106. CLASSIFICATION OF HELPERS.

The first section is further amended by adding at the end thereof the following new subsection:

"(c)(1) For the purposes of this Act, helpers of a class of laborers or mechanics shall be considered as a separate class and prevailing wages for such helpers shall be determined on the basis of the corresponding class of helpers.

"(2) For purposes of this section, the term 'helper' means a semi-skilled worker (rather than a skilled journeyman mechanic) who—

"(A) works under the direction of and assists a journeyman,

"(B) under the direction and supervision of the journeyman, performs a variety of duties to assist the journeyman, such as—

"(i) preparing, carrying, and furnishing materials, tools, equipment, and supplies and maintaining them in order,

"(ii) cleaning and preparing work areas,

"(iii) lifting, positioning, and holding materials or tools, and

"(iv) other related semi-skilled tasks as directed by the journeyman, and

"(C) may use tools of the trade which are under the direction and supervision of the journeyman."

SEC. 4107. PROHIBITION ON CONTRACT—SPLITTING.

The first section (as amended by section 6) is further amended by adding at the end thereof the following new subsections:

"(d) Any person entering into a contract under which wages are to be determined in accordance with this Act shall not divide any project into contracts of \$250,000 or less if the project would not have been so divided but for the purpose of avoiding application of this Act.

"(e) Whenever the Secretary of Labor determines that a division for such purpose has occurred, the Secretary may (1) require that the contracts, grants, or other instruments providing Federal financing or assistance be amended so as to incorporate retro-

actively all the provisions which would have been required under this Act or other applicable prevailing wage statute, and (2) require the contracting or assisting agency, the recipient of Federal financing or assistance, or any other entity which awarded the contract or instrument providing Federal financing or assistance in violation of this section, to compensate the contractor, the grantee, or other recipient of Federal assistance, as appropriate, for payment to each affected laborer and mechanic, of an amount equal to the difference between the rate received and the applicable prevailing wage rate, with interest on wages due at the rate specified in section 6621(c) of title 26, United States Code, from the date the work was performed by such laborers and mechanics. The Secretary shall make such a determination only where the Secretary has notified the agency or entity in question no later than 180 days after completion of construction on the project that an investigation will be conducted concerning an alleged violation of this subsection."

SEC. 4108. TECHNICAL AMENDMENT APPLYING REFORM TO RELATED ACTS.

The Davis-Bacon Act is further amended by adding at the end the following:

"Sec. 8. No provision of any law requiring the payment of prevailing wage rates as determined by the Secretary in accordance with this Act shall apply to contracts for construction, alteration, or repair valued at \$250,000 or less, or in the case of rent supplement assistance or other assistance for which the instrument of Federal financing or assistance does not have an aggregate dollar amount, where the assisted project is in the amount of \$250,000 or less."

SEC. 4109. COPELAND ACT PAPERWORK REDUCTION AMENDMENT.

Section 2 of the Act of June 13, 1934, entitled "An Act to effectuate the purpose of certain statutes concerning rates of pay for labor, by making it unlawful to prevent anyone from receiving the compensation contracted for thereunder, and for other purposes" (40 U.S.C. 276c) (commonly referred to as the "Copeland Act") is amended by striking out "shall furnish weekly a statement with respect to the wages paid each employee during the preceding week" and inserting in lieu thereof "shall furnish, at the beginning, midpoint, and conclusion of the period covered by the contract, a statement with respect to the weekly wages paid each employee during such period, except that such statement shall be furnished no less often than every 3 months."

SEC. 4110. EFFECTIVE DATE.

The amendments made by this division shall take effect 60 days after the date of enactment of this Act but shall not affect any contract in existence on that date or made pursuant to invitations for bids outstanding on that date.

SEC. 4111. TECHNICAL AMENDMENTS.

(a) The following is inserted before the first section:

"SECTION 1. This Act may be cited as the 'Davis-Bacon Act'."

(b) The first section is amended by striking out "(a) That the" and inserting in lieu thereof "Sec. 2. (a) The".

(c) Sections 2 through 8 are redesignated as sections 3 through 9, respectively.

(d) Subsection (a) of section 3 (40 U.S.C. 276a-2) is amended by striking the first sentence and inserting in lieu thereof the following: "In accordance with regulations issued by the Secretary pursuant to Reorganization Plan Numbered 14 of 1950 (64 Stat.

1267), any wages found to be due to laborers and mechanics pursuant to this Act shall be paid directly to such laborers and mechanics from any accrued payments withheld under the terms of the contract. Any sums due laborers or mechanics under section 1, not paid because of inability to do so within 3 years, shall revert to or be deposited into the Treasury of the United States. The Administrator of General Services shall distribute a list to all departments of the Government giving the names of persons or firms that the Secretary has found to have disregarded their obligations to employees and subcontractors."

SEC. 4112. REPORTS REQUIRED.

Beginning 1 year after the effective date of the amendments made by this division, and at intervals of 1 year thereafter, the Secretary of Labor and the Comptroller General of the United States shall each prepare and transmit to the Congress a report describing the results of a review of the implementation, enforcement, administration, impact on local wages, and impact on local and national economies of the Act of March 3, 1931 (the Davis-Bacon Act), the Act of June 13, 1934 (the Copeland Act), and the amendments made by this division during the preceding 12-month period, including recommendations for such further legislation as may be appropriate.

The CHAIRMAN pro tempore. Debate on this amendment will be postponed until the substitute amendment offered by the gentleman from Pennsylvania [Mr. MURPHY] is pending.

For what purpose does the gentleman from Pennsylvania [Mr. MURPHY] rise?

AMENDMENT OFFERED BY MR. MURPHY AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. STENHOLM

Mr. MURPHY. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered as a substitute for the amendment offered by Mr. STENHOLM: Page 359, add after line 7 the following:

DIVISION D—MISCELLANEOUS

SEC. 4101. DAVIS-BACON ACT REVISION.

The Act of March 3, 1931 (known as the Davis-Bacon Act), is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Davis-Bacon Act'."

"SEC. 2. CONTRACT REQUIREMENTS.

"(a) GENERAL RULE.—A contract described in subsection (b) shall—

"(1) contain a provision stating that the various classes of laborers and mechanics under the contract shall be paid minimum wages based upon wages determined by the Secretary under section 2(b) to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the city, town, or other civil subdivision of the State in which the work is to be performed or in the District of Columbia if the work is to be performed there, and

"(2) contain a stipulation that the contractor or subcontractor under the contract

shall pay all laborers and mechanics under the contract—

"(A) unconditionally,

"(B) not less often than once a week, and

"(C) without subsequent deduction or rebate on any account,

the full amounts accrued at time of payment irrespective of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers or mechanics.

An individual shall for purposes of this subsection be considered a laborer or mechanic under a contract subject to this subsection if the person who entered into the contract paid, directly or through a subcontract, compensation to the individual for services performed as a laborer or mechanic to carry out the contract.

"(b) CONTRACTS COVERED.—

"(1) IN GENERAL.—The requirements of subsection (a) apply to any contract—

"(A) to which the United States or the District of Columbia is a party, and

"(B) which is in excess of—

"(i) \$50,000 for new construction (including painting and decorating), or

"(ii) \$15,000 for alteration, repair, renovation, rehabilitation, or reconstruction (including painting and decorating),

of public buildings or public works of the United States or the District of Columbia within the geographical limits of the States or the District of Columbia.

"(2) MULTIPLE CONTRACTS.—

"(A) Any 2 or more contracts for any construction project (including any alteration, repair, renovation, rehabilitation, reconstruction, painting, or decorating project) that—

"(i) individually do not exceed the applicable amount prescribed by paragraph (1)(B),

"(ii) in the aggregate do exceed such amount, and

"(iii) all relate to the same work or related work at the same site,

shall be treated as a single contract for purposes of subsection (a).

"(B) For the purpose of enforcing the requirements of subsection (a) for contracts which under subparagraph (A) are to be treated as a single contract, any interested person may bring an action against the Secretary of the department or the head of the agency which entered into such contracts. Such an action may be brought in any United States district court for the district in which the violation of subsection (a) is alleged to have been committed or in the United States District Court for the District of Columbia. Such an action shall be commenced not later than 90 days after the day on which the last labor was performed under the contract with respect to which the action is brought.

"(C) If in an action brought under subparagraph (B) the court finds that there has been a violation of subsection (a), the court may order such relief as may be appropriate, including (i) compliance with subsection (a) in the payment of wages under the contracts subject to subsection (a), and (ii) the payment by the Secretary of the department or the head of the agency which entered into such contracts of prevailing wage rates in accordance with that subsection from the date construction began under the contracts involved in such action until the date of the judgment of the court, together with interest, at a rate determined by the court, on the difference between the wages paid under such contracts and the wages required to be paid under such contracts by subsection (a).

"(D) If an interested person prevails in an action brought under subparagraph (B), the court in such action shall assess the defendants in the action a reasonable attorney's fee and other litigation costs reasonably incurred by the interested person.

"(3) LEASES.—If the United States or the District of Columbia has entered into a contract to lease a facility and if performance of a contract for the construction, alteration, repair, renovation, rehabilitation, or reconstruction of the facility subject to the lease is required for fulfillment of the contract to lease, the contract for the construction, alteration, repair, renovation, rehabilitation, or reconstruction of the facility shall be subject to subsection (a) if the contract meets the requirements of paragraph (1)(B).

"(c) APPRENTICES, TRAINEES, AND HELPERS.—

"(1) APPRENTICES.—An apprentice who is employed on a contract subject to subsection (a) may be paid less than the rate required by such subsection if the apprentice is—

"(A) employed pursuant to and individually registered in a bona fide apprenticeship program registered with the Bureau of Apprenticeship and Training of the Employment and Training Administration of the Department of Labor or with a State Apprenticeship Agency recognized by the Bureau, or

"(B) employed in the apprentice's first 90 days of probationary employment as an apprentice in such an apprenticeship program and is not individually registered in the program but has been certified by the Bureau of Apprenticeship and Training or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice.

The Secretary shall promulgate regulations defining apprentices and prescribing the conditions under which apprentices will not be subject to the subsection (a) rate, the rate at which such apprentices will be employed, and such other conditions as may be appropriate.

"(2) TRAINEES.—A trainee who is employed on a contract subject to subsection (a) may be paid less than the rate required by such subsection if the trainee is employed pursuant to and individually registered in a program which has received prior approval which is evidenced by formal certification by the Employment and Training Administration of the Department of Labor. The Secretary shall promulgate regulations defining trainees and prescribing the conditions under which trainees will not be subject to the subsection (a) rate, the rate at which such trainees will be employed, and such other conditions as may be appropriate.

"(3) HELPERS.—A helper who is employed on a contract subject to subsection (a) may be paid less than the rate required by such subsection if—

"(A) the helper is employed in a classification of helpers the use of which prevails in the area in which the helper is employed,

"(B) the scope of the duties of the helper is defined and can be differentiated from the duties of a laborer or mechanic, and

"(C) the helper is not used as informal apprentice or trainee.

The Secretary shall promulgate regulations defining helpers and prescribing the conditions under which helpers will not be subject to the subsection (a) rate, the rate at which such helpers will be employed, and

such other conditions as may be appropriate."

"(d) POSTING.—A contractor or subcontractor under a contract described in subsection (b) shall post the scale of wages required to be paid under such contract in a prominent and easily accessible place at the site of the contract work.

"SEC. 3. WAGES.

"(a) DEFINITION.—As used in this Act, the terms 'wages', 'scale of wages', 'wage rates', and 'minimum wages' include—

"(1) the basic hourly rate of pay, and

"(2) the amount of—

"(A) the rate of contribution irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to a fund, plan, or program, and

"(B) the rate of costs to the contractor or subcontractor which may be reasonably anticipated in providing benefits to laborers and mechanics pursuant to an enforceable commitment to carry out a financially responsible plan or program which was communicated in writing to the laborers and mechanics affected,

for medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability and sickness insurance, or accidental insurance, for vacation and holiday pay, for defraying costs of apprenticeship or similar programs, or for other bona fide fringe benefits, but only if the contractor or subcontractor is not required by other Federal, State, or local law to provide any of such benefits.

"(b) PREVAILING WAGE.—

"(1) IN GENERAL.—For purposes of a contract subject to section 2(a), the prevailing wage required to be paid under such contract by such section shall be the wages which were determined by the Secretary, within 3 years of the date the contract was entered into, to be prevailing for purposes of such section. If the Secretary has not made such a determination within such 3-year period, the prevailing wage for purposes of such contract shall be the highest prevailing wage determined by the Secretary to be prevailing in an area in the State which is comparable to the area in which the contract is to be performed. In making such a determination for projects of a particular character in an area, the Secretary shall consider the wages paid for all projects of the same character in the area under contracts which have been entered into for amounts not less than the amounts prescribed by clause (i) or (ii) of section 2(b)(1)(B).

"(2) DEFINITION.—For purposes of paragraph (1), the term 'prevailing wage' when used to describe the wages required to be paid a laborer or mechanic under a contract subject to section 2(a) means the wages determined by the Secretary to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the city, town, or other civil subdivision of the State in which the work is to be performed or in the District of Columbia if the work is to be performed there.

"(c) WAGE PAYMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the obligation of a contractor or subcontractor to make wage payments in accordance with the prevailing wage determinations of the Secretary, insofar as this Act and other Acts incorporating this Act

by reference are concerned, may be discharged by—

"(A) the making of payments in cash,

"(B) the making of contributions of a type referred to in subsection (a)(2),

"(C) the assumption of an enforceable commitment to bear the costs of a plan or program of a type referred to in subsection (a)(2),

"(iv) any combination thereof.

"(2) CONTRIBUTIONS AND COSTS.—In discharging the obligation to make wage payments to laborers and mechanics in accordance with the prevailing wage determinations of the Secretary, a contractor or subcontractor may only include contributions described in subsection (a)(2)(A) and costs described in subsection (a)(2)(B) which do not exceed the aggregate of contributions and costs determined by the Secretary to be prevailing under subsection (b).

"(d) OVERTIME.—In determining the overtime pay to which a laborer or mechanic is entitled under any Federal law, the regular or basic hour rate of pay (or other alternative rate upon which premium rate of overtime compensation is computed) of the laborer or mechanic shall be deemed to be the basic hourly rate of pay, except that where the amount of payments, contributions, or costs incurred with respect to the laborer or mechanic exceeds the prevailing wage applicable under subsection (b), the basic hourly rate of pay shall be arrived at by deducting from the amount of payments, contributions, or costs actually incurred with respect to the laborer or mechanic, the amount of contributions or costs of the type described in subsection (a)(2) actually incurred with respect to the laborer or mechanic or the amount determined under subsection (a)(2) but not actually paid, whichever amount is the greater.

"SEC. 4. ENFORCEMENT.

"(a) ACTION BY THE SECRETARY.—The Secretary, on the initiative of the Secretary or at the request of a laborer or mechanic, may investigate compliance by a contractor with the requirements of section 2 and may take such action under section 8(1) to secure compliance with such requirements as may be appropriate.

"(b) COVERAGE REVIEW.—

"(1) PETITION FOR REVIEW OF COVERAGE.—If the Secretary of a department or head of an agency determines that a contract entered into by the Secretary or agency head which involves construction (including alteration, repair, renovation, rehabilitation, reconstruction, painting, or decorating) of a public building or public works of the United States is not subject to section 2(a), any interested person may petition the Secretary to review such determination. If the Secretary grants such a petition, the Secretary shall complete the review requested within 90 days of the date the petition is received. The Secretary shall make a determination on a petition on the record after opportunity for an agency hearing.

"(2) JUDICIAL REVIEW.—

"(A) Any interested person adversely affected or aggrieved by—

"(i) the determination by the Secretary of Labor made on a petition filed under paragraph (1), or

"(ii) if the Secretary denies a petition filed under paragraph (1), the determination of a Secretary of a department or head of an agency under paragraph (1) with respect to which the petition was filed, may obtain review of such determination in any United States court of appeals for the circuit in which such person is located or in the

United States Court of Appeals for the District of Columbia Circuit by filing in such court, within 60 days following issuance of such determination, a written petition praying that such determination be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court in which it is filed to the Secretary or agency head which made the determination and to other interested persons.

"(B) Upon transmittal of the petition, the Secretary or agency head which made the determination shall file in the court the record of the proceeding upon which the decision to be reviewed was made and the questions determined in the proceeding as provided in section 2112 of title 28, United States Code. Upon such filing, the court—

"(i) shall have exclusive jurisdiction of the proceeding and of the questions determined in the proceeding, and

"(ii) shall have power—

"(I) to grant such temporary relief or restraining order as it deems just and proper,

"(II) to make and enter upon the pleadings, testimony, and proceedings set forth in the record a decree affirming, modifying, or setting aside, in whole or in part, the determination subject to review, and

"(III) to enforce such determination to the extent that it is affirmed or modified.

The decision of the court shall be final except that it shall be subject to review by the Supreme Court of the United States as provided in section 1254 of title 28, United States Code.

"(c) PETITION FOR REVIEW.—

"(1) IN GENERAL.—Any laborer or mechanic under a contract with the United States or the District of Columbia subject to section 2(a) or any interested person may petition the Administrator to review the wage payments to the laborer or mechanic under such contract to determine if the wage payments have been made in accordance with section 2(a). Upon receipt of such a petition, the Administrator shall notify the Chief Administrative Law Judge of the Department of Labor of the receipt of the petition and, within 30 days of the receipt of the petition, either—

"(A) determine if the Administrator will decide whether the wage payments have been made in accordance with such section, or

"(B) refer the petition to the Chief Administrative Law Judge of the Department of Labor for assignment to an administrative law judge of the Department of Labor to make such determination.

"(2) ADMINISTRATOR.—

"(A) If in response to a petition the Administrator elects to determine if wage payments have been made in accordance with section 2(a), the Administrator shall make such determination within 120 days of the receipt of the petition.

"(B) If the Administrator makes a determination on a petition within 120 days of its receipt, either the petitioner or the employer involved in the petition may, within 15 days of the date of issuance of the determination of the Administrator, request a hearing on the determination by an administrative law judge. The determination of the Administrator shall be deemed to be a final agency action if no request for a hearing is made within such 15 days.

"(C) If the Administrator does not make a determination on a petition within 120 days of its receipt, the Administrator shall refer the petition to the Chief Administrative Law Judge of the Department of Labor for

assignment to an administrative law judge of the Department of Labor to make the determination requested by the petition or if the Administrator does not refer the petition within 5 days of the expiration of such 120-day period, the Chief Administrative Law Judge of the Department of Labor shall assign the petition to an administrative law judge of the Department of Labor to make such determination.

"(3) ADMINISTRATIVE LAW JUDGE.—

"(A) The administrative law judge—

"(i) to whom a petition has been assigned under paragraph (1)(B),

"(ii) to whom a determination of the Administrator has been referred under a request for a hearing under paragraph (2)(B), or

"(iii) to whom a petition has been referred under paragraph (2)(C),

shall, within 120 days of the assignment or referral, conduct a hearing on the record in accordance with section 554 of title 5, United States Code, with respect to such petition or determination and make a decision as to whether wage payments have been made in accordance with section 2(a). In any proceeding before an administrative law judge, the employer under the contract reviewed shall have the burden of demonstrating that the wage payments under the contract were made in accordance with such section.

"(B) Within 30 days of the date of issuance of the decision of the administrative law judge, the petitioner or the employer involved in the petition may request the Secretary to review the decision of the administrative law judge. The decision of the administrative law judge shall be deemed to be a final agency action if no request for review is made within such 30-day period or, within 30 days of the date the decision is made, the Secretary does not grant a request to review the decision of the administrative law judge.

"(C) The Secretary may grant a request to review a decision of an administrative law judge only if the Secretary determines that the request presents a substantial question of law or fact. If the Secretary grants a request for a review, the Secretary, within 30 days after receiving the request, shall review the record and either adopt the decision of the administrative law judge or issue exceptions. The decision of the administrative law judge, together with any exceptions, shall be deemed to be a final agency action.

"(4) DECISION.—The decision of the Administrator, an administrative law judge, or the Secretary on a petition under paragraph (1) for the review of the wage payments under a contract may include—

"(A) the award of damages to the petitioner in the amount of twice the amount of wages not paid in accordance with section 2(a) if it is found on review of the petition that the petitioner was willfully not paid wages in accordance with such section, and

"(B) in addition to any award to the petitioner, a reasonable attorney's fee to be paid by the defendant and the cost of the action.

"(5) TIME.—An action seeking judicial review of a final agency action under this subsection shall be brought within 30 days of the date of such action.

"(d) CIVIL ACTIONS.—

"(1) IN GENERAL.—Any employer who violates section 2(a) shall be liable to each laborer or mechanic affected in the amount of the laborer or mechanic's unpaid wages and, if the violation was willful, in an additional equal amount as liquidated damages.

"(2) ACTIONS.—An action to recover the liability prescribed by paragraph (1) may be maintained against any employer in any Federal or State court of competent jurisdiction by any interested party or by any one or more laborers or mechanics for and in behalf of the laborer or mechanic or laborers or mechanics and other laborers or mechanics similarly situated. No laborer or mechanic may be a party plaintiff to any such action unless the laborer or mechanic gives the laborer or mechanic's consent in writing to become such a party and such consent is filed in the court in which such action is brought. No civil action may be brought or maintained under this paragraph by a laborer or mechanic with respect to the laborer or mechanic's wages if a petition is or has been filed by that laborer or mechanic under subsection (b) with respect to the laborer or mechanic's wages.

"(3) ATTORNEY'S FEE.—The court in an action brought under paragraph (2) shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant and the cost of the action.

"(e) PAYMENTS.—The Comptroller General of the United States shall pay directly to laborers and mechanics from any accrued payments withheld under the terms of the contract any wages found by the Secretary of Labor under subsection (c) or (d) to be due laborers and mechanics under section 2(a). The Secretary shall distribute a list to all departments of the Government giving the names of the persons whom the Secretary of Labor has found under subsection (c) or (d) to have disregarded their obligations to employees and subcontractors. No contract shall be awarded to the persons appearing on this list or to any corporation, partnership, or association in which such persons have an interest until 3 years have elapsed from the date of publication of the list containing the names of such persons.

"(f) RIGHTS OF ACTION.—If the accrued payments withheld under the terms of a contract subject to section 2(a) are insufficient to reimburse all the laborers and mechanics with respect to whom there has been a failure to pay the wages required by such section, such laborers and mechanics may bring an action against the contractor and the contractor's sureties for the payment of the wages required by such section, and in such an action it shall be no defense that such laborers and mechanics accepted or agreed to accept less than the required rate of wages or voluntarily made refunds.

"SEC 5. WAGE PAYMENTS.

"(a) WITHHOLDING.—There may be withheld from any contractor under a contract subject to section 2(a) so much of accrued payments due the contractor under the contract as may be considered necessary by the contracting officer or the Secretary to pay all laborers and mechanics employed by the contractor or any subcontractor of the contractor the difference between the rates of wages required to be paid such laborers and mechanics by section 2(a) and the rates of wages actually received by the laborers and mechanics.

"(b) TERMINATION.—Every contract subject to section 2(a), shall contain a provision that in the event it is found by the contracting officer or the Administrator that any laborer or mechanic covered by the contract has been or is being paid a rate of wages less than the rate of wages required by section 2(a) to be paid under the contract, the Government may, by written notice to the contractor, terminate the contractor's right to

proceed with the work or such part of the work as to which there has been a failure to pay the required wages and to prosecute the work to completion by contract or otherwise. The contractor and the contractor's sureties shall be liable to the Government for any excess costs incurred by the Government because of the termination of the contract.

"SEC. 6. CONSTRUCTION.

"This Act shall not be construed to supersede or impair any authority otherwise granted by Federal law to provide for the establishment of specific wage rates.

"SEC. 7. NATIONAL EMERGENCY.

"In the event of a national emergency, the President may suspend the provisions of this Act.

"SEC. 8. ADMINISTRATION OF ACT.

"The Secretary of Labor shall—

"(1) take such action as may be appropriate to ensure compliance with the requirements of this Act and to enforce its requirements, and

"(2) promulgate appropriate standards and procedures to be observed by contracting officers with respect to contracts to which this Act applies.

"SEC. 9. DEFINITIONS.

"As used in this Act—

"(1) The term 'interested person' means any contractor likely to seek or to work under a contract to which section 2(a) applies, any association representing such a contractor, any laborer or mechanic likely to be employed or to seek employment under such a contract, or any labor organization which represents such a laborer or mechanic."

"(2) The term 'Administrator' means the Administrator of the Wage and Hour Division of the Department of Labor.

"(3) The term 'Secretary' means the Secretary of Labor."

SEC. 4102. PAYROLL INFORMATION.

Section 2 of the Act of June 13, 1934 (40 U.S.C. 276c) is amended—

(1) by striking out "weekly" and inserting in lieu thereof "every 2 weeks",

(2) by striking out "preceding week" and inserting in lieu thereof "preceding 2 weeks", and

(3) by adding after the first sentence the following: "Any interested person may obtain, in accordance with the following sentence, a copy of any such statement from any department or agency which is required by law to maintain a record of such statement notwithstanding section 552(b) of title 5, United States Code. The copy of the statement to be provided under the preceding sentence shall only include with respect to each employee the name of the employee, the employment classification of the employee, the wage rate at which the employee was employed during the period reported on, the hours worked by the employee during such period, and the wages paid (including fringe benefits) to the employee during such period."

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. STENHOLM] will be recognized for 20 minutes and the gentleman from Pennsylvania [Mr. MURPHY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. STENHOLM].

□ 1530

Mr. STENHOLM. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, 7 years ago I wanted to repeal the Davis-Bacon Act. When all the evidence showed that a Davis-Bacon exemption would turn a net loss in jobs to a net gain on 1982's highway bill, ARLAN STANGELAND and I offered an exemption amendment.

After we lost, I began studying the Davis-Bacon Act in detail to understand why. I found a law with a laudable goal—preventing Government construction contracts from interfering with locally prevailing wages—that was a disaster in practice.

Davis-Bacon is \$1.3 billion a year in pure pork for a closed club of large contractors who travel around the country with their itinerant work crews diverting up Davis-Bacon jobs from small, local contractors and local workers. In fact, that's what one contractor said he did, in testifying before the Labor Standards Subcommittee in defense of Davis-Bacon in 1987.

That's what Davis-Bacon originally was supposed to prevent.

There is a way to protect the workers and the small local contractors Davis-Bacon was intended to protect, a way to make Davis-Bacon operate more efficiently to the tune of \$3.55 billion over 5 years, a way to fix the act:

That way is the Stenholm-Stangeland-Valentine reform amendment before us now.

WE ARE THE COMPROMISE

Read my chart. We provide 53 percent of the budget savings of repeal, by exempting only 7 percent of the dollar volume of work now covered, and by improving prevailing wage determinations. In budget terms, we come 47 percent of the way. I call that compromise.

If you've been told by the lobbyists visiting your offices that the Murphy amendment is the compromise, you've been shown one-half of one page of threshold changes that would, except for the rest of the bill, exempt almost 1 percent of dollar volume.

What's been hidden from you are the other 22 pages in the Murphy amendment that expand Davis-Bacon in every way imaginable:

THE MURPHY-AMENDMENT

LEASES

It covers leases not now covered, with language so vague that a Government agency renting a few hundred square feet could trigger Davis-Bacon for an entire office complex.

INDEPENDENT SUBCONTRACTORS

It extends unrealistic prevailing wages, outdated work rules, and onerous paperwork to all the small, specialty firms that now operate nonconstruction supply, fabricating, and hauling subcontracts.

HELPERS

It blocks the Department of Labor's helper regulations that our amendment would allow to go forward and, in fact, defines helpers right out of existence.

PRIVATE PROJECTS

It would allow the Secretary of Labor to impose, at will, Davis-Bacon mandates on totally private projects—like a little shopping center that was controversial in Muskogee, OK, back in 1985—if a Federal grant was a small part of a tenuously related nonconstruction project.

LITIGATION

By creating totally new private rights of action, it could potentially spur thousands—literally thousands—of new lawsuits in our already overburdened Federal courts. At least that will give our Judiciary Committee lots of work to do on clearing up new backlogs.

NO REAL THRESHOLD CHANGED

Finally, the bifurcated Murphy threshold is meaningless. At best, it would exempt less than 1 percent of all Davis-Bacon dollar volume. At worst, it will double the Labor Department's wage determination workload and will require the bundling together of contracts—even if entered into years apart by unrelated contractors doing totally different kinds of work—if those contracts—in the amendment's own words—"relate to the same or related work"—how's that for a vague standard?

COMPARE AND SAVE

On the one hand, the Stenholm-Stangeland-Valentine compromise reform. We've come from repeal, to a \$1 million threshold, to \$250,000. We've come from repeal, to preserving the minimum wages prevailing in an area, to defining prevailing wages as the average wages paid in a locality. We protect rural communities from disruptive wage rate importation from large urban areas—and protect the cities from having their wage bases undercut by reverse-importation. With our helper provisions, we extend the first rung of opportunity to thousands of minorities, women, and new workers now left behind.

And on the other hand we have 22½ pages of the Murphy expansion amendment: One-half of one page of token gesture and a confusing, illogical, double-decker threshold; and 22 pages of regulation, litigation, complication, and broken promises about job opportunities.

GIVE US OUR DAY IN COURT

There are 105 of us cosponsoring the Davis-Bacon reform bill that has become the text of this amendment. Some of us have worked for meaningful reform for 6 years. We will be shut out of the process once again, under the rule on this bill, if the Murphy amendment is adopted. It is a substi-

tute. We get to vote on our language only if we defeat the Murphy substitute first.

On behalf of minority contractors, cities and counties trying to stretch scarce matching Federal dollars, small business, rural communities and small towns, and the taxpayers, I implore you: Vote no on the Murphy expansion; Give us our day in court; and then vote yes on real reform.

Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. STANGELAND], a coauthor of this amendment.

Mr. STANGELAND. Mr. Chairman, I thank the gentleman for yielding these 3 minutes to me.

Mr. Chairman, since the 98th Congress, Congressman STENHOLM, Congressman VALENTINE, and I have introduced comprehensive Davis-Bacon reform legislation. The amendment we offer today is identical to legislation we introduced earlier this year, H.R. 2259, cosponsored by 105 Members. The substitute amendment offered by Congressman MURPHY is identical to legislation he introduced earlier this year, H.R. 2901, cosponsored by only one Member.

During the days of the Great Depression Davis-Bacon was enacted to provide fair wages for those working on Federal construction contracts over \$2,000. However, because it has not been significantly reformed for over 50 years, the statute is outdated and ineffective.

The two Davis-Bacon amendments before us today are radically different. It is my opinion that the Stenholm-Stangeland amendment reforms Davis-Bacon, while the Murphy substitute actually expands coverage of the act.

The Stenholm-Stangeland amendment is a modest reform that can save the taxpayers money and create opportunities for laborers in the construction industry.

Our amendment is designed to: First, raise the contract threshold to \$250,000; second, allow for the expanded use of semi-skilled helpers; third, reduce needless paperwork requirements; and fourth, more accurately define the true definition of a prevailing wage.

According to the Congressional Budget Office [CBO], the Stenholm-Stangeland reforms would save \$3.55 billion in budget authority, appropriations, and \$2.4 billion in outlays over 5 years, saving about 53 percent of CBO's estimates for full repeal. Even so, our amendment still only exempts 7 percent of the total dollar volume of Davis-Bacon contracts. Therefore, only the smaller contracts will be exempt which will allow small construction enterprises a chance to compete for Federal construction projects.

On the other hand, the Murphy substitute would expand Davis-Bacon and

make it worse than the status quo. While it looks like a watered-down reform, with a \$50,000 threshold on new construction and \$15,000 on repair contracts, related provisions totally undermine the threshold changes. Other provisions expand the act's coverage to leases, offsite suppliers, independent contractors, fabricators, and privately financed projects only slightly related to Federal grants for nonconstruction purposes. Brand new, private rights of action would potentially send thousands of contract disputes into the Federal courts every year. Therefore, because the Murphy substitute is expansion, it will cost, not save, the taxpayers money.

As I said, the choice before us today is clear.

Stenholm-Stangeland saves taxpayers \$3.5 billion over 5 years—Murphy costs taxpayers more.

Stenholm-Stangeland creates employment opportunities for the helpers and less skilled laborers—Murphy eliminates the use of helpers on Davis-Bacon contracts.

Stenholm-Stangeland reduces needless paperwork requirements—Murphy creates more bureaucracy and regulation.

Stenholm-Stangeland eliminates contract disputes—Murphy will clog the courts with lawsuits.

And, Stenholm-Stangeland enhances competition and other principles of free enterprise—whereas Murphy is nothing but a welfare program for certain contractors and laborers.

Considering that the General Accounting Office, the Grace Commission, the White House Conference on Small Business, and even the New York Times recommend repeal of Davis-Bacon because it needlessly inflates the cost of Federal construction by more than \$1 billion each year, clearly the Stenholm-Stangeland compromise is infinitely more reasonable than the Murphy expansion.

Please vote "no" on Murphy and "yes" on Stenholm-Stangeland to promote fairness and save the taxpayers billions.

Mr. MURPHY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to say that the reasons for Davis-Bacon are as valid today as they were in 1931, when the Republican Senator of my home state, Senator Davis, proposed the measure. He proposed it to protect American workers and preserve the quality of American workers in the Government work place.

We are specifically speaking today of the defense work places. It astonishes me when I find that many Members of this House, the vast majority, and perhaps including myself, will vote for \$300 billion to fund our Nation's defense industry and then say that we have people working in those defense

places, working in those bases, and working in those camps who are qualified to do the jobs they are hired to do.

America's workers should be protected, and they should be preserved to be the best. All we are asking, with the preservation of Davis-Bacon, is that those workers in those defense industries who are hired by private contractors be paid the prevailing wage in the given area that they are hired for, meaning that they cannot pay them below or above that wage, so that we protect the American worker in the American defense industry.

It would seem to me that is the logical place to watch our defense dollars. Under the statistics used by the gentleman from Texas, we are talking of less than 2 percent of the defense budget during that 5-year period during which he says he is going to save \$3 billion. I have to question that figure, but even if it is true, it is less than 2 percent of the defense budget during that time.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. I yield to the gentleman from Texas.

Mr. STENHOLM. I will return the favor when I have the chance.

Mr. Chairman, I am not contending that all of this savings is in the defense bill. This is total Government contract work. Defense is only 30 percent of these numbers.

Mr. MURPHY. Mr. Chairman, I thank the gentleman from Texas.

Mr. Chairman, I might say that my amendment that is offered as a substitute for the amendment offered by the gentleman from Texas would provide for raising the threshold under Davis-Bacon from its existing limit of \$2,000 per contract to \$50,000 for new contracts, for new work, new production. It would raise it from \$2,000 to \$15,000 on contracts involving repairs and maintenance.

We would provide that we would cut the reporting period for employers' time in half. An employer must report 52 times a year, once a week, on the wages he is paying. We propose to cut that in half, to 26 reporting periods. We would propose that we further define what our helpers and assistants and laborers in the work place, thus eliminating some of the conflicts that have risen and caused our Department of Labor untold anguish in various cases that have been brought before them.

I think that the reform we are bringing about, expanding the \$2,000 to \$50,000 per contract, is certainly progress. It keeps it in tune with inflation. Taking it to \$250,000, as the gentleman from Texas proposes, is far beyond the rate and would eliminate 70 percent of the contracts.

Mr. Chairman, we think our amendment is progress. It is a reasonable ap-

proach to amending Davis-Bacon in 1989.

Mr. Chairman, I reserve the balance of my time.

□ 1540

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Chairman, I thank the gentleman from Texas [Mr. STENHOLM] for yielding this time to me, and I will try to finish a little bit shy of that time. Mr. Chairman, reform of the Davis-Bacon Act is long overdue. First enacted in 1931, it was meant to protect local firms from unscrupulous contractors with gangs of cheap, itinerant workers who traveled across the country to win Federal labor contracts by underbidding local competitors. This legislation pre-dated all major labor reform legislation, including the minimum wage and the right to form unions.

But the intent of this law has been twisted. Originally set to maintain local labor standards, prevailing rates are now often set far above local averages, discouraging small businesses from competing for Federal projects. This amendment would codify 1982 Department of Labor regulations improving the accuracy of prevailing wage determinations.

The Stenholm amendment would ensure that prevailing wages under Davis-Bacon projects reflect local wages. It requires separate wage surveys conducted for urban and rural areas. Minimum wages paid to Davis-Bacon projects would be based on the amount paid to 50 percent of the workers in each job classification. And, as was intended by the original legislation, Davis-Bacon wages would finally be based on private sector rates.

The Stenholm amendment to reform Davis-Bacon has the support of many business groups, including the National Association of Minority Contractors, which represents the interests of 60,000 minority construction firms in the United States, because it enables these companies to compete for Federal contracts.

The mountain of paperwork required by Davis-Bacon presents a major deterrent to small businesses. Employers are required to submit complete, certified payroll records to the Department of Labor every week. Paperwork requirements have cost contractors, and taxpayers, \$100 million a year, according to the Department of Labor, or \$50 million a year, according to the Congressional Budget Office.

The Stenholm amendment would change the paperwork requirement from weekly to quarterly. It is important to note that this change would not prevent contractors from keeping accurate payroll records, nor would it prevent the Government from inspect-

ing them. However, it would allow smaller firms, which do not have the ability to complete this paperwork requirements to compete for Government work.

By setting the Davis-Bacon threshold at \$250,000, the Stenholm amendment further opens Federal contracts to more small and minority-owned businesses. It also frees Department of Labor contract agency resources and allows the Department to concentrate on providing for more accurate wage determinations and more effective enforcement of work that remains covered.

The Stenholm amendment also allows for the expanded use of entry- and training-level helpers by recognizing a semiskilled helper classification and requiring that locally prevailing wages be determined for that classification. The use of helpers is as widespread practice in private construction that saves money, allows flexibility in the workforce, provides training, and opens up job opportunities.

The \$250,000 threshold is moderate and reasonable and represents a compromise. Bills setting a \$1 million threshold were introduced in the 98th and 99th Congresses.

Most importantly, the Stenholm amendment, with its \$250,000 threshold and its expanded use of helpers, would save the Federal Government billions of dollars over the next 5 years.

The amendment also requires that the Department of Labor and the General Accounting Office report to Congress annually on the economic impact, administration, and enforcement of Davis-Bacon, the Copeland Act, and these reforms.

I urge my colleagues to support the Stenholm amendment.

Mr. MURPHY. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. AuCoin].

Mr. AuCoin. Mr. Chairman, at the Stenholm level of \$2,500, we would exempt 70 percent of all DOD construction from Davis-Bacon.

Now some say that will help reduce construction costs since lower wages mean lower costs. That may sound nice, but it just is not so because the more skilled worker is going to avoid that lower paying job and move to where the pay is higher.

Mr. Chairman, the result will be less productivity and higher cost, not lower cost. As a matter of fact, as a member of economics, we cannot let that happen. As a matter of fairness, we cannot let that happen. We cannot take away the foundation from a vital work force. The skills in the building and construction trades are a priceless national resource. This industry provides millions of nonexportable jobs, training, income to American families who live with the hardships of seasonal work and danger in the workplace.

We owe those from whom we expect so much the assurance of a prevailing wage.

My colleagues, adopt the Murphy substitute.

Mr. STENHOLM. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. ROHRBACHER].

Mr. ROHRBACHER. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Texas [Mr. STENHOLM]. His amendment would bring true reform to the ancient Davis-Bacon law and save the American taxpayers approximately \$3½ billion in budget authority and \$2½ billion in budget outlays over 5 years. Voting for the Stenholm amendment is one of the easiest ways we can save billions of dollars and promote economic expansion through the 1990's.

Reform of the Depression era Davis-Bacon Act makes good sense for several reasons. First, the Stenholm amendment would curtail the inflationary impact of current law, bringing down large unnecessary costs associated with Federal procurement.

Second, cutting unnecessary costs would provide a greater number of Federal dollars for the construction of such worthy endeavors as decent military housing for our servicemen and their families.

There is another reason to support the Stenholm amendment; it's called equal opportunity. Reforming Davis-Bacon will create, for the first time, employment opportunities for entry-level workers on Federal construction sites. Ralph C. Thomas, executive director of the National Association of Minority Contractors recently noted, "the law in its current form is poison to minority contractors."

In fact, when Davis-Bacon was originally brought to the floor of the House of Representatives in 1931, some Congressmen explicitly supported the act because it prevented black workers from competing with whites for employment.

Large and small businesses, taxpayer organizations, minority contractors, and a majority of Americans support reform of the Davis-Bacon Act. The Stenholm amendment promises meaningful reform. It certainly deserves our support.

I include with my remarks a statement supporting reform of Davis-Bacon from the National Association of Minority Contractors, as follows:

MINORITY CONTRACTORS SUPPORT DAVIS-BACON REFORM, OPPOSE EXPANSION

The National Association of Minority Contractors (NAMC), a Washington, DC-based trade association representing the interests of over 60,000 minority construction firms in the U.S., today announced its support for an amendment to reform the Davis-Bacon Act, which is being offered Thursday by U.S. Rep. Charles Stenholm (D-Tex). The NAMC also expressed strong opposition to an amendment by Rep. Austin Murphy (D-PA) to dramatically expand coverage of the 1931 law.

"The Act, in its present form, is poison to minority contractors and stifles the introduction of minority laborers into the construction industry," said Ralph C. Thomas III, executive director of the association.

"Davis-Bacon clearly prevents fair minority participation in the federal construction

market," Thomas said. He cited the so-called "prevailing wages" and strict, outdated work rules imposed by the act. "Minority contractors tend to be non-union and, for the most part, cannot afford to sustain the payment of 'prevailing' wages to their workers when reverting to non-Davis-Bacon jobs."

Thomas explained that Davis-Bacon wage rates and work rules require contractors to pay even new, unskilled laborers and helpers union rates that often have little relevance to the work being done. "This is because if anyone picks up a tool of the trade he or she must be paid as a skilled journeyman mechanic. Thus, the contractor is literally required to pay laborers as painters one day and carpenters the next. The paperwork multiplies as payroll classifications for individual workers must be constantly changed."

Thomas noted that the Murphy Amendment would shut even more minority contractors and workers out of federal work, since it would expand Davis-Bacon to cover off-site suppliers and non-construction subcontractors not now covered.

In contrast, the Stenholm amendment would formally recognize a "helper" category—a semi-skilled job classification widely used on private construction jobs but almost always prohibited on federal Davis-Bacon contracts.

"Minority businesses employ more minorities than any other single entity in the country," Thomas said. "Most minority laborers enter the construction industry as helpers, receiving on-the-job training in a non-union, minority-owned firm. There they gather the skills and experience necessary to advance within the industry."

"But Davis-Bacon, unless Congress takes this opportunity to reform it, will continue to slam the door on minorities working in construction, shutting them out of \$40 billion a year in federal contracts."

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. DeLay].

Mr. DeLay. Mr. Chairman, I am on the Military Construction Subcommittee of the Committee on Appropriations, and I have been dealing with this issue for a long time.

Mr. Chairman, for me this issue is an issue of life. We do not have the money to put into decent housing and living conditions for our military families. We are asking our military families to live and some of our families to live in horrendous conditions, and we just absolutely do not have the money.

Mr. Chairman, we need to save money wherever we can. We had a study done by DOD that showed that over \$300 million a year goes toward adhering to Davis-Bacon. Can my colleagues imagine what we could have done with that \$300 million a year in providing, housing, chapels, recreation centers, day care centers for our military families which are so important to the defense of this country? We are asking them to defend this country, yet we will not give them the housing that they deserve.

Mr. Chairman, the Stenholm-Stangeland amendment allows us some savings that we can put back

into the quality of life for our military families. The Murphy amendment does not. Support the Stenholm amendment; defeat the substitute.

Mr. MURPHY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. HAWKINS].

Mr. HAWKINS. Mr. Chairman, I rise today in strong support of the Davis-Bacon reform substitute offered by the gentleman from Pennsylvania [Mr. MURPHY].

Since the Davis-Bacon Act was enacted in 1931, Federal law has required the payment of a locally prevailing wage to employees working on Federal construction projects. I want to emphasize that the prevailing wage required to be paid to workers is based on wages otherwise paid in the locality in which the Federal project is located—and the act in no way establishes any specific nationally applicable wage or separate Federal wage level.

The purposes of the Davis-Bacon Act are no less relevant today than they were over 50 years ago:

First, ensuring against disruption in local economies due to Federal construction activities;

Second, promoting fair competition for Federal and federally assisted construction work; and

Third, promoting quality construction through a wage structure which encourages the use of skilled employees.

These were major reasons for the act's development in 1931 and they remain critical and highly applicable today. I want to reiterate that the construction wage required to be paid under the act is simply the locally prevailing wage. The premise of the law was, and remains, that construction activities of the Federal Government should not be allowed to depress local economies.

The Murphy substitute is essentially the text of a carefully drafted Davis-Bacon reform bill which I joined Mr. MURPHY in introducing last Congress, H.R. 2216. The measure was approved by the full Education and Labor Committee, and was offered by Mr. MURPHY and passed by the House as an amendment to the fiscal year 1989 Defense authorization bill in the last session of Congress. However, at the insistence of the Senate, the provision was dropped in conference.

Mr. MURPHY and I have once again introduced a comprehensive reform bill in the 101st Congress. The Murphy substitute before the House today is the same as that bill. This reform measure was developed after extensive oversight hearings which were held on the act by the Labor Standards Subcommittee. It represents a comprehensive update and revision of the act providing for an increase in the exemption threshold to \$50,000, a new exemption threshold for rehabilitation of \$15,000, adminis-

trative reforms, enhanced enforcement mechanisms, new appeals rights, and other reforms.

I therefore urge you to vote yes on the Murphy substitute.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. RAY].

□ 1550

Mr. RAY. Mr. Chairman, I rise in support of the Stenholm amendment and in opposition to the Murphy amendment.

True reform of the Davis-Bacon Act is not accomplished by the Murphy amendment. While it is designed to look like reform, it would have the effect of expanding the coverage of the act in many circumstances.

The Stenholm amendment would raise the Davis-Bacon threshold to \$250,000, which would exempt only 7 percent of the dollars under currently covered contracts. So this is a modest reform. However, this reform, coupled with others in the amendment, could save \$3.5 billion over 5 years, a significant amount of savings in this time of declining funding for defense.

Mr. Chairman, I agree with the gentleman from Texas [Mr. DELAY]. An adjustment in Davis-Bacon is necessary if we are going to provide the quality of life to our military families, adequate housing, day-care centers, and other facilities to our military families.

Unfortunately, under the rule, we must first defeat the Murphy amendment in order to consider the Stenholm amendment. I want to tell my colleagues that if we want to consider the true Davis-Bacon reform, we must defeat the Murphy amendment. It is better to defeat both amendments than to approve the Murphy amendment and prevent a vote on the Stenholm amendment.

Mr. Chairman, I urge my colleagues to vote no on the Murphy amendment and yes on the Stenholm amendment.

Mr. Chairman, I include the following summary and explanation of the Davis-Bacon Reform Act of 1989:

SUMMARY OF PROVISIONS

(1) Exempts contracts smaller than \$250,000 (7 percent of total dollar volume);

(2) Allows the expanded use of entry- and training-level "helpers" by recognizing a semi-skilled helper classification; requires that locally prevailing wages be determined for that classification;

(3) Codifies 1982 DOL regulations improving the accuracy of prevailing wage determinations, by requiring that: (1) separate wage surveys be conducted for urban and rural areas; (2) minimum wages on Davis-Bacon projects be those found to be paid to 50 percent of workers in each job classification (or, if no one rate is paid to 50 percent, then a weighted average); and (3) Davis-Bacon rates be based on private sector rates, consistent with the Act's original intent);

(4) Reduces paperwork, by cutting from weekly to quarterly the required submission of detailed payroll records to the govern-

ment; at a minimum, three submissions would be required, at the beginning, midpoint, and conclusion of the contract period;

(5) Prohibits splitting up large contracts for the purpose of evading the Davis-Bacon Act; provides for administrative enforcement;

(6) Technical provisions include: Ensuring that reforms apply to the 60-plus "Related Acts" incorporating Davis-Bacon by reference; Moving responsibility for debarment of persons or firms violating Davis-Bacon from the Comptroller General to DOL;

(7) Requires DOL and GAO to submit to Congress annual reports on the economic impact, administration, and enforcement of Davis-Bacon, the Copeland Act, and these reforms.

BACKGROUND

The Davis-Bacon Act of 1931 requires that the minimum wage rates paid to each separate classification of worker on federally-financed construction, repair, and alteration contracts be those determined to be locally "prevailing" by the Department of Labor. Often these rates are significantly higher than the actual averages for the locality. The last major amendments to the Act were enacted in 1935.

This was a Depression-era response to reports that unscrupulous, fly-by-night contractors were hauling gangs of "itinerant, cheap, bootleg labor" around the country to undercut local firms on federal public works projects, at a time when there was little other new construction. The Act predated virtually all of today's basic worker protections, including the minimum wage, right to bargain collectively, and special construction industry rules.

Over the years, Davis-Bacon has come to operate counter to its original purposes. Often, its "prevailing" rates actually disrupt the local labor standards it was meant to preserve. The Act discourages many small and minority-owned firms from even bidding on federal work, resulting in a loss of competition that further drives up costs.

The Davis-Bacon Reform Act would improve and make less onerous the way Davis-Bacon applies to federal and federally-assisted construction, alteration, and repair projects. The bill would restore the Davis-Bacon Act more closely to its original intent (i.e., mirroring, as opposed to disrupting, locally prevailing labor standards), while still preserving basic worker protections on federal contracts.

HR 2259 (the Stenholm Amendment to HR 2461) would reduce the cost of federal and federally-financed construction, as well as more accurately reflect local labor practices. For these reasons, a surprisingly broad and diverse coalition has supported such reforms, including: The National Association of Minority Contractors, National League of Cities, National Association of Counties, National School Boards Association, National Association of Housing and Redevelopment Officials, and American Farm Bureau Federation.

In terms of budget economics, labor trends, and political momentum, the best arguments are all on the side of reform. HR 2259 is the 101st Congress (1989-90) version of what has been the leading reform bill in the House for several years. Since the first Davis-Bacon Reform Act was introduced in August 1983, this issue has gone from being rarely debated seriously and seldom the subject of a recorded vote, to becoming, in 1988, the subject of what the National Journal

rated as one of the year's five most critical economic votes taken in the House.

Mr. MURPHY. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. FORD], a member of the committee.

Mr. FORD of Michigan. Mr. Chairman, I rise in strong opposition to the Stenholm amendment, which is the latest in a long series of attempts he has made to gut the Davis-Bacon Act. The roots of the Davis-Bacon Act go back almost 100 years, into the late 19th century, when the States began to experience problems with construction contracts. They discovered that a policy of contracting to the lowest bidder inevitably led to depressed wage rates. The easiest way to shave a bid was—and is—to cut wages. The result was sub-standard labor conditions and shoddy quality.

The first State to respond was Kansas in 1891. It required the payment of prevailing wages to persons employed by or on behalf of the State or its local jurisdictions. New York followed in 1897, and Oklahoma, New Jersey, Idaho, Arizona, and Massachusetts all enacted prevailing wage laws before the First World War.

Thus, the Davis-Bacon Act's fundamental principle, that Government funds should not be used to undercut local prevailing wage standards, is not a Depression-era concept. The principle is not obsolete; the law is as necessary today as it was 50 or 100 years ago.

In fact, the origins of the Davis-Bacon Act in Congress precede the Great Depression. Congressman Robert L. Bacon—a New York Republican—first introduced his prevailing wage bill in 1927, during a time of prosperity. The act's Senate sponsor, James J. Davis—a Pennsylvania Republican—first endorsed the bill in 1928 while he was Herbert Hoover's Labor Secretary.

The need for the bill became obvious to all in 1931, when the dangers of wage-cutting and depressed labor standards were a national reality. The Davis-Bacon Act passed both the House and the Senate without a roll-call vote and was signed by President Hoover on March 3, 1931.

The act had the support of management as well as labor. The Senate report noted that builders from throughout the country have advised the committee that they favor the principle involved in this bill.

The Davis-Bacon Act is not New Deal legislation. It is one of the oldest, most firmly established of all our national labor laws—older than the minimum wage and child labor laws, older than the Wagner Act.

Davis-Bacon has found its way into more than 60 other statutes that deal with everything from military construction and juvenile delinquency to

vocational education and medical libraries.

The legislative history of the Davis-Bacon Act since 1931 is interesting. Despite repeated attempts to repeal or restrict it, the only changes in the law have been amendments that strengthened or expanded it. In 1935, the coverage threshold was lowered from \$5,000 to \$2,000 and the Copeland "anti-kickback" Act was enacted. A 1941 amendment clarified that Davis-Bacon applied to cost-plus contracts and not merely to contracts let through competitive bidding. The last amendment, in 1964, added fringe benefits to the definition of prevailing wages under the act. That amendment removed a big advantage that contractors who did not pay fringe benefits had gained.

Despite this unblemished history of congressional support, opponents of the Davis-Bacon Act—including the Bush administration—continue to try to cut back the act's protections. The Stenholm amendment, for example, would raise the coverage threshold from \$2,000 to \$250,000 and change the Copeland Act's payroll reporting requirements from a weekly to a quarterly report.

His amendment would exempt 70 percent of Defense Department construction from Davis-Bacon protections. It takes us almost three-quarters of the way toward repeal of the Act.

The House is being given a choice between two packages of amendments: The Stenholm package—which raises the coverage threshold 125 times higher than current law requires, only quarterly payroll reports, and encourages the use of low wage helpers—and the Murphy package, which raises the threshold to a level reflecting inflation since 1935—\$50,000—or \$15,000 for repair and remodeling projects—which requires biweekly payroll reports, provides a private right of action to enforce the law, and bars contract splitting to avoid the act.

I urge you to avoid the extremism of the Stenholm package. It is not reform; it is much closer to repeal.

Support reform, not repeal. I urge you to vote for the Murphy amendment.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the Stenholm amendment and in opposition to the Murphy amendment.

I hope Members who watch this debate realize they have a rare opportunity if they first defeat the Murphy amendment, because we must defeat the Murphy amendment to even consider the Stenholm amendment. They have a rare opportunity to do some-

thing that they will not otherwise be able to do in this entire Defense Authorization.

If you voted for the B-2, if you voted for the F-14, if you voted for the V-22, you had to make the choice between saving jobs and saving money.

If you vote for the Stenholm amendment to increase the threshold on Davis-Bacon, you can save jobs and you can save money, \$3.5 billion in terms of money that will revert to the Treasury over 5 years, raising the threshold without any gimmickry.

This exempts only 7 percent of the total dollar volume of Federal construction currently covered, and most importantly it enables smaller firms to enter into the bidding process by removing Davis-Bacon barriers that smaller firms find administratively burdensome. Small business, minority business, my personal favorite, rural business, will get a chance to play; more jobs, more opportunity.

However, if you support Murphy, here is what you will get. You will get not just one new threshold, but two, \$15,000 threshold, not \$50,000, for repair, alteration, renovation, and rehabilitation, which complicates the already overburdened administrative requirements in Davis-Bacon.

Now, this could mean, I assume, that if you add a new addition to a building you will have to decide whether this is new construction or whether this is repair. This is not defined, and it expands coverage to leases, off-site suppliers, independent contractors, fabricators, and privately-financed projects loosely related to Federal grants.

We must vote aye on Stenholm. We must vote no on Murphy to save jobs and save money.

Mr. MURPHY. Mr. Chairman, I yield 10 seconds to the chairman of the committee, the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, pursuant to section 2, paragraph (3) of the rule, I hereby give notice that I will offer a modification to my amendment number 1 in part 4 of House Report 101-168.

Mr. MURPHY. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS], a member of the committee.

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman for yielding me this time.

I am glad I stayed around for this debate. Is it not refreshing that both sides, Members from both sides in the Defense bill, are finally talking about saving some money?

The only problem is that the people who are for the Stenholm amendment have kind of got a unique way to finally save money on the Defense appropriation bill. They want to take it out of workers' salaries.

Now, the reason for Davis-Bacon is to keep the quality of work high. If you think now is the time to reduce the quality of the job being done for the Pentagon by corporate America, then you want to support the Stenholm amendment. I do not.

I think that the hallmark of the corporate work being done for the Pentagon today is scam, sham, ripoffs, and accounting gimmicks.

Davis-Bacon keeps the quality of workmanship up, and it works; but if you want small contractors coming in undercutting at workers' expense the kind of job they will do, paid off by your tax dollars for the Pentagon, then one way to do that and one way to save money is to lower the quality of work, lower the wages of America's workers by voting for the Stenholm amendment; but I predict that will bring chaos and more rip-offs of the American taxpayer. It will bring chaos because there is a Polyantha notion in America that the free marketplace will absolutely work. We have no free marketplace in the United States, nor should we, nor does corporate or small business America want a free marketplace.

Let us not create chaos by allowing the undercutting of these contracts and let us not reduce the salaries of America's workers under the guise of finally saving a few bucks in this over-inflated Pentagon budget.

Mr. STENHOLM. Mr. Chairman, I yield 1½ minutes to my colleague, the gentleman from Texas [Mr. HALL].

□ 1600

Mr. HALL of Texas. Mr. Chairman, I rise today to ask my colleagues to support the Davis-Bacon reform measure offered by my fellow Texan, CHARLIE STENHOLM. I urge my colleagues to support this amendment to the Defense authorization bill so that we may save the American taxpayer over \$3.5 billion by fiscal year 1994 or just under \$1 billion a year.

By passing this amendment we will send a strong signal to our constituents that we recognize that we do have a fiscal responsibility to spend their tax dollars wisely, and that it is possible to alleviate our current financial dilemmas without calling a halt to the quality of life we can offer our service men and women; and without calling a halt to the construction spending so vital to our Nation's communities; or without calling a halt to the repair, renovation, and rehabilitation of our Nation's Interstate System. All of these things are possible if my colleagues join me in voting for the Davis-Bacon reform amendment proposed by Congressman STENHOLM.

If there is one thing that is clear to all of us today it is the fact that Davis-Bacon discourages competition. It is also a fact that when you reduce the number of bidders for a project, the

price is likely to be higher. Many of the construction contractors in our districts will simply not put up with Government redtape, voluminous paperwork, archaic work rules, and job classifications, and thus there are fewer contractors competing for the public work. Those firms who have adjusted their operations to comply with the myriad of Davis-Bacon requirements understandably welcome a reduced number of competitors. This is no way to run a government.

The time to recognize Davis-Bacon reform as a budgetary issue rather than as a labor-management issue has come. The cost savings to the Federal budget—or the ability to get a greater amount of construction for the same budget levels—make sense. There is little quarrel that Davis-Bacon is inflationary, and there is no question in my mind that reform of this law would provide significant savings for the American taxpayers.

I urge my colleagues to support the Stenholm amendment and to vote against the Murphy-Hawkins amendment which would water down this sound economic proposal.

Mr. MURPHY. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I really want to say, first of all, this should not even be in this budget or this bill, because both the Stenholm amendment and the Murphy substitute apply to everything that the Federal Government does, and we should not have different standards for different things.

It used to be that the Committee on Rules came forward and allowed this to be debated, because they said Education and Labor had not done their job. The gentleman from Pennsylvania [Mr. MURPHY] has done his job. He has come up with an excellent reform and an excellent compromise, and that is the way we should go today.

Second, for everybody talking about how much money we spend under Davis-Bacon, would it not be wonderful if we could get all the lobbyists and everything who lobby all these amendments under Davis-Bacon; think of the money we would save. Why are not they as worried about that part of the bill and about an awful lot of the corporate executives who make more than the commanders in chief who make these weapons that do not work? Nobody talks about that.

I find this debate very sad, and I hope everybody supports the Murphy substitute.

Mr. STENHOLM. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, I rise in support of the Stenholm amendment and against the Murphy amendment.

Mr. Chairman, I support the Stenholm amendment to reform the Davis-Bacon Act.

The Davis-Bacon Act was a response to a depression-era condition when fly-by-night contractors used cheap labor to undercut local firms on Federal work projects. This legislation has outlived its original purpose and it's time for reform.

Reforming the Davis-Bacon Act is of particular concern to small businesses because these companies provide over 80 percent of the employment in the country today. What this really means is that reforming the Davis-Bacon Act is a jobs issue.

Meaningful changes such as those proposed in the Stenholm amendment will result in greater contracting opportunities for small businesses, a reduced administrative and paperwork burden for small contractors, and greater job opportunities for the entry level workers especially youth, minorities, and women. Reform in the current law will also lower the deficit and stop wasting taxpayer dollars.

The impact of Davis-Bacon on small business is particularly relevant since the construction industry is made up mostly of a large number of small, localized firms.

According to the Small Business Administration's small business data base, around 57 percent of all construction employees worked in firms employing fewer than 50 persons. The vast majority of these firms perform construction work exclusively in their home States. Approximately one-quarter of all construction workers are unionized, although the extent of unionization varies by type of construction, region, and trade.

Many smaller construction firms believe that the Davis-Bacon Act is discriminatory because it favors larger, unionized firms that can bid projects based on higher wage levels. The act does not preserve jobs for local contractors since contractors on public projects are more likely to come from outside the area. The problems caused by restrictions on the use of helper classifications and the act's detailed paperwork and reporting requirements impact small companies the most.

Although repeal of Davis-Bacon was a top 10 priority at the final White House Conference on Small Business, we are only speaking of a reform of the act today.

We can vote to preserve the prevailing wage legislation on the books today, but we can also vote to improve it and provide relief for our small businesses. These are companies that would like to bid on highway contracts, defense construction projects, public school construction projects, and community development projects.

One of the most important reforms in the Stenholm amendment will be an increase in the threshold of applicability for the Davis-Bacon Act. The current law exempts all projects under \$2,000. This amendment raises that threshold to \$250,000. This is a realistic figure and will relieve many of the burdens placed on small contractors.

The Congressional Budget Office [CBO] estimates that around 7 percent of the dollar volume amount of Federal construction contracts would be exempt from Davis-Bacon if the threshold were increased to \$250,000.

This means that 93 percent of the dollar volume amount would still be covered by Davis-Bacon.

CBO also points out that with a threshold figure of \$250,000 that approximately two-thirds of the number of contracts will be exempt. Because a small amount of work is taken up in a large number of very small contracts, this threshold will open up significant numbers of opportunities for small firms.

So small businesses will benefit from the reform proposal before us today. The larger contractors—who perform 93 percent of the total dollar volume of Federal construction work—will still be covered by the act.

With a higher threshold more small businesses will participate which will enhance competition, reduce costs to taxpayers and open up job opportunities.

It's high time that Congress reformed the Davis-Bacon Act. As the Atlanta Journal noted the act is a "Bonanza for organized labor and a shellacking for the taxpayer."

Let's enact meaningful reform. Vote "yes" on the Stenholm amendment.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, when I talk to my liberal friends about Davis-Bacon, they will all admit to me that intellectually Davis-Bacon is not justifiable. Intellectually speaking, they know it just simply does not make sense. But if I ask them if they will have the courage to cross over and do what should be done to make this Government work better, they say, "Wait a minute, we cannot cross our core constituency, labor."

Mr. Chairman, I want to point out that in this defense bill we have the gentleman from Rhode Island [Mr. MACHTEY] and the gentleman from Florida [Mr. IRELAND] and the gentleman from Ohio [Mr. KASICH], and a number of us who have crossed against our own constituency to make tough decisions in tough budget times.

The gentleman from Texas [Mr. STENHOLM] does not repeal Davis-Bacon, but what he says is let us have a little reform. What I say to my friends, particularly on the Democrat side of the aisle, is let us have a little conscience today. Let us have a little guts and courage to reform something that we all know intellectually we cannot justify from day 1.

Let us support Stenholm, and let us defeat Murphy, and let us do something good for the Government here in the defense budget.

Mr. STENHOLM. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, I take this time to respond to a few of the statements of my colleagues that have been made concerning the intention of the author of this amendment to eviscerate the Davis-Bacon Act. Nothing is further from our thoughts. We will talk about that more a little bit later.

Mr. Chairman, it is interesting that the gentleman from Michigan would bring up Kansas being the original State for Davis-Bacon when the State of Kansas repealed their Little Davis-Bacon Act in 1986 for the same reason that many today think we ought to do the same thing on the national level, but not this Member.

Mr. Chairman, I am here for reform, not repeal.

It is interesting how we talk about the \$250,000 cap as being something of which it is not. The \$250,000 limit on contracts exempts 7 percent of the total volume, 7 percent of the total.

Mr. Chairman, I would ask my colleagues on the floor to take a look at the chart that we have before us. To my colleague from Montana who suggested that we were taking something from workers, that was not the original intent of the Davis-Bacon Act. The Davis-Bacon Act is intended that workers on Federal projects receive the prevailing wage.

Mr. Chairman, reading my chart, we are the compromise, in our humble opinion. We provide 53 percent of the budget savings of repeal by exempting only 7 percent of the dollar volume of the work now covered, and by improving prevailing wage determinations. In budget terms, we come 47 percent of the way to those that wish to do nothing.

If Members have been told by lobbyists visiting their offices that Murphy is the compromise, they have been shown one-half of one page of threshold changes that would, except for the rest of the bill, exempt almost 1 percent of the dollar volume of total Government expenditures on construction.

The Murphy amendment exempts less than 1 percent. What has been hidden from the Members are the other 22 pages in the Murphy amendment that expand Davis-Bacon in every imaginable way.

If we look at the chart, and this is not something I made up; this is CBO numbers, and the black line represents what Davis-Bacon was originally supposed to do, and that is provide prevailing wages on Federal contracts. CBO says under current determination that we attempt to reform the extra cost is 6.6 in BA or 4.6 in outlays, or \$1 billion a year. We propose to take back 53 percent; the Murphy amendment proposes to add we do not know how much, but according to CBO we do know it will add cost.

The Murphy amendment covers leases not now covered with language so vague that a Government agency renting a few hundred square feet could trigger Davis-Bacon for an entire office complex. It extends unrealistic prevailing wages, outdated work rules, and onerous paperwork to all the small specialty firms that now operate nonconstruction, supply, fabricating and hauling subcontractors. In

the helper category, it blocks the Department of Labor's helper regulations that our amendment would allow to go forward. It would allow the Secretary of Labor to impose at will Davis-Bacon mandates on totally private projects like a little shopping center that was so controversial in Muskogee, OK, back in 1985, if a Federal grant was a small part of a tenuously related non-construction project.

Litigation, by creating totally new private rights of action, the Murphy amendment could potentially spur thousands, literally thousands, of new lawsuits in our already overburdened Federal courts.

There is no real threshold change. The bifurcated Murphy threshold is meaningless at best. It would exempt less than 1 percent of all the Davis-Bacon contracts.

Compare the Stenholm-Stangeland-Valentine compromise reform. We have come from repeal to a \$1 million threshold to, today, \$250,000. We have come from repeal to preserving the minimum wage prevailing in an area.

No matter how many times speakers opposing my amendment will say it, one cannot remove the fact that we are for the prevailing wage, and anything above the black line on my chart is additional cost.

We protect rural communities, and anyone who comes close to representing a rural area knows how important reform of Davis-Bacon is to our rural communities.

□ 1610

With our helper provision, we extend the first rung of opportunity to thousands of minorities, women, and new workers now left behind.

On the other hand, we have 22½ pages of the Murphy expansion amendment. Take a good look at that one, folks, before you vote. Give us our day in court. There are 105 cosponsoring the Davis-Bacon reform bill that has become the text of the amendment we offer today.

Meaningful reform, meaningful reform, that is where we are. That is what we ask. We ask in fact that we be allowed to do as this chart suggests. The New York Times, our cities, our counties, the minority contractors, the Grace Commission all say repeal. We say no. We say let us meet the opposing views in this bill and on this side of the question half way. That is where we are.

We ask 53 percent of the savings, not taking one penny away from those who contend, as I readily agree, we should pay the prevailing wage. In return we are asked, and I hope my colleagues will take a good hard look at the Murphy amendment, because if that in fact passes we will take the current status quo and make it worse.

By how much? We do not know. But I think we ought to ask that question and answer it ourselves, because we do not know, but it is going to be some considerable amount of dollars.

The small business community wants reform, wants reform.

It is interesting, and I will conclude with this, we just had a vote, and I have heard a lot of concern about the small businesses, we just had a 5-percent set-aside vote pass this House by a vote of 324. This amendment is much more important to small businesses interested in contracts than the amendment we just passed by an overwhelming vote.

Mr. MURPHY. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, I just would like to reply to a remark that was just made a moment ago that people who are liberal in nature admit that this is not a very logical law, and there is something wrong with the law. I am not very liberal. I think I am probably a middle-of-the-road individual. But I must say that I think this is a very logical law. Herbert Hoover signed this law into effect. We have lived with it for a long time, and if we want to change this law we ought not to do it before full hearings in some committee of Congress, and not in this way at this time.

Mr. MURPHY. I yield to the gentleman from Texas.

Mr. STENHOLM. I will return the favor when I have the chance.

Mr. Chairman, I am not contending that all of this savings is in the defense bill. This is total Government contract work. Defense is only 30 percent of these numbers.

DOES THE MURPHY AMENDMENT EXPAND PREVAILING WAGE LAW? NO

Some of the opponents of the Murphy amendment have invested considerable time and expense spreading misinformation about how the Murphy amendment supposedly vastly expands Davis-Bacon prevailing wage law. This simply is not true. I understand and sympathize with my colleagues who do not serve on the Labor Committee and may become confused about some of the complicated provisions in the Davis-Bacon Act, as well as related administrative and judicial rulings and how the Murphy amendment affects current law.

This amendment saves money—read the CBO letter in our Committee Report 100-504.

This amendment does not expand the Davis-Bacon Act to cover Federal lease construction. It already covers lease construction. Call the Secretary of Labor and ask her for her own Wage Appeals Board rulings in the Fort Drum case and the Crown Point, IN, Veterans Clinic case. Both apply Davis-Bacon to Federal leases. That is

how the Secretary of Labor currently interprets the Davis-Bacon Act.

This amendment does not expand the Davis-Bacon Act to offsite fabrication facilities. The current law already covers offsite work, which is undertaken solely in support of a Davis-Bacon project. Call the Secretary of Labor and ask her.

This amendment does not vastly expand the Secretary of Labor's authority to interpret the Davis-Bacon Act and make her rulings binding on other agencies. The Secretary of Labor already has that authority pursuant to Presidential Reorganization Plan No. 14 of 1950—an Executive order which is still in effect today. Call the Secretary of Labor and ask her.

This amendment does not violate privacy rights by ordering release of Copeland Act payroll reports. A Federal circuit court of appeals decision already has ordered release of such payroll reports. This amendment actually narrows the payroll information that must be disclosed under that court decision.

This amendment does not subject construction employers to a new and dangerous private right to action for unpaid wages. The private right in this amendment is identical to the existing private rights of actions in section 16(b) of the Fair Labor Standards Act [FLSA]. Construction employers are already subject to this identical FLSA private right of action for any overtime pay violations they may commit. Call the Secretary of Labor and ask her.

I could go on, but I think my colleagues can already understand that this bill is not imaginative, new or revolutionary. It is largely a codification of existing prevailing wage law, court rulings, Presidential Executive orders, administrative rulings by the Secretary of Labor, and other aspects of the extant body of prevailing wage law, or related wage and hour law.

Mr. Chairman, I rise today to ask the House to join with me once again in support of reasonable reform of the Davis-Bacon Act. I can only wish that the rest of my life would be as certain and as regular as our perennial attempts to reform Davis-Bacon. Managing this issue every year has become so familiar to me that I find myself mentioning the words "Davis-Bacon" when I encounter someone complaining about how life is constantly changing, and taking with it the many things that they have come to rely on. With Davis-Bacon the old adage "the more things change the more they stay the same" could not be more true.

Some of my colleagues may have preferred to deal with this controversial issue earlier in the 101st Congress. That may have been a better time. However, there were no requests to hold hearings and in light of the dis-

cord which prevailed during the earlier months of this session. It was a wise move for the Committee on Education and Labor to wait until now to address this issue.

The question now, as it was in past debates on Davis-Bacon, is the same; do we want real reform or repeal of the act? In hearings held by the Subcommittee on Labor Standards, we determined during the last Congress that the Davis-Bacon Act remains an important means of protecting the livelihoods of American workers. And like anything that works well, we would like to keep it in good working order so we proposed modest changes that would fine tune the act, not destroy its effectiveness by narrowing its scope.

Last year, the Committee on Education and Labor supported a Davis-Bacon reform proposal that would have increased the act's thresholds from the current level of \$2,000 to \$50,000. This modest approach was adopted by the House as an amendment to last year's defense authorization bill on May 3, 1988, but unfortunately it was removed in conference. I am hoping that today as we prepare to vote, to give the Pentagon \$300 billion, that we will not forget the millions of American workers who depend on the decent wage established for them by the Davis-Bacon Act.

We find now ourselves in the exact same battle as a year ago with the same players and the same numbers. The amendment that I am asking you to support today with some minor technical changes is the same amendment adopted by the House last year. And for those of you who may need a refresher course, let me outline for you my amendment.

As I stated earlier, it will raise the act's coverage threshold for construction projects financed with tax dollars from \$2,000 to \$50,000. It raises from \$2,000 to \$15,000 the threshold for repairs and remodeling on Federal contracts.

It provides an objective standard to prevent agencies from splitting contracts to avoid the application of the new threshold.

It compels the Department of Labor to issue more timely wage determinations.

It restores the scope of prevailing wage surveys to include all similar construction in an applicable area and not statewide.

It provides two alternatives to the present much criticized compliance system of exclusive relief from the Department of Labor. It expedites the administrative process, and it provides a private right of action.

It reduces by 50 percent employer payroll reporting requirements under the Copeland Act. Employers are now required to file weekly reports and

under this amendment employers would only be required to file every other week or 26 times per year instead of 52 times per year.

It codifies the authority of the Secretary of Labor to issue decisions concerning interpretation and application of the act which are final and binding on all agencies, thus giving the Department of Labor by legislation the right to issue orders and regulations which it now does by Presidential Executive order.

It strengthens current law applying prevailing wages on lease-construction projects.

It defines apprentice, trainee, and helper. It restricts the total amount of fringe benefits to levels determined to be prevailing by the Secretary of Labor.

I believe that this amendment both simplifies and updates the Davis-Bacon Act. It brings it up to date for 1989, and in doing so it renews and strengthens our resolve to protect American workers against exploitation. This amendment is a sound and balanced approach to reform of the Davis-Bacon Act, and I ask for your support.

Mr. COSTELLO. Mr. Chairman, let me state my opposition to the Stenholm amendment and my support for the Murphy amendment.

In my congressional district, any relaxation of Davis-Bacon regulations could mean that highly skilled workers would not be able to work on several projects of importance to the region.

Relaxing Davis-Bacon could result in an increase of contractors bringing in outside workers, many of them lacking the needed skills, while highly skilled local craftsmen sit on the bench.

In fact, a relaxation of these standards could even result in a greater cost to the Government. Substandard work by less-skilled workers might mean that at some time in the future this work would have to be improved and even replaced.

Mr. Chairman, in my opinion we should support the Murphy provision over the Stenholm amendment, and I would urge my colleagues to support the amendment by Congressman MURPHY.

Ms. SCHNEIDER. Mr. Chairman, the Davis-Bacon Act was originally passed in 1931. Many things have changed in the intervening 58 years, but few things have changed as much as the Federal Government's involvement in awarding construction contracts. The need to modernize Davis-Bacon has come into clear focus in recent years and now, even the most ardent supporters of Davis-Bacon cannot deny that changing times call for changing laws.

Given the long history of Davis-Bacon and its broad application in Federal construction programs, 40 minutes of debate in the midst of the defense authorization bill is not the best way to consider revising this law. Unfortunately, the House leadership has not seen fit to provide for a separate consideration of Davis-Bacon. Whether the amendment being offered today by Mr. STENHOLM represents the abso-

lute best that Congress can do is unclear. But it is a relatively modest change that is clearly better than current law. It is, I think, also better than the revision offered by Mr. MURPHY.

The Stenholm amendment exempts only 7 percent of the dollar volume of currently covered contracts from Davis-Bacon. Yet, in so doing, it provides a savings estimated by the Congressional Budget Office of \$2.4 billion in 5 years. This is a step in determining whether such an exemption can provide savings, maintain quality construction, and not disrupt local labor markets. If it fails to deliver on these promises, Congress can reconsider. At a time when we are facing growing budgetary pressures, however, it would be unwise not to look for a reasonable way to reduce Government spending. Mr. Chairman, I feel that the time for Davis-Bacon reform is here and I support the Stenholm amendment.

Mr. DREIER of California. Mr. Chairman, as a cosponsor of a Davis-Bacon reform bill (H.R. 2259) introduced by my friend from Texas, Mr. STENHOLM, I rise today in opposition to the Murphy amendment. I would like to outline just two of the many creative ways in which the Murphy amendment would force hundreds, and perhaps thousands, more Federal contracts under the coverage of the Davis-Bacon Act each year.

If enacted, the Murphy amendment would establish burdensome new court remedies for so-called interested parties. It is important to note that the term "interested parties" does not include the Government or contractor-employers.

By establishing an unprecedented "private right of action," the Murphy amendment potentially would send thousands of contract disputes into the Federal courts every year. These suits could be filed if interested parties allege that the Government did not apply Davis-Bacon when it should have. Further, a new private right of action also would be added to allow interested parties to sue contractor-employers in the Federal courts for alleged noncompliance with Davis-Bacon. Currently, such remedies are sought through administrative review. The Murphy amendment also adds to the risks of such litigation by allowing plaintiffs, if they are successful in their complaints, to recover attorneys' fees and costs of action from defendants. However, the Murphy amendment does not include a provision for a defendant to recover costs from a plaintiff in the case of a frivolous action.

CBO has stated that the provisions for private rights of action could result in considerable litigation and construction delays. Clearly, the spectre of prolonged, costly court battles would only ensure that contracting officers simply would apply Davis-Bacon whether application was warranted or not. Similarly, small- and minority-owned firms without large financial resources will avoid Federal contracts in even greater numbers than they do now should the Murphy expansion take effect.

Complicating this scenario is a second expansionist provision contained in the Murphy amendment. This provision would require bundling together of dissimilar contracts if "they related to the same work or related work." Under this vague standard, contracting officers likely would determine that many con-

tracts, which appear to be exempt under Murphy, actually should be covered by Davis-Bacon. These decisions would be made in order to avoid expected court appeals under the new private rights of action.

Mr. Chairman, in an effort to reduce the deficit, Congress should be taking steps to make the Federal contracting process more competitive. Instead of encouraging greater competition, enactment of the Murphy amendment would restrict opportunities for small contractors to enter the market for federally funded construction, alteration, and repair work. As such, I urge my colleagues to join me in voting to defeat the Murphy amendment so that we can vote for the Stenholm amendment, which offers much needed reform of the Davis-Bacon Act.

Mr. POSHARD. Mr. Chairman, I rise in support of the Murphy substitute to the Stenholm amendment on the Davis-Bacon Act.

The Murphy amendment would raise the act's threshold to \$50,000 in addition to requiring the Department of Labor to assess prevailing wages more regularly. It also closes some of the loopholes which the Department has exploited over the years to the detriment of men and women in the construction industry.

Mr. Chairman, it would be far better if this amendment had been thoughtfully considered by the full Committee on Education and Labor. I am confident that had such sessions been held, we would have gathered a large body of evidence confirming the absolute necessity for the provisions of the Davis-Bacon Act as it presently stands.

My district in southern Illinois has the highest unemployment rate in the State—double the national average. My friends and neighbors in southern Illinois need every dollar that comes into our district, and a proposal which would effectively cut construction wages is a cold, hard slap in the face.

I would prefer that we were not here today voting on Davis-Bacon, because I believe that \$50,000 threshold is too high. And the thought of raising it to \$250,000 is outrageous. I support the Murphy amendment, but I would prefer not to be first faced with this issue on the floor of the House.

Without a doubt, the Davis-Bacon Act is one of the most significant pieces of American labor law. It ensures that the Government does not use its mighty financial clout to disrupt local labor markets. The need for the act is as great today as it was in 1931—the Federal Government should not undercut wages in the construction industry.

Mr. VENTO. Mr. Chairman, I rise in strong opposition to the Stenholm amendment which would undermine one of our Nation's most important and basic labor laws, the Davis-Bacon Act.

This is but the latest attempt by the opponents to mask Davis-Bacon reform would completely undermine this important law which benefits thousands of working men and women in the construction and building trades. A similar amendment was introduced last year when the House considered the Department of Defense authorization bill. At that time, the House soundly rejected the amend-

ment by the gentleman from Texas, Mr. STENHOLM. We should do so again today.

The proponents of this amendment suggest that this is a modest effort at reform. But let's take a look at the facts of what this amendment would really do.

The Stenholm amendment would raise the threshold for the application of Davis-Bacon from the current \$2,000 to \$250,000; an increase of 1,250 percent. Such an increase in the Davis-Bacon threshold would have the impact of exempting 70 percent of all Defense Department construction projects entirely from the wage protections of the act. That is not a reform amendment. That is a gutting amendment to the basic policy and law.

The amendment purportedly prohibits the artificial splitting of contracts for the purpose of avoiding the application of Davis-Bacon prevailing wage rates. Unfortunately, however, the Stenholm amendment would also permit the expanded use of helpers and would relax the payroll reporting requirements for employers who would be permitted to file quarterly reports instead of weekly reports, thereby undermining the Department of Labor's ability to monitor and enforce compliance with the act.

Mr. Chairman, I strongly urge my colleagues to reject the one-sided approach of reforming Davis-Bacon embodied in the Stenholm amendment. Instead, I urge my colleagues to support the fair and balanced approach represented in the Murphy-Hawkins substitute amendment.

Murphy-Hawkins raises the Davis-Bacon threshold from \$2,000 to \$50,000 and provides an objective rather than subjective standard to prevent Federal agencies from splitting contracts to avoid the application of the act.

Murphy-Hawkins requires that more timely wage determinations be made by the Department of Labor and also restores the scope of prevailing wage surveys to include all similar construction work in an applicable survey area.

Murphy-Hawkins provides contractors two alternatives for redressing compliance grievances; one, through an expedited administrative review process within the Department of Labor, and another by giving contractors a private right of action.

Murphy-Hawkins also reduces employer payroll reporting requirements while maintaining the existing reporting timetable.

Murphy-Hawkins removes existing ambiguities from the Davis-Bacon Act by defining the terms "apprentice", "helper", and "trainee", and also codifies the existing authority of the Secretary of Labor to issue decisions concerning the interpretation and application of Davis-Bacon that are final and binding on all executive branch agencies.

Finally, the Murphy-Hawkins amendment restricts the amount of fringe benefits which an employer may include as part of the prevailing wage payment to the aggregate level of fringe benefits which are determined by the Secretary to be prevailing in an applicable area.

The Murphy-Hawkins amendment is identical to H.R. 2216, which passed the House on May 3, 1988, this is true reform. I voted for that legislation and continue to strongly support this measure because it is the only fair and comprehensive Davis-Bacon reform

measure under consideration today by the House of Representatives. I urge my colleagues to reject the Stenholm amendment and to support the Murphy-Hawkins substitute amendment.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MURPHY] as a substitute for the amendment offered by the gentleman from Texas [Mr. STENHOLM].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. AuCOIN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. The Chair will remind Members that if a second vote is ordered, it will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 223, noes 201, not voting 7, as follows:

[Roll No. 181]

AYES—223

Ackerman	Edwards (CA)	Leland
Akaka	Engel	Levin (MI)
Alexander	Erdreich	Levine (CA)
Anderson	Espy	Lewis (CA)
Annunzio	Evans	Lewis (GA)
Applegate	Fascell	Lloyd
Aspin	Fazio	Long
Atkins	Feighan	Lowe (NY)
AuCoin	Fish	Lukens, Thomas
Bates	Flake	Manton
Bellenson	Floppo	Markley
Bennett	Foglietta	Martinez
Bentley	Ford (MI)	Matsui
Berman	Ford (TN)	Mavroules
Beverly	Frank	McCloskey
Bilbray	Frost	McDade
Boehrlert	Garcia	McDermott
Boggs	Gaydos	McGrath
Bonior	Gejdenson	McHugh
Borski	Gephardt	McMillen (MD)
Bosco	Gibbons	McNulty
Boucher	Gillman	Mfume
Boxer	Glickman	Miller (CA)
Brennan	Gonzalez	Mineta
Brooks	Gordon	Moakley
Browder	Gray	Mollohan
Brown (CA)	Guarini	Morrison (CT)
Bruce	Hall (OH)	Mrazek
Bryant	Hamilton	Murphy
Bustamante	Harris	Murtha
Campbell (CO)	Hawkins	Nagle
Cardin	Hayes (IL)	Natcher
Carr	Hertel	Neal (MA)
Clarke	Hoagland	Nelson
Clay	Hochbrueckner	Nowak
Clement	Horton	Oakar
Coleman (TX)	Hoyer	Oberstar
Conte	Hubbard	Obey
Conyers	Hughes	Ortiz
Costello	Jacobs	Owens (NY)
Coyne	Johnson (SD)	Owens (UT)
Crockett	Jones (GA)	Pallone
Davis	Jontz	Panetta
DeFazio	Kanjorski	Pashayan
Dellums	Kaptur	Payne (NJ)
Dicks	Kastenmeier	Pease
Dingell	Kennedy	Pelosi
Dixon	Kennelly	Perkins
Donnelly	Kildee	Pickle
Dorgan (ND)	Kleczka	Poshard
Downey	Kolter	Rahall
Durbin	Kostmayer	Rangel
Dwyer	LaFalce	Richardson
Dymally	Lantos	Ridge
Dyson	Laughlin	Rinaldo
Early	Lehman (CA)	Robinson
Eckart	Lehman (FL)	Roe

Rose
Rostenkowski
Roybal
Russo
Sabo
Sangmeister
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sharp
Shays
Sikorski
Skaggs
Skelton
Slatery
Slaughter (NY)

Smith (FL)
Smith (IA)
Smith (NJ)
Solaz
Solomon
Staggers
Stallings
Stark
Studds
Swift
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Vento

Visclosky
Volkmer
Walgren
Walsh
Waxman
Weiss
Weldon
Wheat
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)

NOES—201

Andrews	Hefley	Price
Anthony	Hefner	Pursell
Archer	Henry	Quillen
Armey	Henger	Ravenel
Baker	Hiler	Ray
Ballenger	Holloway	Regula
Barnard	Hopkins	Rhodes
Bartlett	Houghton	Ritter
Barton	Huckaby	Roberts
Bateman	Hunter	Rogers
Bereuter	Hutto	Rohrbacher
Bilbrakis	Inhofe	Roth
Billiey	Ireland	Roukema
Broomfield	James	Rowland (CT)
Brown (CO)	Jenkins	Rowland (GA)
Buechner	Johnson (CT)	Saiki
Bunning	Johnston	Sarpallus
Burton	Jones (NC)	Saxton
Byron	Kasich	Schaefer
Callahan	Kolbe	Schiff
Campbell (CA)	Kyl	Schneider
Carper	Lagomarsino	Schuetter
Chandler	Lancaster	Schulze
Chapman	Leach (IA)	Sensenbrenner
Clinger	Leath (TX)	Shaw
Coble	Lent	Shumway
Coleman (MO)	Lewis (FL)	Shuster
Combest	Lightfoot	Siskis
Cooper	Livingston	Skeen
Coughlin	Lowery (CA)	Slaughter (VA)
Cox	Lukens, Donald	Smith (MS)
Craig	Machtley	Smith (NE)
Crane	Madigan	Smith (TX)
Darden	Marlenee	Smith (VT)
de la Garza	Martin (IL)	Smith, Denny
DeLay	Martin (NY)	(OR)
Derrick	Mazzoli	Smith, Robert
DeWine	McCandless	(NH)
Dickinson	McCollum	Smith, Robert
Dornan (CA)	McCrery	(OR)
Douglas	McCurdy	Snowe
Dreier	McEwen	Spence
Duncan	McMillan (NC)	Spratt
Edwards (OK)	Meyers	Stangeland
Emerson	Michel	Stearns
English	Miller (OH)	Stenholm
Fawell	Miller (WA)	Stump
Fields	Molinar	Sundquist
Frenzel	Montgomery	Synar
Gallely	Moody	Tallon
Gallo	Moorhead	Tanner
Gekas	Morella	Tauke
Gillmor	Morrison (WA)	Tauzin
Gingrich	Myers	Thomas (CA)
Goodling	Neal (NC)	Thomas (GA)
Goss	Nielson	Thomas (WY)
Gradison	Olin	Upton
Grandy	Oxley	Valentine
Grant	Packard	Vander Jagt
Green	Parker	Vucanovich
Gunderson	Parris	Walker
Hall (TX)	Patterson	Watkins
Hammerschmidt	Paxon	Weber
Hancock	Payne (VA)	Whittaker
Hansen	Penny	Whitten
Hastert	Petri	Wolf
Hatcher	Pickett	Wylie
Hayes (LA)	Porter	Young (FL)

NOT VOTING—7

Collins	Florio	Stokes
Courter	Hyde	
Dannemeyer	Lipinski	

□ 1636

The Clerk announced the following pairs:

On this vote:

Mr. Stokes for, with Mr. Dannemeyer against.

Mr. McMILLEN of Maryland changed his vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. DURBIN). The question is on the amendment offered by the gentleman from Texas [Mr. STENHOLM] as amended.

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BARTLETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The Chairman pro tempore. The Chair reminds Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 224, noes 196, not voting 11, as follows:

[Roll No. 182]

AYES—224

Ackerman	Downey	Kanjorski
Akaka	Durbin	Kaptur
Alexander	Dwyer	Kastenmeier
Anderson	Dymally	Kennedy
Annunzio	Dyson	Kennelly
Applegate	Early	Kildee
Aspin	Eckart	Kleczka
Atkins	Edwards (CA)	Kolter
AuCoin	Engel	Kostmayer
Bates	Erdreich	LaFalce
Bellenson	Espy	Lantos
Bennett	Evans	Lehman (CA)
Berman	Fascell	Lehman (FL)
Bevil	Fazio	Leland
Billbray	Feighan	Levin (MI)
Boehlert	Fish	Levine (CA)
Boggs	Flake	Lewis (CA)
Bonior	Flippo	Lewis (GA)
Borski	Foglietta	Lloyd
Bosco	Ford (MI)	Long
Boucher	Ford (TN)	Lowey (NY)
Brennan	Frank	Lukens, Thomas
Brooks	Frost	Manton
Browder	Garcia	Markey
Brown (CA)	Gaydos	Martinez
Bruce	Gejdenson	Matsui
Bryant	Gephardt	Mavroules
Bustamante	Gibbons	Mazzoli
Campbell (CO)	Gilman	McCloskey
Cardin	Glickman	McDade
Carr	Gonzalez	McDermott
Clarke	Gordon	McGrath
Clay	Gray	McHugh
Clement	Guarini	McNulty
Coleman (MO)	Hall (OH)	Mfume
Coleman (TX)	Hamilton	Miller (CA)
Conte	Harris	Mineta
Conyers	Hawkins	Moakley
Costello	Hayes (IL)	Mollohan
Coughlin	Hertel	Moody
Coyne	Hoagland	Morrison (CT)
Crockett	Hochbrueckner	Mrazek
Davis	Horton	Murphy
de la Garza	Hoyer	Murtha
DeFazio	Hubbard	Nagle
Dellums	Hughes	Natcher
Dicks	Jacobs	Neal (MA)
Dingell	Johnson (SD)	Nelson
Dixon	Jones (GA)	Nowak
Donnelly	Jones (NC)	Oakar
Dorgan (ND)	Jontz	Oberstar

Obey
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Pashayan
Payne (NJ)
Pease
Perkins
Pickle
Poshard
Rahall
Rangel
Richardson
Ridge
Rinaldo
Robinson
Roe
Rose
Rostenkowski
Roybal
Russo
Sabo

Sangmeister
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sharp
Shays
Sikorski
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Solomon
Spratt
Staggers
Stallings
Stark
Studds
Swift

Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Vento
Visclosky
Volkmer
Walgren
Waxman
Weiss
Weldon
Wheat
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)

NOT VOTING—11

Boxer	Florio	Pelosi
Collins	Houghton	Stokes
Courter	Hyde	Walsh
Dannemeyer	Lipinski	

□ 1645

The Clerk announced the following pairs:

On this vote:

Mr. Stokes for, with Mr. Dannemeyer against.

Mrs. Collins for, with Mr. Houghton against.

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WALSH. Mr. Chairman, on roll-call vote 182 I was unavoidably detained getting to the floor. Had I been present, I would have voted in favor of the Stenholm amendment, as amended.

Mr. Chairman, I ask unanimous consent that the permanent RECORD include my statement of explanation immediately after the vote.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Ms. PELOSI. Mr. Speaker, on roll-call vote 182, I was unavoidably detained getting to the floor. Had I been present, I would have voted in favor of the Stenholm amendment, as amended.

I ask that the permanent RECORD include my statement of explanation immediately after the vote.

F-14 AIRCRAFT AND V-22 AIRCRAFT

The CHAIRMAN pro tempore (Mr. DURBIN). Pursuant to the order of the House of Monday, July 24, 1989, and House Resolution 211, it is now in order to consider an amendment relating to the F-14 aircraft and an amendment relating to the V-22 aircraft, by, and if offered by the gentleman from Alabama [Mr. DICKINSON]. Said amendments shall each be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, and shall be considered in lieu of amendment No. 25 printed in part 2 of House Report 101-168. Said amendments are deemed to have appeared in part 1 of said report.

Mr. DICKINSON. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN pro tempore. Without objection, the gentleman from Alabama [Mr. DICKINSON] is recognized for 5 minutes.

There was no objection.

Mr. DICKINSON. Mr. Chairman, the rule makes in order at this point my amendment to strike the F-14 and V-22 weapons systems.

I have talked to many Members about both systems. I know there is a great deal of concern on both. Dealing with the F-14 first, I have talked to

NOES—196

Andrews
Anthony
Archer
Army
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bentley
Bereuter
Billakis
Billey
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Campbell (CA)
Carper
Chandler
Chapman
Clinger
Coble
Combest
Cooper
Cox
Craig
Crane
Darden
DeLay
Derrick
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Duncan
Edwards (OK)
Emerson
English
Fawell
Fields
Frenzel
Gallegly
Gallo
Gekas
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Grant
Green
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hatcher
Hayes (LA)
Hefley

Hefner
Henry
Herger
Hiller
Hollaway
Hopkins
Huckaby
Hunter
Hutto
Inhofe
Ireland
James
Jenkins
Johnson (CT)
Johnston
Kasich
Kolbe
Kyl
Lagomarsino
Lancaster
Laughlin
Leach (IA)
Leath (TX)
Lent
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Lukens, Donald
Machtley
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McCurdy
McEwen
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinar
Montgomery
Moorhead
Morella
Morrison (WA)
Myers
Neal (NC)
Nielsen
Olin
Oxley
Packard
Parker
Parris
Patterson
Paxon
Payne (VA)
Penny
Petri
Pickett
Porter
Price
Pursell

Quillen
Ravenel
Ray
Regula
Rhodes
Ritter
Roberts
Rogers
Rohrabacher
Roth
Roukema
Rowland (CT)
Rowland (GA)
Saiki
Sarpalius
Saxton
Schaefer
Schiff
Schneider
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skeen
Slaughter (VA)
Smith (MS)
Smith (NE)
Smith (TX)
Smith (VT)
Smith, Denny
(OR)
Smith, Robert
(NH)
Smith, Robert
(OR)
Snowe
Spence
Stangeland
Stearns
Stenholm
Stump
Sundquist
Synar
Tallon
Tanner
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Watkins
Weber
Whittaker
Whitten
Wolf
Wylie
Young (FL)

the Navy, I have talked to the Marine Corps, I have talked to my colleagues, and I have studied the earlier vote on this subject. I have been prevailed upon very strenuously by the gentleman from New York [Mr. LENT] in whose district the F-14's are produced; by the gentleman from New York [Mr. McGRATH], in whose district many Grumman employees reside; by the gentleman from Florida [Mr. JAMES], whose district contains a Grumman facility, the largest employer in his district; by the gentleman from New York [Mr. MARTIN], who is a former Marine F-4 fighter pilot, who flew in Vietnam; and by the gentleman from Florida [Mr. LEWIS], in whose district some 1,400 Grumman employees reside. I have talked with many on my side, and we have also looked at the whip count.

For those reasons, Mr. Chairman, it is my intent not to offer the amendment to strike the F-14.

As to the V-22, Mr. Chairman, I have been a supporter of that concept since Bell first started it 10 years ago. I have been to Fort Worth, and I have seen the first two prototypes fly. The only question about the V-22 is that of funding. The V-22 certainly has a place in the Marine Corps and in commercial aviation, and someday we will be very pleased that we have it.

□ 1650

However, Mr. Chairman, due to financial constraints, the administration felt constrained to include the V-22 in its package of cuts, and I am supportive of the administration's position. I said at the time that I did not agree with everything in the DOD budget request. The V-22 is one of the cuts I did not agree with, but, having been able to see lightning and hear thunder, read the votes, and having talked to General Gray of the Marine Corps and my colleagues on the floor, I am convinced that the vote of the House previously taken would stand if offered again, and therefore I see no need to go through this motion again by asking our Members to walk the plank once more in support of the administration.

For that reason, Mr. Chairman, it is my intention not to offer the motion to strike either the F-14D or the V-22, and, that being the case, this brings us up to the amendment of the gentleman from Minnesota [Mr. FRENZEL] on the budget.

Mr. Chairman, I yield back the balance of my time.

OUTLAY CEILINGS

The Chairman pro tempore (Mr. DURBIN). It is now in order to debate the subject matter of outlay ceilings.

Pursuant to the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 20 minutes, and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, may I make an inquiry?

Are we going to designate the amendment at a point later in the debate when we get to the amendment?

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. ASPIN] is correct.

Mr. ASPIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me address the issue of the budget authority outlays, which is now the topic before us, and I would like to also yield some time to the gentleman from California [Mr. PANETTA], the chairman of the Committee on the Budget here, but what we have got is a different version of the amendment and an amendment which in effect incorporates the amendment that I had and the amendment that the gentleman from Minnesota [Mr. FRENZEL] had.

Mr. Chairman, basically what we are doing here with this amendment now is in effect three different things. One is to put the requirement on the Secretary of Defense to manage the spending in the Pentagon such that the outlay ceiling for fiscal year 1990 is not exceeded. The second part of the amendment is to incorporate the amendment of the gentleman from Minnesota [Mr. FRENZEL] in regard to the payday, and the third part of the amendment is to request that the various institutions doing the estimating of these outlays, OMB, CBO and others; we are making requests that they meet together and try and reduce the discrepancies in the estimates that they have.

Mr. Chairman, what we have here is an amendment that, I think, will take care of the problem and which will incorporate all of the different parts of the proposal.

Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. PANETTA], the chairman of the Committee on the Budget.

Mr. PANETTA. Mr. Chairman, first of all I want to thank the chairman of the Committee on Armed Services, the gentleman from Wisconsin [Mr. ASPIN], for his cooperation and also thank the staff for their cooperation in trying to resolve our differences here with regard to the budget outlay issue.

Mr. Chairman, there is no question, and I recognize the constraints that were established under the budget resolution and under the summit agreement with regard to all areas, and they are particularly difficult when it comes to the defense area because we are trying to balance the outlay budget authority ratios with the needs of both procurement as well as the needs of readiness and maintenance.

So, recognizing that there are difficulties here in terms of adhering to the numbers, nevertheless the numbers were agreed to by the President, by the leadership of the House, and

the other body and by the House and Senate in the context of the budget resolution. The numbers are there. The numbers for defense that were established in the budget resolution provided for an outlay number of \$299.2 billion and a budget authority level of \$305.5 billion.

At no time, at no time, was there agreement that this could involve a pay shift. Indeed we discussed a pay shift in the context of the summit and agreed that no pay shift would be made in order to reach these numbers. We acknowledged the problems of trying to meet the outlay BA, but we also stated at the time that there would not be a pay shift used by any of the agencies in order to achieve the numbers that we had agreed to because obviously then we do not have a 299.2 number with regard to outlays. We have something like a \$302.1 billion number with regard to outlays, and that was not the intent of those that were engaged in the summit, nor the intent, I think, of the Congress when it voted those numbers in the budget resolution.

The Secretary, obviously seeing the constraints of the budget, decided to use his power to shift pay in order to move the pay from October 1 of the fiscal year 1990 into September of fiscal year 1989, thereby taking roughly \$2.9 billion out of next fiscal year, and moving it to this fiscal year and, therefore, giving himself about another \$2.9 billion in outlays to spend for fiscal year 1990. That was exactly what we said we would not support in the context of the summit.

Mr. Chairman, I recognize the constraints facing the Secretary. I also recognize the power that he has, and we are not questioning that when it comes to shifting a payday when it falls on a holiday or falls on a weekend, but it was obvious that in this instance the sole reason for doing it, since they did not do it last year when the payday fell on a Saturday, the sole reason for doing it was to give themselves an additional \$2.9 billion in additional outlays.

The OMB, the Office of Management and Budget, said, "We'll accept that with regard to defense, but we'll stop every other agency from doing it."

The leadership in the Congress, the bipartisan leadership in both the House and Senate side, and the chairmen of both the House and Senate Budget Committees said, "We will not allow these pay shifts anywhere. We intend to stand by the agreement that was arrived at," and for that reason we have opposed all of the pay shifts.

Mr. Chairman, what are the reasons for opposing these kinds of pay shifts? No. 1, it certainly violates the intent of the budget agreement. We established a number, we intended to stick to that number, and for that reason to use this kind of pay shift is basically to avoid the numbers that we agreed to

in the summit and the budget resolution.

Second, Mr. Chairman, these are illusory savings. This is an accounting gimmick of moving funding from one year to the next. It is not real savings and, therefore, does not reflect the kind of savings we try to achieve by virtue of the budget agreement.

Third, it is a terrible precedent because we have some \$30 billion out there that could be shifted by virtue of the pension and retirement funds that are paid by virtue of the other pay that is involved with the other departments and so obviously, if defense could do it, then why should other committees not be able to do it, other departments be able to do it, in order to achieve additional phony savings for fiscal year 1990?

The last point is that it is simply not fair. Last week, in enforcing the leadership's position, we basically said to the VA-HUD appropriations bill, "You cannot engage in this kind of shift," and I presented a point order to this type of shift in that appropriations bill. It would not be fair to threaten the other Appropriations Committees differently than the defense area, and it is for that reason that the gentleman from Minnesota [Mr. FRENZEL], my colleague on the Committee on the Budget, is presenting the amendment that is now included in this amendment, the Frenzel amendment, which basically prevents the Secretary from making that shift in this fiscal year. It only applies to the shift that would go on in October.

□ 1700

The CHAIRMAN pro tempore (Mr. COLEMAN of Texas). The time of the gentleman from California [Mr. PANETTA] has expired.

Mr. ASPIN. Mr. Chairman, I yield 2 additional minutes to the gentleman from California.

Mr. PANETTA. Mr. Chairman, I thank the gentleman for yielding me this additional time.

For the first time, we are confronted with what is a proposed cap on outlays here. It establishes a cap that would reach the \$299.2 billion level and hold outlays to that level.

Now, while there are legitimate concerns that the Budget Committee and others would have with regard to outlays being pushed into the next fiscal year and perhaps some bad management practices that could result from this kind of approach, the Congressional Budget Office says that this language is enforceable and that we are putting in place a cap that they are prepared to score for budget purposes.

So for those reasons, for the benefit of the doubt, go to establishing this kind of cap.

I think the combination included in this amendment does two very impor-

tant things. It eliminates what I think is a very bad precedent if we use the pay shift in order to create additional outlays for the next fiscal year to basically bust the budget.

Second, it establishes this cap which I think sends a very strong signal to the Secretary of Defense and to the administration that we will adhere to the \$299.2 billion outlay limit established by the budget agreement.

It is for those reasons, Mr. Chairman, that I support the amendment that the chairman of the Armed Services Committee, the gentleman from Wisconsin [Mr. ASPIN], will present.

Mr. DICKINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Chairman, when we made the bipartisan budget agreement and passed the budget resolution, we agreed that the outlay and budget authority figures for defense spending were both a ceiling and a floor. We knew at that time that CBO and OMB had spend-out differences, which meant that we were going to have trouble. There was a \$3.6 billion difference between the spend-out estimates of those two agencies; however, the Congressional Budget Committees have always used the estimates of the Congressional Budget Office, and it has been our intention to do so since that agreement was signed.

DOD, however, got back its numbers under the budget and decided that it needed the \$3.6 billion of outlays under its estimates, and under the CBO estimates it would need \$3.6 billion more.

In desperation, the Secretary issued a payday shift announcement which provided that \$2.7 billion was pushed back into fiscal year 1989, had the directive been made effective, and that would have opened up \$2.7 billion of new outlays for the fiscal year 1990 above and beyond that contemplated in the budget resolution.

Now, the problem of the Department of Defense was that they could not fit the program they needed to keep the country secure in their opinion.

The problem for the Budget Committee was that what the Department of Defense suggested was shattering to the budget agreement and to the budget resolution.

The Armed Services Committee acknowledging what it thought to be reality authorized up to what the figure for outlays would have been if the Secretary's directive would have been put into operation.

Therefore, I believe that we have to have what has been referred to as the Frenzel amendment, that is, a requirement that the Department of Defense make its 1990 payrolls actually payable in 1990.

If the amendment of the gentleman from Wisconsin is adopted, you will adopt my amendment and you will require that 1990 will have only 365 days and 12 pay periods.

You will enforce what is the bipartisan budget agreement in our budget resolution.

The other half of the amendment, or the one-third of it, is the Aspin requirement that the Secretary through the Aspin amendment makes reductions so that the \$299.2 billion outlay ceiling is not violated. That solves the Budget Committee problem. It solves the Armed Services Committee problem. It does not solve Mr. Cheney's problem. He still needs more outlays to provide the defense that he thinks is necessary for the Republic and his needs are going to have to find some resolution when the appropriation comes to the floor.

So I do not want Members to think that the problem is solved. It is not solved yet, but what is solved is that the House will have taken a position against the precedent of shifting paydays and will have I hope set a strong precedent to prevent us from the urges that we may have in the future to make these kinds of shifts.

For instance, had all the departments of Government been given this authority by their authorizers or appropriators, we would have had more than \$10 billion of payroll shifted into fiscal year 1989 and opened up more than \$10 billion of outlay spending in 1990, and if we carried over into retirement and into Social Security, that amount of money would be \$30 billion. Obviously, that would be absolutely ruinous to the budget and to our efforts in the future to control outlays at all.

My amendment rescinds the Secretary's order. As I suggested, it solves the budget problem and sets a desirable precedent. It does not for the long term solve the problem that confronts the Department of Defense, and we have to take that into account.

I believe that you have to have some kind of a cap program, as is suggested by the gentleman from Wisconsin in his amendment.

I would have to say, Mr. Chairman, that I do not like the gentleman's amendment, because it shelters all the items of congressional interest, forces the Secretary to reduce programs probably that he thinks are vital, but the Congress may not.

In fact, the definition of congressional interest is a little vague. It is said the Secretary will not know one of those until he steps on it and then he will hear plenty about it.

The Aspin amendment also tells the Secretary that he can defer payments into fiscal year 1991. That is almost as grievous a sin as pushing them into

1989, because it compounds our deficit reduction problems and our Gramm-Rudman problems for the fiscal year 1991, which is going to be a tough year anyway; but on balance when I look at the precedent and the needs of making good on our budget resolution for this year, I am convinced that there is no way out other than to accept the amendment of the gentleman from Wisconsin, knowing that we are going to have to make some further resolution of the problem to satisfy the Secretary of Defense.

I therefore suggest to the House that it is the best overall policy to vote for the amendment of the gentleman from Wisconsin, and I hope that will in fact be the case.

Mr. DICKINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. TRAXLER].

Mr. TRAXLER. Mr. Chairman, I extend my appreciation to the gentleman from Alabama for yielding me this time.

Mr. Chairman, I rise to support the amendment. This is a tortuous kind of procedure we are going through. What I want to do first is commend both the gentleman from California [Mr. PANETTA] and the gentleman from Minnesota [Mr. FRENZEL], who are being true to the budget process, the summit process, and deserve all our appreciation for the integrity and the honesty with which they have approached a very difficult issue that was forced upon them as a consequence of the Director of OMB seeking to go outside of the summit agreement and find more money for DOD.

I suspect that the OMB Director miscalculated when he was at the summit table and did not have the figures in the agreement that he had believed ought to be or was necessary as they walked away from the table, because in my judgment after they completed the budget agreement, the ink was not dry when Mr. Darman was planning ways to circumvent it through the technique that we are now seeking today to short circuit.

□ 1710

We cannot have a level playing field, and that is what was intended in the budget agreement, as I understand it, at the summit, certain kinds of balancing and symmetry between domestic programs, defense programs, and the need to bring the deficit under control.

One can argue a lot of different ways about whether it was done, whether we ought to do this, et cetera, et cetera. That point of the matter is that everyone came away from the table confident that they had an understanding which would be observed and faithfully carried out. Regretfully, regretfully, the Director of OMB doublecrossed them, doublecrossed them before the ink was dry, and we find

ourselves now in this peculiar predicament in which we have to rescind a decision that, in my judgment, had the full concurrence of the OMB Director when they moved the pay date for DOD.

It is a contorted kind of explanation that we get out of them. The Budget Director says, "We do not want any more of these movements prospectively." He did not say, "I am calling DOD and telling them to rescind what they have done." He certainly could have done that.

Both of the distinguished gentlemen that I spoke of, the gentleman from California [Mr. PANETTA] and the gentleman from Minnesota [Mr. FRENZEL], forcefully, as I understand it, brought to the attention of OMB the fact that they believe this is outside of the budget agreement, what DOD is doing in the movement of the payday.

He, meaning Mr. Darman, could easily change it, easily change it. One does not have to be a superdetective to figure out what went on.

What troubles me, and one of the reasons I am speaking is this: I am convinced that the gorilla sits wherever it wants to sit. I verbalized this to my good friends directing the budget process here, and they are committed, I want to tell the Members, personally, each of these two gentlemen have assured me they will assure the membership that they are personally committed to making certain that the language that is seen here is carried out to the full intent of the law.

The problem we have is there are other game-players in town equally as committed to frustrate this language and make darn sure that DOD gets \$2.8 billion more money, and they have some people sitting in this room who will help them.

What I am going to conclude by saying that I commend my two friends on the Committee on the Budget. It is a difficult task, a thankless task, and just remember that the guy we are dealing with doublecrossed us once and he will do it again.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I rise in support of the amendment.

As was mentioned by previous speakers, last week we did deal with a similar issue when the VA, HUD, and Independent Agencies appropriations bill was brought before this House.

Last spring in good faith the White House sat down with the congressional leadership and hammered out a budget blueprint for fiscal year 1990. Among one of the chief principles in that budget plan was an agreement that no pay shifts would occur. They did not say that DOD could have a pay shift but that no one else could have a pay shift. It was understood

that absolutely no pay shifts would take place.

After that agreement was reached, Secretary Cheney announced that under longstanding authority he was going to move the pay date from Sunday, October 1, to Friday, September 29, shifting \$3 billion in expenditures from fiscal year 1990 to fiscal year 1989, \$3 billion, and the White House did not raise a whisper in opposition to that announcement.

It is no surprise that some of the appropriators said that if it can be done for the biggest part of the Federal budget, the Department of Defense, why can we not do it with other agencies and programs. Last week, the gentleman from Michigan [Mr. TRAXLER], as chairman of the Subcommittee on VA, HUD, and Independent Agencies on Appropriations said, "We are going to shift our pay date forward to fiscal year 1989, which would free up in excess of \$300 million." We came to the floor last week under the leadership of the Budget chairman, the gentleman from California [Mr. PANETTA], and said no, and that was stricken from the spending bill last week.

Mr. Chairman, this is 10 times the problem, 10 times the money, and if we do not say no, we are setting a bad precedent, and we are busting the budget.

I support the amendment.

Mr. ASPIN. Mr. Chairman, I reserve the balance of my time.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is, to say the least, a very complicated situation. I am very doubtful that 50 percent of the Members in the House fully understand what is implied or embraced herein.

How did we get in this shape? What does it mean? What happens if the amendment passes? What is the impact on this bill? Very few people know of the implications. I am not sure that I know all the details, but there are some things about this situation that I know.

One reason that we got into this mess is because there is a difference of opinion between the two bodies that do the computation and scoring. OMB and CBO both agree as to what budget authority is; that is, how much we can spend in a year if it is not paid in full. The obligation, how much can be paid in a year, is where the difference comes in.

CBO, in their opinion, says that it is going to spend-out \$3 billion more than OMB. We have marked our bill up to the ceiling; up to what we thought was the correct figure. We are now told that if we go by CBO figures, which is supposed to be the ultimate scorer and the governing figure, that we will be \$3 billion over what we are

allowed to spend. We are talking outlays here.

If we correct and spend the budget authority by reducing the budget authority to coincide with CBO's projected outlay figures, then it is not a reduction of \$3 billion. Due to the rate of spending, this represents a reduction in our authorization bill of \$6 billion; perhaps as much as \$9 billion more we would have to cut out of the very bill we are dealing with here.

"There ain't no way to get there from here." We cannot work all week debating billions of dollars here, \$10 billion there, \$12 billion there, and then tally it up at the end. "Hey, wait a minute, that is not good enough; you have to go back and take \$6 billion more out of it."

Mr. Cheney says, "I have historically, as Secretary of Defense, had the right to shift a pay date if it comes on Sunday." He has already done it twice this year. It has probably been done 20 times before. He has done that in this instance. It so happens that in this instance, the pay date falls between a fiscal year; and that makes the difference.

Let me say that I am going to vote against the amendment of the gentleman from Wisconsin, my chairman. I am going to vote against the amendment of the gentleman from Minnesota (Mr. FRENZEL).

There is no way that we can take \$6 billion more out of this bill and have a bill that is any more than a lace doily, where you can just look through it. The bill will just deflate, taking things out of one program or another.

I tell the Members this: In my opinion, and it just happens to be right if this passes, if we approve this amendment prohibiting the change of paydays and are forced to take \$6 to \$9 billion more out of this bill than we presently have, the Members can look for the bill to be vetoed.

□ 1720

If Members want to do it, and if you have the votes to do it; do it. But you ought to understand what you are doing; you ought to leave it alone.

Do not prohibit the Secretary from changing the pay date. Let us go on and pass our bill. Let us not throw away all of the work that the committee has done and the subcommittees have done and gone through to fashion a good, comprehensive bill. Let us not negate everything that we have done, and throw it out; that is what we will be doing if this amendment passes and it stays in here.

Mr. HUTTO. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I am happy to yield to the gentleman from Florida.

Mr. HUTTO. Mr. Chairman, I think the Members need to know what is going to suffer if this happens, and those are the payout accounts, person-

nel, operations and maintenance, pay raises for our military.

Mr. DICKINSON. The gentleman can speak to that, and we would lay off military personnel.

Mr. HUTTO. Not only military personnel, but about 50,000 civilians if indeed we have to take that kind of a cut, if something else cannot be arranged.

Mr. DICKINSON. We are talking about a reduction of about 150,000 military, and we are talking about laying off how many civilians?

Mr. HUTTO. About 50,000.

Mr. DICKINSON. About 50,000 civilians laid off, and we are going to have to reduce by 1½ carriers, and it goes across the board in astronomical numbers, things you cannot imagine, if we are required to take \$6 billion or \$9 billion more out of this bill than we have already cut. That is the effect of the Aspin-Frenzel amendment.

Members ought to know up front what they are doing, because when they do this, and they prohibit the shifting of the pay date, which the Secretary of Defense has a statutory right to do—no other agency of Government does, but he does. If we deny him that right, and we are compelled then when we go to conference if it is still in there, to find \$6 billion or \$9 billion more, then we can look forward to and I am going to recommend a veto. I have talked to the Secretary of Defense, and the Secretary of Defense tells me that if this provision stays in the law as it is presented to the President, that he, Secretary Cheney, will also recommend a veto.

So the vote is up to you.

THE SECRETARY OF DEFENSE,
Washington, DC.

Hon. JOHN P. MURTHA,
Chairman, Subcommittee on Defense, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR JOHN: The President submitted to Congress a defense budget that was designed to eliminate unnecessary programs and systems in order to control spending, while maintaining those functions that are essential to our security and our position in dealings with other nations. So far, the House has failed to make the kind of clear-cut choices necessary to accomplish that goal.

The House bill has reduced funds for MX Rail Garrison, B-2, and SDI. These cuts undermine our strategic modernization program, and hence our negotiating posture. In addition, the House has refused to cut the V-22, F-14D and other programs recommended for elimination; and mandated additional activities that cannot be justified in times of tight budgets, such as buying executive jets for the National Guard and Reserve forces.

The pending Frenzel amendment to the Defense authorization bill would, if enacted into law, throw the defense budgeting and spending process into additional chaos. This amendment is intended to deal with an accounting problem involving CBO and OMB budget estimates. However, it would have the effect of forcing massive unplanned reductions in critical defense programs. In

order to cut \$3.8 billion in outlays so as to conform to CBO's figures, a budget authority cut of \$7-10 billion below the budget summit agreement would be needed. This cannot be done without a major adverse effect on Defense Department personnel and critical programs. You can see by the above examples that the potential consequences are enormous.

By using my authority to move the October 1 pay date for military employees to September 30, I can largely resolve the budget outlay problem without significant disruption of defense programs. There is no need for the Frenzel amendment.

All of these actions taken together have the effect of threatening the defense budget for fiscal year 1990 and future years to such an extent that, with the adoption of the Frenzel amendment, I will be compelled to recommend to the President that he veto this bill if it should reach his desk.

Sincerely,

DICK CHENEY.

Mr. ASPIN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. DICKINSON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. DURBIN). It is now in order to consider the amendments relating to outlay ceilings printed in part 4 of House Report 101-168, by, and if offered by, the following Members or their designees, which shall be considered in the following order only: The two amendments by Representative ASPIN, and by Representative FRENZEL.

Pursuant to the rule, it shall be in order, after consultation with the ranking minority member of the Committee on Armed Services and after giving 1 hour's notice, for the gentleman from Wisconsin [Mr. ASPIN] to offer a germane amendment to any amendment printed in part four of House Report 101-168. Said amendments are debatable for 15 minutes, equally divided by the gentleman from Wisconsin [Mr. ASPIN] and a Member opposed thereto.

AMENDMENT OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ASPIN:

Page 2, after line 17, insert the following new section (and redesignate the succeeding section accordingly):

SEC. 4. OUTLAY LIMITATION FOR FISCAL YEAR 1990.

(a) The net amount expended during fiscal year 1990 from covered defense appropriations may not exceed \$289,717,400,000. For purposes of the preceding sentence, covered defense appropriations are all funds appropriated pursuant to authorizations of appropriations contained in divisions A and B of this Act or appropriated pursuant to any prior authorization of appropriations (whether specific or indefinite) for Department of Defense—Military (budget function 051).

(b) The Secretary of Defense and the Director of Central Intelligence shall take such steps as necessary to ensure compliance with the requirement in subsection (a).

(c) For purposes of determining the deficit, and the net deficit reduction, for fiscal year 1990 for purposes of the Congressional Budget Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985, the provisions of subsection (a) shall be taken into account without regard to the provisions of section 202(a) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (2 U.S.C. 909(a)).

(d) The Secretary of Defense, in ensuring (pursuant to subsection (b)) that the requirement in subsection (a) is complied with, shall nevertheless ensure that the rates of outlays for programs, projects, and activities for which funds are provided under this Act or any prior Department of Defense Appropriations Act which are designated or identified as congressional interest items are not reduced during fiscal year 1990 from the outlay rates that would otherwise apply with respect to those programs, projects, and activities.

(e) The provisions of the Impoundment Control Act of 1974 (2 U.S.C. 681 et seq.) shall not apply with respect to funds appropriated by this Act or any prior Department of Defense Appropriations Act to the extent necessary to enable the Secretary of Defense to comply with subsection (a). The preceding sentence does not apply with respect to funds available for programs, projects, and activities which are designated or identified as congressional interest items.

(f) Any payment required to be made by the Department of Defense to a business concern that, but for this subsection, would be required to be made during September 1990 may be made during the period beginning on October 1, 1990, and ending on the date that is 30 days after the date on which the payment would otherwise be required to be made. In determining the amount of any interest penalty under section 3902 of title 31, United States Code, for failure to make any such payment, any period for which the Secretary of Defense, under the preceding sentence, deferred the required payment date shall not be taken into account.

(g)(1) The Secretary of Defense shall, on each of the dates specified in paragraph (2), submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives a report on the implementation of this section. Each such report shall include—

(A) an analysis of cumulative obligations and cumulative expenditures from accounts subject to the limitation in subsection (a) during the period beginning on October 1, 1989, and ending on the last day of the month preceding the month in which the report is to be submitted, including a comparison of such obligations and expenditures with the relevant estimates of outlays made by the Office of Management and Budget and the Congressional Budget Office; and

(B) a description of the specific actions taken by the Secretary to ensure that the Department of Defense meets the requirements of subsection (a).

(2) The reports required by paragraph (1) shall be submitted not later than the following dates in 1990: January 15, April 15, July 15, September 15, and October 15.

AMENDMENT OFFERED BY MR. ASPIN AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN pro tempore. The Clerk will report the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPIN as a substitute for the amendment offered by Mr. ASPIN: Page 2, after line 17, insert the following new section (and redesignate the succeeding section accordingly):

SEC. 4. OUTLAY LIMITATION FOR FISCAL YEAR 1990.

(a) The net amount expended during fiscal year 1990 from covered defense appropriations may not exceed \$289,717,400,000. For purposes of the preceding sentence, covered defense appropriations are all funds appropriated pursuant to authorizations of appropriations contained in divisions A and B of this Act or appropriated pursuant to any prior authorization of appropriations (whether specific or indefinite) for Department of Defense—Military (budget function 051).

(b) The Secretary of Defense and the Director of Central Intelligence shall take such steps as necessary to ensure compliance with the requirement in subsection (a).

(c) Any transfer of outlays from one fiscal year to an adjacent fiscal year that occurs pursuant to this section shall be considered a necessary (but secondary) result of a significant policy change as provided in section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (2 U.S.C. 909(a)).

(d) The Secretary of Defense, in ensuring (pursuant to subsection (b)) that the requirement in subsection (a) is complied with, shall nevertheless ensure that the rates of outlays for programs, projects, and activities for which funds are provided under this Act or any prior Department of Defense Appropriations Act which are designated or identified as congressional interest items are not reduced during fiscal year 1990 from the outlay rates that would otherwise apply with respect to those programs, projects, and activities.

(e) The provisions of the Impoundment Control Act of 1974 (2 U.S.C. 681 et seq.) shall not apply with respect to funds appropriated by this Act or any prior Department of Defense Appropriations Act to the extent necessary to enable the Secretary of Defense to comply with subsection (a). The preceding sentence does not apply with respect to funds available for programs, projects, and activities which are designated or identified as congressional interest items.

(f) Any payment required to be made by the Department of Defense to a business concern that, but for this subsection, would be required to be made during September 1990 may be made during the period beginning on October 1, 1990, and ending on the date that is 30 days after the date on which the payment would otherwise be required to be made. In determining the amount of any interest penalty under section 3902 of title 31, United States Code, for failure to make any such payment, any period for which the Secretary of Defense, under the preceding sentence, deferred the required payment date shall not be taken into account.

(g)(1) The Secretary of Defense shall, on each of the dates specified in paragraph (2),

submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives a report on the implementation of this section. Each such report shall include—

(A) an analysis of cumulative obligations and cumulative expenditures from accounts subject to the limitation in subsection (a) during the period beginning on October 1, 1989, and ending on the last day of the month preceding the month in which the report is to be submitted, including a comparison of such obligations and expenditures with the relevant estimates of outlays made by the Office of Management and Budget and the Congressional Budget Office; and

(B) a description of the specific actions taken by the Secretary to ensure that the Department of Defense meets the requirements of subsection (a).

(2) The reports required by paragraph (1) shall be submitted not later than the following dates in 1990: January 15, April 15, September 15, and October 15.

(h) It is the sense of the Congress that the differences in estimated outlays for programs for National Defense (budget function 050) for fiscal year 1990 as prepared by the Congressional Budget Office and the Department of Defense, while small in percentage terms, are sufficiently large to have a programmatic impact. It is, therefore, the sense of the Congress that the Congressional Budget Office and the Secretary of Defense, in consultation with the Committees on Armed Services, Appropriations, and the Budget, should undertake a comprehensive review of outlay estimation techniques and methodologies as they relate to the Department of Defense with the objective of achieving consistent estimates not later than the fiscal year 1991 budget.

At the end of part A of title VI (page 119, after line 8), insert the following new section:

SEC. 603. PROHIBITION ON AUTHORIZING THE ADVANCEMENT OF PAY AND ALLOWANCES RELATING TO THE PAY PERIOD ENDING ON SEPTEMBER 30, 1989

(a) ADVANCEMENT ORDER RESCINDED.—The order of the Secretary of Defense, dated May 24, 1989, relating to requiring the advancement of the October 1, 1989, military payday to September 29, 1989, is hereby rescinded.

(b) PROHIBITION ON ADVANCING PAYDAY.—(1) Notwithstanding subsection (h) of section 1006 of title 37, United States Code, for the pay period ending on September 30, 1989, the Secretary concerned may not advance the October 1, 1989, payday for the payment of pay and allowances to members of a uniformed service under the jurisdiction of the Secretary.

(2) For purposes of this subsection, the term "Secretary concerned" has the meaning given to that term in section 101(5) of title 37, United States Code.

Mr. ASPIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 5 minutes in support of the

amendment, and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 5 minutes opposition to the amendment.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, we have already discussed the amendment in the general provisions.

I yield back the balance of my time.

Mr. DICKINSON. Mr. Chairman, I think we had a rather full discussion here, and without belaboring the point, I, too, yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin [Mr. ASPIN] as a substitute for the amendment offered by the gentleman from Wisconsin [Mr. ASPIN].

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin [Mr. ASPIN] as amended.

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Chairman, may I propound a parliamentary inquiry?

The CHAIRMAN pro tempore. The gentleman will state his inquiry.

Mr. DICKINSON. Mr. Chairman, I am not exactly sure where we are in the process of amending. It was my intention to ask for a vote on the total question of the amendment as substituted.

The CHAIRMAN pro tempore. The Chair will advise the gentleman that this is the point.

RECORDED VOTE

Mr. DICKINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 326, noes 97, not voting 8, as follows:

[Roll No. 183]

AYES—326

Ackerman	Bosco	Conyers
Akaka	Boucher	Cooper
Alexander	Boxer	Costello
Anderson	Brennan	Coyne
Andrews	Brooks	Craig
Annunzio	Broomfield	Crane
Anthony	Browder	Crockett
Applegate	Brown (CA)	Darden
Archer	Brown (CO)	de la Garza
Aspin	Bruce	DeFazio
Atkins	Bryant	Dellums
AuCoin	Buechner	Derrick
Baker	Bustamante	Dingell
Barnard	Campbell (CA)	Dixon
Bates	Campbell (CO)	Donnelly
Beilenson	Cardin	Dorgan (ND)
Bennett	Carper	Downey
Bentley	Carr	Dreier
Berman	Chandler	Duncan
Bevill	Chapman	Durbin
Bilbray	Clarke	Dwyer
Boehliert	Clay	Dymally
Boggs	Clement	Early
Bonior	Coleman (MO)	Eckart
Borski	Coleman (TX)	Edwards (CA)

Emerson	Lehman (FL)	Rostenkowski
Engel	Leland	Roth
English	Levin (MI)	Roukema
Erdreich	Levine (CA)	Rowland (GA)
Espy	Lewis (GA)	Roybal
Evans	Lloyd	Russo
Fascell	Long	Sabo
Fawell	Lowe (NY)	Saiki
Fazio	Lukens, Thomas	Sangmeister
Feighan	Manton	Sarpalius
Fish	Markey	Savage
Flake	Martin (IL)	Sawyer
Flippo	Martinez	Saxton
Foglietta	Matsui	Schaefer
Ford (MI)	Mavroules	Scheuer
Ford (TN)	Mazzoli	Schneider
Frank	McCloskey	Schroeder
Frenzel	McCrery	Schuetz
Frost	McCurdy	Schulze
Gallo	McDermott	Schumer
Garcia	McHugh	Sensenbrenner
Gaydos	McMillan (NC)	Sharp
Gejdenson	McMillen (MD)	Shaw
Gephardt	McNulty	Shays
Gibbons	Meyers	Shumway
Gilman	Mfume	Sikorski
Gingrich	Miller (CA)	Skaggs
Glickman	Miller (WA)	Skelton
Gonzalez	Mineta	Slattery
Goodling	Moakley	Slaughter (NY)
Gordon	Mollohan	Slaughter (VA)
Gradison	Montgomery	Smith (FL)
Gray	Moody	Smith (IA)
Green	Morella	Smith (NJ)
Guarini	Morrison (CT)	Smith (VT)
Gunderson	Mrazek	Smith, Robert
Hall (OH)	Murphy	(NH)
Hall (TX)	Murtha	Snowe
Hamilton	Nagle	Solarz
Hancock	Natcher	Spratt
Harris	Neal (MA)	Staggers
Hatcher	Neal (NC)	Stallings
Hawkins	Nelson	Stark
Hayes (IL)	Nielson	Stearns
Hayes (LA)	Nowak	Stenholm
Hefner	Oaker	Studds
Henry	Oberstar	Swift
Hertel	Obey	Synar
Hiller	Oliver	Tallon
Hoagland	Ortiz	Tanner
Hochbrueckner	Owens (NY)	Tauke
Hopkins	Owens (UT)	Tauzin
Horton	Packard	Thomas (GA)
Houghton	Pallone	Torres
Hoyer	Panetta	Torricelli
Hubbard	Parker	Towns
Huckaby	Pashayan	Trafficant
Hughes	Patterson	Traxler
Jacobs	Paxon	Udall
Jenkins	Payne (NJ)	Unsoeld
Johnson (CT)	Payne (VA)	Upton
Johnson (SD)	Pease	Valentine
Johnston	Pelosi	Vander Jagt
Jones (GA)	Penny	Vento
Jones (NC)	Perkins	Visclosky
Jontz	Petri	Volkmmer
Kanjorski	Pickett	Walgren
Kaptur	Pickle	Walker
Kasich	Porter	Watkins
Kastenmeier	Poshard	Waxman
Kennedy	Price	Weber
Kennelly	Pursell	Weiss
Kildee	Rahall	Weldon
Klecicka	Rangel	Wheat
Kolbe	Regula	Whittaker
Kolter	Richardson	Whitten
Kostmayer	Ridge	Williams
Kyl	Rinaldo	Wilson
LaFalce	Ritter	Wise
Lancaster	Roberts	Wolpe
Lantos	Robinson	Wyden
Laughlin	Roe	Wyllie
Leach (IA)	Rogers	Yates
Lehman (CA)	Rose	Yatron

NOES—97

Armey	Burton	Davis
Ballenger	Byron	DeLay
Bartlett	Callahan	DeWine
Barton	Clinger	Dickinson
Bateman	Coble	Dicks
Bereuter	Combest	Dorman (CA)
Billirakis	Conte	Douglas
Bliley	Coughlin	Dyson
Bunning	Cox	Edwards (OK)

Fields	Livingston	Rowland (CT)
Gallely	Lowery (CA)	Schiff
Gekas	Lukens, Donald	Shuster
Gillmor	MacHale	Sisisky
Goss	Madigan	Skeen
Grandy	Marlenee	Smith (MS)
Grant	Martin (NY)	Smith (NE)
Hammerschmidt	McCandless	Smith (TX)
Hansen	McCollum	Smith, Denny
Hastert	McDade	(OR)
Hefley	McEwen	Smith, Robert
Herger	McGrath	(OR)
Holloway	Michel	Solomon
Hunter	Miller (OH)	Spence
Hutto	Moorhead	Stangeland
Inhofe	Morrison (WA)	Stump
Ireland	Myers	Sundquist
James	Oxley	Thomas (CA)
Lagomarsino	Parris	Thomas (WY)
Leath (TX)	Quillen	Vucanovich
Lent	Ravenel	Walsh
Lewis (CA)	Ray	Wolf
Lewis (FL)	Rhodes	Young (AK)
Lightfoot	Rohrabacher	Young (FL)

NOT VOTING—8

Collins	Florio	Molinari
Courter	Hyde	Stokes
Dannemeyer	Lipinski	

□ 1746

Messrs. RHODES, DAVIS, BEREUTER, CONTE, and LOWERY of California changed their vote from "aye" to "no."

Messrs. BROOMFIELD, GUNDERSON, STEARNS, and HANCOCK, and Mrs. MORELLA changed their vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. DURBIN). It is the Chair's understanding that the amendments that could have been offered at this point by the gentleman from Wisconsin and the gentleman from Minnesota will not be offered.

Mr. ASPIN. The Chairman is correct.

The CHAIRMAN pro tempore. For what purpose does the gentleman from Wisconsin rise?

EN BLOC AMENDMENTS OFFERED BY Mr. ASPIN

Mr. ASPIN. Mr. Chairman, under the authority granted in paragraph 4, section 2, of House Resolution 211, I now offer the following en bloc amendment composed of 27 amendments, including modifications, listed and numbered in the order that they are printed in part 3 of House Report 101-168. The en bloc amendment includes 22 of the 25 amendments in part 3, and 5 of the 33 amendments in part 2. Under the rule 1 hour of debate is now in order.

One part 3 amendment remains to be considered after the en bloc amendment, it is the amendment of Representative DERRICK on the K reactor.

All part 2 amendments have now been considered as is en bloc, including spare parts and add-backs.

□ 1750

The CHAIRMAN pro tempore (Mr. DURBIN). The Clerk will designate the

amendments en bloc. The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. ASPIN: Composed of the following amendments, including modifications, listed and numbered in the order that they are printed in part 2 and part 3 of House Report 101-168:

Part 2:
(16) Amendment of Representative Aspin of Wisconsin;

(18) Amendment of Representative Brown of California, as modified;

(19) Amendment of Representative Dorgan of North Dakota;

(22) Amendment of Representative Kennedy of Massachusetts, as modified;

(24) Amendment of Representative Glickman of Kansas;

(30) Amendment of Representative Aspin of Wisconsin, as modified;

Part 3:
(1) Amendment of Representative Aspin of Wisconsin;

(2) Amendment of Representative Bates of California, as modified;

(3) Amendment of Representative Bentley of Maryland, as modified;

(4) Amendment of Representative Bonior of Michigan;

(5) Amendment of Representative Bustamante of Texas, as modified;

(7) Amendment of Representative Dornan of California;

(8) Amendment of Representative Douglas of New Hampshire;

(9) Amendment of Representative Durbin of Illinois, as modified;

(10) Amendment of Representative Fascell of Florida, as modified;

(11) Amendment of Representative Hutto of Florida;

(12) Amendment of Representative LaFalce of New York;

(13) Amendment of Representative Lloyd of Tennessee;

(14) Amendment of Representative McCandless of California, as modified;

(15) Amendment of Representative McCurdy of Oklahoma, as modified;

(17) Amendment of Representative Rowland of Connecticut, as modified;

(18) Amendment of Representative Skelton of Missouri;

(19) Amendment of Representative Denny Smith of Oregon;

(20) Amendment of Representative Solomon of New York;

(21) Amendment of Representative Solomon of New York;

(22) Amendment of Representative Weldon of Pennsylvania;

(24) Amendment of Representative Lowey of New York and Representative Rangel of New York; and

(25) Amendment of Representative Spratt of South Carolina.

At the end of title XII (page 253, after line 15), insert the following new section:

SEC. 1243. IMPLICATIONS OF MUTUAL REDUCTIONS IN CONVENTIONAL FORCES IN EUROPE BY NATO AND WARSAW PACT MEMBER NATIONS.

(a) **COMMENDATION OF PRESIDENT'S CONVENTIONAL ARMS REDUCTION INITIATIVE.**—Congress commends and supports the President's bold conventional arms initiative announced in Brussels on May 29, 1989, in which the President proposes that the North Atlantic Treaty Organization (NATO) expand its negotiating position at the negotiations on conventional force reductions in Europe (begun in Vienna on

March 9, 1989, and known as the "CFE Talks") to include in the NATO negotiating position—

(1) substantial reductions by each side to equal ceilings of helicopters and combat aircraft; and

(2) a reduction to a common ceiling of United States military personnel stationed in Western Europe and Soviet military personnel stationed in Eastern Europe.

(b) **PRESIDENTIAL REPORT.**—(1) Not later than six months after the date of the enactment of this Act, the President shall submit to Congress an unclassified report, with classified annexes as necessary, on the foreign policy and military implications to NATO and to the Warsaw Pact of significant reductions of conventional forces by NATO and Warsaw Pact countries to a ceiling which is the same for both sides.

(2) The report shall be prepared based upon an analysis of two different scenarios for the force reductions to be made. Under the first scenario, the reductions shall be to a level 25 percent below current NATO levels of personnel and equipment. Under the second scenario, reductions shall be to a level 50 percent below current NATO levels of personnel and equipment.

(3) The report shall include the following:

(A) A description of the likely alternative force postures that could be adopted by member nations of both alliances (particularly by the United States and the Soviet Union) under each scenario analyzed, together with a description of the possible effects of restructuring of both NATO and Warsaw Pact forces in Europe for defensive purposes.

(B) A statement of the costs (or savings) to the United States, over at least a seven-year period, estimated to be associated with each force posture described under subparagraph (A), together with an analysis of how those costs (or savings) were determined.

(C) An analysis of the implications for NATO strategy, security, and military policy of the two scenarios analyzed pursuant to paragraph (2).

(D) An assessment of the effects of the two scenarios (including the alternative force postures under each scenario) upon the stability of the conventional balance of forces in Europe.

The amendment as modified is as follows:

At the end of title XII (page 253, after line 15) insert the following new section:

SEC. 1243. REPORT ON EFFECT OF SPACE NUCLEAR REACTORS ON GAMMA-RAY ASTRONOMY MISSIONS.

Not later than April 30, 1990, the President shall submit to Congress a report on the potential for interference with gamma-ray astronomy missions that could be caused by the placement in Earth orbit of space nuclear reactors.

At the end of title XII (page 253, after line 15), insert the following new section:

SEC. 1243. SENSE OF CONGRESS REGARDING HOST NATION SUPPORT BY JAPAN FOR UNITED STATES MILITARY FORCES AND ANNUAL CONSULTATION WITH PACIFIC ALLIES.

It is the sense of Congress that the President should—

(1) encourage the Government of Japan to begin to increase by 1991 its host nation support for United States military forces in Japan to eventually cover all costs related to the presence of such forces in Japan, except the pay and allowances of military personnel of the United States stationed in Japan; and

(2) issue an invitation by 1991 to the Government of Japan and other governments of

Pacific allies of the United States to engage in annual multilateral consultations on security concerns, consistent with the constitutions and national defense requirements of the respective countries.

The amendment as modified is as follows: At the end of part C of title I (page 36, after line 16), insert the following new section:

SEC. 128. EQUAL EMPLOYMENT OPPORTUNITIES RELATING TO AN ARMY CONTRACT.

Funds appropriated for procurement of aircraft for the Army for fiscal year 1990 may not be obligated for the procurement of C-23 Sherpa aircraft unless the Secretary of the Army secures a commitment from the contractor that it will support equal employment opportunities in its employment practices for all individuals irrespective of race, color, religion, sex, or national origin.

At the end of title XII (page 253, line 15), insert the following new section:

SEC. 1243. AUTHORITY TO PROTECT UNITED STATES CITIZENS AND AIR CARRIERS AT AIRPORTS OUTSIDE THE UNITED STATES.

(a) **IN GENERAL.**—Chapter 18 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 381. Protection at airports in foreign countries: authority to assign or detail members of the armed forces

"(a) **AUTHORITY.**—The President may assign or detail members of the Army, Navy, Air Force, or Marine Corps for duty at an airport located in a foreign country to assist the government of that country in protecting United States citizens and United States air carriers (including aircraft and personnel) against terrorism and other acts of violence at that airport.

"(b) **LIMITATION.**—An assignment or detail of military personnel may be made under subsection (a) only if—

"(1) the government of the country in which the airport is located agrees to the assignment or detail; and

"(2) the assignment or detail will not adversely affect the military preparedness of the United States to a substantial degree."

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"381. Protection at airports in foreign countries: authority to assign or detail members of the armed forces."

The amendment as modified is as follows: At the end of title I (page 43, after line 25), insert the following new section:

SEC. 137. REVISION IN PROCUREMENT FUNDING LEVELS.

(a) **ARMY.**—The amounts provided in section 101 for procurement for the Army are hereby revised—

(1) by increasing the amount for procurement of weapons and tracked combat vehicles by \$54,000,000, to be available for host nation support programs; and

(2) by increasing the amount for other procurement by \$122,300,000, to be available for host nation support programs.

(b) **AIR FORCE.**—The amount provided in section 103 for procurement of aircraft for the Air Force are hereby increased by \$463,600,000, to be available for aircraft spares (other than for the B-2 program).

Page 326, after line 12, insert the following:

SEC. 2825. ADDITIONAL MILITARY CONSTRUCTION AUTHORIZATIONS.

(a) **AUTHORIZATIONS OF APPROPRIATIONS.**—(1) In addition to authorizations of appro-

priations made by other provisions of this division, there is hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for military construction (including land acquisition)—

(A) for the Department of the Army, \$10,569,000;

(B) for the Department of the Navy, \$28,110,000;

(C) for the Department of the Air Force, \$29,010,000;

(D) for the Army National Guard of the United States under chapter 133 of title 10, United States Code, as described in section 2601 of this Act, \$10,961,000; and

(E) for the Air National Guard of the United States, under chapter 133 of title 10, United States Code, as described in section 2601 of this Act, \$7,700,000.

(2) In addition to the authorizations of appropriations made by section 301 of the division A, there is hereby authorized to be appropriated for fiscal year 1990 the sum of \$18,500,000 for the repair and maintenance account of the Department of the Army.

(b) PROJECT AUTHORIZATIONS.—(1) The Secretary of the Army may acquire real property and may carry out military construction projects at various locations in Germany in the amount of \$10,569,000.

(2) The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

CALIFORNIA

Monterey, Naval Post Graduate School, \$16,690,000.

WASHINGTON

Keyport, Naval Undersea Warfare Engineering Station, \$10,400,000.

SPAIN

Rota, Naval Station, \$1,020,000.

(3) The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

CALIFORNIA

McClellan Air Force Base, \$1,200,000.

DELAWARE

Dover Air Force Base, \$4,200,000.

OKLAHOMA

Tinker Air Force Base, \$1,550,000.

UTAH

Hill Air Force Base, \$1,300,000.

GERMANY

Mehlingen, \$1,110,000.

PORTUGAL

Lajes Air Force Base, \$2,300,000.

At the end of title I (page 43, after line 25), insert the following new section:

SEC. 137. PROCEDURES APPLICABLE TO MULTIYEAR PROCUREMENTS.

(a) CONDITIONS.—A multiyear contract may not be entered into for any fiscal year under section 2306(h) of title 10, United States Code, unless each of the following conditions is satisfied:

(1) The Secretary of Defense certifies to Congress that the current five-year defense program fully funds the support costs associated with the multiyear program.

(2) The proposed multiyear contract provides for production at not less than minimum economic rates given the existing tooling and facilities.

(3) The proposed multiyear contract—

(A) achieves a 10 percent savings as compared to the cost of current negotiated con-

tracts, adjusted for changes in quantity and for inflation; or

(B) achieves a 12 percent savings as compared to annual contracts if no recent contract experience exists.

(b) NEGOTIATED PRICED OPTIONS.—The Secretary of Defense may instruct the Secretary of the military department concerned to incorporate into a proposed multiyear contract negotiated priced options for varying the quantities of end items to be procured over the period of the contract.

(c) REQUESTS FOR RELIEF.—If for any fiscal year a multiyear contract to be entered into under section 2306(h) of title 10, United States Code, is authorized by law for a particular procurement program and that authorization is subject to certain conditions established by law (including a condition as to cost savings to be achieved under the multiyear contract in comparison to specified other contracts) and if it appears (after negotiations with contractors) that such savings cannot be achieved, but that substantial savings could nevertheless be achieved through the use of a multiyear contract rather than specified other contracts, the President may submit to Congress a request for relief from the specified cost savings that must be achieved through multiyear contracting or that program. Any such request by the President shall include details about the request for a multiyear contract, including details about the negotiated contract terms and conditions.

(d) CONFORMING REPEAL.—Section 104 of Public Law 100-526 (102 Stat. 2624) is repealed.

The amendment as modified is as follows: Page 322, after line 18, add the following new section:

SEC. 2815. LIMITATION ON AUTHORITY TO CARRY OUT CERTAIN LAND TRANSFER.

Section 2824 of the Military Construction Authorization Act, 1989 (Public Law 100-456; 102 Stat. 2087), relating to a land transfer from the Secretary of the Navy to the San Diego Unified Port District of San Diego, California, is amended—

(1) in subsection (a), by striking out "(e)" and inserting in lieu thereof "(f)"; and

(2) by adding at the end the following new subsection:

"(f) The Secretary may not carry out the exchange described in subsection (a) without having obtained the written approval of the City of National City, California."

The amendment as modified is as follows:

At the end of part B of title XII (page 235, after line 11), add the following new section:

SEC. 1219. TRANSPORTATION OF COMPONENTS OF DOD CONTRACTOR SUPPLIED ITEMS.

Section 2631 of title 10, United States Code, is amended by inserting "or components and or ingredients thereof" after "supplies" both places it appears.

At the end of title X of division A (page 219, after line 24), add the following new section:

SEC. 1012. INTERIM REPORT ON PERFORMANCE OF STRATEGIC AIR DEFENSE ALERT MISSION.

(a) REPORT REQUIREMENT.—The Secretary of Defense, acting through the Chairman of the Joint Chiefs of Staff, shall submit to Congress a report setting forth in detail the following:

(1) A description of the current operational system for the radar surveillance system, the alert and non-alert interceptor aircraft, and the communication mechanism for scrambling the interceptor units which are operational during each of fiscal years 1989 and 1990 and which will be operational

during each of fiscal years 1991 and 1992 along the northern border of the United States to carry out the strategic air defense mission.

(2) A description of the specific contributions to the strategic air defense mission being made during fiscal years 1989 and 1990 and which will be made during fiscal years 1991 and 1992 by each of the Air National Guard units referred to in section 713(a) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1998).

(b) DEADLINE FOR SUBMISSION OF REPORT.—The report required by subsection (a) shall be submitted not later than 30 days after the date of the enactment of this Act.

(c) REVISED REPORT REQUIREMENT.—Subsections (a) and (b) supersede the requirements of subsection (c) of section 713 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1998).

(d) RELATIONSHIP TO PREVIOUS REPORT.—The report submitted to Congress by the Secretary of Defense on July 18, 1989, entitled "Secretary of Defense Report to the Senate and House Armed Services Committees on the Strategic Air Defense Alert Mission" may not be considered as fulfilling the report requirement of this section.

The amendment as modified is as follows:

At the end of title V (page 118, after page 2), insert the following new section:

SEC. 510. MILITARY EDUCATION FOR CIVILIAN TECHNICIANS OF THE ARMY NATIONAL GUARD.

(a) BATTLE SKILLS COURSES.—A civilian technician of the Army National Guard may not be denied a military promotion because of the failure of the technician to attend the Battle Skills Course if the technician has requested in writing to attend such a course and has not been selected to attend a course that would permit completion of the course within one year after such request. If a civilian technician receives a military promotion before the technician has completed the Battle Skills Course, the technician shall complete that course within one year of the date of the promotion.

(b) TREATMENT OF TRAINING UNDER EARLIER PROGRAMS.—For purposes of any reserve component noncommissioned officers education program established for the training of civilian technicians of the Army National Guard, the Secretary of the Army shall accept as meeting the requirements of that program—

(1) training completed by a civilian technician before October 1, 1987, through course known as—

(A) Primary Leadership Development courses;

(B) Basic Noncommissioned Officers courses; and

(C) Advanced Noncommissioned Officers courses; and

(2) an abbreviated course to update leadership training, knowledge of doctrine, and tactical skills.

(c) PLAN.—(1) The Secretary of the Army shall submit to the Committees on Armed Services of the Senate and House of Representatives a plan to utilize State and National Guard Bureau regional academies by October 1, 1993, to provide the portion of the Reserve Component Noncommissioned Officers Education System specifically related to military occupational specialties. Such plan shall also identify personnel, funds, and other resources required to implement the plan.

(2) The Secretary of the Army shall submit the plan required by paragraph (1) not later than April 1, 1990.

(d) AMENDMENT.—Section 523 of Public Law 100-156 (102 Stat. 1974) is amended by striking out "shall" in subsections (a) and (c) and inserting in lieu thereof "may, at the technician's option."

At the end of title XII (page 253, after line 15), insert the following new section:

SEC. 1243. DEDICATION OF CORRIDOR IN PENTAGON TO SERVICE MEMBERS WHO SERVED IN SPACE-RELATED ACTIVITIES.

It is the sense of Congress that the Secretary of Defense should dedicate an appropriate corridor in the Pentagon to commemorate the service of the members of the Armed Forces who have served in space-related activities, including service with the National Aeronautics and Space Administration, the United States Space Command, and the Strategic Defense Initiative Organization.

Page 326, after line 12, insert the following new section:

SEC. 2825. ADDITIONAL SAVINGS.

(a) FINDINGS.—The Congress finds that—
(1) the need to bring the Federal budget under control requires additional spending cuts;

(2) the Grace Commission to Study Government Waste has recommended a number of reductions in Federal spending;

(3) the Grace Commission concluded that \$15,000,000,000 could be saved by the closing of additional military installations beyond those selected in 1989 for closure; and

(4) there are 1,600 military installations outside the United States and 4,000 inside the United States, many of which should be reviewed for closure or realignment.

(b) SENSE OF CONGRESS.—It is, therefore, the sense of the Congress that the Secretary of Defense should—

(1) begin an immediate review of military installations inside and outside the United States to achieve the \$15,000,000,000 savings recommended by the Grace Commission; and

(2) give a high priority to accomplishing additional closings and realignments of such military installations.

The amendment as modified is as follows:

Page 94, line 5, insert after "paragraph (1)" the following: ", including the estimated cost, as of the date of the report, of disposing of solid waste and effluent generated by the Department of Defense".

Page 94, line 11, insert after "Defense" the following: ", including adoption of alternative waste minimization and disposal policies, such as requiring the purchase of biodegradable plastics and recycled paper, recycling of post-consumer waste, and consumption of ethanol and other alternative fuels".

The amendment as modified is as follows:

At the end of title II (page 55, after line 8), insert the following new section:

SEC. 255. FUNDING FOR FACILITY FOR COLLABORATIVE RESEARCH AND TRAINING FOR MILITARY MEDICAL PERSONNEL.

(a) FUNDING.—Of the amount appropriated pursuant to section 201 for Defense Agencies, up to \$18,000,000 may be available for a facility to enable collaborative research and training for Department of Defense military medical personnel in trauma care, head, neck, and spinal injury, paralysis, and neuro-degenerative diseases.

(b) FUNCTIONS.—Such facility shall—

(1) provide education, training, treatment, and rehabilitative services; and

(2) undertake neuroscience research with basic and applied significance for the De-

partment of Defense active-duty military personnel mission and for related Department of Defense mission technology development implications.

(c) LOCATION.—Such facility should be located at an institutional setting that evidences national recognition for its work in these fields and which can best facilitate interagency collaborative research, education, and training activities.

(d) FEDERAL SHARE.—The Federal share should constitute no more than 33 percent of the total cost of the project.

Strike out section 306 (page 61, line 21, through page 62, line 25) and insert in lieu thereof the following:

SEC. 306. ASSISTANCE TO SCHOOLS TO BENEFIT CHILDREN OF MILITARY PERSONNEL ON ACTIVE DUTY AND CIVILIAN PERSONNEL.

(a) ASSISTANCE AUTHORIZED.—Of the amount appropriated for operation and maintenance of the active forces for fiscal year 1990, the amount of \$10,000,000 shall be available to the Secretary of Defense only for the purpose of providing, in consultation with the Secretary of Education, assistance to eligible local educational agencies that operate schools that include students who—

(1) are minor dependents of members of the Armed Forces on active duty or civilian officers and employees of the Department of Defense; and

(2) while in attendance at such schools, reside on Federal property.

(b) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—(1) Subject to paragraph (3), a local educational agency described in subsection (a) is eligible for financial assistance under such subsection if the Secretary of Defense, in consultation with the Secretary of Education, determines that such agency is unable, without the addition of such assistance, to provide a level of education for such students equivalent to the minimum level of education available within the State in which such students reside (as determined by comparable school district data).

(2) In making a determination under paragraph (1), the Secretary shall exclude—

(A) capital expenditures made by the local educational agency; and

(B) cash balances excluded from available funds of such agency under subsection (d)(2)(E) of section 3 of the Act of September 30, 1950 (Public Law 81-874).

(3) The Secretary of Defense may not provide financial assistance under subsection (a) to a local educational agency that—

(A) has not applied for all financial assistance for which such agency is eligible under the Act of September 30, 1950 (Public Law 81-874); or

(B) receives during fiscal year 1990 financial assistance pursuant to subsection (d)(2)(B) of section 3 of such Act.

(c) CRITERIA FOR ASSISTANCE.—Not later than December 31, 1989, the Secretary of Defense shall inform the Committees on Armed Services and Labor and Human Resources of the Senate and the Committees on Armed Services and Education and Labor of the House of Representatives of the criteria and procedures by which the Secretary will select recipients for assistance under subsection (a).

(d) REPORT ON IMPACT AID.—Not later than December 31, 1989, the Secretary of Defense, in consultation with the Secretary of Education, shall submit to the Committees on Armed Services and Labor and Human Resources of the Senate and the Committees on Armed Services and Education and

Labor of the House of Representatives a report on the feasibility and desirability—

(1) of transferring to the Department of Defense by October 1, 1991, impact aid responsibilities for schools impacted by Department of Defense activities; and

(2) of providing support services (including funds for facilities) to schools receiving impact aid as a result of the presence of minor dependents of members of the Armed Forces on active duty or civilian officers and employees of the Department of Defense.

At the end of part D of title III (page 82, line 6), insert the following new section:

SEC. 344. REVIEW OF COMMERCIAL ACTIVITIES STUDY FOR BASE SUPPORT OPERATIONS AT THE NIAGARA FALLS AIR FORCE RESERVE BASE.

Commercial activities carried out by Government personnel at the Niagara Falls Air Force Reserve Base, New York, may not be converted to performance by private contractor under the procedures and requirements of Office of Management and Budget Circular A-76 (or any successor administrative regulation or policy) until completion of the following:

(1) The Comptroller General—

(A) evaluates the accuracy of the most recently completed commercial activities study for the Niagara Falls Air Force Reserve Base, including an analysis of comparable situations at other military installations in the United States; and

(B) submits to the Secretary of the Air Force a report describing the results of such evaluation.

(2) The Secretary of the Air Force submits to the Committees on Armed Services of the Senate and House of Representatives a report containing—

(A) a copy of the report submitted by the Comptroller General;

(B) such comments on the report as the Secretary considers appropriate; and

(C) a determination by the Secretary regarding the desirability of converting commercial activities at the Niagara Falls Air Force Reserve Base to performance by private contractor.

At the end of title XXXI (page 350, after line 3), insert the following new section:

SEC. 3137. ASSESSMENT OF TECHNOLOGY TRANSFER AT THE DEPARTMENT OF ENERGY NUCLEAR WEAPONS LABORATORIES.

(a) ASSESSMENT.—The Secretary of Energy shall prepare an assessment of the effectiveness of existing programs for the transfer of technology developed at Department of Energy nuclear weapons laboratories to the private sector to benefit American competitiveness and to protect and maintain United States technological leadership in global markets. The assessment shall identify and evaluate alternative programs for technology transfer that are being used or have been proposed and shall include an assessment of the success of the programs and such recommendations for changes in policy or law as the Secretary considers appropriate to enhance technology transfer. The assessment shall be conducted promptly after enactment of this Act.

(b) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of Energy shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report on the assessment conducted under subsection (a) and the conclusions and recommendations of the Secretary. The report shall address the following matters related to technology transfer:

(1) A determination of whether the mission of the nuclear weapons laboratories should be expanded to include technology transfer.

(2) A determination of the procedures or steps that are necessary to implement technology transfer.

(3) A determination of the average time to implement a transfer of technology and the major elements of delay.

(4) A determination of the principal provisions most frequently required as part of a collaborative research and development agreement for technology transfer.

(5) The manner in which classification problems are identified and handled.

(6) A comparison of the procedures of the weapons laboratories with those of other Department of Energy national laboratories.

(7) An identification of the primary impediments to technology transfer.

The amendment as modified is as follows:

At the end of part A of title VII (page 184, after line 17), insert the following new section:

SEC. 708. RETENTION IN ACTIVE SERVICE OF RESERVE OFFICERS IN A HEALTH-RELATED PROFESSION.

(a) **ARMY.**—Section 3855 of title 10, United States Code, is amended by striking out subsection (c) and inserting in lieu thereof the following new subsections:

“(c) An officer (other than an officer in the Chaplains) may be retained in an active status under this section until such time as the Secretary of the Army considers appropriate, consistent with the interests of the Army. In the case of an officer in the Chaplains, the officer may not be retained in an active status under this section after the date on which the officer becomes 60 years of age.

“(d) Subsection (a)(1) of section 324 of title 32 shall not apply to an officer during any period in which the officer is retained in an active status under this section.”

(b) **NAVY.**—Subsection (c) of section 6392 of title 10, United States Code, is amended to read as follows:

“(c) An officer (other than an officer in the Chaplain Corps) may be retained in an active status under this section until such time as the Secretary of the Navy considers appropriate, consistent with the interests of the Navy. In the case of an officer in the Chaplain Corps, the officer may not be retained in an active status under this section after the date on which the officer becomes 60 years of age.”

(c) **AIR FORCE.**—Section 8855 of title 10, United States Code, is amended by striking out subsection (c) and inserting in lieu thereof the following new subsections:

“(c) An officer (other than an officer who is designated as a chaplain) may be retained in an active status under this section until such time as the Secretary of the Air Force considers appropriate, consistent with the interests of the Air Force. In the case of an officer who is designated as a chaplain, the officer may not be retained in an active status under this section after the date on which the officer becomes 60 years of age.

“(d) Subsection (a)(1) of section 324 of title 32 shall not apply to an officer during any period in which the officer is retained in an active status under this section.”

The amendment as modified is as follows:

Page 12, after line 13, insert the following: (b) The amount provided in this section for other procurement for the Army is hereby reduced by \$26,300,000.

The amendment as modified is as follows:

Page 48, after line 17, insert the following new section:

SEC. 208. TRANSVERSE-MOUNTED ENGINE PROPULSION SYSTEM FOR M1 TANK.

Congress, noting the continued progress made in developing an alternative Transverse-Mounted Engine Propulsion System (TMEPS) for the M1 tank, encourages the Secretary of the Army to provide for continued development and testing in order to accommodate the evolutionary improvements in that System.

At the end of part A of title X (page 218, line 11), insert the following new section:

SEC. 1004. EMPLOYMENT OF CIVILIAN FACULTY MEMBERS AT PROFESSIONAL MILITARY EDUCATION SCHOOLS.

(a) **NATIONAL DEFENSE UNIVERSITY.**—(1) Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1592. National Defense University: civilian faculty members

“(a) **AUTHORITY OF SECRETARY.**—The Secretary of Defense may employ as many civilians as professors, instructors, and lecturers at the National Defense University as the Secretary considers necessary.

“(b) **COMPENSATION OF FACULTY MEMBERS.**—The compensation of persons employed under this section shall be as prescribed by the Secretary.

“(c) **APPLICATION TO FACULTY MEMBERS EMPLOYED AFTER EFFECTIVE DATE.**—This section shall apply with respect to persons who are selected by the Secretary for employment as professors, instructors, and lecturers at the National Defense University after the end of the 90-day period beginning on the date of the enactment of this section.

“(d) **NATIONAL DEFENSE UNIVERSITY DEFINED.**—In this section, the term ‘National Defense University’ includes the National War College, the Armed Forces Staff College, and the Industrial College of the Armed Forces.”

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1592. National Defense University: civilian faculty members.”

(b) **ARMY WAR COLLEGE AND UNITED STATES ARMY COMMAND AND GENERAL STAFF COLLEGE.**—(1) Chapter 373 of title 10, United States Code, is amended by inserting after the table of sections the following new section:

“§ 4021. Army War College and United States Army Command and General Staff College: civilian faculty members

“(a) **AUTHORITY OF SECRETARY.**—The Secretary of the Army may employ as many civilians as professors, instructors, and lecturers at the Army War College or the United States Army Command and General Staff College as the Secretary considers necessary.

“(b) **COMPENSATION OF FACULTY MEMBERS.**—The compensation of persons employed under this section shall be as prescribed by the Secretary.

“(c) **APPLICATION TO FACULTY MEMBERS EMPLOYED AFTER EFFECTIVE DATE.**—(1) Except as provided in paragraph (2), this section shall apply with respect to persons who are selected by the Secretary for employment as professors, instructors, and lecturers at the Army War College or the United States Army Command and General Staff College after the end of the 90-day period beginning on the date of the enactment of this section.

“(2) This section shall not apply with respect to professors, instructors, and lectur-

ers employed at the Army War College or the United States Army Command and General Staff College if the duration of the principal course of instruction offered at the college involved is less than 10 months.”

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 4024 the following new item:

“4021. Army War College and United States Army Command and General Staff College: civilian faculty members.”

(c) **NAVAL WAR COLLEGE AND MARINE CORPS COMMAND AND STAFF COLLEGE.**—(1) Section 7478 of title 10, United States Code, is amended to read as follows:

“§ 7478. Naval War College and Marine Corps Command and Staff College: civilian faculty members

“(a) **AUTHORITY OF SECRETARY.**—The Secretary of the Navy may employ as many civilians as professors, instructors, and lecturers at a school of the Naval War College or at the Marine Corps Command and Staff College as the Secretary considers necessary.

“(b) **COMPENSATION OF FACULTY MEMBERS.**—The compensation of persons employed under this section shall be as prescribed by the Secretary.

“(c) **LIMITATION ON APPLICATION OF SECTION TO CERTAIN FACULTY MEMBERS.**—This section shall not apply with respect to professors, instructors, and lecturers employed at a school of the Naval War College or at the Marine Corps Command and Staff College if the duration of the principal course of instruction offered at the school or college involved is less than 10 months.”

(2) The item relating to such section in the table of sections at the beginning of chapter 643 of such title is amended to read as follows:

“7478. Naval War College and Marine Corps Command and Staff College: civilian faculty members.”

(d) **AIR UNIVERSITY.**—(1) Chapter 873 of title 10, United States Code, is amended by inserting after the table of sections the following new section:

“§ 9021. Air University: civilian faculty members

“(a) **AUTHORITY OF SECRETARY.**—The Secretary of the Air Force may employ as many civilians as professors, instructors, and lecturers at a school of the Air University as the Secretary considers necessary.

“(b) **COMPENSATION OF FACULTY MEMBERS.**—The compensation of persons employed under this section shall be as prescribed by the Secretary.

“(c) **APPLICATION TO FACULTY MEMBERS EMPLOYED AFTER EFFECTIVE DATE.**—(1) Except as provided in paragraph (2), this section shall apply with respect to persons who are selected by the Secretary for employment as professors, instructors, and lecturers at a school of the Air University after the end of the 90-day period beginning on the date of the enactment of this section.

“(2) This section shall not apply with respect to professors, instructors, and lecturers employed at a school of the Air University if the duration of the principal course of instruction offered at the component involved is less than 10 months.”

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 9025 the following new item:

"9021. Air University: civilian faculty members."

(e) CONFORMING AMENDMENTS.—Section 5102(c)(10) of title 5, United States Code, is amended—

(1) by inserting after "(10)" the following: "civilian professors, instructors, and lecturers at a professional military education school whose pay is fixed under section 1592, 4021, 7478, or 9021 of title 10;"

(2) by striking out "the Naval War College and"; and

(3) by striking out "sections 6952 and 7478" and inserting in lieu thereof "section 6952".

Page 30, after line 6, insert the following new subsection:

(3) During the period beginning on the date of the enactment of this Act and ending on the date on which the certification required by paragraph (1) is made, the Secretary of Defense shall ensure that production capability for the AIM-7F/M Sparrow and the AIM-9L/M Sidewinder missiles is maintained.

At the end of title XXXI (page 350, after line 3), add the following new section:

SEC. 3137. REPORT ON VERIFICATION OF COMPLIANCE WITH AGREEMENTS TO LIMIT NUCLEAR TESTING.

(a) REPORT REQUIREMENT.—The Secretary of Energy, in consultation with the Secretary of Defense, shall submit a classified report assessing the possible effects on the abilities of the United States to verify compliance by the Union of Soviet Socialist Republics with any agreement, presently in effect or under negotiation, to limit testing of nuclear devices should any information or data now obtained under any cooperative agreement with any controlled country and used to verify the degree of such compliance be curtailed or become unavailable due to a change in, or severing of, diplomatic relations with such a controlled country. Such report shall assess, in particular, whether compliance by the Union of Soviet Socialist Republics with any such agreement to limit testing of nuclear devices can be fully and reliably verified should such a cooperative agreement be curtailed or terminated.

(b) SUBMISSION.—Such report shall be submitted to the Committees on Armed Services of the Senate and House of Representatives not later than six months after the date of the enactment of this Act.

(c) DEFINITION.—For purposes of this section, the term "controlled country" means any country listed in section 620(f)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)).

At the end of title XII (page 253, after line 15), insert the following new section:

SEC. 1243. REPORT REGARDING TERRORIST ATTACKS AGAINST MILITARY PERSONNEL.

(a) REPORT REQUIRED.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report, in both classified and unclassified versions, investigating the extent to which terrorist attacks against military personnel of United States or military personnel of allies of the United States may have been financed using loans described in paragraph (2).

(2) The loans referred to in paragraph (1) are loans that are made to members of the Warsaw Pact—

(A) by financial institutions of the United States, other member states of the North Atlantic Treaty Organization, Japan, or other countries that are allies of the United States; or

(B) by multilateral or international financial institutions.

(b) SUBMISSION.—The report required by subsection (a) shall—

(1) be submitted not later than six months after the date of the enactment of this Act; and

(2) describe in detail any methods that may have been used (or may be available) to divert loans referred to in such subsection to terrorist activities.

At the end of title XII (page 253, after line 15), insert the following new section:

SEC. 1243. SENSE OF CONGRESS ON THE KRASNOYARSK RADAR.

(a) FINDINGS.—The Congress finds the following:

(1) The 1972 Anti-Ballistic Missile Treaty prohibits each party from deploying ballistic missile early warning radars except at locations along the periphery of its national territory and oriented outward.

(2) The 1972 Anti-Ballistic Missile Treaty prohibits each party from deploying an ABM system to defend its national territory and from providing a base for any such nationwide defense.

(3) Large phased-array radars were recognized during negotiation of the Anti-Ballistic Missile Treaty as the critical long lead-time element of a nationwide defense against ballistic missiles.

(4) In 1983 the United States discovered the construction, in the interior of the Soviet Union near the town of Krasnoyarsk, of a large phased array radar that has subsequently been judged to be for ballistic early warning and tracking.

(5) The Krasnoyarsk radar is more than 700 kilometers from the Soviet-Mongolian border and is not directed outward but instead faces the northeast Soviet border more than 4,500 kilometers away.

(6) The Krasnoyarsk radar is identical to other Soviet ballistic missile early warning radars and is ideally situated to fill the gap that would otherwise exist in a nationwide Soviet ballistic missile early warning radar network.

(7) The President has certified that the Krasnoyarsk radar is an unequivocal violation of the Anti-Ballistic Missile Treaty.

(8) In formal negotiations, the Soviet Union has retreated from its public statements that it would dismantle Krasnoyarsk radar and only agreed to internal computer hardware and software conversions and limits on communications facilities at the site.

(9) In formal negotiations, the Soviet Union has refused to name any facilities or structures at Krasnoyarsk that it would dismantle.

(10) The Soviet Union has failed to follow up Secretary Gorbachev's proposal to transform the Krasnoyarsk radar into a space research center, including dismantling and altering certain existing facilities and structures, with any proposal to meet U.S. criteria for resolution of the Krasnoyarsk radar violation.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Soviet Union is in violation of its legal obligation under the 1972 Anti-Ballistic Missile Treaty, and that the Soviet Union should dismantle the Krasnoyarsk radar site to prevent further obstacles to the achievement of acceptable arms control agreements between the United States and the Soviet Union.

Page 326, after line 12, insert the following:

SEC. 2825. USE OF CLOSED BASES FOR PRISONS AND DRUG TREATMENT FACILITIES.

(a) FINDINGS.—The Congress finds that—

(1) the war on drugs should be one of the highest priorities of the Federal Government;

(2) to effectively wage the war on drugs, adequate penal and correctional facilities and a substantial increase in the number and capacity of drug treatment facilities are needed;

(3) under the base closure process, authorized by title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2623), 86 military bases are scheduled for closure; and

(4) facilities rendered excess by the base closure process should be seriously considered for use as prisons and drug treatment facilities, as appropriate.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense shall, pursuant to the provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act, give the highest priority to making real property (including the improvements thereon) of the Department of Defense rendered excess or surplus as a result of the recommendations of the Commission on Base Realignment and Closure available, without reimbursement, to another Federal agency or a State or local government (in that order of priority) for use as a penal or correctional facility or as a drug abuse prevention, treatment, or rehabilitation center.

At the end of part B of title II (page 50, after line 18), insert the following new section:

SEC. 223. CONTINUATION OF ANNUAL STRATEGIC DEFENSE INITIATIVE REPORT.

Section 231(a) of Public Law 100-180 is amended—

(1) by striking out "Not later than March 15, 1988, and March 15, 1989" in the matter preceding paragraph (1) and inserting in lieu thereof "Not later than March 15, 1990"; and

(2) by striking out paragraphs (8) and (9).

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 30 minutes, and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 30 minutes.

Pursuant to the rule, these amendments shall not be subject to amendment or to a demand for a division of the question.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. RANGEL].

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. ASPIN] and the committee members for including in this block of amendments section 2825, the use of closed bases for prison and drug treatment facilities. The gentlewoman from New York [Mrs. LOWEY] is a new Member to the Congress and a new member to the Select Committee on Narcotics Abuse and Control, and she recognizes how important it is to have

as many tools as can be available in this struggle to relieve our society from the scourge of drugs, and she has recognized the expense that is involved in having jail cells that cost up to \$40,000 a year to maintain a prisoner in the State of New York, and, knowing that, that we have to find more facilities in order to treat these addicts adequately. She has asked that the Congress give a sense of its support for using the closed bases for this period.

Mr. Chairman, Mrs. LOWEY and I are sponsoring an amendment, included in the en bloc amendment to the National Defense Authorization Act under consideration. The amendment affirms that it is the sense of Congress that the Secretary of Defense shall, pursuant to the provisions of title II of the Defense authorization amendment and Base Closure and Realignment Act, give the highest priority to making real property of the Department of Defense rendered excess or surplus as a result of the recommendations of the Commission on Base Realignment and Closure available, without reimbursement, to another Federal agency or a State or local government for use as a penal or correctional facility or as a drug abuse prevention, treatment, or rehabilitation center.

The reasons for the amendment are simple. Presently, the United States is experiencing a crisis in the areas of corrections and drug abuse treatment. A critical element of each of those crises is a lack of space.

In 1988, prisons in the United States were bursting with almost 630,000 adults incarcerated. Most of those incarcerated in the United States are imprisoned in State prisons, where almost 600,000 adults were under supervision in 1988. To already overcrowded facilities, the States and the District of Columbia added 41,339 prisoners in 1988 and the trend is expected to continue.

The cost of incarceration varies from State to State, from facility to facility. Estimates range from \$43 to \$113 per inmate per day. These costs have risen 1,720 percent, adjusting for inflation, about 180 percent, since 1970.

With the growing prison population, we must consider the cost of construction. The average per inmate construction costs range from \$22,263 for minimum security prisons to \$39,695 for maximum security prisons. The overall range of per inmate construction costs runs from \$2,048 to \$149,425. These figures, moreover, do not include the cost of financing this construction. Finance charges can significantly increase the cost of prison construction.

The situation is similar in the field of drug abuse treatment. The Select Committee on Narcotics Abuse and Control has received estimates that there are 6 to 6.5 million Americans in need of drug abuse treatment. Among those in need of treatment, are approximately 1.1 to 1.3 million intravenous drug abusers, of whom an estimated 250,000 to 300,000 are believed to be infected with the AIDS virus. Among the AIDS cases reported to date, 30 percent are linked to IV drug abusing behavior.

Currently there are approximately 250,000 treatment slots. Of these slots 148,000 are for intravenous drug abusers. According to the President's Commission on the HIV Epidemic, approximately 2,500 new facilities may be required to meet the treatment needs of just intravenous drug abusers. The gap between the need for and availability of drug treatment has resulted in long waiting lists for treatment in many cities.

Expanding drug abuse treatment is the single most important and immediate step that can be taken to reduce the spread of AIDS among intravenous drug abusers, and to facilitate a reduction in overall drug use. A primary obstacle to expanding treatment is the lack of treatment centers.

The space and facilities available as a result of the Base Closure and Realignment Act provide an excellent means to remedy the serious overcrowding in and lack of facilities for prisons and drug treatment centers, problems that promise only to get worse. Giving priority to the use of these military facilities for correctional facilities and drug treatment centers, and providing for their transfer at no cost, will enhance the capacity of the Federal Government, the States and localities to provide vitally needed services. Therefore, it is imperative that the Secretary of Defense know that there is a sense of urgency in the Congress that these needs be met.

The Lowey-Rangel amendment communicates that message. I thank you for your support for this amendment.

Mr. Chairman, I yield to the gentlewoman from New York [Mrs. Lowey].

Mrs. LOWEY of New York. Mr. Chairman, today I rise to urge my colleagues to join Chairman RANGEL and myself in supporting an important amendment included in the en bloc amendment which expresses the sense of Congress that the Secretary of Defense should give the highest priority to the conversion into prisons and drug treatment centers of the 86 military bases targeted for closure under the Base Realignment and Closure Act.

Converting the closed bases into Federal or State prisons or drug treatment centers will help us respond to the dangerous national shortage of prison and drug rehabilitation space—a shortage that will prove extremely expensive and risky if we do not act now.

Mr. Chairman, our amendment costs nothing and will actually save money in the long run. I encourage all of our colleagues to join Chairman RANGEL and myself in support of this amendment and the entire en bloc package.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. HUNTER] in support of his amendment.

Mr. HUNTER. Mr. Chairman, I would ask the gentlewoman from Maryland [Mrs. BYRON], the chairman of the Military Personnel and Compensation Subcommittee, to engage in a colloquy with me concerning the San Diego Children's Hospital.

Mrs. BYRON. I will be happy to do so, Mr. Chairman, if the gentleman will yield.

Mr. HUNTER. Children's Hospital is an essential part of both the civilian and military health care communities in San Diego. With the large Navy presence in San Diego, the hospital plays a vital role in meeting the health care needs of the thousands of military families stationed there. As an adjunct to Balboa Naval Hospital, Children's Hospital provides specialized pediatric services that would otherwise be unavailable to military families in San Diego and acts as a safety net to fill the void when Navy doctors at Balboa are pulled away by operational requirements. In addition, under a residency training memorandum of understanding, Children's Hospital provides specialty training for pediatricians at Balboa Naval Hospital. The two facilities are presently negotiating an agreement that will build on their current working relationship. When concluded, this agreement should further enhance the pediatric specialty services and training provided to the Navy Hospital by Children's. I am anxious to foster even greater cooperation between the two hospitals through the formalizing of their relationship over the long term and seek your support of this effort.

Mrs. BYRON. I recently met with representative of San Diego Children's Hospital and share the gentleman's view of the important service the facility provides to the military community in San Diego. I sent the hospital representatives directly to the Navy for further discussions and understand that you have been participating in that process as well. As you know, the Subcommittee on Military Personnel and Compensation has been pushing each of the services to explore innovative ways to utilize scarce military medical care dollars cost-effectively. I don't know at this point what the most appropriate relationship between the Navy and Children's Hospital should be, but I would encourage the Navy to explore cooperative agreements that will ensure the availability of high-quality, cost-effective pediatric care for military families in San Diego.

Mr. HUNTER. Mr. Chairman, I thank the chairman of the subcommittee for her interest and support and intend to keep in close touch with the Navy on the progress of their discussions with San Diego Children's Hospital.

The gentleman from California [Mr. PACKARD], the gentlewoman from New York [Mrs. Lowey], and the gentleman from California [Mr. BATES] also appreciate the support of the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Chairman, let me assure the gentleman from California [Mr. HUNTER] that, as far as military

care is concerned, this subcommittee is going to be very much involved in making sure that it is the best we have.

Mr. ASPIN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Chairman, I wish to offer an amendment to the Department of Defense authorization bill before us. This amendment addresses an urgent situation affecting approximately 100 employees of the U.S. Air Force Reserve, many of whom have served the Government for as long as 30 years. On June 14, it was announced that a contract would be awarded to a private firm for performance of support functions at the Niagara Falls Air Force Reserve Base in my district. A number of very serious questions have been raised about the bidding process that led to this announcement. Because the announcement places that led to this announcement. Because the announcement places in jeopardy the jobs of all the Reserve employees currently performing the work, as well as the retirement income they have earned through their years of service, it is imperative that the relevant questions be examined with the utmost of thoroughness.

The bid by management at the Niagara Falls Base, based on a thorough time and cost study completed by its management engineering team, estimated that, through streamlining operations for maximum efficiency, the work might be accomplished by 75 employees. The contractor, on the other hand, claimed that it could perform the work with 56 employees. However, the firm did not take into account the need to perform a number of critical operations, such as snow removal at the main air strip and operation of a decentralized heating facility. In addition, the bid did not take into account wage increases which the contractor would likely be required to grant under the Davis-Bacon Act, given that many man-hours of contract work call for carpenters, plumbers, and electricians.

Also significantly underestimated was the full cost of hiring contract administrators needed to prepare the Base for conversion to private contract. Furthermore, the Air Force did not take into consideration the cost to the government of unemployment compensation which must be paid, along with severance pay, to workers who would lose their jobs if the contract is awarded. Additionally, because the firm does not have the benefit of experience at the Base, it may need to hire additional managers to supervise the new arrangement. These factors raise the probability of cost overruns subsequent to the contract award. A mechanism exists for the company to obtain additional funds to complete the work, yet the existence of this option would be contrary to the cost-saving objective of awarding the contract; to ensure that a private firm's costs will, in fact, be lower than the government's cost.

Thus, it is possible and even likely, that the ultimate cost of awarding the contract to a private firm may not be significantly less than if the contract had been awarded to the government, and may well be considerably more.

All of these concerns constitute valid grounds for appealing the contract award decision. However, the grounds for appeals as defined by current regulations are extremely narrow; the decision can be appealed on the basis of the Air Force bid only, not on omissions in the contractor's bid. Appeals must be submitted first to the Air Force contracting office that made the decision, and, if rejected, to a higher level of authority within the Air Force.

I am concerned that these conditions preclude the possibility of a thorough, objective evaluation of the decision. Therefore I am offering an amendment to the fiscal year 1990 defense authorization bill, which states:

Commercial activities carried out by Governmental personnel at the Niagara Falls Air Force Reserve Base, New York, may not be converted to performance by private contractor under the procedures and requirements of Office of Management and Budget Circular A-76 (or any successor administrative regulation or policy) until completion of the following:

(1) The Comptroller General—

(A) evaluates the accuracy of the most recently completed commercial activities study for the Niagara Falls Air Force Reserve Base, including an analysis of comparable situations at other military installations in the United States; and

(B) submits to the Secretary of the Air Force a report describing the results of such evaluation.

(2) The Secretary of the Air Force submits to the Committees on Armed Services of the Senate and House of Representatives a report containing—

(A) a copy of the report submitted by the Comptroller General;

(B) such comments on the reports as the Secretary considers appropriate; and

(C) a determination by the Secretary regarding the desirability of converting commercial activities at the Niagara Falls Air Force Reserve Base to performance by private contractor.

The General Accounting Office study should include another technical evaluation of the firm's ability to do the contract work at the Niagara Falls Air Force Reserve Base with 56 employees, and undertake a careful, complete examination of all questions that have been raised. I urge my colleagues to support this amendment.

I would like to note that the decision in Niagara Falls was made as a result of Office of Management and Budget circular A-76, which requires agencies to initiate competitive bidding as part of a process to convert work being done by Federal employees to private contractors. Mr. Chairman, in the report of the Committee on Armed Services accompanying the bill before us today, the gentleman from Wisconsin [Mr. ASPIN] noted that "recent experience with contracting out" and "a recent investigation by the House Appropriations Committee raise serious questions about the quality and cost-effectiveness of the Department of Defense's commercial activities program" as established by A-76.

The Armed Services Committee report notes that:

Reviewing recent data about the DOD commercial activities program, the House Appropriations Committee found that the overall effect of this program has been to

increase, rather than decrease the cost of defense operations. These increased costs stem from the substantial expenditures needed to administer the commercial activities program. . . . The investigation by the House Appropriations Committee also found the Department officials project continued increase of the O&M budget for commercial activities, since functions contracted out under the A-76 provisions have generally cost more than cost study projections indicated. Contract increases generally result from inadequate performance work statements, additional contract administration cost and inflation-related wage increases. On the other hand, the committee generally found that functions by in-house organizations do not significantly increase in cost subsequent to the A-76 competition.

These findings, I believe, give the situation in Niagara Falls an added sense of urgency. Mr. Chairman, the concerns raised with respect to the bidding in Niagara Falls do not represent the aberrations of an isolated incident. Rather, they speak powerfully to all who would like to see the Federal Government operate in the most cost-effective manner possible, and to all Federal workers around the country who have served the Government faithfully for many years and whose jobs are being jeopardized by a program whose effectiveness has yet to be demonstrated, conclusively. Therefore, it is crucial that an outside, impartial body, such as the GAO, carefully and thoroughly investigate the A-76 procedures undertaken in Niagara Falls, as my amendment requires. And, although my amendment does not propose it, I believe it would be appropriate for the GAO to conduct a comprehensive study of the entire A-76 program, to determine whether its required procedures have, on the whole, been carried out properly, whether the program has, in fact, saved the country money in the years it has been in effect and what changes to the program, if any, would be appropriate.

Mr. ASPIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, I rise in support of this en bloc amendment, and I thank the chairman for including my amendment on air security.

Mr. Chairman, the amendment I am offering today, which is included in the en bloc amendment offered by Chairman ASPIN, would authorize the President to assign or detail members of the armed forces to assist foreign governments in protecting U.S. passengers and air carriers at airports abroad against acts of terrorism and violence. This authority is discretionary, and could only be used pursuant to an agreement with the government of the foreign country, where such action would not compromise our military preparedness.

We are all familiar with the problem of airport or airplane terrorism. The most recent event, the bomb on Pan Am flight 103, brought this threat home to families across the country who lost loved ones in the crash over Scotland. This and other events, such as the TWA hijacking in Beirut in 1985, which claimed the life of Robert Stethem, point to insufficient ground security. I believe that at-

tacks against American citizens or American air carriers abroad are attacks against the United States, and should be treated as such. We need to do more to secure our citizens against violence directed against the United States.

We have in place throughout Western Europe the world's finest security forces: the American military. In some cases, these forces are stationed in close proximity to foreign airports. We need to enlist their help on the front line in the war against terrorism. My amendment would give the President the authority to do just that, at no additional cost to the United States or the foreign government where these troops are already stationed.

I want to make it clear that the United States would not be forcing troops on countries that do not want us there. But I believe that the mere presence of American troops would deter terrorism against all targets, not just American citizens and Air Carriers. And in some cases foreign governments would actually encourage our help in this unpredictable era of terrorism. We would not hesitate to use our troops abroad in the event of an attack on a U.S. military installation and I believe that an attack against an airliner containing hundreds of U.S. citizens deserves the same priority. I would point out that just recently we augmented our existing troop strength in Panama primarily to protect American citizens living in Panama from the vagaries of the Noriega regime. Similarly, the authority provided by this amendment will enhance the safety of Americans in places where they are most likely to be vulnerable outside the United States in or around some foreign airports where terrorism has reared its ugly head lately. A U.S. airliner is just as much a symbol of American property abroad as an American Embassy located in a foreign capital, and its needs for protection and security are just as great.

I urge you to join me in supporting this measure, which may someday save American and foreign lives. Thank you.

Mr. ASPIN. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, during the past year I have had the opportunity to serve as chairman of the panel on military education of the Committee on Armed Services. After some 28 hearings, 48 witnesses and interviewing some 100 people in and out of the military, we came forth with a report a number of weeks ago, and the amendment that I have before me today, amendment No. 18, helps fulfill some of the items that we have discussed during the hearing, and what we discovered was that some of the schools did not have the authority to hire civilian faculty as the Navy War College did since someone passed the statute for them back in 1956, but nothing for the National Defense University, or the Army War College or the Air University, so consequently this amendment does that.

I might say, Mr. Chairman, that as a result of our report it seems, at least as a best moment, legislation will not be needed to upgrade these military

schools, as my colleagues know, of which there are ten, five senior war colleges and five intermediate war schools.

□ 1800

The Chairman of the Joint Chiefs of Staff, Adm. William Crowe, has been extremely cooperative. He made an excellent recommendation during this testimony concerning the upgrading of the National War College, and this looks like it may come to pass as the result of his efforts in appointing retired Admiral Long in a committee that is looking at changing that and upgrading it and hopefully it will be known as the National Center for Strategic Studies.

Also as a result of our work, it seems that the Armed Forces Staff College at Norfolk, VA, is being upgraded.

I wish to specifically commend the gentleman from Virginia [Mr. PICKETT], who worked so ardently on our panel for his work and great interest in assisting and making sure that the upgrading of the school at Norfolk will come to pass.

I say these things because a great deal of effort has gone into them.

I commend the Joint Chiefs of Staff and those who have worked with him, Adm. Robert Long who is retired, and Gen. Tom Morgan, of the Marine Corps, retired, who is also looking at the jointness of the schools and the certification thereof.

So with that, I offer this amendment with the hope that it will be of additional help in educating our military officers in the jointness and in the light of the strategic need that we have.

Mr. DICKINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. MARTIN].

Mr. MARTIN of New York. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to engage the gentlewoman from Colorado [Mrs. SCHROEDER], the chairman of the Military Construction Subcommittee, in a brief colloquy in order that everyone may understand the amendment that relates to the authorization of an additional \$105 million for military authorization projects, because I think it is very important that the body and the services understand what the gentlewoman and I have in mind as we offer this amendment.

There was \$105 million that was cut by the full committee on the MX rail garrison project. We offered an amendment for some very high priority projects that unfortunately did not meet the cut in the military construction budget this year.

We want to advise the services, and most importantly, the Members in whose districts these projects are, that if during the course of the delibera-

tions with the other body in conference we need additional military construction to be added back in, these projects and these moneys will be reclaimed first and these projects will probably be taken up in another budget.

Is that the understanding of the gentlewoman of what we are trying to do?

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of New York. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I tell the gentleman, absolutely.

I want to thank the gentleman from New York for pointing this out. What we have tried to do is go very wisely according again to what the services told us were priorities. We hope they hold. We never know what will happen in the conference committee, but this is a really good faith attempt and strictly on the criteria that we have used in the subcommittee before.

I thank the gentleman from New York for yielding to me and asking that question.

Mr. MARTIN of New York. Mr. Chairman, I thank the gentlewoman for her cooperation.

I only suggest that she and I both keep a copy of the CONGRESSIONAL RECORD that these remarks are in.

Mrs. SCHROEDER. Absolutely.

Mr. Chairman, contained in this amendment are a number of vital military construction projects totaling \$104,850, or the amount by which the Spratt amendment reduced military construction. The projects are:

Program	Adjustments
Army:	
Various locations, Germany: Child development center (total).....	\$10,569
Repair and maintenance account.....	18,500
Navy:	
Naval Post Graduate School, Monterey, CA:	
Academic library addition.....	5,000
Classroom/applied lab facility.....	11,690
Naval Undersea Warfare Engineering Station, Keyport, WA: Undersea warfare engr. center.....	10,400
Naval Station, Rota Spain: Child development center.....	1,020
Total.....	28,110
Air Force:	
Dover Air Force Base, Operations command post.....	4,200
McClellan Air Force Base, CA: Child development center.....	1,200
Tinker Air Force Base, OK: Child development center.....	1,550
Hill Air Force Base, UT: Child development center.....	1,300
Mehlingen, Germany: Operations facility.....	1,110
Lajes Air Force Base, Portugal: Transient dormitory.....	2,300

Program	Adjustments
Unspecified minor construction	17,350
Total	29,010
Army National Guard:	
Decatur, IL: Armory	3,304
Camp Lodge, LA: Armory	6,857
Camp Ripley, MN: Barracks	800
Total	10,961
Air National Guard:	
Buckley Air Guard Base, Denver, CO:	
Armory	5,000
USP&FF	1,400
USP&FF warehouse	1,300
Total	7,700
Military construction back-fills summary:	
Total military construction	+86,350
Total RPMA, Army	+18,500
Grand total	+104,850

The Spratt amendment to cut \$105 million from MX rail garrison military construction made funds available for other military construction projects as detailed above.

Mr. ASPIN. Mr. Chairman, I yield myself 3 minutes.

Mr. MURTHA. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to engage in a brief colloquy with my good friend, the Chairman of the Armed Services Committee, Mr. ASPIN.

Mr. ASPIN. I would be happy to engage in a colloquy with my good friend from Pennsylvania, Mr. Murtha.

Mr. MURTHA. Mr. Chairman, on page 83 of the Armed Services Committee report on H.R. 2461 the Committee notes the improvements in air defense capability that installation of the SPS-48E radar could bring to the Navy's aircraft carriers. The Appropriations Committee has also looked into this matter and come to a similar conclusion. Apparently, however, the Committee on Armed Services found it had to satisfy more pressing defense needs, and so no funds were provided for the radar program. Would you clarify the Committee position on this matter?

Mr. ASPIN. I would be happy to clarify our position for my friend. The Committee on Armed Services found benefits of installing the SPS-48E radar on the Navy's aircraft carriers. In its report the Committee encourages the Navy to examine this issue carefully and to consider such procurements. The Committee also invited the Navy to submit a reprogramming request for these radars, which would permit us to authorize them in an orderly manner.

Mr. FOGLIETTA. Mr. Chairman, I commend the gentlemen from Pennsylvania for bringing this important issue to the attention of the committee. As a member of the Committee I also wanted to let my chairman, Mr.

ASPIN, know that I support this program and that it would add greatly to the protection of our carriers in light of the current threats they face. I thank the gentlemen for their actions and their informative exchange.

Mr. WELDON. Mr. Chairman, I, too, would like to add my support to this initiative, and thank the Chairman, Mr. ASPIN, and the chairman of the Defense Appropriations Subcommittee for their consideration of this request.

Mr. DICKINSON. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, lending to the U.S.S.R. and its allies by banks and governments in the free world has literally exploded in the last year. Some people in the West see this as nothing but a good deal. After all, they say, we are helping to finance reforms in Communist economies and making a decent profit at the same time.

And look at some of the huge amounts of money that the Soviet Union alone has gotten its hands on in the last few months.

January 1988: The Soviet Union enters the Western bond markets for the first time, borrowing \$78 million from Western investors. What's the loan to be used for? "General financing purposes" of a Soviet-run bank "engaged in a broad range of activities at home and abroad." Soon after, \$150 million is lent to the U.S.S.R. by a consortium of French banks.

May 1988: A group of German banks make a \$2.1 billion line of credit available to the Soviet Union for Soviet industrial modernization.

July 1988: The Soviet Union sells \$270 million in bonds in West Germany with the help of Western investment houses.

The Soviet Union refuses to divulge normal economic data usually required for such sales, using a West German legal loophole that such disclosure would damage the Soviet Union's security interests.

September 1988: The U.S.S.R. announces plans to establish a Soviet-controlled bank in Western Europe with the cooperation of four major European banks. The bank is expected to have access to capital totaling \$750 million to start.

At the same time, a Soviet-owned bank in England joins the London gold bullion market, sharply increasing Soviet access to international gold markets.

October 1988: West German banks arrange a \$1.6 billion line of credit for Soviet industry. Then, the Italian Government signs an accord with the Soviet Union for \$766 million in export credits. Then, a British bank announces plans for a Soviet credit line of over \$1 billion as part of a planned effort by British financial institutions to provide a total of \$2.6 billion in loans.

This year: The Soviet Union begins to publicize its interest in joining the International Monetary Fund and the World Bank, a move that could eventually make it eligible for billions in loans directly from Western governments and Western taxpayers.

Mr. Chairman, we have to appreciate the talent demonstrated by the Soviet Communist

leadership in getting Western financing without having to answer too many uncomfortable questions about its ultimate uses. But it's time that we started gaining a better appreciation of the talent by which they and their allies then circulate this money and put it to many uses against the free world, its defense, and its servicemen and women themselves.

Let's take a look at a loan of \$600 million that was made to a close Soviet ally, East Germany, in 1985. Three United States banks and a Japanese bank provided the money, and soon after, \$20 million of the loan money was on its way. To where? To the Sandinista Communist regime in Nicaragua.

Now, years later, we also find out that another part of this loan was dispersed to Communist front companies and tax havens around the world by the East Germans, and then reconcentrated. Reconcentrated where? In Libya by Colonel Qaddafi. And where did Qaddafi send some of this money? To various accounts controlled by terrorist organizations. And finally, sadly, according to the news reports that I have here in my hand, some of that money helped finance the terrorist bombing of a West Berlin discotheque in April 1986. Among the casualties—A U.S. serviceman.

Mr. Chairman, although much of the publicized borrowing in the last year has been by the Soviet Union, that doesn't mean that its allies aren't doing the same. Due to the peculiarities of the Western financial system, the Soviets and their allies, East Germany in particular, can get their hands on much more Western money without it being officially reported. We ought to be ensuring that we know exactly where this money is going, at least when we consider that it can be used to attack our men and women in uniform as well as the enlisted personnel of our allies. And that is the purpose of the amendment I am proposing here today. It simply calls on the Secretary of Defense to report to the Armed Services Committees of the Congress on the extent to which terrorist attacks against these servicemen and women may be financed using Western loans.

Although the Soviet bloc countries are now estimated to be in debt to the West to the tune of at least \$130 billion, their borrowing is increasing. Soviet debt to the West officially totaled \$11 billion in 1984. By 1988, it had grown to \$25 billion, and some Western experts predict that new Soviet borrowings alone may well total \$2 to \$3 billion annually through the 1990's.

In 1987, 70 percent of such loans to the Soviet Union were considered "untied." That is, their ultimate uses were not strongly confirmed by the lenders at the time of the loan agreements. The lenders, and therefore Western governments, are not entirely sure how the proceeds are being utilized by the Soviets.

Isn't it time we started focusing on this problem? Given the reports that such moneys have been used by terrorists against U.S. servicemen, we must start doing more to keep track of such loans. How do we know that the recent attack on United States personnel in Honduras was not in some way ultimately financed by nations of the free world, with moneys rerouted from Eastern Europe through Cuba and Nicaragua? Let's find out. Let's

pass this amendment and start addressing the problem.

Mr. Chairman, my amendment is simple and straightforward, but I believe that it is truly important for ensuring equitable and verifiable arms control agreements.

My amendment requires that the Secretary of Energy submit a classified report to the Committees on Armed Services. The report is to fully address the possible effects on our ability to verify Soviet compliance with nuclear testing limitation agreements should any United States means of verification—now made possible through the cooperation of a Communist government—be terminated due to a change in our relations with that third country.

The report would assess, in particular, whether the termination of such cooperation would cause an inability on our part to, in fact, fully and reliably verify such agreements.

Mr. Chairman, recent events in this case in the People's Republic of China, have shown how quickly our relations with Communist governments can change. We really ought to fully take into consideration whether our means of verification of Soviet compliance with its arms control promises will be adequate to our security needs in all cases, including a case in which a cooperative agreement with a third country, a Communist country, has been terminated.

I ask my colleagues to join in support of this amendment.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Chairman, I thank the gentleman from Alabama for yielding me this time, and I also want to thank the gentleman from Alabama for allowing the inclusion in the en bloc amendments this amendment concerning the movement of cargoes on American flag ships. It is section 331 and it deals with the transportation of components of DOD contractor supplied items. It is under section 2631 of title 10, United States Code, which is amended by inserting "or components and/or ingredients thereof" after "supplies" both places it appears.

Now, the reason for this, Mr. Chairman, is that there has been an awful lot of creative interpretations by contracting officers of existing laws.

I refer back to the Military Transport Act of 1904 which specified that all supplies purchased by or in behalf of the Department of Defense, the Army, the Navy, the Marine Corps, or the Air Force, shall move on American flag bottoms. That has not been happening because of this creative interpretation; so this amendment does require components or ingredients or equipment or materials, commodities or supplies, to be included under existing requirements on the transportation of goods for the United States.

This amendment mirrors the intent of the Defense Department's directive on acquisitions. As I said earlier, it is

necessary to prevent future creative interpretations of existing laws by contracting officers, which in the past has permitted untold thousands, if not millions of tons of cargo, to be shipped on foreign flag vessels.

I say to the gentleman from Florida [Mr. BENNETT] who has worked so hard in behalf of the American flag Merchant Marine, and this is one of the procedures that we absolutely must have to make certain that the American flag will fly high on the high seas.

Mr. ASPIN. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa [Mr. NAGLE].

Mr. NAGLE. Mr. Chairman, I would ask that the distinguished chairman of the Committee on Armed Services engage in a colloquy with me.

Mr. ASPIN. Yes, Mr. Chairman, if the gentleman will yield.

Mr. NAGLE. Last year during consideration of the Department of Defense authorization the gentleman from California [Mr. DORNAN] and I presented an amendment to this body which sought a mutual ban with the Soviet Union of flight-testing of quick strike depressed trajectory missiles.

This body, in its wisdom, recognized the enormously destabilizing impact of flight-testing ballistic missiles in depressed trajectory, and approved our amendment. It did so so overwhelmingly. And both bodies included it in the final version of the legislation we sent to President Reagan to be signed into law.

Unfortunately, however, President Reagan saw the amendment—not as an historic opportunity to "keep the genie in the bottle" by banning both United States and Soviet testing of a delivery system for nuclear terror in a new potentially destabilizing way—but as some kind of intrusion by the legislative into the affairs of the executive branch of government.

I believe he was wrong. But he vetoed the bill and sent it back to us with the specific request that our amendment be removed.

The final disposition of the issue saw Congress withdraw the outright ban, but authorize a formal and detailed study of the issue.

Mr. Chairman, I was prepared to offer this amendment again, this year, during our consideration of this year's defense authorization bill.

But I am happy to report it is not necessary to do so.

President Bush has adopted the plan as his own, and has, in fact, offered it to the Soviet Union at the arms control talks in Geneva as part of the United States arms control initiative.

I think it is important that we do not allow this development to pass unnoticed or unheralded, because it represents an important breakthrough on several fronts:

First, instead of the customary debate over which delivery system to defuse, we now have an historic opportunity to ban testing of a system before it becomes a threat. We actually face the prospect of "keeping the genie in the bottle" rather than trying to figure out how to put the genie back in.

Second, if the President is successful with his negotiations with the Soviets, we potentially will have saved the taxpayers billions of dollars, dollars that might have been spent on United States depressed trajectory missiles; and dollars spent responding to the threat posed by Soviet depressed trajectory missiles.

Third, perhaps most significantly, it is a clear example that the executive and legislative branches can work together—in a positive, bipartisan manner—on some of the most important and vital issues facing the planet.

Too often, the executive has rejected congressional arms control proposals out of hand—not on their merits, but solely because they believed only the executive had the right to present ideas in this important area.

I congratulate President Bush for recognizing that the legislative branch does have an important contribution to make in this area. I commend him for examining this important issue, not as a potential turf matter, but on its merits, and for adopting it as his own.

Now that the President has adopted it, and presented it to the Soviets, I am willing to defer to their efforts and, therefore, will not pursue it further legislatively.

Thank you, Mr. Chairman, for allowing me to offer these comments, and for your support for this proposal and your leadership on this and other important arms control issues.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. NAGLE. I am happy to yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, I also wish to recognize the importance of the administration's decision to adopt and submit to the Soviets a proposal to ban flight-testing of submarine launched ballistic missiles with short times of flight.

I congratulate the gentlemen from Iowa and California for bringing this proposal before us last year; I congratulate the Bush administration for adopting it; and I wish the negotiators in Geneva the best of luck in winning final agreement with the Soviets on it. The proposal has the full support of this body.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, regarding the Lowey-Rangel part of the en bloc amendment, I want to say that

I agree with our colleagues from New York that the war on drugs is urgently important to our society.

The amendment rightly states that the war on drugs should be one of the highest priorities of the Federal Government, but Lowey-Rangel does not seem, unfortunately, to assign any importance to the plans of the local communities for the reuse of any surplus property that becomes available as a result of base closures. Fort Sheridan in my district is on the closure list. I have formed a commission at the urging of the Department of Defense to arrive at consensus among all local leaders regarding reuse.

It is a long process requiring long hours of planning and compromise. I think that the views of this commission and the views of local communities from all over the Nation that face similar military base closings should play the pivotal role in deciding any future uses for surplus military property.

In fact, the General Services Administration, which is the Federal agency charged with disposing of excess and surplus Federal property, acknowledges that there will often be competing governmental interests for the real property involved. GSA has repeatedly stated that, faced with these different interests, the agency firmly believes that the priorities for use are best determined at the local, not the Federal, level.

When the land ceases to be Federal land, the determination as to its future use should be made not by the Federal Government but by local interests according to the priorities they determine as most important to their area. Some areas will find the need for, and may desire, penal facilities to be located there or drug rehabilitation programs. Others may not need these facilities at these locations, or they may be wholly inappropriate for these locations.

Mr. Chairman, most emphatically these choices should not be made by the Congress or by the Department of Defense or, indeed, at the Federal level at all. They must be made at the local level by local officials according to local needs.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. Chairman, this is a very simple amendment that builds on an amendment that was enacted into law in the 100th Congress.

The C-23 Sherpa aircraft is built by a firm in the north of Ireland. Until recently, that firm had been hiring only trivial numbers of the Catholic minority in Northern Ireland. Last year, Congress decided that as long as the company was receiving U.S. tax dollars, it should be fair and even-handed in its employment practices.

The vote on this issue last year was an overwhelming 365 to 50.

After long discussions, the company agreed to an unprecedented set of affirmative hiring goals in a formal letter to the Secretary of the Army. And the word is that it's working. One year later, there are more young men and women from the Catholic ghettos of Belfast who have a decent job and some measure of hope for the future.

This year's authorization bill contains funding for additional Sherpa aircraft for the National Guard. The amendment that I have offered simply extends the affirmative hiring commitment employment to the new contract. If the same firm secures the contract for these additional aircraft, they will continue to be bound by the promises of nondiscrimination made to our Government 1 year ago.

I'd like to thank Chairman ASPIN, the distinguished ranking member, Mr. DICKINSON, and that great Irishman himself, Rudy De Leon, for their help and cooperation in this matter. With the acceptance of this amendment we will reinforce our commitment to fair employment practices in companies doing business with our Department of Defense. It may be many years before the day when the strife-torn North of Ireland is free from prejudice and bigotry, but at least we can make sure that our tax dollars hasten rather than hinder that day. Erin go bragh.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY. I am happy to yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I remember discussing this with the gentleman, and I have forgotten everything it contains. Is there anything in here for fair employment practices for Protestants in Dublin?

Mr. KENNEDY. For whom?

Mr. DICKINSON. Protestants.

Mr. KENNEDY. For Protestants, no. But I would say that the Protestants, at least in the north of Ireland have that one locked up.

Mr. DICKINSON. I just wanted to get an even playing field here.

Mr. KENNEDY. Mr. Chairman, I would be delighted.

The CHAIRMAN pro tempore. The gentleman's time has expired.

Mr. KENNEDY. He is going to call time on me, Mr. Chairman. What are we going to do? Must be a Protestant.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the very distinguished, able, and eloquent gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, as a matter of fact, I tell my good friend from the State of Massachusetts, it was not a Protestant that brought down the gavel on you, and I commend him for that amendment, because a North American company, Bombardier, Inc., of Canada, has

purchased Short Brothers, and we have established a fair-hiring policy not a moment too soon.

Bless you, lad, May you live to be 100.

□ 1820

I wanted to thank the Chairman and my colleagues on both sides of the aisle for accepting my amendment to have the Pentagon select an appropriate corridor to put in another one of their elegant museum corridors to honor our military personnel who have taken part in the space program.

Not many Americans are aware that of our astronauts, 99 percent were fighter pilots, Navy and Air Force with an occasional outstanding marine, like the elegant junior Senator from the State of Ohio [Mr. GLENN]. And those who were not fighter pilots were turned into fighter pilots by going through pilot training and staying proficient with their flying skills by flying the T-38's.

Our President, in that great moment in front of the Air and Space Museum last week on the 20th anniversary of the walk of a Navy and two Air Force fighter pilots, or on their journey together to the Moon, he mentioned 10 people who died in the astronaut program actually flying spacecraft or training to do such. Nine of them were military personnel, and the other was our great teacher from New England, that young woman, Christa McAuliffe.

But what the President did not mention is that eight other people have died in training for our astronaut program. Four of them died in those T-38's in crashes in flight training to stay flight-proficient, one died in a car crash, one got elected to the U.S. Congress and died of cancer before he could be sworn in, one died flying a small civilian Pitt's biplane, again on his own time, honing his flying skills, and another one died of a heart attack.

Eighteen people gave their lives for this program, and we can look forward to a corridor at the Pentagon paying tribute to these fine Americans.

REQUEST FOR PERMISSION FOR MEMBERS TO REVISE AND EXTEND THEIR REMARKS ON A COLLOQUY

Mr. ASPIN. Mr. Chairman, I ask unanimous consent that all Members may revise and extend their comments on the colloquy that we just had.

Mr. FOGLIETTA. Mr. Chairman, I ask unanimous consent to revise and extend my remarks on the colloquy we just had.

The CHAIRMAN pro tempore [Mr. DURBIN]. The Chair would advise the gentleman from Wisconsin that the general thrust of the colloquy cannot be changed, but each Member can seek unanimous consent to revise and extend their own remarks.

Mr. WELDON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks on the colloquy just had.

Mr. MURTHA. Mr. Chairman, I ask unanimous consent to revise and extend my remarks on the colloquy just had.

The CHAIRMAN pro tempore. Without objection, the various unanimous-consent requests are granted.

There was no objection.

Mr. DICKINSON. Mr. Chairman, I am very pleased at this time to yield 2 minutes to the distinguished gentleman from Florida [Mr. LEWIS].

Mr. LEWIS of Florida. Mr. Chairman, I thank the gentleman for yielding time to me. I rise for the purpose of entering into a colloquy with the gentleman from Florida [Mr. HUTTO], chairman of the Readiness Subcommittee.

Mr. Chairman, I would ask the gentleman from Florida [Mr. HUTTO] this question: The committee report does not line-item the WC-130 weather reconnaissance aircraft. It is my understanding that this mission does not need to be line-itemed in the bill, since the Air Force has agreed to carry out the weather reconnaissance mission through 1990, and funds are being identified in the Defense appropriations bill.

Mr. HUTTO. Mr. Chairman, if the gentleman will yield, yes, that is correct. Along the gulf coast as well as the Atlantic coast we are often threatened, but thankfully are seldom hit. The hurricane planes play a great role in helping us to prepare and save lives. Previously, funding for WC-130 operations has not been identified by line-item in defense authorization bills. In testimony provided by the Secretary of Defense before the House Committee on Armed Services, April 25, 1989, Secretary Cheney agreed to support the WC-130 Hurricane Reconnaissance program through fiscal year 1990. The committee believes this is the proper course of action.

Mr. LEWIS of Florida. I thank the gentleman for his support of this mission that is so important for the residents of all our coastal States. The residents of these States are grateful for your sensitivity to their concerns. I look forward to working with you in the future.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the gentleman from California [Mr. FAZIO] has been unavoidably detained. Had the gentleman been able to be here, he would have sought to enter into a colloquy with this gentleman from California in my capacity as chairperson of the Sub-

committee on Research and Development.

He was concerned about the Strategic Defense Initiative Program initiating full scale development on any SDI projects and had planned to offer an amendment to preclude any fiscal year 1990 money from being obligated for SDI full scale development. He subsequently learned the administration does not plan to initiate any SDI full scale development programs during fiscal year 1990.

Mr. Chairman, I wanted to assure my distinguished colleague, the gentleman from California, that he is correct, and indicate to him that I share his concern. Finally, that in my capacity as chair of the Subcommittee on Research and Development of the House Armed Services Committee, that I would carry out my oversight responsibilities diligently in this regard to see to it that the administration did not attempt to enter into any full-scale development programs for SDI during the fiscal year 1990.

Again, I thank my distinguished colleague for yielding time to me.

Mr. STUMP. Mr. Chairman, we have no further requests for time, and I yield back the balance of our time.

Mr. ASPIN. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I rise to commend the gentleman from Massachusetts [Mr. KENNEDY] for his amendment, not only for what the amendment itself does, but for focusing attention again on the problem of discrimination against Catholics in the north of Ireland.

Next month I will be taking a trip to Belfast and to the north of Ireland to do a factfinding mission to see firsthand for myself. I have long thought that our Government ought to be doing more to prod the United Kingdom into moving faster and quicker to assure that discrimination against Catholics in the north of Ireland is ended. This discrimination must stop.

This amendment does its small part by demanding that the Secretary of the Army receive a commitment from the contractor that there will be no discrimination on the basis of race, color, religion, sex, or national origin. This goes I think a long way in saying that we will not tolerate discrimination against Catholics or anyone in the north of Ireland anymore.

Mr. ASPIN. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Florida [Mr. BENNETT] and the gentleman from New York [Mr. HOCHBRUECKNER].

Mr. Chairman, I would like to take this opportunity to thank Mr. BENNETT, the chairman of the Seapower Subcommittee, and Mr. HOCHBRUECKNER, who is a member of the subcommittee, for the good work they have done in recommending additional funds for improving the ability of Navy frigates to defend themselves against deadly, sea-skimming missiles. The tragedy of the U.S.S. *Stark* in the Persian Gulf 2 years ago raised serious questions about the ability of the equipment aboard the *Stark* and the more than 100 like vessels to detect and counter effectively low-flying missiles like the Exocet. This bill would begin the process of improving this situation.

Does the gentleman from Florida believe that these additional funds will make a difference?

Mr. BENNETT. If the gentlewoman will yield, I most certainly do, and I wish to thank the gentlewoman from California for her interest in this very critical area of naval warfare. The threat that low-flying missiles pose to our ships has been of continuing concern to the subcommittee. The subcommittee held hearings on this issue in March that highlighted the need to upgrade critical shipboard defensive systems and, as noted by the General Accounting Office, to carry out rigorous operational testing on these systems.

I would ask my colleague on the subcommittee, Mr. HOCHBRUECKNER, to comment.

Mr. HOCHBRUECKNER. If the gentlewoman will yield, I am happy to join my colleagues—Chairman BENNETT and Mrs. BOXER—in this effort. I shared their concern about the test records of the frigate fire control and radar systems as reported by the GAO. I am proud that the committee has recommended approximately \$85 million to begin the upgrade of the Navy's frigates, including the MK-92 CORT system; accelerated improvements to the Phalanx gun system; and improvement to the SLQ-32 electronic warfare system.

I thank the Chairman and the gentlewoman for their concern.

Mrs. BOXER. I again want to thank my colleagues and urge that the subcommittee continue to monitor the tests of these critical systems to ensure they are rigorous and realistic and that the systems work as they should.

I look forward to working with my colleagues in the future to continue improving the defensive capability of our frigates.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Tennessee [Mrs. LLOYD].

□ 1830

Mrs. LLOYD. Mr. Chairman, I have offered an amendment to the Department of Defense authorization for fiscal year 1990 to address the problem of technology transfer from the Department of Energy nuclear weapons laboratories. The purpose is twofold: to allow the House to have a role in defining policy for technology transfer; and, second, try to define the areas in technology transfer efforts that need improving.

Mr. Chairman, I have long been a proponent of technology transfer from the national laboratories. One of the key issues involved in the tech transfer debate is additional legislative needs. Last year, my National Laboratory Competitiveness Act was passed by the House. I fully intend to pursue this topic in the 101st Congress.

We must continue to address the problem regarding technology transfer out of the Department of Energy's defense laboratories and into the commercial marketplace. Unfortunately, the problem has not been defined clearly by DOE which may be attributable to the fact that the labs view the problems differently.

There is some disagreement at the labs as to what is needed to facilitate more active technology transfer. My amendment directs the Secretary of Energy to survey the defense labs, assess their activities, and report to Congress with any recommendations for legislative action within 6 months.

Recently, we have seen considerable progress and several interesting new initiatives at the labs to further technology transfer. As a result, we believe it prudent that we assess the results of these initiatives before moving ahead with further legislation. So this provides for thoughtful study of the results of these initiatives.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Mr. Chairman, I want to just add a few points to the en bloc amendment regarding the Krasnoyarsk radar in the Soviet Union.

Congressmen CARR, DOWNEY and I visited Krasnoyarsk. We spent an afternoon there and took over a thousand photographs.

We had three competent staff members with us.

The consensus was that while it is probably a violation, there are some points that should be mentioned.

First, the Soviet Union has ceased all work on Krasnoyarsk for about 2 years now, and they have agreed to not continue any work.

That should be included in the findings.

Second, the findings state that the Soviet Union has retreated from its public statements that it would dismantle Krasnoyarsk's radar.

They agreed to do this as a package deal with dismantling Thule and Fylingdales, not as a unilateral dismantlement. So I think there is an error in finding No. 8, because it was part of a package and not a unilateral offer that they made.

Finding No. 10 says the Soviet Union is still to follow up on Secretary Gorbachev's proposed transfer of the Krasnoyarsk radar into a space research center.

The reason they are not doing that is they were turned down by us. We told them that it was a nonstarter.

While I do not disagree with point 10, it might be amplified to include that point.

In any event, I think while I agree Krasnoyarsk is probably a violation, I think it is important that the record include these additional facts.

I appreciate the gentleman yielding the time.

Mr. GEJDENSON. Mr. Chairman, the negotiations on conventional forces in Europe [CFE] have progressed more rapidly in their first 5 months, more than anyone predicted, thereby creating great hope that NATO and the Warsaw Pact can reach an agreement within the next year. According to President Bush, such an agreement would be a critical step in moving beyond containment. Indeed, if NATO and the Warsaw Pact can agree to cut their front-line ground and air forces in Europe, we will have initiated an historic process of ending the vast military buildup that has dominated international relations since the end of World War II.

But is the United States ready for such an historic transformation? Do we have a strategy for moving fully beyond containment? I fear that we do not. The current negotiations in Vienna are focused primarily on bringing Warsaw Pact forces down to parity with those of NATO at levels just slightly below NATO's current ones. This objective, of course, is critical from a military point of view, but it also has some significant limitations.

Perhaps most important, the Soviet Union will enjoy the lion's share of the economic savings from these reductions. According to a recent study by the Institute for Defense and Disarmament Studies, one likely application of the current NATO proposal would allow the United States to cut just 100-200 tanks out of a global total of almost 16,000 and no more than 120 aircraft out of about 9,000. Our NATO commitment represents at least half of United States military spending. But the Congressional Budget Office has estimated that savings from the Bush proposal will amount to perhaps \$2.1 billion per year, only about 1.5 percent of our military budget.

At the same time, the agreement will still leave large, modern, threatening forces on both sides of Europe. The risk of war will be diminished, but certainly not eliminated. As military scholars like to point out, the German blitzkrieg into France in 1940 was actually carried out with forces inferior to those of the French.

Therefore, to prepare us for the next phase of European reductions, it is absolutely necessary that we carry out the feasibility study I

have proposed with Chairman Les Aspin of Wisconsin and Chairman Nicholas Mavroules of Massachusetts for deeper, more stabilizing East-West conventional force cuts. Only then can we develop a military and arms control strategy that would allow us to reap the larger economic and security benefits of demilitarizing Europe.

In one sense, the current negotiations are easy for the West; they demand that the Warsaw Pact make most of the cuts while we sit back and watch. For reasons that I doubt anyone fully understands, the pact likely will agree to this one-sided approach to reductions. But most experts believe that the next phase of negotiations will require that we rethink the fundamental questions of NATO's military strategy and the United States military role in Europe.

The overriding challenge, as I see it, is fashioning a military security strategy that meets four basic guidelines. It must: first, minimize the Warsaw Pact offensive capability; second, increase NATO capacity for a successful non-nuclear defense against a Warsaw Pact attack; third, maximize the financial savings derived from arms reduction agreements; and fourth, facilitate the larger process of ongoing East-West arms reduction and improved political relations.

This challenge can be met only by Congress and the administration working together to address a series of tough questions about our current and future NATO defense posture.

For example, the CFE talks now focus on reductions in six key components of offensive military strength: tanks, armored fighting vehicles, artillery, combat aircraft, helicopters, and personnel. As we move into a second stage of reductions, will these components still be the right ones to reduce? Or are there other force components that need to be included, such as surface-to-surface missiles?

Another question: Given deep mutual reductions, what type of subsequent force structures on both sides would most enhance stability? What kind of configuration would we like to see in the remaining Warsaw Pact forces that would minimize their offensive capability? And what about restructuring our own forces?

Military analysts have long claimed that it would be foolhardy to cut NATO forces below 15 percent of current levels, regardless of cuts on the Pact side. But other experts, like former NATO commander, General Andrew Goodpaster, and former M(B)FR negotiator, Jonathan Dean, say that deep cuts in the East would enable us to make deep cuts as well without jeopardizing the strategy of forward defense. Certainly we need an in-depth exploration of new configurations of military forces, new defensive tactics and strategies, and new defensive technologies. With these possibilities in mind, we should also reexamine the relevance, appropriateness, and affordability of the expensive and provocative new weapons systems designed for the counteroffensive strategies of air-land battle and follow-on-forces attack.

Deep mutual reductions will certainly require a full range of verification, early warning, and military restraint mechanisms to further lessen the risk of war. What sort of transparency and

confidence-building measures are possible and necessary to minimize Warsaw Pact capacity for surprise attack? And, how can we most reliably verify large conventional reductions?

Conventional reductions will also have profound implications for NATO's nuclear posture. We all have heard the growing outcry in Western Europe against the modernization of NATO's tactical nuclear weapons. At the NATO summit in May, President Bush proposed that the two alliances begin negotiations to reduce these systems after reaching an initial agreement on conventional forces. How would deep conventional reductions on both sides affect NATO's requirements for maintaining and modernizing its tactical nuclear weapons? If the Warsaw Pact conventional threat is diminished radically, how many of these increasingly contentious and less than credible systems do we need, if any?

Finally, getting to the issue of costs and savings, we need to know the answers to a series of tough but critical questions: How would deep mutual reductions affect the requirement for maintaining large United States forces in Europe? If both sides draw down their forces significantly, might not our European allies bear a much larger share of the remaining defense burden? Even further, with deepening reductions in the East, what would be the role of the large United States forces now based at home but earmarked for NATO? How would such cuts affect United States naval requirements for sea-lane control and NATO reinforcement? Might such reductions enable us to make a large, cost-saving shift of active-duty units to reserve status, as proposed by former Secretary of the Navy John Lehman and former Assistant Defense Secretary Lawrence Korb?

Make no mistake. Deep cuts in conventional forces in Europe are almost certainly on the way, for a variety of political, economic, and military reasons. The Soviets and their allies have announced and already initiated substantial, defense-oriented unilateral reductions. Our allies, too, are feeling heavy pressure on their military budgets. Demographics are forcing the West Germans to reduce the size of their army; the Belgians are pulling troops out of West Germany; and the British are beginning to thin out their infantry division, apparently in favor of spending for Trident nuclear submarines and missiles. Throughout the East and West, a public consensus is forming that it is time to end the cold war, dramatically scale back the military forces on both sides, and devote more attention and resources to the urgent problems of economic growth, social justice, environmental restoration, Third World development, and promoting democracy and freedom in Eastern Europe and the Soviet Union.

Thus, while we have no real choice about making cuts, we do have a choice about how we carry them out. We can either move more haphazardly in the face of intense budget-cutting pressures and increasingly antimilitary public opinion at home and in Europe, or we can develop a coherent security-enhancing strategy, to insure that we achieve the most stabilizing and verifiable reductions on both sides. Only if the administration puts its best people to work developing such a strategy in

cooperation with the Congress can we make the right choice and then implement large conventional reductions in the safest, most stabilizing, and most cost-effective way.

Mr. WELDON. Mr. Chairman, we are all familiar with the Krasnoyarsk radar site. This radar, located hundreds of miles away from the Soviet border and oriented toward the Soviet-Mongolian border, is in direct conflict with requirements of the antiballistic missile [ABM] Treaty.

Intelligence experts and military officials have long suspected this site as a violation of the 1972 ABM Treaty. In 1985, the President officially cited Krasnoyarsk as a clear violation of ABM. In 1987, the House formally acknowledged the truth of this charge by overwhelmingly adopting my amendment recognizing the Soviet radar as a violation of the ABM Treaty, 418 to 0.

The Soviets got the message. They know that despite their best public relations effort, we are catching on to their game. They have been trying—with great success, in many cases—to sell us on the idea that they really are committed to bringing an end to the arms race. If Krasnoyarsk is any indication, the only thing the Soviets want to stop is our ability to meet their stride. But this time we've called their bluff.

Responding to our recognition of Krasnoyarsk as a violation of the ABM Treaty, the Soviets last October announced that they were ready to discuss concrete measures that will make it possible to transform the Krasnoyarsk radar into a space research center, including dismantling and altering certain existing facilities and structures. Secretary Gorbachev repeated that offer before the United Nations last October. Many people are aware of Gorbachev's proposal to resolve this outstanding conflict, but few are aware that to date, it has not been acted upon.

When Secretary Cheney appeared before the Armed Services Committee in April, I asked him what actions the Soviets had taken to resolve to follow up on the Soviet proposal on Krasnoyarsk. Secretary Cheney responded that 4 days after the first statement on Krasnoyarsk was issued, the Soviet Union retreated from its position at a technical experts meeting. They suggested that rather than proceed with the dismantlement, that internal computer hardware and software conversions, limits on communications facilities at the site, and Soviet good intentions as a way to meet United States concerns. They refused to name any facilities or structures that they would dismantle. Thus, these proposals were even less forthcoming than those made by other Soviet officials previously, and which we had already rejected.

Despite Secretary Gorbachev's bold statement, the Soviets still have not come forth with a proposal to meet United States concerns about the Krasnoyarsk radar violation. It is time we send the Soviets another message.

My amendment simply restates our previous position that the Krasnoyarsk amendment is a violation of the 1972 ABM Treaty. It also calls on the Soviets to follow up on their statements and dismantle the system. The existence of this radar is a real roadblock to progress on meaningful strategic arms reductions, and I urge adoption of my amendment

recognizing the Soviet violation and asking for the dismantling of the radar.

Mrs. KENNELLY. Mr. Chairman, I strongly oppose the amendment offered by my good friend from Utah.

The C-17 is the answer to our airlift needs in the next century. The military wants the C-17 because it is the least expensive, most effective way to meet our airlift needs. The Army and Air Force Chiefs of Staff and the Commandant of the Marine Corps agree that the C-17 is vital to rapid deployment of our combat forces. The head of the Military Airlift Command supports it.

Further, the C-17 is designed to minimize life-cycle costs—an evaluation agreed with by the General Accounting Office. The GAO also maintains that the C-17 is more fuel efficient, requires fewer maintenance personnel, carries a smaller flight crew, has a higher daily utilization rate and obviates the need for otherwise-required theater airlift.

The administration plans to add 210 C-17 aircraft to the inventory by the year 2000. It is a modern transport aircraft big enough to carry our largest military equipment and has the advantage of a range of 2,400 nautical miles. The C-17 also offers the military the added advantage of being able to land on relative short runways allowing supplies to be delivered much closer to actual battle zones than the current C-130.

I would urge my colleagues to reject the amendment by the gentleman from Utah.

Mr. BROWN of California. Mr. Chairman, included in a package of amendments that will be accepted en bloc is one that I think deserves special attention by the House. The amendment I am referring to deals with the seemingly arcane, but important issue of the effect of space nuclear reactors on gamma-ray astronomy. As explained by articles I will submit for the record, nuclear reactors operated by the Soviet Union in Earth orbit have been causing serious disruptions to the efforts of gamma-ray astronomers around the globe.

For a variety of reasons—not simply because of their damaging impact on the important field of gamma-ray astronomy—I would like to see the United States and the Soviet Union agree to a ban on putting nuclear reactors into orbit around the Earth. I have called for such a ban in separate legislation, and I urge the committees to which that resolution has been referred to conduct hearings on the issue. In the amendment before us today, however, I am simply calling for a report on this issue so that we know the full dimensions of the problem.

Gamma-ray astronomy is crucial for understanding many of the most intriguing phenomena in the universe. Gamma-rays, which comprise the most energetic part of the electromagnetic spectrum, can only be observed from space since the Earth's atmosphere is opaque at these wavelengths. Since gamma-rays signal the occurrence of violent events, they are essential for studying such exotic objects as quasars, black holes, supernovae, and neutron stars. According to a recent issue of *Science* magazine, cosmic gamma-ray bursts are "among the most mysterious phenomena in astrophysics."

In the opinion of many astrophysicists, the gamma-ray radiation that reaches the Earth's atmosphere from the cosmos beyond may hold clues to the origins of the universe. The gamma-ray part of the spectrum thus represents one of the last frontiers in astronomy.

One of NASA's four great observatories will be dedicated to gamma-ray astronomy. To date, the sky has been crudely scanned by gamma-ray detectors on NASA's High Energy Astronomical Observatory and solar maximum satellite, in addition to high altitude balloons and sounding rockets. NASA's \$500 million Gamma Ray Observatory [GRO], which will carry instruments with dramatically improved resolution and sensitivity, will revolutionize gamma-ray astronomy.

The GRO satellite is scheduled for a 1990 launch on the space shuttle. GRO's scientific experiments and spacecraft equipment have already been designed and built; equipment modifications at this late date would add cost and complexity to the mission. In addition, the European space agency, the Japanese space agency, and other spacefaring nations are currently operating or planning gamma-ray astronomy missions.

There is no question that Soviet nuclear-powered spacecraft are blinding gamma-ray detectors on United States satellites and satellites belonging to other nations. Radiation from Soviet Radar Ocean Reconnaissance Satellites [Rorsat's], which are powered by nuclear reactors, has interfered with gamma-ray detectors on the solar maximum mission satellite and the Japanese Ginga satellite. The satellite detectors on these spacecraft are triggered by gamma-rays coming directly from the Rorsat's and indirectly by charged particles emitted by the Rorsat's and trapped in the Earth's magnetic field. When a gamma-ray detector is bombarded with radiation from the Rorsat's, it is disrupted for up to 20 minutes. This manmade noise can flood the data storage banks of the satellite, preventing it from looking for naturally occurring gamma-ray bursts.

Scientists at the Naval Research Laboratory have found that disruptions from a single Soviet Rorsat occur from 1 to 25 times a day. Multiple reactors in orbit would cause a far greater number of disruptions per day, potentially making gamma-ray astronomy impossible.

Scientists around the Nation have expressed their concern about this problem. According to an astrophysicist working on the solar maximum mission, "the situation has become completely unlivable in the last couple of years." Reactor-generated interference has caused "a drastic loss of data" from a United States instrument aboard the Japanese Ginga satellite. When the Soviet Union operates a single Rorsat satellite, the Ginga satellite spends more than 40 percent of its available observing time transmitting "garbage."

Last August, a NASA memo expressed concern that Soviet Rorsat's will have a deleterious effect on the GRO's sensors. The full extent of this problem is discussed in the April 28, 1989, issue of *Science* magazine, containing four papers on the issue and an impressive cover illustration of a Soviet Rorsat. The

captions reads: "Nuclear Noise: Unshielded Reactors Blind Gamma Ray Astronomers."

The best way to prevent interference would be to cease the operation of nuclear reactors in Earth orbit. A shielding system for orbiting nuclear reactors would be far too heavy. Gamma-ray instruments could be turned off during predicted interference periods, but this would significantly complicate satellite operations and result in a loss of scientific data. Techniques could be developed to discriminate between natural and man-made events, but this would still result in a loss of data and would require more complex spacecraft systems.

A continuing increase in the number and power levels of reactors in orbit could devastate the emerging science of gamma-ray astronomy. According to a recently declassified report for the Defense Intelligence Agency:

If the number and operating power of space reactors increases, the ability to conduct X- and gamma-ray observations from near-earth platforms will be severely restricted.

We need to study this problem and carefully consider the effect on the future of gamma-ray astronomy if the Soviet Union and/or the United States places new and more powerful nuclear reactors in Earth orbit. We should not on the one hand spend hundreds of millions of dollars to support scientists in their efforts to expand our knowledge of the universe, while on the other hand proceed with plans for the deployment in Earth orbit of large numbers of nuclear reactors that may make the data from gamma-ray satellites useless.

This amendment will provide information that we need to know prior to making decisions about the deployment of nuclear reactors in Earth orbit. Without this information, the entire field of gamma-ray astronomy could be devastated in the future.

SPACE REACTORS HINDER GAMMA-RAY ASTRONOMY—SOVIET NUCLEAR SPY SATELLITES ARE HURTING GAMMA-RAY ASTRONOMY; SO WHY WAS THAT FACT CLASSIFIED FOR 8 YEARS?

For 8 years now, many of the astronomers who monitor the sky with satellite-borne gamma-ray detectors have known that their data are being corrupted by Soviet intelligence satellites powered by unshielded nuclear reactors. Indeed, "the situation has become completely unlivable in the last couple of years," says University of New Hampshire astrophysicist Edward L. Chupp, a principal investigator for the gamma-ray instrument on the Solar Maximum Mission satellite.

And yet for 8 years, those same astronomers have been reluctant to talk about the problem: no sooner was the interference discovered by Solar Max in 1980 than it was classified as secret. The classification was finally lifted this past summer. But in the meantime the atmosphere of secrecy and uncertainty has been such that the Japanese Ginga satellite was designed without adequate knowledge of the threat, so that one of its most important gamma-ray instruments is now crippled. And National Aeronautics and Space Administration (NASA) scientists and engineers have been left scrambling to find a fix for a similar instrument that is scheduled to fly just 2 years from now aboard the \$500 million Gamma-Ray Observatory.

According to astronomers and NASA officials contacted by *Science*, the interference was discovered not long after the February 1980 launch of Solar Max, which carried a gamma-ray detector capable of looking both at the sun and at more distant objects such as supernovas and neutron stars. Every so often the instrument would show a burst of gamma-rays at 0.511 million electron volts (MeV), precisely the energy of photons produced by the annihilation of electrons and positrons. The bursts would last anywhere from a few seconds to 100 seconds or so, and would typically be accompanied by an enhanced flux of charged particles striking the spacecraft. "They just didn't make sense as extraterrestrial events," says New Hampshire's David Forrest. "So we decided the sources were in orbit."

It took little imagination to guess what those sources might be. The Soviet practice of hoisting nuclear reactors into orbit had been public knowledge since at least 1978, when Cosmos 954 reentered the atmosphere out of control and scattered radioactive debris across the Canadian Arctic. Indeed, the practice continues today. The reactors provide power for the Soviet military's Radar Ocean Reconnaissance Satellites, or RORSATs, which are used to track Western fleet movements. They have been launched at the rate of 2 or 3 per year since the late 1960s—the satellites rarely operate for more than a few months apiece—and their population now stands at 34.

The gamma-ray interference arises from the fact that none of these reactors is shielded, presumably because the Soviets find it pointless to lift so much extra weight when no human being is ever going to come near the things (barring accidents, of course: Cosmos 1402 followed Cosmos 954 back to Earth in 1982, and Cosmos 1900 very nearly came down this year). One problem is the direct emission of gamma-rays from fission fragments in the reactor core—a lesser problem, says Forrest, because satellites such as Solar Max orbit well above the active RORSATs. Much more serious are the indirect emissions: electron-positron pairs that stream from each reactor and then spread out along the earth's magnetic field to form vast, tenuous clouds. Indeed, it is almost impossible for any other satellite to escape such a cloud. Thus the Solar Max episodes: an enhanced flux of charged particles (the electrons), plus a pulse of 0.511-MeV gamma-rays (positrons annihilating in the detector.)

None of this was clearly understood back in the early 1980s, says Forrest, but he and his colleagues reported their findings to NASA nonetheless. And in due course, the word came back down: keep it quiet. This subject was classified.

The question that Chupp, Forrest, and their colleagues still find baffling is "Why?" The existence of the Soviet RORSATs was hardly a secret after Cosmos 954. The Solar Max data were in the public domain. The capabilities of the gamma-ray detector had already been published. So, precisely what compelling national security need did this action fulfill? No one contacted by *Science* seems to have any idea.

In any case, the situation began to change about 2 years ago in ways that made it very hard to keep the interference a secret anymore. To begin with, the frequency of spurious events escalated dramatically, for reasons that are not entirely clear, but that probably have to do with the orbits of the newer RORSATs. By a cosmic coincidence, this escalation came at the same time that

astronomers were focusing intense scrutiny on gamma rays from Supernova 1987A.

Second, the Soviet reactors have been causing a drastic loss of data on the Japanese Ginga satellite, which was launched in February 1987. The particular victim is a detector built at the Los Alamos National Laboratory to study gamma-ray bursters—real ones. These bursts are known to be natural events because they have been detected simultaneously by multiple spacecraft. They occur randomly all over the sky, at random times. They consist of a bright flare of gamma rays only a few seconds long. And they are among the most mysterious phenomena in astrophysics. No one knows what they are. The challenge in observing the bursters is that the information comes into the instruments far faster than it can be relayed to the ground. The Ginga detector is therefore designed to store up millions of bits of data during the course of an event; and then to shut itself off for the next 90 minutes until its transmittal to the ground is complete and its memory is empty again.

But therein lies the problem: the Ginga detector is being triggered so often by spurious bursts from the Soviet reactors that it spends more than 40 percent of its available observing time transmitting garbage. The frustrating thing, says a Los Alamos astrophysicist working with the Ginga detector, is that the scientists on the ground can tell which event is which—the simultaneous pulse of electrons gives it away—but the on-board logic cannot. Things might have been different if they had known more about the reactor problem ahead of time, he says.

[From the Washington Post, April 28, 1989]
SOVIET SATELLITES' RADIATION DISTORTS
SCIENTIFIC OBSERVATIONS
(By Philip J. Hilts)

Some sky-watching satellites have been blinded as much as half the time by radiation leaking from nuclear reactors that power Soviet satellites, a fact U.S. officials knew for eight years but concealed from much of the scientific community, according to the authors of five reports in today's issue of the journal Science.

As a result, large amounts of data that scientists thought were telling them something about the universe must be weeded out and discarded. Moreover, the continuing radiation problem may threaten information to be collected by some of the biggest space science projects planned for the near future, according to Joel R. Primack of the University of California at Santa Cruz, author of one of five papers in Science detailing the astronomical disaster.

The threatened projects include the \$500,000 Gamma Ray Observatory and the \$1 billion Hubble Space Telescope, the most expensive piece of equipment ever put in space and the first optical telescope to see to the edge of the universe, Primack said.

The problem is caused by the Radar Ocean Reconnaissance Satellites used by the Soviets to observe U.S. naval operations. The problem could be made even worse, scientists say, by the U.S. Department of Energy, which plans to develop more reactors for space, and by similar reactors planned for the Strategic Defense Initiative.

Some scientists are now arguing for banning reactors in orbit, a step that would require the agreement of the Soviets and force the Bush administration publicly to abandon SDI plans as they are now drawn.

The Soviet Union has put up an estimated 35 spy satellites powered by nuclear reactors in the past two decades, and the United

States has launched one. The reactors being designed by the Energy Department for the SDI are 25 times more powerful than the earlier U.S. device and would create far more contamination.

A number of astronomical instruments on satellites and high-altitude balloons look out into the universe specifically to see gamma rays coming from celestial objects. They are the highest-energy "Light" that can be seen, and are the best way to observe the most mysterious of objects in the universe such as black holes, neutron stars, and quasars.

But the gamma rays coming from the reactors in orbit are 50 times brighter than those from sources in the sky, Primack said. So whenever a gamma ray instrument happens to look in the direction of one of the reactors, or whenever other instruments pass through the cloud of charged particles left behind by reactors, their detectors crackle madly with signals from the reactor that have been interpreted as signs of mysterious phenomena in space.

Astronomers at the University of New Hampshire who operated the instrument on a satellite called Solar Max first noticed something amiss in 1980 when they encountered about five unexplained bursts of data per month. The researchers were not told about the problem until 1981, when one was given a security clearance.

Then he and his group were told not to discuss the matter, according to documents obtained from the Defense Intelligence Agency by a Los Angeles group that monitors nuclear activity in space, called the Committee to Bridge the Gap.

By 1987 and 1988, the number and power of reactors in orbit had increased and the bursts contaminating data had grown to five a day, each lasting from less than a second to 20 minutes.

[From the New York Times, Nov. 17, 1988]
RADIATION FROM SOVIET NUCLEAR REACTORS
IN SPACE HAMPERS U.S. SATELLITE
(By William J. Broad)

Radiation from Soviet nuclear reactors in space is hampering the operation of an American satellite designed to measure invisible gamma rays from the Sun, scientists said yesterday.

Such radiation also threatens the success of a \$500 million observatory to be lofted by the National Aeronautics and Space Administration in 1990 to study gamma rays produced by stars, galaxies and baffling events that may give clues to the evolution of the universe.

American scientists fear that the celestial pollution could grow worse as both the United States and Soviet Union accelerate plans to launch new space reactors. Hundreds of such generators might be needed to power a system of anti-missile weapons.

Orbiting nuclear reactors emit a variety of radiation and charged particles that streak across hundreds of miles through the vacuum of space. Some of these have repeatedly hit orbiting gamma-ray telescopes and sensors on spacecraft, producing a host of false readings.

"IT'S A BIG WASTE OF TIME"

"You spend all your time trying to identify if these events are manmade or cosmic," said Dr. James M. Ryan, an astrophysicist at University of New Hampshire. It can usually be done, he said, but "it's a big waste of time."

Dr. Gerald J. Fishman, an astrophysicist in NASA's Gamma Ray Observatory

project, said, "It's a serious problem for this multimillion-dollar experiment we've been working on for eight years."

Scientists say that the problem can only get worse as more powerful reactors are launched into space, and as orbiting instruments become more sensitive.

Over the years, the Soviet Union has launched 33 reactor-powered spy satellites, and the United States is working on an even more powerful type of space reactor for use by both civilians and the military.

However, the new kind of celestial pollution has been seized upon by scientists and public interest groups trying to halt the lofting of reactors for everything but deep-space scientific missions.

"It's one more reason to ban them in orbit," said Steven Aftergood, director of the Committee to Bridge the Gap, a private group, based in Los Angeles, that monitors nuclear space technologies.

The Washington-based Federation of American Scientists, another private group, is pointing to the pollution issue as a way to promote a proposed international ban on space reactors, which it is pressing for in concert with some Soviet scientists.

Soviet scientists have plans to loft a large gamma ray telescope, and are themselves divided on whether the country should continue to loft nuclear reactors.

The reactor pollution problem was previously classified top secret by the American military, which apparently feared that discussing it would reveal information about the ability to track orbiting Soviet reactors and to monitor space for the presence of nuclear weapons.

"They realized it's so important for science that it's been declassified," said Donald A. Kniffen, a NASA scientist at the Goddard Space Flight Center in Greenbelt, Md.

In late August, the first unclassified memorandum on the subject was written by NASA headquarters in Washington. Made public yesterday by the Committee to Bridge the Gap, it cites cases of interference "in recent years on various spacecraft, including the gamma-ray spectrometer on the Solar Maximum Mission spacecraft."

All stars emit gamma rays in copious amounts, as well as X-rays and myriad types of other visible and invisible radiations. The \$79 million Solar Maximum Mission, lofted in 1980 and repaired by space-walking astronauts in 1984, has an instrument on board meant to record gamma rays mainly from the Sun but can also scan other parts of sky.

SENSOR REGULARLY DISRUPTED

Now, however, the spacecraft's sensor is being regularly disrupted by radiations from space reactors.

"The situation has become completely unlivable in the last couple of years," Edward L. Chupp, another astrophysicist at the University of New Hampshire, told a scientific conference at the University of California at Los Angeles earlier this month.

Dr. Ryan said in an interview that disruptions of the Solar Maximum Mission occur "several times a day at their worst."

According to the August memorandum, orbiting nuclear reactors cause false readings in two ways. First, the fission of nuclear fuel in the reactors directly produces gamma rays that speed across space and hit the detectors of space sensors and telescopes.

Second, the reactors also produce positrons, a type of antimatter, which are shed by the reactor and tend to clump around

the Earth's magnetic field lines. When these positrons come in contact with any kind of matter, they produce a tiny burst of energy in the form of gamma rays. These radiations can then disrupt nearby spacecraft.

Dr. Ryan says that the direct method of gamma ray production in space reactors can cause false readings in orbiting telescopes hundreds of miles away.

MYSTERY IN ASTROPHYSICS

Moreover, both kinds of false readings caused by space reactors are often virtually identical to the gamma ray bursts of celestial origin that have baffled astronomers for years, the scientists said.

"The whole area of gamma-ray bursts is still one of the most mysterious aspects of astrophysics," said Dr. Fishman, who is working on the Gamma Ray Observatory project. "And now it turns out these artificial bursts are going to hamper our operations."

With the Solar Maximum Mission, the pollution problem is mainly a nuisance. But with the more complex and sensitive Gamma Ray Observatory, NASA scientists are worried that false readings could seriously damage its mission by overloading on-board computers that store data.

"Right now, as things stand, we probably would have 50 percent dead time," said Dr. Kniffen, NASA's project scientist for the Gamma Ray Observatory. In particular, the complex observatory has gamma-ray burst detectors that continuously scan the whole sky, making it particularly vulnerable to interference.

Dr. Kniffen added, however, that project scientists were trying to fashion a way to predict when the spacecraft might be vulnerable to reactor-caused disruptions and take steps to periodically turn off critical sensors. He said it was too soon to tell whether such precautions might prove effective.

Mr. MARLENEE. Mr. Chairman, I rise in support of the amendment offered by my colleague from Michigan [Mr. BONIOR].

Few people know that the United States is virtually unprotected from a Soviet air attack. With all of the debate surrounding the strategic defense initiative, I'm sure Americans would be surprised to learn that all we have to shoot down cruise missiles and ICBM's are a handful of fighter aircraft from various National Guard units on 5-minute alert. Surprisingly enough, the Air Force wants to cut even this very modest air defense protection.

Let me remind this body of a little history. In 1985, President Reagan and Canadian Prime Minister Mulroney signed an agreement as part of the Quebec summit to modernize the air defense network of North America. Many of our radar systems date back to the 1950's, which were originally designed to counter Soviet bomber threats.

We all realize now that the new threat to continental air defense comes primarily from cruise missiles fired from submarines or bombers. These are launched long before the subs or bombers enter U.S. territory. As a result, the old radar network is obsolete.

Last year, Congress approved the Bonior amendment, which prevented the Air Force from taking the Air National Guard units along the border with Canada off 5-minute alert pending the results of a report on the progress of the new radar line. Unfortunately, up until just a few days ago, the Pentagon ig-

nored this request of Congress. However, just as talk of a new amendment was brewing, Defense Secretary Cheney issued an interim report, which skirted many of the critical issues facing the Air Guard units along the northern tier. I have included a copy for the RECORD.

Let me make this absolutely clear. I fully support the modernization of our air defense capability. I share the concern of Defense Secretary Cheney in addressing the new cruise missile threat. However, I believe the Pentagon has embarked on a counterproductive policy without sufficient consultations with civilian leaders, which may open a window of vulnerability to a Soviet bomber attack before all of the new radar systems are functioning and the new runways are fully operational.

The Air Force has prematurely brought down the Cadin-Pinetree air defense line before a coherent policy of radar emplacement and forward deployment of air interceptors in North America have been fully approved and operational. Did you know that the runways supposedly constructed for alert status are in places you wouldn't even send your dog? Basically, these men are supposed to pull alert in areas in the uppermost regions of northern Canada that just has an airstrip and a shack. There is little support for the pilots and the fighter interceptor. It's simply awful, especially during wintertime. It appears that the Air Force expects the Soviets to launch a cruise missile attack during the summer.

That's why I support the amendment offered by Representative BONIOR. The leaders of the House and Senate Armed Services Committees received an interim report but Members need a more comprehensive response, specifically focusing on the progress on the construction projects of the new radar line and future plans for the Air National Guard units along the northern tier currently on 5-minute alert. We also need to know the extent the United States plans to rely on the Canadian Air Force for the air defense of the North American continent.

These are critical questions for the air sovereignty of the United States. We have yet to receive adequate answers. I encourage my colleagues to support the Bonior amendment. Hopefully, we will get them.

THE SECRETARY OF DEFENSE,
Washington, DC, July 16, 1989.

HON. LES ASPIN,
Chairman, House Armed Services Committee,
Washington, DC.

DEAR MR. CHAIRMAN: Attached, as requested,¹ is my report on the employment of strategic air defense assets along the northern border of the United States through FY 1991.

The report:

a. Describes the availability of alert and nonalert fighters during FY 1989 through FY 1991 for the conduct of the strategic defense of the United States along the northern border.

b. Describes the contributions to the strategic air defense mission expected to be made by the modernized Air National Guard units.

¹ Conference Report to Accompany H.R. 4481, September 28, 1988, House of Representatives Report 100-989.

c. Recommends rescission of the congressional direction restricting the Secretary of the Air Force from making changes in the status and deployment of northern Air National Guard units from their status and deployment as of 10 April 1988.

Duplicate copies of this report have been sent to the President of the Senate, Speaker of the House, the Chairman, Senate Armed Services Committee, Senator Warner, and Congressman Dickinson.

Sincerely,

DICK CHENEY.

SECRETARY OF DEFENSE REPORT TO THE SENATE AND HOUSE ARMED SERVICES COMMITTEES ON THE STRATEGIC AIR DEFENSE ALERT MISSION

1. In 1982, Secretary Weinberger provided Congress the Air Defense Master Plan, which laid out the strategy for countering the growing Soviet strategic threat. The plan outlines a far forward perimeter defense of North America that can detect, intercept, identify and negate air-launched cruise missile [ALCM] equipped bomber aircraft before they launch their missiles. Since then, the United States and Canada have invested heavily in a number of programs that will improve our ability to provide timely and reliable tactical warning, attack assessment, and damage limitation to North America.

2. Our investment in the Over-the-Horizon Backscatter Radar System [OTH-B] and North Warning System [NWS] will significantly improve our air defense warning and assessment capability. Modern NWS radars are replacing the obsolete Distant Early Warning [DEW] line radar. They will have substantially better low altitude coverage than the DEW Line and will complement the additional capability provided by the OTH-B radar system in the future. Fifteen long-range NWS radars are now in operation across Canada and 39 short-range NWS radars will be fielded. This improved capability to detect the airborne threat and direct modern, long-range, interceptor aircraft to their targets permits us to better align our strategic defense force structure.

3. The nature of the evolving threat and our limited number of defensive forces dictate a perimeter defense. Extended-range cruise missiles can be launched well outside the boundaries historically established by strategic air defense forces around the CONUS. To defend the United States from this threat, we must forward deploy interceptor aircraft and our I-3 Airborne Warning and Control Systems [AWACS] aircraft to locations in northern Canada in periods of heightened tension. The changed threat rendered the previous line of 1950's technology aircraft control and warning radars obsolete. Therefore, the Canadian Air Defense Identification Zone [CADIZ] in southern Canada was deactivated by agreement between Canada and the United States on June 30, 1988 and its associated line of radars was closed.

4. The requirement to forward deploy interceptors along the northern reaches of North America in time of crisis is consistent with the cruise missile and bomber threats. As such, there is no plan to relocate the 18 fighter aircraft and associated support from each of five squadron locations along the northern-tier. However, the military need to maintain 24-hour home-base alert using two fighter aircraft from each of five CONUS northern-tier units is no longer valid in light of the elimination of the supporting radar/

CADIZ control system. Therefore, we anticipate discontinuing home-base alert at five northern-tier Air National Guard [ANG] bases but also will rely on northern-tier units on detached alert to cover some of the peacetime alert requirements in support of the ADIZ along the eastern, western, and southern US borders. This will share the peacetime air sovereignty mission, allow each unit to maintain proficiency in this important part of the air defense operation, and maintain forward basing for northward deployment during periods of heightened tension.

5. This concept does not reduce ANG strategic air defense force structure. It does not deactivate any ANG interceptor squadron. It does not affect announced force structure modernization plans. Each squadron will be modernized with F-16ADs on schedule. It will not alter the specific contributions to the air defense mission fulfilled by northern-tier ANG interceptor squadrons in support of NORAD's operational plans in the foreseeable future (to include FY 1991). Each squadron will continue to conduct alert, but at a detached site. Each will continue to train and exercise in preparation for both their peacetime and wartime tasks. This recognizes the evolving threat and the deletion of the supporting radar/CADIZ control system in southern Canada last year and advances to the logical next step of terminating peacetime air defense alert at these bases where there is no longer a valid military requirement. Therefore, the recommendation is made that the limitation in subsection (a) with its modification in subsection (b)(2) of Sec 713 be rescinded to permit more efficient use of these resources in today's fiscally constrained environment.

6. In summary, ANG force structure will remain intact at current locations. ANG forces will be modernized. ANG forces will continue to conduct alert but in a detached status. This concept will optimize the use of limited assets and make a real contribution to national air sovereignty and while maintaining operator proficiency. The nature of the threat requires that our limited atmospheric defensive forces be postured in a way to meet the threat, particularly the ALCM carriers, as far from US borders as possible. In so doing, we maximize our deterrent posture.

Mr. ASPIN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. DURBIN). The question is on the en bloc amendments, as modified, offered by the gentleman from Wisconsin [Mr. ASPIN].

The en bloc amendments, as modified, were agreed to.

AMENDMENT OFFERED BY MR. DERRICK

Mr. DERRICK. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DERRICK:

In title XXXI, page 333, strike out lines 8 through 10.

At the end of title XXXI (page 350, after line 3), add the following new section (and conform the table of contents accordingly):

SEC. 3137. SAVANNAH RIVER SITE EXEMPTION FROM CLEAN WATER ACT AND AUTHORIZATION FOR CERTAIN PROJECTS.

(a) EXEMPTION.—Notwithstanding the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the effluent from the K defense nuclear materials production reactor at the Savannah River Site (Aiken, Barnwell, and Allendale counties, South Carolina) shall not be subject to any limitation with respect to the thermal properties and flow of such effluent. The exemption in the preceding sentence shall be in effect for the 10-year period beginning on the date of the enactment of this Act.

(b) AUTHORIZATION.—In addition to any other authorization contained in this Act, there is authorized to be appropriated to the Department of Energy for fiscal year 1990 the sum of \$40,000,000, and for fiscal year 1991 the sum of \$62,000,000, for various environmental projects at the Savannah River Site, South Carolina, including the following:

(A) Ground water remediation in A/M-Area.

(B) Closure of land disposal units.

(C) Conceptual design of moderator deterioration.

(D) Waste removal from high-level tanks.

(E) Upgrade of instrumentation and replacement of column on uranium dissolution stack in 221-F.

(F) Increased maintenance of coal-fired boilers.

(G) Construction of Consolidated Incineration Facility.

(H) Review and upgrade of off-site emergency planning and preparedness.

(I) Provision of compensating resources to the State of South Carolina for wetlands protection or enhancement.

(J) Cooperative agreements with the State of South Carolina for monitoring and overseeing—

(i) the activities described in subparagraphs (A) through (I); and

(ii) other environmental, safety, and public health problems at the Savannah River Site, including epidemiological studies of workers at the Savannah River Site.

Mr. DERRICK. Mr. Chairman, I ask unanimous consent that the amendment be modified.

The CHAIRMAN pro tempore. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment as modified, offered by Mr. DERRICK: In title XXXI, page 333, strike out lines 8 through 10.

At the end of title XXXI (page 350, after line 3), add the following new section (and conform the table of contents accordingly):

SEC. 3137. SAVANNAH RIVER SITE EXEMPTION FROM CLEAN WATER ACT AND AUTHORIZATION FOR CERTAIN PROJECTS.

(a) EXEMPTION.—Notwithstanding the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the effluent from the K defense nuclear materials production reactor at the Savannah River Site (Aiken, Barnwell, and Allendale counties, South Carolina) shall not be subject to any limitation with respect to the thermal properties and flow of such effluent. The exemption in the preceding sentence shall be in effect for the 8-year period beginning on the date of the enactment of this Act.

(b) AUTHORIZATION.—In addition to any other authorization contained in this Act, there is authorized to be appropriated to

the Department of Energy for fiscal year 1990 the sum of \$40,000,000, and for fiscal year 1991 the sum of \$62,000,000, for various environmental projects at the Savannah River Site, South Carolina, including the following:

(A) Ground water remediation in A/M-Area.

(B) Closure of land disposal units.

(C) Conceptual design of moderator deterioration.

(D) Waste removal from high-level tanks.

(E) Upgrade of instrumentation and replacement of column on uranium dissolution stack in 221-F.

(F) Increased maintenance of coal-fired boilers.

(G) Construction of Consolidated Incineration Facility.

(H) Review and upgrade of off-site emergency planning and preparedness.

(I) Provision of compensating resources to the State of South Carolina for wetlands protection or enhancement.

(J) Cooperative agreements with the State of South Carolina for monitoring and overseeing—

(i) the activities described in subparagraphs (A) through (I); and

(ii) other environmental, safety, and public health problems at the Savannah River Site, including epidemiological studies of workers at the Savannah River Site.

Mr. DERRICK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment as modified, be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN pro tempore. Is there objection to the modification of the amendment?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from South Carolina [Mr. DERRICK] will be recognized for 5 minutes in support of his amendment, and the gentleman from California [Mr. ANDERSON] will be recognized for 5 minutes in opposition to the amendment.

Mr. DERRICK. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, let me point out to you that this project is in South Carolina and has the support of the entire South Carolina delegation.

This is an excellent environmental vote. You know, if you have been down the road many times and you come to a bridge and there is a sign that says "The bridge is out," anyone with any judgment is going to stop. That is the case with this amendment.

When the Clean Water Act was applied to this cooling tower back several years ago, the situation has changed entirely.

What you have here is we are getting ready to spend \$127 million on a cooling tower to cool a reactor that has been down for a year. It is not sure when it is going to be started. And when it gets started, we are not sure how long it is going to operate.

What we suggest is that you take this \$127 million and use it for environmental cleanup at the Savannah River plant in South Carolina, to use it to accelerate the removal of high-level toxic waste, about 36 million gallons of it, stored in tanks in South Carolina, to solidify it so that it can be taken to a permanent repository.

We also suggest that this money be used to remove millions of gallons of toxic chemicals that are in the ground at the Savannah River plant.

We also propose this money be used to accelerate the closure of the seepage basins.

Now, the other crowd is going to tell you that it is going to mess up a lot of land. Well, the maximum it is going to do is mess up an additional 200 acres of land. We have \$5 million of that money for mitigation that could buy probably 2,000 acres of land minimum. That could mitigate this.

And the 200 acres of land that might be messed up is going to recover in a reasonable length of time anyway.

So I ask you to support this. We in South Carolina have given up a project of cement and jobs of \$127 million because we believe that it is a waste of money.

What we want to do is to see this used for accelerated cleanup at the Savannah River plant. As I say, the entire South Carolina delegation supports it.

You know we are very environmentally conscious down there.

Mr. Chairman, I reserve the balance of my time.

□ 1840

Mr. ANDERSON. Mr. Chairman, I rise in opposition to the amendment of the gentleman from South Carolina. This amendment would exempt the effluent from the "K" tritium production reactor at the Savannah River site in South Carolina from the requirements of the Federal Water Pollution Control Act relating to heated discharges.

Under the provisions of the Federal Water Pollution Control Act, which is under the jurisdiction of the Committee on Public Works and Transportation, the discharge of a pollutant into the water of the United States is illegal unless it is in accordance with a permit issued by the Environmental Protection Agency.

The definition of "pollutant" includes heat, so that a discharge that contains heated water requires a permit. The temperature of the discharge from the "K" plant reaches 170 degrees, and over the years this has resulted in the destruction of 700 acres of wetlands.

The Department of Energy is required under the terms of a consent decree to construct a cooling tower for the discharge, but this has not been done. If the amendment is passed, it

will permit the discharge of the high-temperature effluent to continue, which will result in the desecration and destruction of some 25 acres of wetland per year.

Mr. Chairman, our wetlands are of critical importance, and the subject of intense national debate as we seek to prevent further losses. The cooling tower is proper and an essential requirement under the Water Pollution Control Act, and it should not be exempted from the requirement.

Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. NOWAK], the chairman of the Subcommittee on Water Resources.

Mr. NOWAK. Mr. Chairman, I rise in opposition to the amendment proposed by the gentleman from South Carolina. This amendment would exempt the "K" reactor at the Savannah River Nuclear Plant from the Water Pollution Control Act permit requirements, allowing it to discharge millions of gallons of scalding water into local wetlands. Discharged hot water is a pollutant under the Water Pollution Control Act. The water discharged by the "K" reactor is well over this, reaching 170 degrees at times. Under a 1984 court-approved consent decree, the Department of Energy agreed to build a cooling tower by 1992 in order to meet the Water Pollution Control Act requirements. This cooling tower would allow the wetlands to restore themselves and the local wildlife to once again inhabit the area.

The effect on the estuaries and local wildlife is serious. It will destroy approximately 25 to 30 acres of wetlands each year. The hot water also kills fish and other aquatic species and limits use of the wetlands by alligators and endangered woodstorks and bald eagles.

At a time when wetland habitats are at a premium for wildlife use, we cannot support unnecessary continued destruction of this valuable resource.

Mr. DERRICK. Mr. Chairman, I yield 30 seconds to the gentleman from North Carolina [Mr. McMILLAN].

Mr. McMILLAN of North Carolina. Mr. Chairman, I rise in support of the amendment of the gentleman from South Carolina. As the gentleman has explained, construction of this cooling tower for the "K" tritium production reactor at Savannah River would not be a wise use of environmental money. The money would be better spent on the environmental compliance and remediation projects included in the amendment.

I believe that this amendment is an excellent example of a process that this Congress will have to perform more often in the next few years: That is establishing priority among competing environmental projects. It would be nice to have the cooling tower to prevent the damage that occurs from

hot water discharged when "K" reactor is operated. But the life of "K" reactor is limited, and the cooling tower would probably operate for only a few years. Moreover, it is likely that "K" reactor will not operate at 100 percent power, which will reduce the need for the cooling tower below what had been anticipated back in 1984.

The cost of building the cooling tower, \$127 million, is money that is better spent on the other environmental projects set forth in the gentleman's amendment.

I understand that the State of South Carolina has agreed that DOE should not be required to build the cooling tower. Such a willingness to compromise to get the most environmental benefit is highly commendable. It is a process to which other States, and the Federal Government, will have to become accustomed. I urge my colleagues to support the Derrick amendment.

Mr. DERRICK. Mr. Chairman, I yield 30 seconds to the gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. Mr. Chairman, I come from the adjoining district. For those Members who know something about me, they know I am a stomped-down environmentalist. The environmentalists in my district do not have to come to me. I am and always have been a member of the gang.

Hilton Head is only 100 miles down the street from the "K" reactor. I have not received one single call or letter or telegram against this amendment.

We need this money for environmental cleanup. Spending the money on the cooling tower would be an absolute waste of taxpayers' dollars. The environmental vote is yes.

Mr. ANDERSON. Mr. Chairman, I yield 30 seconds to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Chairman, this is an important amendment. This amendment would be inappropriate and it sets a bad precedent. Compliance with the law cannot be a cost-benefit factor analysis.

If we pass this amendment, we are going to have two standards: one for private industry and one for the Federal Government. If we pass this amendment, what will be next—Fernald, Hanford, Rocky Flats, and the other Federal facilities?

Three hundred Members came to this floor last week and said Federal authorities must obey the law. Let Members stick to that principle. Let Members reject this amendment.

Mr. ANDERSON. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Chairman, when is the nuclear power industry going to get the message?

Just last week this body voted to require compliance of nuclear facilities with existing environmental laws and already we are being asked to make a major exception. And what kind of an exception is being sought? An exception not for an operating, ongoing nuclear plant but for a facility in South Carolina that has been closed for the last 15 months to clean up previous infractions.

If the Savannah plant reopens without a cooling tower, enormous environmental damage will be the consequence. Literally millions of gallons of superheated, scalding water used to cool the reactor's core will pour into streams and estuaries of the Savannah River, killing fish and other aquatic species and degrading severely a natural habitat of our national symbol, the bald eagle, as well as that of the American alligator and some endangered species.

DOE did an Environmental Impact Statement in 1987 where it concluded that 26 acres of wetlands would be destroyed each year that this facility would be open without the necessary cooling tower. I say let's keep it closed until the tower is in place.

I strongly urge my colleagues to defeat this amendment, and to once again send our message to an industry that seems to not want to listen.

Mr. ANDERSON. Mr. Chairman, I yield 30 seconds to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, I have heard of proposals dealing with the environment that appealed for money to clean up pollution, but this is the first time I have heard of paying tribute to allow a polluter to continue to discharge. This one does not make any sense.

It is opposed by every organization that is concerned about the benefit of the environment: Clean Water Act, Energy Research, Environmental Defense Fund, Environmental Policy Institute, Friends of the Earth, Greenpeace, Audubon Society, Physicians for Social Responsibility, Sierra Club and Trout Unlimited.

Once we have destroyed a wetland with higher than normal temperatures, we cannot recreate it. No matter how much money is spent on rebuilding a wetland, what you have destroyed cannot be rebuilt.

Mr. ANDERSON. Mr. Chairman, I yield 1 minute to the ranking member of the Committee on Public Works and Transportation, the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from South Carolina.

As I understand it, the amendment would waive thermal discharge requirements under the Clean Water Act for a period of 10 years. The basic concept is to not require construction

of a \$120-million cooling tower in exchange for going ahead with other, presumably higher priority environmental projects needed at the site.

I have no problem, Mr. Chairman, with efforts to make more efficient use of scarce Federal dollars. However, I am very concerned about some of the procedural aspects of the gentleman's amendment. The Public Works Committee, which has jurisdiction over the Clean Water Act, has not had a chance to look at the very important environmental implications generally, or the programmatic implications involving the Clean Water Act. In the meantime, we have heard many concerns expressed about the environmental impacts involving wetlands, plants and wildlife habitat. To my knowledge, we have also not yet received any formal comments from the Department of Energy.

In light of these procedural concerns and the high level of controversy, I think the better approach for now is to oppose the gentleman's amendment. I am sure that the Public Works Committee will want to work with the gentleman in an effort to find an acceptable solution that both protects the environment and the Federal Treasury.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from South Carolina [Mr. DERRICK] has 1½ minutes remaining and the gentleman from California [Mr. ANDERSON] has one-half minute remaining. The gentleman from California is entitled to close.

Mr. ANDERSON. Mr. Chairman, I yield 30 seconds to the gentleman from Oregon [Mr. DEFazio].

Mr. DEFazio. Mr. Chairman, this is a horrible precedent, waiving Federal Water Pollution Control Act for a DOD contractor to dump 180 degree water into a fragile estuary. If we approve this waiver for a contractor, which contractor is next? Which project is next? Will it be Hanford on the Columbia River, Rocky Flats? Which one will be dumping pollution? What kind of pollutants will be going into our fragile estuaries, into our rivers?

We must draw the line somewhere. No, this has been going on for years. It is time that it stopped.

□ 1850

Mr. DERRICK. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, there are several good reasons not to build the K reactor cooling tower.

First of all, the K reactor is 35 years old. When this cooling tower is completing operation, it will be 38 years old. If we are lucky, it might have 3, 4, 5 years of remaining life left in it. Is it worth spending \$127 million to abate a

little bit of thermal pollution for 4 years. I do not think so, and not the South Carolina delegation, to a person in the House, in the Senate, agrees with us.

Second, the thermal pollution that will result from not having a cooling tower affects 25 acres a year. That is all. To make up for that loss of land, and all of it will restore itself, we will show our colleagues plenty of sites at SRP where it has regrown, but to make up for the temporary loss we provide \$5 million to buy mitigation lands, other wetlands permanently dedicated forever in the Savannah River basin. That will buy thousands of acres to make up for this 200-acre loss. We in South Carolina who know the Savannah River plant say, "If we're going to spend \$127 million there, we'll show you some real environmental problems that need attention and need it now." Sure, DOE will get around to them when the money is available. This makes available the money now to deal with the highest concentration of high-level radioactive waste in this country stored in single line tanks that leak, and we can get it out of those tanks into a vitrification plant, solidify it away from threatening the environment, if we can use this money now.

Second, we have ground water that is already contaminated. We can strip the toxic chemicals out, clean it up. That is why this is a plus for the environment. We are taking \$127 million, scarce money, and spending it on something we need instead of not dealing with a little bit of thermal pollution.

Mr. Chairman, this is a good plan, and the South Carolina delegation has closed ranks behind it all the way.

Mr. MINETA. Mr. Chairman, I rise in opposition to the amendment offered by our fine colleague from South Carolina [Mr. DERRICK].

Last week, the House overwhelmingly passed H.R. 1056, the Federal Facility Compliance Act. Three hundred and eighty Members of this body voted for that bill. I did, and so did our colleague from South Carolina. We agreed that we could no longer allow a double standard when applying environmental law.

But today, 1 week later, the Derrick amendment would undo that agreement. The amendment would exempt a Federal facility from key positions of the Clean Water Act and allow discharge of scalding water into fragile wetlands.

Mr. Chairman, the Derrick amendment would support the Department of Energy in its attempt to avoid compliance with Federal environmental law. We must not do this, for to do so would encourage DOE and other Federal agencies to sidestep important environmental regulations now and in the future.

Mr. Chairman, I ask my fellow colleagues to join with me and with other environmentally minded Members by voting against this amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). Under the rule, all time has expired.

The question is on the amendment, as modified, offered by the gentleman from South Carolina [Mr. DERRICK].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DERRICK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 70, noes 348, not voting 13, as follows:

[Roll No. 184]

AYES—70

Alexander	Fields	Natcher
Armey	Frost	Parris
Aspin	Grandy	Patterson
Baker	Hall (TX)	Quillen
Ballenger	Hayes (LA)	Ravenel
Barnard	Hefley	Rogers
Barton	Holloway	Rose
Bateman	Hopkins	Shumway
Bevill	Hunter	Shusky
Billey	Hutto	Slaughter (VA)
Brooks	Jones (NC)	Smith (MS)
Burton	Kyl	Smith (NE)
Byron	Lancaster	Smith (TX)
Coble	Lent	Solomon
Combust	Lewis (CA)	Spence
Crane	Livingston	Spratt
DeLay	Lloyd	Stenholm
Derrick	Lukens, Donald	Sundquist
Dickinson	Marlenee	Tallon
Dingell	McEwen	Thomas (CA)
Dornan (CA)	McMillan (NC)	Trafficant
Durbin	Montgomery	Wolf
Edwards (OK)	Murphy	
Emerson	Myers	

NOES—348

Ackerman	Clinger	Ford (TN)
Akaka	Coleman (MO)	Frank
Anderson	Coleman (TX)	Frenzel
Andrews	Conte	Galleghy
Annuzio	Cooper	Gallo
Anthony	Costello	Garcia
Applegate	Coughlin	Gaydos
Archer	Cox	Gejdenson
Atkins	Coyne	Gekas
AuCoin	Craig	Gephardt
Bartlett	Crockett	Gibbons
Bates	Darden	Gillmor
Bellenson	Davis	Gilman
Bennett	de la Garza	Gingrich
Bentley	DeFazio	Glickman
Bereuter	Delums	Gonzalez
Berman	DeWine	Goodling
Bilbray	Gordon	Gordon
Bilirakis	Dixon	Goss
Boehlert	Donnelly	Gradison
Boggs	Dorgan (ND)	Grant
Bonior	Douglas	Gray
Borski	Downey	Green
Bosco	Dreier	Guarini
Boucher	Duncan	Gunderson
Boxer	Dwyer	Hall (OH)
Brennan	Dymally	Hamilton
Broomfield	Dyson	Hammerschmidt
Browder	Early	Hancock
Brown (CA)	Eckart	Hansen
Brown (CO)	Edwards (CA)	Harris
Bruce	Engel	Hastert
Bryant	English	Hatcher
Buechner	Erdreich	Hawkins
Bunning	Espy	Hayes (IL)
Bustamante	Evans	Hefner
Campbell (CA)	Fascell	Henry
Campbell (CO)	Fawell	Herger
Cardin	Fazio	Hertel
Carper	Feighan	Hiler
Carr	Fish	Hoagland
Chandler	Flake	Hochbrueckner
Chapman	Flippo	Horton
Clay	Foglietta	Houghton
Clement	Ford (MI)	Hoyer

Hubbard	Moorhead	Schumer
Huckaby	Morella	Sensenbrenner
Hughes	Morrison (CT)	Sharp
Inhofe	Morrison (WA)	Shaw
Ireland	Mrazek	Shays
Jacobs	Murtha	Shuster
James	Nagle	Sikorski
Jenkins	Neal (MA)	Skaggs
Johnson (CT)	Neal (NC)	Skeen
Johnson (SD)	Nelson	Skelton
Johnston	Nielson	Slattery
Jones (GA)	Nowak	Slaughter (NY)
Jontz	Oakar	Smith (FL)
Kanjorski	Oberstar	Smith (IA)
Kaptur	Obeys	Smith (NJ)
Kasich	Olin	Smith (VT)
Kastenmeier	Ortiz	Smith, Denny
Kennedy	Owens (NY)	(OR)
Kennelly	Owens (UT)	Smith, Robert
Kildee	Oxley	(NH)
Klecicka	Packard	Smith, Robert
Kolbe	Pallone	(OR)
Kolter	Panetta	Snowe
Kostmayer	Parker	Solarz
LaFalce	Pashayan	Staggers
Lagomarsino	Paxon	Stallings
Lantos	Payne (NJ)	Stangeland
Laughlin	Payne (VA)	Stark
Leach (IA)	Pease	Stearns
Lehman (CA)	Pelosi	Studds
Lehman (FL)	Penny	Stump
Leland	Perkins	Swift
Levin (MI)	Petri	Synar
Levine (CA)	Pickle	Tanner
Lewis (FL)	Porter	Tauke
Lewis (GA)	Poshard	Tauzin
Lightfoot	Price	Thomas (GA)
Long	Pursell	Thomas (WY)
Lowery (CA)	Rahall	Torres
Lowey (NY)	Rangel	Torricelli
Lucken, Thomas	Ray	Towns
Machtley	Regula	Traxler
Rhodes	Rhodes	Udall
Richardson	Richardson	Unsoeld
Ridge	Ridge	Upton
Rinaldo	Rinaldo	Valentine
Ritter	Ritter	Vander Jagt
Roberts	Roberts	Vento
Robinson	Robinson	Visclosky
Roe	Roe	Volkmer
Rohrabacher	Rohrabacher	Vucanovich
Rostenkowski	Rostenkowski	Walgren
Roth	Roth	Walker
Roukema	Roukema	Walsh
Rowland (CT)	Rowland (CT)	Watkins
Rowland (GA)	Rowland (GA)	Waxman
Roybal	Roybal	Weber
Russo	Russo	Weiss
Sabo	Sabo	Weldon
Salki	Salki	Wheat
Sangmeister	Sangmeister	Whittaker
Sarpalius	Sarpalius	Whitten
Savage	Savage	Williams
Sawyer	Sawyer	Wilson
Saxton	Saxton	Wise
Schaefer	Schaefer	Wolpe
Scheuer	Scheuer	Wyden
Schiff	Schiff	Wyllie
Schneider	Schneider	Yates
Schroeder	Schroeder	Yatron
Schuetter	Schuetter	Young (AK)
Schulze	Schulze	Young (FL)

NOT VOTING—13

Callahan	Dannemeyer	Molinari
Clarke	Florio	Pickett
Collins	Hyde	Stokes
Conyers	Leath (TX)	
Courter	Lipinski	

□ 1910

Messrs. RHODES, ROWLAND of Georgia, RAY, WALGREN, BONIOR, MADIGAN, CRAIG, and PAXON changed their vote from "aye" to "no."

Mr. CRANE and Mr. BURTON of Indiana changed their vote from "no" to "aye."

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. If there are no further amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. MOODY. Mr. Chairman, when we began the debate on H.R. 2461, the Defense authorization for fiscal year 1990, I was hopeful that this might be the year we finally established clear priorities and made the necessary stark choices about defense spending. We have arrived at the end of the defense bill consideration and few of those tough choices have really been made.

For 1 more year, Congress and the President have basically insulated defense programs from hard budget realities. For 1 more year, we have made adjustments at the margin and put off the real choices. For this reason, I cannot support it; \$305 billion is just too much money for military programs when we have so many unmet needs at home. And the \$305 billion does not even embody enough tough choices.

I applaud the several positive aspects of this bill. For the first time, the House recommends real cuts in spending for the strategic defense initiative—star wars. The bill calls for continued compliance with the traditional narrow interpretation of the ABM Treaty. The MX was capped at 50, whether in silos or on rails. The House removed \$47 million for production of chemical weapons projectiles. And, it called on the President to seek a comprehensive ban on testing antisatellite weapons. It limits, but does not eliminate the B-2 bomber. All of these steps are welcome.

But also included in this DOD authorization bill are the seeds for budget disaster. This bill initiates or continues programs whose spending requirements will balloon in future years. As each of these programs grows and the entire defense budget remains basically constant in real dollar terms, as it is expected to do so, how will we pay for these expanding obligations? Either we will raid the defense accounts that are the foundation of our military strength—personnel and readiness—or we will end up abandoning many of the programs we have embarked upon.

Our appetite exceeds our budget. We are ordering more off the menu than we can pay for when the bill comes due.

We cannot afford the Stealth bomber. It will cost this country as much as \$75 billion for 132 planes and will provide only marginal extra capability. But we continue to fund it in this defense bill, H.R. 2461.

We cannot afford a whole new weapon system, the V-22 Osprey, a plane that takes off and lands like a helicopter and flies like a fixed wing plane. The preliminary price tag is \$28 billion, and will probably go up. The V-22 has a single mission: To move marines from ship to shore. That mission is currently filled by helicopters at a small fraction of the V-22's price. H.R. 2461 does what even the administration refused to ask for: Start up the V-22.

This DOD authorization moves forward with a number of very expensive programs: Improvements in the B-1 and B-52 strategic bombers, the national aerospace plane, the AMRAAM missile, short-range nuclear missiles, the M-1 tank, Trident II submarines armed with D-5 missiles, and a variety of other aircraft and shipbuilding programs. I do not specifically criticize these programs. But H.R. 2461 did not go far enough to make choices between them.

According to the Government Accounting Office, if all these weapon systems are retained, the 5-year plan of the Department of Defense will be underfunded by \$150 billion over the 1990-95 period, assuming approximate level funding. We cannot keep all these programs moving forward. We will have to cut some out.

The sooner we make these choices, the less traumatic—and the less expensive—they will be. Unfortunately—for 1 more year—this DOD bill H.R. 2461 continues to expand programs without making the necessary choices.

Mr. WOLPE. Mr. Chairman, I would like to applaud Chairman ASPIN and the members of the Committee on Armed Services for their continued support of the Procurement Technical Assistance Cooperative Agreement [ProTACA] Program. The authorization bill before us would provide \$8 million annually for 2 years for ProTACA, a program that provides matching Federal funds to State, local, and private nonprofit organizations that provide technical assistance to firms bidding on Government contracts.

The ProTACA Program is based on the conviction that increased competition will lower Government procurement costs, and it has proven successful throughout the country in helping businesses to compete effectively for defense procurement contracts. In Michigan alone this program has helped to establish 13 separate community-based centers, and the business benefits from these funds have been enormous. In the congressional district I represent, the program has provided matching funds for Bid Board, a joint project of my office, and the Kalamazoo Creating Economic Office since 1984. As of April 1989, the effort has helped businesses in Kalamazoo County to secure \$12,535,487 worth of Pentagon contracts which created or retained 486 jobs for the area.

The advantages of this program are manifold. First, it strengthens our Nation's defense posture by broadening the defense industrial base. This is no small point as we cannot afford the vulnerability of concentrating our defense base in any one region of our country.

The bipartisan Northeast-Midwest Congressional Coalition, which I cochair, has documented that the Midwest continues to receive a disproportionately smaller share of total defense procurement dollars than other regions of the country. For example, in 1988 States in the Midwest carried one-fifth of the Federal tax burden, but received only one-tenth of the Department of Defense procurement funds. In simplest terms, for every \$1 States in the Midwest are taxed for defense procurement purposes, they get back 52 cents in Pentagon contracts. This not only drains the economy in the Midwest, but also compromises our na-

tional security by limiting the geographical spread of the industrial base that undergirds our Nation's defense.

The ProTACA Program seeks to address this weakening inequity. Whereas all regions are eligible for assistance under ProTACA, States in the Midwest that have been historically left out of the procurement loop have the most to gain from the technical expertise the program funds and offers.

A second appeal of this program is the push it provides in moving toward a more efficient and cost-effective system of defense procurement. By exposing the procurement process to increased competition, the ProTACA Program helps streamline defense spending and offers some good news for taxpayers who are justifiably tired of footing the bill for waste and extravagance in Pentagon procurement contracts.

Finally, the ProTACA Program has been effective as a local economic stimulus; as I mentioned earlier, its effectiveness has been demonstrated in my own district by creating jobs and allowing businesses to expand their output.

The ProTACA Program offers needed procurement competition, and helps boost economic development and provide jobs in communities across the country. All of this adds up to a stronger economy, a stronger country, and a stronger defense. I, again, commend my colleagues on the House Committee on Armed Services for recognizing the importance of this program.

Mr. BROWN of Colorado. Mr. Chairman, I rise in support of title III, section 373 and 374 of H.R. 2461, the National Defense Authorization Act, which expresses the sense of Congress that reductions in troop strength resulting from the INF Treaty should be taken from those units assigned to intermediate-range nuclear forces stationed in Europe, and that troops stationed in the United States should not be deactivated unless there is a realignment of conventional forces in Europe.

In the Committee on Armed Services report accompanying H.R. 2461, the committee discusses the Army's decision to deactivate the 2d Brigade of the 4th Mechanized Division at Fort Carson, CO, to fulfill the reduction of troops called for under the INF Treaty. The report states that

"The Congress does not agree with this strategy and believes (1) the Fort Carson brigade should not be deactivated, and (2) that any reduction caused by the INF Treaty should come from those units in Europe actually performing roles related to the INF.

About half of the 8,000 positions required to be eliminated under the INF Treaty will be achieved through the deactivation of the 2d Brigade at Fort Carson. This is an unwise strategy with respect to U.S. combat readiness and the full utilization of the Fort Carson training facilities.

I commend the Armed Services Committee for recognizing the critical importance of the only fully active Army division in the United States. Disassembling the 4th Division could have a substantial impact on the Army's ability to adequately respond to heavily armored forces. In addition, the United States depends upon Fort Carson's premier training facility, which provides realistic operational training

opportunities for our Armed Forces. The loss of this outstanding training could seriously damage U.S. combat readiness.

Eliminating the brigade would also decrease the efficiency of Fort Carson and increase training costs for the remaining troops. We must explore ways to consolidate forces to fully utilize the facility in a cost-effective manner. The Army's current potential relocation study on the feasibility of transferring 1,000 personnel of the Special Forces Group at Fort Devens, MA, to Fort Carson is a good start. We need to pursue this and other efforts to fully utilize Fort Carson's superior training grounds.

My hope is that the Defense Department will fully consider the ramifications of the proposed dismantling of the 4th Infantry Division with respect to U.S. military effectiveness. I urge the Defense Department to fulfill INF Treaty mandates through the elimination of INF-related troops abroad.

Mr. RIDGE. Mr. Chairman, for more than a decade now Congress has supported the Army in its efforts to design a superior antitank weapon for the infantryman. But for years, American infantrymen have been equipped with substandard antitank weapons. The current situation is untenable. If an effective interim system in not identified, soldiers will be asked to put their lives on the line at a distinct disadvantage. A disadvantage, I might add, caused by the unwillingness of the military to conduct realistic tests of available system and an unwillingness of the Congress to adequately pressure the military to conduct such tests.

The warhead used in the present system is outdated, and we now wait for the deployment of the Advanced Antitank Weapon System-Medium [AAWS-M]. In order to provide our troops with a weapon that will have the ability to kill modern tanks, a dependable, reliable interim system must be selected.

For some time, Congressman CHARLIE BENNETT and I have been pushing hard for the military to test available antitank systems to evaluate whether an effective interim system could be procured. We have offered successful amendments over the past couple of Defense authorization bills requiring such tests but these amendments were either dropped in House-Senate conference or skirted. It is my hope that an amendment offered by Mr. BENNETT and now section 254 of this bill, would meet with better results.

As a Member of this body and a former infantryman, I support section 254 that specifically directs the Secretary of the Army to "conduct a side-by-side test and evaluation of the Bofors Bill weapon system and the Dragon II antitank weapon system." This amendment, now section 254 of the Defense authorization bill, is critical to many of the brave soldiers who may be called upon to fight in the next few years. Putting their lives on the line, they deserve to be outfitted with the very best weapons and equipment that can be provided.

In the case of antitank weapons, troops must be outfitted with a weapon that will take out heavily armored tanks, especially those with reactive armor. We must not let stealth technology or a star wars defense system

lead us to believe that the infantry will no longer serve as a vital part of our forces. We must not forget the men who stormed across Europe and the deserts of North Africa. The infantry faced panzer divisions with the best weapons available and victory was achieved. Today, however, the infantry is challenged by the threat of modern, more sophisticated tanks. If we should ever engage in another conventional war, our foot soldiers must have defenses capable of destroying enemy tanks. A substitute for the foot soldier is not likely in the near future, thus conventional forces need to remain in a state of readiness. These soldiers endure the most physical and psychological missions during battle. They trust their weapons to defend themselves as well as to take and retain ground—the mission of combat. We must continue to support our conventional forces with the best weapons available.

This interim antitank weapon which the infantryman will use must be readily deployable. This interim system must be adapted to the 185-pound soldier who will be facing the 65-ton tank. It must be portable, set up and fired. Above all, it must serve its purpose, destroy enemy tanks. Field survival depends on this weapon's ability to stop modern Soviet T-72 and T-80 tanks which have reactive armor. If the weapon fails, there is no time to reload, no time to try again, and no time to take cover. Once fired, the position of the launcher is revealed. The purpose is to spot the enemy tank, lock on target, fire, and advance. This is all done within minutes. Time is of the essence. We can not neglect our conventional force capability. They must be prepared for any battle, at any time, anywhere. If they are to defeat our enemies in a conventional war, then they must have the conventional weapon systems to do so.

The Army and the Office of the Secretary of Defense have opposing views as to which available antitank system is best suited for modern needs. The best approach to resolving this dispute and identifying an effective interim antitank weapon is to have realistic weapons tests. That is what the Bennett amendment as contained in section 254 calls for and that is what must be done. We need an interim antitank system and we need a system soon. The importance of retaining this provision in the final conference report on this bill can not be overstated.

Mr. SHUMWAY. Mr. Chairman, as we approach the end of the debate on H.R. 2461, the Department of Defense authorization bill for fiscal years 1990 and 1991, I find it necessary to rise at this juncture to explain why this measure, as amended, fails to authorize the resources necessary to meet our defense requirements as we approach the 21st century or be fully accountable to the American taxpayer. Since this bill does not meet these basic criteria, I oppose this measure as reported by the Committee on the Whole.

I continue to support the administration's efforts to pursue the strategic defense initiative because it has proven, as further research has been conducted, to have a great potential to protect the United States from a nuclear ballistic missile first strike by the Soviet Union. Unfortunately, the Armed Services Committee bill, which authorized SDI funding levels far

below the President's request of \$4.6 billion, was cut even further to \$3.1 billion. Cuts of this size to the program will cause unnecessary cancellation or postponement of experiments crucial to confirming the feasibility of evolving SDI technologies.

Since it was the will of the House to cut an additional \$700 million from SDI, the House should have allowed the Commander-in-Chief the authority to decide where those funds might be most needed, or further, the \$700 million not spent on SDI could have been used to reduce the deficit. Instead, the House elected to spend the money on three special interest programs which do not materially improve our ability to defend ourselves in the future. Increasing funding for conventional forces, environmental cleanup, and drug interdiction are honorable and important priorities. But I find it intellectually dishonest to rob an important defense program which could protect the lives of our grandchildren in the 21st century, to fix some helicopters damaged by inclement weather, but some more rockets and bullets for Europe, and spend some more money for two popular domestic programs which we were unable to fund properly because we couldn't make the tough domestic budget decisions to fund these programs through the appropriations measures designed to provide for such programs.

With regard to other strategic programs, I was disappointed that the B-2 program was loaded down with a multitude of reporting requirements, that the MX rail-garrison missile program was hindered from moving forward, and that the duplicative Midgetman missile program was not curtailed. I strongly believe that Congress must understand that the B-2 is affordable, has a mission, and meets the performance requirements that the Pentagon has established. Yet the reporting and certification requirements incorporated in this bill go far beyond what is needed for Congress to make a definitive B-2 procurement decision. The proposed rail-garrison for the MX offers a much more affordable basing mode option for our land based ICBM force than the Midgetman. Furthermore why would we want to develop a second mobile ICBM system which could cost up to 10 times as much as the rail-garrison MX program?

In closing, this bill includes a host of special interest provisions—F-14, V-22 Osprey, Davis-Bacon, small business, and so forth—which do not enhance the long-term security of this Nation. Unless some of these provisions are removed in conference, I suspect that we have heavily mortgaged the American taxpayer in order to finance short-term parochial interests.

Mr. GEPHARDT. Mr. Chairman, I would like to commend Chairman ASPIN and the members of the Armed Services Committee for their tireless work on this Defense authorization bill.

During the past 4 days, this House has performed one of the most important duties we have on behalf of the American people: providing for the common defense of our country.

The House has produced an outstanding defense budget, one which has historic dimensions. With this budget, we state clearly that America has moved beyond the shopworn assumptions which have guided defense

budgets in the past. We address the real security concerns facing America today.

No longer is our security solely dependent on more and bigger weapons systems to face down the Soviets. Recent surveys show that most Americans see our Nation's growing economic weakness as a greater threat to our national security than Soviet missiles.

And while Americans maintain a healthy skepticism about Mr. Gorbachev's ability to create a "kinder and gentler" Soviet Union, we recognize that the concept of national security has changed.

Real security in the 1990's must be based on the realities of today, not the fears and prejudices of yesterday. Today, security also means arming ourselves to do battle against illegal drugs, growing poverty, and inadequate housing and health care.

Another reality we will face from now on is that our budget deficit will limit the resources we can dedicate to the defense budget. Henceforth, the question will not be how much we spend, but how we spend the scarce resources we have.

In the past, our Nation has responded well to similar situations of changing defense priorities. After World War II, we converted the huge economic base built up to win the war to other purposes.

At home, we used innovative programs like the GI bill and FHA loans to ensure a generation of Americans access to good education, good housing, and good health care.

Abroad, the Marshall Plan and other programs restored the world's economic prosperity, fostered democratic values, and promoted political and military stability throughout.

We must reorder our priorities equally well to respond to the new realities of the 1990's, and this budget is a good start.

The Bush budget spoke to the past, requesting virtual blank checks for the B-2 bomber and SDI.

Over the past days, we have responded: Mr. President, we need an A-1 economy more than a B-2 bomber.

Unlike the President's budget, we sponsor major new programs to fight drugs and to clean up nuclear waste.

We create the dual-use technology initiative, a program to promote commercial applications of military research and development. We fund innovative new projects like the V-22 Osprey, a hybrid airplane/helicopter that will push America to the forefront of this exciting technology.

A further step in this effort is a bill recently introduced by Mr. GEJDENSON and Mr. MAVROULES. Drawing on the inspiration of the late Stewart McKinney and working with Members on both sides of the aisle, they have proposed an outstanding program to provide job retraining, economic diversification, and alternative use plans for people and communities affected by the loss of defense contracts and the closing of military installations. I hope this bill can move quickly through the committees and come to this floor. Mr. Chairman, this Defense budget we are about to vote on acknowledges, in ways that the Bush administration does not, that economic strength is the foundation of military security. It speaks to our Nation's future, not our past.

It deserves our strongest support.

Mr. BILBRAY. Mr. Chairman, I rise in strong support of the amendment offered by my colleague from Massachusetts. This amendment would extend for another 3 years the DOD section 1207 program which sets a 5-percent contracting goal for minority small businesses.

As a member of both the Armed Services and Small Business Committees, I am well aware of the difficulties minority and economically disadvantaged small businesses have when competing for valuable Federal procurement contracts, especially within the Department of Defense. The Pentagon has historically been one of the worst Federal agencies that minority small businesses have had to deal with. From fiscal years 1981 to fiscal year 1986 the DOD granted, on average, a mere 2 percent of its prime contract awards to small disadvantaged businesses.

Mr. Chairman, by supporting this amendment the Congress is sending a strong signal to the Pentagon that it is not satisfied with their continued reluctance to share a piece of the Federal pie with all members of our Nation's small business community. The modest 5-percent set-aside goal extended by this amendment is the bare minimum that we should expect from our Government's largest agency, an agency which will spend some \$300 billion in the coming fiscal year.

Mr. Chairman, I hope my colleagues will join me in supporting this important amendment and any other efforts this Congress may address in attempting to increase the participation of minority and economically disadvantaged small businesses in the Federal contracting process.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DURBIN, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 2461) to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes, pursuant to House Resolution 211, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

Mr. DICKINSON. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. DICKINSON. Mr. Speaker, I take this time in order to offer an explanation.

It had been my intent to ask for a separate vote on the Spratt MX rail garrison amendment. I felt that the House made a serious mistake yesterday and I wanted it revisited and reconsidered. I have worked diligently, as has our whip organization, to see if there were enough votes to turn the vote around. We have concluded that there are not enough votes on a separate vote to make a difference.

Mr. Speaker, I will not ask Members to sit through another rollcall vote unnecessarily, nor will I ask the supporters on this side of the aisle to unnecessarily walk the plank again.

For that reason, I will not ask for a separate vote. Instead, I will offer a motion to recommit at the proper time.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. DICKINSON

Mr. DICKINSON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. DICKINSON. The gentleman certainly is, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DICKINSON moves to recommit the bill H.R. 2461 to the Committee on Armed Services with instructions to report the same back to the House forthwith with an amendment as follows:

At the end of part A of title II (page 48, after line 17) insert the following new section:

SEC. 208. DENIAL OF FUNDING FOR SMALL ICBM PROGRAM.

The amount provided in section 201 for the Air Force is hereby reduced by \$100,000,000. None of the amount provided in section 201 for the Air Force is available for the Small ICBM Program.

The SPEAKER. Pursuant to the rule, the gentleman from Alabama [Mr. DICKINSON] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Speaker, it had been my intention to ask for a separate vote on the Spratt amendment that cut \$500 million in procurement and military construction funds from the Rail Garrison Missile Program.

Mr. Speaker, let me say that we had anticipated that there would be a great deal of restructuring of the bill by the time we had reached this point. For that reason, we asked for 1 hour, on the motion to recommit which is

unusual, since we normally only have 10 minutes.

I have concluded that due to the sorry shape that this bill is in, it is futile to attempt to make that many amendments or that many changes. Therefore, I only have one element in the motion to recommit. For that reason I do not anticipate that I will need the 30 minutes allocated to our side. It is up to the majority to decide how much of the hour they will take.

Let me say simply that until yesterday many Republicans, myself included, were unsure about how to approach the motion to recommit. After the surprising and disappointing vote on the amendment offered by the gentleman from South Carolina [Mr. SPRATT] to essentially gut the rail garrison, the issue became much clearer.

My motion to recommit is truly offered on behalf of all Republicans who have earnestly supported the President's two-missile ICBM modernization package.

I have for several years now vehemently opposed the Midgetman missile. It is a tremendously expensive program, costing some \$30 billion beyond the \$6 billion cost of rail garrison.

□ 1920

This administration, did not initially include money for Midgetman because it did not think the system cost effective. The White House ultimately, decided that some funding for Midgetman was necessary in order to negotiate with Soviets from a position of strength. The Soviets have both over-the-road and over-the-rail missile systems already operational, so we need something to negotiate with.

OK. So we go along with the President.

I thought we had an agreement, and that there would be three amendments made in order. But the Spratt amendment snuck in there. The Rules Committee ordained that.

So after Republicans had gone on record in support of the Midgetman, and the administration's program, it was still my understanding that we had a deal. Keep the package together. I even had people supporting the Midgetman thank me for supporting the program. I said as long as the package stays together I will support Midgetman.

Then a cute thing happened. After we went on record supporting the Midgetman, here comes an amendment to gut the rail garrison, cutting it by \$500 million. It left Republicans hanging out there with the Midgetman already approved, and with no procurement and military construction money in the rail garrison program. That was "too clever by half."

So I am asking every Member who will follow my lead, if this is the game,

to support my motion, to take out the \$100 million for the Midgetman. We do not need it now. I can only support it as a part of a package and the package is gone.

Sometimes my Democrat colleagues get too cute. So, vote for the motion to recommit. It takes out the money for Midgetman that we no longer need. We will still have some left for rail garrison. If there is any leverage to be gained by this, perhaps it can be put to constructive use in conference.

So our Republican act of good faith, keeping an agreement, as we understood it, was turned against us. The result is that we are going to take out the money for the Midgetman.

I ask for Members' affirmative vote for my motion to recommit.

The SPEAKER. The gentleman from Wisconsin [Mr. ASPIN] is recognized for 30 minutes.

Mr. ASPIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me talk to the points that the gentleman from Alabama raised, because like the gentleman from Alabama, I too am in favor of the two-missile program, and I did support the program on the grounds that we needed negotiating leverage with the Soviets. I felt that the Soviets had two missiles already, we ought to go ahead with two missiles, unless we got an arms control agreement that eliminated a similar system on the Soviet side, and then we could eliminate one of ours.

I was one of the people who advised the Rules Committee not to make the Spratt amendment in order. I asked the gentleman from South Carolina [Mr. SPRATT] not to offer his amendment.

When the amendment was offered, I spoke against the amendment and voted against the amendment. This far I am in agreement with the gentleman from Alabama.

But what we have now is a bill under which the House of Representatives, whether the gentleman from Alabama likes it, which he does not, or whether I like it, which I do not, the House has worked its will on this issue and on the other issues. The motion to recommit is now being offered by the gentleman from Alabama who does not like the outcome, who does not like the fact that the House of Representatives has cut the MX.

I do not like the fact that the House of Representatives has cut the MX. But if you offer now a motion of spite, a motion that just says I did not get my marbles, and I do not want to play, we are now going to blow up everything because I did not get everything that I wanted, I think that is a very, very shortsighted operation.

This operation, this body must be able to work its will, and if the will of this body is to cut the MX, and I look around at all of you guys who want to

do it, and I do not like it, but it is the right of this body to cut the MX. Then we should not have a blowup amendment to blow everything up at the end by voting by a motion to recommit. This body has voted the way they have voted, and they have done it for their own reasons, and for their own good reasons. We should not now blow up everything by voting for a motion to recommit at the end of the whole bill.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from the State of Washington.

Mr. DICKS. Mr. Speaker, I understand the concern on the other side of the aisle. But I want to make sure that everyone understands that even with the Spratt amendment, there is \$600 million in this bill for rail garrison MX, \$600 million.

There is only \$100 million in this bill for the Midgetman, and because they had their program reduced, now they want to take the \$100 million, which is barely enough to have any kind of a program. It was so little that the Department of Defense sent up a \$100 million reprogramming to barely keep Midgetman alive.

I happen to believe that the President of the United States and our negotiators in Geneva will be better served with a two-missile strategy. Let me explain again why.

I believe that the administration, our chief negotiator will at some point amend our no mobile position, and that we will go forward with a position where we offer to give up MX rail garrison if the Soviets will make a reduction in their SS-18's or kill the SS-24 program.

That would then leave us, that would then leave us with the Soviets having a single warhead system and we would have Midgetman, our single warhead system. That would be a much more stabilizing and a better outcome.

I would urge my friends here, I understand that people are upset, and some people are upset with me. If I have offended anyone about this, I apologize. But do not undercut the President, do not undercut the Secretary of Defense, do not undercut the Secretary of State just because BILL DICKINSON had a bad day.

Mr. DICKINSON. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, I welcome the recommittal motion of the gentleman from Alabama. And why are we here?

Members just heard, it was my two friends who preceded me. The gentleman from Wisconsin for his side got up and talked to the Members on this side and said we cut MX, that is what you wanted to do. Then his partner from Washington got up and said to

the people on that side, look how much we gave MX.

Unfortunately, my friends are trying to ride two horses. One is a train and one is a truck. They both cost a lot of money, and you cannot ride both horses. You fell off and you fell between the two stools. Members just heard us in the speeches. The gentleman from Wisconsin was explaining why we had to cut MX, and the gentleman from Washington was bragging about how much we gave it. Maybe we should let the gentleman from Wisconsin and the gentleman from Washington debate each other, and then me and the gentleman from Alabama can debate with the winner, because they are arguing two inconsistent positions.

The fact is this: in terms of undercutting the President, no, the President has all of the negotiating room in the world that he wants. I wish he would use a little more of it. But he has got all of that he wants.

One hundred million, as the gentleman said, is not much. If the President wants to go to Geneva and take a position, one or another on mobiles, we can always come back here and look at it. What we are talking about now is putting ourselves on the track to spend those on Midgetman.

Let me say to my friends who are concerned about budget authority on all sides, we worry about not funding veterans, we worry about not funding health, and we worry about space, and one colleague on the other side said we can go to the Moon if we have the will.

Under current circumstances, if we fund the Midgetman and the MX, they well better be from the Sultan of Brunei. He had better die and leave us \$18 billion in his will, and it will be probated in the World Court, because that is the only will that is going to get us to the Moon in the current fiscal situation.

There is \$25 billion in budget authority under the Midgetman. Here is your chance now to take a weapon that nobody really wanted strongly. Yes, it made a lot of sense to some of my Democrat friends a few years ago. It was their weapon. Pride of authorship at \$25 billion costs us too much money.

We have got all kinds of this's and that's, but here is where we have money for rail garrison. It is more than I wanted, and I would hope we could get into a negotiating position that would say we are not going to go forward because we do not have to match the Russians, triad leg for triad leg.

□ 1930

We are way ahead in the sea and they can be on the land. The question we have today is this: Given that a sizable chunk has been voted for rail garrison and we are committed there, if

you then add Midgetman, where does it come from? \$25 billion for a weapon that is not going to be needed.

The argument that says we will spend \$100 million now and \$300 million or \$400 million, another \$1 billion, why do they tell you you really should spend it? Because you will not need it.

I have a good way to "not need" it. Do not spend it in the first place.

I congratulate the gentleman from Alabama. There are a lot more, from our standpoint on our side, more mischievous motions to recommit. I hope this one passes.

Mr. DICKINSON. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. MARTIN].

Mr. MARTIN of New York. Mr. Speaker, I will not use the full minute. I think it is only appropriate that I respond to the comment made by my chairman that this is some kind of a recommitment of spite. It is not that at all.

Everyone here understands the very difficult rule we operated under. For this gentlemen, I feel a lot of us would not have supported the Midgetman were it not for the President's wish that we have this as some kind of a negotiating tool, that is he and Mr. Scowcroft.

We had to vote for that under the rule prior to the time the action was taken on the MX.

So, Mr. Chairman, I would have to say this certainly is not a motion of spite; it is a motion we have to take because this is the only alternative.

Mr. DICKINSON. Mr. Speaker, I yield myself such time as I may consume.

Let me conclude by saying that all military construction and all procurement money for rail garrison has been consciously stripped out of this bill.

I would, therefore, ask for a vote at this time on my motion to zero the Midgetman program.

The SPEAKER. The gentleman from Alabama yields back the balance of his time.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken, and on a division (demanded by Mr. Dicks) there were—ayes 176, noes 90.

So the motion to recommit was agreed to.

The SPEAKER. The gentleman from Wisconsin [Mr. ASPIN] is recognized to report the bill back with an amendment.

Mr. ASPIN. Mr. Speaker, pursuant to the instructions of the House, I report the bill, H.R. 2461, back to the House with an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment: At the end of part A of title II (page 48, after line 17) insert the following new section:

SEC. 208. DENIAL OF FUNDING FOR SMALL ICBM PROGRAM.

The amount provided in section 201 for the Air Force is hereby reduced by \$100,000,000. None of the amount provided in section 201 for the Air Force is available for the Small ICBM Program.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKINSON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 261, noes 162, not voting 8, as follows:

[Roll No. 185]

AYES—261

Ackerman	Durbin	Johnson (CT)
Akaka	Dwyer	Johnson (SD)
Alexander	Dyson	Johnston
Anderson	Eckart	Jones (GA)
Andrews	Engel	Jones (NC)
Annunzio	English	Jontz
Anthony	Erdreich	Kanorski
Applegate	Espy	Kaptur
Aspin	Evans	Kasich
Atkins	Fascell	Kennedy
Barnard	Fawell	Kennelly
Bartlett	Fazio	Kildee
Barton	Feighan	Kleczka
Bennett	Fish	Kostmayer
Berman	Filippo	LaFalce
Bevill	Foglietta	Lancaster
Bilbray	Ford (MI)	Lantos
Bliley	Ford (TN)	Laughlin
Boehert	Frank	Leath (TX)
Boggs	Frost	Lehman (CA)
Bonior	Gaydos	Lehman (FL)
Borski	Gedensson	Lent
Bosco	Gephardt	Levin (MI)
Boucher	Gibbons	Levine (CA)
Brennan	Gillmor	Livingston
Brooks	Gilman	Lloyd
Broomfield	Glickman	Long
Browder	Gonzalez	Lowey (NY)
Brown (CA)	Goodling	Lukens, Thomas
Bruce	Gordon	Manton
Bryant	Gradison	Markey
Bustamante	Gray	Martin (NY)
Byron	Green	Martinez
Campbell (CO)	Guarini	Matsui
Cardin	Hall (OH)	Mavroules
Carper	Hamilton	Mazzoli
Carr	Hammerschmidt	McCloskey
Chapman	Harris	McCurdy
Clarke	Hatcher	McDade
Clinger	Hawkins	McGrath
Coleman (TX)	Hayes (LA)	McHugh
Conte	Hefner	McMillen (MD)
Cooper	Henry	McNulty
Costello	Hertel	Mfume
Coyne	Hoagland	Miller (OH)
Darden	Hochbrueckner	Miller (WA)
Davis	Horton	Mineta
de la Garza	Houghton	Moakley
Derrick	Hoyer	Mollohan
Dicks	Hubbard	Montgomery
Dingell	Huckaby	Morella
Dixon	Hughes	Morrison (CT)
Donnelly	Hutto	Morrison (WA)
Dorgan (ND)	Jacobs	Mrazek
Downey	James	Murtha
Duncan	Jenkins	Natcher

Neal (MA)
Neal (NC)
Nelson
Nowak
Oakar
Olin
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Parris
Patterson
Payne (VA)
Pease
Penny
Perkins
Pickett
Pickle
Porter
Poshard
Price
Pursell
Rahall
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo

Robinson
Roe
Rogers
Rose
Rostenkowski
Rowland (CT)
Rowland (GA)
Sabo
Saike
Sangmeister
Sarpalius
Sawyer
Scheuer
Schneider
Schumer
Sharp
Shaw
Sikorski
Sisisky
Skaggs
Skellon
Slattery
Slaughter (NY)
Smith (FL)
Smith (MS)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert
(OR)
Snow
Solarz

Spratt
Staggers
Stallings
Stenholm
Swift
Synar
Tallon
Tanner
Tausin
Thomas (GA)
Torres
Torricelli
Traxler
Udall
Upton
Valentine
Vento
Visclosky
Volkmeyer
Walgren
Walsh
Watkins
Waxman
Weldon
Whitten
Wise
Wolpe
Wyden
Yatron
Young (FL)

NOES—162

Archer	Hall (TX)	Rangel
Armey	Hancock	Ritter
AuCoin	Hansen	Roberts
Baker	Hastert	Rohrabacher
Ballenger	Hayes (IL)	Roth
Bateman	Hefley	Roukema
Bates	Herger	Roybal
Beilenson	Hill	Russo
Bentley	Holloway	Savage
Bereuter	Hopkins	Saxton
Blirakis	Hunter	Schaefer
Boxer	Inhofe	Schiff
Brown (CO)	Ireland	Schroeder
Buechner	Kastenmeier	Schuetz
Bunning	Kolbe	Schulze
Burton	Kolter	Sensenbrenner
Callahan	Kyl	Shays
Campbell (CA)	Lagomarsino	Shumway
Chandler	Leach (IA)	Shuster
Clay	Leland	Skeen
Clement	Lewis (CA)	Slaughter (VA)
Coble	Lewis (FL)	Smith (IA)
Coleman (MO)	Lewis (GA)	Smith (VT)
Combest	Lightfoot	Smith, Denny
Conyers	Lowery (CA)	(OR)
Coughlin	Lukens, Donald	Smith, Robert
Cox	Machtley	(NH)
Craig	Madigan	Solomon
Crane	Marlenee	Spence
Crockett	Martin (IL)	Stangeland
DeFazio	McCandless	Stark
DeLay	McCollum	Stearns
Dellums	McCrery	Studds
DeWine	McDermott	Stump
Dickinson	McEwen	Sundquist
Dornan (CA)	McMillan (NC)	Tauke
Douglas	Meyers	Thomas (CA)
Dreier	Michel	Thomas (WY)
Dymally	Miller (CA)	Towns
Early	Moody	Trafficant
Edwards (CA)	Moorhead	Unsoeld
Edwards (OK)	Murphy	Vander Jagt
Emerson	Myers	Vucanovich
Fields	Nagle	Walker
Flake	Nielson	Weber
Frenzel	Oberstar	Weiss
Galleghy	Obey	Wheat
Gallo	Oxley	Whittaker
Garcia	Packard	Williams
Gekas	Pashayan	Wilson
Gingrich	Paxon	Wolf
Goss	Payne (NJ)	Wylie
Grandy	Pelosi	Yates
Grant	Petri	Young (AK)
Gunderson	Quillen	

NOT VOTING—8

Collins
Courter
Dannemeyer

Florio
Hyde
Lipinski

Molinari
Stokes

□ 1953

The Clerk announced the following pair:

On this vote:

Mr. Florio for, with Mr. Stokes against.

Messrs. BEILENSEN, LEWIS of California, and FLAKE changed their vote from "aye" to "no."

Mr. WAXMAN and Mr. LaFALCE changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to authorize appropriations for fiscal year 1990 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes."

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 2989, TREASURY DEPARTMENT, U.S. POSTAL SERVICE, EXECUTIVE OFFICE OF THE PRESIDENT, AND CERTAIN INDEPENDENT AGENCIES APPROPRIATIONS, 1990

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-191) on the resolution (H. Res. 214) providing for the consideration of the bill (H.R. 2989) waiving certain points of order against consideration of the bill (H.R. 2989) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1990, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 3012, MILITARY CONSTRUCTION APPROPRIATIONS, 1990

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-192) on the resolution (H. Res. 215) providing for the consideration of the bill (H.R. 3012) waiving certain points of order against consideration of the bill (H.R. 3012) making appropriations for the military construction for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes, which was referred to the House Calendar and ordered to be printed.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2461, NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1990

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2461, as amended, the Clerk be authorized to make such clerical and technical corrections, including table of contents, title, and section numbers and cross references, as may be necessary.

The SPEAKER pro tempore (Mr. McCloskey). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on H.R. 2461, as amended, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

VACATION OF 60-MINUTE SPECIAL ORDER AND PERMISSION FOR 5-MINUTE SPECIAL ORDER

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that the 60-minute special order of the gentleman from New York [Mr. LENT] agreed to for today be vacated, and that he may be permitted to address the House for 5 minutes instead at the proper time today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

□ 2000

OVER 140 COSPONSORS INTRODUCE PRESIDENT'S COMPREHENSIVE CLEAN AIR ACT BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. DINGELL] is recognized for 5 minutes.

Mr. DINGELL. Mr. Speaker, I have joined with my dear friend, the ranking minority member of the Committee on Energy and Commerce, the gentleman from New York [Mr. LENT] in introducing a fine piece of legislation. It is a rifle shot at the pollution of the air which has troubled this country for so long.

I want to commend my distinguished friend, the gentleman from New York [Mr. LENT] for his participation in this.

I want to point out that this is the legislation which has been suggested by the President of the United States as the solution to the pollution problems which plague this country with regard to our air resources.

Mr. Speaker, the legislation is good. It is workable. It is comprehensive. It is bipartisan. In it have joined over 140 of our colleagues. I would urge my other colleagues to join the gentleman from New York [Mr. LENT] and I in the push for the adoption of H.R. 3030, which is the administration's bill to deal with the problem of air pollution.

The President has provided valuable leadership. He has drawn a piece of legislation which is comprehensive, which deals with all of the portions of the problem, acid rain, air toxic and nonattainment, all of these are dealt with.

While like many of my colleagues who have joined in the sponsorship of this legislation I have certain reservations, and I believe there are certain problems which have to be worked out in connection with the sponsorship of the legislation, it is nonetheless the best and the most comprehensive legislation which pends in this House on this subject.

I would urge my colleagues to join all of us in working on this problem and in supporting this legislation so that the long and bitter battle which has gone on over the problem of air pollution can be resolved in concert with the administration in a bipartisan and in an effective and decent fashion.

There are, as I have mentioned, many problems to be worked out. They will be worked out in the Committee on Energy and Commerce.

I want to pay particular commendations and congratulations to my friend, the gentleman from New York [Mr. LENT] for his participation and to all of our other colleagues who have joined us in the effort.

I believe the President is to be commended for the hard work which has gone into this legislation, and I look forward to working with him, my colleagues in the Congress, the administration, and others in and out of this institution to bring about early enactment of a worthwhile piece of clean air legislation.

Mr. Speaker, today Congressman NORM LENT, the ranking minority member of the Committee on Energy and Commerce, over 140 of our colleagues and I introduced H.R. 3030, the President's Clean Air Act amendments. I am pleased to see such bipartisan support for the first comprehensive Clean Air Act proposal from any President since 1977, and the only comprehensive proposal in this Congress. With the President's personal support and leadership, a new law can be enacted in the 101st Congress.

The House and our committee is ready to act. Yesterday, subcommittee Chairman

HENRY WAXMAN met with his subcommittee and indicated that markup will begin in mid-September. Also, I understand that the chairman of the Subcommittee on Energy and Power, PHIL SHARP, who shares jurisdiction over portions of the legislation plans to begin hearings in September. I appreciate the efforts of both for their expeditious approach to legislating revisions to the Clean Air Act.

Mr. Speaker, even before the Presidential elections last year, I urged that the new President send to Congress a comprehensive Clean Air Act proposal. I was delighted last February that President Bush announced his intention to do so. Last Friday the President submitted to Congress comprehensive amendments. I applaud him for taking this bold action. Although neither the environmental community nor industry is completely pleased with the bill, it is the best vehicle available to achieve the momentum necessary for bipartisan clean air legislation in the 100th Congress.

The proposal, as Environmental Protection Agency [EPA] Administrator Reilly noted at subcommittee hearings earlier this week, draws in part upon a number of individual Clean Air Act bills introduced by our colleagues, including the Group of Nine, Congressmen WAXMAN, COOPER, SIKORSKI, LELAND, and me. The proposal seeks to establish a middle ground. It recognizes that resolving this controversy, which tends to divide us along the competing regional interests inherent in the membership of this body, requires compromise.

As I have noted, some in industry and the environmental community have criticized particular features of the proposal, but none have opposed it entirely. Given the scope of the bill, such criticism must be expected. It is a tough bill. It is an environmental bill. Most importantly, it will improve air quality, while recognizing that economic growth and the obvious job benefits from such growth must continue.

The bill would:

Control sulfur dioxide and nitrogen oxide emissions—the precursors to acid rain—from more than 100 powerplants in 20 States, and would establish regulatory incentives for clean coal technology;

Rewrite the present health-based air toxics provisions of law that have resulted in regulating only seven hazardous substances since 1970; replace those requirements with technology-based standard setting for source categories of more than 180 listed toxics—such as asbestos, benzene, phosgene, toluene, vinyl chloride, coke oven emissions and xylenes—as proposed in separate bills introduced by Congressmen LELAND, MOLINARI, and me; and in a separate amendment, call for an 18-month study and subsequent regulation of mobile source related toxics;

Establish new deadlines and requirements for ozone, carbon monoxide, and fine particulate nonattainment areas, including immediate controls and annual percentage reductions; establish new provisions for the transport of ozone; and establish requirements for capturing gasoline vapors in refueling;

Rewrite the provisions of current law designating nonattainment areas and the development and approval of State implementation

plans; and establish provisions for controlling emissions from consumer products;

Establish a new permit program—consistent with State implementation plans—to be administered by the States and provide for fees in accordance with State law to be paid by stationary source permittees to cover the costs of the permit program;

Establish a new clean alternative fuels program affecting both the motor vehicle and fuel industries in a way that does not favor any fuel but covers methanol, ethanol, natural gas, propane, electricity, and reformulated gasoline;

Establish new enforcement provisions, including civil and criminal penalties; and

Establish new mandatory tailpipe standards for emissions of hydrocarbons and oxides of nitrogen from cars; establish hydrocarbon and carbon monoxide standards for light duty trucks; establish new requirements for CO emissions at cold temperatures; require control of evaporative emissions; provide for emission control diagnostic systems; set sulfur content of diesel fuel; tighten fuel volatility; and establish new controls for nonroad engines and vehicles.

These are all new authorities or improvements not now a part of the law. They strengthen the law considerably. Indeed, some would say too much.

Mr. Speaker, despite my sponsorship of the President's bill, I want to make it clear that I have reservations about some few provisions. I will want to examine these and, working with the administration and my colleagues, may seek changes.

In the case of acid rain I have three principal concerns.

First, I am concerned about the effects of the so-called cap on growth after the year 2000, and on the possibility that the cap could favor use of fuels other than coal, including low sulfur coal. The President's outline called for reductions of 10 million tons in SO₂ emissions, using a 1980 baseline, and an emission rate of 1.2 pounds per million Btu's in phase two at specified units. The 10-million-ton criterion has been met, but have the other criteria been achieved? I am uncertain. We must learn more and examine the issue carefully.

I must add that when many Members joined me as cosponsors, they expressed grave misgivings about this cap and its impact. I assured them that I would work with them on this matter and with many others who specifically told me they could not cosponsor the bill primarily because of the cap.

The second concern relates to the potential job impact of the acid rain provisions.

When the President outlined his proposal in June, Senator MITCHELL said it could result in the loss of 20,000 to 50,000 coal mine related jobs. Analysis by EPA indicates, in a worst case scenario, possible direct job losses in high sulfur coal mining areas to be between 8,000 and 14,000 jobs in phase 1 and possibly a total of 10,000 to 18,000 jobs by the end of phase 2. Reportedly, additional jobs lost in the mining communities could double or triple those figures. I point out that a similar job loss was estimated in June 1986 by the Congressional Budget Office in the case of the Sikorski bill of that time which is now H.R. 1470.

That result, if true, is unacceptable to me. As a Democrat and longtime friend of the worker, I would have to support efforts to prevent or mitigate such losses.

At the recent hearings, Administrator Reilly contended that there will be no net loss in mining jobs, because of new jobs created in low sulfur coal States. That may be welcome news for the low sulfur coal miners, but it is hardly welcome news for high sulfur coal miners. Indeed, it would be devastating for them. No one should benefit from the misery of others in enacting a Federal environmental law, and unemployment is the ultimate misery, for both the worker and for his family.

I note that last week Congressman TERRY BRUCE introduced H.R. 2909, which seeks to address this important job issue. It provides for cost sharing to mitigate job loss and to ensure that powerplants and ratepayers in the Midwest and elsewhere are not asked to do more than their fair share for the environment. It is a sound approach and I have indicated sympathy and support for reasonable cost sharing for these limited objectives. Both ideas deserve consideration in our committee. I know Chairman SHARP wants to address them and I will work with him, Congressman BRUCE and others on a bipartisan basis.

The third relates to the apparent application of the proposal in both phases to Michigan, a leader in sulfur dioxide reductions since the mid-1970's. The bill apparently fails in phase 1 to give credit to those reductions. Indeed, as I understand the President's factsheet of June 12, the baseline was 1980. Even that baseline inadequately recognized Michigan's achievements before 1980. Yet there is no recognition of even that limited baseline in the President's bill. Instead the baseline begins in 1985, long after Michigan started its reductions.

I want to learn why Michigan has been asked to achieve even more when other States have not even started.

I also want to know if phase 1 plants are also required by the proposal to do more in phase 2.

ENERGY POLICY

This proposal, as well as other bills pending in the committee, clearly affect energy development, use, and demand. The controls are significant. Yet there is little or no role for the Department of Energy. All of the responsibility falls on the Environmental Protection Agency [EPA], which has no energy expertise or mandate. I think it important that we understand these energy consequences and examine where DOE's expertise might be beneficial.

I understand that Congressman SHARP's subcommittee will address the energy issues.

MOBILE SOURCES

The President's mobile source provisions are more stringent than H.R. 99, the bill sponsored by my colleagues of the Group of Nine. The tailpipe standards for cars are the same at certification. The President's proposal goes farther, however, by applying these standards for in-use vehicles and by applying both standards 2 years earlier than provided in H.R. 99. Moreover, the proposal includes tighter standards for all light duty trucks, even those above 6,000 pounds gross vehicle

weight which are used primarily for commercial purposes.

These provisions in total are more stringent than anything actually proposed in California. It also includes a number of other provisions, including a tougher cold start requirement.

The President has targeted new cars and light-duty trucks for more stringent controls effective in the mid-1990's to help in ozone nonattainment areas. But new car and truck standards are not sufficient to avoid controls on smaller stationary sources. As the Office of Technology Assessment [OTA] reported just a few days ago, this "source category effectively offsets much of the emissions reductions realized from highway vehicles." OTA adds:

We project that the current motor vehicle control program will continue to lower highway vehicle emissions to about 30 percent below 1985 levels by 1999 and then emissions will begin to rise again. Without tighter standards or limits on vehicle use, gains from replacement of older vehicles by newer, cleaner ones will outpace emission increases due to increased vehicle use by the mid to late 1990's in most nonattainment areas.

In contrast, stationary source emissions in nonattainment areas are forecast to increase steadily, showing a 10-percent increase by 1994 and about a 20-percent increase by 2004, over 1985 levels. Growth in emissions from small stationary sources (i.e., those emitting less than 50 tons of VOC per year) is the primary contributor to this increase.

Under the current act, in nonattainment areas, new stationary sources emitting more than 100 tons per year or modified stationary sources emitting more than 40 tons per year must install controls that achieve the "lowest achievable emission rate" [LAER] for VOC. Moreover, emission increases must be offset by emission reductions elsewhere in the nonattainment area. However, about 14 percent of stationary source VOC emissions originate from sources larger than 100 tons per year. Somewhere in the range of 55 to 80 percent of stationary source emissions originate from sources smaller than 25 tons per year. Thus, while the stationary source requirements of the current act limit growth to some degree, a large majority of emissions are not affected by these regulations.

The President's bill provides those new tighter standards or limits on new vehicles. If there is a valid criticism, it is that smaller stationary sources may still not be affected adequately by the bill or in a manner similar to H.R. 99. The committee and the House will certainly examine that criticism thoroughly in the weeks to come.

I might add that there has been some criticism that the bill does not address onboard controls which is the subject of a rulemaking at EPA. The reason, I believe, is obvious. EPA already has authority to impose such controls, but has not done so because of serious safety concerns. That concern was reconfirmed only last month in a June 1989 study by Arthur D. Little, Inc., which was requested by Secretary Skinner and the National Highway Traffic Safety Administration. The report states:

Based on this review of currently available information, ADL believes that there is adequate evidence to conclude there are indeed potential safety risks associated with onboard systems. These systems are at too

early a stage of development to adequately and completely assess risks, which can only be fully addressed after a more comprehensive development and testing program. An EPA sponsored risk assessment has a number of faults related to application of methodology and to assumptions involving present and future vehicle configurations and potential ignition sources which may have significantly altered the results. Only after a representative and functional onboard system or set of systems is developed can a meaningful risk assessment be done.

Any development and testing program should be conducted in cooperation between NHTSA and EPA. These efforts should be conducted on vehicles which are representative of the vehicle fleet to which the proposed rulemaking would apply. Tests which simulate vehicle operation under extreme conditions, such as fueling and driveability at high ambient temperatures, and the impact on vehicle exhaust temperatures, must be included to address the most significant concerns of NHTSA.

Existing evaporative emission control systems have become more complex from the time of their introduction in 1971. Similarly, since EPA proposed its simple system, it has made its proposed system increasingly complex as demonstrated by the system installed on its prototype vehicle. ADL feels that EPA's simple system may be found to require considerably more equipment to function safely on the average vehicle and that this has not been factored into EPA's overall analysis. Much of this increased complexity may in fact be necessary to mitigate potential risks.

Even if safe and effective onboard systems can be developed, each new vehicle model will present a new opportunity for design or manufacturing complications and/or errors which could have safety implications. Since cost is an important factor in deciding the viability and desirability of onboard systems, an updated and realistic cost/benefit analysis should be performed.

Should onboard systems be mandated, there are no comprehensive systems in place to assure that these systems will remain effective as vehicles age. Further, there is clear evidence from data on existing evaporative emissions controls that a significant percentage of vehicles may have ineffective systems (via deterioration or tampering) before the end of the vehicles' useful life. If onboard systems result in driveability problems, the incentive to tamper with these systems will increase. These issues will require careful study since onboard systems must be capable of handling far greater volumes of gasoline vapors than the existing evaporative system.

Some controversy has occurred over a provision in the President's bill directing EPA to issue new regulations permitting averaging. I do not know the origin for this provision or the reason for the controversy because averaging is not new in the law. It is authorized and used today under the act in the case of heavy trucks, but with many restrictions and apparently could be used for other vehicles. I want to examine the matter carefully.

These new mobile source provisions, coupled with the new and untried alternative fuels program, imposed over the next 5 or 6 years, could have devastating effects on the auto industry and its workers. I should add that right now the National Highway Traffic Safety Administration [NHTSA] is developing several auto and light truck safety rules for implemen-

tation during this same period. Also, some seek to impose more fuel economy requirements. Overall, the demand on the industry's engineering resources will be enormous. Quality and performance, which are vital to selling vehicles, could suffer greatly.

Emission control is not now an option on new vehicles. It is standard. Nevertheless, the motor vehicle industry must, like all industries, do its fair share in this new legislative round. But new motor vehicles are not the real problem. The auto industry should not be asked to do more so that others may go uncontrolled. As the Group of Nine has observed, all must make a sacrifice. The auto industry would certainly do its share under the President's proposal. Those who want more are engaged in "Detroit bashing," not in equity or fairness.

I have indicated support for efforts by the auto aftermarket industry to limit the statutory warranty application of the act to various auto parts. Indeed, I introduced H.R. 2950 along with 13 cosponsors to address this concern, as well as a concern about tampering and inspection and maintenance. That bill is supported by the aftermarket industry. I understand that Mr. WAXMAN has a similar amendment for H.R. 3233. The President's bill may be inconsistent with my bill and I will want to consider a change.

DEADLINES

OTA, in the case of ozone nonattainment, said that with known technology and an aggressive effort, possibly two-thirds of the nonattainment areas will achieve clean air over the next decade. However, many areas will not be so successful.

The President's bill generally recognizes this dilemma and tries to provide realistic deadlines with the exception of marginal and moderate areas where the deadlines for both are the same—December 31, 1995—but the requirements are not. Yet their pollution problems differ. A moderate area must do planning and achieve a 15-percent reduction in emissions while getting no credit for several significant emission control programs. I question this deadline, particularly in light of the SIP-inventories requirements.

In the case of enforcement, I observe that there are many new provisions that apparently seek to reverse some court decisions, limit judicial review, provide presumptions in EPA's favor, expand criminal and civil penalties, and make a number of other changes. Some reportedly will make the Clean Air Act similar to other environmental laws. Some are needed improvements. Some provisions, however, give me concern.

One, for example, would allow EPA contractors to conduct investigations, inspect sensitive financial records, and otherwise conduct enforcement. Reportedly, EPA wants this authority because it lacks funds and personnel ceilings to use Federal employees.

This committee has long believed that EPA is overrun by contractors. I note that the Senate Committee on Governmental Affairs under Senator PRYOR has taken a similar view. Using "beltway bandits" to conduct Federal enforcement and investigation activities because of budget constraints is in my view very wrong. They have obvious conflicts and their loyalty is not to the public. Enforcement

is a Federal function, not a contractor's responsibility. I do not know that EPA has, in fact, sought adequate enforcement resources or that such a request has been rejected.

The President's bill, according to EPA, generally leaves untouched the provisions of the act which deal with prevention of significant deterioration [PSD] and visibility protection. However, EPA says that there are some exceptions.

My colleague, Congressman RON WYDEN, is skeptical and wonders why even these changes are needed or wise. I want to hear his concerns and work with him.

Mr. Speaker, these are some of my concerns. As Administrator Reilly indicates, the President's proposal is not "locked in stone." Improvements are possible. However, I am sure that the President will not look with favor at wholesale changes. Fine tuning, to make the bill as workable and reasonable as possible for the benefit of air quality while ensuring that our economy will continue to grow and be competitive and that job loss or job shifts will no longer be the norm, but the exception, will be possible.

In closing, I commend the President for his leadership in submitting this comprehensive proposal. As I said, it should provide the needed momentum to pass effective clean air legislation this year. That is my objective. It is a good bill. It is sound. It is tough.

I urge my colleagues to cosponsor the President's bill with NORM LENT and myself and join us in supporting it.

H.R. 3030, THE CLEAN AIR ACT AMENDMENTS OF 1989

The CHAIRMAN pro tempore. Under a previous order of the House, the gentleman from New York [Mr. LENT] is recognized for 5 minutes.

Mr. LENT. Mr. Speaker, today I am proud to introduce along with my distinguished colleague, the chairman of the Energy and Commerce Committee, H.R. 3030, President Bush's Clean Air Act Amendments of 1989.

The President's bill demonstrates a strong commitment to cleaning the air we breathe. It achieves more reductions than any acid rain bill introduced to date, and attains 94 percent of the reductions achieved by the most stringent nonattainment bill already introduced. It adds \$19 billion per year in new pollution control costs, a 50 percent increase in what the Nation already spends on clean air, and represents the best opportunity to break the 12-year logjam of rigidity and stubbornness that has prevented the enactment of any clean air proposal.

For the past 12 years, we've listened to the professional environmentalists, and for 12 years our air quality has deteriorated drastically for the simple reason that we could not reach agreement. An inability to compromise has left us without any clean air legislation, and we have all suffered from the obstinance of those who demand their program in its entirety to the exclusion of all else.

Senator GEORGE MITCHELL, perhaps the leading advocate of strong environmental legislation, last year criticized the environmental lobby for being "rigid and unyielding, wholly unwilling to compromise, even when faced with the certainty that their rigidity would result in no action this year." The professional environmentalists are employing the same tactics this year. The result of this attitude, said Senator MITCHELL, would be that the "health of more American children will suffer, more lakes will die, more forests will wither."

We have a clear choice before us. We can continue with the uncompromising ways of the past that produce no legislation, or we can support the President's attempt to move this debate forward and ensure that air pollution is not the only legacy that we leave to future generations.

I would like to include for the RECORD at this point highlights and a brief summary of the bill.

H.R. 3030, THE CLEAN AIR ACT AMENDMENTS OF 1989

HIGHLIGHTS

Acid Rain

The bill will achieve a true 10 million ton reduction in annual sulfur dioxide emissions from 1980 levels by the year 2000. By requiring new sources of pollution in future years to be offset by reductions from existing sources, the bill ensures that this 10 million ton reduction is permanent.

The bill contains one to two million tons more SO₂ reductions than the leading competing legislation in the House.

The bill contains a workable and innovative trading system, so that utilities can use market mechanisms to seek the most cost-effective reductions.

Nonattainment

Through a series of cost effective controls on sources of urban ozone, the bill would bring the overwhelming majority of American cities into attainment with the health-based ozone standard by the year 2000.

The cities with the most serious ozone problems would be required to reduce ozone-causing emissions by 3 percent per year to ensure that steady progress is made toward meeting the nation's clean air standards.

The bill contains tougher standards for hydrocarbons, nitrogen oxides, and carbon monoxide from automobile tailpipes. It also contains provisions to reduce evaporative emissions from running losses, tailpipe emissions from light duty trucks, emissions which occur during refueling, and pollution from urban buses.

The clean fuels program will bring clean burning alternative fuels and clean-fueled vehicles into the market, thus reducing smog-producing and toxic air emissions in America's most polluted cities and providing a longer-term reconciliation between the automobile and the environment.

Air toxics

The bill puts forth a set schedule by which regulations to reduce public health risk from emissions of airborne toxic chemicals will be promulgated.

The regulations will be set on the basis of "Maximum Achievable Control Technology" (MACT), a concept contained in several pending pieces of Congressional legislation,

which would require existing sources of air toxics to achieve the same emissions standards as those achieved by the best performing plants now operating. New sources would be subject to an even tougher standard, matching that set by the best performing source.

Enforcement

The bill contains tough new penalties for those who violate our clean air laws.

H.R. 3030, THE CLEAN AIR ACT AMENDMENTS OF 1989

SUMMARY

The bill would guarantee by the year 2000, a permanent reduction of 10 million tons in sulfur dioxide from 1980 levels; would sharply reduce pollutants that contribute to urban ozone and would establish a set schedule for regulation of toxic air emissions using the Maximum Achievable Control Technology (MACT).

The bill would also establish a system of marketable permits to allow acid rain reductions to be achieved in the least costly manner. It would also stiffen penalties for those who violate our clean air laws.

The bill allows for both environmental protection and economic growth, two long-standing concerns often considered at odds with each other. By incorporating both concerns, the bill seeks to break the gridlock which has characterized the debate on clean air for the past several years.

The bill has seven titles.

Title I: Nonattainment with standards for ozone, carbon monoxide, and particulate matter

Title I of the Clean Air Act Amendments of 1989 addresses the particular air pollution problems that have been most difficult to solve in recent years (i.e., urban smog, carbon monoxide, and particulate matter), as well as basic structural problems in the current Clean Air Act. The title would replace the current structure in the Act with an updated approach that will address all current and future efforts to attain national ambient air quality standards (NAAQS).

Title I would establish a set of general requirements that would apply to the air quality plans for all areas of the country. It sets forth a process for areas to be designated as "attainment" or "nonattainment" for a pollutant. Title I contains various requirements that would apply specifically to areas designated non-attainment for the six pollutants for which EPA has already set NAAQS: ozone, carbon monoxide, particulate matter, lead, sulfur oxides, and nitrogen dioxide.

For ozone nonattainment areas, one of the major focuses of the current Clean Air Act debate, the title proposes attainment deadlines of 1995, 2000, or 2010 depending on the severity of the problem. Virtually all American cities would be required to come into attainment by the year 2000. As part of the effort to reduce emissions of volatile organic compounds in the most serious ozone non-attainment areas, the bill would require those areas to reduce those emissions by three percent per year beginning with the year of enactment. This requirement will ensure that steady progress toward attainment is achieved. In addition, this bill requires EPA to issue guidelines on control technology applicable to seven types of industrial facilities, which States will then use to develop emission control requirements for those facilities. The bill also calls upon EPA to study means of controlling emis-

sions from consumer and commercial solvents and, based on the results of the study, to issue regulations as appropriate. Each of these provisions will give the States a major role in achieving the emission reductions needed to bring clean air to our cities.

Depending on the severity of the problem, Title I would require carbon monoxide non-attainment areas to reach attainment by 1995 or 2000. Particulate matter nonattainment areas would generally be required to attain that standard by 1994 or 2001. Title I also contains a series of tough sanctions for areas that fail to comply with the requirements of the Act.

Title II: Mobile sources

Title II contains provisions relating to mobile sources. The provisions in this title would establish programs for the use of vehicles operated on clean alternative fuels. The clean fuels program proposes innovative and far-reaching changes. It is designed to provide a long-term reconciliation of the environment and automobile so that Americans can continue to enjoy economic growth, freedom in using their motor vehicles, and clean air. Perhaps more importantly, it will lead to dramatic reductions in mobile source air toxic emissions.

The bill proposes that a portion of the motor vehicle fleet in the most serious non-attainment cities be comprised of new vehicles that operate on clean burning fuels. This could include methanol, ethanol, natural gas, electricity, propane, reformulated gasoline or any comparable low emission fuel. In the nine major urban areas where current data show the greatest concentrations of ozone, the plan calls for the phased-in introduction of alternative fuels, and clean-fueled vehicles sales according to the following schedule: 500,000 vehicles in 1995; 750,000 vehicles in 1996; and 1,000,000 vehicles each year from 1997 through 2004.

The major metropolitan areas affected by the plan are: Los Angeles, Houston, New York City, Milwaukee, Baltimore, Philadelphia, Greater Connecticut, San Diego, and Chicago. If these areas are able to demonstrate that they can achieve equivalent reductions in pollution through other measures, the plan would allow them to "opt out" of the clean-fueled vehicle and alternative fuels program. The plan would also allow other cities to be included in the program at the State's request.

The bill would also require that new urban buses in cities with populations of over one million operate exclusively on clean fuels. This requirement will be phased in from 1991 to 1994.

The title includes several specific provisions affecting mobile sources, including:

New cold temperature carbon monoxide emissions standards (10 gram per mile for vehicles tested at 20 degrees Fahrenheit) for cars and trucks.

New regulations to reduce evaporative emissions from running losses.

A tighter NO_x tailpipe standard for automobiles (a reduction from 1.0 gpm to 0.7 gpm).

Authority to require that cars and trucks include emission control diagnostics systems to alert vehicle owners to the need for repairs of emission control systems.

A requirement that the Administrator of EPA issue regulations to reduce fuel volatility to 9.0 pounds per square inch Reid Vapor Pressure (RVP), with the authority to require a stricter standard in certain areas as needed to achieve the same emission reductions by 1992.

A reduction in the sulfur content of diesel fuels used by heavy-duty vehicles.

A requirement that the Administrator issue a rule to allow automakers to engage in "emissions trading" and fuel refiners to engage in "fuel pooling", thus giving these companies the flexibility to meet set emissions standards through the most efficient combination of control measures.

This title of the bill also contains a number of provisions to increase penalties for violators of clean air laws.

The alternative fuels program proposed in these amendments, combined with other motor vehicle and fuel measures in the bill, is expected to shrink the contribution of vehicles to the ozone problem from the current 40 percent to ten percent. This represents not only an alternative to some of the more disruptive driving controls currently being considered by some States, but also a bold and innovative means of reconciling continued use of the automobile by a growing society with the need for cleaner air.

Title III: Air toxics

This title sets forth both a schedule and a means for regulating the emission of hazardous air emissions from stationary sources.

The title sets forth a list of chemicals and chemical categories to be controlled, most of them contained on the SARA Title III Toxic Release Inventory.

In the first phase, the bill gives the Administrator of EPA the authority to issue regulations which would require the maximum achievable degree of reductions in emissions by major sources.

The MACT is defined for new sources as the best emissions control achieved in practice by a similar source. For existing sources, MACT would be at least as stringent as emissions control achieved by the best performing similar sources. This definition is nearly identical to that contained in H.R. 4, the leading proposal currently pending in Congress. It should be noted that this definition of MACT is designed to be at least as stringent as the definition of a competing term of art, "Best Available Control Technology" (BACT).

The title sets forth a schedule for regulating sources of toxic air emissions so as to ensure progress. The bill requires regulation of initially listed sources on the following schedule:

10 categories within two years;
25 percent of the categories within four years;

50 percent of the categories within seven years; and

all remaining categories designated as needed by the Administrator within 10 years of enactment.

The bill requires the regulations issued by EPA to focus on those sources that pose the greatest threat to public health first.

The bill also provides for a second phase of air toxics regulation to address any residual risk that remains after the application of MACT. Seven years after issuance of MACT, the Administrator of EPA will evaluate the risks to public health which remain after applying the MACT standard. If the Administrator finds that the residual risk from a given source poses an "unreasonable risk" to public health, he then must promulgate a standard within two years to control further that source.

Title IV: Permits

Title IV of the Clean Air Act Amendments of 1989 would build in existing State or interstate air pollution control agencies'

programs by requiring those agencies to submit to the Administrator of EPA comprehensive programs for permitting stationary sources. This comprehensive program is patterned generally after the permitting program that now applies to point sources of water pollution under the Clean Water Act.

The title would require EPA to issue regulations governing permit programs, which would include requirements for adequate State authority and for the collection of reasonable permit fees. Each State would be required to submit a permit program to the Administrator not later than three years after enactment.

Title V: Acid rain

This title contains provisions to achieve a 10 million ton reduction in sulfur dioxide emissions by the year 2000 from 1980 levels. Nine million tons of this reduction would be required of electric utilities; while one million tons would come from non-utility sources. Most models suggest that the one million tons from non-utility sources has already been achieved since 1980, and virtually all competing pieces of legislation take credit for this reduction.

In the first phase, fossil fuel electric generating stations of over 100 megawatts are required to limit their emissions after 1995 to 2.5 lbs. per million Btu. They would receive a number of emission allowances which would be fully tradable within a State and within a utility system in the first phase.

In the second phase, all electric generating units larger than 75 megawatts with emission rates greater than 1.2 lbs./MBtu would receive a number of permits equal to 1.2 lbs. per million Btu times their average annual consumption from 1985 to 1987.

Clean plants, which had emission rates lower than 1.2 lbs./MBtu, would be required to stay at their low emission rates, but would be allowed to increase their fuel consumption (and therefore operating capacity). This provision allows growth among cleaner plants.

Companies which seek to build new "greenfield" plants would be required to trade for offsetting emission allowances to build these plants, in addition to meeting normal NSPS requirements. They would be able to purchase these offsets from utility plants in any region of the country which shut down, whose control actions earn them excess credits, or from industrial plants which elect to reduce SO₂ (or NO_x) and earn credits for doing so. By requiring these offsets, the bill ensures that the 10 million ton reduction called for in the bill is permanent.

In the second phase, the emission allowances granted to any class of plants would be fully tradable across State lines.

The bill contains a series of provisions designed to allow the introduction of Clean Coal Technology (CCT), in which the Administration has proposed a major investment. Plants which are repowered using clean coal technology would receive emission allowances which allow them to expand their capacity beyond current operations while still providing for cleaner air. The bill calls for a three-year extension of the deadlines in Phase II (to 2003) for plants that adopt clean coal technologies, and proposes a series of incentives designed to smooth the introduction of clean coal technologies into the marketplace.

Title VI: Enforcement

Title VI would enhance and clarify EPA's enforcement authorities under the Act. The

bill would expand enforcement under the Act to give EPA authority to assess penalty actions in appropriate cases (with penalties up to \$200,000, or higher if agreed upon between EPA and the Department of Justice). In addition, the bill would authorize EPA to implement a system of field citations to help deal with minor violations very quickly. Fines ranging up to \$5,000 could be assessed for violations by factories and commercial facilities that EPA inspectors view in the field.

The bill would stiffen criminal sanctions (e.g., longer imprisonment, higher fines, and double sanctions) for international violators of air toxics laws. Additional enforcement provisions relating to mobile sources, including anti-tampering provisions, are contained in Title II.

Title VII: Miscellaneous provisions

Title VII contains a small number of miscellaneous provisions, including a provision establishing a board to investigate major releases of chemicals to the air.

Mr. COOPER. Mr. Speaker, I rise today to express my support for the President's clean air bill. The President's bill gets us moving in the right direction. It is the only bill that attacks the three big clean air problems at once—urban smog, acid rain and air toxics. I'm cosponsoring it as the major vehicle now. I want to lend all of my support to moving it and this important issue to the floor of the House this year.

I want to be clear that I am still committed to the group of nine Energy and Commerce Democrats working to find the middle-ground on clean air legislation. We still believe that our bill, House Resolution 99, is the strongest smog bill for the money, and we think it can get the votes to pass. I urge my colleagues to review our Special Order on July 24, which laid out our collective thoughts on the President's bill. I'll be working with my colleagues in the group of nine to structure amendments to improve the President's bill. Watch for us to emerge with our proposals in the full Energy and Commerce Committee markups.

I'm also committed to the ideas in my own acid rain bill, House Resolution 144, though I've always acknowledged that it was a bill that could be improved. I'm willing to admit that the President's proposal is an improvement over my bill in some respects, but it is also worse in several major respects. I'm glad to see that the administration adopted several of the best ideas in my bill: most importantly, it gives utilities free choice in selecting the cheapest cleanup method by not subsidizing expensive scrubbers. It uses an emissions cap approach, which gives conservation a strong role in cleanup. I'm intrigued by the trading program, which expands on the regional trading program in my bill. And I'm glad to see reasonable tonnage requirements and a clean coal extension, which will ensure that clean coal technologies can play a meaningful role in the final cleanup. This is important in keeping coal markets stable, and it's smart policy on global warming, too.

I've got a few ideas to improve the acid rain title. For starters, I am exploring the possibility of making an "pollution neutral" change in the bill—by that I mean an amendment that would reduce the same amount of pollution overall, but at less cost to ratepayers. My idea is to substitute the emissions cap in my bill for

President Bush's cap, and to add a cap on certain industrial boilers, not including process emitters that are expensive to control. This move would get more cost-effective reductions overall while easing electrical utilities out of doing some less cost-effective cleanup. It would get a solid 10 million ton reduction in sulphur dioxide in the cheapest way I've found.

Mr. Speaker, the real driving force behind my cosponsorship is relief, that we've finally got a President on the side of clean air, and I think it is reason to celebrate and to be encouraged. It is the beginning of the right coalition to get past the political bickering and on toward the goal of seeing that our children will breathe free in the next century.

Mr. MILLER of Washington. Mr. Speaker, President Bush has said that he wants to sign a tough new Clean Air Act on January 1, 1990, to usher in the decade of clean air. He has sent to us a comprehensive clean air proposal. The President's proposal deserves the careful attention of Congress. It provides the broad framework needed to address the three major threats to the quality of our life.

As I fly between Washington, DC, and my district in Washington State, too often my view of the land below is obscured by haze. Too often as I travel around Washington State or Washington, DC, my eyes are attacked by smog. Too often, Mr. Speaker, I worry about the declining quality of the air my son breathes. Too often, Mr. Speaker, my constituents ask why we have not passed a new tough clean air bill.

Today, Mr. Speaker, the President, Democratic and Republican leaders in Congress, leaders of the environmental community and leaders of industry have a rare chance to say this is the time for action. Calls for clean air legislation must be more than hot air from politicians and pundits. Modernization of the Clean Air Act is already 8 years overdue. Let's not make it 9 or 10 or 11. Let's do something now.

Mr. Speaker, our Nation faces three challenges: acid rain, smog and urban air quality, and toxic air pollutants. The first challenge is to reduce emissions of sulfur dioxide and nitrogen oxides, often called NO_x , mostly from the emissions of coal burning powerplants located in the Midwest. When these emissions combine they form acidic compounds and mix with precipitation and return to Earth damaging forests, disrupting wildlife in and around lakes and streams. Acid rain is a significant problem in the Pacific Northwest, it is a major source of tension between States from the Midwest and New England, and it is a needless cause of tension between the United States and Canada. It is a national and an international problem which must be dealt with.

Mr. Speaker, President Bush's proposal will reduce sulfur dioxide by 10 million tons and NO_x by 2 million tons. The goal is close to, but not equal to the recommendations of the National Academy of Sciences which recommended reducing sulfur dioxide by 12 million tons and NO_x by 4 million tons. The President's proposal is a good start, it can and should be strengthened to further reduce the amount of acidic compounds we allow into the atmosphere.

Our second challenge, Mr. Speaker, is smog and urban air quality.

Mr. Speaker, we once joked about smog being found only in Los Angeles. Sadly, Mr. Speaker, 100 urban areas today have smoggy days when the haze blocks our views and causes our eyes to water. The President calls for reducing emissions by 45 percent, requiring all areas except Los Angeles, Houston, and New York to meet new health standards by 2000. The three cities with the worst air pollution get until 2010. Mr. Speaker, the President again is off to a good start, but he could and we should go further. Specifically, the emissions permitted under the President's proposal are less stringent than the standards currently required by the State of California. Unfortunately, the President's proposal does not really amount to tougher standards on up to 85 percent of new cars entering the market. I am disappointed with this part of the proposal.

Mr. Speaker, a better option is H.R. 2323, a bill introduced by Congressmen WAXMAN and LEWIS. This bill provides a useful framework for dealing with the major sources of urban smog. Unless we control both mobile and stationary sources of pollution, no real lasting progress will be made. If we attempt to deal with smog by focusing on one source like cars and trucks, and not on the other, factories, we will have to place unrealistic burdens on one, while letting the other continue to pollute. Let's recognize the need to reduce emissions from both sources.

One major source of urban air pollution which I have been working to reduce is pollution from cars. We need to look toward expanding and improving public transportation. It should be accessible, affordable, efficient, responsive to community needs and minimize the impact on neighborhoods close to transportation corridors. We also need to recognize that some of our pollution problems can be solved by alternative fuels. However hard we work at these alternatives, Mr. Speaker, let's face up to the fact that urban smog will not go away without making tough choices.

Finally, Mr. Speaker, we face a third challenge: toxics. The President, the environmental community, and leaders in Congress all agree that about 191 chemicals and chemical categories need better controls. Some need to be banned, and others much tighter regulations. Unfortunately, only seven chemicals have been regulated by the EPA. The President's proposal again offers an excellent starting point, within the context of a comprehensive solution, for addressing the need to regulate clean air.

In 1987, 2.7 billion pounds of these toxic chemicals were released. Between 1982 and 1987, the EPA reported 11,000 incidents, 309 deaths and over 11,000 injuries from toxic chemical spills. The President proposes that the EPA develop technology-based standards for major pollution sources within the next decade. Then, EPA will impose additional controls where there are unreasonable risks. The ultimate goal of our policy should be to take the next step and have the Federal Government follow the lead of major chemical corporations—like Monsanto—which have removed cancer causing agents from the marketplace.

Mr. Speaker, the President has offered us a complete package. It is not a perfect package. But, Mr. Speaker, the opponents of modernizing our Clean Air Act can't play acid rain against smog against toxic chemicals any more. We've seen this game playing stop the bill again and again these last 8 years. We've seen the skies clouded with haze for too long. We've seen our urban areas clogged with smog. We've seen more and more toxic chemicals released into the air while we have fiddled around. We need a strong new Clean Air Act.

Today, I join in cosponsoring the President's package because I too want to see a new law signed into law in January to usher in the decade of clean air. I am also joining in cosponsoring H.R. 2323, the Clean Air Restoration Act, because the President's proposal is not perfect.

The President has proposed a solid, comprehensive proposal. Our colleagues HENRY WAXMAN and JERRY LEWIS have offered improvements to the solution. Let's get to work. Let's get a bill on the floor of the House. Let's pass an environmentally responsible Clean Air Act this year.

Mr. BOUCHER. Mr. Speaker, I appreciate the opportunity to comment upon the nonattainment provisions in the President's clean air package. I would like to commend President Bush for his diligence in crafting the proposal before Congress.

Last year, the group of nine, a coalition of nine House Democratic members of the Energy and Commerce Committee, joined together in an attempt to bridge the division of interests stalling the clean air debate. At the close of the 100th Congress, the prospect of passing clean air legislation was indeed grim. Just 6 months later and under a new administration, both the executive and legislative branches are gearing up to pass what we hope will be landmark legislation to further our goals.

In January, the group of nine introduced H.R. 99 to address the nonattainment problems of the various localities in the United States. I was pleased to note that the President chose to include in his legislation many of the ideas and provisions contained in H.R. 99. There are numerous sections in the President's nonattainment measure which deserve recognition; however, today I am limiting my remarks to matters concerning the requirement for emission control diagnostic systems and the bill's preemption of State fuel regulations.

I am glad the administration has chosen to require the use of emission control diagnostic systems. New automobiles are already equipped with minicomputers which diagnose car-related problems and alert the driver through various lights on the dashboard. Section 206 would simply require the addition of sensors to the car's internal computer to also monitor emission control equipment in the same way it tracks brake fluid, oil levels, and battery power.

Currently, many automobile drivers are unaware if their emission controls are malfunctioning. A special dashboard light signaling a problem would be helpful to drivers, since early detection could avert costly repairs. Fur-

thermore, the information provided by diagnostic systems would aid repair professionals in service and maintenance operations. On-board diagnostic systems help the driver, the repairman, and the inspector in identifying and correcting auto-related problems in a quick and efficient manner.

The administration's bill also provides for the preemption of State fuel regulations by Federal rules. I question the wisdom of this inclusion, since it could override tight standards already enacted by some State governments.

In view of the many urban areas and cities which have great difficulty in meeting safe ozone and carbon monoxide levels, some States may need the flexibility to decide if tougher standards are required in their areas to meet attainment goals.

The nonattainment sections of the Clean Air Act are extremely important in our battle against urban smog. Many cities are threatened with rising air pollution levels and are unable to address this situation on their own. The administration has taken an important step in helping to address these concerns.

WEAPONS TO THE REBELS IN EL SALVADOR: UNDERSTANDING THE ARMS FLOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, the instability and revolution in Central America remain a major threat to democracy. In Cuba, in Nicaragua, and now in Panama the forces of totalitarianism have taken root and yielded their ugly fruit. Alarming, it is becoming clear that these nations are intent upon exporting their totalitarian revolution to the other nations of the region.

Cuba continues to provide critical military assistance to the totalitarian governments in Nicaragua and Panama. The Cuban assistance to Managua (coupled with a massive infusion of Soviet weaponry) has given the Sandinista regime the most potent military force in Central America. Cuban advisors are highly placed in the Nicaraguan security forces as well as the Nicaraguan intelligence network. In addition, the hundreds of Cuban troops stationed in Managua provide the Sandinista leadership with their own praetorian guard, loyal only to the government and not serving the people of Nicaragua.

Cuban assistance to Panama has provided General Noriega with essential support as he solidifies his already intense stranglehold on that beleaguered nation. The increasing Cuban presence in Panama has stiffened the resolve of General Noriega and his thugs. In short, it has become clear that Cuba will cause mischief wherever it has the opportunity.

Similarly, Nicaragua has become a disturbing source of regional instability. I expect that members of this

body who had hoped the bipartisan accord on Central America would address all American concerns and those of Nicaragua's neighbors regarding Sandinista Nicaragua are destined to be disappointed. For example, Nicaragua opposed the Organization of American States at every step in the OAS' efforts to resolve the Panamanian electoral crisis. They sought to exacerbate the crisis, urging General Noriega on in his lawless behavior. The Sandinista leaders have shown no interest in having the constitutionally elected leaders of Panama take office.

In the case of Panama, the abuses of the Noriega dictatorship are well known by all in this body—possible because General Noriega is less subtle in his brutality. Noriega's dignity battalions have no qualm about clubbing opposition leaders or killing in front of television cameras. Panama has become a country ruled by the gun and by state terror. In addition, it was Panama which led the effort to squelch the long-overdue U.N. investigation of Cuba's human rights abuses. Panama is rapidly abandoning all democratic pretenses—it is becoming aligned with the Western Hemisphere's two Communist totalitarian governments.

It is becoming clear, Mr. Speaker, that Cuba and Nicaragua and General Noriega's Panama are united in their desire to stop the tide of democracy in Latin America. It is also clear that the next target for the export of the Cuban and Nicaragua revolution is El Salvador. In particular, Cuba and Nicaragua are shipping guns and ammunition to the marxist rebels in El Salvador at an unprecedented rate—at twice the rate of previous years. The guerrillas, in turn, have used these weapons to step up their terror campaign and their assassination of government officials and business leaders.

The human rights organization America's Watch, no particular friend of the government of El Salvador, recently confirmed that the majority of the political violence and killings in El Salvador is being perpetrated by the FMLN guerrillas. A now unclassified summary of rebel activity in the last few months includes the following:

February 16, 1989—Noted insurgent defector killed.

March 15, 1989—Presidential palace attacked with mortar fire. Conservative academic killed.

April 14, 1989—Home of the Vice President attacked.

April 19, 1989—Attorney General killed.

May 17, 1989—Home of the President of the legislature attacked.

June 9, 1989—Minister of the presidency killed.

June 26, 1989—Director of the national fire department killed.

June 30, 1989—Prominent conservative spokesman killed.

July 2, 1989—Motorcade containing the President of the Supreme Court ambushed.

This is a litany of death, Mr. Speaker. This body must not turn a blind eye to the FMLN's barbaric behavior.

Some weeks ago a major cache of insurgents' weapons was discovered in El Salvador's capital, San Salvador. The cache—the largest ever uncovered—included some 350 Soviet-made AK-47 assault rifles and over a quarter million rounds of ammunition. Also included in the vast guerrilla arsenal were machine guns, hundreds of antitank rockets, torpedoes, fragmentation grenades, and grenade launchers. In addition, the arsenal held the makings for enough time bombs to cripple the entire country.

Specifically included in this cache are the following weapons:

1. 329 x AKM type 7.62 mm assault rifles.
2. 14 x AK-47 type 7.62 mm assault rifles.
3. 3 x 7.62 mm light machineguns.
4. 10 x RPG / series 40 mm antitank rocket launchers.
5. 90 x PG 7 antitank rockets.
6. 6 x M72A2 Light Antitank Weapon (LAW).
7. 3 x Bangalore torpedoes (improvised).
8. 10 x PGO TV optical sights for the RPG-7 type launchers.
9. 84 x PG 7P antitank rocket booster charges.
10. 30 x RPG 18 63 mm antitank rocket launcher (disposable).
11. 50 x F 1 fragmentation grenades.
12. 88 x Bloc 9 mm pistols.
13. 25 x Colt .45 cal pistols.
14. 1 x Colt 9 mm pistol.
15. 1 x Llama 380 cal pistol.
16. 274,420 rounds of 7.62 mm ammunition (AK assault rifle type).
17. 5,400 rounds of 5.56 mm ammunition (M-16 type).
18. 2,930 rounds of 9 mm ammunition.
19. 1,178 rounds of .380 cal ammunition.
20. 130 rounds of .45 cal ammunition.
21. 49 rounds of .38 cal ammunition.
22. 2,000 commercial electrical blasting caps.
23. 3,000 non electric blasting caps.
24. 892 blocks of TNT.
25. 300 meters of Hercules brand slow fuze (made in Mexico).
26. 197 "rolls" of Flex "X" brand plastic explosive.
27. 16 calculator watches for time bombs.
28. 4 rolls of detonator cord.
29. 150 rifle slings.
30. 249 cleaning kits.
31. 16 belts.
32. 394 Ak-47 type magazines.
33. 184 9 mm pistol magazines.
34. 65 .45 cal pistol magazines.

The size and composition of this arsenal tells us a number of things, Mr. Speaker. First, it tells us that Cuba and Nicaragua have accelerated their timetable for exporting revolution in Central America. Perhaps this is because Nicaragua no longer fears the Contras and now feels free to export revolution more actively. Perhaps it is a result of Cuba now expecting to have added resources at its disposal—a result of its gradual, promised disengagement from Angola. Regardless of the reason, Mr. Speaker, it is undeniable that Cuba and Nicaragua are actively exporting revolution. Havana

and Managua are continuing to underwrite the carnage in El Salvador by serving as the critical logistics base and supply line for the insurgent Marxist forces.

The capture of the guerrilla arsenal raises the question of whether the Soviet Union, which has avowed its desire to stop weapons shipments to Central America, is sincere in its peace initiative. The weapons were, after all, in the main, made in the U.S.S.R. Perhaps the Cubans and Nicaraguans have been acting independently in shipping weapons to the FMLN. Or have the Soviets endorsed the guerrilla resupply efforts? We don't know what the extent of Soviet involvement, directly or through proxies, should tell us much about the legitimacy of Soviet peace overtures worldwide.

Mr. Speaker, this Member has actively worked to promote democracy in Central America. Recently, for example, this Member has joined with a number of others in this body in a bipartisan effort to urge the Government of El Salvador to negotiate with the FMLN guerrillas. However, we cannot be naive. But so long as Cuba and Nicaragua are pumping weapons and munitions into El Salvador, we cannot realistically expect a peaceful settlement to this guerrilla war and terrorism.

Mr. Speaker, the fact that this cache of weapons was discovered by the police force reflects favorably on the increased effectiveness and professionalism of El Salvador's still admittedly new and inadequate law enforcement agencies. This body already can share at least some initial satisfaction in this measure of success because of U.S. law enforcement education efforts to the governments of Central American nations. Were it not for a better-trained police force, the weapons in this cache might well be in the hands of the guerrillas.

Mr. Speaker, this body should not be selective in its expressions of outrage about the violence and politically motivated murders in El Salvador. Unacceptable behavior is unacceptable behavior, regardless of the perpetrators. And, the behavior of Cuba and Nicaragua is unacceptable. It is heavy-handed totalitarianism at its worst—and it directly threatens both democracy in Central America and U.S. vital interests in the region. This body must voice its outrage at this Cuban/Nicaraguan cabal—a cabal that threatens the peace and stability of the entire region.

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THE 36TH ANNIVERSARY OF THE KOREAN WAR CEASE-FIRE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN of California. Mr. Speaker, during our arduous discussion and then vote today on the defense authorization bill, I was surprised that no one had brought up that today is an anniversary in American history that passes without much notice. Thirty-six years ago today, three dozen years, a long time, the Korean war was brought to a cease-fire, not an armistice like World War I or World War II, but a cease-fire, and that delicate cease-fire has maintained over 36 years.

It is maintained because American military power and presence, the Second Army Division and supporting units and an Air Force wing, two Air Force wings, have remained on the southern half of that small peninsula of Korea.

As I was preparing to come out here, I heard on the evening news that this goes down as another fascinating day in American history, not the end of our first nonwin war, although it was a stalemate that enables half of Korea to remain free, develop a dynamic, growing economy, sell Hyundai automobiles in this Nation of ours and in Canada and even in Europe and to host the 1988 Olympic Games, and I guess a stalemate is better than a total no-win as we suffered, the people of the free world, in the southern part of Vietnam, another Asian country.

But what I heard on the TV tonight is that we have passed a milestone, a tragic health milestone in this country, that 100,000 Americans are officially infected with the AIDS disease and, of course, more than 50 percent have already died, 58,000 Americans who have died of AIDS.

In Korea, and this is not a figure I have to look up or ever memorize, I have had it memorized all of my adult life, we lost, in addition to several hundred thousand men wounded, some of them in wheelchairs the rest of their lives, but killed in action, not for their own country specifically but for the freedom of half of Korea which is dying for the freedom of the whole world and this country's principles, we lost in Korea 33,629 Americans, a terrible figure, better than having 57,158 names on that wall, one name still a POW, and we believe, many of us, that there are far more POW's in Vietnam, but 33,629 killed in action in Korea, and 57,158 dead in Vietnam, of which over 47,000 died in combat, and now we have 58,000 dead of AIDS, and the other 42,000 will all die.

We then have the retired Surgeon General Koop admitting that that figure is probably 10 or 20 percent low. In other words, the figure may be way over 75,000 dead, and we may already have had 120,000 or 130,000 cases of AIDS.

The people who died of AIDS did not die fighting for their country.

Some were totally innocent victims, children barely born into the world, other children who picked it up through a blood transfer, innocent people like a friend of mine suffering from it, a great Californian who changed the tax processes of this country, Paul Gann, got infected through a blood transplant when he was getting heart surgery. There are lots of innocent people, but some people got it tragically because of a lifestyle that is called a high-risk lifestyle, have brought the figure up now to the figure of the last two major wars the United States has been involved in.

Back to Korea, there is a dinner tonight, and Bob Hope is back in Washington, truly one of the better, more courageous Americans, a naturalized citizen, whose real name was Leslie Townes, born in London, England.

This great, great American is across the river in the Sheraton Hotel in Arlington celebrating with all of the Korean veterans who could get there the cease-fire that was achieved 36 years ago.

To all of my Korean vets, because I joined as a teenager in October 1952, and was finally inducted in January 1953, the long wait because so many people were trying to get on active duty. I passed my pilot training test March 13, 1953, still a teenager, and then began a 4½-month wait to go to pilot training.

I was at Williams Air Force Base when the war ended, and this is the way of young people: I felt that I had been deprived of something, and then maturity took over. I dreamed of glory flying F-86 Sabrejets over the Yalu River. I eventually did fly F-86's in a peacetime Air Force, but a little voice told me that whenever a war ends a mother, my mother especially, was relieved, and my father was relieved. He had won three wound chevrons, now called Purple Hearts, in World War I.

I knew I was never going to be called on hopefully to kill another mother's son. I had a problem with one Member of this House whose wicked ways caught up with him, TONY COELHO, who came into my district and called my a coward because somehow or other I could not arrange it for the war to last longer for me to satisfy a youthful urge.

But I served and served well for 6 years in peacetime. I am glad that war ended. I am glad the Vietnam war is over, although I wish peace had prevailed.

I hope that nobody alive today or any mother has to see their son kill another man's or woman's son even in the name of freedom, but that is not the way of the world.

I respect those Korean vets who gave their lives and those who still suffer their wounds.

OUTER CONTINENTAL SHELF CONSERVATION COOPERATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Louisiana [Mrs. Boggs], is recognized for 10 minutes.

Mrs. BOGGS. Mr. Speaker, today I am joined by my colleagues in the Louisiana delegation—Messrs. HUCKABY, LIVINGSTON, TAUZIN, BAKER, HAYES, HOLLOWAY, and MCCRERY—in introducing the Outer Continental Shelf Conservation Cooperation Act of 1989. This legislation is identical to legislation introduced by Senators JOHNSTON and BREAU (S. 1373) on July 20.

I am a strong supporter of our Nation's development of the oil and gas resources that underlie the Outer Continental Shelf of our Nation. The development of these resources has been critical to the economic well-being and national security of our Nation since the Second World War. In an era of rising oil imports, with the attendant risks of tanker spills, of which we have become all too familiar, and the adverse impacts on our balance of trade, the development of our own resources on the OCS remains increasingly important to our Nation today.

However, the development to our OCS oil and gas resources must proceed in an orderly and environmentally sound manner. We Louisianians, as the host State to the greatest amount of OCS development to date, are particularly sensitive to this need. To that end, we long ago adopted modern conservation laws that assure that a minimum number of wells are drilled on the State portion of the OCS to drain the oil or gas resources in question. We strongly support the provisions of Federal law that assures that modern conservation practices are applied in the Federal portion of the OCS. Our State has always cooperated with the Federal Government in the orderly and sound development of OCS resources. In fact, through the late 1970's, our State had entered into 140 voluntary agreements with the Federal Government for the orderly development of jointly held oil and gas resources.

Unfortunately, for some reason, this spirit of cooperation between the State of Louisiana and Federal Government has broken down over the last few years. In a jointly held gas field called the West Delta Field, the Department of the Interior has turned a deaf ear to the repeated requests by the State of Louisiana to develop this resource on a cooperative basis. In March of this year, an independent fact finder appointed by the Secretary of the Interior, with the approval of the Governor of Louisiana, reported to Congress that the Federal Government and its lessees, over the protests of our State, had drained approximately \$23.5 million in gas resources from the State and its lessees.

Obviously, each of us who are sent to Washington to represent our States have a responsibility to protect our States' resources and we Louisianians are deeply concerned about the drainage of our State's resources in the West Delta Field. But we are equally concerned about the lack of cooperation and orderly process that causes a West Delta Field drainage dispute to occur.

In the absence of cooperation and orderly process, the State and its lessees have no option but to resort to "self help" to protect their resources. In this type of situation, "self help" means drilling unnecessary wells to capture the resource and bring it to the surface before the Federal Government and its lessees can drain the resources. The drilling of unnecessary wells by the State and its lessees may very well be answered by the drilling of additional unnecessary wells by the Federal Government and its lessees. The result is old-fashioned drainage wars with all the accompanying risks of well blow-outs and other environmental damage that was witnessed during the early days of the oil and gas industry.

Mr. Speaker, it is far too late in our Nation's history to return to the discredited environmental practices of the early years of oil and gas development in this Nation. Therefore, the legislation I am introducing today amends section 5 of the Outer Continental Shelf Lands Act to make clear that the Secretary of the Interior has an obligation to protect the States from drainage by Federal lessees. In addition, section 5 is amended to provide injunctive relief in Federal court to either the Federal Government or a State in those situations where it appears that the Outer Continental Shelf oil and gas resources of the Federal Government or a State are being or may be drained by the other.

Mr. Speaker, the legislation I am introducing today will provide the orderly process and effective remedies that will restore the spirit of cooperation between the Federal Government and the States in the development of OCS oil and gas resources. This will allow development of these important resources to occur without unnecessary environmental risk. I invite all of my colleagues to join me in supporting this important legislation.

A summary of the provisions of this legislation follows:

OUTER CONTINENTAL SHELF CONSERVATION COOPERATION ACT OF 1989

SUMMARY

Findings.—The Congress finds that unrestrained competitive production may result in a number of harmful national effects, including drilling of unnecessary wells and installation of unnecessary facilities resulting in environmental damage, economic waste, waste of the resources, loss of correlative rights and disorders in Federal and State leasing programs.

Prevention of Drainage.—The Secretary shall prevent these harmful effects by preventing drainage through cooperative development of such areas.

Federal Actions for Injunctive Relief.—The Attorney General may institute an action for injunctive relief which shall be granted whenever it appears that Federal oil and gas resources are being or may be drained by a State. The injunction shall remain in effect until the Secretary and the Governor agree as to the method of cooperative development or the court enters a final judgment on the merits.

State Actions for Injunctive Relief.—The State may institute an action for injunctive relief which shall be granted whenever it appears that State oil and gas resources are being or may be drained by the United States. The injunction shall remain in effect

until the Secretary and Governor agree as to the method of cooperative development or the court enters a final judgment on the merits.

Authorization for Appropriations.—Provides authorization of compensation recommended in the Third Party Factfinder Louisiana Boundary Study dated March 21, 1989.

GENERAL LEAVE

Mr. WALKER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the subject of the special order of the gentleman from New York [Mr. LENT], H.R. 3030, the Clean Air Act Amendments of 1989.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

FLAG PROTECTION ACT OF 1989 DOES NOT PROTECT THE FLAG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, earlier today the Committee on the Judiciary passed out a bill which the claim of the Democratic leadership is it would protect the flag. In other words, this bill, which has been labeled the "Flag Protection Act of 1989," emerged from the Committee on the Judiciary today, and the House Democratic leadership has gone to the American people and said, "All of your problems with regard to the defacing of the flag, the mutilating of the flag, are now solved."

Mr. Speaker, I am not a lawyer, but one does not have to be an attorney to look at this statute and understand that this statute will not do what they say it will do.

In fact, if we look at this statute at all closely, we will quickly find that this statute is a road map on how to burn the flag. This statute, in my opinion, is a travesty, and I would hope that my colleagues will bother to do something that very few of us do around here very often, and that is to actually read the bill that they are going to be asked to vote on, because if they read this bill and begin to understand this bill, they will understand why we should not vote for it as protecting the flag.

Why do I say that? I will go through the language that purports to protect the flag and tell the Members what the problems are.

The first part of this particular language says:

Whoever knowingly mutilates, defaces, burns, or tramples upon any flag of the United States shall be fined under this title or imprisoned for not more than one year, or both.

That sounds pretty good. It sounds exactly like what we should be doing.

There is just a problem, though. In that language, "mutilates, defaces, burns, or tramples," they have taken that language out of what is now the law, except that the present law says that one cannot defile the flag.

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So instead of language which says mutilates, defaces, burns, tramples, or defiles the flag, we now have eliminated the word "defiles."

Why is that word important? I realize a lot of people probably have not looked at their Webster's Dictionary recently, but the word "defiles" means to make filthy.

Why does that have any meaning with regard to this particular language? Then you have to look at the next section. The next section says that this subsection does not prohibit any conduct consisting of the disposal of the flag when it becomes worn or soiled.

Think about those two together. In the first paragraph we say that you are allowed to make the flag filthy, and no one can do anything about it because you are not covered under the statute and "defiles" is no longer a part of the law.

Then in the next section it says if you burn a dirty flag, we cannot prosecute you.

So we have set up a literal road map in this statute for people to burn a flag. All they have to do is say this is a flag which is dirty, I am going to burn it. As a matter of fact, they can even make the flag dirty and then burn it.

I would suggest that that is not protection of the flag. I would suggest that this statute is weaker than present law, that the present law says that you cannot defile the flag, that you cannot make it filthy, and now we have a new statute which does not have that language in it.

People may say oh, they must have just forgotten. No. In the Judiciary Committee an amendment was offered to say we ought to put the word "defiles" back in. On a party line vote, the word "defiles" was voted down. It was specifically decided by the majority party in this body that they would not retain the word in the present law, so they consciously are removing the word "defiles." It is a conscious determination on the part of the majority party in this body to remove the word "defiles" from the law as it relates to the flag.

When one looks at this, one can only conclude that there is a reason why they have decided to do that. It is, when you look at the second paragraph, because in the second paragraph it says that if you do defile a flag, thereby soil it, you can have any conduct, and it is perfectly permissible. So you can go out and you can

burn the flag, you can do anything you want to a soiled flag under this.

When the Democratic leaders went up to the House Press Gallery, or somewhere where they held a press conference today, they carried with them the U.S. flag that flew over the Capitol, according to a press release I have here, the day that Pearl Harbor was attacked. I hope that flag is not dirty, because under the statute that they went up to support, someone with any kind of conduct they wanted could burn that flag.

They took with them the flag that was in Rome the day that that city was liberated. I hope that flag is not dirty, because under the statute that they are supporting that flag can be destroyed by any conduct that someone regards as appropriate.

They carried with them the flag that flew over the USS *Missouri* when Gen. Douglas MacArthur accepted Japan's surrender. I hope it did not get dirty while it was flying, because it is not protected under the statute that they are supporting.

In this statute some might say why would they put that in there, why would they put that section in? I am sure what we will be told is that section was put in there so that if a flag outlived its usefulness, it has become all tattered, and so on, that you can get rid of it, that you can dispose of it in the appropriate way, and the appropriate way under the flag code is to burn it.

If they really wanted to do that, what they would have done is put language in here that says "as approved under the flag code." There is appropriate language that cites what to do under the flag code, but they did not do that. They did not say this subsection does not prohibit any disposal of a flag that has become worn or soiled under the flag code. That is not what they said. They say this subsection does not prohibit any conduct consisting of disposal of a flag when it has become worn or soiled.

This statute does not protect the flag. This statute is not, as Speaker FOLEY said in the press conference, a statute which protects the flag.

He said in his press conference, according to this particular AP story, that he cannot imagine why any lawmaker would favor amending the Constitution if a regular statute would protect the flag. That may be. That is a truthful statement. The problem is that the statute he is supporting does not do the job. The statute that he is supporting is not as good as present law to protect the flag.

That is the reason why some of us have called for a constitutional amendment. We do not think you can write a constitutional statute which does adequately protect the flag. We think that you need to have the kind

of protection that only a constitutional amendment can grant.

The President of the United States has said that he thinks that that is necessary. The minority leader of the House, the minority leader of the Senate has said that.

What did the majority party say in their press conference today about those efforts? They can disagree with them. They labeled those efforts by the President of the United States, by the minority leader of the House, and by the minority leader of the Senate as, according to the House majority leader, Mr. GEPHARDT, he said that those people, those supporters, those distinguished leaders of this country, seem more interested, and I am quoting, "seem more interested in adding political graffiti to the Constitution than in protecting the physical integrity of the American flag."

So much for gentle discourse on this subject.

But let us once again understand that we are not talking political graffiti here, we are talking serious issues. We are talking about a statute that they knowingly have brought out of their committee that confirms our worst fears, a statute that says that you can now defile the flag, and having defiled the flag, you can burn it.

I hope that we are going to have a fairly wide discussion about this issue. I hope that when the bill is brought to the floor it will be brought to the floor under a process that allows us to amend this particular statute, because if we are not permitted the opportunity to amend it, we will not have a chance to put the word "defiles" back in. We will not have a chance to put language in that that will allow the disposal of the flag to be related to the flag code. We would not be able to do any of those things if we are not permitted an amendment, and the original plan was to bring this bill out on the floor in a way that did not allow any amendments.

Hopefully we are going to have a real discussion, and hopefully that discussion will not only include the ability to consider this legislation, but will also allow us to consider the constitutional amendment.

Let us look at them side by side. Let us decide which one really protects the flag. The Senate is going to take that kind of action. They have already been assured that they will get a vote on the amendment and a vote on the statute. Fine.

Let us make the determination, but let us not have just one vehicle out there that does not have any chance for amendment, a vehicle which is flawed even in a layman's terms. This layman can look very closely at this language and see that the statute reported from the Judiciary Committee

today is little but a road map for someone who wants to burn a flag.

That is not protecting the flag. That is abusing the flag, the very thing which has outraged the American people.

This statute should not be approved. We ought to get a chance to amend this statute. We ought to get a chance to vote on the constitutional amendment to protect the flag.

Mr. Speaker, I yield back the balance of my time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BEREUTER) to revise and extend their remarks and include extraneous material:)

Mrs. BENTLEY, for 60 minutes, September 5, 6, 7, 12, 13, 14.

Mr. DORNAN of California, for 60 minutes, September 6, 7, 12, 13, 14.

Mr. WALKER, for 60 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, today.

Mr. DORNAN of California, for 5 minutes, today.

(The following Members (at the request of Mr. HARRIS) to revise and extend their remarks and include extraneous material:)

Mr. DINGELL, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mrs. Boggs, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MOODY, in the debate on chemical weapons, on H.R. 2461 in the Committee of the Whole today.

(The following Members (at the request of Mr. BEREUTER) and to include extraneous matter:)

Mr. DORNAN of California in two instances.

Mr. STANGELAND.

Mr. DOUGLAS.

Mr. ROWLAND of Connecticut.

(The following Members (at the request of Mr. HARRIS) and to include extraneous matter:)

Mr. RANGEL.

Mrs. BYRON.

Mr. ROSTENKOWSKI.

Mr. FLORIO in two instances.

Mr. CLEMENT.

Mr. JACOBS.

Mr. HOCHBRUECKNER.

Mr. OWENS of New York in two instances.

Mr. DIXON.

Mr. JENKINS.

Mr. BATES.

Mr. SLATTERY.

Mr. TORRES.

Mr. SIKORSKI.

Ms. OAKAR.

Mr. ACKERMAN in two instances.

Mr. TALLON.

Mr. STARK in three instances.

Ms. SLAUGHTER of New York.

Mr. EDWARDS of California.

Mr. GARCIA.

Mr. LELAND.

Mr. KOSTMAYER.

Mr. STALLINGS.

Mr. COOPER.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 968. An act to provide for the Federal reimbursement of local noise abatement funds; and

H.J. Res. 281. Joint resolution to approve the designation of the Cordell Bank National Marine Sanctuary, to disapprove a term of that designation, to prohibit the exploration for, or the development or production of, oil, gas, or minerals in any area of that sanctuary, and for other purposes.

ADJOURNMENT

Mr. WALKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 30 minutes p.m.) under its previous order, the House adjourned until tomorrow, Friday, July 28, 1989, at 9 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on Government Operations. H.R. 982. A bill to amend title 39, United States Code, with respect to the budgetary treatment of the Postal Service Fund, and for other purposes (Rept. 101-177, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. GAYDOS: Committee on House Administration. House Resolution 201. Resolution providing amounts from the contingent fund of the House for further expenses of investigations and studies by the Committee on the Judiciary in the first session of the One Hundred First Congress (Rept. 101-184). Referred to the House Calendar.

Mr. GAYDOS: Committee on House Administration. House Resolution 208. Resolution providing amounts from the contingent fund of the House for further expenses of investigations and studies by the Committee on Standards of Official Conduct in the first session of the One Hundred First Congress (Rept. 101-185). Referred to the House Calendar.

Mr. DIXON: Committee on Appropriations. H.R. 3026. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1990, and for other purposes (Rept. 101-186). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 1630. A bill to amend title III of the Immigration and Nationality Act to provide for administrative naturalization, and for other purposes; with an amendment (Rept. 101-187). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 3024. A bill to increase the statutory limit on the public debt, and for other purposes (Rept. 101-188). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 2727. A bill to amend title 38, United States Code, to establish a retirement and survivor benefit program for judges of the new United States Court of Veterans Appeals, and for other purposes; with amendments (Rept. No. 101-189). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER of New York: Committee on Rules. House Resolution 214, Resolution waiving certain points of order against the bill H.R. 2989, making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1990, and for other purposes. (Report No. 101-191). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 215, waiving certain points of order against consideration of H.R. 3012, making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes. (Rept. 101-192). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. HAWKINS: Committee on Education and Labor. H.R. 3. A bill to authorize appropriations to expand Head Start programs and programs carried out under the Elementary and Secondary Education Act of 1965 to include child care services, and for other purposes; with an amendment, referred to the Committee on Ways and Means for a period ending not later than September 8, 1989, for consideration of such provisions of the amendment as fall within the jurisdiction of that committee pursuant to clause 1(v), rule X (Rept. 101-190, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROSTENKOWSKI (for himself and Mr. ARCHER):

H.R. 3024. A bill to increase the statutory limit on the public debt, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDERSON (for himself, Mr. HAMMERSCHMIDT, Mr. OBERSTAR, and Mr. CLINGER):

H.R. 3025. A bill to authorize transfers of instrument landing systems to the Federal Aviation Administration, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. DIXON:

H.R. 3026. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1990, and for other purposes; to the Committee on Appropriations.

By Mr. ANDERSON (for himself, Mr. HAMMERSCHMIDT, Mr. NOWAK, and Mr. STANGELAND):

H.R. 3027. A bill to provide liability for damages resulting from oil pollution, to establish a fund for the payment of compensation for such damages, to improve oil pollution prevention and response, and for other purposes; jointly, to the Committees on Public Works and Transportation; Merchant Marine and Fisheries; and Science, Space, and Technology.

By Mr. WAXMAN (for himself, Mr. MOAKLEY, Mr. GLICKMAN, Mr. COOPER, Mr. SCHEUER, Mr. WALGREN, Mr. SIKORSKI, Mr. BATES, and Mr. SHARP):

H.R. 3028. A bill to amend the Federal Food, Drug, and Cosmetic Act to prescribe nutrition labeling for foods; to the Committee on Energy and Commerce.

By Mr. WHITTEN (for himself and Mr. MURTHA):

H.R. 3029. A bill making appropriations to meet our economic problems coming from changing conditions with essential productive jobs for the fiscal year ending September 30, 1990, and for other purposes; to the Committee on Appropriations.

By Mr. DINGELL (for himself, Mr. LENT, Mr. BLILEY, Mr. BROOKS, Mr. MOORHEAD, Mr. FLIPPO, Mr. DELAY, Mr. BONIOR, Mr. WHITTAKER, Mr. ANNUNZIO, Mr. FRENZEL, Mr. DREIER of California, Mr. BROWN of Colorado, Mr. VANDER JAGT, Mr. ESPY, Mr. ANTHONY, Mr. GRANDY, Mr. BROOMFIELD, Mr. COOPER, Mr. GIBBONS, Mr. GINGRICH, Mr. FIELDS, Mr. FORD of Michigan, Mr. TAUKE, Mr. HANSEN, Mr. THOMAS A. LUKE, Mr. BAKER, Mr. ROWLAND of Georgia, Mr. QUILLEN, Mr. NELSON of Utah, Mr. HALL of Texas, Mr. MURTHA, Mr. PURSELL, Mr. RAY, Mr. WALGREN, Mr. MANTON, Mr. FISH, Mr. ANDERSON, Mr. HORTON, Mrs. LLOYD, Mr. BOSCO, Mr. LEATH of Texas, Mr. HOUGHTON, Mr. GOSS, Mr. BOUCHER, Mr. DANNE-MEYER, Mr. MONTGOMERY, Mr. SCHAEFER, Ms. SNOWE, Mr. COBLE, Mr. HENRY, Mr. BARTON of Texas, Mr. SISISKY, Mr. IRELAND, Mrs. JOHNSON of Connecticut, Mr. CALLAHAN, Mr. WILSON, Mr. WYLIE, Mr. BOEHLERT, Mr. MARTIN of New York, Mr. MCCOLLUM, Mr. McGRATH, Mr. WALKER, Mr. McNULTY, Ms. KAPTUR, Mr. McMILLEN of Maryland, Mr. GUNDERSON, Mr. BALLENGER, Mr. KILDEE, Mr. SMITH of New Hampshire, Mr. BILIRAKIS, Mr. WOLFE, Mr. HERTEL, Mr. HAMMERSCHMIDT, Mr. TOWNS, Mr. McCRERY, Mr. HUCKABY,

Mr. LIGHTFOOT, Mr. MILLER of Washington, Mr. PALLONE, Mr. PARRIS, Mr. MORRISON of Washington, Mr. CLEMENT, Mr. TALLON, Mr. GILMAN, Mr. WEBER, Mr. GALLEGLY, Mr. McMILLAN of North Carolina, Mr. GALLO, Mr. UPTON, Mr. PAYNE of Virginia, Mrs. SMITH of Nebraska, Mr. BUSTAMANTE, Mr. YOUNG of Alaska, Mr. HUNTER, Mr. STENHOLM, Mr. ROBERT F. SMITH, Mr. WALSH, Mr. SUNDQUIST, Mr. HAYES of Illinois, Mr. DAVIS, Mr. SMITH of Mississippi, Mr. SOLOMON, Mr. PARKER, Mr. DARDEN, Mr. SMITH of Texas, Mr. SAWYER, Mr. WELDON, Mr. ROTH, Mr. TRAXLER, Mr. RHODES, Mr. LEVIN of Michigan, Mrs. SAIKI, Mr. SCHUETTE, Mr. GOODLING, Mr. DYSON, Mr. SLAUGHTER of Virginia, Mr. ARMEY, Mr. BATEMAN, Mr. COUGHLIN, Mr. ROBINSON, Mr. CROCKETT, Mr. JONES of North Carolina, Mr. EDWARDS of Oklahoma, Mr. DOUGLAS, Mr. STANGELAND, Mr. CARR, Mr. HAYES of Louisiana, Mr. BARTLETT, Mr. CHANDLER, Mr. YATRON, Mr. DENNY SMITH, Mr. SAXTON, Mr. SKEEN, Mr. SARPA-LIUS, Mr. RAVENEL, Mr. HOLLOWAY, Mr. HARRIS, Mr. CRAIG, Mr. CHAPMAN, Mr. KOLBE, Mr. INHOFE, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. LEWIS of Florida, Mr. LOWERY of California, and Mr. ROWLAND of Connecticut):

H.R. 3030. A bill to amend the Clean Air Act to provide for the attainment and maintenance of the national ambient air quality standards, the control of toxic air pollutants, the prevention of acid deposition, and other improvements in the quality of the Nation's air; to the Committee on Energy and Commerce.

By Mrs. BOGGS (for herself, Mr. HUCKABY, Mr. LIVINGSTON, Mr. TAUZIN, Mr. BAKER, Mr. HAYES of Louisiana, Mr. HOLLOWAY, and Mr. McCRERY):

H.R. 3031. A bill to provide for the cooperative development of common hydrocarbon-bearing areas; to the Committee on Interior and Insular Affairs.

By Mr. COURTER:

H.R. 3032. A bill to establish programs to promote recycling, and for other purposes; jointly, to the Committees on Education and Labor; Science, Space, and Technology; and Energy and Commerce.

By Mr. FASCELL (for himself, Mr. BROOMFIELD, Mr. GEJDENSON, Mr. ROTH, Mr. SOLARZ, Mr. STUDDS, Mr. WOLFE, Mr. KOSTMAYER, Mr. BERMAN, Mr. LEVINE of California, Mr. FEIGHAN, Mr. UDALL, Mr. CLARKE, Mr. JOHNSTON of Florida, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. BOSCO, Ms. SNOWE, Mr. HYDE, Mr. BEREUTER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. HOUGHTON, Mr. GOSS, and Mr. GILMAN):

H.R. 3033. A bill to control the export, to countries pursuing or expanding the ability to produce or deliver chemical or biological weapons, of items that would assist such countries in acquiring such ability, to impose sanctions against companies which have aided in the proliferation of chemical or biological weapons, to provide for sanctions against countries which use or prepare to use chemical or biological weapons in violation of international law, and for other purposes; jointly, to the Committees on Foreign Affairs; Ways and Means; and Banking, Finance and Urban Affairs.

By Mr. FAZIO (for himself and Mr. MATSUI):

H.R. 3034. A bill to provide for flood protection along the Sacramento River, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. FLAKE:

H.R. 3035. A bill to amend the Civil Rights Act of 1964 to clarify the burden of proof for unlawful employment practices in disparate impact cases, and for other purposes; to the Committee on Education and Labor.

By Mr. FRANK:

H.R. 3036. A bill to amend the Tax Reform Act of 1986 to provide that taxpayers who invested in low-income housing projects before January 1, 1984, shall receive the same transitional relief as taxpayers who so invested after December 31, 1983; to the Committee on Ways and Means.

By Mr. JONTZ (for himself, Mr. EVANS, Ms. LONG, Mr. BONIOR, Mr. LANCASTER, Mr. KENNEDY, Mr. GEJDENSON, Mr. NAGLE, Mr. WISE, Mr. DEFazio, Mr. MORRISON of Connecticut, Mr. BROWN of California, Mrs. UNSOELD, Mr. McCLOSKEY, Mr. COLEMAN of Texas, Mrs. LOWEY of New York, Mr. MRAZEK, Mr. WEISS, Mr. RICHARDSON, Mr. HAYES of Illinois, Mr. PALLONE, Mr. DELLUMS, Mr. STAGGERS, Mr. FAUNTROY, Mr. HOCHBRUECKNER, Mr. FEIGHAN, Mr. JOHNSON of South Dakota, Mr. LAUGHLIN, Mr. OWENS of Utah, Mr. POSHARD, Mr. AUCOIN, Mr. SAWYER, Mr. LELAND, Ms. SLAUGHTER of New York, Mr. EDWARDS of California, Ms. KAPTUR, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. OWENS of New York, Mr. FRANK, Ms. PELOSI, Mr. MOODY, Mr. ROSE, Mr. BRUCE, Mr. BORSKI, and Mr. BERMAN):

H.R. 3037. A bill providing for the expansion of the services the Department of Veterans Affairs provides to veterans suffering from post-traumatic stress disorder, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KOSTMAYER:

H.R. 3038. A bill to establish certain requirements regarding a segment of the Appalachian Trail corridor in Vermont; to the Committee on Interior and Insular Affairs.

By Mr. SIKORSKI:

H.R. 3039. A bill to amend the direct and guaranteed student loan programs under the Higher Education Act of 1965 to publicize the current loan deferral program for full-time volunteers with the Peace Corps, VISTA, and tax-exempt organizations, and for other purposes; to the Committee on Education and Labor.

H.R. 3040. A bill to amend the direct student loan program under the Higher Education Act of 1965 to provide for partial loan cancellation for full-time volunteer service with a tax-exempt organization, and for other purposes; to the Committee on Education and Labor.

H.R. 3041. A bill to amend part B of title IV of the Higher Education Act of 1965 to forgive guaranteed student loans for student borrowers who volunteer for service under the Peace Corps or under the Domestic Volunteer Service Act of 1973 or for comparable full-time service as a volunteer with a tax-exempt organization; to the Committee on Education and Labor.

By Mr. WALGREN:

H.R. 3042. A bill to authorize appropriations to the Secretary of Commerce for the programs of the National Institute of

Standards and Technology for fiscal years 1990, 1991, and 1992, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. DOUGLAS:

H.J. Res. 377. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

By Mr. GEJDENSON (for himself and Mr. MORRISON of Connecticut):

H.J. Res. 378. Joint resolution designating the week of September 12 through 23, 1989, as "National Occupational Safety Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. GRANDY (for himself, Mr.

SMITH of Iowa, Mr. LEACH of Iowa, Mr. TAUKE, Mr. LIGHTFOOT, Mr. NAGLE, Mr. AUCOIN, Mr. BAKER, Mr. BALLENGER, Mr. BARNARD, Mr. BARTLETT, Mr. BATEMAN, Mrs. BENTLEY, Mr. BEREUTER, Mr. BILIRAKIS, Mr. BLILEY, Mr. BOEHLERT, Mr. BROOMFIELD, Mr. BUECHNER, Mr. BUNNING, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CAMPBELL of California, Mr. CHANDLER, Mr. CLINGER, Mr. COBLE, Mr. COUGHLIN, Mr. COX, Mr. CRAIG, Mr. DAVIS, Mr. DELAY, Mr. DELLUMS, Mr. DORNAN of California, Mr. DOUGLAS, Mr. DREIER of California, Mr. DUNCAN, Mr. EDWARDS of Oklahoma, Mr. EMERSON, Mr. ENGLISH, Mr. FAWELL, Mr. FRANK, Mr. FRENZEL, Mr. GALLEGLY, Mr. GALLO, Mr. GILLMOR, Mr. GILMAN, Mr. GINGRICH, Mr. GOODLING, Mr. GOSS, Mr. GRANT, Mr. GREEN, Mr. GUNDERSON, Mr. HANCOCK, Mr. HANSEN, Mr. HARRIS, Mr. HASTERT, Mr. HEFLEY, Mr. HENRY, Mr. HERGER, Mr. HILER, Mr. HOPKINS, Mr. HORTON, Mr. HOUGHTON, Mr. HUBBARD, Mr. HUNTER, Mr. INHOFE, Mr. IRELAND, Mrs. JOHNSON of Connecticut, Mr. JONES of Georgia, Mr. KANJORSKI, Mr. KASICH, Mr. LAGOMARSINO, Mr. LENT, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. LIVINGSTON, Mr. LOWERY of California, Mr. DONALD E. LUKENS, Mr. MCCANDLESS, Mr. MCCOLLUM, Mr. MCCREERY, Mr. MCDADE, Mr. MCGRATH, Mr. MACHTLEY, Mr. MADIGAN, Mr. MARLENEE, Mr. MARTIN of New York, Mrs. MARTIN of Illinois, Mr. MARTINEZ, Mrs. MEYERS of Kansas, Mr. MFUME, Mr. MICHEL, Mr. MILLER of Ohio, Mr. MILLER of Washington, Mr. MOLINARI, Mr. MONTGOMERY, Mr. MOORHEAD, Mrs. MORELLA, Mr. MORRISON of Washington, Mr. NIELSON of Utah, Mr. OXLEY, Mr. PACKARD, Mr. PARRIS, Mr. PASHAYAN, Mr. PAXON, Mr. PENNY, Mr. PORTER, Mr. PURSELL, Mr. RAVENEL, Mr. REGULA, Mr. RHODES, Mr. RIDGE, Mr. ROBERTS, Mr. ROWLAND of Connecticut, Mrs. SAIKI, Mr. SAWYER, Mr. SAXTON, Mr. SCHAEFER, Mr. SCHIFF, Mr. SCHUETTE, Mr. SCHULZE, Mr. SHUSTER, Mr. SKEEN, Mr. SLAUGHTER of Virginia, Ms. SLAUGHTER of New York, Mr. SMITH of New Jersey, Mr. DENNY SMITH, Mr. SMITH of Texas, Mr. SMITH of Mississippi, Mr. SMITH of Vermont, Mr. SMITH of New Hampshire, Mr. ROBERT F. SMITH, Mrs. SMITH of Nebraska, Ms. SNOWE, Mr. SOLOMON, Mr. SPENCE, Mr. STANGELAND, Mr. STEARNS, Mr. STENHOLM,

Mr. STUMP, Mr. SUNDQUIST, Mr. TALLON, Mr. THOMAS of Wyoming, Mr. THOMAS of California, Mr. TRAFICANT, Mr. UFTON, Mr. VANDER JAGT, Mr. WALKER, Mr. WALSH, Mr. WEBER, Mr. WELDON, Mr. WHITTAKER, Mr. WOLF, Mr. WYDEN, Mr. YOUNG of Florida, Mr. HAMMER-SCHMIDT, Mr. KOLBE, Mr. KILDEE, Mr. KENNEDY, Mr. ROHRBACHER, Mr. VISCLOSKEY, Mr. SYNAR, Mr. BONIOR, Mr. FASCELL, Mr. TORRES, Mr. HAYES of Louisiana, Mr. GRADISON, Mr. SHUMWAY, Mr. ROGERS, Mr. WYLIE, Mr. NOWAK, Mr. SHAYS, Mr. CRANE, Mr. DEWINE, Mr. QUILLLEN, Mr. FIELDS, Mr. GEKAS, Mr. MCEWEN, Mr. SKAGGS, Mr. HATCHER, Mr. LANTOS, Mr. DEFazio, Mr. STALLINGS, Mr. BILBRAY, Mr. ROSE, Mr. JONTZ, Mr. NATCHER, Mr. PETRI, Mr. DICKINSON, Mr. BENNETT, Mr. SHARP, Mr. PANETTA, Mr. MINETA, Mrs. VUCANOVICH, Mr. YOUNG of Alaska, Mr. MYERS of Indiana, Mr. BROWN of California, Mr. DE LA GARZA, Mr. SHAW, Mr. COURTER, Mr. HUCKABY, Mr. McMILLEN of Maryland, Mr. LANCASTER, Mr. VALENTINE, Mr. WISE, Mr. DORGAN of North Dakota, Mr. HOYER, Mr. WOLFE, Mr. CARPER, Mr. SKELTON, Ms. LONG, Mr. DYSON, Mr. LEWIS of Georgia, Mr. DWYER of New Jersey, Mr. OWENS of Utah, Mr. CARDIN, Mr. SLATTERY, Mr. PERKINS, Mr. JOHNSON of South Dakota, and Mr. GLICKMAN):

H.J. Res. 379. Joint resolution commending the citizens of the Sioux City Iowa, tri-State area for their heroism and spirit of volunteerism in selflessly providing assistance and life-saving services to the passengers and crew of United Flight 232; to the Committee on Post Office and Civil Service.

By Mr. BURTON of Indiana (for him-

self, Mr. FASCELL, Mr. BROOMFIELD, Mrs. SCHROEDER, Mr. MICHEL, Mr. SMITH of Florida, Mr. WEBER, Mr. SHUMWAY, Mr. LAGOMARSINO, Mr. WOLF, Mr. BUSTAMANTE, Mr. DOUGLAS, Mr. HYDE, Mr. HENRY, Mr. ROTH, Mr. ROE, Mr. DONALD E. LUKENS, Mr. HERGER, Mrs. BENTLEY, Mr. GALLEGLY, Mr. DORNAN of California, Mr. INHOFE, Mr. CRAIG, Mr. FIELDS, Mr. RICHARDSON, Mr. COURTER, Mr. DREIER of California, Mr. ARMEY, Mr. GREEN, Mr. CRANE, Mr. CAMPBELL of California, Mr. COBLE, Mr. GARCIA, Mr. KASICH, Mr. DEWINE, Mr. MCEWEN, Mr. MARTINEZ, Mr. SOLOMON, Mr. BALLENGER, Mr. RHODES, Mr. MARLENEE, Mr. PORTER, Mr. ROHRBACHER, Mr. TRAFICANT, Mr. BLAZ, Mr. CAMPBELL of Colorado, Mr. GEJDENSON, Mr. ARCHER, Mr. HUNTER, Mr. WALSH, Mr. RINALDO, Mr. COSTELLO, Mr. SMITH of New Jersey, Mr. OXLEY, Mr. AKAKA, Mr. STALLINGS, Mr. FALEOMAVAEGA, Mr. MACHTLEY, Mr. LIGHTFOOT, Mr. PACKARD, Mr. ROGERS, Mr. APPLEGATE, Mr. LENT, Mr. COX, Mr. MATSUI, Mr. MILLER of Washington, Mrs. UNSOELD, Mr. BERMAN, Mr. PETRI, Mr. FAWELL, Mr. HUBBARD, Mr. SANGMEISTER, Mr. BUNNING, Mr. RITTER, Mr. JONTZ, Mr. MADIGAN, Mr. WEISS, Mr. FLORIO, and Mr. SHAW):

H. Con. Res. 176. Concurrent resolution expressing the sense of the Congress that the egregious human rights violations in Cuba should be condemned and the Presi-

dent should award the Presidential Medal of Freedom to Armando Valladares for outstanding efforts to secure human rights and freedom for Cubans and millions of individuals throughout the world; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

By Mr. McDADE:

H. Con. Res. 177. Concurrent resolution expressing the sense of the Congress that the U.S. Postal Service should issue a postage stamp commemorating the life and work of Dr. Thomas Anthony Dooley III, on the 30th anniversary of his death; to the Committee on Post Office and Civil Service.

By Mr. GEPHARDT:

H. Res. 213. Resolution permitting Representative Bellenson of California to continue to serve as Chairman of the Permanent Select Committee on Intelligence for the remainder of the 101st Congress; considered and agreed to.

By Mr. PAXON (for himself, Mr. BARTON of Texas, Mr. BALLENGER, Mr. CAMPBELL of California, Mr. COX, Mr. DANNEMEYER, Mr. DORNAN of California, Mr. DOUGLAS, Mr. EDWARDS of Oklahoma, Mr. GILLMOR, Mr. GINGRICH, Mr. GOSS, Mr. GUNDERSON, Mr. HANCOCK, Mr. HUNTER, Mr. JAMES, Mr. LEWIS of California, Mr. LAGOMARSINO, Mr. McCRERY, Mr. MACHTLEY, Mr. RITTER, Mr. ROHRBACHER, Mr. SCHIFF, Mr. SMITH of Mississippi, Mr. SMITH of Vermont, Mr. SOLOMON, Mr. STEARNS, Mr. THOMAS of Wyoming, Mr. WALKER, Mr. WALSH, and Mr. WEBER):

H. Res. 216. Resolution to amend the Rules of the House of Representatives to establish the Committee on Narcotics Abuse and Control; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. SIKORSKI.
H.R. 45: Mr. VENTO and Mr. BOEHLERT.
H.R. 55: Mr. TAUKE, Mr. DYMALLY, Mr. PAXON, Mr. HEFLEY, Mr. DEWINE, Mr. PARKER, Mr. McGRATH, Mrs. ROUKEMA, and Mr. McDERMOTT.
H.R. 293: Mr. EDWARDS of California.
H.R. 357: Mr. SHAYS.
H.R. 500: Mr. YATES and Mr. MILLER of Washington.
H.R. 578: Mr. SHAW and Mr. RAVENEL.
H.R. 765: Ms. PELOSI, Mr. FEIGHAN, Mrs. BOXER, and Mr. TRAFICANT.
H.R. 772: Mr. STENHOLM.
H.R. 904: Mrs. LOWEY of New York, Mr. DIXON, Mr. AKAKA, Ms. LONG, Mr. SPENCE, Ms. SLAUGHTER of New York, and Mr. OLIN.
H.R. 1067: Mr. SOLOMON, Mrs. UNSOELD, Mr. PANETTA, Mr. YOUNG of Florida, Mr. WALSH, Mr. DANNEMEYER, Mr. LEWIS of California, Mr. DE LUGO, Mr. HYDE, Mr. QUILLLEN, and Mr. VALENTINE.
H.R. 1169: Mr. COURTER.
H.R. 1356: Mr. CARPER, Mr. McNULTY, Mr. CLAY, and Mr. KENNEDY.
H.R. 1386: Mr. ENGEL.

H.R. 1526: Mr. RIDGE.
H.R. 1530: Mr. TORRES, Mr. WISE, Mr. ACKERMAN, and Mr. MARKEY.
H.R. 1730: Mr. GEJDENSON.
H.R. 2008: Mr. PASHAYAN and Mr. JONES.
H.R. 2193: Mr. COURTER.
H.R. 2224: Mr. GRANT, Mr. ROBINSON, Mr. SMITH of Florida, Mr. ARMEY, Mr. KYL, Mr. IRELAND, Mr. SHAW, Mr. KOLBE, Mr. LAGOMARSINO, Mr. EMERSON, Mr. GOSS, Mr. SAXTON, Mr. RHODES, Mrs. MEYERS of Kansas, Ms. KAPTUR, and Mr. PACKARD.
H.R. 2237: Mr. ESPY and Mr. McEWEN.
H.R. 2257: Mr. ROSE and Mrs. SMITH of Nebraska.
H.R. 2258: Mr. BEREUTER.
H.R. 2259: Mr. ROHRBACHER and Mr. HOLLOWAY.
H.R. 2269: Mr. PAYNE of New Jersey.
H.R. 2360: Mr. McEWEN.
H.R. 2374: Mr. DELLUMS, Mr. CROCKETT, Mr. COURTER, and Mr. LEWIS of Georgia.
H.R. 2460: Mr. SMITH of New Hampshire, Mr. KANJORSKI, Mr. COUGHLIN, Mr. SKELTON, and Mr. STENHOLM.
H.R. 2584: Mr. LELAND.
H.R. 2615: Mr. ACKERMAN, Mrs. KENNELLY, and Ms. KAPTUR.
H.R. 2638: Mr. WALSH, Mr. DONALD E. LUKENS, Mr. McEWEN, Mr. FROST, Mr. RITTER, Mr. FISH, and Mr. NEAL of North Carolina.
H.R. 2642: Mr. DUNCAN, Mr. PICKETT, and Mr. WOLF.
H.R. 2671: Mr. WALSH.
H.R. 2700: Mr. FOGLIETTA.
H.R. 2727: Mr. EDWARDS of California, Mr. HAMMERSCHMIDT, Mr. APFLEGATE, Mr. WYLIE, Mr. EVANS, Mr. McEWEN, Mr. PENNY, Mr. SMITH of New Jersey, Mr. STAGGERS, Mr. BURTON of Indiana, Mr. ROWLAND of Georgia, Mr. BILIRAKIS, Mr. FLORIO, Mr. RIDGE, Mr. ROBINSON, Mr. ROWLAND of Connecticut, Mr. STENHOLM, Mr. SMITH of New Hampshire, Mr. KENNEDY, Mr. JAMES, Mrs. PATTERSON, Mr. STEARNS, Mr. JOHNSON of South Dakota, Mr. PAXON, Mr. JONTZ, Mr. PAYNE of Virginia, Mr. MORRISON of Connecticut, Mr. SANGMEISTER, Mr. PARKER, Mr. JONES of Georgia, Ms. LONG, Mr. LEATH of Texas, Mr. HEFNER, Mr. JENKINS, Mr. RICHARDSON, Mr. BROWDER, and Mr. HARRIS.
H.R. 2750: Mr. PURSELL and Mr. LIGHTFOOT.
H.R. 2751: Mr. PURSELL, Mr. LIGHTFOOT, and Mr. SMITH of Vermont.
H.R. 2778: Mr. FROST, Mr. STALLINGS, Mr. OBEY, Mr. HANCOCK, Mr. DENNY SMITH, Mr. CHAPMAN, Mr. HOLLOWAY, and Mr. KOLTER.
H.R. 2804: Mr. MARLENEE, Mr. COMBEST, and Mr. WATKINS.
H.R. 2853: Mrs. BOXER, Mr. WALSH, and Mr. STARK.
H.R. 2926: Mr. BILBRAY, Mr. RICHARDSON, Mr. JAMES, Mr. MILLER of Washington, Mr. AU COIN, Mr. AKAKA, Mr. FRANK, Mr. LANTOS, Mr. KILDEE, Mr. HALL of Ohio, Mr. FUSTER, Mrs. COLLINS, Mr. OWENS of New York, and Mr. BENNETT.
H.R. 2936: Mr. PENNY.
H.R. 2957: Mr. CLAY, Mr. McCLOSKEY, Mr. MOODY, Mr. TORRES, Mr. LEATH of Texas, Mr. DELLUMS, Mr. JONES of North Carolina, Mr. DE LA GARZA, Mr. MARTINEZ, Mr. TALLON,

Mr. BUSTAMANTE, Mr. RICHARDSON, Mr. KANJORSKI, Mr. DORGAN of North Dakota, and Ms. KAPTUR.

H.J. Res. 81: Mr. DENNY SMITH.

H.J. Res. 147: Mr. WAXMAN.

H.J. Res. 151: Mr. GEJDENSON, Mr. SHARP, Mr. TALLON, Mr. SCHEUER, Mr. IRELAND, Mr. TRAFICANT, Mr. WILSON, Mr. DARDEN, Mr. RAHALL, Mr. BEVILL, Mr. FROST, Mr. McDADE, Mr. BUECHNER, Mr. JONES of Georgia, Mr. HUBBARD, Mr. MCCOLLUM, Mr. LOWERY of California, Mr. MFUME, Mr. PAYNE of Virginia, and Mr. ROYBAL.

H.J. Res. 217: Ms. LONG, Mr. PAXON, Mr. SMITH of New Jersey, Mr. STOKES, Mr. ATKINS, Mr. SMITH of Vermont, Mr. CHANDLER, Mr. APFLEGATE, Mrs. PATTERSON, Mr. LIGHTFOOT, Mr. HAYES of Louisiana, Mr. BEVILL, Mr. BORSKI, Mr. VALENTINE, Mr. GARCIA, Mr. WOLFE, and Mr. FUSTER.

H.J. Res. 220: Mr. FOGLIETTA, Mr. McDERMOTT, Mr. BEVILL, Mr. HOYER, Mr. HATCHER, and Mr. HALL of Ohio.

H.J. Res. 241: Mr. HENRY, Mr. MURTHA, Mr. JONES of North Carolina, Mr. JONES of Georgia, and Mr. MORRISON of Connecticut.

H.J. Res. 253: Mr. ANDERSON, Mr. ANTHONY, Mr. BATES, Mr. CARPER, Mr. CHANDLER, Mr. CLINGER, Mr. COLEMAN of Texas, Mr. COUGHLIN, Mr. DAVIS, Mr. DREIER of California, Mr. FAWELL, Mr. GARCIA, Mr. GOODLING, Mr. GOSS, Mr. GRADISON, Mr. GRANT, Mr. GREEN, Mr. HUBBARD, Mr. JENKINS, Ms. KAPTUR, Mr. KASTENMEIER, Mr. KOLBE, Mr. MACHTLEY, Mr. MANTON, Mr. McHUGH, Mrs. MEYERS of Kansas, Mr. MILLER of Washington, Mr. MURPHY, Mr. OXLEY, Mr. PASHAYAN, Ms. PELOSI, Mr. PRICE, Mr. REGULA, Mr. RIDGE, Mr. ROBINSON, Mrs. SAIKI, Mr. SAWYER, Mr. SCHULZE, Mr. SHARP, Mr. SKAGGS, Mr. UPTON, Mr. WOLF, Mr. WYLIE, and Mr. YOUNG of Florida.

H.J. Res. 265: Mr. GOODLING, Mr. HAWKINS, Mr. WOLFE, Mr. COURTER, Mr. SAWYER, Mr. CLINGER, and Mr. CHAPMAN.

H.J. Res. 268: Mr. DEFazio.

H.J. Res. 354: Mr. SCHEUER, Mr. WILSON, Mr. SMITH of Florida, Mr. MORRISON of Washington, Mr. RANGEL, Mr. NELSON of Florida, Mr. BORSKI, Mr. HAMMERSCHMIDT, Mr. WOLF, Mr. HORTON, Mr. SOLARZ, Mr. KENNEDY, Mr. SCHUMER, Mr. BRENNAN, Mr. COYNE, and Mr. WEISS.

H. Con. Res. 92: Mr. HATCHER.

H. Con. Res. 140: Mr. CLINGER and Mr. SMITH of Vermont.

H. Res. 41: Mr. STEARNS.

H. Res. 56: Mr. CAMPBELL of California.

H. Res. 128: Mr. SMITH of Florida, Mr. DREIER of California, and Mr. SIKORSKI.

H. Res. 190: Mr. PURSELL and Mr. LIGHTFOOT.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2989

By Mr. TRAFICANT:
—Page , line , strike "\$5,600,000,000," and insert "\$5,597,000,000."

SENATE—Thursday, July 27, 1989

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

I exhort therefore, that, first of all, supplications, prayers, intercessions, and giving of thanks, be made for all men; for kings, and for all that are in authority; that we may lead a quiet and peaceable life in all godliness and honesty.—I Timothy 2:1,2.

Our Father in heaven, the Bible promises "a quiet and peaceable life with all godliness and honesty" if we obey the exhortation to pray for all people and for leadership. Our cities, our Nation, our society, seem under insidious and vicious attacks which violate our moral, ethical, and spiritual foundations. Despite the hard work of legislation, despite exorbitant sums of money and the best efforts at enforcement, chemical dependency, with all the evils it generates, not only defies solution but grows exponentially. Somehow, if even as a last resort, even if we find it difficult to take prayer seriously, help us to try. Help us to hear the simple cliché, "When all else fails, try prayer."

Patient Father, teach us to pray. Baptize us with the spirit of prayer for the sake of the unnumbered lives being destroyed, for the salvation of our Nation, for the glory of God. In Jesus' name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, following the time reserved for the two leaders, there will be a period for morning business until 10 o'clock with Senators permitted to

speak therein for up to 5 minutes each.

The Senate will begin consideration of the Agriculture appropriations bill at 10 o'clock this morning. Once action on that bill is completed, the Senate will take up the energy and water appropriations bill. Upon disposition of the energy and water bill, the Senate will return to consideration of S. 1352, the Defense authorization bill.

For the information of Senators, votes are likely to occur throughout the day and into the evening. As I previously indicated to Senators, both in writing and orally on many occasions, Thursday is the day on which votes are possible late in the evening, and I expect that we will go well beyond the 7 o'clock hour with respect to votes this evening.

In addition, Mr. President, I remind Senators, as I have stated publicly on several previous occasions, it is my hope at the very close of business today to obtain an agreement limiting amendments to the Defense authorization bill to those which have been filed as of the close of business today. Senators will have had, then, 4 days on the bill, and in this way we ought to be able to complete action on it within a reasonable time next week to permit us to complete all action necessary in time for the scheduled recess.

RESERVATION OF LEADERS' TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve the leader time of the distinguished Republican leader.

The PRESIDENT pro tempore. Without objection, the time of the two leaders is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the order, there will now be a period for the transaction of morning business until the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

JOHN F. TURNER, DIRECTOR-DESIGNATE, U.S. FISH AND WILDLIFE SERVICE

Mr. DeCONCINI. Mr. President, I rise today to commend President Bush on his selection of Mr. John F. Turner as Director of the U.S. Fish and Wildlife Service. Mr. Turner brings with him impeccable credentials for directing this Nation's crucial Federal fish and wildlife management programs.

The Fish and Wildlife Service is responsible for the operation of more than 450 national wildlife refuges and 70 national fish hatcheries, listing and recovering of endangered species, conducting research and management for migratory birds, conserving and restoring nationally significant fisheries, assisting Indian tribes in their fisheries management efforts, evaluating the effects of development projects on fish and wildlife with emphasis on reducing or mitigating adverse impacts, administering Federal aid funds for State fish and wildlife restoration, identifying environmental contaminants that threaten fish and wildlife species, and enforcing laws protecting fish, wildlife, and plants from exploitation by poachers and commercial interests.

Mr. Turner's academic achievements, a bachelor of science degree in biology from Notre Dame and a master's degree in wildlife ecology from the University of Michigan, will provide him with a strong foundation on which to make sound, practical conservation decisions. This impressive background will serve him well during this time when the demand on living resource conservation programs has reached global proportions. I believe, Mr. President, that we have passed the point in both history and reality where only a single nation has the ability to address the magnitude of the problems facing many of our fish, wildlife, and plant populations. We need to look no further than the precipitous declines of our North American waterfowl populations and the African elephant herds to find dramatic examples of this extremely disturbing trend.

However, sound fish and wildlife conservation entails more than just academic knowledge about such subjects as population dynamics, habitat manipulation, species identification,

and related scientific expertise. In order to conduct proactive fish, wildlife, and plant conservation programs, one needs to possess the ability to develop and implement these programs with an understanding of, and responsiveness to, a broad range of human interests, such as development, jobs, multiple-use recreation, research, energy production, and preservation. One term I've heard that describes this demanding balancing process is "biopolitics."

According to information this Senator has reviewed, Mr. Turner has the ability to effectively apply biopolitics in real-world management of fish and wildlife resources. His 19 years of experience in the Wyoming Legislature as a member and later as a leader in various capacities within that State senate give him the background to assess the needs of a constituency. This legislative experience, when combined with his short stints as Acting Governor, provides Mr. Turner with a keen insight into the role of an agency director. Mr. Turner's close affinity to the land, as evidenced by his outdoor-oriented interests and involvement with numerous wildlife related committees, have afforded him the opportunity to acquire a real sense of conservation ethics.

Mr. President, in my opinion, with the outstanding credentials possessed by the President's nominee, Mr. John F. Turner has the potential to become one of the most productive and successful Directors that the U.S. Fish and Wildlife Service has ever had. Despite the enormous tasks and challenges facing him, and granted his decisions may not always be in consonance with the views of others, including some Members of Congress, I am convinced Mr. Turner has the capability and courage to effectively manage the fish, wildlife, and plant resources under his jurisdiction.

I look forward to working with Mr. Turner upon his confirmation by this body, and wish him every success as he assumes his new responsibilities.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Mr. SIMON. Mr. President, today I have introduced a constitutional amendment to require a balanced budget. It is cosponsored by Senator HATCH, Senator DeCONCINI, Senator THURMOND, and Senator BRYAN. I think it is clear we have a severe problem in this Nation that has to be addressed.

It is very interesting that in 1796 Thomas Jefferson wrote a letter in which he said if I could just add one amendment to the Constitution, it would be to require a balanced budget. He favored one that was rigid, where there could be no exceptions.

What we have introduced is one that says if you have a three-fifths vote of the House or the Senate you can have an unbalanced budget. There are times when we should have an unbalanced budget, but we should not have them year after year after year after year. That is what we have done.

We are getting on very thin ice. We are doing precisely what we tell all the developing nations they should not do.

One of the little changes—I serve on the Budget Committee—that has now been made, when we talk about interest, we talk about net interest. The figure we should talk about is gross interest.

What we do is we have finessed these figures so we subtract the interest earned from the Social Security trust funds before we list interest so it does not look so bad. The real figure is gross interest. The gross interest figure, fiscal year 1980, was \$83 billion. The gross interest figure this fiscal year will be \$234 billion, and next year, even under the optimistic forecasts that we assumed in this budget resolution, which assumes that the Federal Government can sell bonds at 5½ percent—and that is an optimistic scenario—next year under even the most optimistic scenario the gross interest expenditure by the Federal Government will be \$263 billion. The following year, unless something happens that I do not anticipate, for the first time in the Nation's history the No. 1 expenditure of the Federal Government will be interest. It will pass defense as the No. 1 expenditure of our Government.

We just cannot continue this. I do not care whether you are a conservative or a liberal. It does not make sense to spend an increasing percentage of our tax dollar on interest. The fastest growing item in the Federal budget by far is interest. We simply have to get ahold of this thing. If we get ahold of it, not only will our children and grandchildren and generations to come benefit, there will be immediate benefits in this country.

The prime rate of interest today in our Nation is 11 percent. The prime rate of interest today in Japan is 3½ percent. What that would mean, if we could get interest rates down, even down to 8 percent, would be a startling change in the economy of our country. And it would have a huge benefit on the deficit itself. We can have this snowball going in the right direction rather than the wrong direction.

When you have a \$2.8 trillion deficit, if you save 1 percent in interest, you save \$28 billion a year. That is a lot of money, even for the Senator from Alabama or the Senator from Washington or the Senator from Oregon or the Senator from Florida.

There is another factor here and that is the redistribution factor. Who pays the \$234 billion that we will pay

this year in interest? By and large it is middle-income people. Who gets that \$234 billion? By and large it is those who are more fortunate. So it is a redistribution of wealth, taking from people of limited means, giving to those who are more fortunate. We should not be spending our money that way.

When I was first elected to the State legislature, Mr. President, I got a letter from a man in South Roxana, IL. He had 13 points to his letter. The first 12 points were increased services he wanted from government and the 13th point was cut taxes. Believe it or not, we have adopted his program.

We just have to recognize we have a problem. It is a massive problem, and I do not know of any way to force discipline on this body other than a constitutional amendment. We are getting on thin ice. I cannot tell you when that ice is going to break, but I know we are getting out there on thinner and thinner ice and we better get ahold of ourselves.

I hope my colleagues here will join in voting for this important constitutional amendment.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Under the order, morning business is closed.

RURAL DEVELOPMENT, AGRICULTURE, AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1990

The PRESIDENT pro tempore. Under the order, the Senate will proceed to the consideration of H.R. 2883, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2883) making appropriations for Rural Development, Agriculture, and Related Agencies for the fiscal year ending September 30, 1990, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with amendments as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Rural Development, Agriculture, and Related Agencies programs for the fiscal year ending September 30, 1990, and for other purposes; namely:

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, and not to

exceed \$50,000 for employment under 5 U.S.C. 3109, \$1,789,000: *Provided*, That not to exceed \$8,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

【FARM AND EXPORT PROGRAMS

【For development of a plan by the Secretary for returning the use of the Commodity Credit Corporation to its primary function which was to buy and sell competitively to enable the farmer to offset high American costs and to maintain his fair share of world markets; and to restore the use of section 32 (30 per centum of customs receipts) as authorized by law, the use of which is presently suspended, to enable the farmer to secure his income from the user of his products rather than the U.S. Treasury and to enable the American farmer to regain and retain, by competitive sales, our normal share of world markets, \$500,000.

【COMPILATION OF METHODS USED BY FOREIGN COUNTRIES TO PROTECT THEIR DOMESTIC AGRICULTURE

【To enable the Secretary of Agriculture to investigate and compile a listing of the laws and practices used by foreign countries to protect their domestic agriculture from foreign competition and to expand their foreign markets in order to assist the Department in regaining and retaining our fair share of world markets, \$500,000.】

OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Office of the Deputy Secretary of Agriculture, including not to exceed \$25,000 for employment under 5 U.S.C. 3109, \$397,000: *Provided*, That not to exceed \$3,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Deputy Secretary.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$5,000 is for employment under 5 U.S.C. 3109, \$4,554,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded in this Act, \$467,000 \$474,000.

RENTAL PAYMENTS (USDA)

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Department of Agriculture which are included in this Act, \$49,467,000, of which \$3,000,000 shall be retained by the Department of Agriculture for non-recurring repairs as determined by the Department of Agriculture: *Provided*, That in the event an agency within the Department of Agriculture should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 10 per centum of the funds made available for space rental and related costs to or from this account.

BUILDING OPERATIONS AND MAINTENANCE

For the operation, maintenance, and repair of Agriculture buildings pursuant to

the delegation of authority from the Administrator of General Services authorized by 40 U.S.C. 486, \$23,033,000.

ADVISORY COMMITTEES (USDA)

For necessary expenses for activities of Advisory Committees of the Department of Agriculture which are included in this Act, \$1,494,000: *Provided*, That no other funds appropriated to the Department of Agriculture in this Act shall be available to the Department of Agriculture for support of activities of Advisory Committees.

HAZARDOUS WASTE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, except for expenses of the Commodity Credit Corporation, to comply with the requirement of section 107g of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607g, and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961, \$20,000,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department of Agriculture for hazardous waste management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Personnel, Finance and Management, Operations, Information Resources Management, Advocacy and Enterprise, and Administrative Law Judges and Judicial Officer, \$22,020,000 and in addition, for payment of the USDA share of the National Communications System, \$2,000; making a total of \$22,022,000 for Departmental Administration to provide for necessary expenses for management support services to offices of the Department of Agriculture and for general administration and emergency preparedness of the Department of Agriculture, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department of Agriculture, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 is for employment under 5 U.S.C. 3109: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558.

【WORKING CAPITAL FUND

【An amount of \$3,750,000 is hereby appropriated to the Departmental Working Capital Fund to increase the Government's equity in this fund and to provide for the purchase of automated data processing, data communication, and other related equipment necessary for the provision of Departmental centralized services to the agencies.】

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AND PUBLIC AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental and Public Affairs to carry out the programs funded in this Act, \$414,000.

PUBLIC AFFAIRS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, and for the dissemination of agricultural information and the coordination of information, work

and programs authorized by Congress in the Department, \$7,964,000 including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed \$2,000,000, may be used for farmers' bulletins and not fewer than two hundred thirty-two thousand two hundred and fifty copies for the use of the Senate and House of Representatives of part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture) as authorized by 44 U.S.C. 1301: *Provided*, That in the preparation of motion pictures or exhibits by the Department, this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

CONGRESSIONAL RELATIONS

For necessary expenses for liaison with the Congress on legislative matters, \$497,000 \$588,000.

INTERGOVERNMENTAL AFFAIRS

For necessary expenses for programs involving intergovernmental affairs and liaison within the executive branch, \$479,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), \$51,576,000 \$52,530,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(8) of the Inspector General Act of 1978 (Public Law 95-452), and including a sum not to exceed \$50,000 for employment under 5 U.S.C. 3109; and including a sum not to exceed \$95,000 for certain confidential operational expenses including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95-452 and section 1337 of Public Law 97-98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$21,316,000 \$22,340,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ECONOMICS

For necessary expenses of the Office of the Assistant Secretary for Economics to carry out the programs funded in this Act, \$454,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and service relating to agricultural production, marketing, and distribution, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), and other laws, including economics of marketing; analyses relating to farm prices, income and population, and demand for farm products, use of resources in agriculture, adjustments, costs and returns in farming, and farm finance; research relating to the economic and marketing aspects of farmer cooperatives; and for analysis of supply and demand for farm products in foreign countries and their effect on prospects for United States exports, progress in economic development and its relation to sales of farm products, assembly and analysis of agricultural trade statistics and analysis of international financial and monetary programs and policies as they affect the competitive position of United States farm products, \$50,489,000

\$51,714,000; of which \$500,000 shall be available for investigation, determination and finding as to the effect upon the production of food and upon the agricultural economy of any proposed action affecting such subject matter pending before the Administrator of the Environmental Protection Agency for presentation, in the public interest, before said Administrator, other agencies or before the courts: *Provided*, That this appropriation shall be available to continue to gather statistics and conduct a special study on the price spread between the farmer and the consumer: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225): *Provided further*, That this appropriation shall be available for analysis of statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, and marketing surveys, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws, \$67,901,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$40,000 shall be available for employment under 5 U.S.C. 3109.

WORLD AGRICULTURAL OUTLOOK BOARD

For necessary expenses of the World Agricultural Outlook Board to coordinate and review all commodity and aggregate agricultural and food data used to develop outlook and situation material within the Department of Agriculture, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), \$1,936,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

OFFICE OF THE ASSISTANT SECRETARY FOR SCIENCE AND EDUCATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Science and Education to administer the laws enacted by the Congress for the Agricultural Research Service, Cooperative State Research Service, Extension Service, and National Agricultural Library, \$438,000.

AGRICULTURAL RESEARCH SERVICE (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for), home economics or nutrition and consumer use, and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, [\$589,500,000] \$591,447,000: *Provided*, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That funds appropriated herein can be used to provide financial assistance to the organizers of national and international confer-

ences, if such conferences are in support of agency programs: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That uniform allowances for each uniformed employee of the Agricultural Research Service shall not be in excess of \$400 annually: *Provided further*, That appropriations hereunder shall be available to conduct marketing research: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided the cost of constructing any one building shall not exceed \$250,000, except for greenhouses or greenhouses which shall each be limited to \$750,000, and except for ten buildings to be constructed or improved at a cost not to exceed [\$400,000] \$500,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building or \$250,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That the foregoing limitations on purchase of land shall not apply to the purchase of land at Corvallis, Oregon; Weslaco, Texas; and Kimberly, Idaho: *Provided further*, That not to exceed \$190,000 of this appropriation may be transferred to and merged with the appropriation for the Office of the Assistant Secretary for Science and Education for the scientific review of international issues involving agricultural chemicals and food additives.

Special fund: To provide for additional labor, subprofessional, and junior scientific help to be employed under contracts and cooperative agreements to strengthen the work at Federal research installations in the field, \$2,000,000.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, [\$5,390,000] \$11,735,000: *Provided*, That facilities to house Bonsai collections at the National Arboretum may be constructed with funds accepted under the provisions of Public Law 94-129 (20 U.S.C. 195) and the limitation on construction contained in the Act of August 24, 1912 (40 U.S.C. 68) shall not apply to the construction of such facilities: *Provided further*, That funds recovered in satisfaction of judgment at the Plum Island Animal Disease Center shall be available and augment funds appropriated in a prior fiscal year for construction at Plum Island Animal Disease Center and be used for construction necessary to consolidate research and operations at the Center and for renovation of the Beltsville Agricultural Research Center.

COOPERATIVE STATE RESEARCH SERVICE

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including [\$158,545,000] \$155,545,000 to carry into effect the provisions of the Hatch Act approved March 2,

1887, as amended, including administration by the United States Department of Agriculture, and penalty mail costs of agricultural experiment stations under section 6 of the Hatch Act of 1887, as amended, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); [\$12,975,000] \$17,500,000 for grants for cooperative forestry research under the Act approved October 10, 1962 (16 U.S.C. 582a-582a-7), as amended by Public Law 92-318 approved June 23, 1972, including administrative expenses, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); \$25,333,000 for payments to the 1890 land-grant colleges, including Tuskegee University, for research under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (Public Law 95-113), as amended, including administration by the United States Department of Agriculture, and penalty mail costs of the 1890 land-grant colleges including Tuskegee University; [\$47,835,000] \$45,838,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i); [\$40,416,000] \$45,716,000 for competitive research grants including administrative expenses; \$5,476,000 for the support of animal health and disease programs authorized by section 1433 of Public Law 95-113, including administrative expenses; [\$200,000] \$425,000 for supplemental and alternative crops and products as authorized by the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d); [\$1,168,000] \$5,368,000 for grants for research and construction of facilities to conduct research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178); and section 1472 of the Food and Agricultural Act of 1977, as amended (7 U.S.C. 3318), to remain available until expended; \$475,000 for rangeland research grants as authorized by subtitle M of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended; [\$5,754,000] \$6,254,000 for higher education grants under section 1417(a) of Public Law 95-113, as amended (7 U.S.C. 3152(a)); \$3,750,000 for grants as authorized by section 1475 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 and other Acts; [\$2,000,000] \$3,152,000 for grants to States for the operation of international trade development centers, as authorized by the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3292); \$4,450,000 for low-input agriculture as authorized by the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 4701-4710); and [\$11,248,000] \$22,348,000 for necessary expenses of Cooperative State Research Service activities, including coordination and program leadership for higher education work of the Department, administration of payments to State agricultural experiment stations, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$100,000 for employment under 5 U.S.C. 3109; in all, [\$319,625,000] \$341,630,000.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities and for grants to States and other eligible recipients for such purposes, as necessary to carry out the agricultural research,

extension and teaching programs of the Department of Agriculture, where not otherwise provided, [\$22,960,000] \$49,414,000.

EXTENSION SERVICE

Payments to States, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas and American Samoa: For payments for cooperative agricultural extension work under the Smith-Lever Act, as amended, to be distributed under sections 3(b) and 3(c) of said Act, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, [\$246,594,000] \$241,594,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, \$58,635,000; [payments for the urban gardening program under section 3(d) of the Act, \$3,500,000]; payments for the pest management program under section 3(d) of the Act, \$7,164,000; [payments for the farm safety program under section 3(d) of the Act, \$970,000;] payments for the pesticide impact assessment program under section 3(d) of the Act, \$2,580,000; grants to upgrade 1890 land-grant college extension facilities as authorized by section 1416 of Public Law 99-198, \$9,508,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, \$950,000; payments for extension work under section 209(c) of Public Law 93-471, \$953,000; payments for a groundwater quality program under section 3(d) of the Act, [\$4,000,000] \$6,500,000; payments for a financial management assistance program under section 3(d) of the Act, \$1,427,000; for special grants for financially stressed farmers and dislocated farmers as authorized by Public Law 100-219, \$3,350,000 payments for carrying out the provisions of the Renewable Resource Extension Act of 1978 under 3(d) of the Act, \$2,765,000; and payments for extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321-326, 328) and Tuskegee University, \$22,000,000; in all, [\$361,631,000] \$357,426,000, of which not less than \$79,400,000 is for Home Economics: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, as amended, shall not be paid to any State, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

Federal administration and coordination: For administration of the Smith-Lever Act, as amended by the Act of June 26, 1953, the Act of August 11, 1955, the Act of October 5, 1962, section 506 of the Act of June 23, 1972, section 209(d) of Public Law 93-471, and the Act of September 29, 1977 (7 U.S.C. 341-349), as amended, and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, [\$7,319,000] \$9,245,000, of which not less than \$2,300,000 is for Home Economics.

NATIONAL AGRICULTURAL LIBRARY

For necessary expenses of the National Agricultural Library, [\$14,448,000] \$14,947,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$35,000 shall be

available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed \$675,000 shall be available pursuant to 7 U.S.C. 2250 for the alteration and repair of buildings and improvements: *Provided further*, That \$400,000 shall be available for a grant pursuant to section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3818).

OFFICE OF THE ASSISTANT SECRETARY FOR MARKETING AND INSPECTION SERVICES

For necessary salaries and expenses of the Office of the Assistant Secretary for Marketing and Inspection Services to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, Federal Grain Inspection Service, Agricultural Cooperative Service, Agricultural Marketing Service (including Office of Transportation) and Packers and Stockyards Administration, \$427,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b-c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b); and to protect the environment, as authorized by law, [\$342,146,000] \$352,768,000, of which \$4,500,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: *Provided*, That \$1,000,000 of the funds for control of the fire ant shall be placed in reserve for matching purposes with States which may come into the program: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 per centum: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed two, of which one shall be for replacement only: *Provided further*, That uniform allowances for each uniformed employee of the Animal and Plant Health Inspection Service shall not be in excess of \$400 annually: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, as amended, and section 102 of the Act of September 21, 1944, as amended, and any unexpended balances of funds transferred for such emergency purposes in the next

preceding fiscal year shall be merged with such transferred amounts.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, [\$15,172,000] \$11,672,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry on services authorized by the Federal Meat Inspection Act, as amended, and the Poultry Products Inspection Act, as amended, \$422,799,000: *Provided*, That this appropriation shall be available for field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

FEDERAL GRAIN INSPECTION SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, as amended, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, as amended, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$20,000 for employment under 5 U.S.C. 3109, \$8,185,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building: *Provided further*, That none of the funds provided by this Act may be used to pay the salaries of any person or persons who require, or who authorize payments from fee-supported funds to any person or persons who require nonexport, nonterminal interior elevators to maintain records not involving official inspection or official weighing in the United States under Public Law 94-582 other than those necessary to fulfill the purposes of such Act.

INSPECTION AND WEIGHING SERVICES

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed \$36,856,000 (from fees collected) shall be obligated during the current fiscal year for Inspection and Weighing Services.

AGRICULTURAL COOPERATIVE SERVICE

For necessary expenses to carry out the Cooperative Marketing Act of July 2, 1926 (7 U.S.C. 451-457), and for activities relating to the marketing aspects of cooperatives, including economic research and analysis and the application of economic research findings, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), and for activities with institutions or organizations throughout the world concerning the development and operation of agricultural cooperatives (7 U.S.C. 3291), \$4,714,000; of which \$99,000 shall be available for a field office in Hawaii: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section

706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$15,000 shall be available for employment under 5 U.S.C. 3109.

AGRICULTURAL MARKETING SERVICE MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution and regulatory programs as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$70,000 for employment under 5 U.S.C. 3109, [\$33,187,000] \$33,155,000; of which not less than \$1,623,000 shall be available for the Wholesale Market Development Program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$37,962,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than \$8,007,000 for formulation and administration of Marketing Agreements and Orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), [\$942,000] \$1,500,000.

OFFICE OF TRANSPORTATION

For necessary expenses to carry on services related to agricultural transportation programs as authorized by law; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$20,000 for employment under 5 U.S.C. 3109, \$2,397,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

PACKERS AND STOCKYARDS ADMINISTRATION

For necessary expenses for administration of the Packers and Stockyards Act, as authorized by law, and for certifying procedures used to protect purchasers of farm products, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed

\$5,000 for employment under 5 U.S.C. 3109, \$9,562,000.

FARM INCOME STABILIZATION

OFFICE OF THE UNDER SECRETARY FOR INTERNATIONAL AFFAIRS AND COMMODITY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for International Affairs and Commodity Programs to administer the laws enacted by Congress for the Agricultural Stabilization and Conservation Service, Office of International Cooperation and Development, Foreign Agricultural Service, and the Commodity Credit Corporation, \$419,000.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative expenses of the Agricultural Stabilization and Conservation Service, including expenses to formulate and carry out programs authorized by title III of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301-1393); the Agricultural Act of 1949, as amended (7 U.S.C. 1421 et seq.); sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act, as amended and supplemented (16 U.S.C. 590g-590o, 590p(a), 590p(f), and 590q); sections 1001 to 1004, 1006 to 1008, and 1010 of the Agricultural Act of 1970 as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501 to 1504, 1506 to 1508, and 1510); the Water Bank Act, as amended (16 U.S.C. 1301-1311); the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101); sections 202(c) and 205 of title II of the Colorado River Basin Salinity Control Act of 1974, as amended (43 U.S.C. 1592(c), 1595); sections 401, 402, and 404 to 406 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 to 2205); the United States Warehouse Act, as amended (7 U.S.C. 241-273); and laws pertaining to the Commodity Credit Corporation, not to exceed \$632,588,000, to be derived by transfer from the Commodity Credit Corporation fund: *Provided*, That other funds made available to the Agricultural Stabilization and Conservation Service for authorized activities may be advanced to and merged with this account: *Provided further*, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$100,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That no part of the funds made available under this Act shall be used (1) to influence the vote in any referendum; (2) to influence agricultural legislation, except as permitted in 18 U.S.C. 1913; or (3) for salaries or other expenses of members of county and community committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for engaging in any activities other than advisory and supervisory duties and delegated program functions prescribed in administrative regulations.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal

Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer, or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968, as amended (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, \$5,000: *Provided*, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government: *Provided further*, That this amount shall be transferred to the Commodity Credit Corporation: *Provided further*, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursement.

CORPORATIONS

The following corporations and agencies are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

For administrative and operating expenses, as authorized by the Federal Crop Insurance Act, as amended (7 U.S.C. 1516), \$225,626,000: *Provided*, That not to exceed \$700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 508(b) of the Federal Crop Insurance Act, as amended, \$162,939,000, of which \$28,862,000 is to reimburse the Federal Crop Insurance Corporation Fund for agents' commission and loss adjustment obligations incurred during prior years, but not previously reimbursed, as provided for under the provisions of section 516(a) of the Act.

COMMODITY CREDIT CORPORATION

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 1990, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed (estimated to be \$4,800,000,000 in the President's fiscal year 1990 Budget Request (H. Doc. 101-4)), but not to exceed \$4,233,000,000, pursuant to section 2 of the Act of August 17, 1961, as amended (15 U.S.C. 713a-11).

Such funds are appropriated to reimburse the Corporation to restore losses incurred during fiscal years 1988 and 1989 in the amount of \$1,969,000,000 in connection with carrying out the Export Enhancement Program (EEP), \$264,000,000 to restore losses incurred in connection with carrying

out the Targeted Export Assistance Program (TEA), and \$2,000,000,000 to restore losses in connection with carrying out the Federal Crop Insurance Program.]

For fiscal year 1990, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained or anticipated, but not previously reimbursed, but not to exceed \$4,800,000,000, pursuant to section 2 of the Act of August 17, 1961, as amended (15 U.S.C. 713a-11).

SHORT-TERM EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than \$5,000,000,000 in credit guarantees under its export credit guarantee program for short-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 1125(b) of the Food Security Act of 1985 (Public Law 99-198).

INTERMEDIATE EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than \$500,000,000 in credit guarantees under its export guarantee program for intermediate-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 1131(3)(B) of the Food Security Act of 1985 (Public Law 99-198).

GENERAL SALES MANAGER

(INCLUDING TRANSFERS OF FUNDS)

Not to exceed \$7,415,000 may be transferred from the Commodity Credit Corporation funds to support the General Sales Manager, of which up to \$4,000,000 shall be available only for the purpose of selling surplus agricultural commodities from Commodity Credit Corporation inventory in world trade at competitive prices for the purpose of regaining and retaining our normal share of world markets. The General Sales Manager shall report directly to the Secretary of Agriculture. The General Sales Manager shall obtain, assimilate, and analyze all available information on developments related to private sales, as well as those funded by the Corporation, including grade and quality as sold and as delivered, including information relating to the effectiveness of greater reliance by the General Sales Manager upon loan guarantees as contrasted to direct loans for financing commercial export sales of agricultural commodities out of private stocks on credit terms, as provided in titles I and II of the Agricultural Trade Act of 1978, Public Law 95-501, and shall submit quarterly reports to the appropriate committees of Congress concerning such developments.

TITLE II—RURAL DEVELOPMENT PROGRAMS

RURAL DEVELOPMENT ASSISTANCE

OFFICE OF THE UNDER SECRETARY FOR SMALL COMMUNITY AND RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Small Community and Rural Development to administer programs under the laws enacted by the Congress for the Farmers Home Administration, Rural Electrification Administration, Federal Crop Insurance Corporation, and rural development activities of the Department of Agriculture, \$424,000.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND

From funds in the Rural Housing Insurance Fund, and for insured loans as authorized by title V of the Housing Act of 1949, as amended, [\$1,944,990,000] \$1,919,990,000,

of which not less than [\$1,894,420,000] \$1,869,420,000 shall be for subsidized interest loans to low-income borrowers, as determined by the Secretary, and for subsequent loans to existing borrowers or to purchasers under assumption agreements or credit sales, and for loans to finance sales or transfers to nonprofit organizations or public agencies of not more than 5,000 rental units related to prepayment; and not to exceed \$10,000,000 to enter into collection and servicing contracts pursuant to the provisions of section 3(f)(3) of the Federal Claims Act of 1966 (31 U.S.C. 3718).

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) of the Housing Act of 1949, as amended, total new obligations shall not exceed \$300,310,000, to be added to and merged with the authority provided for this purpose in prior fiscal years: *Provided*, That of this amount not less than \$124,918,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, as amended, and not more than \$5,082,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949: *Provided further*, That \$170,310,000 is available for expiring agreements and for servicing of existing units without agreements: *Provided further*, That agreements entered into or renewed during fiscal year 1990 shall be funded for a five-year period, although the life of any such agreement may be extended to fully utilize amounts obligated: *Provided further*, That agreements entered into or renewed during fiscal years 1986, 1987, 1988 and 1989, may also be extended beyond five years to fully utilize amounts obligated.

For an additional amount to reimburse the Rural Housing Insurance Fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of title V of the Housing Act of 1949, as amended (42 U.S.C. 1483, 1487(e), and 1490a(c)), including \$1,317,000 as authorized by section 521(c) of the Act, also including not to exceed \$5,000,000 for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed \$10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act; \$2,677,897,000. For an additional amount as authorized by section 521(c) of the Act, such sums as may be necessary to reimburse the fund to carry out a rental assistance program under section 521(a)(2) of the Housing Act of 1949, as amended.

SELF-HELP HOUSING LAND DEVELOPMENT FUND

For direct loans pursuant to section 523(b)(1)(B) of the Housing Act of 1949, as amended (42 U.S.C. 1490c), \$500,000 shall be available from funds in the Self-Help Housing Land Development Fund.

AGRICULTURAL CREDIT INSURANCE FUND

For direct and guaranteed loans as authorized by 7 U.S.C. 1928-1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, \$569,000,000, of which [\$474,000,000] \$519,000,000 shall be guaranteed loans; [\$14,000,000] \$7,000,000 for water development, use, and conservation loans, of which [\$3,000,000] \$1,500,000 shall be guaranteed loans; operating loans, [\$3,523,000,000] \$3,467,500,000, of which \$2,600,000,000 shall be guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C.

488, [\$2,000,000] \$1,000,000; for emergency insured and guaranteed loans, \$600,000,000 to meet the needs resulting from natural disasters; and for matching grants authorized by section 502(b) of the Agricultural Credit Act of 1987 (7 U.S.C. 5101-5106), [\$3,000,000] \$4,000,000: *Provided*, That notwithstanding any other provision of law, the Secretary shall, by October 15, 1989, allocate to the States the full amount of farm operating loans authorized by this Act and in a manner that will provide each State with the same percentage of the total as it used in fiscal year 1989.

For an additional amount to reimburse the Agricultural Credit Insurance Fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1988(a)), [\$4,259,000,000] \$4,462,159,000.

RURAL DEVELOPMENT INSURANCE FUND

For direct and guaranteed loans as authorized by 7 U.S.C. 1928 and 86 Stat. 661-664, to be available from funds in the Rural Development Insurance Fund, as follows: water and sewer facility loans, [\$445,380,000] \$415,000,000, of which \$75,000,000 shall be for guaranteed loans; guaranteed industrial development loans, \$95,700,000; and community facility loans, [\$119,700,000] \$145,700,000, of which [\$24,000,000] \$50,000,000 shall be for guaranteed loans.

For an additional amount to reimburse the Rural Development Insurance Fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1988(a)), \$1,474,499,000.

RURAL DEVELOPMENT LOAN FUND

For direct loans to intermediary borrowers, [\$14,000,000] \$25,000,000, as authorized under the Rural Development Loan Fund (42 U.S.C. 9812(a)), to be available from funds in the Rural Development Loan Fund, \$2,000,000 and from funds appropriated to this account, [\$12,000,000] \$23,000,000.

RURAL WATER AND WASTE DISPOSAL GRANTS

[For grants pursuant to sections 306(a)(2) and 306(a)(6) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926), \$209,395,000, to remain available until expended, pursuant to section 306(d) of the above Act.]

For grants pursuant to sections 306(a)(2) and 306(a)(6) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926), \$209,395,000, to remain available until expended, pursuant to section 306(d) of such Act.

VERY LOW-INCOME HOUSING REPAIR GRANTS

For grants to the very low-income elderly for essential repairs to dwellings pursuant to section 504 of the Housing Act of 1949, as amended, \$12,500,000, to remain available until expended.

RURAL HOUSING FOR DOMESTIC FARM LABOR

For financial assistance to eligible nonprofit organizations for housing for domestic farm labor, pursuant to section 516 of the Housing Act of 1949, as amended (42 U.S.C. 1486), [\$12,500,000] \$9,513,000, to remain available until expended.

MUTUAL AND SELF-HELP HOUSING

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), [\$9,500,000] \$8,000,000.

RURAL COMMUNITY FIRE PROTECTION GRANTS

For grants pursuant to section 7 of the Cooperative Forestry Assistance Act of 1978 (Public Law 95-313), \$3,091,000 to fund up to 50 per centum of the cost of organizing, training, and equipping rural volunteer fire departments.

COMPENSATION FOR CONSTRUCTION DEFECTS

For compensation for construction defects as authorized by section 509(c) of the Housing Act of 1949, as amended, \$500,000, to remain available until expended.

RURAL HOUSING PRESERVATION GRANTS

For grants for rural housing preservation as authorized by section 552 of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98-181), \$19,140,000.

RURAL DEVELOPMENT GRANTS

For grants authorized under section 310(B)(c) (7 U.S.C. 1932) to any qualified public or private nonprofit organization, **[\$6,500,000] \$26,500,000.** *Provided, That \$500,000 shall be available for grants to qualified nonprofit organizations to provide technical assistance for rural communities needing improved passenger transportation systems or facilities in order to promote economic development: Provided further, That \$2,000,000 shall be available for grants to statewide private, non-profit public television systems in predominately rural States, to provide information and services on rural economics and agriculture.*

OFFICE OF THE ADMINISTRATOR

For necessary salaries and expenses of the Office of the Administrator of the Farmers Home Administration, \$600,000: *Provided, That no other funds in this Act shall be available for this Office.*

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farmers Home Administration, not otherwise provided for, in administering the programs authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921-2000), as amended; title V of the Housing Act of 1949, as amended (42 U.S.C. 1471-1490c); the Rural Rehabilitation Corporation Trust Liquidation Act, approved May 3, 1950 (40 U.S.C. 440-444), for administering the loan program authorized by title III A of the Economic Opportunity Act of 1964 (Public Law 88-452 approved August 20, 1964), as amended, and such other programs which the Farmers Home Administration has the responsibility for administering, \$422,934,000, together with not more than \$3,000,000 of the charges collected in connection with the insurance of loans as authorized by section 309(a) of the Consolidated Farm and Rural Development Act, as amended, and section 517(i) of the Housing Act of 1949, as amended, or in connection with charges made on borrowers under section 502(a) of the Housing Act of 1949, as amended: *Provided, That, in addition, not to exceed \$1,000,000 of the funds available for the various programs administered by this agency may be transferred to this appropriation for temporary field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), to meet unusual or heavy workload increases: Provided further, That not to exceed \$500,000 of this appropriation may be used for employment under 5 U.S.C. 3109: Provided further, That not to exceed **[\$3,068,000] \$3,400,000** of this appropriation shall be available for contracting with the National Rural Water Association or*

other equally qualified national organization for a circuit rider program to provide technical assistance for rural water systems: *Provided further, That notwithstanding any other provision of law, \$1,000,000 of this appropriation shall be available solely to carry out the Lower Mississippi Delta Development Act as incorporated by reference in Public Law 100-460, that all funds appropriated to carry out the purposes of the Lower Mississippi Delta Development Act shall be available for obligation and expenditure through September 30, 1990, or the date of expiration of the Commission, which ever shall occur first, and that notwithstanding section 10(a) of the Delta Development Act, the date for the submission of the Commission's interim report is extended to October 16, 1989: Provided further, That, in addition to any other authority that the Secretary may have to defer principal and interest and forego foreclosure, the Secretary may permit, at the request of the borrowers, the deferral of principal and interest on any outstanding loan made, insured, or held by the Secretary under this title, or under the provisions of any other law administered by the Farmers Home Administration, and may forego foreclosure of any such loan, for such period as the Secretary deems necessary upon a showing by the borrower that due to circumstances beyond the borrower's control, the borrower is temporarily unable to continue making payments of such principal and interest when due without unduly impairing the standard of living of the borrower. The Secretary may permit interest that accrues during the deferral period on any loan deferred under this section to bear no interest during or after such period: *Provided, That, if the security instrument securing such loan is foreclosed, such interest as is included in the purchase price at such foreclosure shall become part of the principal and draw interest from the date of foreclosure at the rate prescribed by law.**

RURAL ELECTRIFICATION ADMINISTRATION

To carry into effect the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-950(b)), as follows:

RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND LOAN AUTHORIZATIONS

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), shall be made as follows: rural electrification loans, not less than \$622,050,000 nor more than \$933,075,000; and rural telephone loans, not less than \$239,250,000 nor more than \$311,025,000; to remain available until expended: *Provided, That loans made pursuant to section 306 of that Act are in addition to these amounts but during fiscal year 1989 total commitments to guarantee loans pursuant to section 306 shall be not less than \$933,075,000 nor more than \$2,100,615,000 of contingent liability for total loan principal: Provided further, That as a condition of approval of insured electric loans during fiscal year 1990, borrowers shall obtain concurrent supplemental financing in accordance with the applicable criteria and ratios in effect as of July 15, 1982: Provided further, That no funds appropriated in this Act may be used to deny or reduce loans or loan advances based upon a borrower's level of general funds: Provided further, That, in addition to the authorized amounts provided for insured electric and telephone loans and to the extent of available applications therefor, carryover amounts from prior years' unobligated loan authorizations shall be obligated by the Administrator of the Rural Electrifi-*

cation Administration during fiscal year 1990 as necessary to approve insured loans without regard to nonstatutory quotas or other restrictions which may be sought to be imposed by or within the executive branch of the Federal Government.

REIMBURSEMENT TO THE RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND

For an additional amount to reimburse the rural electrification and telephone revolving fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-950(b)), \$244,100,000.

RURAL TELEPHONE BANK

For the purchase of Class A stock of the Rural Telephone Bank, \$28,710,000, to remain available until expended (7 U.S.C. 901-950(b)).

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its authorized programs for the current fiscal year. During fiscal year 1990 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be not less than \$177,045,000 nor more than \$210,540,000.

RURAL COMMUNICATION DEVELOPMENT FUND

To reimburse the Rural Communication Development Fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in making Community Antenna Television loans and loan guarantees under sections 306 and 310B of the Consolidated Farm and Rural Development Act, as amended, \$1,329,000.

RURAL ECONOMIC DEVELOPMENT SUBACCOUNT

For grants and loans authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, \$11,357,000, to remain available until expended: *Provided, That this amount will be in addition to any amounts generated by the interest differential on voluntary cushion of credit payments made by REA borrowers.*

OFFICE OF THE ADMINISTRATOR

For necessary salaries and expenses of the Office of the Administrator of the Rural Electrification Administration, \$194,000: *Provided, That no other funds in this Act shall be available for this Office.*

SALARIES AND EXPENSES

For administrative expenses to carry out the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-950(b)), and to administer the loan and loan guarantee programs for Community Antenna Television facilities as authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921-1995), and for which commitments were made prior to fiscal year 1990, including not to exceed \$7,000 for financial and credit reports, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$103,000 for employment under 5 U.S.C. 3109, \$31,124,000: *Provided, That none of the funds in this Act may be used to authorize the transfer of funds to this account from the Rural Telephone Bank: Provided further, That not less than \$1,000,000 of this ap-*

proprietor shall be expended to provide community and economic development technical assistance by Rural Electrification Administration employees to rural electric and telephone systems, and that such technical assistance program be made available within ninety days of enactment.

CONSERVATION

OFFICE OF THE ASSISTANT SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Assistant Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Soil Conservation Service, [\$422,000] \$467,000.

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-590f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100; purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, \$481,000,000, of which not less than \$5,494,000 is for snow survey and water forecasting and not less than \$7,234,000 is for operation and establishment of the plant materials centers: *Provided*, That of the foregoing amounts not less than [\$370,000,000] \$355,000,000 is for personnel compensation and benefits: *Provided further*, That except for \$1,841,000 for improvements of the plant materials centers, the cost of any permanent building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same to any such building and with the exception of buildings acquired in conjunction with land being purchased for other purposes, shall not exceed \$10,000, except for one building to be constructed at a cost not to exceed \$100,000 and eight buildings to be constructed or improved at a cost not to exceed \$50,000 per building and except that alterations or improvements to other existing permanent buildings costing \$5,000 or more may be made in any fiscal year in an amount not to exceed \$2,000 per building: *Provided further*, That when buildings or other structures are erected on non-Federal land that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a-590f), in demonstration projects: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed \$25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e-2): *Provided further*, That none of the funds in this Act shall be used for the purpose of consolidating equipment, person-

nel, or services of the Soil Conservation Service's national technical centers in Portland, Oregon; Lincoln, Nebraska; Chester, Pennsylvania; and Fort Worth, Texas, into a single national technical center.

RIVER BASIN SURVEYS AND INVESTIGATIONS

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, in accordance with section 6 of the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1006-1009), [\$12,533,000] \$12,051,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$60,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED PLANNING

For necessary expenses for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1001-1008), [\$8,997,000] \$8,651,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$50,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1001-1005, 1007-1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and in accordance with the provisions of laws relating to the activities of the Department, \$182,373,000 (of which [\$27,271,000] \$26,271,000 shall be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented): *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed [\$15,000,000] \$20,000,000 shall be available for emergency measures as provided by sections 403-405 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203-2205), and not to exceed \$200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That [\$7,949,000] \$3,755,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (7 U.S.C. 1931): *Provided further*, That not to exceed \$1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93-205), as amended, including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C.

1010-1011; 76 Stat. 607), and the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and the provisions of the Agriculture and Food Act of 1981 (16 U.S.C. 3451-3461), \$27,620,000: *Provided*, That [\$1,207,000] \$600,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (7 U.S.C. 1931): *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$50,000 shall be available for employment under 5 U.S.C. 3109.

GREAT PLAINS CONSERVATION PROGRAM

For necessary expenses to carry into effect a program of conservation in the Great Plains area, pursuant to section 16(b) of the Soil Conservation and Domestic Allotment Act, as added by the Act of August 7, 1956, as amended (16 U.S.C. 590p(b)), [\$20,474,000] \$21,293,000, to remain available until expended (16 U.S.C. 590p(b)(7)).

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

AGRICULTURAL CONSERVATION PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry into effect the program authorized in sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act approved February 29, 1936, as amended and supplemented (16 U.S.C. 590g-590o, 590p(a), 590p(f), and 590q, and sections 1001-1004, 1006-1008, and 1010 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501-1504, 1506-1508, and 1510)), and including not to exceed \$15,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States, \$184,935,000, to remain available until expended (16 U.S.C. 590o) for agreements, excluding administration but including technical assistance and related expenses, except that no participant in the Agricultural Conservation Program shall receive more than \$3,500 per year, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community, or where a participant has a long-term agreement, in which case the total payment shall not exceed the annual payment limitation multiplied by the number of years of the agreement: *Provided*, That no portion of the funds for the current year's program may be utilized to provide financial or technical assistance for drainage on wetlands now designated as Wetlands Types 3 (III) through 20 (XX) in United States Department of the Interior, Fish and Wildlife Circular 39, Wetlands of the United States, 1956: *Provided further*, That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other conservation materials, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out approved farming practices as authorized by the Soil Conservation and Domestic Allotment Act, as amended, as determined and recommended by the county committees, approved by the State committees and the Secretary, under programs provided for herein: *Provided further*, That such assistance will not be used for carrying out measures and practices that are primarily production-oriented or that have little or no conservation or pol-

lution abatement benefits: *Provided further*, That not to exceed 5 per centum of the allocation for the current year's program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Soil Conservation Service for services of its technicians in formulating and carrying out the Agricultural Conservation Program in the participating counties, and shall not be utilized by the Soil Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 per centum may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: *Provided further*, That for the current year's program \$2,500,000 shall be available for technical assistance in formulating and carrying out rural environmental practices: *Provided further*, That no part of any funds available to the Department, or any bureau, office, corporation, or other agency constituting a part of such Department, shall be used in the current fiscal year for the payment of salary or travel expenses of any person who has been convicted of violating the Act entitled "An Act to prevent pernicious political activities" approved August 2, 1939, as amended, or who has been found in accordance with the provisions of title 18 U.S.C. 1913 to have violated or attempted to violate such section which prohibits the use of Federal appropriations for the payment of personal services or other expenses designed to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation by Congress except upon request of any Member or through the proper official channels.

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized in the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, \$12,446,000, to remain available until expended, as authorized by that Act.

WATER BANK PROGRAM

For necessary expenses to carry into effect the provisions of the Water Bank Act (16 U.S.C. 1301-1311), \$12,371,000, to remain available until expended.

EMERGENCY CONSERVATION PROGRAM

For necessary expenses to carry into effect the program authorized in sections 401, 402, and 404 of title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201-2205), \$10,000,000, to remain available until expended, as authorized by 16 U.S.C. 2204.

COLORADO RIVER BASIN SALINITY CONTROL PROGRAM

For necessary expenses for carrying out a voluntary cooperative salinity control program pursuant to section 202(c) of title II of the Colorado River Basin Salinity Control Act, as amended (43 U.S.C. 1592(c)), to be used to reduce salinity in the Colorado River and to enhance the supply and quality of water available for use in the United States and the Republic of Mexico, \$10,420,000, to be used for investigations and surveys, for technical assistance in developing conservation practices and in the preparation of salinity control plans, for the establishment of on-farm irrigation management systems, including related lateral improvement measures, for making cost-share

payments to agricultural landowners and operators, Indian tribes, irrigation districts and associations, local governmental and nongovernmental entities, and other landowners to aid them in carrying out approved conservation practices as determined and recommended by the county committees, approved by the State committees and the Secretary, and for associated costs of program planning, information and education, and program monitoring and evaluation: *Provided*, That the Soil Conservation Service shall provide technical assistance and the Agricultural Stabilization and Conservation Service shall provide administrative services for the program, including but not limited to, the negotiation and administration of agreements and the disbursement of payments: *Provided further*, That such program shall be coordinated with the regular Agricultural Conservation Program and with research programs of other agencies.

CONSERVATION RESERVE PROGRAM (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the conservation reserve program pursuant to the Food Security Act of 1985 (16 U.S.C. 3831-3845), \$1,010,978,000, to remain available until expended, to be used for Commodity Credit Corporation expenditures for cost-share assistance for the establishment of conservation practices provided for in approved conservation reserve program contracts, for annual rental payments provided in such contracts, and for technical assistance: *Provided*, That none of the funds in this Act may be used to enter into new contracts that are in excess of the prevailing local rental rates for an acre of comparable land.

TITLE III—DOMESTIC FOOD PROGRAMS OFFICE OF THE ASSISTANT SECRETARY FOR FOOD AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Assistant Secretary for Food and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service and the Human Nutrition Information Service, \$412,000.

FOOD AND NUTRITION SERVICE CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751-1769b), and the applicable provisions other than sections 3 and 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1773-1785, and 1788-1789): [\$4,869,804,000] \$4,872,044,000, to remain available through September 30, 1991, of which [\$713,250,000] \$715,490,000 is hereby appropriated and \$4,156,554,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That funds appropriated for the purpose of section 7 of the Child Nutrition Act of 1966 shall be allocated among the States but the distribution of such funds to an individual State is contingent upon that State's agreement to participate in studies and surveys of programs authorized under the National School Lunch Act and the Child Nutrition Act of 1966, when such studies and surveys have been directed by the Congress and requested by the Secretary of Agriculture: *Provided further*, That if the Secretary of Agriculture determines that a State's administration of any program under the National School Lunch Act or the Child Nutrition Act of 1966 (other than section 17), or the regulations issued pursuant to these Acts, is seriously deficient, and the State

fails to correct the deficiency within a specified period of time, the Secretary may withhold from the State some or all of the funds allocated to the State under section 7 of the Child Nutrition Act of 1966 and under section 13(k)(1) of the National School Lunch Act; upon a subsequent determination by the Secretary that the programs are operated in an acceptable manner some or all of the funds withheld may be allocated: *Provided further*, That only final reimbursement claims for service of meals, supplements, and milk submitted to State agencies by eligible schools, summer camps, institutions, and service institutions within sixty days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds appropriated under this Act. States may receive program funds appropriated under this Act for meals, supplements, and milk served during any month only if the final program operations report for such month is submitted to the Department within ninety days following that month. Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary: *Provided further*, That up to \$3,600,000 shall be available for independent verification of school food service claims: *Provided further*, That \$500,000 shall be available to establish the Food Service Management Institute.

SPECIAL MILK PROGRAM

For necessary expenses to carry out the special milk program, as authorized by section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772), \$20,449,000, to remain available through September 30, 1991. Only final reimbursement claims for milk submitted to State agencies within sixty days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds appropriated under this Act. States may receive program funds appropriated under this Act only if the final program operations report for such month is submitted to the Department within ninety days following that month. Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary.

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental food program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$2,126,000,000, to remain available through September 30, 1991, of which up to [\$2,000,000] \$2,800,000 may be used to carry out the farmer's market coupon demonstration project.

COMMODITY SUPPLEMENTAL FOOD PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), including not less than \$8,000,000 for the projects in Detroit, New Orleans, and Des Moines, \$65,028,000: *Provided*, That funds provided herein shall remain available through September 30, 1991: *Provided further*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011-2027, 2028, 2029), [\$14,200,235,000] \$15,400,235,000: *Provided*, That funds provided herein shall

remain available through September 30, 1990, in accordance with section 18(a) of the Food Stamp Act: *Provided further*, That up to 5 per centum of the foregoing amount may be placed in reserve to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or work fare requirements as may be required by law: *Provided further*, That \$345,000,000 of the funds provided herein shall be available only to the extent necessary after the Secretary has employed the regulatory and administrative methods available to him under the law to curtail fraud, waste, and abuse in the program: *Provided further*, That \$936,750,000 of the foregoing amount shall be available for Nutrition Assistance for Puerto Rico as authorized by 7 U.S.C. 2028, of which not to exceed [\$10,825,000] \$12,825,000 is available for the Cattle Tick Eradication Project.

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), section 4(b) of the Food Stamp Act (7 U.S.C. 2013), and section 311 of the Older Americans Act of 1965, as amended (42 U.S.C. 3030a), \$206,510,000.

For necessary expenses to carry out section 110 of the Hunger Prevention Act of 1988, \$40,000,000.

TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM

For necessary expenses to carry out the Temporary Emergency Food Assistance Act of 1983, as amended, \$50,000,000: *Provided*, That, in accordance with section 202 of Public Law 98-92, these funds shall be available only if the Secretary determines the existence of excess commodities.

For purchases of commodities to carry out the Temporary Emergency Food Assistance Act of 1983, as amended by section 104 of the Hunger Prevention Act of 1988, \$120,000,000.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, \$93,026,000; of which \$5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification, and prosecution of fraud and other violations of law: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$150,000 shall be available for employment under 5 U.S.C. 3109.

HUMAN NUTRITION INFORMATION SERVICE

For necessary expenses to enable the Human Nutrition Information Service to perform applied research and demonstrations relating to human nutrition and consumer use and economics of food utilization, \$9,145,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

TITLE IV—INTERNATIONAL PROGRAMS FOREIGN AGRICULTURAL SERVICE

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954, as amended (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed \$110,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), [\$98,787,000] \$106,270,000: *Provided*, That this appropriation shall be available to obtain statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

AGRICULTURAL TRADE MISSIONS

For necessary expenses for agricultural aid and trade missions as authorized by Public Law 100-202, \$200,000.

PUBLIC LAW 480

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, 1701-1715, 1721-1726, 1727-1727f, 1731-1736g), as follows: (1) financing the sale of agricultural commodities for convertible foreign currencies and for dollars on credit terms pursuant to titles I and III of said Act, or for convertible foreign currency for use under 7 U.S.C. 1708, and for furnishing commodities to carry out the Food for Progress Act of 1985, not more than [\$860,900,000] \$878,055,000, of which [\$309,845,000] \$327,000,000 is hereby appropriated and the balance derived from proceeds from sales of foreign currencies and dollar loan repayments, repayments on long-term credit sales, carryover balances and commodities made available from the inventories of the Commodity Credit Corporation by the Secretary of Agriculture pursuant to sections 102 and 403(b) of said Act, and (2) commodities supplied in connection with dispositions abroad, pursuant to title II of said Act, not more than [\$682,100,000] \$665,000,000, of which [\$682,100,000] \$665,000,000 is hereby appropriated: *Provided*, That not to exceed 10 per centum of the funds made available to carry out any title to this paragraph may be used to carry out any other title of this paragraph.

OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of International Cooperation and Development to coordinate, plan, and direct activities involving international development, technical assistance and training, and international scientific and technical cooperation in the Department of Agriculture, including those authorized by the Food and Agriculture Act of 1977 (7 U.S.C. 3291), [\$4,376,000] \$6,725,000: *Provided*, That not to exceed \$3,000 of this amount shall be available for official reception and representation expenses as authorized by 7 U.S.C. 1766: *Provided further*, That in addition, funds available to the Department of Agriculture shall be available to assist an international organization in meeting the costs, including salaries, fringe benefits and other associated costs, related to the employment

by the organization of Federal personnel that may transfer to the organization under the provisions of 5 U.S.C. 3581-3584, or of other well-qualified United States citizens, for the performance of activities that contribute to increased understanding of international agricultural issues, with transfer of funds for this purpose from one appropriation to another or to a single account authorized, such funds remaining available until expended: *Provided further*, That the Office may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1736) and the foreign assistance programs of the International Development Cooperation Administration (22 U.S.C. 2392).

SCIENTIFIC ACTIVITIES OVERSEAS (FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies owed to or owned by the United States for market development research authorized by section 104(b)(1) and for agricultural and forestry research and other functions related thereto authorized by section 104(b)(3) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b)(1), (3)), [\$750,000] \$1,000,000: *Provided*, That this appropriation shall be available, in addition to other appropriations for these purposes, for payments in the foregoing currencies: *Provided further*, That funds appropriated herein shall be used for payments in such foreign currencies as the Department determines are needed and can be used most effectively to carry out the purposes of this paragraph: *Provided further*, That not to exceed \$25,000 of this appropriation shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), as amended by 5 U.S.C. 3109.

TITLE V—RELATED AGENCIES DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; [\$550,171,000] \$581,871,000: *Provided*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That this appropriation shall be available to employ persons or organizations, on a temporary basis, by contract or otherwise without regard to chapter 51 and subchapter III of chapter 53, and section 2105(a) of chapter 21 of title 5, United States Code: *Provided further*, That of the sums provided herein, not to exceed \$2,000,000 shall remain available until expended, and shall become available only to the extent necessary to meet unanticipated costs of emergency activities not provided for in budget estimates and after maximum absorption of such costs within the remainder of the account has been achieved.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment of facilities of or used by the Food and Drug Administration, where not otherwise provided, **[\$6,950,000]** **\$12,250,000.**

RENTAL PAYMENTS (FDA)

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act, **\$25,612,000: Provided,** That in the event the Food and Drug Administration should require modification of space needs, a share of the salaries and expenses appropriation may be transferred to this appropriation, or a share of this appropriation may be transferred to the salaries and expenses appropriation, but such transfers shall not exceed 10 per centum of the funds made available for rental payments (FDA) to or from this account.

DEPARTMENT OF THE TREASURY

PAYMENTS TO THE FARM CREDIT SYSTEM
FINANCIAL ASSISTANCE CORPORATION

For necessary payments to the Farm Credit System Financial Assistance Corporation by the Secretary of the Treasury, as authorized by section 6.28(c) of the Farm Credit Act of 1971, as amended, for reimbursement of interest expenses incurred by the Financial Assistance Corporation on obligations issued in fiscal year 1990, as authorized, **[\$88,000,000]** **\$93,000,000: Provided,** That not to exceed \$2,206,000 of the assistance fund shall be available for administrative expenses of the Farm Credit System Assistance Board: *Provided further,* That officers and employees of the Farm Credit System Assistance Board shall be hired, promoted, compensated, and discharged in accordance with title 5, United States Code.

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed \$25,000 for employment under 5 U.S.C. 3109; **\$37,691,000**, including not to exceed \$700 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON REVOLVING FUND FOR
ADMINISTRATIVE EXPENSES

Not to exceed \$36,120,000 (from assessments collected from farm credit system institutions and the Federal Agricultural Mortgage Corporation), shall be available for administrative expenses as authorized under 12 U.S.C. 2249, of which not to exceed \$1,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

Sec. 601. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

Sec. 602. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture

for the fiscal year 1990 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 514 passenger motor vehicles, of which 508 shall be for replacement only, and for the hire of such vehicles.

Sec. 603. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefore as authorized by law (5 U.S.C. 5901-5902).

Sec. 604. Not less than \$1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by the Acts of August 14, 1946 and July 28, 1954, and (7 U.S.C. 427, 1621-1629), and by chapter 63 of title 31, United States Code, shall be available for contracting in accordance with said Acts and chapter.

Sec. 605. No part of the funds contained in this Act may be used to make production or other payments to a person, persons, or corporations upon a final finding by court of competent jurisdiction that such party is guilty of growing, cultivating, harvesting, processing or storing marijuana, or other such prohibited drug-producing plants on any part of lands owned or controlled by such persons or corporations.

Sec. 606. Advances of money to chiefs of field parties from any appropriation in this Act for the Department of Agriculture may be made by authority of the Secretary of Agriculture.

Sec. 607. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed \$2,000,000: *Provided,* That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

Sec. 608. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Public Law 480; Mutual and Self-Help Housing; Watershed and Flood Prevention Operations; Resource Conservation and Development; Colorado River Basin Salinity Control Program; Animal and Plant Health Inspection Service, \$4,500,000 for the contingency fund to meet emergency conditions, **\$5,000,000 for the Grasshopper and Mormon Cricket Control Programs**, and buildings and facilities; Agricultural Stabilization and Conservation Service, salaries and expenses funds made available to county committees; the Federal Crop Insurance Corporation Fund; Agricultural Research Service, buildings and facilities, and up to \$10,000,000 of funds made available for construction at the Beltsville Agricultural Research Center; Cooperative State Research Service, buildings and facilities; Scientific Activities Overseas (Foreign Currency Program); Dairy Indemnity Program; \$2,852,000 for higher education training grants under section 1417(a)(3)(B) of Public Law 95-113, as amended (7 U.S.C. 3152(a)(3)(B)); and buildings and facilities, Food and Drug Administration.

Sec. 609. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 610. Not to exceed \$50,000 of the appropriation available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to Public Law 94-449.

Sec. 611. Notwithstanding any other provision of law, employees of the agencies of

the Department of Agriculture, including employees of the Agricultural Stabilization and Conservation county committees, may be utilized to provide part-time and intermittent assistance to other agencies of the Department, without reimbursement, during periods when they are not otherwise fully utilized, and ceilings on full-time equivalent staff years established for or by the Department of Agriculture shall exclude overtime as well as staff years expended as a result of carrying out programs associated with natural disasters, such as forest fires, droughts, floods, and other acts of God.

Sec. 612. Funds provided by this Act for personnel compensation and benefits shall be available for obligation for that purpose only.

Sec. 613. No part of any appropriation contained in this Act shall be expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), pursuant to any obligation for services by contract, unless such executive agency has awarded and entered into such contract as provided by law.

Sec. 614. None of the funds appropriated or otherwise made available by this Act shall be available to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

Sec. 615. Certificates of beneficial ownership sold by the Farmers Home Administration in connection with the Agricultural Credit Insurance Fund, Rural Housing Insurance Fund, and the Rural Development Insurance Fund shall be not less than 65 per centum of the value of the loans closed during the fiscal year.

Sec. 616. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and non-profit institutions in excess of 10 per centum of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

Sec. 617. None of the funds in this Act shall be used to carry out any activity related to phasing out the Resource Conservation and Development Program.

Sec. 618. None of the funds in this Act shall be used to prevent or interfere with the right and obligation of the Commodity Credit Corporation to sell surplus agricultural commodities in world trade at competitive prices as authorized by law.

Sec. 619. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

Sec. 620. During fiscal year 1990, notwithstanding any other provision of law, no funds may be paid out of the Treasury of the United States or out of any fund of a Government corporation to any private individual or corporation in satisfaction of any assurance agreement or payment guar-

antee or other form of loan guarantee entered into by any agency or corporation of the United States Government with respect to loans made and credits extended to the Polish People's Republic, unless the Polish People's Republic has been declared to be in default of its debt to such individual or corporation or unless the President has provided a monthly written report to the Speaker of the House of Representatives and the President of the Senate explaining the manner in which the national interest of the United States has been served by any payments during the previous month under loan guarantee or credit assurance agreement with respect to loans made or credits extended to the Polish People's Republic in the absence of a declaration of default.

Sec. 621. None of the funds in this Act shall be available to reimburse the General Services Administration for payment of space rental and related costs in excess of the amounts specified in this Act; nor shall this or any other provision of law require a reduction in the level of rental space or services below that of fiscal year 1989 or prohibit an expansion of rental space or services with the use of funds otherwise appropriated in this Act. Further, no agency of the Department of Agriculture, from funds otherwise available, shall reimburse the General Services Administration for payment of space rental and related costs provided to such agency at a percentage rate which is greater than is available in the case of funds appropriated in this Act.

Sec. 622. In fiscal year 1990, the Secretary of Agriculture shall initiate construction on not less than twenty new projects under the Watershed Protection and Flood Prevention Act (Public Law 566) and not less than five new projects under the Flood Control Act (Public Law 534).

Sec. 623. Funds provided by this Act may be used for translation of publications of the Department of Agriculture into foreign languages when determined by the Secretary to be in the public interest.

Sec. 624. None of the funds appropriated by this Act may be used to relocate the Hawaii State Office of the Farmers Home Administration from Hilo, Hawaii, to Honolulu, Hawaii.

Sec. 625. Provisions of law prohibiting or restricting personal services contracts shall not apply to veterinarians employed by the Department to take animal blood samples, test and vaccinate animals, and perform branding and tagging activities on a fee-for-service basis.

Sec. 626. None of the funds provided in this Act may be used to reduce programs by establishing an end-of-year employment ceiling on full-time equivalent staff years below the level set herein for the following agencies: Food and Drug Administration, [7,400] 7,500; Farmers Home Administration, 12,675; Agricultural Stabilization and Conservation Service, 2,550; Rural Electrification Administration, 550; and Soil Conservation Service, 14,177.

Sec. 627. Funds provided in this Act may be used for one-year contracts which are to be performed in two fiscal years so long as the total amount for such contracts is obligated in the year for which the funds are appropriated.

Sec. 628. Funds appropriated by this Act shall be applied only to the objects for which appropriations were made except as otherwise provided by law, as required by 31 U.S.C. 1301.

Sec. 629. None of the funds in this Act shall be available to restrict the authority

of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

Sec. 630. None of the funds provided in this Act may be expended to release information acquired from any handler under the Agricultural Marketing Agreement Act of 1937, as amended: *Provided*, That this provision shall not prohibit the release of information to other Federal agencies for enforcement purposes: *Provided further*, That this provision shall not prohibit the release of aggregate statistical data used in formulating regulations pursuant to the Agricultural Marketing Agreement Act of 1937, as amended: *Provided further*, That this provision shall not prohibit the release of information submitted by milk handlers.

Sec. 631. Unless otherwise provided in this Act, none of the funds appropriated or otherwise made available in this Act may be used by the Farmers Home Administration to employ or otherwise contract with private debt collection agencies to collect delinquent payments from Farmers Home Administration borrowers.

Sec. 632. None of the funds in this Act, or otherwise made available by this Act, shall be used to sell loans made by the Agricultural Credit Insurance Fund. *Further*, *Rural Development Insurance Fund loans offered for sale in fiscal year 1990 shall be first offered to the borrowers for prepayment.*

Sec. 633. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries of personnel who carry out a targeted export assistance program under section 1124 of the Food Security Act of 1985 if the aggregate amount of funds and/or commodities under such program exceeds \$200,000,000.

[Sec. 634. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries of personnel who carry out an export enhancement program (estimated to be \$1,000,000,000 in the President's fiscal year 1990 Budget Request (H. Doc. 101-4)) if the aggregate amount of funds and/or commodities under such program exceeds \$770,000,000.]

Sec. 634. None of the funds available in this Act for the Special Supplemental Food Program for Women, Infants, and Children (WIC) may be used by a State if that State has not examined the feasibility of implementing cost containment procedures described in section 3 of the Commodity Distribution Reform Act and WIC Amendments of 1988 (7 U.S.C. 612c note) (including infant formula rebates) for acquiring infant formula and, where practicable, other foods that are necessary to carry out such program, and if the State has determined that such a procedure would lower costs and enable more eligible persons to be served (without interference with the delivery of nutritious foods to recipients) and has not initiated action to implement such procedures. The Secretary may extend the effective date of implementation on a case-by-case basis where necessary.

Sec. 635. None of the funds in this Act, or otherwise made available by this Act, shall be used to regulate the order or sequence of advances of funds to a borrower under any combination of approved telephone loans from the Rural Electrification Administration, the Rural Telephone Bank or the Federal Financing Bank.

[Sec. 636. In fiscal year 1990, section 32 funds shall be used to purchase sunflower and cottonseed oil, as authorized by law,

and such purchases shall be used to facilitate additional sales of such oils in world markets at competitive prices, so as to compete with other countries.]

Sec. 636. In fiscal years 1990 and 1991, \$40,000,000 of section 32 funds shall be used to purchase sunflower and cottonseed oil, as authorized by law, such purchases to facilitate additional sales of such oils in world markets at competitive prices, so as to compete with other countries: *Provided*, That these funds shall be in addition to funds made available for this purpose by the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1989 (Public Law 100-460).

Sec. 637. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

Sec. 638. When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with Federal money, and (2) the dollar amount of Federal funds for the project or program.

Sec. 639. None of the funds in this Act shall be available to pay indirect costs on research grants awarded competitively by the Cooperative State Research Service that exceed 25 per centum of total direct costs under each award.

Sec. 640. Within 30 days of the enactment of this section the Secretary of Agriculture may establish and operate a program for fiscal year 1990 as follows:

(a) The Secretary shall make available to sugar refiners, operators and processors commodities acquired by the Commodity Credit Corporation at such levels as the Secretary determines necessary to permit such refiners, operators or processors to purchase in the amounts specified below raw sugar grown in the Republic of the Philippines and countries designated as beneficiary countries pursuant to section 212 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702) at prices equivalent to the market price for raw cane sugar in the United States on the condition that an equivalent amount of sugar refined in the United States is exported to world markets within 60 days. The Secretary shall make such commodities available on the basis of competitive bids and shall have discretion to accept or reject bids under such criteria as the Secretary determines appropriate. Generic certificates shall be issued in lieu of commodities acquired by the Commodity Credit Corporation under the program established under this section.

(b) The Secretary shall make available sufficient commodities to permit the importation of no less than 290,000 short tons of sugar, raw value, from the beneficiary countries specified in subsection (a), and no less than 110,000 short tons of sugar, raw value, from the Republic of the Philippines. Sugar imported under the program authorized under this section shall be in addition to any sugar quota level established for the countries specified in subsection (a) pursuant to headnote 3 of schedule 1, part 10, subpart A of the Tariff Schedules of the United States (9 U.S.C. 1202).

(c) In order to maximize the number of competing bidders, the Secretary shall, in determining the low bidders in the program

established under this section, make appropriate adjustments in bids received from sugar refiners, operators and processors to reflect differing transportation costs based on refinery and factory location.

(d) The program authorized under this section shall be in addition to, and not in place of, any authority granted to the Secretary or the Commodity Credit Corporation under any other provision of law.

(e) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

(f) Nothing in this section shall be deemed to increase the appropriation for any program administered by the United States Department of Agriculture.

This Act may be cited as the "Rural Development, Agriculture, and Related Agencies Appropriations Act, 1990".

CONTENTS

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

Office of the Secretary	2
Office of the Deputy Secretary	3
Office of Budget and Program Analysis	3
Office of the Assistant Secretary for Administration	3
Rental Payments (USDA)	3
Building Operations and Maintenance	4
Advisory Committees (USDA)	4
Hazardous Waste Management	5
Departmental Administration	5
Working Capital Fund	6
Office of the Assistant Secretary for Governmental and Public Affairs	6
Public Affairs	6
Congressional Relations	7
Intergovernmental Affairs	7
Office of the Inspector General	7
Office of the General Counsel	8
Office of the Assistant Secretary for Economics	8
Economic Research Service	8
National Agricultural Statistics Service	10
World Agricultural Outlook Board	10
Office of the Assistant Secretary for Science and Education	11
Agricultural Research Service	11
Buildings and Facilities	13
Cooperative State Research Service	14
Buildings and Facilities	16
Extension Service	16
National Agricultural Library	18
Office of the Assistant Secretary for Marketing and Inspection Services	19
Animal and Plant Health Inspection Service	19
Buildings and Facilities	21
Food Safety and Inspection Service	21
Federal Grain Inspection Service	22
Agricultural Cooperative Service	23
Agricultural Marketing Service	24
Marketing Services	24
Funds for Strengthening Markets, Income, and Supply (Section 32)	25
Payments to States and Possessions	25
Office of Transportation	25
Packers and Stockyards Administration	26

FARM INCOME STABILIZATION

Office of the Under Secretary for International Affairs and Commodity Programs	26
Agricultural Stabilization and Conservation Service	27

Salaries and Expenses	27
Dairy Indemnity Program	28
Federal Crop Insurance Corporation	30
Administrative and Operating Expenses	30
Federal Crop Insurance Corporation Fund	30
Commodity Credit Corporation	31
Reimbursement for Net Realized Losses	31
Short-term Export Credit	31
Intermediate Export Credit	32
General Sales Manager	32

TITLE II—RURAL DEVELOPMENT PROGRAMS

RURAL DEVELOPMENT ASSISTANCE

Office of the Under Secretary for Small Community and Rural Development	33
Farmers Home Administration	33
Rural Housing Insurance Fund	33
Self-Help Housing Land Development Fund	35
Agricultural Credit Insurance Fund	36
Rural Development Insurance Fund	37
Rural Development Loan Fund	37
Rural Water and Waste Disposal Grants	37
Very Low-Income Housing Repair Grants	38
Rural Housing for Domestic Farm Labor	38
Mutual and Self-Help Housing	38
Rural Community Fire Protection Grants	38
Compensation for Construction Defects	38
Rural Housing Preservation Grants	39
Rural Development Grants	39
Office of the Administrator	39
Salaries and Expenses	39
Rural Electrification Administration	41
Rural Electrification and Telephone Revolving Fund Loan Authorizations	42
Rural Telephone Bank	43
Rural Communication Development Fund	43
Office of the Administrator	44
Salaries and Expenses	44

CONSERVATION

Office of the Assistant Secretary for Natural Resources and Environment	44
Soil Conservation Service	45
Conservation Operations	45
River Basin Surveys and Investigations	47
Watershed Planning	47
Watershed and Flood Prevention Operations	48
Resource Conservation and Development	49
Great Plains Conservation Program	50
Agricultural Stabilization and Conservation Service	50
Agricultural Conservation Program	50
Forestry Incentives Program	53
Water Bank Program	53
Emergency Conservation Program	53
Colorado River Basin Salinity Control Program	54
Conservation Reserve Program	55

TITLE III—DOMESTIC FOOD PROGRAMS

Office of the Assistant Secretary for Food and Consumer Services	55
Food and Nutrition Service	56
Child Nutrition Programs	56
Special Milk Program	57
Special Supplemental Food Program for Women, Infants and Children (WIC)	58
Commodity Supplemental Food Program	58
Food Stamp Program	59
Food Donations Programs for Selected Groups	60
Temporary Emergency Food Assistance Program	60
Food Program Administration	60
Human Nutrition Information Service	61

TITLE IV—INTERNATIONAL PROGRAMS

Foreign Agricultural Service	61
Agricultural Trade Missions	62
Public Law 480	62
Office of International Cooperation and Development	63
Scientific Activities Overseas (Foreign Currency Program)	64

TITLE V—RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration	65
Salaries and Expenses	65
Buildings and Facilities	66
Rental Payments (FDA)	66

DEPARTMENT OF THE TREASURY

Payments to the Farm Credit System Financial Assistance Corporation	67
Commodity Futures Trading Commission	67
Farm Credit Administration—Limitation on Revolving Fund for Administrative Expenses	68

TITLE VI

General Provisions	68
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Mr. BURDICK addressed the Chair. The PRESIDENT pro tempore. The Senate will be in order. Staff will please take their seats.

The senior Senator from North Dakota [Mr. BURDICK] is recognized.

Mr. BURDICK. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be regarded, for the purpose of amendments, as original text, provided that no point of order shall be waived by reason of the agreement to this request.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. It is so ordered.

The committee amendments were agreed to en bloc.

Mr. BURDICK. Mr. President, today we take up the agriculture appropriations bill. I would like to summarize the bill briefly for my colleagues before considering any amendments Senators may have.

For research, extension, and pest control, the bill restores many special projects proposed for elimination by the President, and provides increases

for particular emphasis in several areas such as water quality, human nutrition, brucellosis, pseudorabies, boll weevil, scrapie, and the Russian wheat aphid.

Direction and added emphasis are placed on domestic marketing programs, as well as continuation of various export enhancement programs and Public Law 480, which are largely responsible for our country's positive agricultural trade balance.

For conservation programs, the bill increases the traditional programs that the President proposed to cut, and provides for the continuation of the Conservation Reserve Program.

Rural development is given key emphasis in the bill in several accounts administered by the Farmers Home Administration and the Rural Electrification Administration. Overall, the bill contains an increase of \$266 million over 1989 for rural development programs.

The bill also contains a \$100 million increase over last year for rural housing programs.

Under REA, the subcommittee restores insured and guaranteed electric and telephone loans to their 1989 levels.

Domestic food assistance programs are also a priority in the bill. Based on current estimates of need, the Food Stamp Program is increased by \$1.2 billion over the President's budget. Funding for commodity distributions under the Temporary Emergency Food Assistance Program is restored. The WIC Program is increased by \$196 million over the 1989 level, and the Commodity Supplemental Food Program is increased by \$15 million over last year.

For the Food and Drug Administration, the bill restores the \$100 million in funds assumed by the administration through user fees and has added \$82 million over the 1989 appropriations for the agency.

In summary, the subcommittee bill proposes to spend \$44,253,000,000. We are just within our allocation for discretionary spending.

I commend the bill to my colleagues and recommend that it be accepted.

Finally, Mr. President, I want to thank the ranking member of the subcommittee, Senator COCHRAN, for his help and advice in writing this bill. We have worked very well together and I just want him to know how much I appreciate his help.

Mr. President, I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDENT pro tempore. The Senior Senator from Mississippi [Mr. COCHRAN] is recognized.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from North Dakota for his compliment, and also for his cooperation and leadership in the development of this appropriations bill to fund the activities of the

Department of Agriculture and related agencies for the fiscal year beginning October 1 of this year.

This bill has been the subject of very careful work by the members of the subcommittee. We had numerous hearings to review the President's requests for the Department of Agriculture and all the programs administered by the Department, getting information from a wide range of witnesses, including those served by many of the programs funded in this bill and those involved in production agriculture where we are trying to maintain competitiveness in the international marketplace for commodities produced on America's farms and ranches.

I think there is a success story, Mr. President, that should be told about American agriculture. Not so long ago, when we were seeing such widespread economic distress on farms and ranches around America, there was some concern that no amount of Federal assistance or farm programs could improve the situation and provide profits and economic well-being for farmers.

That is turning around. We are seeing economic health restored to America's farms and substantial increases in our agricultural exports, not only in total volume but also in the value of what we are selling.

I think the last figure I saw indicated that we sold \$26 billion in agricultural commodities last year. Those numbers continue to increase. As a matter of fact, in March I recall seeing that we sold \$4 billion worth of American farm commodities and food products in overseas markets. That is the fourth highest monthly total in the history of our country. That was in March of this year.

So we are making progress, partly because of the programs and initiatives that Congress in its wisdom has authorized and that are funded in this appropriations bill.

The appropriations bill for rural development, agriculture, and related agencies for fiscal year 1990, H.R. 2883, provides funding for a wide range of Federal programs, including research, conservation, lending, price support, export promotion, and nutrition programs administered by the Department of Agriculture. It also funds the Food and Drug Administration, the Commodity Futures Trading Commission, the Department of the Treasury for interest expenses incurred by the Farm Credit System Financial Assistance Corporation, and establishes limitations on the administrative expenses of the Farm Credit Administration and the Farm Credit Assistance Board.

H.R. 2883 was passed by the House of Representatives on Tuesday, July 18, 1989; was marked up by the Agriculture Appropriations Subcommittee last Thursday, July 20, and reported

by the full Senate Appropriations Committee Tuesday, July 25. The report accompanying this bill is Senate Report No. 101-84.

As reported by the Appropriations Committee, the rural development, agriculture bill includes \$44.3 billion in total budget authority [BA] and \$27.2 billion in outlays for fiscal year 1990. This is \$2.5 billion less in budget authority than was made available in the 1989 bill. After adjustments by the Congressional Budget Office [CBO], the bill reflects \$35.9 billion in spending authority and \$19.7 billion in outlays for mandatory programs and \$8.892 billion in budget authority and \$8.88 billion in outlays for discretionary programs. All of this is to say that the bill is consistent with the bipartisan budget agreement and with the 302(b) allocation for discretionary spending.

AGRICULTURAL PROGRAMS

A key element in the success of U.S. agriculture is the support it has enjoyed from both private and public research funding. I believe this bill proposes a comprehensive, geographically broad-based, well-funded research program for agriculture and technology transfer needs. In fact, approximately \$1.4 billion of this bill is specifically directed to the activities of the Agricultural Research Service, the Cooperative State Research Service, Extension Service, and the National Agriculture Library.

The conservation programs of USDA are critical to improving and conserving our soil and water resource quantity and quality, improving agriculture, and reducing damage caused by floods and sedimentation. This bill supports continuation of the existing cost-share conservation programs, as well as the Conservation Reserve Program [CRP]. In fact, the committee reiterates its strong support of the CRP and urges the Department "to encourage further enrollment in the program."

Commodity price support programs are financed through the Commodity Credit Corporation [CCC]. The CCC borrows funds from the U.S. Treasury and repays these borrowings with interest from receipts and from appropriations provided by Congress. The CCC's outstanding borrowings from the Treasury may not exceed \$30 billion. In order to reimburse the CCC for net realized losses, the bill provides \$4.8 billion, which is the amount supported by the administration.

Through various programs the committee has also attempted to strengthen U.S. agriculture's potential in world markets. It is convinced that continued efforts to expand agricultural markets overseas are critical to a healthy domestic farm economy. Reflected in this bill is the committee's continued support of the intermediate- and short-term export credit guaran-

tee programs, the Export Enhancement Program [EEP] and the Targeted Export Assistance [TEA] Program.

RURAL DEVELOPMENT

Mr. President, I am pleased to report that increased attention to rural development has been emphasized in this bill. Over the years, programs have been developed to help meet important needs in rural areas, including transportation, water, credit, housing and electricity. Many of these programs have been very beneficial and have improved the lives of those who live in our Nation's small towns and rural communities. Specifically, the bill provides an increase in the rural housing programs administered by the Farmers Home Administration; increases the levels available for the water and sewer loan and grant programs; increases the amount for the rural development loan fund, a program that makes loans to intermediary borrowers—that is, small investment groups—who in turn relend the funds to rural businesses, community development corporations, private nonprofit organizations, or public agencies for the purpose of improving the economy in rural areas; and provides a substantial increase in the rural economic development subaccount which is administered by the Rural Electrification Administration [REA].

I believe that it is important for us to focus attention on policies that can help assure a healthy rural America. The committee has done this by supporting and funding our existing programs.

NUTRITION PROGRAMS

Through its nutrition assistance programs, USDA's Food and Nutrition Service provides various forms of food assistance. The committee has fully funded the Food Stamp Program; the Child Nutrition Programs which include the school lunch and school breakfast programs, summer food service program, child care food program, and nutrition education and training; and the Temporary Emergency Food Assistance Program [TEFAP].

There is an increase of \$197 million over the current level for the Special Supplemental Food Program for Women, Infants and Children [WIC], for a total appropriation of \$2.126 billion. For the past 10 years, the WIC Program has received consistent support from the Congress by providing steady and significant increases in the appropriations—from \$596.5 million in 1979 to \$2.126 billion in 1990. As a result, average monthly participation in January of this year was 3.9 million, and it is estimated that almost 70 percent of all those eligible pregnant mothers, infants, and children ages 1 through 5 below 100 percent of poverty will be served by the WIC program in fiscal year 1990.

FOOD AND DRUG ADMINISTRATION

In recent years, the Food and Drug Administration has had difficulty meeting the growing demands that have been placed upon it. Major strains on its personnel, equipment and facilities have resulted. The committee is aware of these problems and responded by providing a substantial increase in FDA's funding level, so that it will be able to carry out its mission of ensuring the safety of foods and the safety and efficacy of drugs, medical devices and biologics. Also, the bill rejects the proposal to fund ongoing FDA activities through user fee collections on product approvals regulated by law and restores \$100 million to the 1990 appropriations.

ADMINISTRATION'S POSITION

The administration supports the committee's full implementation of the President's initiative to reduce groundwater and surface water pollution from agriculture sources; the provision of sufficient funding to continue USDA's Federal Review initiative which is critical to reducing school meal overclaims; and the inclusion of the requested AIDS funding for the Food and Drug Administration.

However, the administration has expressed several valid concerns with regard to this bill. They range from "excessive discretionary funding" to a "disregard for the President's loan program reforms." These are objections that will be addressed in conference, along with the other differences between the House and Senate versions of this appropriation bill.

Mr. President, I believe the Appropriations Committee has produced a rural development, agriculture appropriations bill that deserves the support of the Senate. I recommend it to my colleagues.

For the information of Senators, I want to point out a few provisions I think are very important and I know Senators are interested in. For example, a key element in the success of U.S. agriculture is the support it has enjoyed from both private and public research funding. I believe this bill proposes a comprehensive, geographically broad-based and well-funded research program for agriculture and technology transfer needs. In fact, approximately \$1.4 billion of this bill is specifically directed to activities of the Agricultural Research Service, the Cooperative State Research Service, Extension Service, and the National Agriculture Library.

The conservation programs of the Department of Agriculture are critical to improving and conserving our soil and water resource quantity and quality and to reducing damage caused by floods and sedimentation. This bill supports continuation of the existing cost-share conservation programs as well as the conservation research program. In fact, the committee reiterates

its strong support of the CRP and urges the Department to encourage further enrollment in the program.

Commodity price support programs are financed through the Commodity Credit Corporation.

The CCC borrows funds from the U.S. Treasury and repays them with interest from receipts and from appropriations provided by Congress. This borrowing from the Treasury may not exceed \$30 billion. In order to reimburse the CCC for net realized losses, the bill provides \$4.8 billion, the amount supported by the administration.

The committee has also attempted to strengthen U.S. agriculture's potential in world markets. It is convinced that continued efforts to expand agricultural markets overseas are critical to a healthy domestic farm economy. Reflected in this bill is the committee's continued support of the intermediate- and short-term export credit guarantee programs, the export enhancement program, and the targeted export assistance program.

Mr. President, I am pleased to report that increased attention to rural development has been emphasized in this bill. Over the years, programs have been developed to help meet important needs in rural areas such as transportation, water, credit, housing, and electricity. Many of these programs have been very beneficial and have improved the lives of those who live in our Nation's small towns and rural communities.

Specifically, the bill provides an increase in the rural housing programs administered by the Farmers Home Administration; increases the levels available for the water and sewer loan and grant programs; increases the amount for the rural development loan fund, a program providing loans to intermediary borrowers, small investment groups, who in turn relend the funds to rural businesses, community development corporations, private nonprofit or public agencies for the purpose of improving the economy of rural areas; and provides a substantial increase in the rural economic development subaccount which is administered by the Rural Electrification Administration.

I believe it is important that we focus on policies that can help assure a healthy rural America. The committee has done this by supporting and funding our existing programs. Through its nutrition assistance programs, the Department of Agriculture's food and nutrition service provides various forms of food assistance. The committee has fully funded the Food Stamp Program; the child nutrition programs, which includes the school lunch and school breakfast programs, Summer Food Service Program, Child Care Food Program, and

nutrition education and training; and the Temporary Emergency Food Assistance Program. There is an increase of \$197 million over the current level for the special supplemental food program for women, infants, and children.

Mr. President, the administration supports the committee's full implementation of the President's initiative to reduce ground water and surface water pollution from agriculture sources; the provision of sufficient funding to continue the Department of Agriculture's Federal review initiative, which is critical to reducing school meal overclaims; and the inclusion of the requested AIDS funding for the Food and Drug Administration.

There have been some valid concerns expressed by the administration regarding this bill, specifically, a disregard for the President's loan program reforms. These are objections that will be addressed in conference, along with other differences between the House and Senate versions of this appropriations bill.

Mr. President, I believe the Appropriations Committee has produced a rural development agriculture appropriations bill that deserves the support of the Senate. I recommend it to my colleagues.

The PRESIDENT pro tempore. The Senator from Arkansas.

BIOTECHNOLOGY DEMONSTRATION PROJECT AT NATIONAL CENTER FOR TOXICOLOGICAL RESEARCH

Mr. BUMPERS. Mr. President, I rise to express my strong support for H.R. 2883, the fiscal year 1990 agriculture, rural development, and related agencies appropriation bill, which provides \$2.5 million for a biotechnology demonstration project at the National Center for Toxicological Research. This demonstration project, called the National Biotechnology Cooperative, is the brainchild of a number of forward-thinking individuals and organizations who are concerned about the U.S. position as a world leader in the biotechnology field but convinced that the private and public sectors can cooperate to protect the United States as the biotechnology leader. I want to thank the chairman of the subcommittee and his staff for recognizing the importance of this project.

If the United States is to remain the world leader in biotechnology and harness the power of biotechnology for breakthroughs in food production, drug development, toxic waste disposal, and other areas, all barriers to biotechnology research and development must be removed. Experts in the biotechnology field have identified a number of barriers to the continued success of the biotechnology industry, including the lack of capital for research, an absence of focus on product application, burdensome regulations,

inadequate training opportunities in biotechnology, and an adversarial culture among researchers. The Federal Government can play a key role in removing these barriers and encouraging private and public sector cooperation in biotechnology. The investment need not be large, just wisely placed. Individuals in Arkansas and at the Food and Drug Administration have fashioned a private-public sector cooperative project that helps define the Federal role in biotechnology.

The National Biotechnology Cooperative will be located at the National Center for Toxicological Research in Jefferson, AR. The NCTR is a Federal laboratory, operated by the Food and Drug Administration, which includes 400,000 square feet of high-level containment space that is sitting idle. We propose to use that space as a biotechnology research center that would be available to organizations unable to finance the construction of expensive space required for containment of biotechnology products and the purchase of equipment required for state-of-the-art biotechnology investigation and to organizations that want to collaborate with government, academic, and industry scientists to stimulate new research initiatives. I believe the Biotechnology Cooperative is the ideal research site for researchers with a great idea but little money or a great research result but no knowledge of how to turn it into a product.

The Senate Appropriations Committee adopted language I proposed in fiscal year 1989 directing the Food and Drug Administration to spend \$500,000, to be matched by \$500,000 in Arkansas State funds, on a study to determine the feasibility of a biotechnology cooperative. All the experts I have consulted have made it very clear that the cooperative is not only feasible but essential. Nevertheless, the feasibility study was necessary. A funny thing happened on the way to the feasibility study when the Office of Management and Budget prohibited the FDA from spending the funds Congress provided. I have been battling the OMB for months, and I am pleased to report that the necessary funds have finally been released for the feasibility study. This belated action means that additional funds—\$2.5 million—will be needed in fiscal year 1990 for architectural and engineering studies for the project. I am pleased that the Senate, in providing such funds, has concurred with me regarding the need for this outstanding project.

Mr. President, I congratulate the Senate for moving forward on this project and salute the citizens of my State who have stood by this project for years.

GEOGRAPHIC DISTRIBUTION OF COMPETITIVE RESEARCH GRANTS

Mr. HEFLIN. Mr. President, I rise to express my concern over the current geographical distribution of competitive research grants awarded by the Federal Government. I understand that under the current distribution, only five States receive more than 50 percent of all the Federal research dollars, while the bottom 16 States receive less than 2 percent of the total.

I am aware that this is not the case with the Department of Agriculture, which distributes the greater part of its research funding on a formula basis to land-grant institutions in every State in the Nation. However, the Department also operates a competitive grants program where the distribution is similar to the concentrated pattern found in other Federal science programs.

It is my hope, therefore, that you would encourage the Department to consider taking steps to achieve a wider distribution of its competitive grant support. In this regard, I would like to call to your attention a small pilot program within the National Science Foundation; this program, the Experimental Program to Stimulate Competitive Research [EPSCoR] has proven successful in improving the ability of research universities in States that receive comparatively less competitive research support to compete for increased amounts of such support. I know that EPSCoR has been successful in this undertaking because I have seen it accomplish this goal in my own State.

Mr. BURDICK. I appreciate my good friend, the senior Senator from Alabama, bringing this matter to my attention. As it happens, I am also very familiar with the EPSCoR Program, which has been operating for some time in North Dakota, where it also has been successful in aiding our universities in the competition for research grants. I agree that the Department of Agriculture would do well to examine this program closely to see if it has potential to broaden involvement in its own competitive grants program.

Mr. HEFLIN. I appreciate my good friend's response. To move this matter forward, I would ask that he consider proposing in conference that the Department of Agriculture be directed to submit a report to the Appropriation Committees by January 1, 1990, which would provide the following information:

First, a geographic breakdown of the Department's competitive grant awards for the period 1984-89;

Second, an estimate of the potential for increasing the diversity of this funding pattern through a coordinated effort between the Department and the State EPSCoR committees which

have been established in each EPSCoR State; and

Third, an analysis of the potential for such a coordinated effort to improve the research and science education base in the States with an EPSCoR committee through a coordinated Federal effort involving the major Federal departments, including Agriculture, that provide significant university-based funding.

Mr. BURDICK. I think that the Senator's idea of asking the Department for a report along these lines is an excellent one and it will be my intention to work with my colleagues on the committee and with our counterparts in the other body to see that this is accomplished.

Mr. President, the bill is now open for amendment. If there are none at this point, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

Mr. BYRD. Mr. President, H.R. 2883, the Agriculture appropriation bill for fiscal year 1990, provides total obligational authority of \$44,253,046,000. The bill as reported by the Appropriations Committee is within its 302(b) allocation, while addressing the needs of America's farmers and other critical programs for the Nation's neediest citizens, including food stamps, child nutrition, and WIC.

I want to commend the chairman of the Agriculture Subcommittee, Senator BURDICK, for his excellent work on this bill. It is very difficult, with the budgetary constraints that the subcommittee has, to report a bill that meets all of the critical needs under the subcommittee's jurisdiction. Notwithstanding that difficulty, Senator BURDICK and Senator COCHRAN, the very able ranking Republican member of the Agriculture Subcommittee, reported a bill out of subcommittee that was adopted by the full Appropriations Committee with only two non-controversial amendments.

This is a good bill. It is within its budgetary allocation and deserves the support of the Senate. Again, I congratulate the chairman and the ranking member.

I urge all Senators, if they have amendments, to come to the floor and offer them. We passed the Interior appropriation bill last evening. I am hopeful that we can complete action on the Agriculture appropriation bill expeditiously and then proceed with the energy and water development appropriation bill.

Thank you, Mr. President.

I yield the floor.

Mr. COCHRAN. Mr. President, let me thank the distinguished chairman of the full Committee on Appropriations, Senator BYRD, for his leadership and assistance to our subcommittee in getting this bill before the full committee and in bringing it to the floor expeditiously. That has been a very important contribution to the consideration of this bill in a timely way. I want to express my personal appreciation for his leadership and good assistance.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Mississippi [Mr. COCHRAN]. On that note, may I also thank the distinguished majority leader and the distinguished Republican leader for their splendid cooperation in arranging the schedule so that these appropriations bills could be brought very expeditiously to the floor. They arranged that the 2-day rule and the 1-day rule would be waived, and by unanimous consent, these three bills have been brought to the floor at times which would otherwise have been delayed until perhaps next week. So the two leaders, Mr. MITCHELL and Mr. DOLE, are to be congratulated.

Again, I thank my friend from Mississippi, who is an alert and astute and effective member of the Appropriations Committee.

Again, I thank the distinguished chairman of that committee, who presently presides over this august body with a degree of dignity and skill that is so rare as a day in June.

Mr. COCHRAN. Mr. President, I thank the distinguished chairman, the President pro tempore of the Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Arkansas [Mr. PRYOR] is recognized.

Mr. PRYOR. Mr. President, I rise today, as I did yesterday, to offer an amendment on the U.S. Department of Agriculture appropriations bill. Yesterday was the Department of the Interior appropriations bill and, for the benefit of the distinguished Presiding Officer and the managers of this bill and the bills to come on appropriations, I must inform my colleagues that, on each of the 13 appropriations bills, I will be submitting amendments which will have the result, I hope, of capping the number of consulting dollars to the dollars that the respective Department is requesting.

For example, yesterday's amendment was zeroed in on the Department

of the Interior, for fiscal year 1990, the Department of the Interior had requested some \$26 million in consultants. The last time we checked, however, Mr. President, the Department of the Interior had spent, in the last fiscal year, over \$47 million for private consultants and in private contracts.

This amendment would simply say to the agency: You may spend no more than you request for consultants.

In addition, Mr. President, these series of amendments, as the amendment I will offer in a moment to the Department of Agriculture bill, will require, for the first time, the departments of our Government, the agencies of the Federal system, every quarter to submit to the Congress, to the Comptroller General, a statement as to the number of contracts entered into the preceding quarter, the cost of those contracts that are being made to private contractors and private consultants, and also, Mr. President, a key feature, the department or agency's justification for those contracts and why these services contracted for in the private sector could not be performed by the civil servants in the Federal Government.

This series of amendments is very simple. They go right to the heart of some of the issues that are today being raised in the Housing and Urban Development scandals, in Operation Ill Wind of last year in the Department of Defense, and I feel very strongly, Mr. President, as I know many of my colleagues do, that these amendments for the first time will allow some sunshine into an extremely murky world of contracting to consultants in the private field. It is, as I have said on many occasions, a hidden bureaucracy. It is an unelected government. These consultants are making big dollars, in many instances, not all, because of their buddies who award these contracts.

A study that we asked the General Accounting Office to do about 2 years ago, Mr. President, indicated that probably 75 to 80 percent of these contracts that our Government enters into with these consultants are sole source. There is no competition. We are spending somewhere between \$10 billion and even perhaps \$20 billion for consultants. No one has ever known. And each time this Senator over the last 10 years has attempted to find out more about this practice, why we need such exorbitant amounts for these private consulting firms and private consultants, there is never an answer.

Most times, Mr. President, the agency comes and says we have to have private support. We have never disagreed with that. At least I have never disagreed with that. Some of these agencies like the Department of Agriculture, they must have expert

knowledge in some of the very complex fields in which they deal. I never denied that. I have never fought that premise. I have accepted that premise.

Simply put, this amendment, and the subsequent series of amendments to the upcoming appropriations bills, will say to the Federal agency: You need consultation? You have asked, for example, in the Department of Agriculture, \$47,003,000 worth of consultants for the next fiscal year? You can spend not one penny more for consultants than what you have requested.

I think, Mr. President, it is a proper approach. It is a new approach. It is going to cause accountability, justification and reporting for the use of the consultants by the Federal system of government.

Some call them the beltway bandits; some call them, as we say, the unelected government. We have seen growth of this interest group explode in the past 20 years. We do not know why. We do not know how many dollars. We have even been working for the past decade, Mr. President, on the definition of a consultant.

We are going to resolve the definitional problem in these series of amendments by taking the OMB's own definition as established in Circular A-120. We will accept OMB's definition. That definition is accepted in this series of amendments.

But I think in every quarter the Congress of the United States, and hopefully the American taxpayer, is going to be very interested to see why billions and billions of dollars are going to private contractors to perform the basis work of the Federal employee in the Federal employee's work mission.

That is what this amendment is. That is what they will be to the next 11 appropriations bills after the Department of Agriculture's appropriations bill is completed. With that explanation of what I am going to be doing in the next several weeks, Mr. President, I also want to apologize to the President pro tempore, who is the distinguished chairman of the Appropriations Committee. He is going to have to be looking at me every time he brings up one of these bills. I do apologize.

I am in the Hastings trial and I had to leave that trial to come over and offer this amendment, but I will apologize in advance, not only for yesterday's appearance, for the next 11 appearances that I will have to make, relative to the use of consultants.

AMENDMENT NO. 427

Mr. PRYOR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The amendment will be stated.

The bill clerk read as follows:

The Senator from Arkansas [Mr. PRYOR] proposes an amendment numbered 427.

Mr. PRYOR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

Insert at the appropriate place:

SEC. . (a) Not more than \$47,003,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Agriculture.

(b)(1) Not later than 20 days after the end of each fiscal quarter, the Secretary of Agriculture shall (A) submit to Congress a report on the amounts obligated and expended by the department during that quarter for the procurement of advisory and assistance service, and (B) transmit a copy of such report to the Comptroller General of the United States.

(2) Each report submitted under paragraph (1) shall include a list with the following information:

(A) All contracts awarded for the procurement of advisory and assistance services during the quarter and the amount of each contract.

(B) The purpose of each contract.

(C) The justification for the award of each contract and the reason the work cannot be performed by civil servants.

(c) The Comptroller General of the United States shall review the reports submitted under subsection (b) and transmit to Congress any comments and recommendations the Comptroller General considers appropriate regarding the matter contained in such reports.

Mr. PRYOR. Mr. President, I wonder if there might be any response at this time from the managers or if it is time to urge the adoption?

The PRESIDENT pro tempore. The Senator from North Dakota.

Mr. BURDICK. I thank the Senator from Arkansas for offering his amendment. I do not object to it. I know he is concerned about responsible Federal spending, and his amendment dealing with consulting services works toward that end. I know of no objection, and we agree to the amendment on this side.

The PRESIDENT pro tempore. The senior Senator from Mississippi.

Mr. COCHRAN. The distinguished Senator from Arkansas has been working for some time to get a handle on how much money the Government is actually spending for outside consultants and whether those consultants provide benefits or harm to the process of government. He has presented an interesting proposal in this amendment. We are certainly willing, as the distinguished Senator from North Dakota has said, to accept the amendment and to take it to conference. We congratulate him on his enthusiasm in pursuing this issue here in the Senate.

Mr. PRYOR. Mr. President, I am very delighted the amendment appears to be agreed to on both sides of the aisle and, I thank my distinguished friend from North Dakota and my distinguished friend and neighbor from the State of Mississippi.

Let me close by saying this: About 11 o'clock—and it is 20 minutes until 11 right now—you will hear from the U.S. Department of Agriculture that this amendment is going to be unworkable; that it is going to cause a great deal of paperwork; that it is going to cause a tremendous amount of inconvenience at the Department of Agriculture. Every agency of government is going to oppose this concept: One, they want the flexibility; two, they want to be able to retain private contractors and private consultants at the terms that they dictate. They do not want Congress to have anything to do with it. In the past, we have had very little to do with it. So the entire Federal bureaucracy is going to oppose these amendments.

The strongest opposition to the amendments that I offered last year to most of the appropriations bills dealing with the cost of consulting services—where do you think the strongest opposition of any agency of the Federal Government came from? It came from the Department of Housing and Urban Development. So we caved in. We did not put any restrictions, or we did not put enough restrictions, and, as a result, we see a chaotic situation.

I strongly urge our colleagues—I appreciate their acceptance of the amendment—I really urge that when they go to conference with the House ultimately that they will make a strong push to keep this language in.

Mr. President, I thank my distinguished colleagues, I thank the Chair, and I urge the adoption of the amendment.

The PRESIDENT pro tempore. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 427) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BURDICK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, we have an indication there are other Senators who plan to offer amendments to the bill. I hope we can have those amendments offered in a timely fashion. Two or three other amendments may be offered. I do not see any Senators who are considering offering amendments on the floor at this time.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been noted. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered. Staff will take their seats. There will be order in the Senate.

The junior Senator from Montana is recognized.

Mr. BURNS. I thank the Chair.

While we are talking about this important reauthorization legislation for the Department of Agriculture, going through where all the funds are allocated and how they are used, I want to bring to the attention of the Senate that I think some sort of message has to be sent to the Department of Agriculture, in administering these funds, regarding a situation in the northern high plains of this country, which includes both Dakotas and Wyoming, and, of course, Montana.

We have experienced probably the most severe drought in the history of that part of the country. In fact, it is a lot drier out there as far as subsoil and topsoil moisture than way back in the devastating times of the 1930's. For the first time since we have been keeping records at the U.S. Agricultural Livestock and Range Station at Miles City, MT, we are doing a lot of work trying to assess the damage that has been caused by this severe drought. For the first time we think we have actually lost plants as far as the range grasses are concerned. That is referred to as short-grass country.

We have been in this cycle it seems for about 5 years. This last winter we did have ample rainfall and snow cover but it seems at the middle of June it went away. So we still have a desperate shortage of subsoil moisture in that part of the country.

This does not affect the crop man, although the drought does. It seems we always look at field crops such as wheat or small grains and then the field crops in the Midwest but we tend to forget the devastation that drought brings to range country and that is grass, and of course that is livestock industry, sheep and cattle in particular in the western Dakotas and Montana and Wyoming.

So I would ask that the managers of this appropriations bill include in the language going down to the Department of Agriculture that some \$300,000 over and above the regular budget item for Kehoe be considered for that research. We are now in the second year of research. They are using some new technology. They are even using some space technology as far as determining the real loss on the ranges out there.

Now, plant loss means that we do not know what the carrying capacity is that we normally have experienced on that country. We know that we cannot overgraze it. That just does not make us very good stewards of the land.

So I would ask the managers on both sides of the aisle to include somewhere in this bill, language to the Depart-

ment reallocating some funds to that research in Miles City.

If anyone has anything to say about that, I am willing to stand here and I guess field some questions.

Mr. COCHRAN. Mr. President, will the distinguished Senator yield.

Mr. BURNS. I will.

Mr. COCHRAN. Mr. President, it was brought to the attention of the managers that the Senators from Montana were considering offering an amendment to add a specific amount to the appropriation for the Agriculture Research Service earmarking \$300,000 for this special drought research project at the Fort Kehoe Livestock and Range Research Laboratory in Miles City, MT.

We checked with the Department of Agriculture to determine its reaction to such an appropriation. We were told that virtually all of an amount of \$1.7 million is being used by the Agricultural Research Service in forage and livestock research on range management problems. Before we could agree to a specific earmarking and an increase for such drought research, the managers would have to insist that a reduction in funding be identified at some other part of the bill so that we would not go over the allocation assigned to this Agriculture Appropriations Subcommittee.

That is the position the managers are in. If it would be of assistance to the Senators from Montana, Senator BURNS and Senator BAUCUS, and others who may be interested in this, I am prepared to recommend that we try to get the conferees to agree to a statement to be included on the part of the managers that this particular area of inquiry is important, and that we encourage the Agricultural Research Service to allocate adequate levels of funding for drought research to make determinations of ways to combat the effect of drought on rangeland grasses, and related problems.

I am perfectly happy to support a recommendation to a conference along that line. I do not know the reaction of the distinguished Senator from North Dakota. He comes of course from that part of the country and understands personally some of the problems that the Senator from Montana has described.

But from the point of view of this Senator, I think we should draw the attention of the Department to this problem as the Senator suggests. It is serious in its consequences. It could be devastating. We need to understand its implications and try to determine what can be done to lessen the economic hardship that drought brings to this very important part of our agriculture economy.

I hope that would be helpful to the Senator. I think he is certainly helpful to the Senate in bringing this to our

attention. It obviously deserves some special attention by the Department of Agriculture. We hope they will give it their special attention. If we can get this statement of the managers included in the bill, it will be helpful in that regard.

Mr. BURDICK addressed the Chair. The PRESIDENT pro tempore. The Senator from North Dakota.

Mr. BURDICK. The senior Senator from Montana, Mr. BAUCUS brought this matter to my attention. I am sympathetic with his concern. Mr. President, I would like to associate myself with the remarks of Senator COCHRAN on this matter. This is an important issue. We will look carefully at it in the conference committee. I understand that Fort Keogh currently receives \$1.7 million at that facility. It will continue to receive that funding.

I agree with my colleague that we will look at the matter again.

Mr. BURNS. I thank the managers of this reauthorization. I appreciate that very much.

I think it is important all up and down the line. I think this research will carry over into the State of Colorado, and some of the same kind of research is going on in the western part of Nebraska. So it is important to all of us that live west of the Missouri River.

I appreciate the time, and I yield the floor, Mr. President.

Mr. COCHRAN addressed the Chair. The PRESIDENT pro tempore. The senior Senator from Mississippi.

Mr. COCHRAN. Mr. President, let me sincerely thank the Senator from Montana [Mr. BURNS] for bringing this matter to the attention of the Senate. We will endeavor to include a statement on the part of the managers on the bill. We thank him very much for his cooperation.

Mr. BURDICK addressed the Chair. The PRESIDENT pro tempore. The Senator from North Dakota.

AMENDMENT NO. 429

Mr. BURDICK. I have an amendment on behalf of Senator LEAHY and Senator HARKIN which I send to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. BURDICK], for Mr. LEAHY (for himself and Mr. HARKIN), proposes an amendment numbered 429.

On page 58, line 10 strike the amount "\$4,872,044,000" and insert in place thereof the amount "\$4,887,494,000"; and

On line 12 strike the amount "\$715,490,000" and insert in place thereof the amount "\$730,940,000".

Mr. LEAHY. Mr. President, this amendment reflects programmatic changes soon to be required by the Child Nutrition Act of 1989. The additional \$15,450,000 will provide needed

funding for expansion of several important nutrition efforts including summer food for poor children, school breakfasts, child care food, and homeless children food programs.

I appreciate the leadership of my colleague Mr. HARKIN on issues concerning nutrition and I thank Chairman BURDICK and the ranking member Mr. COCHRAN for their support of this critical amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 429) was agreed to.

Mr. BURDICK. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN addressed the Chair.

The PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, by way of explanation to the Senate, the amendment just agreed to is appropriate for adoption here today because the Committee on Agriculture is bringing to the floor a bill which will reauthorize and mandate the expenditure of additional funds in the child nutrition program. Those funds will be needed next fiscal year after this authorization bill becomes law.

What we are doing today is making this appropriation consistent with that new authorization level for those nutrition programs. The Committee on Agriculture had been scheduled to have a markup session this afternoon, but because of an agreement that has been worked out on that legislation, we understand that bill will be brought directly to the floor.

We have checked with the members of the legislative committee on this side of the aisle and the distinguished Senator from Indiana [Mr. LUGAR], the ranking Republican member, and no objection has been raised to the inclusion of the extra \$15,450,000 which is the subject of this amendment.

We therefore join the distinguished chairman of the committee in supporting the amendment. We hope that explains the purpose of having to include this amendment at this time.

Mr. BURDICK. Mr. President, my colleague has outlined the situation correctly.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I want to express my support for several important provisions that are included in this bill.

First, I am very pleased that the legislation includes funding for research on blueberries and cranberries. Specifically, it includes a \$260,000 special research grant under the Cooperative State Research Service. In addition, it includes over \$635,000 in funding for blueberry/cranberry research in New Jersey through the Agricultural Research Service, a \$70,000 increase over the 1989 budget request.

Mr. President, the blueberry and cranberry industries are important to the economies of several States, including New Jersey. There are about 8,500 blueberry growers and about 1,100 cranberry growers in New Jersey, Massachusetts, Maine, North Carolina, South Carolina, Georgia, Florida, Mississippi, Louisiana, Arkansas, Michigan, Wisconsin, Oregon, and Washington. The farm value of blueberries and cranberries in the United States has been estimated at \$350 million.

The blueberry and cranberry industries have a variety of problems for which research is necessary. In particular, there is a real need to develop insect and disease-resistant varieties of berries and to find improved biological control technologies for insect and disease pests.

Last year, President Reagan ridiculed funding for blueberry and cranberry research in his State of the Union address and threatened to cut off funding. In response, Senator BRADLEY and I wrote the President to protest this unwarranted attack, and to urge him not to seek a rescission of these funds. In the end, I am happy to report, we won, and funding was maintained.

Mr. President, blueberry and cranberry farmers do not get lavish Federal handouts. They do not get paid to not plant crops. They do not get the same welfare-like payments that all too often are going to large, profitable agribusinesses. Instead of relying on taxpayer subsidies, blueberry and cranberry producers have to compete in the free market, just like most small businesses. That is as it should be.

Mr. President, this funding is for science, not subsidized handouts. And it will benefit not just the blueberry and cranberry industries, but all consumers who enjoy these delicious agricultural products.

Mr. President, let me turn to some of the other items in the bill. I am a strong supporter of the Cooperative Extension Service, and am pleased that many of its important programs will be funded in this bill. In particular, I have supported the Food and Nutrition Education Program and the Renewable Resources Program, both

of which are maintained at fiscal year 1989 levels under this bill.

I am disappointed, however, at the lack of new funding for two other Extension Service programs that I have supported, the Urban Gardening Program and the Farm Safety Program. Over 3,500 city dwellers participating in the Urban Gardening Program have cultivated over 25 acres of urban land in New Jersey into productive vegetable gardens. I have visited these gardens and seen myself the tremendous benefits that they provide to residents. This is a good program, and I am hopeful that funding can be found in conference.

The Farm Safety Program also deserves support. Farming is the third most hazardous occupation in the Nation, and the Farm Safety Program saves lives every year through safer farming.

Mr. President, I also want to express my support for the Soil Conservation Service. New Jersey is the most densely populated State in the country and its residents place heavy demands on the State's natural resource base. The SCS plays an important role in helping the State respond to these demands. So I am pleased that the conservation operations and resource conservation and development accounts would both see increases under this bill.

Mr. President, although I support research, Extension Service, and Soil Conservation Service funding, I do want to express my deep concerns about the overall level of spending on Federal agricultural programs. Providing research and technical assistance to farmers are proper Federal functions. But I am strongly opposed to the system of vast handouts that is costing taxpayers billions of dollars each year. Too much of this money is going to highly profitable businesses that simply do not need or deserve taxpayer dollars. I hope we can do something about this wasteful spending when Congress next considers legislation to reauthorize farm programs.

FIRE DISASTER ASSISTANCE

Mr. EXON. Mr. President, this agriculture appropriations bill is the result of much hard work by many of my colleagues. I know that serving on the Appropriations Committee in this era of tightening budgets grows more difficult each year and I appreciate their hard work.

This legislation provides funding for a number of projects that are important to Nebraska. In the interest of time I will not list all of them, but I do want to express my support for the \$4 million made available to the University of Nebraska's Center for Advanced Technology. This center will allow Nebraska to move forward in basic research and the transfer of that research to the marketplace. My col-

league, Senator KERREY, carried the ball in committee and deserves a good deal of credit for getting this amount increased above the \$2 million provided in the House bill. Hopefully, a figure closer to the Senate mark will prevail in the conference with the House.

I also want to comment on the forest and range fire that recently swept across a portion of Nebraska's Panhandle. Ranchers in the area are in desperate need of assistance. Over 120 miles of fence and a good deal of livestock watering equipment were destroyed. State and local officials have sought help on this problem through the Emergency Conservation Program. I have been working to ensure that assistance is approved as soon as possible and am glad to know that this bill allocates funds for this program next year.

Another problem is the elimination of ground cover in the White River watershed which has put the village of Crawford's water supply at risk from runoff contamination. Unfortunately, the USDA has obligated all the 1989 funding under the program which would most appropriately address this problem—the Emergency Watershed Program.

I have asked the USDA to look for other remedies. In the event the Department does not come through in this fiscal year, it is good to know that the committee added \$5 million to the \$15 million funding level proposed by the House. I also very much appreciate the fact that the additional \$5 million provided by the Senate is earmarked for 12 States, including Nebraska, which face unusual disasters such as forest and range fires.

I appreciate the chairman's attention to the specific needs of Nebraska and thank him for all his hard work.

Mr. KASTEN. Mr. President, during subcommittee action on the Agriculture appropriations bill, I mentioned my concern about the reduction in appropriations for the Conservation Reserve Program. I worked with the chairman and ranking member and we added report language that goes as follows: "The committee continues to support strongly the CRP and urges the Department to encourage further enrollment in the program."

The most important message to send to USDA is that Congress supports the Conservation Reserve. The House Agriculture Committee's action on reconciliation sends the signal that Congress is wavering in its commitment and this is untrue. A moratorium on enrollment in the CRP would be a crippling blow at best and most likely a death blow to the program.

CRP is a key component in the strategy to remove highly erodible lands from crop production. To back off on CRP is to back away from conservation. This will be a key issue on the

1990 farm bill, and we must not send mixed messages now about Congress' intention in this area.

Again, I appreciate the assistance of Senators BURDICK and COCHRAN and their staff, Rocky Kuhn and Irma Hanneman.

THE NATIONAL GRAPE IMPORTATION FACILITY AT FOUNDATION PLANT MATERIALS SERVICE UNIVERSITY OF CALIFORNIA, DAVIS

Mr. WILSON. Mr. President, I rise today to seek the support of my colleagues in establishing a National Grape Importation Facility. Given the importance of maintaining access to foreign grape materials for domestic use, additional grape quarantine facilities are desperately needed to ensure that these products are made available while protecting against foreign pests and disease.

The benefits from foreign grape introductions are well recognized and the demand for these materials by U.S. grapegrowers is increasing. Wine-makers want new grape clonal selections previously evaluated in other wine-producing regions. Table and raisin grape producers need access to new varieties developed in South America, Europe, South Africa, and Australia in order to compete with foreign fruit and raisin producers. Moreover, researchers continually need access to foreign grape materials to use as a reference to correctly identify many grape varieties and to solve disease resistance problems.

However, the importation of foreign grape material is restricted by Federal law in order to prevent entrance of harmful pathogens. Unfortunately, there is a shortage of grape importation facilities in the United States, and as a consequence, the incidence of illegal importation has been quite high. This is a serious situation because illegal importation increases the possibility of introducing harmful exotic pests and pathogens that could devastate the U.S. grape industry.

To meet the increasing demand and to curb the tide of illegal imports, new importation services are needed. I, along with many grapegrowers throughout the country, believe that the foundation plant materials service [FPMS] at the University of California at Davis [UCD] is uniquely qualified to work in this capacity.

FPMS is a self-supporting organization ideally suited to provide grape importation services because of its long established reputation for providing quality grape materials nationwide and the many advantages of the UCD location. FPMS has been maintaining foundation vineyards, keeping records on all grape materials and supplying disease-tested grape stock throughout the United States and the world since 1958. FPMS works closely with industry and university advisers, and has a reputation for being responsive to their needs. UCD and USDA scientists

serving as FPMS advisors are currently conducting research to develop improved grape identification, disease detection, and disease elimination methods.

Furthermore, several advisers are qualified to hold a grape importation permit from the Animal Plant Health Inspection Service [APHIS] so Federal requirements can be satisfied on an ongoing basis. Startup training and organization for an importation program would be minimal as FPMS staff are already trained in recordkeeping, grape maintenance, material distribution, and current techniques for grape disease detection and elimination.

In addition, unique grape variety and disease collections at UCD are a valuable resource to FPMS and are unavailable at any other location. Davis has an optimum climate for grapefield disease testing and for maintaining quarantine materials. Since Davis is in close proximity to this country's major grape-producing areas, FPMS benefits from the many active industry advisers who keep the program updated on industry needs.

In short, additional grape quarantine facilities for the United States are needed immediately. FPMS is a long-established service organization with the location, trained advisers, and experience necessary to provide grape quarantine services in a timely manner. The House, in recognizing the importance of this project, has allocated \$130,000 toward this facility. For these reasons, I ask that the Senate conferees be instructed to recede to the House on this matter.

Thank you, Mr. President.

CITY OF CHICAGO'S WHOLESALE FOOD INDUSTRY MARKETING SURVEY

Mr. DIXON. Mr. President, I want to take this opportunity to bring to my colleagues' attention a very important program—the U.S. Department of Agriculture's Marketing Service's survey of the city of Chicago's wholesale food industry.

In order to conduct a complete assessment of Chicago's produce and meat markets, the assistance of the USDA's market research staff is needed. The USDA's research staff is the best source of analytical skills for this type of study as they have expertise not found anywhere else in the country. They have conducted studies in other cities that have resulted in the improvement of local and regional food markets.

It is my understanding that the administration supports this study, and has made it clear that Chicago's meat and produce markets should be made a high priority for assessment.

In the House, the fiscal year 1990 agriculture and rural development appropriations bill recognized the need for the USDA's Marketing Service's survey of the city of Chicago's whole-

sale food industry. Let me, therefore, ask my good friend, the Senator from North Dakota, if he will give careful consideration to the USDA Marketing Service's survey of the city of Chicago's wholesale food industry when this bill goes to conference.

Mr. BURDICK. Let me assure my distinguished colleague from Illinois that when this bill goes to conference, we will, indeed, give every appropriate consideration for the USDA Marketing Service's survey of the city of Chicago's wholesale food industry.

Mr. HOLLINGS. Mr. President, I would like to express my support for the increase designated in H.R. 2883, the Agriculture appropriations bill, for the Supplemental Feeding Program for Women, Infants, and Children [WIC]. The bill provides an increase of \$197 million above the fiscal year 1989 level, or \$118 million over the current services level. With this increase, approximately 250,000 new participants will be brought into WIC.

We often hear about the impressive cost savings associated with WIC. For every \$1 invested in WIC, we save around \$3 in hospital costs. In addition, we save about 50 cents in Medicaid costs during the first 45 days after birth alone.

Today I want to emphasize the human savings that are associated with WIC. Medical research tells us that WIC markedly reduces infant mortality, low birth weight, premature births, and anemia. Despite having the world's most advanced medical technology, the United States ranks 19th in the world in terms of infant mortality. And it saddens me to point out that my own State of South Carolina has just about the worst infant mortality rate in the country. WIC is one of the most effective tools that we can use to rectify these disheartening statistics.

The increase for WIC provided by H.R. 2883 builds on our commitment to the children of this Nation. Earlier this year, the Senate passed the Act for Better Child Care, and I would like to point out that WIC builds on our efforts to provide a solid start for our children during their formative years. WIC increases infant's head size, which usually corresponds to brain size and intellectual capacity. Children on the WIC Program get a healthy start in life, and this leads to a healthy start in school.

Mr. President, I would like to thank the distinguished chairman of the Agriculture Appropriations Subcommittee for his support of the WIC Program. He too recognizes the great service that WIC provides to the most vulnerable members of our society. I would also like to thank his staff, who have worked very hard to address the need to expand the WIC Program.

Mr. GORTON. Mr. President, I rise in support of the Agriculture, rural de-

velopment, and related agencies appropriation bill for fiscal year 1990. This legislation provides funding for a number of important agriculture research projects and international trade centers in my State of Washington. I wish to thank the chairman and ranking minority member of the subcommittee, Senators BURDICK and COCHRAN, for the attention they and the other members of the subcommittee have given my funding requests.

I am pleased that the committee recommends continued funding for pea and lentil research at last year's level in the Pacific Northwest, which includes the cooperative efforts of Washington State University [WSU], the University of Idaho, and the USDA-ARS Insect Laboratory in Yakima, WA. In addition, the bill provides \$150,000 for retaining a full-time lentil geneticist at WSU.

The bill also provides important wheat research funds. It includes an increase of \$1,000,000, to be divided equally, for the four regional wheat quality labs including the Western Wheat Quality Lab in Pullman, WA. The bill also provides \$300,000 for eradication of the Russian wheat aphid and an additional \$250,000 for TCK Smut wheat research.

Further, the bill includes \$1,277,000 for potato research, \$210,000 for regional barley gene mapping, and \$591,000 for soil erosion research in the Pacific Northwest.

For buildings and facilities in my State, the bill provides an additional \$1,000,000 for the construction of the U.S. Fruit and Vegetable Lab at Yakima, WA, bringing the total funding to date to \$2,900,000. While I would have preferred full funding needed to complete this important project, I am happy about the committee's continued commitment to providing the funds necessary to replace the existing, outdated facility with a new facility.

The bill further provides \$2,000,000 for the continued construction of the WSU Food and Human Nutrition Center and \$323,000 for the continued construction of the Gonzaga University Center for Information and Technology Transfer. In conference, I would encourage my colleagues to recede to the House on the funding levels included in its bill for these two important projects.

I also wish to thank the committee for funding two feasibility studies at \$50,000 each, one for a Northwest Small Fruit Center and the other for a Pesticide Research Laboratory at WSU.

In the agriculture and forestry trade arena, the bill provides \$1,000,000 each for the Center for International Trade in Forest Products [CINTRAFOR] at the University of Washington and the International Marketing Program for Agricultural Commodities and Trade

[IMPACT] at WSU. While I supported an increase in funding for both of these international trade centers, I appreciate the demand for funding of similar projects across the country and the decision of the committee to limit funding to those that have received funding in the past without allowing for an increase.

Finally, I wish to express my concern about the bill's provision to limit the Targeted Export Assistance [TEA] program to \$200 million, and my appreciation to the committee for not limiting the Export Enhancement Program [EEP]. Both programs are essential for countering the unfair trading practices of our agriculture competitors.

Mr. President, I would again like to express my strong support for this legislation and my sincere thanks to the Appropriations Subcommittee on Agriculture, Rural Development and Related Agencies.

Mr. HATCH. Mr. President, I would like to rise in strong support of the funding levels for the Food and Drug Administration contained in the pending Agriculture Appropriations bill. I would like to thank the Senator from North Dakota and the Senator from Mississippi for their mutual support of the Food and Drug Administration. Today, we will start to build the foundation for a revitalization of the Food and Drug Administration.

The Food and Drug Administration is the premier agency for ensuring the quality of foods, drugs, cosmetics, and medical devices. They have the responsibility regulating 25 percent of all consumer goods in America and make it possible for industry to make new products available while continuing to protect the safety of the American people. Everytime we sit down to a meal or take an aspirin, the FDA touches our lives. However, Mr. President, FDA's resources have been spread very thin. While recent emergencies such as the tainted Chilean grapes and tampering with over-the-counter medicines, have been handled efficiently and professionally, it is clear that FDA's resources are inadequate to respond to these imperative situations and still conduct first-rate and prompt research and review activities.

Unfortunately, we have not always provided the FDA with adequate resources to meet the challenges of the 21st century. This appropriations bill, like last year's appropriations measure, is a step in the right direction.

I am pleased to note that the committee has reported a bill that will provide FDA with adequate staff to carry out its mission. In the last 10 years, we have given the FDA 23 new laws to implement. But, FDA has 800 fewer employees today than it did 10 years ago. In real terms, that means

800 fewer employees to carry out reviews of new drugs for life threatening diseases like AIDS and respiratory distress syndrome, to review applications for new medical devices, to reclassify medical devices, and to conduct inspections to ensure that our food supply is safe. This latter function has taken on added importance with the increase of imports from countries that may not have inspection requirements as stringent as ours. The additional \$78 million over the current appropriation will allow the FDA to address the immediate needs of management, equipment, and staff to perform these essential duties.

Earlier this year, I visited the FDA headquarters in Rockville, MD. This is 1 of 23 FDA buildings spread around seven sites in the Washington metropolitan area. The FDA facilities are nowhere near the level we would expect or want to have for an agency charged with testing and review of substances and devices that are on the cutting edge of technology. Additionally, the FDA still relies on a paper intensive process while the rest of the world has advanced to high speed computers.

The Agriculture Appropriations Subcommittee continues in this bill to provide support for the development of a program of training professionals in regulatory review—which is more and more becoming a science in itself. This will assist the FDA in recruiting individuals that will bring to the job an understanding and formal training in the regulatory review process. This provision, along with the establishment of a Senior Health Scientist Service, will revitalize the FDA and enhance its ability to be more responsive in the 21st century.

Mr. President, I would like to again thank the members of the Agriculture Appropriations Committee for all of their hard work in bringing this bill to the floor in such a timely and comprehensive fashion. Also, I would like to note the contributions that have been made by the respective Appropriations Committee's staff, Debbie Dawson and Irma Hanneman. This funding has my full support and will better the public health of all Americans.

Mr. KERRY. Mr. President, I rise today in support of the agricultural appropriations bill for 1990. I would like to commend the managers of the bill for their efforts in building strong bipartisan support for this important legislation.

I am particularly pleased that the bill contains a very necessary increase in funding for the Women, Infants and Children [WIC] Program; as well as increased funding for the Farmers Market Coupon Demonstration Program, which I introduced in the last session of Congress. Both these programs provide necessary assistance to

nutritionally at-risk citizens in our Nation.

Specifically, this legislation contains \$2.126 billion for the WIC Program, a \$118 million increase over current level of services indexed for inflation, and matches the numbers contained in the House appropriations bill.

Mr. President, the success of the WIC Program has been clearly documented, and the action of the Senate today in supporting this appropriation confirms our commitment to the nutritionally at-risk children of our Nation.

The problem is clear. The United States has one of the highest infant mortality rates of all industrialized nations. One out of every four of America's youngest children, those under the age of 6, live in poverty; and between 8 and 14 million children experience hunger at some point in the month. Mr. President, this is an outrage.

This situation is morally repulsive. It also creates enormous social costs. Poor nutrition leads directly to lower birth weights, birth defects, as well as slowed development, limited attention span, and reduced future achievement. The cost of one day of intensive care for a low birth weight infant is over \$1,000; total cost for a low birth weight baby may run as high as \$30,000. Slow development and reduced future achievement carry the cost of high dropout rates, increased crime, and drug abuse, and helps perpetuate the cycle of poverty.

While the WIC Program will not solve these serious social ills, it does give millions of the next generations of Americans a chance for success. Mothers receiving WIC services give birth to healthier babies. WIC mothers deliver high birth weight babies, are less likely to give birth prematurely, and have fewer complications with their pregnancy. The WIC Program, represents our first line of defense in the fight against infant mortality. Moreover, for every dollar spent on the WIC Program three dollars are saved in future health care costs.

Further, proper prenatal and nutritional care should be followed up by quality preschool education, such as Head Start, and this commitment needs to be continued with dropout prevention programs. I believe that this type of commitment to our children represents our greatest hope for breaking the cycle of poverty which plagues our Nation. However, if we fail to provide the proper nutrition and guidance at the start, the battle may be lost before the fight has begun.

I am pleased that the increased WIC funding included in this bill will enable 250,000 more pregnant women, children, and infants to receive vital nutrition and health care assistance. Mr. President, this is money well spent and an investment in the next genera-

tion of Americans. Unfortunately, this increase will not enable all those eligible to receive WIC assistance. For example, my home State of Massachusetts, the first State to use State funding to supplement the WIC Program, still only serves slightly less than half the eligible participants.

Mr. President, I am also pleased that this bill includes a \$2.8 million appropriation for the Farmer's Market Coupon Demonstration Project. This program, which is operating in 10 States, including my home State of Massachusetts, assists the poor and the elderly in buying fresh, nutritious food at local farmers' markets. Evidence shows that not only are farmers' market sales up, but that because of this program, a whole new group of consumers are visiting farmers' markets.

Again I would like to commend the managers of this bill, Senator BURDICK and Senator COCHRAN. This legislation represents a step in the right direction towards assisting nutritionally at-risk Americans.

Mr. SIMON. Mr. President, I rise today to extend a special thanks to Chairman BURDICK and the Appropriations Committee for their hard work on the 1990 agriculture appropriations bill. I am very pleased to note that additional funding, over the House appropriation, was included in the Senate bill for building a National Soybean Research Laboratory on the campus of the University of Illinois.

As you know, Illinois leads the country and almost all nations in soybean production, processing, marketing, research, and development. This particular kind of research and development is very important to the State of Illinois and to the rest of the country in our attempt to capture new markets for U.S. soybean producers. The proposed National Soybean Laboratory represents an important opportunity to improve our competitiveness in international markets and to strengthen our agricultural economy. American farmers depend on our ability to compete effectively in world markets. This research facility will be a giant stride toward increasing our ability to compete, and win.

I also wish to commend the chairman for the leadership he has shown on the WIC Program. The special supplemental program for women, infants, and children is a crucial food support program that reaches millions of needy women and children each year. This program has broad, bipartisan support and has proven very effective over the years. This year, the Budget Committee, on which I serve, made increased funding for WIC a major priority of the domestic discretionary budget. I am very pleased that my colleague from North Dakota, Mr. BURDICK, and the distinguished com-

mittee chairman, Mr. BYRD, have accepted this increase in the WIC Program.

Mr. KOHL. Mr. President, I would like to express my concern over the funding levels contained in this bill for the Low-Input Sustainable Agriculture [LISA] Program and for the Department of Agriculture's water quality initiative.

In this year's budget request, the administration and the U.S. Department of Agriculture [USDA] offered up a new \$40 million water quality initiative. This initiative has been touted as the Department's answer to the growing problem of agricultural chemical contamination in groundwater.

Unfortunately, the water quality initiative is shortsighted. It does not recognize the adage: An ounce of prevention is worth a pound of cure.

Helping farmers find economically viable ways to reduce their use of pesticides and fertilizers is the surest way of preventing further contamination of our groundwater supplies. Yet the water quality initiative failed to include funding for the one USDA program that is designed to do that—the LISA Program.

Mr. President, the LISA Program is a successful research and education program that provides farmers with ready-to-use information on ways to reduce their agricultural chemical use. It's goal is to get research results out to farmers as quickly as possible. It's aim is also to involve farmers—as teachers and researchers—in the research process itself.

Last year, there were many more projects submitted under the LISA Program than there was funding for. Of 431 project applications, program officials approved 86 projects for funding. Unfortunately, the price tag for all 86 projects was \$17 million—almost four times more than there was available funding. Many worthwhile projects were not funded.

Some of the projects that were funded are Wisconsin-based—the Wisconsin Rural Development Center, the University of Wisconsin, and many individual farmers are involved in four LISA Program projects. In addition, the State of Wisconsin has shown its strong support for sustainable agricultural research and education generally, through the development of a statewide research program funded with oil overcharge money and a newly approved research and education program.

Many States have similar commitments to sustainable agriculture research and education. That explains in part the strong support in this body for the LISA Program. Fifteen members of the Senate Agriculture Committee, including the chairman and ranking member, signed a letter this year to Senator BURDICK, chairman of the Agriculture Appropriations Sub-

committee, urging a \$15 million appropriation for this program. Eleven members of the Appropriations Committee signed a similar letter.

Certainly the water quality initiative is a step in the right direction. But we need to recognize that the research programs undertaken with this initiative will take years to complete. We also need to recognize that some of the funding will be used to establish programs that will duplicate the research being done through the LISA Program. This is clearly an effort to circumvent, not strengthen, the LISA Program.

Mr. President, I recommended to the subcommittee that the LISA Program be funded at \$15 million in fiscal year 1990. And I was disappointed that the subcommittee did not do so. I was prepared to offer an amendment today to increase the funding for the LISA Program by \$10 million—an amendment that would have taken modest cuts from the water quality funding for the Agricultural Research Service, the Cooperative State Research Service, and the Extension Service. I was also prepared to offer an amendment for a more modest amount. It seemed clear, however, that given the opposition of the committee and the rush to consider and complete action on this bill, there simply was not enough time to inform my colleagues about the issue and gain enough support to prevail. But there is a lot of time between now and next year.

In that time, I hope that my colleagues will give a closer look at the relationship between the Department's water quality work and the LISA Program. Given the fiscal constraints we are likely to face, funding for water quality programs must be cost effective. Increasing our commitment to the LISA Program will ensure that our Federal funds are being spent wisely.

Mr. SASSER. Mr. President, I rise to commend the chairman of the Appropriations Subcommittee on Agriculture, Senator BURDICK, for his work on H.R. 2883.

The bill before us includes an increase in 1990 of \$118 million over the Congressional Budget Office [CBO] baseline for the women, infants and children [WIC] feeding program. The \$2.126 billion appropriation for WIC is \$197 million above the 1989 funding level.

This is a major achievement, Mr. President. This funding increase will allow an additional 230,000 low-income women and children to be served by the WIC Program.

The WIC Program is widely regarded as one of the Federal Government's most cost-effective programs in curbing infant mortality and meeting the health needs of poor mothers and children. It is a program that enjoys overwhelming bipartisan support.

Recognizing the importance of this program, the 1990 budget resolution included a major increase for WIC. The funding increase for WIC in this appropriation bill affirms the budget resolution and, in fact, provides the largest single increase for WIC in recent years.

Today, only half of eligible women and children are served by the WIC Program. Because of action by the Appropriations Committee, the percentage of those served will increase in 1990. If we continue the funding pattern set by the Appropriations Committee, we will be well on our way toward ensuring that all qualified poor mothers and children will someday benefit from this program.

So let me once again congratulate the senior Senator from North Dakota for his support for the WIC Program. Because of his work, we are moving closer toward meeting the complete health and nutritional requirement of the neediest members of our society.

Mr. CHAFEE. Mr. President, I am pleased today to wholeheartedly support the Appropriation Committee's commitment to increase funding for the Special Supplemental Women, Infants, and Children Nutritional Program [WIC]. The Agriculture appropriations bill increases funding by nearly \$200 million for this critical nutritional program aimed at low-income women and children.

This year Congress has clearly recognized WIC as a priority in the budget due to its proven effectiveness in averting long-term health and developmental problems in an especially vulnerable population—poor or near poor women, infants, and children. It is clear that the WIC Program works, and deserves substantial support.

Recognizing that there is much to be gained by expanding WIC to reach more of the eligible population, many of us have, in the past several years, attempted with some success to make small but steady increases in WIC funding.

This year, however, we were able to include a substantial increase in funding of \$196,638,000 over last year's level for WIC. This is the largest increase in funding WIC has received in the last 5 years, and will enable an additional 200,000 women, infants, and children nationwide to receive its services.

Senator DeCONCINI and I have long championed the value of WIC both from a humanitarian point of view as well as a cost-versus-benefit point of view. Several months ago, we sent a letter—signed by 71 Senators—urging the chairman and ranking member of the Appropriations Committee and Subcommittee on Agriculture to allocate \$230 million over the fiscal year 1989 WIC funding level. Although, the Committee funded WIC just \$32 mil-

lion shy of what we requested, the nearly \$200 million increase is substantial compared with increases in past years.

I am very appreciative of the efforts made by Senators BURDICK and COCHRAN on the Subcommittee to include this critical increase in funding for WIC. Furthermore, I commend the Appropriations Committee chairman and ranking member, Senators BYRD and HATFIELD, for their support of this increase.

In addition, I would like to thank the 71 Senators who joined us in urging the Committee to increase funding for WIC. When 73 Senators ask for an increase in funding for WIC and the Committee joins in expressing such support, there is obviously an overwhelming recognition that WIC is a worthwhile investment.

More and more, WIC is being recognized as one of the most effective Federal programs in operation. Long-range studies have shown that every \$1 invested in WIC saves \$3 in long-term health care costs. Unfortunately, even with this substantial increase in funding, the WIC Program still does not have enough funding to cover all the women, infants, and children who are poor and at nutritional risk. My efforts to fully fund the WIC Program will not stop here.

WIC is a Federal program that works—by increasing its funding, we have made a commitment to some of our most vulnerable citizens. We have demonstrated our support for investing in their future, and in the future of our Nation. I am hopeful that this year's support for WIC will continue in the future until we are sure that WIC is able to reach all women, infants, and children who are entitled to its services.

Mr. President, WIC saves more than it spends, and deserves every bit of support we can give it. Again, I commend the Appropriations Committee for its efforts to increase funding for WIC.

Mr. WARNER. Mr. President, I rise today to congratulate the distinguished chairman of the Senate Appropriations Subcommittee on Agriculture, Rural Development and Related Agencies and the ranking Republican member, Senator COCHRAN, for their time and hard work in putting together and bringing this important measure before the Senate.

I am particularly pleased to note that this legislation has been amended to reflect the greater funding levels proposed in the new child nutrition reauthorization bill, legislation for immediate Senate consideration and of which I have asked to be an original cosponsor.

Our colleagues serving on the Agriculture Committee have moved expeditiously to provide continued support and direction for the Food Stamp Pro-

gram, school lunch and breakfast programs, and perhaps most importantly, the Supplemental Food Program for Women, Infants and Children [WIC].

Mr. President, although the United States outpaces the rest of the world in spending for health care, it ranks near the bottom of all industrialized nations in preventing infant mortality. I find this shocking, as should every American.

Last October, the National Commission To Prevent Infant Mortality reported that the United States ranked 20th among developed nations with approximately 10.4 infant deaths per 1,000 live births. It is a stated goal of the U.S. Surgeon General to reduce that number to 9 per 1,000 by the year 1990.

In the Commonwealth of Virginia, infant mortality is clearly a problem. The rate has dropped from 12.3 infant deaths per 1,000 in 1984 to 10.1 deaths per 1,000 in 1987, that 10.1 figure for 1987 translates into 915 infant deaths before reaching their first birthday. Although we are fortunately below the national average of 10.4, and we are optimistic about the progress that has been made in recent years, there is still much work to be done.

There are many critical steps that the Government can take to help reduce the rate of infant mortality in this country. One that I strongly support, as have my colleagues on this important Appropriations Committee, is providing adequate funding for the WIC Program.

Through this important program, prescriptions, food supplements, and nutrition counseling to pregnant and nursing women, infants, and young children are provided monthly.

The WIC Program helps to lessen health problems associated with inadequate diets during the critical early stages of child development, especially pre-natal. Often, the WIC Program is a pregnant woman's first encounter with the Nation's health care system. Most importantly, the food assistance which comes with WIC reduces the incidence of low birth weight, the most significant cause of infant mortality.

Mr. President, I congratulate the able managers of this bill again, and urge my fellow colleagues to support the critical child nutrition provisions.

Ms. MIKULSKI. Mr. President, I would like to acknowledge Senator BURDICK, chairman of the Subcommittee on Agriculture, Rural Development and Related Agencies for proceeding with the Agriculture Appropriations bill so expeditiously and congratulate him for setting such a fine example of hard work and devotion to this job. I want to thank him for his help in funding Maryland projects. I would also like to thank his fine staff: Rocky Kahn and Deborah Dawson.

Furthermore, I recognize the ranking minority member Senator COCH-

RAN as well as his staff, Irma Hanne-man and Judee Klepec for their help throughout the process. Their in-depth knowledge of the subject matter, candor with others, hard work, long hours and courtesy were instrumental in getting this important bill prepared in such a timely and efficient manner.

I would like to briefly mention a few of the important items contained in this bill.

This bill contains important funds for the consolidation of the Food and Drug Administration into a unified Maryland campus. This consolidation would allow resolution of the severe difficulties that FDA confronts in accomplishing its mission due to the dispersal of its employees among seven separate sights located in 23 buildings, all in the Metropolitan Washington area. Benefits from this consolidation would not only include safer products for consumers, but would also provide an alternative to the \$100 million cost which would be necessary to bring the separate facilities up to state-of-the-art levels.

The \$375,000 to create the Chesapeake Bay Regional Aquaculture Center is also of vital importance to the State of Maryland. This program would establish a mid-Atlantic regional aquaculture center at the University of Maryland campus. The creation of such a center would focus its research on disease, genetic research and the environmental impact of aquaculture on native species.

Finally, the protection of the Chesapeake Bay remains one of the major concerns of Maryland. Efforts continue to deal with the polluted water of the bay.

Additional studies have received important funds to study the important Chesapeake Bay issues. Through a variety of programs, efforts are being made to improve the overall quality of the bay. Studies will be done in order to devise plans to combat the polluted waters and to improve the environment for the bay wildlife. Efforts such as these are vital to reaching the goal of the 1987 Chesapeake Bay Program and the commitment by the Federal Government to be a leader in this effort.

Once again Mr. President, I would like to acknowledge the job Senator BURDICK and his staff have done. They must handle many requests for funds and choose from the many deserving projects. Their efforts are truly commendable.

Mr. COCHRAN. Mr. President, for the information of Senators, the managers have conferred and know of no Senators who plan to offer further amendments to this bill. We received an indication that a Senator on this side of the aisle was considering speaking on the bill. That Senator is not here now, however, and just for the

general information of others, it appears that we may be ready to go to third reading within the next few minutes.

If Senators do have amendments, or if Senators wish to make statements on the bill, they should be advised that we are about to proceed to third reading.

The PRESIDENT pro tempore. What is the will of the Senate?

Mr. COCHRAN. Mr. President, we have canvassed our side of the aisle here to see if other Senators wish to speak or have any amendments to offer. We have been told that there are no Senators on this side of the aisle who desire to offer amendments or to speak on the bill. As far as this side is concerned, we are prepared to go to third reading.

Mr. BURDICK. Mr. President, we are about ready for third reading also, but my colleague from Nebraska would like to have a few minutes.

Mr. KERREY addressed the Chair.

The PRESIDENT pro tempore. The Senator from Nebraska [Mr. KERREY], is recognized.

Mr. KERREY. Mr. President, I rise today to give full credit and congratulations to the chairman and the ranking Republican on our committee. These individuals, I think, have put together an exceptional bill that expresses not only our understanding of the relationship between our efforts and our ability to be able to produce food; they have, quite appropriately, enhanced our ability to use the natural assets that we have, our soil, our water, to produce more food. They also have indicated in this legislation that we have a responsibility to provide assistance to those who are not able to feed themselves, who, for economic reasons, simply are not able to provide for themselves or their families. This is a well-balanced piece of legislation, and I fully support it.

I would also interject, as I rise in support, to say that I share in the earlier comments of the Senator from Montana. I am very much concerned that we are now in the second day of impasse over the drought legislation, and I hope that this can be resolved quickly because it is also desperately needed, as I am sure both the Senator from North Dakota and the Senator from Mississippi know. We are ready to move on that, and I hope we are able to move on it quickly. There is a need in America for swift action, and I hope today we are able to act on it. We are ready to go.

I say again that I have a great deal of admiration for both the Senator from North Dakota and the Senator from Mississippi in their efforts to produce this particular authorization, because it expresses, in my judgment, America at its finest. I fully applaud their work and support everything they have done.

I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Nebraska for his kind comments, and I appreciate his support for this legislation.

I might say, that this Senator certainly hopes that the Senate can act on drought legislation in a timely way. Progress is being made to develop a package for drought relief and flood relief for those areas of the country that have suffered from bad weather this year, as well as last year.

We join the Senator in the hope that the legislation can move through the Congress and be signed by the President. That is an important aspect of the effort, that we get legislation the President will sign. We are not going to make any progress if we just pass a bill that does not become law. I know all of us will be working in that direction as we try to shape the legislation in its final form.

I will certainly work with the Senator and others who are interested in that on the Agriculture Committee and here in the full Senate, so that we can achieve that goal and do it quickly. I hope we can.

Mr. President, as I said, I know of no other amendments to be offered on this side of the aisle. I know of no Senators who seek recognition on this side. We are ready to go to third reading.

Mr. BURDICK. We know of no committee amendments or any requests for time on the floor on this side either. We are ready for final consideration.

The PRESIDENT pro tempore. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 2883), as amended, was passed.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. BURDICK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BURDICK. Mr. President, I move that the Senate insist upon its amendments to H.R. 2883 and request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to and the President pro tempore appointed Mr. BURDICK, Mr. BUMPERS, Mr. HARKIN, Mr. ADAMS, Mr. FOWLER, Mr. KERREY, Mr. BYRD, Mr. COCHRAN, Mr. MCCLURE, Mr. KASTEN, Mr. SPECTER, Mr. GRASSLEY, and Mr. HATFIELD, conferees on the part of the Senate.

Mr. BURDICK. Mr. President, again I want to thank Senator COCHRAN for his help in managing this bill and seeing it through to final passage. His guidance is most helpful. I could not ask for a more cooperative and informed ranking member.

I would also like to say a special thank you to the committee staff who has worked so long and hard on this bill. Rocky Kuhn, Debbie Dawson, and Tawanda Sullivan for the majority and Irma Hanneman and Judee Klepec for the minority have all worked very hard, and without their expertise, we would not have been able to complete the task.

I want to make a special note that we have brought this bill through subcommittee and full committee and had it ready for Senate floor consideration within just 1 week of receiving it from the House. If that is not a record, Mr. President, it must be awfully close.

Mr. COCHRAN addressed the Chair.

The PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from North Dakota for his very gracious comments. I also want to commend those members of our staff on this subcommittee who have worked so hard and so capably to bring this bill to the floor and to help get it passed. They have really put in long and hard hours. They are very capable. I do not know how we would be able to function without their excellent assistance.

I also want to say, Mr. President, that the chairman of the subcommittee, Senator BURDICK, is a real pleasure to work with on the subcommittee. He has been very helpful, cooperative, and responsible in his efforts to bring to the Senate a bill within our allocation and sensitive to the needs of those affected by the legislation.

I cannot think of anyone I have enjoyed working with more since I have been in the Senate than the distinguished Senator from North Dakota, and I thank him for his many courtesies to me and to the Senators on this side of the aisle.

ORDER OF PROCEDURE

The PRESIDENT pro tempore. The junior Senator from Nebraska [Mr. KERREY] is recognized.

DROUGHT RELIEF

Mr. KERREY. Mr. President, I rise to discuss for a moment something I referenced earlier which is that we are on day 2 of an impasse over the disaster relief bill that was passed by the Senate Agriculture Committee and is waiting now to be acted upon by the full Senate.

It has been represented, and was yesterday again, that this has become a partisan issue. The distinguished Republican leader, an individual who I understand has some considerable amount of concerns and I understand that he has some disagreements with this particular piece of legislation, described it as a partisan issue, that it was voted out on a party line, and indeed it was.

But in this particular instance, this is not a partisan issue. The House voted not on party lines but with a considerable amount of Republican support in order to address this disaster in the Nation in a nonpartisan fashion.

What the committee has attempted to do, as the Senator from Mississippi indicated that we must do, is to get this particular piece of legislation in a form that the administration will accept, and in doing so, we have moved significantly away from what the House had done.

What we also must attempt to do is to get it in the form that the House will accept, get it in the form where it can be reconciled in conference and, Mr. President, we did that by simply adopting the formulas that have been used in last year's disaster bill using the assumptions that were contained in last year's disaster effort, assumptions that it seems to me still have reasonable application today.

They essentially say that a disaster is a disaster no matter who it happens to and that, if you cross the line, if you move across the line and say that we are going to provide disaster assistance even though there is crop insurance available, once you have crossed that line, and I think it is reasonable to cross it, Mr. President, because we have a long way to go before crop insurance becomes a reasonable way to require farmers to manage their own risk, but once you cross that line, you should simply say that a disaster is a disaster. That is what was done last year, and that is what we are attempting to do this year.

That particular assumption, by the way, enjoys bipartisan support. This is not an attempt by the Democrats to run something through here. It is in fact the Democrats simply saying we want to try to get something passed; we are joined by many Republicans, and we are hoping on day 2 now of this impasse that the agreements that the distinguished Republican leader hoped to be able to achieve are achieved.

We need to have this piece of legislation moved, and my hope is that we can do it today. I would like to see it come to the floor immediately.

The distinguished majority leader has indicated he is willing to go now. The chairman of the Agriculture Committee is ready to go now. We can go in 10 or 15 minutes and move this legislation. We are prepared to go now. We need to go into conference next week so we can get this piece of work done before we go into recess.

We have worked hard to try to accommodate the objections of the administration, objections that I, by the way, think in many ways are unreasonable and I voiced where I disagree with the administration and attempted to move so as to achieve accommodation.

My hope, Mr. President, is that the disagreements that exist can be worked out today. I believe that the disagreements between the Republicans and Democrats on the Senate Agriculture Committee are not great. We need to get those resolved today so that we can act on it as soon as possible so that we can go into conference with the House of Representatives and so that before we leave into recess, the President can sign this needed legislation for America's farmers.

I yield the floor.

The PRESIDENT pro tempore. The Republican leader.

Mr. DOLE. Mr. President, I shall just take a minute or two of my leader's time to indicate to the Senator from Nebraska that I do not disagree with anything he has said. I did not hear it all. But we would not even have the report out of the committee yet. It has not been filed. We could not take up drought assistance in any event today.

But I think the Democrats will find Republicans willing to negotiate if in fact we are going to do it on a nonpartisan basis, but none of this party line basis—this is not negotiation—but it could not be on the floor today.

I would think I speak for most of my colleagues on that side. If there is any indication on the other side that they want to sit down and discuss it in a nonpartisan way where we can have frank discussion and not have those discussions repeated on the floor, certainly this Senator would be willing to do that.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, FISCAL YEAR 1990

The PRESIDENT pro tempore. Under the order, the Senate will proceed to the consideration of H.R. 2696, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2696) making appropriations for energy and water development for the

fiscal year ending September 30, 1990, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with amendments as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1990, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, [**\$123,312,000**] *\$131,086,000*, to remain available until expended: *Provided*, That with funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following items under General Investigations in fiscal year 1990 in the amounts specified: **[Rillito River, Arizona, \$350,000; Hillsboro Inlet, Broward County, Florida, \$50,000; Monroe County, Florida, \$96,000; Jeffersonville, Indiana, \$125,000; Missouri River Fish and Wildlife Mitigation, Iowa, Nebraska, Kansas, and Missouri, \$150,000; Newport, Kentucky, \$50,000; Red River Waterway, Shreveport, Louisiana, to Danglefield, Texas, \$1,500,000; Sainte Genevieve, Missouri, \$50,000; Antelope Creek, Lincoln, Nebraska, \$100,000; Elm Creek, Nebraska, \$75,000; West Virginia Waterfront Development Study, West Virginia, \$250,000; Sacramento River Flood Control Project, Glenn Colusa Irrigation District, California, \$180,000; Lake George, Hobart, Indiana, \$100,000]**

Rillito River, Arizona, \$350,000; Antelope Creek, Lincoln, Nebraska, \$10,000;

Elm Creek, Nebraska, \$75,000

: Provided further, That not to exceed \$26,500,000 shall be available for obligation for research and development activities;: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue preconstruction engineering and design for the Caliente Creek, California, project and is further directed to undertake any reformulation of the plan recommended in the feasibility study completed by the Corps of Engineers South Pacific Division Engineer on December 23, 1988, as part of preconstruction engi-

neering and design: *Provided further*, That \$110,000 of the funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers, to initiate and complete a reconnaissance phase study of roadway access problems at Fishtrap Lake, Kentucky, and the purchase of property from willing sellers and relocation of owners of property so purchased: *Provided further*, That with funds appropriated in the Energy and Water Development Appropriations Act, 1989, Public Law 100-371, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate preconstruction engineering and design for construction of a bridge at Floyd's Fork, on Routt Road at Taylorsville Lake, Kentucky: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use, immediately upon enactment of this Act, \$125,000 of the funds appropriated herein to accomplish detailed planning of the Wabash Valley Scenic Corridor at Lafayette, Indiana, under the authorized Wabash River Basin Comprehensive Study: *Provided further*, That within available funds, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and complete a reconnaissance level study for the Saint Lawrence Seaway and Great Lakes-Financing Navigational Improvements Study, as authorized in section 47(d) of Public Law 100-676, at full Federal expense: *Provided further*, That \$150,000 of the funds herein appropriated for the Eastern North Carolina above Cape Lookout, North Carolina, study, shall be used by the Secretary of the Army, acting through the Chief of Engineers, to conduct basic hydrologic, water quality, and land use studies of the Albemarle and Pamlico Sounds in support of the Albemarle-Pamlico Estuarine study under the National Estuarine Study Program: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, using \$100,000 of the funds herein appropriated, is directed to complete preconstruction engineering and design necessary to prepare the Big and Little Sallisaw Creeks, Oklahoma, project, authorized by the Water Resources Development Act of 1976, for construction: *Provided further*, That with funds appropriated in the Energy and Water Development Appropriations Act, 1989, Public Law 100-371, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and complete a study to determine the feasibility of the Winton Woods, Mill Creek Lake, Ohio, project under authority of section 1135 of the Water Resources Development Act of 1986: *Provided further*, That \$300,000 of the funds herein appropriated for section 22 planning assistance to the States shall be used to assist the State of Nebraska in seeking solutions to water resources problems, including investigating and resolving problems of streambank erosion and environmental concerns along the Platte and Missouri Rivers: *Provided further*, That \$300,000 of the funds herein appropriated for section 22 planning assistance to the States shall be used to assist the State of Minnesota in seeking solutions to water resources problems: *Provided further*, That \$300,000 of the funds herein appropriated for section 22 planning assistance to the States shall be used to assist the State of Alabama in seeking solutions to water resources problems: *Provided further*, That \$45,000 of the funds herein appropriated shall be used by the Army Corps of Engineers to complete a comprehensive

reconnaissance study of coastal erosion controls for the Portuguese Bend landslide in the immediate, urban Los Angeles, California, area: *Provided further*, That in fiscal year 1990 the Corps of Engineers shall utilize funds previously appropriated for engineering and design, in addition to \$605,000 provided herein, for engineering and design work on the Miami Harbor. The engineering and design work shall be completed by March 30, 1990: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize funds previously appropriated to prepare the most cost effective plan to provide the authorized level of protection for flood damage reduction for the entire city of West Memphis, Arkansas, and vicinity, without regard to frequency of flooding, drainage area, and amount of runoff: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize previously appropriated funds together with funds appropriated herein to complete in fiscal year 1990 the engineering and design on the Port Sutton Channel, Tampa Harbor, Florida project: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$500,000 of the funds appropriated herein for preconstruction engineering and design of structures to restore the riverbed gradient in the vicinity of Mile 206 of the Sacramento River, California in accordance with the plan contained in a Final Feasibility Report, dated 1989, by the Glenn Colusa Irrigation District and the California Department of Fish and Game, on Fish Protection and Gradient Control Facilities.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, alteration and removal of obstructive bridges, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), \$1,026,112,000; \$1,022,270,000, of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, to remain available until expended: *Provided*, That with funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following projects in fiscal year 1990 in the amounts specified: [Beaver Lake, Arkansas (Water Quality Enhancement), \$1,100,000; Red River Emergency Bank Protection, Arkansas and Louisiana, \$4,000,000; Guadalupe River, California, \$1,100,000; Redondo Beach, (King Harbor), California, \$250,000; Fort Pierce Harbor, Florida, \$4,524,000; Kissimmee River, Florida, \$6,000,000; Manatee County, Florida, \$5,000,000; Sarasota County, Florida, \$4,067,000; Maalaea Small Boat Harbor, Hawaii, \$600,000; Little Calumet River, Indiana, \$2,400,000; Ouachita River Levees, Arkansas and Louisiana, \$400,000; Roseau River (Duxby Levee), Minnesota, \$200,000; Cape Girardeau-Jackson, Missouri, \$1,000,000; Trimble Wildlife Area, Smithville Lake, Little Platte River, Missouri, \$1,570,000; Great Egg Harbor Inlet and Peck Beach, New Jersey, \$250,000; Acequia Irrigation System, New Mexico, \$2,000,000; Shinnecock Inlet, New York, \$5,300,000; Grays Harbor, Washington, \$13,000,000; Roanoke River Upper Basin, Virginia, \$200,000;

Red River Chloride Control, Texas and Oklahoma, \$2,500,000; Papillion Creek and Tributaries Lakes, Nebraska, \$2,500,000; Missouri National Recreation River, Nebraska and South Dakota, \$1,000,000; Buffalo Harbor Drift Removal, New York, \$1,100,000; Small Boat Harbor, Buffalo Harbor, New York, \$1,000,000; Atlantic Coast of Maryland, Maryland, \$8,200,000]

Beaver Lake, Arkansas, \$1,100,000; Red River Emergency Bank Protection, Arkansas and Louisiana, \$2,000,000;

Manatee County, Florida, \$5,000,000; Maalaea Small Boat Harbor, Hawaii, \$600,000;

Little Calumet River, Indiana, \$2,400,000; Ouachita River Levees, including Bawcomville Levee, Louisiana, \$400,000;

Westwego to Harvey Canal, Louisiana, Hurricane Protection, \$1,100,000;

Atlantic Coast of Maryland, Maryland, \$8,200,000;

Cape Girardeau-Jackson, Missouri, \$500,000;

Missouri National Recreation River, Nebraska and South Dakota, \$620,000;

Papillion Creek and Tributaries, Nebraska, \$2,500,000;

Great Egg Harbor Inlet and Peck Beach, New Jersey, \$250,000;

Shinnecock Inlet, New York, \$5,300,000;

Roanoke River Upper Basin, Virginia, \$200,000

: *Provided further*, That with \$6,000,000 \$2,700,000 of the funds herein appropriated to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to award a continuing contract for levee/floodwall construction and to continue, by continuing contracts, other structural and nonstructural work associated with the Barboursville, Kentucky, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96-367: *Provided further*, That with \$20,000,000 \$18,200,000 of the funds herein appropriated to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the work for the river diversion tunnels and to undertake other structural and nonstructural work associated with the Harlan, Kentucky, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96-367 using continuing contracts: *Provided further*, That with \$7,850,000 of the funds herein appropriated to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake structural and nonstructural flood protection measures at Matewan, West Virginia: *Provided further*, That no fully allocated funding policy shall apply to construction of the Barboursville, Kentucky, Matewan, West Virginia, and Harlan, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project: *Provided further*, That with \$1,000,000 of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed, notwithstanding section 903(a) of the Water Resources Development Act of 1986, to construct the Mound State Park, Moundville, Alabama, project, authorized by section 608(a) of the Water Resources Development Act of 1986, in accordance with the General Design Memorandum Number 1 (April 1988) of the Mobile District Engineer, and the non-Federal share of

this project shall be 25 percent: *Provided further*, That with \$1,000,000 of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed, notwithstanding section 903(a) of the Water Resources Development Act of 1986, to construct the Fort Toulouse, Elmore County, Alabama, project, authorized by section 608(b) of the Water Resources Development Act of 1986, in accordance with the General Design Memorandum Number 1 (April 1988) of the Mobile District Engineer, and the non-Federal share of this project shall be 25 percent: *Provided further*, That, notwithstanding section 903(a) of the Water Resources Development Act of 1986, \$9,000,000 of the funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers, for construction of the Miami River Sediments, Florida, project, authorized by section 1162 of Public Law 99-662: *Provided further*, That, notwithstanding section 903(a) of the Water Resources Development Act of 1986, \$500,000 of the funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers, for construction of the Satilla River Basin, Georgia, project, authorized by section 1151 of Public Law 99-662: *Provided further*, That using \$415,000 of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed, immediately upon enactment of this Act, to initiate a program of applied research, in cooperation with the Tennessee Valley Authority, to help resolve the aquatic plant problem in Guntersville Lake, Tennessee River, Alabama, in accordance with the research provisions of the aquatic plant control program authorized in section 302 of Public Law 89-298: *Provided further*, That using \$1,500,000 of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate construction of the O'Hare Reservoir, Elk Grove Township, Illinois, as authorized in section 401(a) of Public Law 99-662 with cost sharing in accordance with the percentages specified in section 103(a) of the Water Resources Development Act of 1986: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate remedial work on the Sacramento River Flood Control Project levees in the Sacramento Metropolitan Area with \$3,000,000 herein appropriated for that purpose: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate design and construction of the Waterloo Bridges in Waterloo, Iowa, in accordance with section 835 of the Water Resources Development Act of 1986 using funds appropriated in the Energy and Water Development Appropriations Act, 1989, Public Law 100-371 and the Act making further continuing appropriations for the fiscal year ending September 30, 1988, Public Law 100-202: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$9,900,000 of the total sum appropriated herein for design, testing, and construction in fiscal year 1990 of juvenile fish bypass facilities at the Little Goose, Lower Granite, McNary, Lower Monumental, Ice Harbor and The Dalles projects on the Columbia and Snake Rivers as described in the report accompanying this Act: *Providing further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and complete construction of the Maumee Bay State Park, Ohio, Shoreline

Protection and Beach Restoration project, using funds appropriated in the Energy and Water Development Appropriations Act, 1989, Public Law 100-371, and the non-Federal sponsor shall share the cost of the project in accordance with the cost sharing requirements of the Water Resources Development Act of 1986, Public Law 99-662: *Provided further*, That using funds appropriated in the Energy and Water Development Appropriation Act, 1988, Public Law 100-202, the Secretary of the Army, acting through the Chief of Engineers, shall make \$150,000 available to the Kankakee River project in Illinois to acquire an icebreaking boat and equipment to be loaned to the city of Wilmington, Illinois, for a period of at least three years in accordance with section 1101(b) of the Public Law 99-662 (100 Stat. 4224): *Provided further*, That, notwithstanding section 903(a) of the Water Resources Development Act of 1986, the Secretary of the Army, acting through the Chief of Engineers, is directed to construct the Hamlet City Lake, Hamlet, North Carolina, project using \$3,200,000 of the funds herein appropriated: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the Kanawha River, Charleston, West Virginia, and Kanawha River, Saint Albans, West Virginia, projects using funds appropriated in the Energy and Water Development Appropriations Act, 1988, Public Law 100-202: *Provided further*, That using funds previously appropriated and \$13,000,000 \$3,000,000 of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed to construct Highway 415, Segment "C" at the Saylorville Lake, Iowa, project in accordance with terms of the relocations contract executed on [June 21, 1985] June 21, 1984, between the United States Army Corps of Engineers Rock Island District Engineer and the State of Iowa: *Provided further*, That with \$1,000,000 of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and continue the repair and rehabilitation of the Maestown Creek gravity drainage structure through the project levee of the Harrisonville and Ivy Landing Drainage and Levee District, Number 2, Illinois, subject to the cost sharing provisions of section 103 of Public Law 99-662: *Provided further*, That with \$4,000,000 of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed to resume construction on the Wallisville Lake project in Texas, and to award continuing contracts until construction is complete under the cost-sharing terms and conditions signed in 1967 between the Trinity River Authority of Texas, the city of Houston, the Chambers-Liberty Counties Navigation District, and the Corps of Engineers, and as provided for in Public Law 98-63: *Provided further*, That with \$10,000,000 heretofore or herein appropriated for the Cooper Lake and Channels project in Texas, the Secretary of the Army, acting through the Chief of Engineers, is directed to award continuing contracts in fiscal year 1990 at full Federal expense for additional recreation facilities at an estimated cost of \$22,000,000 not exclusive to South Sulphur and Doctors Creek Parks, as is acceptable to the State of Texas; and, in addition, \$101,800,000, to remain available until expended, is hereby appropriated for construction of the Red River Waterway, Mississippi River to Shreveport, Louisiana, project, of which,

\$2,500,000 shall be used to acquire up to five thousand acres of land in the vicinity of the Stumpy Lake/Swan Lake/Loggy Bayou Wildlife Management area as part of the wildlife mitigation lands for the Red River Waterway project: *Provided further*, That the Secretary of the Army is authorized and directed to immediately begin a reconnaissance study of the Cuyahoga River. The Reconnaissance Study shall be conducted at 100 percent Federal cost pursuant to the provisions of section 905(b) of Public Law 99-662, using funds already appropriated in Public Law 100-202: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, shall use \$600,000 of the funds appropriated under this heading for a flood control project on Loves Park Creek, Loves Park and vicinity, Illinois, as authorized by Public Law 99-662, Sec. 401; and, in addition, \$101,800,000, to remain available until expended, is hereby appropriated for construction of the Red River Waterway, Mississippi River to Shreveport, Louisiana, project and for compliance with the directions given to the Secretary of the Army in the fiscal year 1988 and 1989 Energy and Water Development Acts, Public Laws 100-202 and 100-371 respectively, regarding the construction of this project, and the Secretary is directed to use \$2,000,000 to award continuing contracts in fiscal year 1990 for construction and completion of Lock and Dam 4, Phase I, and Lock and Dam 5, Phase I; and of which \$2,500,000 shall be used to acquire up to five thousand acres of land in the vicinity of the Stumpy Lake/Swan Lake/Loggy Bayou Wildlife Management area as part of the lands for the Red River Waterway project; and with funds provided in this title or previously appropriated to the Corps of Engineers, the Secretary further is directed to fund previously awarded and directed construction contracts and to award continuing contracts in fiscal year 1990 for construction and completion of each of the following features of the Red River Waterway: in Pool 1, Vick Revelment Extension; Saline Bend Dikes, Blakewood, Pump Bayou, and Grand Lakes Reinforcement and Dikes. The Federal cost for construction of the Louisiana and Arkansas Railway Bridge near Alexandria, Louisiana, authorized in Public Law 98-181 shall be increased to a limitation of \$25,770,000 (July 1, 1983 price levels) in order to avoid disruption of the Colfax Creosoting Company.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), [\$342,186,000] \$335,970,000, to remain available until expended: *Provided*, That not less than \$250,000 shall be available for bank stabilization measures as determined by the Chief of Engineers to be advisable for the control of bank erosion of streams in the Yazoo Basin, including the foothill area, and where necessary such measures shall complement similar works planned and constructed by the Soil Conservation Service and be limited to the areas of responsibility mutually agreeable to the District Engineer and the State Conservationist: *Provided further*, That the Secretary of the Army is directed to provide \$1,000,000

from funds appropriated by Public Law 100-371 (102 Stat. 859) for Flood Control, Mississippi River and Tributaries, to the United States Department of Agriculture, Soil Conservation Service, to be expended for engineering and design of the Johns Creek project, as authorized by section 401(a) of Public Law 99-662 (100 Stat. 4124): *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with design and construction of a replacement for the Motor Vessel MISSISSIPPI using funds available under this appropriation in order to complete construction of the replacement vessel by the end of calendar year 1991: *Provided further*, That using previously appropriated funds, the Secretary of the Army, acting through the Chief of Engineers, is directed to reimburse the local interest for the Federal share of the cost of relocation of U.S. Highway 71 bridge in St. Landry Parish, Louisiana carried out by local interests as authorized by section 824 of Public Law 99-662: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize \$2,500,000 of previously appropriated funds to initiate and complete construction of a land size seepage berm to correct a project deficiency at the Mississippi River, Memphis Harbor, Tennessee.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, [\$1,382,081,000] \$1,396,104,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662, may be derived from that fund, and of which [\$20,000,000] such sums estimated at \$60,000,000 shall be for construction, operation, and maintenance of outdoor recreation facilities, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended [(16 U.S.C. 4601)] (16 U.S.C. 4601): *Provided*, That \$100,000 of funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers for operation and maintenance of existing structures and facilities of the Missouri National Recreation River, Nebraska and South Dakota: *Provided further*, That not to exceed \$8,000,000 shall be available for obligation for national emergency preparedness programs: *Provided further*, That \$750,000 of the funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers, for maintenance dredging of the Los Angeles River portion of the Los Angeles-Long Beach Harbors project: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, may use not more than \$500,000 of the funds herein appropriated for payments to parties adversely affected by the closing of the Cape Cod Canal Railroad Bridge for repairs by the Secretary of the Army: *Provided further*, That \$50,000 of the funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers, to continue the Sauk Lake, Minnesota, project: *Provided*

ed further, That all revenues from additional use fee collections estimated at \$40,000,000 in fiscal year 1990 shall be retained and used for construction, operation, and maintenance of recreation facilities in this account, notwithstanding the provisions of the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601), and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of additional revenues received from such fees and collections, so as to result in a final fiscal year 1990 appropriation estimated at \$1,356,104,000.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters, including bridges, and wetlands, \$69,427,000, to remain available until expended.

REVOLVING FUND

For continued acquisition of the Corps of Engineers Automation Plan, \$10,000,000, to remain available until expended. (33 U.S.C. 576).

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors, the Coastal Engineering Research Board, the Engineer Automation Support Activity, and the Water Resources Support Center, [\$127,300,000] \$128,800,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manner authorized by section 4110 of title 5, United States Code, uniforms, and allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 150 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

[SEC. 101. The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986, is modified to direct the Secretary of the Army to design and construct the project to provide flood protection to the area protected by the existing projects from flood conditions which would occur as a result of the recurrence of tropical storm Agnes of 1972, with cost sharing in accordance with the percentages specified in section 103(a) of the Water Resources Development Act of 1986, at a total cost of \$169,000,000 with an estimated Federal cost of \$127,000,000 and an estimated non-Federal cost of \$42,000,000.]

SEC. 101. The second sentence of section 210 of the Flood Control Act of 1968 (82 Stat. 746; 16 U.S.C. 460d-3) is amended to read:

"Notwithstanding section 4(b) of the Land and Water Conservation Fund Act of 1965, as amended (78 Stat. 897; 16 U.S.C. 4601-6a(b)), the Secretary of the Army is authorized to charge fees for the use of specialized recreation sites and facilities, including, but

not limited to, improved campsites, swimming beaches, and boat launching ramps; however, the Secretary shall not charge fees for the use or provision of drinking water, wayside exhibits, general purpose roads, overlook sites, toilet facilities, or general visitor information. The fees shall be deposited into the special Treasury account for the Corps of Engineers that was established by section 4(i) of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-6a(i))."

Section 4 of the Land and Water Conservation Fund Act of 1965, as amended (78 Stat. 897; 16 U.S.C. 4601-6a) is further amended by: (1) deleting the next to the last sentence of subsection (b); (2) inserting the words "except the Corps of Engineers" after the words "each agency" in subsection (i)(2); (3) inserting the words "and the Corps of Engineers" after the words "National Park Service" in subsection (i)(3); and (4) adding a new subsection (i)(5) as follows: "(5) Amounts covered into the special account for the Corps of Engineers shall be available immediately, upon appropriation, by the Secretary of the Army, to be used for construction, operation, maintenance, and enhancement of and research related to, water resources development areas administered by the Department of the Army that are used in whole or in part for recreation purposes."

SEC. 102. The Sacramento River Flood Control Project, California, as authorized by the Flood Control Act of 1917, as amended, is further modified to direct the Secretary of the Army, acting through the Chief of Engineers, to proceed in fiscal year 1990 and in subsequent years as necessary with construction of riverbed gradient restoration structures in the vicinity of River Mile 206, Sacramento River, California, at an additional estimated cost of \$6,000,000, generally in accordance with the plan contained in a report prepared by the Glenn Colusa Irrigation District and the California Department of Fish and Game, dated December 1988. Local cost-sharing is to be obtained in accordance with the flood control requirements of the Water Resources Development Act of 1986.

SEC. 103. The undesignated paragraph entitled "Sims Bayou, Texas" in section 401(a) of Public Law 99-662 (100 Stat. 4110) is amended by striking out "\$126,000,000" and inserting in lieu thereof "\$244,000,000", by striking out "\$94,700,000" and inserting in lieu thereof "\$164,000,000", and by striking out "\$31,300,000" and inserting in lieu thereof "\$80,000,000".

SEC. 104. The project for shoreline protection for the Atlantic Coast of Maryland (Ocean City), authorized by section 501(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4135), is modified to authorize the Secretary to construct hurricane and storm protection measures based on the District Engineer's Post Authorization Change Notification Report dated May 1989, at a total initial cost of \$71,000,000, with an estimated Federal cost of \$37,000,000 and an estimated non-Federal cost of \$34,000,000, and an annual cost of \$2,700,000 for periodic beach nourishment over the life of the project, with an estimated annual Federal cost of \$1,755,000 and an estimated annual non-Federal cost of \$945,000.

SEC. 105. Notwithstanding section 110 of the Energy and Water Development Appropriation Act, 1988, Public Law 100-202, the Secretary of the Army is authorized to transfer and reassign property accountabil-

ity for the headquarters aircraft of the Corps of Engineers, Serial Number 045, from the assets of the civil works revolving fund, to the military activity of the Army that the Secretary determines is appropriate, except that the aircraft shall be made available on a priority basis as necessary for activities in support of the Army's civil works mission.

Sec. 106. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to assume operation of the Sledge Bayou Drainage District's structure located in Quitman County, Mississippi.

[Sec. 107. Section 803 of the Water Resources Development Act of 1986 (100 Stat. 4166) is amended by adding at the end thereof the following new sentence: "Notwithstanding section 215 of the Flood Control Act of 1968 (42 U.S.C. 1962d-5a), if, before the date of the enactment of this Act, non-Federal interests complete construction and repair of the Cherry Street bridge, the Secretary shall credit toward the non-Federal share of the cost of construction of the Walnut Street bridge an amount equal to the Federal share of the cost incurred for construction and repair of the Cherry Street bridge."

[Sec. 108. Cost sharing requirements for the study of the Lake Erie-Ohio River Canal, Ohio and Pennsylvania, authorized by resolution of the Committee on Public Works and Transportation on October 1, 1986, shall be in accordance with section 105(a)(2) of the Water Resources Development Act of 1986.]

Sec. [109] 107. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to perform maintenance dredging and related activities to maintain Pump Slough from its confluence with the West Pearl River to the boat ramps in the vicinity of Interstate 59 and Crawford and Davis landings.

Sec. [110] 108. The project for mitigation of fish and wildlife losses at the Canaveral Harbor West Basin and Approach Channel project, Florida, authorized by section 601(a) of the Water Resources Development Act of 1986 under the heading "PORT CANAVERAL HARBOR, FLORIDA" (100 Stat. 4140), is modified to authorize the Secretary to construct that part of the project consisting of reshaping of four spoil islands located in the Banana River, installation of culverts along the existing levee of the south mosquito control impoundment of Merritt Island, and rehabilitation of the existing pump station located at the southern tip of the south mosquito control impoundment, at a total cost of \$838,000, with an estimated first Federal cost of \$825,000 and an estimated non-Federal cost of \$13,000.

Sec. 109. The undesignated paragraph of the Water Resources Development Act of 1986 (Public Law 99-662) under the heading "Roanoke River Upper Basin, Virginia" (100 Stat. 4126) is amended by striking out "\$21,000,000" and all that follows in that paragraph and inserting in lieu thereof "\$29,000,000, with an estimated first Federal cost of \$17,700,000 and an estimated first non-Federal cost of \$11,300,000, October 1988 price levels."

Sec. 110. The project for navigation, Bonneville Lock and Dam, Oregon and Washington, authorized by the Supplemental Appropriations Act of 1985 (Public Law 99-88), the Water Resources Development Act of 1986 (Public Law 99-662), and the Supplemental Appropriations Act of 1989 (Public Law 101-45), is modified to authorize the

Secretary of the Army to make available and deliver to the following Oregon and Washington ports: Port of The Dalles, Oregon; Port of Hood River, Oregon; Port of Cascade Locks, Oregon; Port of Klickitat, Washington; and Port of Skamania, Washington, excavated material surplus to the needs of the project as determined and conditioned by the Secretary of the Army without cost to the ports for such material.

The Secretary, or his designee, shall not make such excavated material available until each port has entered into a written agreement: (1) to provide disposal sites at no cost to the government or its agents or its contractors; (2) to provide without charge or fee all disposal site work necessary for placement of the excavated materials as it becomes available for disposal; (3) to provide all disposal site work during disposal of the excavated material such as spreading, compacting and protection of in-water fills but not including off-loading from either truck or barge; (4) obtain all required State and Federal permits; and (5) to hold and save harmless the government from all damages, contractual or otherwise from the ports, but not from third-party claims.

Actions taken pursuant to this modification shall not affect the environmental studies and approvals which have been completed for the project.

TITLE II

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, [\$11,230,000] \$11,330,000: *Provided*, That, of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That all costs of an advance planning study of a proposed project shall be considered to be construction costs and to be reimbursable in accordance with the allocation of construction costs if the project is authorized for construction: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such amounts shall remain available until expended.

CONSTRUCTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until expended, [\$661,008,000] \$662,120,000, of which \$164,866,000 shall be available for transfers to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and \$188,823,000 shall be available for transfers to the Lower Colorado River Basin De-

velopment Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and such amounts as may be necessary shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project as authorized by the Act of December 21, 1928, as amended: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation under this heading: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall remain available until expended: *Provided further*, That the final point of discharge for the interceptor drain for the San Luis Unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters: *Provided further*, That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument: *Provided further*, That of the amount herein appropriated, such amounts as may be necessary shall be available to enable the Secretary of the Interior to continue work on rehabilitating the Velarde Community Ditch Project, New Mexico, in accordance with the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) for the purposes of diverting and conveying water to irrigated project lands. The cost of the rehabilitation will be nonreimbursable and constructed features will be turned over to the appropriate entity for operation and maintenance: *Provided further*, That the funds contained in this Act for the Garrison Diversion Unit, North Dakota, shall be expended only in accordance with the provisions of the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 99-294): *Provided further*, That none of the funds appropriated in this Act shall be used to study or construct the Cliff Dam feature of the Central Arizona Project: *Provided further*, That Plan 6 features of the Central Arizona Project other than Cliff Dam, including (1) water rights and associated lands within the State of Arizona acquired by the Secretary of the Interior through purchase, lease, or exchange, for municipal and industrial purposes, not to exceed 30,000 acre feet; and, (2) such increments of flood control that may be found to be feasible by the Secretary of the Interior at Horseshoe and Bartlett Dams, in consultation and cooperation with the Secretary of the Army and using Corps of Engineers evaluation criteria, developed in conjunction with dam safety modifications and consistent with applicable environmental law, are hereby deemed to constitute a suitable alternative to Orme Dam within the meaning of the Colorado River Basin Project Act (82 Stat. 885; 43 U.S.C. 1501 et seq.): *Provided further*, That \$17,000,000 of the funds herein appropriated shall be available for use for construction on the

Davis Creek Dam, North Loup Division, Nebraska, and related facilities in addition to the amount requested by the Secretary of the Interior for continuing work on the North Loup Division, which funds shall remain available until expended: *Provided further, That the Secretary of the Interior shall utilize \$15,000,000 appropriated herein to compensate the Strawberry Water Users Association as authorized by section 4 of Public Law 100-563.*

OPERATION AND MAINTENANCE (INCLUDING TRANSFER OF FUNDS)

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, \$212,287,000: *Provided, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund, and the amount for program activities which can be derived from the special fee account established pursuant to the Act of December 22, 1987 (16 U.S.C. [4601-6a] 4601-6a, as amended), may be derived from that fund: Provided further, That of the total appropriated, such amounts as may be required for replacement work on the Boulder Canyon Project which would require readvances to the Colorado River Dam Fund shall be readvanced to the Colorado River Dam Fund pursuant to section 5 of the Boulder Canyon Project Adjustment Act of July 19, 1940 (43 U.S.C. 618d), and such readvances since October 1, 1984, and in the future shall bear interest at the rate determined pursuant to section 104(a)(5) of Public Law 98-381: Provided further, That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same objects and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: Provided further, That revenues in the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project, the costs of which shall be nonreimbursable: Provided further, That none of the funds appropriated in this Act shall be used to execute new long-term contracts for water supply from the Central Valley Project, California, prior to October 1, 1990.*

LOAN PROGRAM

For loans to irrigation districts and other public agencies for construction of distribution systems on authorized Federal reclamation projects, and for loans and grants to non-Federal agencies for construction of projects, as authorized by the Acts of July 4, 1955, as amended (43 U.S.C. 421a-421d), and August 6, 1956, as amended (43 U.S.C. 422a-422i), including expenses necessary for carrying out the program, \$34,122,000, to remain available until expended: *Provided, That of the total sums appropriated, the amount of program activities which can be financed by the reclamation fund shall be derived from that fund: Provided further, That during fiscal year 1990 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed \$31,922,000: Provided further, That any contract under the Act of July 4, 1955 (69 Stat. 244), as amended, not yet executed by the Secretary, which calls*

for the making of loans beyond the fiscal year in which the contract is entered into shall be made only on the same conditions as those prescribed in section 12 of the Act of August 4, 1939 (53 Stat. 1187, 1197).

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, \$47,983,000, of which \$1,000,000 shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.*

EMERGENCY FUND

For an additional amount for the "Emergency fund", as authorized by the Act of June 26, 1948 (43 U.S.C. 502), as amended, to remain available until expended for the purposes specified in said Act, \$1,000,000, to be derived from the reclamation fund.

WORKING CAPITAL FUND

For acquisition of computer capacity for the Business System Acquisition project, and other capital equipment, \$8,500,000, to remain available until expended, as authorized in section 1472 of title 43, United States Code (99 Stat. 571).

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or special fee account are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) or the Act of December 27, 1987 (16 U.S.C. [4601-6a] 4601-6a, as amended), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head "General Administrative Expenses" shall revert and be credited to the reclamation fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 28 passenger motor vehicles for replacement only; acquisition of one aircraft by transfer of title without the use of appropriated funds; payment of claims for damages to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; payment, except as otherwise provided for, of compensation and expenses of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiations and administration of interstate compacts without reimbursement or return under the reclamation laws; for service as authorized by section 3109 of title 5, United States Code, in total not to exceed \$500,000; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriations Act 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir

areas, and investigation and recovery of archaeological and paleontological remains in such areas in the same manner as provided for in the Acts of August 21, 1935 (16 U.S.C. 461-467), and June 27, 1960 (16 U.S.C. 469): *Provided, That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43 U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses", amounts provided for plan formulation and advance planning investigations under the head "General Investigations", and amounts provided for applied engineering under the head "Construction Program".*

Sums appropriated herein which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law.

No part of any appropriation for the Bureau of Reclamation, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided, That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 3679 of the Revised Statutes, as amended (31 U.S.C. 1341).*

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefits of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation.

The Bureau of Reclamation may hereafter accept the services of volunteers and, from any funds available to it, provide for their incidental expenses to carry out any activity of the Bureau of Reclamation except policymaking or law or regulatory enforcement. Such volunteers shall not be deemed employees of the United States Government, except for the purposes of chapter 81 of title 5 of the United States Code relating to compensation for work injuries, and shall not be deemed employees of the Bureau of Reclamation except for the purposes of tort claims to the same extent as a regular employee of the Bureau of Reclamation would be under identical circumstances.

None of the funds made available by this or any other Act shall be used by the Bureau of Reclamation for contracts for surveying and mapping services unless such contracts for which a solicitation is issued after the date of this Act are awarded in accordance with title IX of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 541 et seq.). Notwithstanding the provisions of 5 U.S.C. 5901(a), as amended, the uniform allowance for each uniformed employee of the Bureau of Reclamation, Department of the Interior, shall not exceed \$400 annually.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. Appropriations in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities or other facilities.

ties or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

Sec. 202. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior.

Sec. 203. Appropriations in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency, or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 1535 and 1536): *Provided*, That reimbursements for costs of supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

Sec. 204. Appropriations in this title shall be available for hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchases of reprints; payment for telephone services in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

[Sec. 205. In Public Law 100-563, section 4(e)(2), delete the sentence that reads: "Of the amounts appropriated hereafter under section 8 of such Act, the first \$15,000,000 shall be paid to the Association."]

Sec. [206] 205. Section 210 of the Energy and Water Development Appropriations Act of 1988 is hereby deleted in its entirety.

TITLE III

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 21 for replacement only), [\$2,140,816,000 to remain available until expended: *Provided*, That of the amount appropriated herein, \$2,500,000 shall be provided to the Midwest Superconductivity Consortium at Purdue University] \$2,215,466,000 to remain available until expended, of which \$20,000,000 shall be available only for the following facilities: the Biomedical Research Institute, LSU Medical Center at Shreveport, Louisiana, and the Oregon Health Science University.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of electricity to provide enrichment services or purchase of enriched uranium from the Federal Republic of Germany whichever will minimize appropriations; purchase of passenger motor vehicles (not to exceed 25 for replacement only), [\$1,445,000,000] \$1,428,000,000, to remain available until expended: *Provided*, That revenues received by the Department for the enrichment of uranium and estimated to total \$1,500,900,000 in fiscal year 1990, shall be retained and used for the specific purpose of offsetting costs incurred by the Department in providing uranium enrichment service activities as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302(b) of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced as uranium enrichment revenues are received during fiscal year 1990 so as to result in a final fiscal year 1990 appropriation estimated at not more than \$0.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 13, of which 10 are for replacement only and one is a police-type vehicle), [\$1,062,431,000] \$1,098,431,000, to remain available until expended: *Provided*, That none of the funds provided in this Act for the Superconducting Super Collider shall be available to finalize or implement any agreements for either in-kind or direct contributions from foreign countries until a full report on such international contributions has been provided to the Congress, unless the President or Secretary of Energy certify in writing that it is in the national interest of the United States to implement such an agreement. Funds available for the Superconducting Super Collider may be utilized to prepare agreements to allow the above report to Congress to be formulated.

NUCLEAR WASTE DISPOSAL FUND

[For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$424,700,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise his authority pursuant to section 302(e)(5) to issue obligations to the Secretary of the Treasury: *Provided*, That any proceeds resulting from the sale of assets purchased

from the Nuclear Waste Fund shall be returned to the Nuclear Waste Fund.]

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$350,000,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise his authority pursuant to section 302(e)(5) to issue obligations to the Secretary of the Treasury: *Provided*, That any proceeds resulting from the sale of assets purchased from the Nuclear Waste Fund shall be returned to the Nuclear Waste Fund: *Provided further*, That of the amount herein appropriated not to exceed \$5,000,000, may be provided to the State of Nevada, for the conduct of its oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended, of which \$1,000,000 is to be available for the University of Nevada-Reno to carry out infrastructure studies related to nuclear waste, and of which not more than \$1,000,000 may be expended for geology and hydrology studies carried out by the University of Nevada system and not more than \$1,000,000 may be expended for socioeconomic and transportation studies: *Provided further*, That not more than \$6,000,000, may be provided to the State of Nevada, at the discretion of the Secretary of Energy, to conduct appropriate activities pursuant to the Act: *Provided further*, That not more than \$5,000,000, may be provided to affected local governments, as defined in the Act, to conduct appropriate activities pursuant to the Act: *Provided further*, That none of the funds herein appropriated may be used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in 18 U.S.C. 1913: *Provided further*, That of the amount appropriated herein, up to \$10,000,000 shall be made available to the University of Nevada, Las Vegas (UNLV), to provide computing resource to the State of Nevada to carry out its independent analyses and oversight responsibilities under the Nuclear Waste Policy Act of 1982 and for use by UNLV. The funds shall be made available by direct payment to UNLV in the amount of the purchase price of a supercomputer or coupled minisupercomputers. UNLV shall take title to and assume ownership of the computer hardware and software that are purchased with these funds.

ISOTOPE PRODUCTION AND DISTRIBUTION PROGRAM FUND

For necessary expenses of activities related to the production, distribution, and sale of isotopes and related services, \$16,243,000, to remain available until expended: *Provided*, That this amount and, notwithstanding 31 U.S.C. 3302, revenues received from the disposition of isotopes and related services shall be credited to this account to be available for carrying out these purposes without further appropriation: *Provided further*, That all unexpended balances of previous appropriations made for the purpose of carrying out activities related to the production, distribution, and sale of isotopes and related services may be transferred to this fund and merged with other balances in the fund and be available under the same conditions and for the same period of time: *Provided further*, That fees shall be set by the Secretary of Energy in such a manner as to

provide full cost recovery, including administrative expenses, depreciation of equipment, accrued leave, and probable losses: *Provided further*, That all expenses of this activity shall be paid only from funds available in this fund: *Provided further*, That at any time the Secretary of Energy determines that moneys in the fund exceed the anticipated requirements of the fund, such excess shall be transferred to the general fund of the Treasury.

ATOMIC ENERGY DEFENSE ACTIVITIES

For expenses of the Department of Energy activities, [\$9,692,300,000] \$9,554,098,000, to remain available until expended, including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for atomic energy defense activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 208 for replacement only including 19 police-type vehicles).

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed \$35,000) [\$358,734,000] \$354,297,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$150,000,000 in fiscal year 1990 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1990 so as to result in a final fiscal year 1990 appropriation estimated at not more than [\$208,734,000] \$204,297,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$22,959,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, \$3,145,000, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for expenses of the Northeast Oregon Spring Chi-

nook Facility and Galbraith Springs/Sherman Creek Hatcheries; and for official reception and representation expenses in an amount not to exceed \$2,500.

During fiscal year 1990, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$18,469,000, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, \$25,172,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed \$11,723,000 in reimbursements, to remain available until expended: *Provided*, That the continuing fund established by the Act of October 12, 1949, c. 680, title I, section 101, as amended, shall also be available on an ongoing basis for paying for purchased power and wheeling expenses when the Administrator determines that such expenditures are necessary to meet contractual obligations for the sale and delivery of power during periods of [below-average] below normal hydropower generation. [Payments from the continuing fund shall be limited to the amount required to replace the generation deficiency, and only for the project where the deficiency occurred.] Replenishment of the fund shall occur within twelve months of the month in which the funds were first expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (Public Law 95-91), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500, the purchase, maintenance, and operation of one helicopter for replacement only, \$291,233,000, to remain available until expended, of which \$264,457,000 shall be derived from the Department of the Interior Reclamation fund; in addition, the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration \$3,564,000, to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended: *Provided*, That the continuing fund established in Public Law 98-50 shall also be available on an ongoing basis for paying for purchase power and wheeling expenses when the Administrator determines that such expenditures are necessary

to meet contractual obligations for the sale and delivery of power during periods of below-normal hydropower generation. Payments from the continuing fund shall be limited to the amount required to replace the generation deficiency, and only for the project where the deficiency occurred. Replenishment of the continuing fund shall occur within twelve months of the month in which the funds were first expended.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (Public Law 95-91), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed \$2,000); \$116,550,000, of which \$11,000,000 shall remain available until expended and be available only for contractual activities: *Provided*, That hereafter and notwithstanding any other provision of law, not to exceed \$116,550,000 of revenues from licensing fees, inspection services, and other services and collections in fiscal year 1990, shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1990, so as to result in a final fiscal year 1990 appropriation estimated at not more than \$0: *Provided further*, That revenues collected under the authority of section 3401 of the Omnibus Budget Reconciliation Act that have been held in suspense pending the final outcome of litigation, will be immediately credited to the general fund of the Treasury.

GEOHERMAL RESOURCES DEVELOPMENT FUND

For carrying out the Loan Guarantee and Interest Assistance Program as authorized by the Geothermal Energy Research, Development and Demonstration Act of 1974, as amended, \$75,000, to remain available until expended: *Provided*, That the indebtedness guaranteed or committed to be guaranteed through funds provided by this or any other appropriation Act shall not exceed the aggregate of \$500,000,000.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

Sec. 301. Appropriations for the Department of Energy under this title for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance and operation of aircraft; purchase, repair and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services. From these appropriations, transfers of sums may be made to other agencies of the United States Government for the performance of work for which this appropriation is made. None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriation Act. The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign.

(TRANSFERS OF UNEXPENDED BALANCES)

Sec. 302. Not to exceed 5 per centum of any appropriation made available for the

current fiscal year for Department of Energy activities funded in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise provided, shall be increased or decreased by more than 5 per centum by any such transfers, and any such proposed transfers shall be submitted promptly to the Committees on Appropriations of the House and Senate.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 303. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

MINORITY PARTICIPATION IN THE SUPERCONDUCTING SUPER COLLIDER

SEC. 304. (a) **FEDERAL FUNDING.**—The Secretary of Energy shall, to the fullest extent possible, ensure that at least 10 per centum of Federal funding for the development, construction, and operation of the Superconducting Super Collider be made available to business concerns or other organizations owned or controlled by socially and economically disadvantaged individuals (within the meaning of section 8(a) (5) and (6) of the Small Business Act (15 U.S.C. 637(a) (5) and (6))), including historically black colleges and universities and minority educational institutions (as defined by the Secretary of Education pursuant to the General Education Provisions Act (20 U.S.C. 1221 et seq.)).

(b) **OTHER PARTICIPATION.**—The Secretary of Energy shall, to the fullest extent possible, ensure significant participation, in addition to that described in subsection (a), in the development, construction, and operation of the Superconducting Super Collider by socially and economically disadvantaged individuals (within the meaning of section 8(a) (5) and (6) of the Small Business Act (15 U.S.C. 637(a) (5) and (6))) and economically disadvantaged women.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and for necessary expenses for the Federal Cochairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, to remain available until expended, **[\$110,000,000]** \$150,000,000.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-56, section 1441, **[\$10,000,000]** \$7,000,000, to remain available until expended.

DELAWARE RIVER BASIN COMMISSION SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of

the Delaware River Basin Commission, as authorized by law (75 Stat. 716), \$214,000.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), \$345,000.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91-407), **[\$100,000]** \$300,000.

NUCLEAR REGULATORY COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed \$20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, \$442,100,000, to remain available until expended, of which \$23,195,000 shall be derived from the Nuclear Waste Fund: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs including criminal history checks under section 149 of the Atomic Energy Act, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$146,850,000 in fiscal year 1990 shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1990 from licensing fees, inspection services and other services and collections, and from the Nuclear Waste Fund, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1990 appropriation estimated at not more than \$295,250,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by 5 U.S.C. 3109, \$2,900,000, to remain available until expended; and in addition, not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided*, That notice of such transfer shall be given to the Committees on Appropriations of the House and Senate: *Provided further*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred.

SUSQUEHANNA RIVER BASIN COMMISSION SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission as authorized by law (84 Stat. 1541), \$200,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expense of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), \$276,000.

TENNESSEE VALLEY AUTHORITY TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, and for entering into contracts and making payments under section 11 of the National Trails System Act, as amended, **[\$121,000,000]** \$113,000,000, to remain available until expended: *Provided*, That this appropriation and other moneys available to the Tennessee Valley Authority may be used hereafter for payment of the allowances authorized by section 5948 of title 5, United States Code: *Provided further*, That the Tennessee Valley Authority may hereafter accept the services of volunteers and, from any funds available to it, provide for their incidental expenses to carry out any activity of the Tennessee Valley Authority except policy-making or law or regulatory enforcement. Such volunteers shall not be deemed employees of the United States Government, except for the purposes of chapter 81 of title 5 of the United States Code relating to compensation for work injuries, and shall not be deemed employees of the Tennessee Valley Authority except for the purposes of tort claims to the same extent as a regular employee of the Tennessee Valley Authority would be under identical circumstances.

OFFICE OF THE NUCLEAR WASTE NEGOTIATOR SALARIES AND EXPENSES

For necessary expenses of the Office of the Nuclear Waste Negotiator, as authorized by Public Law 100-203, section 411, \$2,000,000, to be derived from the Nuclear Waste Fund and to remain available until expended.

NUCLEAR WASTE TECHNICAL REVIEW BOARD SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 509, in-

cluding not to exceed \$12,500 for official reception and representation expenses; including not to exceed \$300,000 for services as authorized by 5 U.S.C. 3109(b), but at rates which the Board considers reasonable, not withstanding any other provision of law limiting such compensation, \$2,000,000, to be derived from the Nuclear Waste Fund and to remain available until expended.

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 503. None of the programs, projects or activities as defined in the report accompanying this Act, may be eliminated or disproportionately reduced due to the application of "Savings and Slippage", "general reduction", or the provision of Public Law 99-177 or Public Law 100-119 unless such report expressly provides otherwise.

SEC. 504. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 505. None of the funds appropriated in this Act shall be used to implement a program of retention contracts for senior employees of the Tennessee Valley Authority.

SEC. 506. Notwithstanding any other provision of this Act or any other provision of law, none of the funds made available under this Act or any other law shall be used for the purposes of conducting any studies relating or leading to the possibility of changing from the currently required "at cost" to a "market rate" or any other noncost-based method for the pricing of hydroelectric power by the six Federal public power authorities, or other agencies or authorities of the Federal Government, except as may be specifically authorized by Act of Congress hereafter enacted.

SEC. 507. None of the funds appropriated in this Act for Power Marketing Administrations or the Tennessee Valley Authority, and none of the funds authorized to be expended by this or any previous Act from the Bonneville Power Administration Fund or the Tennessee Valley Authority Fund, may be used to pay the costs of procuring extra high voltage (EHV) power equipment unless contract awards are made for EHV equipment manufactured in the United States when such agencies determine that there are one or more manufacturers of domestic end product offering a product that meets the technical requirements of such agencies at a price not exceeding 130 per centum of the bid or offering price of the most competitive foreign bidder: *Provided*, That such agencies shall determine the incremental costs associated with implementing this section and defer or offset such incremental costs against otherwise existing repayment obligations: *Provided further*, That this section shall not apply to any procurement initiated prior to October 1, 1985, or to the acquisition of spare parts or accessory equipment necessary for the efficient operation and maintenance of existing equipment and available only from the manufacturer of the

original equipment: *Provided further*, That this section shall not apply to procurement of domestic end product as defined in 48 C.F.R. sec. 25.101: *Provided further*, That this section shall not apply to EHV power equipment produced or manufactured in a country whose government has completed negotiations with the United States to extend the GATT Government Procurement Code, or a bilateral equivalent, to EHV power equipment, or which otherwise offers fair competitive opportunities in public procurements to United States manufacturers of such equipment.

SEC. 508. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

This Act may be cited as the "Energy and Water Development Appropriations Act, 1990".

The PRESIDENT pro tempore. What is the will of the Senate?

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll, the absence of a quorum having been suggested.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SHELBY). Without objection, it is so ordered. The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is H.R. 2696.

Mr. JOHNSTON. Mr. President, I am pleased to present to the Senate along with my distinguished colleague from Oregon, Mr. HATFIELD, the energy and water appropriations bill for the fiscal year 1990.

As usual, Mr. President, this was a very difficult bill to put through considering the small amount of the allocation we had under the Budget Act. At the time we received our budget allocation, we used it all, I think every penny, although there has been some adjustment in scoring since then. But we used every penny. I think we have a very good bill. The measure of the good bill is that I know of no amendments at this time other than some technical amendments which Senator HATFIELD and I will have.

Mr. President, I am pleased to present to the Senate, along with the distinguished Senator from Oregon [Mr. HATFIELD], the energy and water appropriation bill for the fiscal year 1990 beginning October 1 of this year. This measure, H.R. 2696 was reported by the Committee on Appropriations on July 25 after having been received in the Senate and referred to the committee on July 11. We marked up this bill as quickly as we could after receiving the bill from the House and receiving our 302(b) allocation.

Mr. President, I cannot emphasize enough to the Members of the Senate

how difficult it is to balance the appropriation bill particularly in the domestic discretionary area with the current budgetary constraints and allocations for these important functions of the Government. I want to assure the Members of the Senate that we have done the best we could to present a fair and balanced recommendation to the Senate in light of these tough budgetary constraints.

Before summarizing the principal aspects of this year's appropriation bill, I want to take a moment to especially thank the chairman of our full Committee on Appropriations, the distinguished President pro tempore and our leader for all the hard work and for his special understanding of the difficulties confronting us both timewise and dollarwise in moving these appropriation bills through the subcommittee, the full committee, and now to the Senate. I commend the chairman in leading us to this point in time of our consideration of this bill.

I also want to express my warm appreciation to our ranking member both of the subcommittee as well as the full committee, the distinguished Senator from Oregon [Mr. HATFIELD] for his unfailing cooperation and assistance in bringing this bill to the floor. What a pleasure it is to work with and to be a member of MARK HATFIELD's team.

And I want to thank all the members of the subcommittee and the committee who have contributed to putting this bill together and their help in our work on the subcommittee.

PURPOSE OF THE BILL

The purpose of this bill is provide appropriations for the fiscal year 1990 beginning October 1, 1989, and ending September 30, 1990, for energy and water development, and for other related purposes. It supplies funds for water resources development programs and related activities of the Department of the Army, Civil Functions—U.S. Army Corps of Engineers' Civil Works Program in title I; for the Department of the Interior's Bureau of Reclamation in title II; for the Department of Energy's energy research activities—except for fossil fuel programs and certain conservation and regulatory functions—including atomic energy defense activities in title III; and for related independent agencies and commissions, including the Appalachian Regional Commission and Appalachian regional development programs, the Nuclear Regulatory Commission, and the Tennessee Valley Authority in title IV.

SUMMARY OF RECOMMENDATIONS

Mr. President, the fiscal year 1990 budget estimates for the bill total \$18,378,373,000 in new budget obligatory authority. The recommendation of the committee provides \$18,432,972,000. This amount is \$54.6

million over the President's budget estimate and \$110 million less than the House passed bill would provide. The bill, as recommended fully uses the allocation in outlays for both the Defense 050 function and the domestic discretionary categories. We have additional budget authority in our allocation that cannot be used because of the outlay constraints.

A recent scorekeeping change indicates that there is still some difference as to the exact scoring of the outlay level but this amount is less than \$10 million so this means we are now at our outlay ceiling for this bill. This would require any amendment as far as dollars are concerned to have an offset so as not to increase the bill above the current 302(b) outlay allocation.

Mr. President, I will briefly summarize the major recommendations provided by the bill. All of the details and figures are, of course, included in the committee's report accompanying the bill and other than the major recommendations and bill highlights, I will not undertake to elaborate in detail on each of the appropriations we are recommending to the Senate and as contained in the bill.

TITLE I—U.S. ARMY CORPS OF ENGINEERS

First, under title I of the bill which provides appropriations for the Department of the Army Civil Works Program, U.S. Army Corps of Engineers, we are recommending a total amount of new budget authority of \$3,155,000,000. These funds finance the activities of the corps for water resource development, including investigation and studies, planning and design, construction and operation and maintenance. The appropriation for all of these functions is \$13 million less than the President's budget and \$16 million under the House bill. We are recommending 24 new construction starts, including 9 of the 10 starts proposed in the President's budget. Of major interest to the Members of the Senate is the committee recommendation to restore funds cut out in the President's budget for small harbors and recreation facilities, nationwide. This committee action should allay the concerns of most of the Members of the Senate on this matter.

TITLE II—BUREAU OF RECLAMATION

For the Department of Interior's Bureau of Reclamation, which is title II of the bill, the committee has approved appropriations of \$977 million for bureau activities in the 17 Western States. This amount is slightly under the budget proposal and about \$1 million over the House bill. Three new construction starts are recommended, same as the House.

TITLE III—DEPARTMENT OF ENERGY

Mr. President, the committee recommendation for the Department of Energy would provide \$13,727 million

in new budget obligation authority to carry out the mission and work of the Department of Energy. Of this amount, \$9,554 billion is for atomic energy defense activities, the Defense 050 function contained in this bill. As one can readily see, over one-half of the appropriations in this bill is for Defense. I will briefly list the programs as follows:

Testing.....	\$568,980,000
Research and development	1,364,015,000
Production and surveillance	2,547,374,000
Nuclear materials production.....	2,173,574,000
Defense waste management and environmental restoration.....	1,556,731,000
Nuclear directed energy weapons SDI.....	110,000,000
New production reactor.....	303,500,000

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT

The bill recommended by the committee provides a total of \$2,215,466,000 for energy supply, research, development and demonstration programs including:

Solar energy	\$94,606,000
Environment, safety and health.....	321,465,000
Nuclear fission R&D.....	579,875,000
Magnetic fusion	330,450,000
Basic energy sciences.....	594,000,000

GENERAL SCIENCE AND RESEARCH

The committee recommendation would provide \$1,098 million for high energy physics and nuclear physics. The committee is recommending a total of \$225 million for the superconducting super collider, of which \$135 million is to initiate construction.

TITLE IV—RELATED INDEPENDENT AGENCIES

A total of \$573.5 million is included under title IV for independent agencies, including \$150 million for the Appalachian Regional Commission, \$116 million for the Federal Energy Regulatory Commission, \$442 million for the Nuclear Regulatory Commission, and \$113 million for the Tennessee Valley Authority.

Mr. President, this is a brief summary of the major funding for the major agencies contained in the bill. There is a lot of work remaining before this bill can be sent to the White House hopefully before the August recess. Therefore, I hope that we can handle this measure on the floor in an expeditious manner so we can get to conference with the House of Representatives as soon as possible.

I might say, Mr. President, that this year for the first time since I have been connected with this subcommittee, which has been well over a decade, we have received a letter of praise from the Director, Office of Management and Budget, telling me that he wholeheartedly supports this bill as reported.

There is always something that OMB in the past has had to disagree with. But this year they fully endorse

our bill, and for that I am grateful. I am pleased we were able to do that.

Mr. President, I want to say what a pleasure it is annually to deal with the distinguished Senator from Oregon [Mr. HATFIELD], who has been chairman of the full committee, has been chairman of this subcommittee before I, and now is ranking member. We have changed chairs on that, but always have worked together in the spirit of teamwork. He is knowledgeable. He is wise. He is effective. And it is a great pleasure to work with him.

Mr. President, for the first year, Mr. BYRD, the senior Senator from West Virginia, is the chairman of the full committee. He was expected to measure up to a very high level considering his distinguished record as majority leader. I must say, Mr. President, he has exceeded even his own high expectations with me and other Members of the Senate. He has really done an outstanding job. He has made our business here on this subcommittee much easier, and he has been a continual source of help in that respect.

I want to praise of course staff on both sides: Proctor Jones, who has been with this committee for a long time; David Gwaltney and Gloria Butland. And I will leave it to Senator HATFIELD to recognize his own outstanding staff. But I want to add my own praise to that.

Mr. President, before I yield to Senator HATFIELD, I would like to ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be regarded for the purposes of amendment as original text, provided that no point of order shall have been considered to have been waived by agreeing with this request.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 430

Mr. JOHNSTON. Mr. President, I have an amendment I send to the desk which I will read. It provides on page 44, line 19, strike "\$1,098,431,000" and insert in lieu thereof "\$1,114,431,000". What this does is conform the rescoring of our bill of additional funds and what we call the below the line reduction, or the amount of general reduction, so as to restore a portion of the general reduction with these additional funds as a result of the scorekeeping change.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] proposes an amendment numbered 430.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 44, line 19, strike "\$1,098,431,000" and insert in lieu thereof "\$1,114,431,000".

Mr. JOHNSTON. Mr. President, I have explained the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. HATFIELD. Mr. President, there is no amendment to the amendment on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment (No. 430) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I will be very brief in my remarks because I believe we can move expeditiously on the energy and water appropriations bill for fiscal year 1990, and go to conference quickly.

As with all the bills we are dealing with from the Appropriations Committee in this fiscal year, Mr. President, there are and will continue to be increasingly difficult choices. In particular on this bill, the choice between nondefense funding and the military part of this bill, so many times people express surprise that the nuclear weapons appropriations are in the energy-water bill of the Appropriations Committee, and not in the Pentagon or the general defense bill.

This tracks back to the time when the Atomic Energy Commission was founded as a civilian agency, and the policy was determined to keep all nuclear matters under civilian control and not military control.

The realities of today's budget summit agreement and spending caps necessitated some very, very profound choices between programs that affect and address our current needs—those include such things as floodings, droughts, global warming—and those programs and funding programs especially that affect our future needs, such as those in science, technology, and research.

Mr. President, Senator JOHNSTON, as chairman of our subcommittee, has again demonstrated the wisdom of Solomon in trying to divide the baby as we look between the so-called present and future needs. But I congratulate him for the weaving of what I believe to be an appropriate balance of our current needs versus our future needs.

I want to thank those Members of the Senate who have sought requests for their communities in this bill. I believe we had about 1,500 requests from Members of the body to include very important and certainly justifiable local projects. But, unfortunately, most of these were not funded because

of other higher priorities as I have mentioned.

I say to my colleagues your understanding of the dilemma under which we are operating is deeply appreciated. One of these days we are going to address the underlying factors and reasons for these dilemmas. We have not shown the propensity to do so up until now. I am hopeful that my life is extended long enough to see the Senate address these issues.

And the basic issues, of course, are how we interpret the term "national defense" when we will someday recognize again the Eisenhower definition which is the only President in my lifetime who understood national defense. Others have been seduced into believing it is measured only in terms of military hardware and in measurements of megatons, whereas President Eisenhower so clearly understood the national defense as involving many components.

When he launched the Interstate Highway System, he launched it as a national defense program where he indicated, unless this country is tied together by a strong, effective infrastructure, we are vulnerable as a nation. When he launched his education programs, they were national defense programs for he understood again as he stated so clearly that a well-educated body is fundamental to the security of this Nation.

I like to repeat, and it does not become redundant at any point in time to repeat his words when he said "There will come a time in this country's life when additional moneys are spent for rockets and bombs, when there are people who are hungry and not fed, cold and not clothed, far from strengthening the Nation's security will actually weaken the Nation's security" demonstrating again his understanding of a strong, productive economy, of a strong infrastructure, and a healthy nation; that an educated nation and a well-housed nation are all components of the Nation's security. And bombs and nuclear weapons will never replace or substitute for those vulnerabilities which we face today as a nation.

Now, we are vulnerable in the Nation's security picture, but it is not because of the lesser moneys that we are spending. It is because of the lesser amounts of moneys that we are spending for science, research, education, housing, nutrition, and all of these factors. They are looked at as sort of the other expenditures built as little satellites around the 050 expenditures which this budget includes in the nuclear weapons field.

That is not the issue today, and we are not going to debate that issue today. I hope I live long enough, either as a current or retired Member of this body, to hear this body take up the real fundamental issues of debate

that will ultimately address the questions of what constitutes the Nation's security. Hardware? Of course, yes; it is not an either/or. I will drop that subject to say that Gary Barber on our staff, along with the distinguished staff of the majority side of this committee, have performed a noble task.

What a pleasure it is to serve with Senator JOHNSTON, and I echo his comments about the chairman of the full committee. I have not served on this committee for other than, I suppose, about 23 years without recognizing the manner in which this committee is led. I came aboard this committee when it was 13 small fiefdoms—constituted by the term subcommittees, but they were fiefdoms—and to say we operated as a single committee would have been in error. We operated as 13 confederated committees under a very, very questionable effective or efficient system.

Now, from that time to this time, when we operate as a committee under the strong leadership of Senator BYRD, is really quite an interesting contrast of 23 years.

I want to say that strength of leadership does not mean denial of opportunity for diversity and opinions expressed from both sides, the minority as well as the majority. And a full equal participating role for every member. I commend Senator BYRD for this kind of leadership. That is the reason why we are able to bring three bills this early in the session, following the receipt from the House of these bills, to the floor for final disposition. I yield.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, H.R. 2696, the energy and water development appropriation bill for fiscal year 1990, provides funding for the critical programs of the Department of Energy, the civil works programs of the Corps of Engineers, the Bureau of Reclamation in the Department of the Interior, and several independent agencies, including the Tennessee Valley Authority and the Appalachian Regional Commission.

The bill as recommended by the committee provides total obligational authority of \$18,432,972,000 and is within its 302(b) allocation. This represents an increase of \$54,599,000 above the President's request and a decrease of \$110,038,000 from the House bill.

I commend the distinguished chairman of the subcommittee, Senator JOHNSTON, as well as the ranking Republican on both the Energy and Water Subcommittee and the full Appropriations Committee, my able colleague and good friend, Senator HATFIELD, for their many months of work on this bill. Both Senator JOHNSTON

and Senator HATFIELD have served in their capacities as chairman and ranking member of the Energy and Water Subcommittee for many years. Senator HATFIELD chaired the subcommittee from 1981 through 1986 and Senator JOHNSTON served as the ranking minority member during those years. They are two of the hardest working members of the Appropriations Committee and are of great assistance to me in my capacity as chairman of the Appropriations Committee.

The late Senator Allen Ellender, who was chairman of that committee for some time, used to refer to it as the "Salt Mine" of the Senate. And I am proud to be associated with such hard-working, diligent, effective conscientious members as Senator JOHNSTON and Senator HATFIELD.

Again, I congratulate Senators JOHNSTON and HATFIELD, and I thank the staffs of those Senators and of the subcommittee, and again, the staff of the full committee for the able work that is performed by all concerned. The bill as reported by the Appropriations Committee deserves the support of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. I thank my friend from West Virginia, the distinguished chairman of the full committee for his comments, and I do not know if he was on the floor earlier, but I said what a privilege and pleasure it has been to work under him in his chairmanship of the full committee.

AMENDMENT NO. 431

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], proposes an amendment numbered 431.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 48, line 13, after the sum "\$9,554,098,000," insert the following: "of which '\$1,597,031,000 is for Defense Waste and Environmental Restoration activities including \$658,467,000 for Waste Operations and Projects,'"

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, this is a technical amendment to correct printing errors contained in the report and the intent of the committee, in the allocation of funds between the inertial confinement fusion program and the defense waste cleanup activities.

On page 142 of the report under inertial confinement fusion, the correct

amount for the Senate allowance for the capital equipment line is the same as the President's budget estimate, which is \$8,740,000 in lieu of the \$24,040,000 shown in the report. This correction makes a total for inertial confinement fusion of \$173,940,000 in lieu of the \$189,240,000 shown in the report. The difference of \$15.3 million is for defense waste and environmental restoration, which can be found on page 160 of the report.

On the table the operating expenses line under B, waste operations and projects, it should be corrected to show that the Senate allowance is \$658,467,000 in lieu of the amount shown on the report of \$643,167,000. This correction reflects the increase of \$15.3 million.

Mr. President, these were printing errors in the report, and are all technical in nature.

The PRESIDING OFFICER. Is there further debate on the amendment?

If there is no further debate on the amendment, the question is on agreeing to the amendment of the Senator from Louisiana.

The amendment (No. 431) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 432

AMENDMENT NO. 433

(Purpose: To require a study regarding the water quality and environmental enhancement of Onondaga Lake, New York)

AMENDMENT NO. 434

AMENDMENT NO. 435

(Purpose: To designate part of the Papillion Creek Basin Project as the "Ed Zorinsky Recreation Area")

AMENDMENT NO. 436

Mr. JOHNSTON. I have a series of five amendments which I would momentarily offer en bloc. They are non-controversial amendments which I will explain as follows: The first amendment, No. 432, on behalf of Senator ADAMS, is a technical amendment to change a project authorization. This has been cleared by the authorizing committee.

The second amendment, No. 433, on behalf of Senator MOYNIHAN, provides for a study within available funds for Onondaga Lake in New York.

The third amendment, No. 434, on behalf of Senator SANFORD, provides \$500,000 for reassessment of the Manteo project in North Carolina.

The fourth amendment, No. 435, on behalf of Senator EXON, names a recreational facility after our former late colleague, Senator Ed Zorinsky.

The fifth amendment, No. 436, on behalf of Senator DECONCINI, modifies a project authorization for the Rillito

River in Arizona, a flood control project. That has also been cleared by the authorizing committee.

So, Mr. President, at this time I ask unanimous consent that these amendments be considered en bloc.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

The Senator from Oregon.

Mr. HATFIELD. These amendments have been cleared on the minority side and with the authorizing committees.

The PRESIDING OFFICER. The clerk will report the amendments.

The bill clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], for Mr. ADAMS, Mr. MOYNIHAN, Mr. SANFORD, Mr. EXON, and Mr. DECONCINI, proposes amendments numbered 432, 433, 434, 435, and 436.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 432

On page 29 after line 10 add the following new section:

SEC. . Section 4(t)(3) of the Water Resources Development Act of 1988 (102 Stat. 4021-4022) is amended by adding at the end of subparagraph (3)(E) the following new subparagraph:

"(F) Upon transfer of OMR&R responsibility to the city in accordance with the provisions of this subsection, the Secretary shall further modify the project contract to forgive the city's OMR&R payment obligations in excess of \$200,000 for the period beginning October 1, 1988 and ending September 30, 1989, provided that the total amount forgiven shall not exceed \$600,000."

AMENDMENT NO. 433

On page 7, line 9, before the period at the end of the line, insert the following: "Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$250,000 of the funds appropriated under this heading for a comprehensive reconnaissance study to determine what improvements in the interest of water quality and environmental enhancement are advisable for Onondaga Lake, New York".

AMENDMENT NO. 434

On page 7, line 20, strike the figure "\$1,022,270,000" and insert in lieu thereof "\$1,022,770,000".

And on page 14, line 17, add the following before the colon: "Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$500,000 of the funds appropriated herein to complete a reassessment of the Manteo (Shallowbag) Bay, North Carolina project, including a reanalysis of a sand-bypass system and the effect of stabilization measures undertaken by the State of North Carolina on the overall project".

AMENDMENT NO. 435

At the appropriate place in the bill, insert the following:

Sec. . The lake and recreation area at Dam Site 18 of the Papillion Creek Basin Project in Nebraska shall, on and after the date of enactment of this Act, be known and designated as the "Ed Zorinsky Lake and Recreation Area". Any reference to the area containing such dam site and its lake and surroundings in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Ed Zorinsky Lake and Recreation Area.

AMENDMENT No. 436

At the appropriate place in the bill add the following:

Notwithstanding section 601(B) of Public Law 99-662, the project for flood damage prevention, along the Rillito River, Pima County, Arizona is authorized for construction in accordance with the plans described in the report of the Chief of Engineers dated January 22, 1988 at a total cost of \$19,600,000 with an estimated first Federal cost of \$14,600,000.

WYNOOCHEE LAKE DAM—AMENDMENT No. 432

Mr. ADAMS. Mr. President, I rise today to bring the Senate's attention to a funding problem regarding the transfer of operation and maintenance of the Wynoochee Lake project to the city of Aberdeen, WA.

Wynoochee Dam was authorized for construction in 1962 for the purpose of water storage, flood control, and potential future hydropower development. Under the legislation, the cost of operating and maintaining the dam was split between the city of Aberdeen and the Federal Government. Over the years the cost of operating the dam has escalated beyond the city's ability to pay. In the spring of 1988, the city informed the congressional delegation that it could no longer pay its share of the costs and asked to have the operations and maintenance responsibility transferred to the city. The Water Resources Development Act of 1988 authorized this transfer from the Corps of Engineers to the city of Aberdeen.

Although the act authorized the transfer of operations and maintenance after September 30, 1988, transfer has not yet taken place. I am very concerned about the delay in O&M transfer, as the city of Aberdeen cannot support additional financial burdens imposed by an extended transfer process. As a result of the delay in transfer, it appears that Aberdeen will be obligated to pay as much as \$400,000 in additional fiscal year 1989 operations and maintenance costs above Aberdeen's original understanding of such costs.

The legislation that I offer today is intended to relieve Aberdeen of these unanticipated costs of operations and maintenance transfer. It forgives the city's operations and maintenance costs over \$200,000 for a 1-year period ending on September 30, 1989. This sum shall not exceed \$600,000. The ability to forgive these costs is author-

ized in the 1988 Water Resources Development Act.

Mr. President, I appreciate the Senate's consideration of this very difficult situation and our attempts to assist the city and the Corps of Engineers to the successful completion of the operations and maintenance transfer.

AMENDMENT No. 435

Mr. EXON. Mr. President, this amendment would designate dam site 18 of the Papillion Creek project as the Ed Zorinsky Lake and Recreation Area. I have checked with both the majority and minority sides of the Senate Environment Committee which has no objection to offering this measure to the appropriations bill.

My friend Ed Zorinsky served the people of Nebraska with distinction here in the U.S. Senate before his untimely death in 1987. He is deeply missed by his wife Cece and the rest of his family. Ed Zorinsky is also missed by that broader family of Nebraskans who admired his sense of conviction, appreciated his ability to get things done, and felt at home with the unassuming way he carried out his duties. He was truly a man of the people and he served the citizens of Nebraska, his Nebraska "family" if you will, very well.

Dam site 18 of the Papillion Creek project will provide a very fitting memorial for Ed and I urge this amendment's immediate adoption.

Mr. President, I ask unanimous consent that a letter to Senator JOHNSTON, and the same letter having been sent to Senator HATFIELD, from Senators BURDICK and CHAFEE be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS,
Washington, DC, July 24, 1989.

HON. J. BENNETT JOHNSTON,
Chairman, Subcommittee on Energy and
Water Development, Committee on Ap-
propriations, U.S. Senate, Washington,
DC

DEAR BENNETT: We understand that Senators Jim Exon and Bob Kerrey of Nebraska intend to offer a floor amendment to H.R. 2696, the Fiscal Year 1990 Energy and Water Appropriations measure, which would name Dam Site 18 at the Papillion Creek project near Omaha, Nebraska, in honor of our late colleague Ed Zorinsky.

Senators Exon and Kerrey have been in communication with us on this matter. Although the Committee on Environment and Public Works has jurisdiction over the naming of facilities constructed by the Corps of Engineers, we do not object to this amendment. It is in compliance with this Committee's rules on the naming of public facilities.

With kind regards, we are,
Sincerely,

JOHN H. CHAFEE,
Ranking Minority
Member.

QUENTIN BURDICK
Chairman.

The PRESIDING OFFICER. Is there further debate on the amendments offered en bloc?

If not, the question is on agreeing to the amendments, en bloc.

The amendments, numbered 432, 433, 434, 435, and 436, were agreed to, en bloc.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I have been informed of no amendments. I know Senator BRYAN wants to make some comments which can be done after third reading. I believe we are ready for third reading, Mr. President.

The PRESIDING OFFICER. Is there further debate on the bill?

Mr. JOHNSTON. Mr. President, I am advised that there are two amendments, one on behalf of Senator PRYOR and one on behalf of Senator BUMPERS.

Mr. HATFIELD. Mr. President, recently Secretary of Energy James Watkins addressed the Western Governors' Association in California and expressed some very strong support for an issue of grave concern to Western States; that is, the transportation of nuclear waste and nuclear materials over interstate highways.

I ask unanimous consent to print in the RECORD a letter dated June 19, 1989, to Secretary Watkins from seven western governors on this issue.

I want to congratulate and encourage the Secretary to further pursue this matter within the Department.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WESTERN GOVERNORS' ASSOCIATION,
Denver, CO, June 19, 1989.
HON. JAMES D. WATKINS,
Secretary, Department of Energy, Washing-
ton, DC.

DEAR SECRETARY WATKINS: Within several months the U.S. Department of Energy (USDOE) plans to start trucking plutonium-contaminated nuclear weapons waste through our states. At least 22,000 shipments are projected over the twenty-five year campaign. They are bound for the Waste Isolation Pilot Plant (WIPP) near Carlsbad, New Mexico. In the first few years of WIPP's operation the shipments will originate from weapons production facilities in our region.

Enclosed is an advance copy of our report to Congress on how we wish to work with the federal government on the safety of these shipments. The report has been prepared at the request of Congress and through a cooperative agreement between the U.S. Department of Transportation (USDOT) and Western Governors' Association.

We are committed to working with USDOE to make this shipping campaign safe and successful. In order to make this effort successful the public must be confident in its safety. Lack of confidence will cause public concern to the point of halting shipments. We recognize that these shipments are needed for the proper disposal and clean-up of wastes from U.S. weapons production facilities. We stand ready, along with our western colleagues, to help the federal government ensure the safety of these shipments and enhance public confidence in that safety.

Our states and local communities have a role in safety and public confidence. State inspectors and highway safety professionals will be involved in preventing accidents. Local emergency crews and state radiation protection staff will be involved in handling accidents.

The federal government ultimately is responsible for the safe handling of these wastes. Transport imposes significant new risks and costs on our states. We firmly believe that the federal government must help finance the states' role in ensuring safety, thus the success of this effort.

The enclosed report is due to Congress through the USDOT on July 15. We will request that Congress provide at least \$1.5 million to the western states for fiscal year 1990. This will supplement the 1989 appropriation to finance our states' role to set up a safety program. We will further recommend that Congress include in USDOE's annual budgets sufficient funds to support our states' work for the twenty-five years of shipments.

We believe the recommendations contained in the Report are reasonable and cost effective ways to enhance safety and public confidence. We will work together to set up uniform programs in the western states. And, we are committed to working with the federal government to make this campaign safe and successful. We look forward to your response at the Western Governors' Annual Meeting July 16-18, in Long Beach.

Roy Romer, Governor of Colorado; Garrey Carruthers, Governor of New Mexico; Norman H. Bangert, Governor of Utah; Michael Sullivan, Governor of Wyoming; Cecil D. Adams, Governor of Idaho; Neil Goldschmidt, Governor of Oregon; Booth Gardner, Governor of Washington.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, if I might inquire of the distinguished chairman, I do wish to make some extended remarks. He and I talked previously about permitting amendments to proceed. If they are not ready, I am, and if he has no objection, I would like to seek recognition for that purpose.

Mr. JOHNSTON. Mr. President, I appreciate the cooperation of my friend from Nevada.

I think now would be a good time for him to make those extended remarks.

For the benefit of Senators PRYOR and BUMPERS who have amendments, would the Senator care to make an estimate of when they might come to the floor?

Mr. BRYAN. Mr. President, I would think I would not be more than a half hour and perhaps less.

Mr. JOHNSTON. Mr. President, before the Senator is recognized, I know of no other amendments other than those of Senator PRYOR and Senator BUMPERS. I wonder if we might ask unanimous consent that no other amendments be in order or amendments to any amendments other than those two.

The PRESIDING OFFICER. Is there objection?

Mr. HATFIELD. I wonder if I might have an opportunity to present, or yield to a colleague for presentation of, an amendment. There is a partial bit of information we have that there may be one offered from our side. I would be very happy to agree with that unanimous consent request if the Senator would give a slot for me to offer or for him to offer an amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I would then ask unanimous consent that no other amendments be in order other than one on behalf of Senator PRYOR and one on behalf of Senator BUMPERS, with no perfecting amendments to those two amendments being allowed, and an amendment on behalf of Senator HATFIELD and an amendment on behalf of myself.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSTON. If the Chair will withhold, I would like to add an amendment on behalf of Senator METZENBAUM to the list.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I am advised that our efforts to get a unanimous-consent agreement may have been more difficult than helpful, so I ask unanimous consent that the unanimous-consent agreement just agreed to be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Nevada.

HIGH-LEVEL NUCLEAR WASTE

Mr. BRYAN. Mr. President, I rise to speak with a sense of indignation and outrage over terms that appear in the Appropriations Act that we are about to vote upon. These provisions are unfair to my State. They are unreasonable. They are onerous and in my opinion they are unconscionable. I refer specifically to those provisions that address the high-level nuclear waste site at Yucca Mountain, NV, and the restrictive language contained in both the act itself and in the report language accompanying the bill.

In order to understand the perspective from which I speak, I would like to retrace a bit of history as it relates to the nuclear waste policy of our country.

In 1982 the Congress adopted the Nuclear Waste Policy Act. It may not

have been a perfect piece of legislation but it did reach a series of compromises, and it was a delicately and carefully crafted piece of legislation. In effect, by adopting it, Congress said that no region in our country should unfairly bear all of the burden of high-level nuclear waste disposal. Indeed, there would be regional parity. There would be a site in the East. There would be a site in the West.

In addition, the act fully contemplated that the States ultimately selected for site characterization would participate as partners, that there would be funding provided by the Congress from the nuclear waste fund for the States to conduct an independent oversight of DOE, to independently evaluate and to develop scientific data that ultimately would be presented to the Nuclear Regulatory Commission if licensing were sought based upon that study.

The Department of Energy was the agency charged with the responsibility of administering the 1982 act.

Mr. President, I must say that we in Nevada had an expectation that the interpretation and the application of that act would be fair. Indeed, at the outset, there were expectations and hope that fairness and scientific data would be the driving force behind the selection process.

Unhappily, Mr. President, that has not been the case. No sooner had the act been signed into law than the Department of Energy refused to make funds available to those States which had been preliminarily designated as study areas. I refer particularly to the State of Texas, to the State of Washington, and to my own State of Nevada.

Indeed, the Department of Energy became so unyielding that it was necessary for the respective attorneys general in each of those States to file suit against the Department of Energy to secure the release of funds which the act contemplated would be made available to each of the States to conduct their own independent—and I underscore the word "independent"—scientific evaluation.

The States were successful at the U.S. district court level, but that did not stop the Department of Energy. They continued to resist and ultimately the case was appealed. The appellate court affirmed the decision of the district court and indicated that the Department of Energy make those funds available to the State. Notwithstanding the decisions of the U.S. district court and the appellate court, it became necessary for a committee of the Congress to direct the Department of Energy to release the funds so the States that had been preliminarily designated as site characterization States would have money available for independent oversight.

Let us move to 1985. You will recall that the act contemplated regional parity with no one part of the country forced to bear the burden of all of the nuclear waste generated in America. There would be a site in the East and a site in the West and the Secretary was mandated to observe that provision in the law.

In the late spring of 1985, former Secretary of Energy Harrington, unilaterally, without any basis in fact, basis in science or basis in statute, abandoned the eastern site. Mr. President, I think that the Congress would like to believe and all Americans would like to believe that that decision was somehow generated as a consequence of scientific data, indicating that there was some problems or disqualifications with respect to that site. That was not the case.

In a subcommittee convened by the other body, the Department of Energy's internal documents made it abundantly clear that the politics of the site selection process, not the technical merits of the sites, was the basis upon which the Secretary reached that conclusion.

Move along with me, if you will, to 1987. In 1987, with strong support from the administration and an unwise decision by this Congress, the Nuclear Waste Policy Act of 1982 was subjected to substantial amendments—amendments which, in my view, were unfair, reflects bad policy, which will ultimately cause the waste of billions of dollars of taxpayers and utility consumers.

The thrust of the 1987 amendments was not that three sites would be characterized and the best site developed as the original act contemplated, but instead it provided that all of the research, all of the evaluation, all of the scientific efforts, would be focused on a single site. That site was Yucca Mountain, NV.

That brings us to 1989. The Appropriations Act, Mr. President, contains language which provides in part—and I shall read: "Provided further, That not more than \$6 million may be provided to the State of Nevada at the discretion"—at the discretion—"of the Secretary of Energy to conduct appropriate activities pursuant to the act."

Mr. President, those appropriate activities are the oversight, the independent scientific evaluation which was part and parcel and a central feature of the 1982 Nuclear Waste Policy Act.

In addition to this provision of the act, report language, contained at page 132, makes it abundantly clear that until such time as the State ceases its opposition to the high-level site—until such time as the State capitulates, it concludes, it agrees, it acknowledges that Yucca Mountain shall be the site—that \$6 million provided in the act will be withheld. The Secretary of

Energy is directed to make a certification that indeed that Nevada's cooperation is forthcoming before that money can be released.

Mr. President, what possibly can be the justification for these provisions? It is no secret that we in Nevada believe that there has been a vendetta waged against us; that these provisions represent neither good public policy nor good science. I suppose it can be argued that the State has been adversarial, and therefore, the State shall be punished by giving the Secretary of Energy the exclusive discretion in making those funds available to the State.

Mr. President, I would like to believe—and I believe most Americans would like to believe—that the effort to locate a high-level nuclear waste dump in this country ought to be a search for the truth. And if it is to be a search for the truth, what objection can reasonably be made that other scientists, similarly qualified, have serious scientific reservations about the suitability of the high-level nuclear waste dump at Yucca Mountain?

In our search for truth in our judicial system, we have recognized that the adversarial system is the most efficacious system devised in the history of civilization as a tool for the ascertainment of truth. Yet, by the provisions that are contained in this Appropriation Act, I would presume it is that adversarial relationship that has developed between the State of Nevada and the Department of Energy which is used as the ostensible basis to penalize a State, and it is critically important.

This is not just an issue that concerns Nevada; it is an issue that concerns America. All should be interested in making sure that whatever site, if any, is ultimately selected bears the closest scrutiny in terms of its scientific suitability.

It has been suggested that we ought to trust the Department of Energy; they will be fair with Nevada; they will be reasonable. The record is otherwise. From Ohio to the Rocky Mountains, the Department of Energy has left a record of monumental ineptitude in its management of the nuclear weapons production program that will cost the American taxpayers, it has been estimated, more than \$100 billion.

The DOE project in New Mexico, the WIPP project for transuranic waste, is well behind schedule. Critical technical flaws have been uncovered, notwithstanding the reassurances by the Department of Energy, and it is unclear if that site will ever open as it was originally contemplated.

Mr. President, we have been to this dance before. In the late 1960's, the predecessor agency of the Department of Energy, the Atomic Energy Commission, was charged with the responsibility of developing a high-level nuclear waste program. After what the

Atomic Energy Commission believed was extensive scientific evaluation, they selected a site in Lyons, KS. But for the independent scientific analysis that was brought to bear by the State of Kansas, that site would have been the site in which all of the Nation's high-level nuclear waste would be shipped.

For some 8 years, the Lyons, KS, site was AEL's site of choice, the site of preference, for the final disposal of nuclear waste. They were as adamant and as vocal and as insistent that this was an appropriate and safe site, that it was scientifically suitable, as DOE is today in its zealous commitment to place high-level nuclear waste in my own State at Yucca Mountain.

As I have said, happily for the good people of Kansas, happily for America, the science developed by the State of Kansas indicated that there were serious geological flaws occasioned in large part because of extensive drilling activity that occurred in Kansas over the years and the site that was so selected was abandoned as a result of that independent scientific data. I suppose putting it in the context of the arguments that we hear debated now, that decision was made because of an adversarial position taken by the State of Kansas. But it was the right decision—the Lyons, KS, site was unsafe.

Nevada has consistently maintained that there are serious scientific and technical flaws, flaws that would disqualify that would disqualify the high-level nuclear waste dump in Nevada. They are centered around questions of hydrology, questions of geology and questions of scientific evidence that there has been recent seismic and volcanic activity in the region. For these reasons, Yucca Mountain is also unsafe for high-level nuclear waste disposal.

To date, the Department of Energy has spent over \$3 billion in the site selection process.

Mr. President, they have very little, other than a pile of papers, to show for it.

The Nuclear Regulatory Commission had occasion to evaluate the scientific data-gathering procedure employed by the Department of Energy. This was the quality assurance program that gathered core samples and other scientific data, which would be used, if the selection process proceeded, to be presented to the Nuclear Regulatory Commission at the time that licensing would be sought for the high-level nuclear waste dump at Yucca Mountain.

The incompetence of the Department of Energy was such that all of that scientific data that have been collected, all of those samples were determined by the Nuclear Regulatory Commission to be so suspect from a scientific point of view that the data was thrown out.

A General Accounting Office report concluded, "Among NRC's major concerns were ones specifically addressing the adequacy of DOE's quality assurance program and three pertaining to the preliminary design of the exploratory shaft facility."

Subsequently, the NRC, the Nuclear Regulatory Commission, "concluded that the latter three concerns are also symptomatic of a larger quality assurance problem."

In October 1988 the Department of Energy agreed with the Nuclear Regulatory Commission's discussion.

In January 1988, a distinguished scientist by the name of Szymanski made available to a number of people his analysis about the hydrology of Yucca Mountain. Mr. Szymanski is an employee of the Department of Energy. I must say, Mr. President, he is probably not a favorite of his colleagues and associates. Most of them are committed, in my view blindly to the evidence that indicates the contrary, that the site that should be selected is Yucca Mountain. Mr. Szymanski had the courage to circulate his report.

In January 1988 I had the honor and privilege of serving as Governor of Nevada. That report came to my attention and I released it to the public. One would speculate whether the Department of Energy would have ever released it but for the fact that others had gained access to it and knew of its contents.

As Mr. Szymanski has recently concluded, "Furthermore, the local geohydrologic conditions, as summed up by both of the conclusions"—conclusions which he made—"are very severe and, within the context of current Federal regulations, create a situation whereby favorable licensing action with respect to the Yucca Mountain site is not a likely possibility."

Translated into the idiom of the street that simply means that this site cannot and will not be licensed.

Immediately after the report was released, the Department of Energy said yes, we will convene a panel to review this; a panel that was composed of appointees made by none other than the Department of Energy. That review has recently been concluded just a few days ago.

Mr. Szymanski has done more work and has reevaluated and reexamined the conclusions which prompted him to reach his conclusion in the earlier report. Mr. Szymanski has reaffirmed his earlier position and today he remains more convinced than ever before that Yucca Mountain is not a good place for nuclear waste.

Mr. President, the Department of Energy pays little heed to critical reports because they are inconsistent with the agency's thesis that this must be the site and, indeed, pressure is building because there is now only one site being considered and come hell or

high water, Yucca Mountain must be made suitable for purposes of that repository.

Scientists of the U.S. Geological Survey, not scientists for the State of Nevada, but a Federal agency, went on to report in August of last year, 1988:

It is appropriate to refer to the Challenger space shuttle disaster as a profound example of what happens when management is unresponsive to the concerns of the technical staff. . . . It is our urgent recommendation that we prevent our own Nevada nuclear waste storage investigations disaster by making USGS management aware that in subjugating the technical program to satisfy DOE political objectives, may succeed in making the program comply with regulations while being scientifically indefensible.

Scientifically indefensible, Mr. President, is the operative language.

Dr. Makhijani, a scientist who is connected with an independent research organization, issued his independent report in the spring of 1989. This is what he had to say:

The selection of the Yucca Mountain site in Nevada as the only site for study by way of the 1987 amendment to the Nuclear Waste Policy Act of 1982 was the last in a series of steps based upon poor science, technically indefensible standards, some of which have been thrown out by the courts, and political expediency. It was based on a sense of urgency about building a repository, which is not borne out by a careful examination of the problem.

It is a risky course, which might further erode public confidence in the Government's ability to manage this program with integrity, and which might result in further long delays and misdirected large expenditures.

From a technical standpoint, the program has proceeded in reverse from its beginnings. A technically sound program would define the health and environmental objectives first, and then try to study the various ways in which the objectives might be attained. It would also recognize the enormous uncertainties faced by this unique enterprise, and attempt to address them.

Instead, an early hunch that salt would be a satisfactory geographic medium for burying wastes, performing to unspecified standards of containment and public health protection, was allowed to monopolize about 2 decades ago our effort, littered with embarrassing failures, notably at Lyons, Kansas in the early 1970's.

To which I alluded earlier.

In addition to the reservations expressed by Dr. Makhijani, there are those stated very recently by Dr. Trapp, a distinguished scientist with the Nuclear Regulatory Commission. Mr. President, it is the Nuclear Regulatory Commission that I emphasize again is the quasi-judicial body that ultimately will be called upon to issue a license if indeed the efforts to locate a high-level nuclear waste site proceed. Dr. Trapp is a senior geologist with that agency who earlier this year made this statement—Dr. Trapp writes:

I therefore am of the opinion that this is not the site at which we should be trying to

license the first high-level radioactive repository.

Mr. President, how many more warnings do we need? The USGS has raised concerns, the Nuclear Regulatory Commission on two occasions has raised concerns; Dr. Makhijani has raised serious concerns. And a scientist within the Department of Energy has had the courage to express his independent conviction that says, in effect: Look, we better proceed very carefully. This site is not going to work out, in our judgment.

Mr. President, just this morning in the Washington Post, Secretary Watkins of the Department of Energy made a statement that reconfirms a statement that he made earlier this year. In an article appearing in the New York Times a few weeks ago, the Secretary said, referring to the Yucca Mountain site:

It has been a nightmare for me to try to unravel the background sufficient to make some decisions.

He went on to say: "It has been very confusing. Each day has revealed to me some new technical information."

Yesterday, Secretary Watkins was again commenting on the Department of Energy and its nuclear waste management program, and I use his language, not my own, when he acknowledged in the Washington Post that the Government has "no credibility when it comes to nuclear waste management, a key element of the future use of nuclear energy."

Mr. President, why should we in Nevada, we as Americans allow the Department of Energy, whose credibility has been seriously damaged with respect to the nuclear production programs, the high-level nuclear waste management program, and indeed I think it is hard to find any program in which they would get high marks for management, have the sole discretion as to whether the State of Nevada ought to get that \$6 million to conduct independent oversight of DOE's nuclear waste program?

The concerns that I have, Mr. President, about the competency and the objectivity of the agency to perform such a discretionary function appear again this morning in the Washington Post when the chairman of the Senate Armed Services Committee indicates that he believes that an independent panel is necessary to conduct the evaluation of the cleanup program of the nuclear production efforts in our country and that the Department of Energy should no longer be exempt from independent scrutiny.

Mr. President, what we ask is fairness; fairness for Nevadans, fairness for Americans. What we seek is a decision, that is based upon good science, not political expediency, not because one State has more or less electoral votes than another, or more or less

representatives in the Congress of the United States.

History, Mr. President, has a way of repeating itself. Twenty years ago it was Lyons, KS. They were committed to that site and it proved to be scientifically unsuitable as a repository. Twenty years later, the enthusiasm, the commitment, the zeal, the single-mindedness of purpose which we have seen with the Department of Energy, citing Yucca Mountain as the site, irrespective of independent warnings, irrespective of new evidence that continues to be developed every month of every year that this site has major problems.

Mr. President, if we continue to ignore those warnings, we do a great disservice to the nuclear power industry which has been pressuring the Department of Energy all these years to locate a site located immediately, and we do a disservice to the American taxpayers because it is a decision that will ultimately cost us billions of dollars more than the \$3 billion that has been wasted upon this program. Mr. President, the language contained in this appropriations bill adds insult to injury, and it defies logic, reason, and the dictates of good science.

It would be my position, Mr. President, that an adversarial system in which every valid scientific opinion could be weighed would best serve our country's interest. Fairness should be applied. And I am convinced if such a standard were reasonably and objectively applied, the Yucca Mountain site would not meet scientific criteria, it would not be qualified, and the country could then come back to the drawing board and consider with an open and fair-minded approach, how we can best resolve the problem of high-level nuclear waste in our country.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 439

(Purpose: To revise and clarify language relating to minority participation in the Superconducting Super Collider)

Mr. DOMENICI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 439.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 56, line 14, strike all beginning with the word "and" through the word "seq.))" on line 16, and insert in lieu there-

of the following: "colleges and universities having a student body in which more than 20 percent of the students are Hispanic Americans, or Native Americans. For purposes of this section, economically and socially disadvantaged individuals shall be deemed to include women."

Mr. DOMENICI. Mr. President, there is a 10-percent set-aside for disadvantaged minorities in the superconducting appropriations section of this bill. I think my amendment makes the provision more fair.

My amendment defines minorities beyond those that are clearly defined to be black institutions; it defines Hispanic and it defines Indian very specifically.

Any university that has 20 percent Hispanic or Native American students will be defined as minority on that side of this amendment. In this way, several universities in Texas and the two major universities in my own State of New Mexico will have to attract disadvantaged students who are Hispanic and Native Americans, as well as blacks. They will have to do that if they wish to work on the super collider.

In the general language, if we are going to go along with minority references, we ought to have women who are economically disadvantaged included. That is our general definition in set-asides. So my amendment does those three things. I believe both sides have agreed to accept my amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, we will accept the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

So the amendment (No. 439) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRAMM. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HEINZ. Mr. President, I want to rise in strong support of the measure before us, H.R. 2696, making the appropriations for energy and water development for fiscal year 1990. I might add, included in this act are a number of critical projects, vital, indeed, to the economic well-being of my whole State of Pennsylvania. Mr. President, for example, in this bill, we have some \$43 million to upgrade and modernize two locks and dams, Gray's Landing and Point Marion, lock Nos. 7 and 8, on the Monongahela River. This is a massive effort and it represents a great leap forward in modernizing all of Pennsylvania's and part of West Virginia's river transportation system. I want to thank the committee for their recognition of the importance of these two modernization projects and that they

have allowed them to proceed concurrently and, I might add, for good reason.

The reason is that some 95 percent of the commercial tonnage moving through this portion of the Monongahela River transits lock and dam 7 and lock and dam 8. Furthermore, the replacement projects will both widen and lengthen the lock's chambers to accommodate larger barges moving through. That is one of the chief benefits. Unless both projects proceeded together and, therefore, concurrently, the larger barges could not be used. They would be bound to go through the smaller lock and use only the smaller barges, and the resulting savings, which are estimated about \$65 million a year, simply would not be realized if they could only transit one of the two locks with the larger barges.

I should also point out that these projects are going to create some 1,300 construction jobs over the next several years for which we are obviously quite grateful.

Mr. President, the act contains funding for a number of other Pennsylvania projects. Among those is \$6.5 million for Presque Isle in Erie, PA; 41.3 million for levy raising in the Wyoming Valley; and \$3.3 million for flood control in Tamaqua. I urge my colleagues to support the passage of this important bill. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I rise in strong support of the committee bill, and I would like to make a few comments about a major element in this bill having to do with what I believe will be the most important scientific project undertaken anywhere in the world in the last quarter of the 20th century, and that is the superconducting super collider.

Mr. Speaker, I begin by congratulating the members of the subcommittee for their vision in providing \$225 million for starting this new and important program in an era of tight budgets. It is always tempting, Mr. President, for us to invest in the next election by spending money on programs that have immediate impact when the votes are cast and counted on the first Tuesday after the first Monday of every other year.

It is not equally easy for us to make investments that will yield a return in the next generation in terms of jobs, growth and opportunity for all of our people.

In deciding to take a longer view, I believe that the Subcommittee on Energy and Water has performed a great service for the people of America. I believe a great service has been performed for the people of America because this is an investment in the kind of primary research that has his-

torically made America the most competitive and productive Nation in the world.

We have had questions obviously raised about such a big project. During our debate in committee, questions were raised that made a comparison between this new project and the Synthetic Fuels Corporation, a project which, in the final analysis, squandered billions of dollars.

Mr. President, I think that comparison was an unfair comparison and let me explain why. First, the Synthetic Fuels Corporation was not primary research. In fact, it was not research at all. It was a project that sought to use the Federal Government as a manager, a planner, and a technician in taking the 40-year-old technology of liquefaction and gasification of coal—technology that is being used today in several areas of the world but only with whopping Government subsidies. I might add, taking this technology and trying to prove through the development of prototype plants the feasibility of that technology. The goal was not whether the process would work or not but whether you could earn a profit and operate a business at least at a break-even point through that process.

Mr. President, we ought not to be surprised that the project failed. In fact, if government development of industrial policy made sense, they would not be rioting in Moscow and Beijing. They would be rioting in New York and Washington, DC and in Dallas.

In truth, the Synthetic Fuels Corporation was a bad idea. It represented an investment in old technology that had never proven to be economically viable. When oil prices went down, the whole process collapsed. By contrast, Mr. President, the SSC is an investment not in commercialization of anything. It is investment in pure research. It is an investment in a scientific machine that will allow us to see more in understanding the fundamental nature of matter than we have ever seen before.

While it is a new and daring project of almost unimaginable scope, it is simply building on something we have already done. In fact, when man first developed a microscope, he was taking the first step toward what we hope to achieve in terms of a quantum jump in our ability to see into the fundamental nature of matter. We operate today, in several locations in the United States, various accelerators which in layman's terms represent nothing more than giant magnifying glasses to allow us to see more. We have learned a great deal from these machines. We have applied that technology to the development of products that have created jobs, growth and opportunity for our people.

What we are doing today is taking the next logical step toward building a

machine that will be a quantum jump in terms of our capacity to understand the nature of matter.

The implications for this investment in terms of transportation, medicine, science and productivity in thousands of new products and millions of new jobs cannot be measured today.

Primary research has been good to America. From the colonial period, we have always had the highest living standards and the highest wage rates in the world. We are committed to keeping it that way, but we cannot achieve it by wishing it so. We can only achieve it by investing in making Americans the most productive people on Earth. Ultimately, our ability to compete depends on our capacity to train young men and women to have skills, and then to develop the tools and the technologies that will make them competitive.

The most powerful thing in the world is an idea, and this magnificent machine will give us the capacity to test new ideas, to convert them into the kind of pure research that then can be industrialized and made commercial, not by government but by the private sector of the economy.

Mr. President, obviously I am happy that this project is going to be in the State of Texas. There is not one here who would not be similarly proud if it were in their State. But let me remind my colleagues that we went through a vigorous competition that initially involved over 40 applications. Those applications were assessed by the National Academy of Sciences, the National Academy of Engineering. We reduced down to seven competing sites and Texas was the ultimate winner.

Also, Mr. President, Texans were willing in the midst of a recession to impose a long-term tax on themselves to be able to put \$1 billion on the table of State funds that we were willing to put up as our part of building this project.

While we are proud of it, while we look forward to having an opportunity to be leaders in this area of high-energy physics that is so important to the future of America and the future of mankind, this is America's project. This is America's project because there will be a lot of people and a lot of States that will be involved in its construction and its operation. It is America's project because our Nation will have the advantage that comes from the primary research being here and the first potential impact in spin-offs. So this project is being built in Texas. Texans are putting up roughly one-fifth of the money to pay for it, but it is America's project.

I thank our dear colleague, Senator JOHNSTON, from Louisiana, and I thank our colleague, Senator HATFIELD, from Oregon, for recognizing the importance of this project, and in an era of very tight budgets investing

not in the next election, not in some project that is going to create a ground swell of political support by the November election, but investing in a project that 10 years from now, 20 years from now, 40 years from now will make America more competitive, that will create millions of jobs for our people, that will raise our living standards, that will enhance our ability to produce, enhance our ability to heal the sick, and enhance our ability to create new marvels of technology that we today cannot even contemplate.

So obviously I am delighted with the results of the committee's deliberations. I urge my colleagues to support this project, which is vitally important.

Mr. President, I yield the floor.

Mr. EXON. Mr. President, I wish to take a few moments to thank the leadership of the committee, including our very good friend and dedicated appropriator, Senator BENNETT JOHNSTON, for his leadership in a whole series of measures on the bill that is before us. I too urge that the Senate adopt the bill that I think was very well thought out, very carefully crafted, and is a measure which should be fully supported by the Senate.

Mr. President, the energy and water appropriations bill contains the appropriations for the Department of Energy's atomic energy defense activities. These activities, which are also known as the Department of Energy's defense programs, are authorized as part of the annual Defense authorization bill.

The increased funding for DOE cleanup in this bill reflects the severity of the problem and the commitment of the Appropriations Committee to addressing it.

This year the Armed Services Committee has also devoted considerable time and attention to the problems facing the Nation's nuclear weapons complex. All of us are aware that the Department of Energy faces a crisis in managing its defense facilities and in meeting environmental and safety requirements. The United States is currently unable to operate any of its defense reactors due to safety problems. Six of the major sites in the nuclear weapons complex have just been named to the Superfund's National Priority List of the most serious hazardous waste sites. And the FBI is investigating the Rocky Flats plutonium plant outside of Denver for possible illegal storage of nuclear waste.

Mr. President, I could list many more serious problems occurring throughout the nuclear weapons complex, but I think the point has been made: The Department of Energy's nuclear weapons complex will require significant additional funding in the coming years to address the many problems it faces.

The estimated costs of fixing these problems are astronomical. Cleanup costs alone could run as high as \$4 billion per year on average. Last year we spent less than \$1 billion per year on cleaning up DOE's contaminated sites. The Armed Services Committee will provide significant increases in funds for the DOE's waste cleanup program. Both this appropriation bill and the House appropriations bill recommend increase funds for DOE cleanup.

However, Mr. President, the House appropriations bill provides about \$140 million more than the proposed Senate bill to fix the problems of DOE's nuclear weapons complex. I know that the Appropriations Committee labors under considerable constraint in determining its overall funding levels. But let me suggest in this very important area of DOE cleanup that the Appropriations Committee should, in conference, adopt the higher House number for DOE's nuclear weapons complex.

This additional funding would be devoted to cleaning up contamination at some of the Nation's most polluted sites. We cannot afford to shortchange this critical effort. Let me thank my distinguished colleagues on the Energy and Water Appropriations Subcommittee and ask the chairman to respond.

Mr. JOHNSTON. I commend the Senator for his diligent efforts to correct the enormous problems at the Nation's nuclear weapons complex. Both the legislative and funding provisions in your Defense authorization bill will be a big step forward in addressing the safety, health, environmental and modernization issues that must be confronted.

I share the Senator's concern about the need for additional funds to clean up contaminated sites throughout the nuclear weapons complex. The report accompanying the Energy and Water appropriations bill states that:

The Committee agrees with the House Committee and likewise commends the administration for the significant increase in the budget for defense waste clean up activities. During these times of fiscal austerity coupled with modernization needs, identification of sufficient funds for clean up is a difficult task. However, the Committee feels it is appropriate to increase funding for this activity to further address this pressing need. * * * The Committee could not provide more funds for this effort due to lower budget allocations for this defense function.

I am committed to seeking to provide additional resources for DOE cleanup to reflect the anticipated authorization level and will recommend that the Senate adopt the higher House number in conference for DOE's atomic energy defense activities.

Mr. EXON. Mr. President, I wish to take a few minutes to highlight some concerns I have regarding the portion of this bill dealing with the Energy

Department's nuclear weapons complex. As chairman of the Armed Services Subcommittee on Strategic Forces and Nuclear Deterrence, which is the authorizing committee for the nuclear weapons complex we have delved into this and taken positive action.

No issue has received more attention or a higher priority within the Strategic Subcommittee than the many problems associated with the nuclear weapons complex. We are facing a multifront war with these problems in simultaneously having to ensure the safety and environmental compliance of the plants, their modernization, and their replacement. The issues are complex, controversial, and in need of clear, cool, sustained action.

The Strategic Subcommittee has led the way in tackling this challenge and I would like to highlight this again for my colleagues.

I think it is important to note that the Energy Department is going to need on the order of \$4 billion more annually than it is now receiving if it is to fund the cleanup, compliance, safety, and modernization programs as I outlined on the floor Monday. I cannot urge in too strong words the need for the President and Office of Management and the Budget to realize this. My subcommittee transferred \$300 million in Defense Department money toward cleanup but we cannot do this every year. Nor does the Committee on Energy and Natural Resources have the ability to transfer such funds. Instead, the defense programs portion of the Energy Department's budget must be adequately funded in the President's request.

This year, the Strategic Subcommittee was able to allocate over \$1.8 billion to the cleanup effort. This amount included the addition of \$418 million above the President's cleanup request and a doubling of the funds allocated for cleanup research. The bill before us now appropriates only \$1.5 billion of the \$1.8 billion my subcommittee authorized. I would urge the committee to do all it can to make up this \$300 million shortfall.

The Strategic Subcommittee also approved several legislative initiatives in this area as well. These initiatives were approved by the full Armed Services Committee and will be considered soon by the Senate as part of the debate on the National Defense Authorization Act.

The subcommittee called for the establishment of a blue ribbon task group to advise the Energy Department and the Congress on how best to set priorities for cleanup and provide a stable funding mechanism. This task group is intended to be an independent commission of "wise men and women" who understand these issues and can objectively address them. The subcommittee also granted the Energy Department some relief from salary,

revolving door, and ethics legislation to allow the Department to draw more heavily upon the scientific and technical talent at our national labs. A coordinated cleanup research program using all Energy Department labs was also established. Last, the Energy Department will be required to submit a 5-year plan annually to ensure that adequate planning and funding exists.

These are significant steps which will go a long way in restoring the environment, as well as the credibility, safety, and efficiency of the Energy Department's nuclear weapons complex. I am pleased that the Energy and Natural Resources Committee is building upon these efforts. Our staffs have worked closely on these matters and I would like to thank the committee's leadership for this cooperation.

I congratulate the committee for its efforts in the area of the nuclear weapons complex. Again, I urge the committee to make up the shortfall of \$300 million for cleanup.

Mr. JOHNSTON. Mr. President, I commend the Senator from Nebraska for his diligent efforts to correct the enormous problems of our Nation's nuclear weapons complex. He has been a leader in this area. I commend him on those efforts.

Mr. EXON. Mr. President, I thank once again the Senator from Louisiana for his full cooperation. I appreciate the colloquy that we have just entered into in this regard. Last but not least, I think we are beginning to have a total understanding in the entire Senate of the magnitude of this problem that for too long has not received the attention it deserved.

I thank the committee for its efforts and consideration.

Mr. PRYOR. Mr. President, in a moment, I will submit an amendment.

First, I would like if I could to paint a little composite picture of the Department of Energy and what my amendment would attempt to do with this particular department.

First, Mr. President, I have been successful, thanks to the managers of the two appropriation bills, bills thus far, the Department of the Interior bill yesterday, and the Department of Agriculture appropriation as of today. This is my third in a series of amendments. Once again, I will attempt on all of the 13 appropriation bills to add this particular amendment to those bills limiting and capping the number of consulting dollars that can be authorized by a department, by an agency, limited to that amount that the agency or department requests in their fiscal year appropriation requests coming up.

For example, in this fiscal year coming up, the Department of Energy and this bill under consideration now by the Senate is making the request for \$36,271,000 for consultants for pri-

vate contractors, for advice, and for their expertise and knowledge. That is fine. I have no argument with that.

The problem, though, Mr. President, is this particular department, as are all departments of Government, is overextending their consulting account—sometimes twice as much, sometimes as much as three times as much. They are requesting \$36 million this year. Last year, Mr. President, according to GAO, this same department spent just for consultants \$151 million, many more times than the request.

How do they obtain these extra funds? Well, they rob Peter to pay Paul. And Paul is usually that private consultant, that buddy, that little consulting operation, sole-source contracts, where these very lucrative sole-source consulting contracts are granted.

The Department of Energy has 17,041 employees. They spend each year \$637,000,000 on their own payroll. About 4 percent of their budget is spent on the Federal payroll, the civil servants.

Now, they spent \$14.9 billion in 1988 on contractors, private contractors. These are not necessarily just consultants. I am simply getting to the issue of consultants that they are requesting saying there must be a cap on those consultants.

Another thing that our committee has just turned up is that during the transition—think about this—between President Reagan and President Bush at the Department of Energy to guide the transition team, that group of people in between the Reagan and the Bush people, who guided those teams, who told them how to make the transition, who told them what to do, who told them how to do contracts, and who told them how to grant consulting contracts, were none other than private consulting firms. No one in OMB that we know of made this helpful transition between Mr. Reagan, Mr. Bush, and DOE. But literally private consulting firms were hired to guide the new people in the transition.

If that does not sound like a conflict I do not know what is.

Further, we see that over 50 percent of Department of Energy's budget is spent outside the Department for private contractors and private consultants.

Our question today: What are these 17,042 Federal employees doing if this amount of their budget is being spent for the private consultants and the private contractors?

Mr. President, I am about to submit my amendment. Before I do, I would like to say this amendment has four parts. It says that a Department may spend no more than their request for consultants; second, that every quarter that Department must submit to the Comptroller General the number of contracts, the name of the contracts

that they have signed, who the contract is with; the purpose of the contract; and the justification for going outside the Government, that it cannot be done inside the Government by the Federal work force.

Those four components are definitely, I might say, going to draw the wrath of all of the bureaucracies, all of the agencies, all of the Departments, and they are going to come forward with every excuse, every excuse imaginable, saying, "We cannot administer this; it is too much paperwork." What they really want is this total flexibility, unaccountability, to spend literally billions and billions of taxpayers' dollars which is beyond the view and the purview of the Congress to have checks and balances.

AMENDMENT NO. 440

Mr. PRYOR. Mr. President, I think this is a good amendment. Once again, I will offer it on the 13 appropriation bills, and I send this amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR] proposes an amendment numbered 440.

Mr. PRYOR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert at the appropriate place:

Sec. . (a) Not more than \$36,271,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Energy.

(b)(1) Not later than 20 days after the end of each fiscal quarter, the Secretary of Energy shall (A) submit to Congress a report on the amounts obligated and expended by the department during that quarter for the procurement of advisory and assistance service, and (B) transmit a copy of such report to the Comptroller General of the United States.

(2) Each report submitted under paragraph (1) shall include a list with the following information:

(A) All contracts awarded for the procurement of advisory and assistance services during the quarter and the amount of each contract.

(B) The purpose of each contract.

(C) The justification for the award of each contract and the reason the work cannot be performed by civil servants.

(c) The Comptroller General of the United States shall review the reports submitted under subsection (b) and transmit to Congress any comments and recommendations the Comptroller General considers appropriate regarding the matter contained in such reports.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I had not seen this amendment until today, although I am generally famil-

iar with and in sympathy with what the distinguished Senator from Arkansas has been doing on other appropriation bills. Frankly, I have no idea whether it works with the Department of Energy or not. I hope it does, because I am very much in sympathy with what he is trying to do. I cannot give him a promise that if we take it to conference, it will survive there, because you have to look at individual programs and determine whether they can be done by other consultants.

For example, one question that came to mind is, do the contractors who run our nuclear weapons plant constitute assistance or advisory services with the Department of Energy? I think not. That question may be answered, but that is simply the first threshold question that pops into mind. But with the view that I am sympathetic with it, I am willing to accept the amendment and look at it in light of trying to make it work in conference, and arguing on its behalf, if in fact it presents no unsurmountable problems.

Mr. HATFIELD. Mr. President, I would like to commend the Senator from Arkansas [Mr. PRYOR] and I am sure that Senator PRYOR has been very effective in giving notice and getting accomplishments at the same time of reducing the costs of Government. I go back far enough to remember when consultants were used as a temporary ad hoc type of personnel, that reduced the costs of Government by not hiring permanent personnel.

Like a lot of other things in bureaucracy, we should review it from time to time, because it has lost that entire concept now or lost it mainly in the practice that these consultants now become year-round, year after year and they become a part of the permanent establishment. In many ways they are used to circumvent the merit system and a lot of other perversions of what had originally been a very appropriate objective, and reason for using consultants.

Now, I am making a very broad statement because there are a lot of very able consultants performing in the original concept of that type of political activity or public activity.

I want to commend the Senator for his persistence, and I join with our chairman in indicating my willingness to accept this amendment representing the minority side.

The PRESIDING OFFICER. Is there further debate?

Mr. PRYOR. Mr. President, I want to thank both the managers, the Senator from Louisiana and the Senator from Oregon, for accepting this amendment. I would like to correct the record, Mr. President.

My very good friend from Oregon, Senator HATFIELD, implied that the Senator from Arkansas had been effective in cutting back the cost of con-

sultants for the Federal Government. I wish I could say that I have been effective. I have been in this issue now for 10 years, and I have tried every conceivable way, I say to my good friend from Oregon, every conceivable way, to find the mechanism of, one, identifying the consultant; two, to see why so many are justified, and, three, to see how we cannot get some accountability.

I have not been effective. I want to thank you for thinking that I have, but no one has been effective. This does not make us give up trying. We have to keep trying to find a way, and this is a new concept, to say you cannot spend any more than you have requested and to, every quarter, make them file with the Comptroller General what those contracts are for, the justification, and the purpose. That is what these amendments do. I deeply thank the Senator.

Mr. HATFIELD. Will the Senator yield?

Mr. PRYOR. I will be glad to.

Mr. HATFIELD. Mr. President, my point is, look how much faster they would have grown if you had not been there making those attacks on that practice.

Mr. PRYOR. Mr. President, I thank the Senator.

If I might respond to something that the Senator from Louisiana, the manager of the bill, Senator JOHNSTON, said. He said we do not know if we can keep this amendment in conference. I want to ask this question: If we had a rollcall vote—and I have not asked for a rollcall vote in the Interior on that amendment or the Agriculture Department—but if we had a rollcall vote and if on that rollcall vote, that vote went, say, 95 to 5, would that help to keep this amendment in the conference?

Mr. JOHNSTON. I say to my dear friend, I have stated that I personally agreed with the thrust of it, and I would vote for it if the amendment were up. Indeed, I already said I would accept it. The question is, Will it work? Because some kind of things have to be done by consultants. I have not even asked the Secretary of Energy.

I might ask the Secretary of Energy, and he might say, "That is a good idea; we will do it and make it work." He might say, "Look, we will have to shut down all our nuclear weapons because the country is going to be devoid of defense." I do not think he will say that either, but if he said that, even if we had 100 to nothing vote, I would feel constrained to yield to the public interest. But my desire is to make it work and to try to find ways to make it work, and I am for it, so to have somebody else for it would just make me feel no better than I already feel.

Mr. PRYOR. Mr. President, the Senator has been my good friend. His word is that he is going to try to keep

this amendment in conference. That is good enough for me.

I will not ask for a rollcall vote, but I suggest that when you call the Secretary of Energy, Mr. President, I think the Secretary is more apt to say, more likely to say what you said formerly, rather than later. I think he is going to say—I should have said in the latter—I think he is likely to say that the whole Department is going to close down if this amendment is there, and that they will probably have to turn off all the lights in America, because nothing is going to work. I would like to see it work, and I hope he will give us his cooperation in supporting the amendment.

Mr. JOHNSTON. If the Senator will yield, I think he will. I should advert to one problem here, and that is that in these very technical fields, for example, nuclear waste, the Secretary of Energy has been unable to fill many of its top positions because they are highly technical, highly skilled, and people simply will not take the job for the amount that it will pay.

I have personally been involved in trying to recruit candidates, for example, for the Office of Nuclear Waste. We have identified a number of highly qualified candidates, and they were unable to take it. One, a former staff director of our own committee, said he would like to do it, that it offered a great challenge, and he could not because he had kids in college and could not work for whatever the salary was, which sounds like a princely sum outside of the Beltway, but to him at least and to the other candidates, it does not, and in some instances where you have to secure the expertise, that has been the only solution.

So, we do not want to hurt, for example, the cleanup efforts on nuclear waste which happens to be an example that comes to mind by serving an also important need to cut down on these services.

Mr. PRYOR. Mr. President, I thank my distinguished friend from Louisiana.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 440) was agreed to.

Mr. PRYOR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, let me extend my appreciation and that of Senator GLENN to Senator McCAIN who kindly permitted us to go

prior to him, with the understanding being that we will be very brief which we will be, but I do appreciate it, and I know that Senator GLENN does as well.

AMENDMENT NO. 441

(Purpose: To provide funds to dredge the Ashtabula River)

Mr. METZENBAUM. Mr. President, on behalf of Senator GLENN and myself, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM], for himself and Mr. GLENN, proposes an amendment numbered 441.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 20, line 9, immediately following the colon, insert the following: "Provided further, That \$300,000 of the funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers, for dredging of the Ashtabula River, Ohio."

Mr. METZENBAUM. Mr. President, I am concerned about the fact that the Senate Appropriations Committee eliminated an earmark of \$300,000, a very, very small sum by our standards around here, to undertake a very important dredging project in Ashtabula, OH. Although the sum is a small one, this dredge project is an interim, emergency measure needed to permit the continued passage of vessels on the Ashtabula River, pending final study by the Corps of Engineers and the U.S. Environmental Protection Agency on a much larger dredging project to remove toxic sediments from the river bottom.

This is a most urgent project given the fact that the river has not been dredged for at least 20 years. Boating and tourism, which have become Ashtabula's primary industry and source of revenue, are about to come to a screeching halt because of river shoaling.

The project is supported by both the Corps of Engineers and the USEPA.

I ask my colleagues and urge my distinguished colleague to support the House position on this matter when the bill goes to conference. I would hope that he would see fit to accept the amendment. I understand he has some reservations about it. I would hope he would address himself to his views after we hear from my colleague from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I will be very brief.

Boating and recreational activities surrounding water are a very big industry on the Great Lakes. The lakes of Lake Superior, Michigan, Huron, Erie, and Ontario form the largest freshwater body of lakes all connected together in the whole world.

One of the major stops for cruising and for recreational activities and for boating activities is the area around Ashtabula.

During the years things that they have not been able to deal with at all, not their fault, the storms and erosion and sediment and things like that, take a toll on the ability of the harbor there and the river there to really be used for recreational and boating activities as a major stop on this whole Great Lakes waterway.

Mr. President, I rise today in support of an important project of economic and environmental concern to the people of northeast Ohio. The Ashtabula River, which flows into Lake Erie, is currently choked with sediments and toxic materials that have accumulated since the river was last dredged by the Army Corps of Engineers in the 1960's. With the buildup of sediments, depths on the river now range from 0 to 28 feet. The city of Ashtabula depends on tourism and recreational boating. However, boats are unable to navigate the river. Funds are desperately needed to dredge the river.

Local leaders are making every effort to make progress on this project. Their efforts have been thwarted by a conflict between the Corps of Engineers and the Environmental Protection Agency [EPA]. Navigation is the responsibility of the Corps and the presence of toxic sediments involves EPA. Neither agency is willing to take full responsibility for cleaning out the Ashtabula River and no action has been taken.

I believe that this funding can provide immediate relief for the current situation without affecting the environmental problems which are of great concern. These funds will allow for partial dredging of the river. Although a more complete solution to the problems of the Ashtabula River is needed and efforts in this regard will continue, I believe that this is an important step in the right direction.

As my distinguished colleague said, with the buildup of sediment depths in the river now ranging from 0 to 28 feet, it really is cutting into the ability of Ashtabula to be a recreational center and funds are desperately needed to dredge the river.

The local leaders can make some efforts, as they have through the years, but occasionally this gets beyond their ability to handle, and that is the situation we have right now.

There has been a conflict between the Corps of Engineers and the EPA as to responsibility. We believe that is

being worked out now and I believe the fund can provide immediate relief for the current situation without affecting the environmental problems which are of great concern.

These funds will allow for a partial dredge of the river to get them back in operation, although a more complete solution to the problem of the Ashtabula River is needed and efforts in this regard will continue.

I believe it is an important step in the right direction, and I certainly support the effort Senator METZENBAUM is making to get this done.

Mr. JOHNSTON. Mr. President, we were familiar with this project before the two distinguished Senators from Ohio spoke to us about it, but we are much familiar with it now than we were before. Indeed, they make a very strong case as to its importance.

Frankly, we have deleted wholesale number of projects that were included in the House bill that will be considered in conference simply under budgetary constraints, and we would resist including back any at this point in the proceedings, but suffice it to say that the case they have made for the particular project is a very strong one. We will take those words ringing in our ears to conference and will consider this certainly in a very sympathetic way.

I must say that the distinguished Congressman DENNIS ECKART from this district has spoken with me about that and explained in even more detail about the important nature of this project, and so we will take his words as well to conference with us.

So I hope in that light that the Senator could see fit to take our assurances of our sympathy with the project. While it has not ripened into a full commitment to grow, it is a commitment to look with the utmost care and with his interest in mind, as I always have his interest in mind.

Mr. METZENBAUM. The Senator from Louisiana and I have worked together, and I know Senator GLENN has worked with the manager of the bill over a period of many years. We are good friends and with his personal assurance that he will look out for our concerns and interests and try to be helpful, and I assume he is speaking for the minority manager of the bill as well, who is shaking his head "no," but I know he is doing it facetiously, I will on behalf of Senator GLENN and myself withdraw the amendment.

The PRESIDING OFFICER. The Senator has that right.

The amendment was withdrawn.

Mr. HATFIELD. Mr. President, let the record show that I, too, will be very responsive to the Senator from Ohio.

Mr. METZENBAUM. I thank the Senator.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I have an amendment coming to the desk on behalf of myself and Senator HATCH and 25 other cosponsors.

First of all, I would like to start out by—

The PRESIDING OFFICER. Is the Senator sending the amendment to the desk?

Mr. McCAIN. Mr. President, I will be sending an amendment.

AMENDMENT NO. 444

(Purpose: to delay for 1 year the provision of the Medicare Catastrophic Coverage Act of 1988)

Mr. President, I would like to start out by expressing my regrets, not my apologies, but my regrets, at bringing up this amendment at this time on the particular bill. I do not like to. I think that all of us are opposed to bringing up amendments which are not germane to the bill at hand, and I recognize the pressing legislative schedule that exists between now and the end of next when we intend to go out into recess.

At the same time, Mr. President, on this issue of catastrophic health care legislation, a number of events have taken place which have compelled me to bring up this amendment at this time.

Additionally, Mr. President, I said at the time of the last vote in June that I would not give up on this issue, that I would continue to press until the seniors of this Nation, including the 19 million who are represented in the coalition which I humbly represent, get justice.

I would be glad to yield to the distinguished chairman.

Mr. JOHNSTON. Mr. President, I thank my friend for yielding, and I have a lot of sympathy for what I heard generally described about what he is trying to do. I think all of us recognize that this business of catastrophic health care needs to be redone and some relief given to our seniors.

I would urge my friend not to do it on this bill, first, because it is an appropriations bill and indeed we should not legislate on it; second, because it would bust our budget.

We are right up to the edge on our budget allocation and there is not any room and to the extent we did anything it would make the whole bill subject to a point of order and I have to defend the bill against a point of order, in addition to the fact that it would be legislation.

I wonder if there is not another way, another place, another time to get this considered?

Mr. McCAIN. I would like to respond to the distinguished chairman with my regrets. My response is I know of no other vehicle. There was a commitment made by this body in a sense-of-the-Senate resolution which was

dropped in conference that something would be done about this issue by September. Clearly there is nothing going to be done by September on this issue, No. 1; No. 2 is the whole philosophy of collecting taxes from senior citizens in order to buildup a trust fund in order to disguise the size of the deficit is repugnant to this Senator and so is it to all of our senior citizens.

We believe that taxes should be collected in order to be paid out in benefits, not to disguise the size of the budget deficit. I would suggest that this time is as good a time as any to recognize that there are more important problems than just a phony way of disguising the budget deficit, No. 1; and No. 2 is, this issue of the burden that we are placing on senior citizens far transcends a \$3 billion budget differential. I would be glad, at the appropriate time, to suggest a series of ways that we could make up for at least partially this deficit problem that we are facing.

So, with greatest respect and with greatest appreciation for the problems that the distinguished chairman and my distinguished ranking Republican member, Senator HATFIELD, face on this issue, I cannot in good conscience tell 19 million senior citizens that we are going out of session in August without at least addressing this issue one more time, particularly in light of the fact, I tell my colleague, I believe that this time we have sufficient votes. The last time we only got 49 votes. This time I believe we will have more than 50.

Does my distinguished friend from Oregon wish me to yield to him?

Mr. HATFIELD. I would like the Senator to yield for just a minute.

I say to the Senator that I am very sympathetic and I think I have established my record on that in support of his efforts.

But I just want to indicate, too, I think there is a flip side to the coin in raising this at this time to send a signal to the people who are involved, the senior citizens, raising their expectations, raising their hopes, that somehow we have done something very substantive to address the issue.

I only want to remind the Senator that even if it were raised as he intends to do and it passed overwhelmingly with the a record vote and everything that goes with it, I only want to remind the Senator that the House functions under different rules of procedure. I would say there is about a 1,000-to-1 chance that this would ever survive the conference, not on the merits of the case, but on the procedures that the House operates under. This is obviously legislation on appropriations. Now the House very selectively applies that rule over on our side.

But I only want to say that from my judgment in having dealt with the

conferences with the House for many, many years now on appropriations measures, where there is something that is controversial or something like that, they immediately say, "Oh, but we can't take this amendment because it is an amendment that would be ruled out of order. It violates our rules of procedure," et cetera, et cetera. And they win more of their battles on the procedural issue than they ever do with us in conference on the merits of the case or on the substantive issue.

I just merely want to say, then, all of a sudden their hopes are raised in the elderly, in the senior population out there and dashed in the next minute because it has been dropped in conference, not because we are addressing the merits, but merely because of procedures.

I think there is a flip side in the signal. I think it is fine to send a signal of something positive, something that is moving in their direction. But if we have a pretty good estimate that it is never going to come into fruition, then I question the kind of signal we are sending in terms of what then is a let-down after the rise of expectation. That is the only point I would like to share.

Mr. McCAIN. With the greatest respect to the knowledge, experience, and service of my friend from Oregon, I do not disagree with anything that he said.

Let me remind my friend, the distinguished ranking Republican member on the Appropriations Committee, that a signal has already been sent. A signal was sent by the Ways and Means Committee a couple of days ago. That signal would not be accepted over here either. I know that this body would not agree to such a proposal as was passed in the Ways and Means Committee. So the hopes of many seniors were dashed a couple of days ago concerning this issue because the House Ways and Means Committee, in my view, passed by a very narrow 19 to 17 vote one of the most onerous burdens that could be placed on senior citizens in this country.

So, therefore, although I certainly would agree with my friend from Oregon that the chances of this legislation being accepted by the House are minimal, I would also suggest to you that a countersignal needs to be sent, No. 1. And, No. 2, I would say to my friend that this will increase the pressures enormously upon the Members of the House of Representatives who, as short a time ago as a month or so, would not even address the issue and are now frankly very deeply concerned and want to do something.

I believe that if we send a signal that we are delaying the implementation of this package, at least as a body, this body wants that delay achieved, then I would suggest it could do a great deal of good.

I would also finally like to remind my friend from Oregon, the senior citizens and their representatives here recognize full well the scenario that he described. But in all good conscience, I cannot not act before the recess with the only proposal for addressing this issue on the table being what was passed by the Ways and Means Committee of the House of Representatives a couple of days ago. Because what they did, in my mind, is absolutely unacceptable in that they decided to do several things which I will go into in just a minute, including increasing the burden on poor Americans and decreasing it on wealthy Americans, including giving seniors a Hobson's choice of being a part of this catastrophic illness program or if they choose to get out of it then they would lose their part B benefits. An unacceptable choice for all seniors.

So I would again like to thank my friend from Oregon and tell him that I intend to press ahead with this amendment. I also would be glad to keep debate to a minimum so that we can return to the bill and return to the important business of this body before we leave it at the end of next week.

Mr. President, the sense-of-the-Senate resolution which I referred to earlier was offered by the Senate leadership. It instructed the Finance Committee to address issues reducing the premium and making the act voluntary by September 1989. I emphasize the sense-of-the-Senate resolution was to reduce the premium and make the act voluntary by September 1989. That gives us approximately 5 or 6 working days in order to do so, unless action is taken while we are in the August recess, which I doubt very seriously.

I want to talk a little more about the Ways and Means proposal. After an incredible display of gridlock in that committee, by a 19 to 17 vote, as I mentioned earlier, the Ways and Means acted and they reduced the surtax by 50 percent. How did they do that? By increasing the burden of part B on poor citizens and dramatically increasing that, almost doubling the part B premium that all poor and low-income seniors will have to pay. I think that is, frankly, incredible. It reduces the value of the prescription drug portion of the act. It places a large chunk of the program under part A. Now, let me repeat: it places a large chunk of the program under part A, which spells out an increase in the FICA obligation of nearly \$2 billion in 1990.

What that does, Mr. President, it destroys the precept of the entire catastrophic illness legislation which said that the seniors will pay for their benefits. We now, if the Ways and Means Committee proposal is accepted, place

that burden, at least part of that burden, on all taxpaying Americans.

Mr. President, if that is what the Congress of the United States wants to do, I think that that is something that may be considered. But let us not do it in some kind of package proposal basically violating the entire precept or reneging on the basic precept of this legislation.

The worst part, Mr. President, is of course the business of giving the seniors the option of opting out of the program. If we really want to give the seniors the option of opting out of the program let us create a part C, as one of my colleagues, the Senator from Wyoming, proposed. Let us create a part C and give them that part so that they can choose whether they want to be a part of the program or not. Do not make it part B. If you make it part B, they lose so many benefits that they cannot otherwise afford. We are giving them a Hobson's choice which they cannot accept either. So, Mr. President, I do not think we ought to do that to them.

As I mentioned, it is now July 27. We have 5 or 6 legislative days before August. We need to send a clear signal as to what this body needs to do, wants to do, to address the issue that demands being addressed.

The day prior to the Finance Committee hearing on June 11, Mr. President, to look at the possibility of reducing the amount of the supplemental premium—a proposal offered in the belief that the revenues being collected exceeded the amount needed to keep an adequate reserve—the Congressional Budget Office released new estimates showing that the program is not overfunded. Indeed, Mr. President, it is dramatically underfunded, and the costs of the prescription drug program far exceed those originally estimated. That really should not have surprised any of us because there has never been a health benefit program passed by the Congress of the United States that did not, over time, dramatically exceed original estimates.

According to the CBO, in 1993, the first full year of the prescription drug program, it will be running a deficit of \$4.7 billion and, instead of having a contingency margin of 50 percent as scheduled in the law, it will actually have a contingency margin of 97 percent. Yes, 97 percent.

Mr. BENTSEN. Will the Senator yield?

Mr. McCAIN. Did my friend, the chairman of the Finance Committee, ask me to yield for a question or comment?

Mr. BENTSEN. If the Senator will yield for a comment in reply to what the Senator had to say. When he spoke about the Ways and Means Committee coming up with a proposal unacceptable to him. Let us have it clearly understood that on June 7 the

Senate instructed the Finance Committee to come back with an alternative proposal for this body. We have relied in good faith on that commitment and we went to work on it. We have heard from more than 30 witnesses. We have met with innumerable interest groups on this issue. We want to be responsible in what we bring back to this institution.

That means we have to have the time to get the information from the Joint Tax Committee as to what each of several options cost and what revenues they will require in order to meet the deficit offset requirements of the Budget Act. In my view, we must be in compliance with the Budget Act as we respond to the concerns and the needs of older Americans. That is what we have set out to do.

Major changes are being proposed on the House side. Regardless of whether they are accepted, an effort is being made. The Senate Finance Committee is also making an effort. And now the Senator is trying to cut that effort short, circumventing the directions of this body.

We have expended considerable effort to respond to the instructions of this body to develop an alternative and we will continue to do that. We will be back here in September with a responsible proposal for this body to consider.

I urge my colleagues to give us the opportunity to carry out the instructions of this institution, which we tried, in good faith, to accomplish.

For my colleague to come in at the last minute and try to short circuit that effort after his amendment lost in June is, frankly, a serious mistake and I urge my colleagues to defeat this amendment.

Mr. McCAIN. Let me respond by saying it might have been an expression of good faith as concerns that sense-of-the-Senate resolution, if it had been preserved in conference. I was told there was no attempt even made that that sense-of-the-Senate resolution would have been preserved so that we would at least have had a resolution to work by. Indeed, the Finance Committee had a hearing on June 11. The distinguished chairman of the committee was kind enough to let me testify.

The ostensible reason for the committee hearing to be held was because we were going to look at the possibility of reducing the supplemental premium. That was what I read in the media as being quoted by the distinguished chairman of the Finance Committee. Unfortunately, the day before the hearing was held it was discovered that the costs of the program dramatically exceeded the present estimates, CBO estimates of the surtax. And I happen to have observed, or heard the overwhelming majority of the witnesses before the Finance Committee

called for the adoption of this amendment. The 30 witnesses that the chairman describes, who appeared before him, at least 20 of them representing millions and millions of seniors, called for the adoption of a delay for a year so we can sort this program out.

I suggest since June 7, one, the indication that this Senator has had is that the sense-of-the-Senate resolution was dropped in conference, which means that the conferees had not even the support of that.

Second, there has been one hearing in which the entire precept of the hearing was knocked into a cocked hat by CBO's estimates the day before the hearing took place. So far, I have heard of no, zero, proposal by the Finance Committee or the distinguished chairman or others, except that he says he can work it out.

I am gratified that yesterday for the first time the chairman of the committee said to me that he would allow me to work with him to try to address this issue. That was the first time since I have brought up this issue.

I do appreciate very much his staff working with my staff, but I think we could have probably progressed a little more between June 7 and today if I had been given access, to helping try to address this issue.

Mr. BENTSEN. If the Senator would yield, I would say to the Senator, my staff has called his staff repeatedly. Let us not mislead this body.

I invited the Senator to testify before the Finance Committee, let him speak his piece. The committee also heard from all kinds of organizations with differing viewpoints. The members of the Finance Committee will be coming up with an alternative that is responsible, that addresses this issue, and does it in a way that will result in a dramatic reduction in the supplemental premium.

I can assure you of that.

Mr. McCAIN. Well, I know the distinguished chairman did not have time and was not paying full attention to my remarks. Let me remind him, I did thank him for allowing me to testify before the committee. I did state that his staff has worked with my staff, for which I am deeply appreciative.

I do say again that the belief of the senior citizens that have approached me, the 44 organizations that represent 19 million Americans, is they have come up with a solution. They have a solution, I say to the chairman, and I suggest very strongly that we move forward on that rather than having one hearing which was based on a precept which was flawed. It turned out to be flawed. And during the August recess, this place is notorious for not moving forward in finding solutions to problems.

I might add that the sense-of-the-Senate resolution that was passed by

this body, which was from the majority leader and the Republican leader, said "by September." Not "in," but "by" September, that this issue would be resolved.

I would like to go ahead and finish my statement.

Mr. BENTSEN. I would correct the Senator on that statement. Not "resolved." It would be "addressed." We have addressed it, we are working on it, and we are progressing.

Mr. McCAIN. Perhaps the distinguished chairman of the Finance Committee can tell me what progress has been made.

Mr. BENTSEN. We have made substantial progress in getting necessary estimates for several options. As the Senator knows, there has been a problem with Congressional Budget Office revisions of outlay projections and Joint Tax Committee revisions of projected revenues. In addition, the committee is dealing with reconciliation. We have the resources of the Joint Tax Committee devoted to both efforts, and at the same time, the Joint Tax Committee is helping the Ways and Means Committee with its reconciliation makeup. The resources of the Treasury Department are also spread thin in dealing both with catastrophic and reconciliation. Therefore we do not have the advantage of being able to give you all the information that is necessary today so that a final decision can be made.

But I want to be certain that we come back to the Senate with a responsible answer to the concerns of the elderly citizens of this country. To do that, it is necessary to give this process a chance to work.

We will be back here in September with some recommendations.

Mr. McCAIN. I would say in response to the distinguished chairman, it is in the eye of the beholder. Coming up with numbers is, frankly, not satisfactory to this Member, nor to a great majority of the senior citizens who have communicated with me that they see no progress.

I would suggest that the distinguished chairman communicate with those senior citizens' organizations, they as well as me, as an indication of progress.

I do not think coming up with numbers is, frankly, the kind of progress they want to see, first.

Many of those people are already paying—those that pay taxes ahead of time—are already making some payments in this direction.

Second is, I think it is very clear to all Members of this body, that up to this time anyway, in fact even now, the administration opposes this amendment. The administration has opposed doing anything about this crime that has been inflicted on the senior citizens of this country.

We have been stopped at every turn. I have also been unable to get numbers out of the administration because, very frankly, they have not been very interested in providing any so that we can work more and move forward on it.

But the fact remains, I would say to the chairman, the progress we have made as far as finding numbers, to me is not sufficient. Let us examine what this amendment does before we are led to believe that it is so damaging. This amendment, I say to my colleagues, simply delays the implementation of the program.

It does not cancel the program. It delays the onerous aspects of this program until the distinguished chairman of the Finance Committee can get it sorted out, until he can get the numbers that he needs. It delays everything but the three critical parts of this program. It does not cancel them. It does not stop the program. In fact, if in September, as the chairman of the committee just said, he comes up with a solution, then clearly this program can move forward.

All this amendment does is preserve the catastrophic care portion of the bill, the skilled nursing home part of the bill and spousal impoverishment, which is paid for by the \$4.80 additional premium already paid for in part B, and it delays the rest of it until the distinguished chairman can get the numbers sorted out, until he can get the required facts from the Treasury Department.

But what I want to do is take this off the backs of the seniors of this country until such time as the distinguished chairman of the Finance Committee and others can work together and come up with what will be fair and equitable to all of our seniors, which, in the opinion of the overwhelming majority of them today, is that it is not.

I, again, would like to express my appreciation to the distinguished chairman of the Finance Committee who has worked very hard on this issue. It is a very, very difficult issue. I would suggest to him that by enacting a delay in the implementation of all the crucial parts of the program, it will impact in no way his ability to move forward and come up with an overall solution to this issue.

Mr. President, I want to say again, this amendment delays for a year the implementation of the Medicare provisions of the act which have yet to be implemented. It retains long-term hospitalization, skilled nursing home facility benefits which have come on line, in addition to spousal impoverishment protection, and it retains the flat \$4.80 a month premium increase under the act which pays in full for these new benefits.

Mr. President, it delays the surtax. The surtax is what has created the

firestorm out there. The surtax, so-called rich and greedy people like the National Association of Retired Federal Employees, the Mail Handlers, the National Association of Postal Workers Union, the Noncommissioned Officers Association, the National League of Postmasters, the National Treasury Employees Association—the list goes on and on—those very rich and greedy seniors, Mr. President, do not want it. They do not think they deserve it. They do not think they were consulted. They want to be consulted. They want this act changed, and I think we ought to send a signal if we are going to change it and, until we do, we want to delay the implementation of the onerous parts of this act.

(PURPOSE: TO DELAY FOR 1 YEAR THE PROVISIONS OF THE MEDICARE CATASTROPHIC COVERAGE ACT OF 1988)

Mr. McCAIN. Mr. President, I send an amendment to the desk on behalf of myself, Senator HATCH and 25 others.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for himself, Mr. WILSON, Mr. COCHRAN, Mr. GORTON, Mr. BOREN, Mr. HEFLIN, Mr. HOLLINGS, Mr. McCONNELL, Mr. SHELBY, Mr. McCURE, Mr. BURNS, Mr. HATCH, Mr. PELL, Mr. ROTH, Mr. D'AMATO, Mr. DOMENICI, Mr. KASTEN, Mr. NICKLES, Mr. LOTT, Mr. BIDEN, Mr. BOSCHWITZ, Mr. WARNER, Mr. BRYAN, Mr. MACK, Mr. GRASSLEY, Mrs. KASSEBAUM, and Mr. REID, proposes an amendment numbered 444.

Mr. DANFORTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following:

SEC. . 1 YEAR DELAY IN MEDICARE CATASTROPHIC PROVISIONS.

(a) It is the purpose of this Act—

(1) to provide Medicare beneficiaries with protection from the financial ravages of an illness that results in a long-term hospitalization (provided for in the Medicare Catastrophic Coverage Act of 1988, already implemented);

(2) to provide Medicare beneficiaries with protection from what is commonly referred to as spousal impoverishment—the near total liquidation of a couple's assets in order to meet the income eligibility requirement for long-term care benefits through the Medicaid Program—by permitting the spouse who is not in need of long-term care services to retain a certain level of assets and/or income (provided for in the Medicare Catastrophic Coverage Act of 1988, to be phased in—beginning in September 1989);

(3) to permit a nominal, flat, increase in Medicare premiums in order to pay for the long-term hospitalization (provided for in the Medicare Catastrophic Coverage Act of 1988, already implemented);

(4) to delay, for year, implementation of all other benefits provided for in the Medicare Catastrophic Coverage Act of 1988;

(5) to delay, for a year, implementation of the supplemental premium provided for in the Medicare Catastrophic Coverage Act of 1988;

(6) It is the sense of the Senate that the Senate Finance Committee shall study both the benefits, financing and mandatory nature of the Medicare Catastrophic Coverage Act of 1988.

Specifically, it is the sense of the Senate that the Senate Finance Committee shall study among other things the Act's financing mechanism. And, taking into consideration the analysis of the Congressional Budget Office, the Office of Management and Budget and any other relevant studies and cost estimates in relation to the benefits hereby delayed, shall determine the appropriateness of both;

(7) It is further the sense of the Senate that, by January 1, 1991, the Senate shall have taken the appropriate steps to reduce the supplemental premium if it finds, after studying the above mentioned analysis, that the total amount of premiums being collected under the Act are greater than the amount needed to cover the costs of the coverage provided by the Act.

(b) Section 1833(c) of the Social Security Act (42 U.S.C. 13951(c)), as inserted by section 201(a) of the Medicare Catastrophic Coverage Act of 1988, is amended—

(1) in paragraph (1), by striking "1990" and inserting "1991";

(2) in paragraph (3), by striking "1990" each place it appears and inserting "1991"; and

(in paragraph (3)(A)—
(A) by striking the first sentence,
(B) in the second sentence, by striking "succeeding year" the first place it appears and inserting "year (beginning with 1991)", and

(C) in the second sentence, by striking "succeeding the second place it appears.

(c) Paragraph (4)(b) of section 1861(t) of the Social Security Act, as added by section 202(a)(2)(C) of the Medicare Catastrophic Coverage Act, is amended by striking "1990" and inserting "1991".

(d) Section 1834(c) of the Social Security Act, as added by section 202(b)(4) of the Medicare Catastrophic Coverage Act, is amended—

(1) in paragraph (1)(C)(i), by striking subclause (I) and (II) and inserting the following:

"(I) 1991 is \$600,
"(II) 1992 is \$652, and";

(2) in paragraph (1)(C)(i) by striking subclause (III) and redesignating subclause (IV) as subclause (III);

(3) in paragraph (1)(C)(iii), by striking "1992" and inserting "1993";

(4) in paragraph (2)(C)(ii), by striking "1990", "1991", "1992", and "1993" and inserting "1991", "1992", "1993", and "1994", respectively;

(5) in paragraph (3)(A), by striking "1992" and inserting "1993";

(6) in paragraph (3)(C)(i), by striking "1990" and inserting "1991";

(7) in paragraph (4)(A)(i), by striking "1990 or 1991" and inserting "1991 or 1992";

(8) in paragraph (7)(B), by striking "1991" and inserting "1992";

(9) in paragraph (8)(A), by striking "6 years" and inserting "7 years"; and

(10) in subparagraphs (B), (C), (D), and (F) of paragraph (8), by striking "1989", "1990", "1991", "1992", "1993" and "1994" and inserting "1990", "1991", "1992", "1993", "1994", and "1995", respectively.

(c) Paragraphs (1) and (4) of section 1842(o) of the Social Security Act, as added

by section 202(c)(1)(C) of the Medicare Catastrophic Coverage Act, are each amended by striking "1991" and inserting "1992".

(f) Section 202(e)(4)(B) of the Medicare Catastrophic Coverage Act is amended by striking "1993" and inserting "1994".

(g) Section 202(i)(2) of the Medicare Catastrophic Coverage Act is amended by striking "1989, 1990, 1991, 1992, and 1993" and inserting "1990, 1991, 1992, 1993, and 1994", respectively.

(h) Section 202(l)(2) of the Medicare Catastrophic Coverage Act is amended by striking "1989" and "1990" and inserting "1990" and "1991" respectively.

(i) Section 202(m) of the Medicare Catastrophic Coverage Act is amended by striking "1989", "1990", and "1991", and "1992", respectively.

(j) Section 1834(d)(2) of the Social Security Act, as added by section 203(c)(1)(F) of the Medicare Catastrophic Coverage Act, is amended by striking "1990" and inserting "1991".

(k) Section 203(c)(2) of the Medicare Catastrophic Coverage Act is amended by striking "1991" and inserting "1992".

(l) Section 1835(a)(2)(G) of the Social Security Act, as inserted by section 203(d)(1)(C) of the Medicare Catastrophic Coverage Act, is amended by striking "1993" and inserting "1994".

(m) Section 1154(a)(16) of the Social Security Act, as amended by section 203(d)(2) of the Medicare Catastrophic Coverage Act, is amended by striking "1993" and inserting "1994".

(n) Section 203(g) of the Medicare Catastrophic Coverage Act is amended by striking "1990" and inserting "1991".

(o) Section 1834(e) of the Social Security Act, as added by section 204(b)(2) of the Medicare Catastrophic Coverage Act, is amended—

(1) in paragraph (2)(B)(ii), by striking "1992" and inserting "1993";

(2) in paragraph (4)(A)(i), by striking "1990" and inserting "1991";

(3) in paragraph (4)(B), by striking "1991" and inserting "1992", and

(4) in paragraph (5), by striking "1990" and "1991" each place each appears and inserting "1991" and "1992", respectively.

(p) Section 204(3) of the Medicare Catastrophic Coverage Act is amended by striking "1990" and inserting "1991".

(q) Section 205(f) of the Medicare Catastrophic Coverage Act is amended by striking "1990" and inserting "1991".

(r) Section 206(b) of the Medicare Catastrophic Coverage Act is amended by striking "1990" and inserting "1991".

(s) Section 111 of the Medicare Catastrophic Coverage Act is amended by moving all dates in this section forward one year.

(t) Section 112(b) of the Medicare Catastrophic Coverage Act by striking "1990" and "1989" and inserting "1991" and "1990", respectively.

(u) Section 1839(g) of the Social Security Act, as added by section 211(a) of the Medicare Catastrophic Coverage Act, is amended—

(v) Section 1841A of the Social Security Act, as inserted by section 212(a) of the Medicare Catastrophic Coverage Act, is amended—

(1) in subsection (c), by striking "1990" and inserting "1991", and

(2) in subsection (d), by striking "1992" each place it appears and inserting "1993".

(w) Section 1840(i) of the Social Security Act, as added by section 212(b)(1) of the

Medicare Catastrophic Coverage Act, is amended by inserting "(1)" after "(i)" and by adding at the end of the following new paragraph:

"(2)(A) Notwithstanding the previous provisions of this subsection but subject to subparagraph (B), premiums collected under this part which are attributable to subsection (g) of any month in 1989 shall, instead of being transferred to (or deposited to the credit of) the Federal Supplementary Insurance Trust Fund, be transferred to (or deposited to the credit of) the Federal Hospital Insurance Catastrophic Coverage Reserve Fund (created under section 1817A).

"(B) The total amount of the transfers or deposits made under subparagraph (A) shall not exceed the Secretary's estimate of the total amount of additional expenditures made under part A which are attributable to benefits during 1989 and which would not have been made but for the amendments made by the Medicare Catastrophic Coverage Act of 1988."

(x) Section 1841B(c) of the Social Security Act, as inserted by section 213 of the Medicare Catastrophic Coverage Act, is amended by striking "1990" each place it appears and inserting "1991".

(bb) Section 412 of the Medicare Catastrophic Coverage Act is amended by striking "1990" each place it appears and inserting "1991".

Mr. COATS. Mr. President, I rise in support of the McCain amendment to delay implementation of the Medicare Catastrophic Coverage Act [MCCA].

I regret the difficulty that is being caused by introducing this amendment to an appropriations bill. However, the fact is that seniors in Indiana and across the Nation want this law reexamined, and this amendment is an opportunity that should not be ignored.

Senator McCain's amendment is a good place to start because it offers a year that can be devoted to careful evaluation to both the cost and benefit side of this question. All of the MCCA benefits that are now available would be retained so that there would be no disruption in the treatment of any seniors who are currently being covered. Most of these benefits are part A hospitalization benefits and should be included in any revised law. The McCain amendment also provides for the relief of spousal impoverishment, which is another worthwhile provision.

It is clear that the MCCA must be overhauled based on the information that has come to light since the law was passed last year. The estimates of program costs, the problem of duplication for people forced to pay the surcharge, and the views of the group who the law is intended to help combine to make it timely for this committee, and Congress as a whole, to look at the goals we envisioned when this law was being shaped.

The latest numbers from the Congressional Budget Office [CBO] show a disturbing drop in the MCCA's projected contingency margin, especially in the drug insurance trust fund. I am not aware of one Medicare Program

that has come close to meeting projected costs since this system was launched in 1965. The overruns are legendary. Common sense tells me that when the planned margins for the MCCA begin to drop so sharply in just 1 year, there is little hope that the program will not be severely in the red by 1993. The hard reality of the budget deficit makes it clear that budget neutrality is a basic requirement that Congress cannot ignore in dealing with the MCCA, and the present scheme makes that most unlikely.

Another factor that must not be overlooked is the large number of seniors who have duplicate coverage with the MCCA and are being forced to pay the supplemental premium. According to the Congressional Research Service [CRS] of the Library of Congress, an astonishing 29 percent of the noninstitutionalized Medicare beneficiaries have at least some health insurance coverage from an employer. Although these seniors are fortunate to have medical benefits, they are still hard pressed to pay an additional tax for coverage they do not need. It would be far better to restructure MCCA to cover basic acute care needs, eliminate the supplemental premium, and let the seniors choose whether they want it.

Since one of the basic tenets of the law is that it be beneficiary-financed, it is important that the MCCA have the support of a goodly portion of the seniors. As we all know, a substantial portion of the elderly oppose it. According to a Wirthlin Group poll that was conducted in May of this year, the 59 percent of seniors who were aware of the program opposed it by a margin of 53 to 31 percent. Even those who favored the program believed the benefits were not worth the costs. Those of us who serve in this body do not need a poll to know how the seniors feel. I have received more than 9,000 pieces of mail about the MCCA, and the overwhelming majority do not like this law.

It is not reasonable to expect a consensus on a law as complex as the MCCA, however, the discontent in Indiana is not the result of a clever mass mail campaign by a narrowly focused group. Every senior I meet in town meetings, or any other meeting, make it a point to tell me how much they dislike this law. I believe that the MCCA should be beneficiary financed, however the cost should be cut and the benefits realigned so that seniors will have good reason to conclude that the whole package is a good deal and worth supporting.

I believe seniors deserve an acute care program that will meet their basic needs at a cost that they can afford. As I explained above, this program should be budget neutral, beneficiary-financed, and redrawn to cover

basic acute care needs so that it would be actuarially sound to make it voluntary.

I have introduced S. 1174, a bill that I believe abides by these principles. This bill would retain the positive features of the current law including part A hospital benefits, expanded home health services, and a section to protect the income and resources of married couples that is known as prevention of spousal impoverishment. My bill substitutes a Medicaid drug benefit that covers all seniors with incomes up to 125 percent of the poverty level for the Medicare drug benefit in the present law. S. 1174 raises the cap on part B expenditures and increases by about \$5 per month the part B flat premium. These changes make it possible to eliminate the supplemental premium and make the whole program voluntary for those who wish to opt out of part B.

Mr. President, I request that a summary sheet that explains my bill in more detail be entered in the RECORD with my statement. S. 1174 provides the basic acute care that seniors need and I suggest that all my colleagues give it careful consideration. However, as I stated initially, the McCain amendment is a good place to start what is sure to be a long, and I trust thorough, examination of the MCCA. It is my hope that this process will result in a fair, cost effective bill that meets the true acute care needs of our seniors.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

DETAILED SUMMARY OF COATS MEDICARE CATASTROPHIC COVERAGE IMPROVEMENT ACT OF 1989

PROVISIONS RETAINED, WITHOUT CHANGE, FROM MEDICARE CATASTROPHIC COVERAGE ACT OF 1988 (MCAA)

1. Expand scope of Medicare Part A hospital benefits, including:
 - a. Remove day limit on inpatient hospital services.
 - b. Expand skilled nursing facility services to 150 days each calendar year.
 - c. Remove limit on days of hospice care.
 - d. Limit inpatient hospital deductible to one each year.
 - e. Restrict coinsurance for skilled nursing facility care to 20% of national average daily rate (for 1989 the figure is \$25.50) for each of the first 8 days in each year.
 - f. Place the Part A buy-in premium (for those not otherwise eligible for Medicare) on an actuarial basis.
2. Expand number of consecutive days of home health services to 38 days.
3. Expand Medicaid benefits including:
 - a. Expand coverage of pregnant women and infants with income below the poverty line.
 - b. Protect income and resources of married couples. (Prevention of "spousal impoverishment")
4. Miscellaneous provisions, including:
 - a. Improvements in Medigap certification program.
 - b. U.S. bipartisan commission on Comprehensive Health Care.

c. Maintain employer efforts, various demonstration projects and studies, and Advisory Committee on Medicare Home Health Claims.

PROVISIONS DELETED FROM MCCA

1. "Supplemental Medicare Premium." (Income tax surcharge)
2. Coverage of prescription drugs and insulin.
3. Coverage of home intravenous drug therapy services.
4. Coverage of screening mammography.
5. In-home care for chronically dependent individuals. (Respite Care)

PROVISIONS RETAINED BUT MODIFIED FROM MCCA

1. Limit on Medicare Part B cost-sharing changed to \$2,230 per year. (MCCA is \$1,370)
2. Recompute additional Part B premium to cover costs of modified catastrophic benefits.
3. Freeze the Medicaid buy-in provision at 85 percent of the Federal poverty level and give the states the option to phase-in to 100 percent by 1992.

NEW PROVISIONS

1. Require Medicaid coverage of prescription drugs for individuals 65 years of age or older with incomes below 125 percent of poverty level with a \$50 deductible.
2. Change the tax law to provide tax incentives for the development of the long-term care insurance market.

Mr. GRASSLEY. Mr. President, I rise in support of the amendment by my colleague, Senator McCain.

I supported Senator McCain's earlier effort—in June of this year on the dire emergency supplemental appropriations bill—to reconsider portions of the catastrophic loss protection program and on that occasion stated my views on Senator McCain's proposal at some length.

As I said on that occasion, it has become absolutely clear that a very large group of those affected by the program are passionately opposed to it. This is clear from the mail we have received which is opposed to the program. I have received now more than 8,000 letters on the program, all, or virtually all, opposed to it. This is clear also from comment received at my listening posts around the State, from poll results, and from positions taken by many organizations purporting to represent groups of older people.

I should note also, Mr. President, that many of those who supported the original legislation had reservations about it when it passed. While some benefits seemed good, other did not seem as good. Estimates of future costs seemed understated, and the potential for redtape great. Many Members decided that, on balance, the benefits of the legislation outweighed the liabilities. Other Members decided that the liabilities outweighed the benefits.

What is happening now is that a substantial portion of Medicare benefi-

ciaries are telling us that this program should be revisited.

In these circumstances, Senator McCain's legislation offers a reasonable way to proceed. To this Senator, it certainly seems preferable to other proposals which are under consideration or which have been acted on recently in the other body.

Senator McCain's proposal would not impede implementation of several of the most important benefits authorized by the act, including the simplification and extension of the hospital protection under part A, and the spousal impoverishment protection. The benefits which would go forward could be paid for the basic, flat premium of less than \$5 per month.

All other features of the program, including the supplemental premium, would be postponed, not canceled, until the committees of jurisdiction could reconsider them.

So far, Mr. President, this McCain proposal seems vastly preferable to other actions that have been taken. I refer, of course, to the recent action of the Committee on Ways and Means in the other body.

I think two features of the Ways and Means revision are particularly distressing.

First, the catastrophic program would be voluntary. On the surface, this sounds fine. Unfortunately, voluntary has a very peculiar meaning as used by the committee. Voluntary means that a beneficiary would not have to enroll in the catastrophic program. But in order to opt out of the catastrophic program, an individual would also have to opt out of all of Medicare part B. Part B is the part of the Medicare Program that provides all physician insurance for beneficiaries.

What a terrific deal. In order to get out of the catastrophic program, you have to give up your physician insurance under Medicare. I think someone in the other body called this blackmail, and that is surely what it is. I can just imagine how the Medicare beneficiaries who have been opposing the catastrophic program will feel when they get wind of this proposal.

Second, the Ways and Means revision would re-jigger the financing of the program by shifting more of the burden of paying for the benefits to lower income beneficiaries. In other words, we want to ease the financing burden on the taxpaying, middle class older person, so we do so by making the lower income Medicare beneficiary pay more.

I must say, Mr. President, if that is the direction some Members want to go on this program I must part company with them.

I certainly hope that neither the Finance Committee nor the Senate will be inclined to follow the Ways and Means Committee approach to revision

of the program. The McCain bill is surely vastly preferable to that approach, and, until I see something better, I intend to support it.

Mr. DIXON. Mr. President, I support the McCain amendment which would delay for 1 year implementation of the Medicare supplemental income-related premium and all other provisions of the Catastrophic Coverage Act which are not yet in effect.

I can relate to anxieties of a person or family saddled with a catastrophic condition. My mom had Alzheimer's disease the last 5 years of her life. Help was very expensive; it can decimate the life savings of a family. So I know how important catastrophic health coverage can be.

Nonetheless, opposition to the so-called surtax provision in the 1988 Catastrophic Health Coverage Act has come up over and over in each of my town hall meetings back in Illinois. I have heard more complaints about the surtax requirement than any other issue during these meetings.

One alternative to resolve the surtax concern raised by my constituents is to have all U.S. citizens pay for some of the Medicare catastrophic coverages. This would not be responsible since we already have a serious budget deficit. Additionally, the President has said "no new taxes," and we have agreed on a budget with no new taxes. Essentially, we have reduced everything in the budget, including the military.

I believe that the McCain amendment is the best alternative for meeting my commitment to my constituents, and responding to their concerns. By delaying for 1 year implementation of the Medicare surtax provision and some of the Medicare benefits, we, and the Medicare beneficiaries, will have time to determine what coverages are most desired, as well as which ones can best be afforded by beneficiaries themselves.

The amendment would fully preserve the unlimited long-term hospital benefits, and the skilled nursing care and spousal impoverishment benefits. They will be financed by the flat \$4 premium which became effective in January 1989.

Finally, all other provisions of the Catastrophic Act will be delayed for 1 year, including the surtax, which has been strongly opposed by so many of my constituents who are Medicare beneficiaries.

As many of my colleagues may remember, on June 7, 1989, I voted with the majority for the sense-of-the-Senate amendment which directed the Finance Committee to make some changes in the Medicare Catastrophic Coverage Act, including modification of the surtax provision. The committee was directed to address these issues of concern prior to September 1989.

Mr. President, I still desire to have the Finance Committee address these issues. However, knowing that this body is scheduled to be in recess from August 7 through September 5, I do not see how a rational solution can be reached in the few remaining days. I believe that the McCain amendment is the only viable solution for all parties concerned available at this time.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I make a point of order based on two bases: First, that this is legislation on an appropriations bill; and second, that the adoption and enactment into law of the McCain amendment to H.R. 2696 would result in an increase of several billion dollars of the amount by which revenues would be less than the appropriate level of total revenues set forth in the concurrent resolution on the budget for the fiscal year 1990 causing the current level of revenues to fall below the revenue floor and the concurrent resolution by several million dollars in violation of section 301(a) of the Budget Act. Consequently, if we took this bill to fruition, the whole bill would be in violation of the Budget Act and would fall. So, therefore, I make that point of order.

Mr. DANFORTH. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. DANFORTH. Is the point of order debatable?

The PRESIDING OFFICER. The point of order is not debatable unless it is either submitted to the Senate for its decision or at the sufferance of the Chair.

Mr. DANFORTH. Mr. President, I ask unanimous consent that I may proceed for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSTON. Mr. President, reserving the right to object, I see the Senate floor is full of Senators who want to debate catastrophic health care. I am very sympathetic, as I told the Senator from Arizona, to what he is trying to do. I am not quite sure I understand completely what it is, but if we get into a full-scale debate on this, we will never finish this bill which is very important. There is another time and place other than energy and water, which contains the central Arizona project, nuclear weapons, and everything else. I wonder if the Senator could allow us to go forward with energy and water and not get involved in—

Mr. McCain. Will the distinguished chairman yield to me?

Mr. JOHNSTON. Yes.

Mr. McCain. If I can get a unanimous-consent agreement that I can have an up-or-down vote on this

amendment as a freestanding bill next week, I will be more than happy to remove it.

Mr. BENTSEN. I will object to that.

Mr. BYRD. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The Senator from Louisiana, the manager of the bill, has reserved the right to object to the unanimous-consent request of the Senator from Missouri.

Is there objection to the request?

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I remove my reservation for consideration on the unanimous-consent request pending.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri that he proceed for 10 minutes? Hearing no objection, it is so ordered.

The Senator from Missouri is recognized for 10 minutes.

Mr. DANFORTH. Mr. President, I thank the Chair and I thank the manager of the bill.

Mr. President, I support the McCain amendment. However, I am not sure that it goes entirely to the main point which I think we in the Congress should be debating with respect to catastrophic health insurance. The McCain amendment goes, as I understand it, principally to the question of the financing mechanism for catastrophic health coverage.

That, in fact, has been the issue which has been debated in the House of Representatives: What to do with the financing mechanism, what to do with the surtax, whether somehow the financial burden that has been created by the surtax could be shifted to somebody else. To be sure, financing is an important issue. But I must say that, when I consider the question of who else should pay the cost, I do not readily see an alternative which I would consider a compelling improvement over what is in the law now.

Mr. President, I would like to raise in just a few minutes another point which I think ought to be more critical to us than the financing issue. That is the question of what we are paying for in the first place. Do we really want a catastrophic health care program of the sort that we enacted in 1988? I supported this proposal last year. I served on the Senate committee that developed it. I thought the

catastrophic program was something that the elderly of America wanted, that the elderly of America feared catastrophic illness and wanted the protection afforded by this program.

I assume, Mr. President, one way or another we are going to be spending a great deal of money for health care costs for the elderly in the years to come, and those costs are going to continue to rise. So the question I raise is not whether we are going to be devoting substantial resources to health care for older people. My question is whether that spending program should be in the form of catastrophic health care or whether we should focus on something older Americans may want more, such as long-term health care.

As I have gone back to my State of Missouri and appeared in town meetings pretty well packed with senior citizens who oppose the catastrophic bill that was passed last year, I have been deeply impressed that their concern was not directed solely at the financing mechanism which imposes a heavy cost on them.

I asked senior citizens whether their concern went also to the program's benefits. Repeatedly, I was told by them that these catastrophic benefits were not exactly what they had in mind. Many said that if they wanted catastrophic health insurance, they could buy it. But they were not sure that catastrophic care was the kind of care they wanted for their money.

Essentially, what I found in talking to my older constituents was that they have a fear greater than the fear of catastrophic illness. They feared not that they would have a major medical crisis requiring prolonged hospital care and expensive, high-technology medical procedures, but, rather, that they would not have any crisis at all and would simply go on aging wearily until they died. Instead of being afflicted with a crisis, the older people with whom I spoke were at least as concerned that they would just wear out in an institution somewhere. They seemed not so much to fear spending their last years, months, and days in a hospital being kept alive by heroic medicine with the most advanced technology, but, rather, gradually losing their physical health and their mental faculties and biding their last years, months, and days in a very sad and lonely place where they are warehoused and kept alive.

Now, Mr. President, we hear a lot about playing God when it comes to taking the life of somebody. But I sometimes wonder whether it is not equally playing God when we resort to heroic medical procedures for the purpose of keeping people alive for prolonged periods of time, even though they do or may not want to be. Older people have said to me that they wish

they could just be free to pass on when their time comes.

So the concern I raise is whether catastrophic insurance is the way we ought to spend our finite health care dollars. I am told that around 27 percent of Medicare is spent in the last year of a person's life. Is that really the best allocation of resources? I do not know the answer to that question. More than everything else, this is an ethical issue. I believe it is an issue that calls for the deepest kind of ethical thinking of which we are capable. Clergy, ethicists, medical providers, older people, and the American public generally must help those of us in elected office find an answer. It is not the kind of thing we do or want to talk about much. We assume that most people simply want to be kept going by expensive, high-technology medicine. But do they, do we, really? Do we want no expenses barred to keep somebody alive for 3 months or 6 months? I do not know the answers. What I do know is that these are the main questions we should be asking as we look into the future at our aging society.

My intention, Mr. President, is to introduce a bill shortly which does two things. First, it repeals the catastrophic law enacted last year, except for the Medicaid provisions. The repeal would not be immediate but would be phased into protect those people who are already using the program. Second, it instructs the Senate Finance Committee to come back to the Senate in half a year with a proposal for that kind of care for our elderly citizens which treats them with dignity and respects their wishes for the final stage of their lives.

I am concerned that we have developed a program of major care that many elderly people do not seem to want. I am concerned that in so doing we may be trying to play God. In my judgment, the best thing to do is to repeal the program and revisit this critical issue. And we should revisit it in a very sober and very serious way.

Mr. President, I thank the managers of the bill for their indulgence.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The pending business is not debatable, and it is the point of order—

Mr. JOHNSTON. Mr. President, would the Chair withhold? I ask unanimous consent that we lay aside the present matter temporarily for not to exceed 10 minutes, that it do become the pending business at the end of 10 minutes or at the end of the business which we are prepared to transact, whichever is sooner, in order to consider a Bumpers amendment, if Mr. BUMPERS has a contested amendment, and if he is available.

Mr. SYMMS. Reserving the right to object, Mr. President, if I could ask the floor manager to yield for a ques-

tion, Is he asking to set-aside the pending McCain amendment?

Mr. JOHNSTON. The pending McCain amendment and the ruling of the Chair on the point of order as well while they have the powwow going so we can use this time. We would like to get this bill concluded this afternoon. It has a lot of important stuff in it, including the central Arizona project, the central Utah project, all the nuclear weapons of the country, all the national laboratories, and water projects throughout the country. It is an important bill. We want to get it out this afternoon.

Mr. SYMMS. Further reserving the right to object, I certainly agree that this is a very important bill, and I compliment the committee on their expeditious action to bring it to the floor. I just was inquiring as to the opportunity. I wanted to speak to the McCain amendment if it was going to be possible.

Mr. HATCH. Mr. President, reserving the right to object—Mr. President?

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. What is the parliamentary situation?

The PRESIDING OFFICER. The parliamentary situation is that a point of order, two points of order, have been submitted to the Chair against the McCain amendment. The Chair is prepared to rule on those points, but the request of the Chair is that he separate the points of order so the Chair can rule on them one at a time. It is not debatable.

Mr. HATCH. Reserving the right to object, is it possible to find out which of the points of order the distinguished Senator from Louisiana is going to first bring up?

The PRESIDING OFFICER. That is at the option of the Senator from Louisiana.

Mr. HATCH. Would the Senator mention that so we all know where we are?

Mr. JOHNSTON. Mr. President, if I may withdraw my unanimous-consent request and ask unanimous consent that I be recognized to respond for not more than 2 or 3 minutes to the Senator.

The PRESIDING OFFICER. There is a unanimous-consent request of the Senator from Louisiana that he be recognized for 2 minutes to respond to the questions that have been propounded to him. Is there objection?

Mr. HATCH. Without losing the right to the floor, I certainly agree with the unanimous consent.

The PRESIDING OFFICER. The Senator from Louisiana has the floor on the point of order. The reservation of the right to object—

Mr. HATCH. I thought I had the floor. I would be glad to do that. That would be fine.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

The Senator from Louisiana is recognized for 3 minutes.

Mr. JOHNSTON. Mr. President, in answer to the Senator's question, I wanted to wait for the powwow to come back. Perhaps they have worked it out. I have an idea of what I want to do. But I think the majority leader wants a chance to talk to the minority leader before a decision is made. So, Mr. President, I suggest the absence of a quorum.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. Does the Senator withhold his suggestion for a quorum? The Senator has the floor on the point of order, and has the floor on the unanimous consent for 3 minutes.

Mr. JOHNSTON. Mr. President, I would like to expunge the remainder of my 3 minutes from the record and suggest the absence of a quorum.

Mr. SYMMS. Mr. President, would the Senator yield for 5 minutes instead of the quorum call so I might speak?

The PRESIDING OFFICER. Does the Senator from Louisiana withhold the suggestion for the quorum?

Mr. JOHNSTON. Mr. President, I would not, because otherwise we get into a full-scale debate. That is what we either will do or we do not. So I suggest the absence of a quorum.

Mr. HATCH. Would the Senator yield for one question? Because his time has almost expired. Could the Senator just for the purposes of the record tell us which point of order he is going to put forward?

Mr. JOHNSTON. I have an idea, but I am not sure. I want to talk to the leader.

Mr. HATCH. Reserving the right to object, it is my understanding that he can move to a point of order but only one at a time; is that correct?

The PRESIDING OFFICER. The Chair has requested that the Senator separate his two points of order. The Senator from Louisiana has not responded as yet. The Chair made that request. The Chair will rule on the points of order as he makes them, whatever order he makes them in.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I ask temporarily that the Chair withhold a ruling on the point of order and that I may be allowed to speak not beyond 2 minutes.

The PRESIDING OFFICER. Is there objection?

Hearing no objection—

Mr. HATCH. Reserving the right to object, will there be an equal amount of time given to this side?

Mr. JOHNSTON. Mr. President, I withdraw the request.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I ask that I be allowed to proceed for 2 minutes.

The PRESIDING OFFICER. Is there objection?

The Senator is recognized for 2 minutes.

Mr. JOHNSTON. Mr. President, I simply wanted to alert all Senators who have amendments to come to the floor at this time. Senator McCain has agreed that while we have the various conversations going on, that we consider amendments which are noncontroversial, which will not take a great deal of time. That way when we finish this matter, hopefully, we can go to third reading of the bill.

It is very important that we finish this bill today. So I would ask all Senators who have any amendments to please come to the floor, and we would seek to consider those by temporarily laying aside the present business.

I yield back the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the pending matter be temporarily laid aside for not to exceed 10 minutes in order to consider the Bumpers amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 445

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself and Mr. HARKIN, proposes an amendment numbered 445.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. JOHNSTON. Mr. President, I object. I have not seen the amendment so I want to hear it.

The legislative clerk read as follows:

On page 43, line 6, after the word "University", add the following: "; and of which \$3,300,000 shall be available only for the Reduced Enrichment in Research and Test Reactors program and not for program termination activities."

Mr. BUMPERS. Mr. President, this is an amendment which would continue a program that I think has a lot of merit. The whole thrust of it is to develop enriched uranium for research reactors that are being used overseas.

Mr. JOHNSTON. Mr. President, will the Senator yield at that point?

Mr. BUMPERS. I yield.

Mr. JOHNSTON. I hate to interrupt him.

Is this an add-on or a shift of funds?

Mr. BUMPERS. It is not an add-on. It requires DOE to use \$3.3 million of their R&D money.

Mr. JOHNSTON. So then that is within available funds.

Mr. BUMPERS. That is right.

Mr. JOHNSTON. In that case I would say to the Senator that was our understanding and we are prepared to take the amendment to conference.

Mr. BUMPERS. The Senator does not want to hear this barn-burning speech I was getting ready to make? Is that what the Senator is saying?

Mr. JOHNSTON. Mr. President, I would like to hear the speech.

Mr. BUMPERS. Mr. President, he has hurt my feelings, so I am just going to let him accept the amendment.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I would just say this in a more serious vein. I do not know whether this program is going to be fully successful or not, but if we can develop an enriched uranium that we can export to other countries for fueling of their research reactors and this uranium is incapable of being used to produce bombs and reduce the threat of terrorism, it will be the best money we ever spent.

Admiral Watkins, the Secretary of Energy, is hot for the program. I do not know what the administration thinks, but I know Jimmy Carter and Ronald Reagan both thought it was a great program.

We are exporting enough uranium right now to these research reactors to manufacture around seven to eight bombs per year. It is a very dangerous thing, and this whole amendment is designed to eliminate that threat.

Mr. McCURE. Mr. President, will the Senator yield?

Mr. BUMPERS. I will be happy to yield.

Mr. McCURE. Mr. President, this is an amendment which I cosponsored along with the Senator from Arkansas and the Senator from Ohio [Mr. GLENN].

It has been adopted as a provision in a different bill. It belongs in this bill.

I would like to be added as a cosponsor of the amendment if that has not been done, and I ask unanimous consent that I may be made a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCURE. I thank the Senator from Arkansas.

Mr. BUMPERS. Mr. President, I also ask unanimous consent that Senator GLENN and the Senator from Oregon, Mr. HATFIELD, and the Senator from Washington, Mr. ADAMS, also be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. I thank the Chair.

Mr. GLENN. Mr. President, I rise in support of the amendment offered by my friend and colleague from Arkansas, Senator BUMPERS, to increase funding for the RERTR Program by \$2.1 million, to a fiscal year 1990 level of \$3.3 million.

Eight years ago—almost to the very day—I introduced a resolution (S. Res. 179) calling for a variety of measures that are needed to strengthen our efforts to stop the spread of nuclear weapons (see CONGRESSIONAL RECORD, July 17, 1981, p. S7858). That resolution passed by a vote of 88 to 0. Among the measures identified in that resolution was a provision calling upon the President to take immediate actions aimed at:

... limiting the size of all research reactors transferred, eliminating the use of high enriched uranium in such reactors, and obtaining the return of spent research reactor fuel to the country of origin.

The RERTR—or Reduced Enrichment of Research and Test Reactors—Program provides technical assistance to other nations so that they can convert their weapon-grade uranium research reactor fuels to low-enriched fuels that cannot be used in nuclear explosives. The program has already developed fuel types that can be used at about 90 percent of existing research reactors—the remaining 10 percent, however, still require about 300 pounds each year of bomb-grade nuclear fuel from the United States.

Thus, although RERTR has had significant technical accomplishments in its 11 year history, its job is not yet done. The additional funding sought by Senator BUMPERS and supported by the Secretary of Energy, Admiral Watkins, is a good investment in a good program. It will keep America's global leadership position in the field of low-enriched research reactor fuel development, and it will sustain a strong technical contribution to our global nuclear nonproliferation policy.

I commend Senator BUMPERS for his wisdom in introducing this amendment, and I commend Admiral Watkins for his recognition of the importance of this program to the nation's

effort to reduce the risk of nuclear terrorism and proliferation.

Mr. President, I ask unanimous consent to insert a few excerpts on the accomplishments of the RERTR Program from President Bush's Annual Report to Congress on Nuclear Nonproliferation, which was just sent to Congress on July 19. These comments clearly show the contributions that RERTR is making to our nonproliferation policy and to our national security.

I urge you to join us—as well as other diverse supporters of the RERTR Program including former Under Secretary of Defense Fred Ikle, Ambassador at Large for Nuclear Nonproliferation Policy Richard Kennedy, former ACDA Director Ken Adelman, Representative MARILYN LLOYD, the Nuclear Control Institute, the Federation of American Scientists, and other groups and individuals—in support of this program and Senator BUMPERS' amendment.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

REPORT TO CONGRESS PURSUANT TO SECTION 601 OF THE NUCLEAR NON-PROLIFERATION ACT OF 1978 FOR THE YEAR ENDING DECEMBER 31, 1988

To the Congress of the United States:

I have reviewed the activities of the United States Government departments and agencies during the calendar year 1988 related to preventing nuclear proliferation, and I am pleased to submit my annual report pursuant to section 601(a) of the Nuclear Non-Proliferation Act of 1978 (Public Law 95-242).

As the report demonstrates, the United States continued its efforts during 1988 to prevent the spread of nuclear explosives to additional countries. This is an important element of our overall national security policy, which seeks to reduce the risk of war and increase international stability. I want to build on the positive achievements cited in this report and to work with the Congress toward our common goal: a safer and more secure future for all mankind.

GEORGE BUSH.

THE WHITE HOUSE, July 19, 1989.

REDUCED ENRICHMENT FOR RESEARCH AND TEST REACTORS

The Reduced Enrichment for Research and Test Reactors (RERTR) Program was begun in 1977-78 as a result of Congressional and public concern about the possibility of diversion of highly enriched uranium (HEU) to nuclear weapons by nations or terrorists. The objective of the program is the reduction of the need for HEU in commerce through: (1) development of low enriched uranium (LEU) fuels for research reactors which can be substituted for existing HEU fuels; (2) assistance in developing qualified LEU fuel suppliers; (3) encouraging suppliers of test and research reactors to design and market only LEU fueled reactors; and, (4) encouraging test and research reactor operators to convert existing reactors to LEU fuel use. The RERTR program has continued to produce successful results during 1988. LEU fuel technology appropriate for over 80% of existing research reac-

tors that use LEU fuel has been developed. Argentina, Canada, the FRG, France, and the U.S. now market LEU fuels, and Denmark and the UK may do so in the future. Ten reactors in nine countries have converted to LEU fuel, and nine other reactors are in advanced stages of the process. The RERTR program is discussed in greater detail in the next chapter.

D. REDUCTION OF ENRICHMENT IN FUEL FOR RESEARCH AND TEST REACTORS

The Reduced Enrichment for Research and Test Reactors (RERTR) program, established by the United States in 1978 to develop low-enriched uranium (LEU) fuels to replace weapons-grade highly-enriched uranium (HEU) fuels in research reactors, continued to make progress. At the eleventh annual international RERTR meeting, held in September 1988, 84 participants from 17 countries and the IAEA presented and discussed 34 papers. The papers and discussions reflected excellent results in the testing and licensing of high density (up to 4.8 grams uranium per cubic centimeter) LEU silicide fuels. There were also discussions of the continued progress in research into replacement of HEU by LEU in targets for the production of molybdenum-99 for medical uses. Argonne National Laboratory (ANL) reported on new fuel fabrication techniques which could lead to successful development of very high density LEU silicide fuels needed to convert the very high powered research and materials test reactors to use of LEU.

On July 18, 1988, the NRC issued NUREG-1313, granting formal and generic approval of the use of uranium silicide (U3Si2-A1) fuel in research and test reactors, with densities up to 4.8 grams of uranium per cubic centimeter. In addition, 4 university reactors in the U.S. have already converted to LEU and 2 others have ordered LEU. Coordination of safety calculations and evaluations for seven other U.S. university reactors is well underway.

Internationally, cooperation continues among major fuel fabricators, commercial vendors and reactor operators. ANL has cooperated in every aspect of LEU conversion under joint study agreements covering 10 U.S. reactors and 24 reactors in 19 other countries.

The United States remains the principal exporter of HEU for use as fuel in research and test reactors. Some 43 reactors abroad with power levels equal to or greater than 1 megawatt, which require regular refueling, continue to use HEU. However, most of these can be converted to LEU fuels, with relatively few technical changes, as soon as host government nuclear authorities license the new fuels for full core use. Two reactors abroad have fully converted to LEU and 4 others have partially converted. In addition, 37 research reactors with power levels of less than 1 MW, which rarely need refueling, continue to use Western origin HEU. In 1988, approximately 366 kilograms of HEU for seven research and test reactors (including 136 kilograms of 45 percent enriched uranium for two Japanese reactors) was licensed for export from the United States. The 1988 total also includes 10.7 kilograms of HEU exported for use as targets for the production of medical isotopes in various reactors in the European Community.

Conversions to LEU have been relatively slow because schedules ordinarily are dictated by the fuel inventory at each reactor. Moreover, since the U.S. leads the RERTR program, other countries have waited for results of fuel tests such as the Oak Ridge Re-

actor LEU silicide fuel demonstration completed in March 1987, and licensing actions such as the July 1988 NRC issuance of NUREG 1313 approving medium density silicide fuel for use in U.S. research and test reactors. In each country, several years are needed to complete safety analyses and obtain authorization to use the new LEU fuels. Lower power reactors which use fuel slowly can take 5 to 10 years to convert as LEU gradually replaces HEU in the fuel core. In some countries, licensing authorities are imposing substantial higher safety standards ("backfitting") before use of the new LEU fuels are authorized.

Is there any further debate? There being no further debate on the amendment, the question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 445) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that I be allowed to proceed for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, we have asked twice here on the floor that any Senators who have amendments, other than the pending amendment, come to the floor so we can attend to those amendments.

I have gotten no response from Senators and after the expiration of a reasonable amount of time I would like to ask for unanimous consent that no other amendment be in order on this bill other than the pending matter and germane amendments thereto, if found to be in order under the rules.

I do not ask that at this time but I would like to ask that in 10 or 15 minutes.

As I say, two or three times here we have asked Senators to come to the floor. I know of no amendment. No Senator has told me that he has an amendment. So, in 10 or 15 minutes I will make that request.

I yield back the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that I be allowed to proceed for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, about 25 minutes ago, I said that within the next 10 or 15 minutes I would ask unanimous consent that all amendments other than the pending matter and germane amendments thereto be declared out of order if no Senator put me on notice that he had an amendment. I have not been informed of any such amendment. On a couple of occasions prior to that time, I had also asked Senators to come to the floor. So I therefore, Mr. President, ask unanimous consent that no amendments to this bill be in order other than the pending matter and any germane amendments thereto in order under the rules.

Mr. KASTEN. My understanding is that our side of the committee has no objections to that request.

Mr. JOHNSTON. I am sure that is correct. Senator HATFIELD was here at the time.

Mr. KASTEN. We have no objection.

Mr. HELMS. Mr. President, reserving the right to object.

The PRESIDING OFFICER. Is there objection to the request?

Mr. HELMS. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I suggest the absence of a quorum. I wish to talk to the managers of the bill.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. I renew the unanimous-consent request.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

Mr. JOHNSTON. I thank the Chair. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I ask the distinguished chairman of the Appropriations Committee to listen to this request. I am not sure that this was carried as part of my last unanimous-consent request, but I would ask unanimous consent that at the conclusion of action on all amendments which are in order under the unanimous-consent request, we proceed immediately to third reading without additional action, motions, or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORE). Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL CONFEREES—H.R. 2788

Mr. BYRD. Mr. President, the chairman and ranking member of the Appropriations Committee are ex officio members on all conferences dealing with all appropriations bills. There are 13 regular bills and the Senator from Oregon being the ranking member on the full Appropriations Committee is entitled to be in that conference on the Interior bill.

Yesterday, when I named the conferees I inadvertently failed to include his name.

Therefore, I ask unanimous consent that Senator HATFIELD, who is an ex officio on all subcommittees, be included among the conferees and that Senator INOUYE, as the ranking Democrat, be added as a conferee on the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is a statement by the manager of the bill as to which of the two points of order earlier mentioned he seeks to pursue first.

Mr. JOHNSTON. Mr. President, the distinguished majority leader had a unanimous consent to be made first.

The PRESIDING OFFICER. Without objection, the majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senator from Louisiana be recognized to select the point of order which he is about to make; that immediately following that, the Senator from Arizona be recognized to make a motion to waive the point of order; that there then be 30 minutes of debate on the motion to waive the budget point of order equally divided between Senator McCAIN and Senator BENTSEN or their designees; and that on the completion of that debate, or the yielding back of time, there be a vote on the motion of the Senator from Arizona to waive the point of order.

Mr. DOMENICI. Mr. President, reserving the right to object, I just want to make an inquiry. The Senator from New Mexico might want to ask some questions and perhaps use a little bit of time when the motion to waive is debated. I wonder if the majority leader might add to the 30 minutes equally divided 15 minutes to the Senator from New Mexico.

Mr. McCAIN. Mr. President, it is OK with me if it is OK with the other side. It seems to me, if we extend the time, we should give the other side 15 minutes additional as well.

Mr. MITCHELL. Could the Senator from New Mexico indicate, is it his intention to use his time in support of the Senator's motion or in opposition?

Mr. DOMENICI. I can be honest with you. It depends on what I hear in answer to some questions that will be made here on the floor.

Mr. MITCHELL. I think in fairness to both sides—

Mr. DOMENICI. That is fine with me.

Mr. MITCHELL. There ought to be equal time. Accordingly, I amend my unanimous-consent request to ask that there be 60 minutes of debate equally divided under the control of Senator McCAIN and Senator BENTSEN or their designees, and in all other respects, the unanimous-consent request to be as previously stated.

The PRESIDING OFFICER. Is there objection?

Hearing none, that will be the order.

The time will be limited to 60 minutes equally divided on a motion to

waive the point of order, motion to waive the budget resolution, if that motion is made by the Senator from Arizona.

The Senator from Louisiana is recognized under the order to select which of the two points of order he wishes to pursue at this time.

Mr. JOHNSTON. Mr. President, reserving all rights under the point of order that relate to legislation on the appropriation bill, I make a motion under section 311(a) of the Budget Act that the amendment is not in order, because it exceeds by several billion dollars the allocation allowed to this committee and to this bill under the Budget Act. It would therefore put the whole bill in jeopardy.

I make that motion.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I move to waive those provisions of the Budget Act which apply to this amendment.

The PRESIDING OFFICER. The motion is debatable. Time is divided with 60 minutes equally divided.

Mr. JOHNSTON. Will the Senator from Texas yield me 3 minutes?

Mr. BENTSEN. I am delighted to yield 3 minutes to the manager of the bill.

Mr. JOHNSTON. I thank the Senator from Texas for yielding to me.

Mr. President, the position of manager of an appropriations bill is a difficult and responsible position. In this appropriation bill, as I have said before, we have all the nuclear weapons of the United States, all of our national laboratories, all of our water projects for the country, including the biggest water project in the whole country, which is the central Arizona project. We have many life and death projects involving life and limb, with respect to flooding, in my State and other States. We have all of the Department of Energy, nuclear cleanup, which is a huge problem, nuclear waste. We have general science and technology.

Mr. President, I know the Senate knows, and I tell the American public, it is a vitally important bill. Now, I am for what the Senator from Arizona is trying to accomplish, as I understand it. I am not an expert in that area, but as I understand it, I am for wanting to accomplish that. But, Mr. President, if we accepted that amendment on this bill, it would not only violate the so-called Gramm-Rudman law, but it would make our whole bill subject to a point of order so that the whole bill would fall, if challenged under a point of order.

So, Mr. President, my only alternative is to make a point of order, not because I disagree with what the Senator is trying to do, but because that is the law that we have passed for our-

selves; and if we are going to waive it, it seems to me that we might as well waive the whole budget discipline.

I am advised by my colleague from Texas, Senator BENTSEN, that there will be other ways, other legislative vehicles on which this matter may be considered by the Senate. I hope so. It is not my intention, I repeat, to oppose this matter on its merits. It is my intention to protect the bill that I have responsibility for, which is a vital part of the Nation's national defense, of its scientific efforts, of its waste cleanup, of its nuclear cleanup, of its water projects, providing for life and limb.

So, Mr. President, I hope my colleagues understand that. It is part of my responsibility, I believe, as a manager of this bill, to do that.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Mr. President, I yield 5 minutes to the Senator from Utah.

Mr. HATCH. Mr. President, I again rise in support of the amendment offered by the distinguished Senator from Arizona to delay the implementation of many of the provisions of the Medicare Catastrophic Coverage Act of 1988. I believe that we in Congress have to respond now to the fire storm of discontent among our seniors. We have to delay provisions of this act not already implemented to allow time for an adequate examination of the problems with this law.

It has been almost 2 months since this amendment was offered to the supplemental appropriations bill. The Finance Committee hearing has been held and we are grateful about that. New CBO numbers have been put forward. Yet, there has been no legislative action. I know we are all still receiving letters and phone calls from angry seniors. Seniors around this country are angry with that act for three basic reasons. First, they do not like the cost and financing this particular plan. Second, they do not like the particular benefits that Congress has dictated that the plan include. And, third, and perhaps most important, they do not like the Federal Government mandating that they must participate in this new program.

Two months ago, my colleagues passed a substitute resolution asking that the Finance Committee consider modifying the act prior to September 1989. Well, we are now only a few days away from August recess and therefore September. Although there seems to have been much activity surrounding revising this act, there has been no clear action. In fact, I think that there is even greater uncertainty and controversy surrounding this particular bill today.

Over the past few months, a great number of experts have been revisiting the act to try and find answers to

the concerns raised by our Nation's seniors. The Joint Center on Taxation, the Congressional Budget Office, and even Secretary Sullivan have been re-examining the projected revenues and expenses associated with this act in an effort to respond to concerns about financing. During the recent Finance Committee hearing, the Congressional Budget Office released new projections which suggest that the previous estimates of an \$8 to \$10 billion surplus over 4 years, have now been reduced to a \$5 billion surplus. So, in just a few months, the CBO estimates of what this program will cost have increased by \$3 billion. Mr. President, that's not just a rounding error. Clearly, a high degree of uncertainty continues to surround this act. And I am fearful that if we don't put the brakes on those parts not implemented, we will find ourselves with even different dollar projections in the next 3 months.

On top of this uncertainty, there is still a lot of controversy over what benefits to include in the bill and who is going to pay for them. The Finance Committee has held two hearings already—after the bill was signed into law—and the House Ways and Means and Energy and Commerce Committees have also been reviewing this law. Now, I will be the first to agree that controversy can be good, it helps us design good law in the spirit of the democratic process. But the evolution of controversy into good public policy takes time.

I am concerned that the quick-fix legislation which passed by a narrow margin—19 to 17—in the House Ways and Means Committee is an example of good controversy gone bad. The Ways and Means proposal would cut the supplemental premium, while increasing the flat premium. It will also increase certain deductibles. Now I'm sure that this may make some seniors happy, but I'm equally sure that it will further burden the low-income elderly. And, it truly does not reflect senior's malcontent. These mandated benefits, which they may not want, will be forced upon them.

And, remember that the projections which have driven these premium revisions have changed by \$3 billion in 2 months. Rather than attempt a quick fix, what we really need to do is to take the time to reconstruct a package of benefits that seniors are willing and able to purchase at an affordable cost.

Now, I have a lot more that I would like to say, but my time is basically up.

The House Ways and Means Committee has also attempted to dupe our seniors into believing that this will now be a voluntary program. It will be voluntary all right, if you close your eyes and ignore the big stick above your head. They say seniors may opt out of catastrophic, but they will also lose their part B benefits. Let us face

it, in reality this claim is simply a false political promise to our Nation's senior citizens. Part B benefits are subsidized at 75 percent of the cost. Part B benefits provide seniors with services they need like physician visits and outpatient services. The so-called voluntary approach is misleading, and, I, for one, am not willing to lead seniors on by telling them this really gives them a true option. Our colleague from Wyoming has a proposal which makes the catastrophic program truly voluntary. This is what we should be doing—not merely making another illusory promise to placate our senior constituents.

Given the high degree of uncertainty and controversy which continues to surround the Catastrophic Act like a black cloud, I suggest that we in Congress have no choice but to delay the implementation of these benefits in order to give us the time to thoroughly revisit the act. The McCain-Hatch amendment would protect those benefits which have already gone into effect. These include long-term hospitalization and skilled nursing benefits as well as the spousal impoverishment provision. These benefits can be paid by continuing the flat monthly premium.

The remaining catastrophic provisions would be delayed for 1 year pending review by Congress. The amendment would delay collection of the surtax as well as the cap on physician expenses and the prescription drug benefit. I would like to point out that these are some of the areas of greatest financial uncertainty.

Some of my colleagues have suggested that we cannot delay implementation of the Catastrophic Act because of its net budget effect. According to the Joint Tax Committee, the net effect of this amendment would be several billion dollars increase in the budget deficit. This financial impact is not because we will be paying more in benefits to seniors than we are collecting in revenues. It is because we will not be collecting surplus revenues from seniors for which they will receive no immediate benefits.

I think we have to be honest. We are taxing the senior citizens of America to finance the deficit. It makes our balance sheet look better so we will not have to make tough choices in other areas of Federal spending. We will not have to tighten our belts with regard to other Federal spending programs.

Mr. President, I do not think we should balance the budget on the backs of seniors, and I urge our colleagues to join us in trying to get this matter up to a vote and voting on it.

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator has used the 5 minutes allocated to him.

Mr. HATCH. If I could just have 30 more seconds I will finish.

Mr. McCAIN. I yield 2 additional minutes to the Senator from Utah.

Mr. HATCH. I thank my colleague.

I am especially concerned that sound health policy, such as the development of a package of catastrophic benefits that seniors are willing and able to purchase at an affordable cost, should be destroyed by a need for a quick fix because of budget concerns.

We are talking about having the senior citizens pay for the budget, and I think that is wrong.

The reaction against the Medicare Catastrophic Coverage Act for our Nation's seniors has been long and loud. We, in Congress, have a chance to take positive steps to demonstrate our willingness and ability to respond to these constituents through the passage of this amendment.

Mr. President, let us be super clear on this: If we do not have this amendment adopted, then we are going to have seniors charged right on up through the end of this year and right into the next year and there will be no resolution of this problem. We will have budgetary difficulties in the future. I think CBO will revise its estimate and I believe that we are all going to be embarrassed by this in the future and, what is more, we are going to have every senior in America who is forced and mandated to pay into this program irritated and mad.

Some of them can afford to, but many of them cannot.

Mr. President, I personally pay tribute to the distinguished Senator from Arizona. It is not easy to bring these kinds of amendments up. It is irritating to a number of people and a number of the lions of the Senate and rightly so. On the other hand, he is representing the needs of senior citizens all over this country who I think really do want this amendment to pass.

The only way it is going to is if we grab the bull by the horns and get it passed.

I yield the remainder of my time back to the distinguished Senator from Arizona.

Mr. DOMENICI. Mr. President, will the Senator from Arizona yield some time to the Senator from New Mexico?

Mr. McCAIN. I am glad to yield. How many minutes would the Senator require?

Mr. DOMENICI. I would like about 7 minutes.

Mr. McCAIN. I yield 7 minutes to the senior Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wonder if the distinguished chairman of the Finance Committee might indulge the Senator from New Mexico? I am going to make a few statements that I think are true. If they are not, I would very much appreciate it on my time if he would tell me they are not.

It is my recollection that the catastrophic health insurance bill was a

freestanding bill that cleared in the normal legislative process after an ordinary conference between the two committees of jurisdiction and thus was not passed by Congress as part of a reconciliation act.

Second, when we passed that bill, there were certain estimates which one might call the front-end loading on the revenue side, kind of a temporary trust fund, because revenues were going to be collected before they were needed; and so what we have here is a 1990 budget that is counting on these up-front revenues that are not needed in 1990, but at some point in the future of the program as passed they obviously would be needed.

So that when someone offers to substantially modify that bill, so as to reduce any of the revenue base, surtax or otherwise, obviously you are depleting a portion of this temporary trust fund, this revenue accumulation which is being counted in the 1990 budget base.

So, in a sense, we are sort of in a hiatus because you cannot change the substantive provisions because to do that, if you save on revenue, you are out of order.

I do not quibble with that. I do not like to come to the floor and be part of waiving the Budget Act, but I want to suggest both to the distinguished chairman of the committee, and I see the majority leader on the floor, it is obvious that there is a pent-up frustration in the Senate. They want a vote on a significantly different catastrophic health insurance bill. Maybe that is an overstatement. They want it changed. There are some who do not want any surtax. There are some who want dramatic changes in the benefits. There are some who perhaps even want the general revenue to pay for it all and not have any surtax.

Nonetheless, Senators would like to vote on some changes.

We have on at least three occasions voted here perilously close to modifying this bill without the Finance Committee, the committee of jurisdiction, having brought us a reform bill.

I believe the Senate is going to do that sooner or later, unless the Finance Committee brings us a reformed catastrophic health insurance bill that at least the majority of the Senators who understand it now can vote for.

Mr. President, I say to the chairman of the Finance Committee and the majority leader, I remain very concerned about whether we are going to deny the Senate an opportunity to work its will on a catastrophic health insurance bill.

Let me just ask the question very, very forthrightly: Is it the intention of the Finance Committee chairman or the majority leader to bring the amended catastrophic health insurance bill to the floor in the same mode that it was created, a freestanding bill,

thus it is subject to amendment, modification, substitution, or is it the intention of the leadership to bring it in the nature and in the form of a reconciliation bill?

If it is the latter, that it is going to be in a reconciliation bill, then I think all Senators should know that they are not going to get a chance to work their will because under a reconciliation bill there is an absolute strict germaneness rule which will permit those who are managing the bill to prevent amendments of almost any significant or substantive nature from being made here on the floor because they violate the rules on reconciliation.

I am not all sure, I say to the chairman of Finance and to the majority leader, that there are not some Senators who will move to waive the Budget Act if they do not think that they are going to have a chance to work their will on the floor of the Senate. I can tell you honestly that I do not believe Senators understand that.

I think if they understood that it is the intention to bring catastrophic health insurance to the floor in a reconciliation bill, they will be very reluctant to let a procedural matter such as a point of order stand in the way of them having a chance to work their will.

I urge that you commit to the Senate that if they will sustain this point of order, that it is the intention of the leadership to bring catastrophic reform to the floor before the year is out in a freestanding bill. You might say the House did it in reconciliation.

Well, they are under fire for their bill, but let me suggest to Senators reconciliation in the U.S. House of Representatives is no different from any other bill. The Rules Committee controls the amendments. They have no supermajorities and no points of order.

In the U.S. Senate a reconciliation bill is quite different. It is the substantive law of the land applied to this Senate that you cannot amend or modify in any substantial way any measure included in a reconciliation bill.

I submit it is not fair. It should not be handled that way. It did not start that way and to now clutter it up in the tax-raising revenue in all the other reconciliation and prohibit substantial votes on the Senate floor is not a fair way to treat this.

I say to my friend from Arizona he may lose today—

The PRESIDING OFFICER. The Senator has used the time allocated.

Mr. McCAIN. I yield an additional 2 minutes to the Senator from New Mexico.

Mr. DOMENICI. I say to my friend from Arizona he may lose today, but there are other Senators who are going to get the gist of this debate

today. There are some who will read these remarks tonight and before we are finished with the appropriations process, it is going to come to their attention that if we cannot get a commitment that catastrophic health comes to the floor freestanding or an agreement in advance that we can waive the germaneness rule for catastrophic insurance protection, if it is in reconciliation, I submit to you, I say to my friend from Arizona, you win. You will not win today. But unless it is clearly indicated that we are going to have a chance to work our will on that, subject to the same kinds of points of order but on a freestanding bill, I submit you might win tomorrow, you might win the day after tomorrow, because many who will vote to sustain the point of order today will join together to find a way to see that they are given a chance to vote on substantive matters pertaining to modifying the catastrophic health insurance bill.

I hope we would resolve it with the leadership committing that they will not put catastrophic health insurance in reconciliation. I hope, if they do not want to do that, they would agree today by unanimous consent to waive the strict germaneness rule so when reconciliation comes we can vote on it. In which event, if I am not here, I say to my friend, you should ask for some additional time, also, since the time is very limited on reconciliation, a few hours, so that you can debate it thoroughly. I hope this occurs.

The Senator from New Mexico does not like to waive the Budget Act but, frankly, this one is couched in a lot of technical things. There are a lot of reasons that we ought to fix the catastrophic health insurance. It is the will of the Senate. And this surplus fund was not even understood by people and now it is a point of order. Many Senators did not know we had this advance payment that was being used in the budget kind of as a surplus that was not needed to balance and get to the 1990 targets.

I thank the Senate for its indulgence and the Senator from Arizona for his time. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BENTSEN. Did the Senator say he wanted me to answer his question on his time?

Mr. DOMENICI. Mr. President, I believe that we do not have very much time. I had, essentially, 15 minutes. If the Senator would care to answer whether he intends to bring the catastrophic to the floor on reconciliation or freestanding, I would yield off of my time for any answer to that.

Mr. BENTSEN. I would be happy to. Let me say to the distinguished Senator—

The PRESIDING OFFICER. Does the Senator from Arizona yield for the

purpose of a response, or does the Senator from Texas take it from the time he is responsible for?

Mr. BENTSEN. The Senator from New Mexico said he wanted me to answer the question he was asking of me on his time.

The PRESIDING OFFICER. The Senator from Arizona is responsible for the time on his side.

Mr. DOMENICI. Let me say to the Senator from Arizona—I could have misspoken—if it leaves him without sufficient time, I certainly would not want that to occur, although I think it is very important to hear from the chairman of the Finance Committee.

Mr. McCAIN. How much time does the Senator from Arizona have?

The PRESIDING OFFICER. The Senator from Arizona has 13 minutes and 12 seconds.

Mr. McCAIN. And the Senator from Texas?

The PRESIDING OFFICER. The Senator from Texas has 27 minutes and 6 seconds.

Mr. McCAIN. I yield 3 minutes to the Senator from Texas off my time so that he may respond. I hope that is enough time for a response to the question of the Senator from New Mexico.

Mr. BENTSEN. That is fine; and I would be delighted to answer.

First: Let us review what was done initially. The Finance Committee brought the catastrophic bill to the Senate as a freestanding bill, just as the Senator stated. Frankly, that is always my preference and that is what I would like to do this time.

But I cannot stand before you and say that I can commit members of my committee, to that course of action. I do not have the authority to do that, and I would not mislead you by saying that I do.

With respect to trying to achieve what the Senator is seeking, that is to see that there is additional time to debate the catastrophic provisions if they are a part of reconciliation—to the extent that I can, I will work toward that and I would vote to permit the additional time.

Regarding points of order, I say to the Senator—and I may have second thoughts unless the Senator can support me in giving the Finance Committee adequate time to develop responsible alternatives—I would be willing to work to assure that any amendments to the catastrophic provisions of a reconciliation bill are presented before this Senate and all Senators are given a chance to vote on them.

Now, I hope those assurances satisfy the Senator. Otherwise, I withdraw the offer.

Mr. DOMENICI. I might say to my friend, it is not a question of satisfying the Senator from New Mexico.

Mr. BENTSEN. Satisfying the Senator from New Mexico is very important to me.

Mr. DOMENICI. No, it really is not. The germaneness rule is not a rule of the Senator. The germaneness rule is a rule of the Senate. So any Member of this Senate can come to the floor, when you bring this to us in a reconciliation bill, any amendment to change it is subject to a point of order for being nongermane. We do not use germaneness around here. That is why we are free to offer any kind of amendment.

This is a whole new set of laws that the Budget Act brought in. I am concerned that almost any substantive amendment offered to reconciliation as to catastrophic is out of order because it is not germane. And that is why I am urging that you bring it to us freestanding, because then the normal rules of the Senate are in effect. It is not a question of time. It is a question of germaneness.

Mr. BENTSEN. I quite understand that, I say to the Senator, and I would be delighted to bring a catastrophic reform proposal to the Senate as a freestanding bill, but I cannot commit my committee to that. That is a decision I have to reserve to the committee.

I would also state that if it, the reform proposal, was a part of reconciliation and more time was needed for debate, I would support an effort to allocate more time. And to the extent that amendments were offered on the catastrophic provisions of reconciliation, I would do my best to see that the Senate had an opportunity to vote on them.

Mr. DOMENICI. I thank the Senator.

Mr. HATFIELD. Mr. President, will the Senator yield me 3 minutes?

Mr. BENTSEN. I am delighted to yield 3 minutes to the distinguished Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is yielded 3 minutes.

Mr. HATFIELD. Mr. President, there is nothing more difficult to explain to the general public than our procedures and our rules and our traditions around the Senate. You either voted for or voted against catastrophic illness on a situation that we find ourselves in now.

But I would like to make one brief attempt to say to the Senator from Arizona that I voted for that proposal that he offered before and which he is offering again, and I supported it, the whole theory behind it. And I am on record.

But I want to say, Mr. President, let us be practical and realistic for just a moment. Let us assume that the McCain amendment is attached in some way or another to this energy

and water appropriation bill. Where does it go? Where does it go? We perhaps will have a conference by next Tuesday with the House of Representatives. It is not going anywhere.

On the traditions and the rules of procedures of the House and the Senate, this bill is subject to a point of order in the House. It will never get out of conference. So what has been accomplished by the Senator from Arizona?

I will tell you what I think. The Senator has raised the hopes of those people out there who find this a difficult problem and whom I totally empathize with, that somehow on this day the U.S. Senate did something corrective, substantive, for this problem that they see in the current catastrophic illness law, when actually it will not have happened. It will raise hopes without any possible odds of seeing them fulfilled. I do not think that is a very wise thing. I do not think it is very kind to the people we are trying to help.

Now, let us take this one step further. Let us say that this is of such controversy, of such popular support, that the House conference on energy and water accepts this if it were attached. I am carrying through a speculative circumstance. Do you have any thought in your mind that DANNY ROSTENKOWSKI, the chairman of the House Ways and Means Committee, would sit there and let that come back to the floor of the House of Representatives as a conference report and be adopted? Of course not. Not a person in this body who is familiar with the power structure of the House of Representatives and the procedures and the points of order would ever have, for one moment, a reason to believe that this is going anywhere, even if it were adopted on this bill.

For goodness sake, let us move these appropriations bills through the Senate and get some kind of an order out of this chaotic business that we always have of taking school prayer, abortion, and now catastrophic illness as traditional ways of trying to resolve a substantive issue when it is never resolvable.

I urge the Senator to reassess his situation at this moment. I do not think it helps the morale of those people up there to give them a signal when we know very well that signal of resolving this issue does not mean a thing. It is not going to go anywhere. It is going to the junk heap, and that is the legislative junk heap of procedures.

I just want to lay that out because maybe the Senator is not familiar with the appropriations process as it gets into conference. It is a very intricate one. It is a very complex one.

I am just saying that the Senator can succeed on this vote and get the bill attached, but I say to the Senator, that bill will never get out of the con-

ference. And if by some miracle of the heavens opening and the Lord stepping into the situation it did get out of conference, Chairman ROSTENKOWSKI, sitting over there, is not going to let the appropriators of either the House or the Senate make a determination on this substantive issue.

Mr. McCAIN. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 1 minute.

Mr. McCAIN. Mr. President, I am very intrigued and, of course, always educated by the very erudite statements of the distinguished Senator from Oregon and I appreciate very much his explaining the process to me. I am somewhat puzzled, however, perhaps because of my naivete, as to what chance my colleague thought there would be that Mr. ROSTENKOWSKI would approve this amendment the last time—when the Senator from Oregon voted for it on the dire emergency supplemental appropriations bill. I think the circumstances are basically the same, yet on the last appropriations bill the Senator from Oregon chose to vote for the amendment which did not have a snowball's chance in Gila Bend, AZ, of Mr. ROSTENKOWSKI allowing it to go to the floor, and this time he will choose to vote against it. It certainly is his prerogative to do so.

This is in appropriations bill. The last amendment was on an appropriations bill as well.

I reserve the remainder of my time.

Mr. EXON. Will someone yield for a question? Will someone yield me 30 seconds to ask a question?

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. I will be glad to yield 30 seconds or how much time the Senator from Nebraska wishes to use.

Mr. EXON. I thank my friend. He knows I have been with him, working with him closely on this issue.

The question I have to ask is, If this amendment passes and if it is accepted by the House of Representatives and if it comes back to us and both Houses pass it and it goes to the President of the United States, the last I heard the President of the United States had some grave reservations about this bill and I am trying to decide what is my proper vote here. Because there are important water projects in this bill that have been hammered out.

Is there any chances that the President of the United States, who might not be happy with some of the provisions, would be also further unhappy if this amendment were attached to the bill? And would that likely risk the chances of a Presidential veto or heighten the chances of a Presidential veto?

Mr. McCAIN. Mr. President, I would respond to my friend from Nebraska, I

do not know what the administration will do on this. I think, if past history is any indication, they would be very reluctant to veto, on one issue, a bill of this importance.

I reserve the remainder of my time.

Mr. BENTSEN. Mr. President, I yield 4 minutes to the distinguished ranking minority member of the committee, the distinguished Senator from Oregon, who I think can address the question of the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I think I can answer the question of the Senator from Nebraska 90 percent. I think the President would veto it. Not because he does or does not like the health care provisions of it.

But what happened—and it is nobody's fault—is this is a disagreement between people of good faith. We passed this bill last year and in our wisdom, and it was wisdom, we thought we should build up a little bit of a reserve fund before we start paying out benefits. That makes good, practical, sound sense. So we passed the law. And before this ruckus ever came up, in the budget was presumed roughly \$4 billion of revenues coming in next year, as sort of an advance payment on this fund. So that is not built into the budget.

If the money is not there, then we are probably over the limit that will require a sequester. That is how close we are to that \$110 billion that the President will have to make a decision on in September.

He has not said this. I am 90 percent sure. I think he will veto it; not because of this issue but because of the \$4 billion.

Here is what I think is going to happen, if the Senator from Arizona will give us a chance. I voted for this bill. I thought it was a good bill a year ago. I still think many portions of it are good and I would support many portions of it. I discover, as I talk to people about this bill, it is the tax they do not like, not the benefits.

Several of the groups representing the elderly have come in and said they want to keep all the benefits. They simply want the general taxpayer to pay for it, not the beneficiaries; or they want it to be a flat fee for everybody who is a beneficiary, not scaled up.

Those are arguments as to whether or not we should pay for it or who should pay for it. Most people, I find, want a lot of the benefits.

So here is what I predict will happen, and I think the Senator from New Mexico, Senator DOMENICI, was probably right. Senator BENTSEN and the Finance Committee and administration in this case will find some way, somehow, to work out something so

that the supplemental premium will be dramatically scaled back. I do not want to say it will be eliminated, but certainly dramatically scaled back.

We will still be \$1.5 billion, \$2 billion, \$2.5 billion short of the \$4 billion revenues and we will find some way to get those revenues. And we will come back with a package I will predict will pass 75 to 25. That is not a promise. That is just my guess based upon 20 years' experience.

But absent anything else, there is \$4 billion of revenues that the administration was presuming, that we were presuming, that the House was presuming, all in good faith. There is no malice involved in this.

I think the President will have to veto it or face the sequester, and that is not something any of us want, including, I think, the Senator from Arizona.

So I would hope we would sustain the point of order, not vote for the waiver. And then I will predict we will reach, somehow, a solution to this problem.

I thank the Chair, and I thank the Finance Committee chairman for giving me the time.

The PRESIDING OFFICER. Who yields time?

Mr. BENTSEN. I yield a minute to the distinguished majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, in response to the question of the distinguished Senator from Nebraska, I ask unanimous consent there be printed in the RECORD a letter from the President of the United States to the chairman of the House Ways and Means Committee opposing any effort to change this program and stating that we should not reopen this legislation. The letter is dated April 21, 1989. To my knowledge, the President has never repudiated this statement or reversed it.

So in response to the Senator's question, the President has expressed this in writing and I believe orally. And I understand his staff is now outside here, working in opposition to the position of the Senator from Arizona. The President's strong opposition to that has been noted.

I ask unanimous consent this be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, April 21, 1989.

HON. DAN ROSTENKOWSKI,
Chairman, Committee on Ways and Means,
House of Representatives, Washington,
DC.

DEAR MR. CHAIRMAN: As Vice President, I supported President Reagan's signing H.R. 2470, the Medicare Catastrophic Coverage Act of 1988. This social insurance legislation, sponsored by yourself, Chairman Bentsen, and other Representatives and Senators, provides essential protection to 33 mil-

lion elderly and disabled Americans. Because of this legislation, Medicare beneficiaries need no longer fear financial devastation that might be caused by long hospitalization and catastrophic illness.

Senator Bentsen has recently raised a question about the financing of Medicare catastrophic benefits in a letter to Secretary Brady. I am informed that it is correct that the enacted legislation was reestimated by both the Congressional Budget Office and the Reagan administration last winter. These estimates project more revenue than the original estimates of last summer. The higher revenue estimates, in turn, would make more secure the financial reserves held in the special catastrophic health insurance trust funds. These reserves are available exclusively for use by Medicare; they cannot be diverted to any other program or purpose.

Based on the most recent projections, I have been advised that the financial reserves for Medicare catastrophic coverage are not excessive. Indeed, it is my understanding that the Medicare Actuary worries that they may be too thin. A major source of concern is the uncertainty inherent in making projections, which is exacerbated by the newness of the program and lack of experience with the financing mechanism.

As you will recall from the painstaking negotiations which led to the final legislation, the Reagan administration sought substantially higher trust fund contingency reserves than the Congress enacted. The Reagan administration also noted that, with particular reference to the Medicare Actuary's projections of the drug program, the catastrophic legislation was underfunded. The Congress recognized these concerns, and the statute calls for the Congressional Budget Office to reestimate the cost of the drug program this summer.

I have supported the implementation of the Medicare Catastrophic Coverage Act on schedule, as enacted. I continue to do so. It would be imprudent to tinker with Medicare catastrophic insurance literally in its first few months of life. We should not now reopen the legislation.

Sincerely,

GEORGE BUSH.

Mr. BENTSEN. Mr. President, I yield 5 minutes to the chairman of the Appropriations Committee.

Mr. BYRD. Mr. President, I am strongly opposed to the amendment by Mr. McCAIN. This amendment is a budget buster. The OMB scores the amendment as a \$4.1 billion revenue loss in fiscal year 1990.

There are all kinds of figures floating around here. I hear \$4.8, I hear \$5.3, and I hear \$6.2, and so on and so on. But at least it is going to be \$4.1 billion.

Under Gramm-Rudman-Hollings, the fiscal year 1990—

Mr. President, may we have order in the Senate? I would especially like the attention of my distinguished friend from Arizona.

The PRESIDING OFFICER. The Senator is right. Will the Senator suspend?

Mr. BYRD. I hope this time is not coming out of my time.

The PRESIDING OFFICER. We will have order in the Senate so that

the Senator from West Virginia can be heard.

Mr. BYRD. I thank the Chair and I thank my good friend from Arizona.

Under Gramm-Rudman-Hollings, the fiscal year 1990 deficit cannot exceed \$110 billion. If the deficit exceeds that figure, then there will have to be a sequester. That sequester will automatically take place on all appropriations for fiscal year 1990 and the sequester will be at least \$10 billion in outlays.

This is so because the Budget Act requires the deficit to be no greater than \$100 billion, if the \$110 billion ceiling is exceeded.

We have been told by both OMB and CBO that the fiscal year 1990 deficit, even without this amendment, will be very close to the \$110 billion ceiling. So, Senators should be aware that this amendment, which would add at least \$4.1 billion to the fiscal year 1990 deficit, will surely cause a sequester. And, under the sequester provisions of Gramm-Rudman-Hollings, the budget authority provided in fiscal year 1990 appropriations bills for all departments of Government will have to be cut enough to save at least \$10 billion in outlays, \$5 billion from DOD and \$5 billion from non-DOD appropriations.

In order to save \$10 billion in outlays, according to OMB, the budget authority provided in fiscal year 1990 appropriations bills would have to be cut \$21 billion.

This is due to the fact the budget authority does not all get spent in the year appropriated. The budget authority gets obligated, but the actual cash outlay from the Treasury is not always 100 percent in the year that the budget authority is appropriated.

Of the \$21 billion cut in budget authority, \$14.3 billion would come from DOD. I hope that the administration is out there working because I am sure that the President does not want that cut to come out of DOD. Assuming that personnel cuts, as allowed by GRH, are exempt, \$6 billion in budget authority would be cut from domestic discretionary programs; \$700 million would be cut from international affairs appropriations. These cuts would be made across the board on all appropriations accounts except for certain mandatory programs, which are exempt. The percentage cut for DOD would be 4.7 percent. For domestic discretionary and international programs, the cut would be 3.9 percent across the board.

Mr. President, the distinguished Senator has said that he wants to send a message to the seniors out there. Nobody has a monopoly on caring for the seniors. We all feel strongly about the seniors. When he sends that message, let him also send the message that if this amendment were to carry and were to become law, let him also

send a message to those seniors out there who are watching this debate and to veterans and to other Americans that the cuts would automatically take place on October 15, 1989, to what? The drug funding? The FBI? Elementary and secondary education? The Justice Department? Rural housing? REA? Child care? Customs agents? The Drug Enforcement Administration? VA construction? VA operating expenses? VA loans? All NASA programs? Also to the seniors especially, Social Security Administration salaries and expenses would be cut.

Senators may not know what the practicalities are that it involves here. It is one thing to send out a press release. We can all do that, and we all do that from time to time. But let them know that the salaries of personnel who administer the Medicare programs are going to be cut if there is a sequester. If there is a sequester, all personnel and administration costs in the Department of Health and Human Services will be cut; EPA wastewater construction grants, all programs of the Economic Development Administration, nuclear waste cleanup, all NIH appropriations, including AIDS and cancer research, all domestic agencies involved in fighting drugs and crime.

So now I say to my good friend, when he gets his press release out, include in that the cuts that are going to take place in these programs that are near and dear to the seniors and to the veterans and to the teachers and to the parents and to the people who are concerned about making war on drugs and crime in this country. Put all that in the release because this sequester is going to take place, have no doubt about it, if this amendment becomes law.

The PRESIDING OFFICER. The Senator has used the time allocated.

Mr. BYRD. Mr. President, I hope that some sense and sanity will return to this Senate when it comes to voting on this motion to waive. I hope the Senate will vote against the motion to waive.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Arizona has 8 minutes. The Senator from Texas has 12 minutes, 25 seconds.

Mr. BENTSEN. Mr. President, I yield 3 minutes to the distinguished minority leader.

The PRESIDING OFFICER. The minority leader is recognized for 3 minutes.

Mr. DOLE. Mr. President, I thank the Senator from Texas. While I do not enjoy backing into the buzz saw too often, that is what this has become. It is quite an exercise and painful at times. The last time we had this debate, it took all the effort I

could muster to find eight Republican votes. I told the White House following that, it seemed to me that they had to take a look at this program because sooner or later it was going to change, and probably sooner than later. I know the administration is concerned about the very thing the distinguished Senator from West Virginia just pointed out because this is front loaded. If you talk about \$4.1 billion—I saw a figure today about \$6.4 billion—they are concerned about sequester; they are concerned about a lot of things.

I indicated to the Senator from Arizona that I was with him on the issue, but we are not voting on the issue. We are voting on whether or not we are not voting on the issue. We are voting on whether or not we are going to sustain a point of order. Sooner or later, and I think the distinguished chairman of the Finance Committee will indicate it is probably going to be sooner than later—I would say again to this group, as I said to the Senate Finance Committee, much because of the urging of the Senator from Arizona, Senator McCAIN. He deserves credit for focusing on this program. But there are some of us who do not want to throw out the whole thing. We are trying to find some way—in fact, we worked on it yesterday for some time. We have not given up yet. Maybe next week there will be some plan that will be acceptable so you have offsets so you will not have the problem pointed out by the distinguished Senator from West Virginia.

As much as I share the desire of the distinguished Senator from Arizona to modify this program, it seems to me it cannot be done and should not be done on this appropriations bill unless there are some offsets, and there are no offsets. It is just going to add to the deficit.

I hope in the next few days or few weeks that we can sit down together and work with the distinguished Senator from Arizona in a reasonable way to put together something that we can have an up-or-down vote on the issue because on the issue I will vote with Senator McCAIN. I have advised the administration of this. I indicated to them they better get busy, they better take a look at it. Maybe we have to eliminate some benefits. Maybe the drug benefit, maybe respite care, maybe something else. There is no doubt in my mind if we are going to salvage this program for the benefit of the seniors, we are going to have to make some other serious modifications. I hope the point of order is sustained.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BENTSEN. Mr. President, I yield 2 minutes to the chairman of the Budget Committee.

Mr. SASSER. I thank the distinguished chairman of the Finance Committee. Mr. President, I oppose the motion to waive the point of order against the McCain amendment under section 301(a) of the Congressional Budget Act. I wish to join the distinguished minority leader in stating that if this amendment should become law, then we would be in extreme fiscal difficulty. As the distinguished chairman of the Appropriations Committee has outlined in, I think, painstaking detail, quite accurately, this particular amendment would cost us over \$4 billion revenues. Without any shadow of a doubt, it will push us into a sequester situation, and we will be faced with cutting at least \$10 billion from the 1990 outlays under the strictures of the Gramm-Rudman-Hollings law.

I respect the distinguished minority leader, Senator DOLE, for rising today and speaking, I think, very responsibly. Quite frankly, it becomes wearisome at times in this body to be responsible. Sometimes you like to stand back and just let those who offer some of these amendments reap the reward that perhaps they deserve. Let them be the author of their whole misfortune in some of these. Frankly, I grow weary of coming to the floor and trying to rescue this President and this administration from those in his own party whose actions, I think, gravely embarrass the administration.

The PRESIDING OFFICER. The Senator has used the time allotted.

Mr. SASSER. If I might have 1 more minute.

Mr. BENTSEN. I yield an additional minute.

The PRESIDING OFFICER. The Senator yields an additional minute to the Senator from Tennessee.

Mr. SASSER. I thank the distinguished chairman of the Finance Committee.

Mr. President, I rise in opposition to the McCain amendment. The bipartisan budget agreement of 1990's provision on reconciliation provided that we raise \$5.3 billion in additional revenues. So far we have not been able to do that. Even if we get every penny of the savings that we are hoping to get from that reconciliation bill, we would not have enough to pay for this amendment. The adoption of this amendment would thus put us over the limits set by Gramm-Rudman-Hollings. It would cause us to have across-the-board cuts under Gramm-Rudman-Hollings.

Now the Senate has passed a sense of the Senate provision calling on the Finance Committee to address this issue. I know that the chairman of the Finance Committee is working on this issue. I support the efforts of the Finance Committee to address this issue in a fiscally sound manner.

Because our foremost concern must be to protect against the Gramm-Rudman-Hollings across the board cuts, however, I must support the point of order against the McCain amendment. The adoption and enactment into law of the McCain amendment would lose roughly \$5 billion in revenues. Because we are currently below the revenue floor set forth in the budget resolution, this loss of revenue means that the amendment violates the provisions of section 311(a) of the Congressional Budget Act. Thus, I oppose the motion to waive the point of order against the McCain amendment under section 311(a) of the Congressional Budget Act.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BENTSEN. How much time remains?

The PRESIDING OFFICER. The Senator from Texas has 5 minutes, 30 seconds, and the Senator from Arizona has 8 minutes remaining.

Mr. McCAIN. I yield 3 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho has 3 minutes.

Mr. SYMMS. Mr. President, I thank my friend from Arizona for yielding 3 minutes. I also thank him for focusing attention on this issue. As I sit here and listen to this debate, I find this is a classic example of the debate that I have been hearing in Washington, DC, for many years: An example of where we allow policy to be driven by the bean counters. I am on both the Budget Committee and the Finance Committee—committees that have given us almost \$3 trillion of red ink.

I can tell you that outside the beltway, people could care less about the Budget Act. They know we have \$2.8 trillion of red ink. Congress has handed them a bunch of benefits called the catastrophic insurance program that they did not ask for, they did not want, and they do not want to pay for it. It is easy for this Senator to point out the fact because I was 1 of only 11 Senators who on June 8, 1988, stood on the floor and voted against the bill.

I still think it's a bad bill. Congress should admit it made a mistake, repeal this act, go back to ground zero, and pass a catastrophic bill for the American people based on true catastrophic needs, without limiting it to senior citizens, Mr. President. This program should cover all Americans and we should all share the cost. Congress should not force citizens to go on Medicare. Let them keep their dignity. That is what most Americans thought they were going to get when we began discussing the issue years ago. It turned out to be something completely different from what President Reagan

and others talked about in 1986 as catastrophic insurance.

Mr. President, as I have said, we probably cannot win this today. We probably cannot repeal it. But I, as a member of the Budget and Finance Committees, salute the Senator from Arizona. I think he is right on target. The American people deserve to have this Congress admit it made a mistake, as well as the administration. We need to come up with a reasonable proposal and fix what we have without taking 2 years to do it. Some of our seniors will be in the highest tax bracket in our society as a result of this legislation. We ought to fix it. I reserve the remainder of my time, and I thank the Senator.

The PRESIDING OFFICER. The Senator has used his time. Who yields time now?

Mr. McCAIN. Mr. President, I yield 1 minute to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I appreciate the difficulties that this particular amendment raises being attached to the energy and water appropriations and also the difficulty with the deficit and possible sequestration. But I also appreciate the frustration that many of us feel over the inability to deal with what I think most consider a flawed program, a program that needs reform and needs it quickly if we are going to salvage it at all.

I hope, regardless of the outcome of the vote about to take place, we will move forward as expeditiously as possible to revisit the entire Catastrophic Coverage Act and look at both the cost side and benefit side and revise it in such a way that we can continue to provide basic catastrophic coverage which most seniors want at a cost that they can afford.

The PRESIDING OFFICER. The Senator has used his 1 minute.

Mr. COATS. I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. BENTSEN. Mr. President, I yield 1 minute to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island has 1 minute.

Mr. CHAFEE. Mr. President, we all appreciate the tremendous effort of the Senator from Arizona. I know he has worked long and hard on it. I commend him for his efforts, although I do disagree with his conclusions. We face an amendment—forget the point of order—which fundamentally alters the benefits under the catastrophic law which we worked so hard to pass. Who is to say that the distinguished Senator from Arizona has picked the best benefits to keep or whether in fact his new proposal is the proper one to have.

I make this point. I review my mail, as I think do most of the other Senators. Nearly everybody who writes thinks they are going to be paying the maximum of the \$800 supplemental premium. This is not the case. Only 6 percent of the taxpayers of the country, of the 31 million Medicare beneficiaries, will be paying the maximum premium.

The PRESIDING OFFICER. The Senator has used his 1 minute.

Mr. CHAFEE. I think we have to remember that only 44 percent of all beneficiaries will be paying any of the supplemental premium. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. I ask the time remaining, Mr. President.

The PRESIDING OFFICER. The Senator from Arizona has 3 minutes, 51 seconds. The Senator from Texas has 4 minutes, 13 seconds. Who yields time?

Mr. KOHL. Mr. President, what a choice the Senator from Arizona gives us in this amendment. We all want to fix the catastrophic health care bill. We have all heard from the "beneficiaries" of that act—and they have told us in no uncertain terms that they do not like it. We asked the Finance Committee to study the issue and give us, after careful reflection and investigation, some recommendations for changes.

The Senator from Arizona, however, was not satisfied with that. He has a temporary solution—and it may be a good one—and he wants it adopted now, today, without full examination or hearings. Well, I do not think that is the best way to serve the needs of our senior citizens.

I also do not think we serve our seniors by adopting this amendment on this bill. As the chairman of the Appropriations Committee told us, if we adopt this amendment we will exceed the allowable budget deficit for this year and, under the law, we will face a sequester—an across-the-board cut in every program in the Federal Government. Programs which help seniors. Programs which help children. Programs which clean up the environment. Programs which provide for our national defense. That is not helping seniors. That is not helping America. And I cannot support it.

What I can support are changes in the Catastrophic Health Care Act. I have heard the message of the seniors in Wisconsin and I want to respond to their concerns. But the best way to do that is carefully, after we have considered all the implications. We have time to do that. We have a promise from the bipartisan leadership of the Senate that we will do it. And the seniors in Wisconsin have my promise that it will be done—before the end of

this year, before the impact of the surtax is felt, and without cutting programs that help our country.

I urge my colleagues to reject this effort to waive the Budget Act.

Mr. DODD. Mr. President, I rise to express my opposition to delaying the implementation of the Medicare Catastrophic Coverage Act.

While the Catastrophic Coverage Act may need modifications, the benefits simply are too important and needed to delay their implementation for a year.

If we delay implementation of the Catastrophic Coverage Act, such important benefits as the cap on out-of-pocket expenses, reimbursement for intravenous drugs used in the home, and coverage for mammograms would be delayed. Moreover, much needed Medicaid expansions for pregnant women and children also would be delayed.

Clearly, the Catastrophic Coverage Act can be improved. I supported and voted in favor of an amendment directing the Finance Committee to examine three related issues before September 1989, including whether to lower the supplemental surtax in light of revenue estimates indicating a substantial surplus in the fund earmarked to pay for the new benefits; whether catastrophic health insurance should be made voluntary; and what to do about the duplication of benefits which many retirees already have through employer-sponsored retiree coverage.

Mr. President, these are the issues which must be addressed immediately. Delaying implementation of the Catastrophic Coverage Act will delay important benefits and, in my judgment, does not help the majority of our Nation's seniors.

Mr. CONRAD. Mr. President, I oppose this motion to waive the Budget Act.

I appreciate the efforts of the Senator from Arizona. I have concerns about the catastrophic act; and I have been hearing from North Dakotans on this issue. The premiums must be reduced. We must act on the duplicate coverage that exists between catastrophic benefits and Medigap policies. We must address the serious concerns of Federal retirees.

Seniors must be heard. I am now polling the seniors in North Dakota to determine what sort of revisions they would like to see in the catastrophic act.

But, Mr. President, the sense of the Senate resolution that the Senate adopted just 2 months ago charged the Finance Committee with consideration of all these issues: High premiums, duplicate coverage, and delay of benefits. The Finance Committee has held hearings on revisions of the catastrophic act. Senator BENTSEN, chairman of the Finance Committee, has

worked hard to consider all the options. We must let the Finance Committee do its work.

Adoption of this amendment would jeopardize projects that are critical to North Dakota. This bill contains \$30 million for the Garrison Diversion Water Project and \$5 million for the Sheyenne River Flood Control Project. My State must receive continued support for these projects. The Sheyenne River Project provides flood control for the Fargo area which will save my State millions of dollars in flood expenditures. The Garrison Diversion Project will provide critical municipal, rural, and industrial water for many areas of North Dakota.

Finally, passage of the McCAIN amendment would mean almost certain sequestration. The amendment would add at least \$4.1 billion to the Federal deficit. We are all aware of the devastating implications of sequestration. I take exception to the implication that citizens outside the beltway do not care about the Budget Act. The Budget Act is the only way this body policies itself in the budget process. It is an attempt to force this Senate to be fiscally responsible. While those in our States may not understand the particular sections of the Budget Act, they do care about the budget deficit and its implications. They know that we must make the tough choices to put this Nation back on the road to economic recovery.

Sequestration would mean that agricultural research would be cut by \$18 million; the Commodity Credit Corp. would be reduced by \$205 million; the Low-Income Home Energy Assistance Program would be slashed by \$51 million; highway programs would face \$4 million in reductions; Veterans' Administration health care would be cut by \$84 million.

The citizens of North Dakota would not tolerate such significant cuts in these programs. I must oppose this waiver of the Budget Act. I am glad that the Senator from Arizona has raised this issue, but I believe the Senate should wait for the Finance Committee to do its work. And we must not risk sequestration.

Mr. MITCHELL. Mr. President, rarely will Members of the Senate have a more clear opportunity to put their mouths where the money is. In this decade no subject has engendered more legislative activity, political anxiety, and overblown rhetoric than the need to address the budget deficit.

Well, my colleagues, now the rhetoric collides with reality. This is a popular issue, intense feelings among a portion of the electorate, attractive to vote for, but a \$4.1 billion budget buster. Every Senator who votes in support of this motion to waive the Budget Act votes to increase the deficit by \$4.1 billion and provides the rest of the Senate a context in which to

evaluate that Senator's future rhetoric with respect to the need for budget discipline. That is the reality. Unusual circumstances, indeed.

Has there been a difficult budget issue which has not had unusual circumstances? We all know the catastrophic bill will have to be changed and fixed. We voted just 2 months ago to direct the committee to propose recommendations to us in that regard. Now we are told that we must delay it for a year in order to fix it but we cannot wait another month to let the Finance Committee do what the Senate told it to do.

The PRESIDING OFFICER. The majority leader's time has elapsed. Who yields time?

Mr. MITCHELL. The proper course is to reject this motion and fix this the right way as the Finance Committee has been directed to do.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. Three minutes and fifty-one seconds.

Mr. McCAIN. I yield myself the remaining time, Mr. President.

I would like to thank my colleagues for their indulgence and their patience on this very difficult day when we should have pressed on to other issues. I guess I have to respond to some of the statements that were made.

First of all, the majority leader stated he had no idea the administration changed its position. I am sorry he did not read the Washington Post yesterday, because it stated the administration now supports the Rostenkowski plan that was put through the Ways and Means Committee 2 days ago. Mr. ROSTENKOWSKI's plan is certainly a dramatic and significant change from the previous program. So I would inform the distinguished majority leader, that, yes, the administration has changed its position. The April letter of 1989 is no longer relevant.

I appreciate the offer by the distinguished chairman of the Appropriations Committee to assist me in my press releases.

I would also hope he would help me in telling the seniors of America about the budget system as we are working it today in this Congress. And, that is, we are balancing the budget on the backs of seniors. Those seniors, I say to the distinguished chairman of the Appropriations Committee, paid their taxes not so that they disguise the size of the budget deficit but so they could get some benefits from the taxes they are paying.

To repeat, Mr. President, they want some changes made to this act and we are telling them that we cannot delay implementation of some of the benefits and the surtax in order to fix a bill

that severely misses the mark, because we do not want to give up their money that is being used to offset the size of the deficit. That's what the opponents of this amendment are arguing. Quite frankly, I think the seniors of this country will find that unconscionable.

We are telling our Nation's seniors that this surtax is not for benefits. They are for disguising the size of the deficit. They are to build up some kind of fund so we can tell them the deficit is not really as large as they thought it was, and that their tax dollars which are earmarked for their benefits are not for benefits. Instead, they are so we can avoid the Gramm-Rudman-Hollings sequestration.

I also remember there is a reconciliation process—that budget committees, appropriations committees, and various committees we are supposed to go through so we can meet Gramm-Rudman-Hollings targets. And, this process is not yet complete in the Senate.

We are going to tell the seniors by this vote today, we are more worried about a budget deficit which we have created through wasteful spending than doing something responsible and responsive on the catastrophic illness issue. Yet, when we took your tax dollars, we promised to pay for your benefits, take care of your catastrophic illness, take care of your skilled nursing home, preserve spousal impoverishment protection, yet we are not doing that with your tax dollars, my friends. We are keeping your tax dollars, and we are not going to spend them. We are using them to mask the real size of the deficit, thus allowing us to avoid taking real steps to reduce what is a very real deficit.

My friends, our Nation's seniors are not going to be fooled. Mark my words, they will not be fooled.

Finally, I would like to say to my colleagues that this issue is going to be with us. It is not going away. There has been a conspicuous absence of discussion of the merits of the catastrophic health care bill in the debate over this vote. We know it is wrong. We know it is flawed. We know it needs fixing. Yet, we are not willing to do it.

I hope the distinguished chairman of the Finance Committee will fix it. But, if it is anything like the fix that was just made by the Ways and Means Committee—a proposal to basically shift the burden from the rich to the poor—I can assure you that it will be totally unacceptable to the seniors of this country.

This issue is not going away. I intend to revive it, not because I enjoy this. Frankly, I do not enjoy this in the slightest. But I have an obligation to the seniors of this country to force this body to admit to, and address, the grave, serious, and terrible injustice that has been done to them. And it is

the obligation of every Member of this body, as well, to sooner or later address this issue and correct it.

I yield the remainder of my time.

Mr. BENTSEN. Mr. President, the Senator from Arizona is firing for effect. There is not a chance that this amendment would be carried through on the House side. And when I hear him with his tones of sorrow for the poor, I cannot help but remember it was his amendment before where we wiped out Medicaid for the poor. That was in his amendment. Let us talk about what we have here.

We had a resolution passed on June 7 that charged the Finance Committee with the responsibility of making the changes that were necessary in the catastrophic illness bill. We have set out to accomplish that. We have had over 30 witnesses. We have met with all of the interest groups that one can meet with. We have done those things.

And we are prepared when we come back in September to present to this body what we think will be major changes in catastrophic illness. I would forecast we will have a dramatic reduction in that supplemental premium, and I have stated publicly that I am for that; that you will see a voluntary program; and I was pushing for that as we brought it through the Senate before. Let us see what he has done for those poor, and what he has done for the elderly if he pushes aside those benefits.

If he delays those benefits, we are talking about the drug benefit, we are talking about the limitation of out-of-pocket costs for physicians, we are talking about the General Accounting Office coming before us, and telling us that before you would trigger in the Medigap on many of these policies, you would have to have \$50,000 worth of out-of-pocket expenses to physicians. They would not have that available to them. Now, can they go back to the private sector and get Medigap policies to accomplish that?

Remember that, as part of this legislation, the private sector was not to put in duplicate coverage. That means a lot of these State commissions have already moved to stop that.

Now, you will give chaos to the private industry, and you will give sorrow to the elderly citizens as they find these benefits they were counting on delayed to them. Then they turn around and find them no longer available in the private sector.

That is what would be the result of this in addition to what has happened to the appropriations bill at this time.

I strongly urge the Members of this body to reject the Senator's amendment, and to sustain the point of order.

The PRESIDING OFFICER. All time having been used, the question is on the motion—

Mr. JOHNSTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Idaho [Mr. McCURE] is necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 40, nays 58, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—40

Armstrong	Graham	Murkowski
Baucus	Gramm	Nickles
Biden	Grassley	Pressler
Bond	Hatch	Reld
Boschwitz	Heflin	Shelby
Bryan	Helms	Simon
Burns	Humphrey	Specter
Coats	Kasten	Symms
Danforth	Levin	Thurmond
DeConcini	Lott	Wallop
Dixon	Lugar	Warner
Exon	Mack	Wilson
Garn	McCain	
Gorton	McConnell	

NAYS—58

Adams	Ford	Mikulski
Bentsen	Fowler	Mitchell
Bingaman	Glenn	Moynihan
Boren	Gore	Nunn
Bradley	Harkin	Packwood
Breaux	Hatfield	Pell
Bumpers	Heinz	Pryor
Burdick	Hollings	Riegle
Byrd	Inouye	Robb
Chafee	Jeffords	Rockefeller
Cochran	Johnston	Roth
Cohen	Kassebaum	Rudman
Conrad	Kennedy	Sanford
Cranston	Kerry	Sarbanes
D'Amato	Kerry	Sasser
Daschle	Kohl	Simpson
Dodd	Lautenberg	Stevens
Dole	Leahy	Wirth
Domenici	Lieberman	
Durenberger	Metzenbaum	

NOT VOTING—2

Matsunaga McClure

The PRESIDING OFFICER. On rollcall No. 147, the motion to waive the Budget Act, the yeas are 40, the nays are 58. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The adoption and enactment into law of

the McCain amendment to H.R. 2696 would result in an increase by \$4.9 billion of the amount by which revenues would be less than the appropriate level of total revenues set forth in the concurrent resolution on the budget for fiscal year 1990 causing the current level of revenues to fall below the revenue floor in the concurrent resolution by the amount of \$10.7 billion in violation of section 311(a) of the Budget Act.

The point of order is sustained.

Ms. MIKULSKI. Mr. President, I would like to thank Senator JOHNSTON, chairman of the Subcommittee on Energy and Water Development Appropriations for proceeding with the energy and water appropriations bill so expeditiously and congratulate him for setting such a fine example of hard work and devotion to his job as chairman of the Energy and Water Development Subcommittee. It is a pleasure to serve with him on the committee. I want to thank him for his help in funding Maryland projects. I would also like to thank his fine subcommittee staff: Proctor Jones, David Gwaltney, and Gloria Butland. Furthermore, I recognize the ranking minority member Senator HATFIELD as well as his staff, Gary Barbour and Judee Klepec for their help throughout the process. Their indepth knowledge of the subject matter, candor with others, hard work, long hours and courtesy were instrumental in getting this important bill prepared in such a timely and efficient manner.

I would like to briefly mention a few of the important items contained in this bill.

Funds are included in the bill for the Corps of Engineers to conduct a vital hurricane protection project in Ocean City, MD. Over the winter Ocean City has been hit hard by winter storms. In order to protect this national treasure, funds were needed to protect the valuable property and businesses along the beach from storms. The State of Maryland, Worcester County, and Ocean City combined efforts to conduct phase I, which build up fragile portions of the beach. Let me tell you, I visited the beach this past winter, and was expecting to see terrible erosion problems. I was amazed at the work that phase I had done. I saw plenty of sand, and thought that I was in Cancun. With the funding of phase II, Ocean City will continue to be a thriving resort.

I also would like to mention that funds are also included for the Corps of Engineers to conduct several dredging projects in the Baltimore Harbor. The buildup of silt has decreased the depth of the harbor. By deepening the Port of Baltimore to 50 feet, the port improves its competitive position for bulk cargoes. By deepening the C&D Canal to 35 feet, optimum use is ensured by general cargo ships. Since the

project started in 1987, the harbor has become more accessible and safer for the deep draft cargo carriers.

Another project which received important funds is the C&D Canal study. The C&D Canal and its connecting canals are vital to the well-being of the Baltimore port. The canal is important because it is a shortcut to the Baltimore ports which cuts the travel time from ports along the east coast to Europe and the Far East. The study will be conducted in three phases. The first phase would evaluate the present authorized projects and recommend improvements that would better accommodate current and future shipping traffic. It would also examine the environmental impacts of the improvements. By funding the C&D Canal study, we can study the problems as well as suggest improvements.

Another important item in the bill is language directing the Corps of Engineers to improve the Brewerton Channel connection with the Tolchester Channel. It is a crucial connecting channel link in the C&D Canal. A sharp turn at the Brewerton and Tolchester channels has made turns difficult for large ships. Earlier this year the *Louis Maersk* ran aground while making this turn. By providing the funding for dredging, modern, large container ships can make it through the channel more safely.

Once again Mr. President, I would like to acknowledge the job Senator JOHNSTON and his staff has done. They must handle many requests for funds and choose from the many deserving projects. Their efforts are truly commendable.

Mr. DIXON. Mr. President, Senator SIMON and I rise today to state our support of the O'Hare Reservoir and the McCook and Thornton Reservoirs of the Chicagoland Underflow Plan [CUP].

The O'Hare Reservoir is the first component of this flood protection plan. It is an important project to our State that needs construction funds. Once completed, it will be the first operating reservoir of CUP, and will serve as the prototype for the entire system.

Mr. SIMON. Mr. President, the second and third components of CUP are the McCook and Thornton Reservoirs. This project consists of two reservoirs, and is designed to reduce basement and street flooding due to sewer back-up. By providing the preconstruction, engineering and design funds for this project, the needs of those folks in the Chicago area can be met.

Thousands of residents in the Chicago area suffered the trauma of extensive flood damage in both the 1986 and 1987 Presidentially declared disasters. In fact, severe flooding is a constant threat to these residents. For this reason, Congress authorized the O'Hare Reservoir project in the 1986

Water Resources Development Act, and the McCook and Thornton Reservoirs project in the 1988 Water Resources Act.

Mr. DIXON. Let us take this opportunity to commend the metropolitan water reclamation district of greater Chicago for its work on this flood control program. Because of the efforts of the Chicago water district, preventive measures will become a reality before we face another flood emergency situation in northeastern Illinois.

Mr. SIMON. Mr. President, our concern is to provide adequate flood protection and prevention to the constituents in our State. The House included \$1.5 million for the O'Hare Reservoir, and \$750,000 for the McCook and Thornton Reservoirs. We ask our friend from Louisiana for his full consideration of these two important Illinois projects when the energy and water development appropriations bill goes to conference.

Mr. JOHNSTON. I recognize the concerns of my Illinois friends, and agree that the O'Hare Reservoir project and the McCook and Thornton Reservoirs project are important to an effective flood control plan in the Chicago area. I will, indeed, give these two programs every consideration when the energy and water development appropriations bill goes to conference.

Mr. KERREY. Mr. President, the energy and water development appropriations bill before us today includes a very important project for the State of Nebraska—the Davis Creek Dam.

The Davis Creek Dam is a major component of the North Loup project. That project will provide a dependable water supply with irrigation for up to 53,000 acres, recreational facilities, a fishery, and improvements in wildlife habitats. The Calamus Dam, the major storage feature of the project, is complete and the reservoir is now filled. Various other facilities, including the Mirdan Canal, the water supply canal for the Davis Creek Dam, are also complete. The contract on the Davis Creek Dam was awarded in September 1988. The project seemed well on its way.

However, the fiscal year 1990 budget contained a surprise. The request of \$6.03 million for the North Loup project included no funding for the Davis Creek Dam. There was no provision at all for a dam that will be more than 50 percent complete by the end of the current fiscal year and that is an essential part of the North Loup project. Fortunately, we were able to make our case in Congress and the bill before us includes the funding required for the Davis Creek Dam to go forward.

I want to thank Senator DeCONCINI, who chaired the subcommittee hearings in April when representatives

from Nebraska came to Washington to make their case, and I want to thank Senator JOHNSTON for adding the funds which are necessary for the dam. I understand that Davis Creek is a substantial add-on above the budget request, but I also know that it is a project which should be completed and which should have been budgeted in the first place. At this point, completing the Davis Creek Dam is the only action that makes sense. The action of the committee and the Senate is the right action on Davis Creek.

Mr. President, I also want to thank the distinguished chairman of the subcommittee for the inclusion of the amendment to designate dam site 18 of the Papillion Creek and tributaries lakes project as the Ed Zorinsky Lake and Recreation Area in honor of our late colleague. This amendment was one of those which the chairman of the subcommittee proposed be adopted en bloc.

It is right that we remember Ed Zorinsky in this fashion. Ed Zorinsky was a man of unique personal and political skills and insight. He devoted his life to public service, to the betterment of his community and his State. We in Nebraska are better citizens because Ed Zorinsky served us. The Papillion Creek and tributaries lakes project was a project that meant a great deal to Ed Zorinsky. It epitomizes the good that government can do, just as Ed Zorinsky epitomizes the best that we in public service should strive to become.

The amendment has been cleared with the distinguished chairman of the Committee on Environment and Public Works [Mr. BURDICK] and the ranking member [Mr. CHAFEE]. The Committee on Environment and Public Works has jurisdiction over the naming of public facilities, in this case a Corps of Engineers project, but that committee has cleared the measure as an addition to this bill, which appropriates funds for corps projects, so that we can expedite the designation. I thank them for their assistance.

Mr. President, the pending legislation includes \$300,000, the full capability, for the corps to initiate planning for the Missouri River Mitigation project. This project, authorized in section 601 of Public Law 99-662, would restore and protect fish and wildlife habitats along the channelized portion of the Missouri River in Nebraska, Iowa, Kansas, and Missouri.

Through a system of dams and reservoirs, the Corps of Engineers has channelized and controlled flooding along much of the Missouri River. In doing so, however, various wetlands and oxbow lakes were threatened or destroyed. Some 475,000 acres of land and water habitats were lost; now some 33 of the 156 native basin fish

are considered rare, threatened, or endangered.

This year, the four affected States requested \$3 million in order to initiate the program. While I regret that we cannot move ahead as rapidly as the States were prepared to do, I am pleased that the funding in the bill will allow planning to go forward on a comprehensive program, as authorized, and I know the States will be working closely with the corps in this planning stage.

BIG SOUTH FORK NATIONAL RIVER AND RECREATION AREA

Mr. SASSER. Mr. President, earlier this year I requested funds be appropriated for the Corps of Engineers to acquire the remaining deferred lands within the Big South Fork National River and Recreation Area. As my colleagues will remember, the Big South Fork was established by the Congress in 1974, and the corps was instructed to purchase these lands. However, the purchase of much of the land was deferred, and certain critical areas have yet to be purchased. A dispute remains as to whether the cost sharing provisions of the 1986 Water Resource Development Act apply to these land purchases, and I have stated continually that they should not and have provided legal opinions which share this view.

Mr. President, I have requested that the corps continue these purchases because the land is not encumbered by the Corps of Engineers, as decided by the local courts in Tennessee, and it is understood that current landowners may develop property within the park boundaries which has not been purchased. This has let the scenic lands of this park under constant threat due to the inaction of the corps, and I now fear that the worst case scenario is upon us. I understand that development of nearly 1,000 acres of deferred lands is taking place as we speak. These lands are in the critical watershed area of the park which contributes to the South Fork of the Obed River, a national wild and scenic river. Development will include clearcutting of some 800 acres near the river, which I fear will suffer greatly from runoff and subsequent development of a residential area.

Mr. President, the debate over purchase of these lands has become petty. The corps, supported by the Office of Management and Budget, has determined that future funding of activity in the park is affected by the cost sharing provisions in the 1986 act. I do not wish to challenge the cost sharing provisions; I agree with their intent. However, I do challenge the premise that land purchases as authorized in 1974 are now affected by the 1986 act. The intention to purchase these lands was clear in 1974, and such national recreation areas are exempt from the cost sharing provisions, as well. I

simply cannot agree with those who say that the purchase of any lands must be cost shared by the local or State government.

Mr. President, I hope at this time the chairman of the Senate Energy and Water Appropriations Subcommittee would agree to support my efforts, which I plan to undertake immediately with the appropriate oversight committee to seek a clarification of the intention of the 1986 act as it applies to these land purchases.

Mr. JOHNSTON. As chairman of the Energy and Water Appropriations Subcommittee, I support the need to seek a clarification of the intent of the cost sharing provisions of the 1986 Water Resources Development Act as it relates to this project. While the cost sharing provisions can result in helpful savings, I agree that we must ensure that they are applied properly.

Mr. WILSON. Mr. President, I would like to take this opportunity to congratulate the Energy and Water Appropriations Committee for their fine work in bringing this distinguished body an appropriations bill (H.R. 2696) that falls within the guidelines of the budget agreement. I know it is a difficult task to decide which projects will be funded and which cannot.

California's needs are many—as can be expected with a population of 29 million—and I am grateful that the committee has recognized these needs in this year's bill. I am especially appreciative of the fact that the committee provided funding for over 100 water projects in California, 15 more than the administration's recommendation. Doing this while still staying within the budget guidelines is indeed commendable.

California has many areas that are not adequately protected from the torrential rains that are produced by the more powerful winter storms generated in the Pacific Ocean. Projects that are included in this year's bill will provide for increased safety for people and property throughout the State. Without the flood control and harbor protection projects contained in this bill, untold risks will be needlessly visited upon scores of communities and literally millions of people.

I am especially grateful that the committee was able to allocate funds to begin construction of the Santa Ana River mainstem project. This project is vital to the protection of the 2 million Californians who live in the flood plain of the Santa Ana River. It has been estimated that a standard project flood could cause approximately \$12 billion in property damage and large loss of life within this flood plain.

I am also very pleased that the committee provided additional funding for the Sacramento River flood control project. Many of the levees that protect this city were severely tested

during a series of storms in February 1986. In fact, corps officials have said—with only slight exaggeration—that if it had rained only 1 more inch during those storms, the entire city of Sacramento could have been flooded. Money that is provided by this bill is sorely needed to improve the flood control levee system.

I want to take this opportunity to thank the distinguished chairman and the ranking member of the subcommittee for all of their work in financing these and many other worthwhile California projects. Their willingness to look carefully at all of the California needs that were brought to their attention is greatly appreciated.

In addition to the tireless work of the committee, I would like to commend the work of the subcommittee staff. They have always been very accessible and responsive to the many people from my State who have come to them for assistance and guidance. Even in the days leading up to the subcommittee markup, these staff members remained accessible and willing to listen to last minute concerns that were brought to their attention.

Again, I appreciate the willingness of the committee to work with my office on the myriad of California concerns that we have with a bill of this magnitude and congratulate the committee on a job well done.

Mr. SANFORD. Mr. President, I rise in strong support of H.R. 2696, the energy and water appropriations bill for fiscal year 1990. Once again, the Appropriations Committee has done a superb job of providing for the Nation's needs in so many critical areas—including energy supply research and development; general science activities in the Department of Energy, including the superconducting super collider; economic development activities of the Appalachian Regional Commission and the Tennessee Valley Authority; and—perhaps most importantly to North Carolina—addressing many essential needs regarding development and maintenance of water resources.

The committee has had a difficult task in addressing all these areas while meeting severe fiscal restraints. They have done an excellent job of producing a fiscally responsible bill. I commend the committee, and particularly the distinguished chairman of the Energy and Water Subcommittee, Senator JOHNSTON, for all the hard work that went into crafting this outstanding legislation.

This bill includes a number of items which are of greater importance to North Carolina. First, I note that the managers have accepted an amendment I sponsored relating to Oregon Inlet, NC. I am delighted that this amendment has been included in the legislation, and would like to express my gratitude to the committee, and especially to the Senator from Louisiana

for his assistance regarding this matter.

Oregon Inlet has posed severe problems for northeastern North Carolina for many years. It is the only navigable inlet within a span of 156 miles of the North Carolina coastline, and is the only means of transit to the ocean from all our inland ports for almost half of our State. Viable access through the inlet is critical to the important commercial and sport fishing industries in North Carolina. Unfortunately, severe shoaling problems have made access through the inlet impossible all too often in recent years, and have made navigation through those treacherous waters an extremely hazardous undertaking even when the inlet is open.

Severe erosion has also occurred adjacent to the inlet on Pea Island, particularly on the Pea Island National Wildlife Refuge. Literally hundreds of acres have been lost, and the erosion has accelerated in recent months to the point where the natural values of the refuge are at serious risk. In addition, erosion has rendered the Bonner Bridge—which provides the only access to Pea and Hatteras Islands and their \$100 million a year tourism industry—vulnerable to destruction during the next major storm.

Congress authorized a stabilization project for the inlet back in 1970. Unfortunately, this project has not been able to go forward, primarily due to an impasse with the Department of the Interior regarding special use permits for construction. This is a matter which I will be bringing to the attention of my colleagues again in the months to come, because we urgently need to address this issue. In fact, the threat to the Bonner Bridge has become so severe that the State of North Carolina—entirely at its own expense—now plans to construct a modest terminal groin structure to protect access to these islands, and has obtained conditional permits for this structure.

The amendment which the managers have graciously accepted will provide \$500,000 so that the Corps of Engineers can go forward with activities that will be essential to a long-term solution to the Oregon Inlet problem. The funds will be used to reassess the sand-bypassing system that is critical to the authorized project. This analysis will also provide benefits relative to sand-bypassing which may be necessary in conjunction with the State's terminal groin. The funds will also be used to update project information, including the impacts that the State's proposal will have on the design for any long-term solution. All these steps are necessary to move forward toward final resolution of this difficult problem. The good people of Dare County, NC, have been waiting for almost a

generation for such resolution, and it is time that we address their needs.

This is a matter which is important to North Carolina and its elected officials, and is a matter on which I have worked closely with the Governor and my colleagues in the North Carolina delegation. I will continue to do so, and again thank the committee for their help with this essential step forward.

I also would like to thank the committee for the excellent work they have done with respect to funding for Corps of Engineers operations and maintenance activities. As my colleagues will recall, the administration proposed severe cutbacks in these activities, which are essential to the free movement of waterborne transportation in States such as North Carolina. The administration originally proposed to eliminate all funding for waterways carrying less than 25,000 tons per year of commercial traffic. This proposal would have been devastating to my State, as well as many others.

Twenty-three of my colleagues joined me in writing to the President and the distinguished leadership of the Appropriations Committee and the Energy and Water Subcommittee objecting to this proposal. In the first place, the proposal made no sense because it based funding on an arbitrary tonnage figure, and had nothing to do with the actual value of that commerce. In States like North Carolina, high-value seafood products were to be treated as no more important than a load of rock or garbage of equivalent weight. Sport fishing vessel traffic would have been completely ignored.

Second, the Congressional Research Service advised us that the proposal was inconsistent with current law. I am pleased that this ill-considered proposal was withdrawn, and commend my colleagues on the committee for restoring essential operations and maintenance funding.

In North Carolina, funding was restored for Bogue Inlet and Channel (\$675,000); Carolina Beach Inlet (\$264,000); Back Sound to Lookout Bight (\$107,000); Lockwoods Folly (\$535,000); Manteo (Shallowbag) Bay (\$5,186,000); New River Inlet (\$538,000); New Topsail Inlet (\$681,000); Ocracoke Inlet (\$278,000); and Silver Lake Harbor (\$40,000). In addition, \$31,000 was added to the administration's request for Jordan Lake; \$62,000 for the Cape Fear River above Wilmington; and \$125,000 for the W. Kerr Scott Reservoir.

The committee also restored \$150,000 within Corps of Engineers general investigations for Eastern North Carolina above Cape Lookout. These funds will be used to allow for Corps of Engineers participation in the Albermarle-Pamlico Estuarine Study Program, which is providing the

scientific information needed to protect one of the Nation's largest and most sensitive estuarine systems.

Finally, I note that H.R. 2696 includes funding to start the superconducting super collider, which will help keep our Nation on the cutting edge of high-energy physics research and related technologies. I also am very pleased to note that increases are provided for research and development in renewable energy sources, which can help solve environmental problems and enhance our Nation's energy security.

Mr. President, this is an excellent bill for both my State of North Carolina and the Nation. Again, I commend the members of the committee, and its fine staff, for all their hard work in putting together this legislation.

ST. GEORGE'S BRIDGE

Mr. BIDEN. In the Senate Committee on Appropriations' report accompanying H.R. 2696, there is report language relating to the St. George's Bridge in Delaware. My distinguished colleague from Delaware, Senator ROTH and I would like to make sure the meaning and intention of that report language is clear to all, in particular, to the Army Corps of Engineers.

The St. George's Bridge is the most important bridge over the canal in Delaware, carrying 60 percent of the north-south traffic from the Delmarva Peninsula to major eastern cities. The corps is proposing to close two of the four lanes of the bridge for a 2-year period, an idea that could wreak havoc with the economy of the State.

In the opinion of Delaware State officials, it is a proposal that has been poorly thought through, and one that could easily be corrected. However, the corps has been unwilling to listen to State officials and has ignored the opinion of Federal Highway Administration experts who have looked at the bridge.

The language on page 40 of the report says that money for rehabilitation of the St. George's Bridge shall be available only after the corps, the State of Delaware, and the Federal Highway Administration have developed a plan to minimize disruption of traffic over the Chesapeake & Delaware Canal. That language is intended to bring the corps, State, and Federal Highway Administration officials together to discuss all of the problems that could result from an extended closure of the St. George's Bridge.

I would like to ask several questions of the chairman of the Energy and Water Appropriations Subcommittee, the distinguished Senator from Louisiana.

Mr. President, the report language states that the corps, the State of Delaware, and the Federal Highway Administration should develop a plan to minimize the disruption of traffic

over the canal. How do you foresee this plan being developed?

Mr. JOHNSTON. The subcommittee agrees that there is every reason to expect that an agreement on the issue raised by the Senators from Delaware can be resolved quickly. The subcommittee expects that the corps will sit down with the other two parties to develop a plan to address their concerns.

Mr. BIDEN. The chairman agrees that the corps must do more than simply walk into the room with the other two parties, listen to their arguments, and then proceed as currently planned?

Mr. JOHNSTON. Absolutely. We expect the corps to act in a serious way and in good faith to address their concerns.

Mr. BIDEN. I know of no reason why an agreement on this issue related to the St. George's Bridge cannot be reached quickly as long as the corps enters the discussions wanting to reach a mutually agreeable conclusion.

On the second portion of the report language, I would note that Delaware officials proposed an impartial technical review team to study the issues raised by the corps, the State of Delaware and the Federal Highway Administration. Should a stalemate develop for whatever reason, the corps should reconsider their initial rejection of this proposal.

I thank the chairman for his time and explanation. I believe my colleague from Delaware, Senator ROTH, would also like to clarify a second part of the report language.

Mr. ROTH. Mr. President, I thank Senators BIDEN and JOHNSTON for that clarification. I concur with the previously stated positions, and understand the reluctance of the committee to get involved with this matter prior to the resolutions of the contractual obligations associated with this project. I do feel, however, that it is very important for a plan to be developed that meets all our needs and that we can get on with this project which is so important to the people and economy of my State. I appreciate your taking this time out of your busy schedule to clarify the position of the Subcommittee on Energy and Water Appropriations regarding the report language accompanying this appropriations bill.

We have also included language which says that up to \$5 million can be used for review of the design and the site for the new bridge over the C&D Canal. It was our understanding that even though we have previously asked the Corps of Engineers to undertake this review process, and I hasten to add that they have been reluctant to do this, our language makes it absolutely clear that the subcommittee expects State, Federal Highway, and Corps of Engineers officials to get together and review the design of the new bridge and the site selected by the

State of Delaware. We hope that this design meets all Corps of Engineers concerns and ensures that all concerns of the corps in regard to canal navigation are met prior to the initiation of site preparation and construction. In addition, it is not intended for this review to be a lengthy one.

How does the Senator from Oregon view the language that we have included?

Mr. HATFIELD. I commend Senator ROTH on his diligence and efforts to ensure that the Corps of Engineers does what it is asked to do. Yes, I am very familiar with this issue, and besides him, I have previously met with Delaware's Gov. Mike Castle and Delaware's Secretary of Transportation Mr. Kermit Justice on this matter. I agree with Senators JOHNSTON, BIDEN, and ROTH that I too expect the Corps of Engineers to sit down with the appropriate officials and design a plan of action to alleviate problems that could result from an extended closure of two lanes over the St. George's Bridge. It is important that any disruptions be minimal, and that rehabilitation is planned and scheduled in conjunction with the appropriate officials.

Mr. ROTH. I appreciate the attention of my colleagues to this matter.

Mr. BIDEN. There is another part to the story of the St. George's Bridge that was not addressed by the energy and water bill, namely, the Federal Government's obligation to construct a new bridge over the canal.

The Chesapeake & Delaware Canal cuts Delaware completely in two. In fact, it cuts most of the Delmarva Peninsula from major Eastern cities like Philadelphia and New York. In exchange for allowing this to happen, Delaware officials required the original canal operator to "make and keep good and sufficient" crossings over the canal.

The trade was simple. If Delaware was being asked to provide a route for a canal that only helped ports outside the State—Baltimore and Philadelphia—with no economic benefit to the State, Delaware wanted to be sure it would not see its own transportation routes hindered by the canal.

When the Federal Government took over the canal, it also took over the contractual obligation of the canal operator to provide those crossings. The Senate Judiciary Committee staff has prepared a legal memorandum describing the legal obligation of the Federal Government on this issue.

That responsibility has come into the spotlight because of the need for a replacement bridge for the Route 13 crossing over the canal. The existing bridge is 50 years old, obsolete, and unable to handle existing and projected traffic demands. As part of a \$400 million project to bring traffic condi-

tions along Route 13 up-to-date, a new bridge is needed.

The Army Corps of Engineers recently responded to our memorandum, attempting to deny its responsibility. I have read their response and remain confident that the State of Delaware's case will prevail. It is also an argument that is not new on the part of the corps. From time to time in the past the corps has needed a little encouragement to recognize this unique arrangement, but the Federal Government has never failed to meet its obligations. Two generations of changed and improved bridges over the canal since World War I, built by the corps, are testimony to the Federal Government's obligation.

A response to the corps assertions will be prepared shortly. I am confident this issue will be worked out in the next few months. However, I can understand the Appropriation Committee's concern about getting out in front on providing funds at this time. By the time the appropriations process for fiscal year 1991 begins, I hope these remaining questions will be answered and all parties, including the authorizing committee, will accept the contractual obligation of the Federal Government to the State of Delaware to construct the bridge.

AMENDMENT NO. 439

Mr. KOHL. Mr. President, I was not on the floor when our colleague from Texas, Senator GRAMM, rose to praise the superconducting super collider. I am sorry that I was not here because I would have liked to engage in a discussion of that project with him. Unlike the Senator from Texas, I do not see this program as an act of long-term wisdom.

We are about to approve \$225 million for the SSC, \$135 million of which is for construction.

I have to say that I am very uncomfortable with spending scarce taxpayer dollars to begin the construction of this massive project, expected to cost between \$4 and \$6 billion for construction alone—not to mention the half-billion or so a year we will spend to operate the SSC once it is built.

Mr. President, I just do not think that this is the direction in which we ought to be moving, for a number of reasons.

First of all, I am very concerned that this project will eventually crowd out funding for other important science programs.

Currently, this Nation only spends about \$1 billion a year on general science programs. That is not enough, but given the current budgetary pressures, it seems to be the best we can do.

Many in the scientific community are concerned that they will lose even this amount of money if we proceed with plans to build the SSC.

That is because construction plans for the SSC will require an annual infusion of \$900 million a year in Federal dollars over the next several years.

Scientists fear—with some justification—that there will not be any money left over for the many types of ongoing research which have known practical and commercial applications.

They fear that they will lose funding for important research on alternative energy supplies, semiconductors, and biomedical science—just to name a few.

Research on magnetic fusion, for example, has come a long way, and may soon lead to the development of a cheap, clean, and inexhaustible source of energy for the entire world.

It is hard for me to see how we will be able to continue our commitment to these basic research programs when future funding needs for the SSC will equal the amount we are currently spending on all of our current science programs combined.

Moreover, dollar for dollar, funding for basic and applied sciences represent a better investment in the training of our next generation of scientists. On the other hand, much of the money spent on the SSC will go toward construction costs—bricks and mortar.

But beyond my concerns about basic science, I am concerned about the bigger budgetary picture as well. Our Federal deficit currently stands at around \$150 billion, and yet we keep spending the taxpayers' dollars like there's no end in sight.

Some expenditures are absolutely necessary, while others are more discretionary. I would put the SSC in the latter category.

Don't get me wrong—in the best of all worlds, I would love to know more about the basic structure of matter. It would be great to understand the fundamental forces of the universe.

However, I am not convinced that we should start construction of this multi-billion-dollar project until we figure out how to pay for it.

We have been told we will have to spend about \$100 billion to clean up the nuclear weapons facilities, and we will have to spend between \$200 and \$300 billion to bail out failed savings and loans.

At the same time, we do not seem to be able to find enough money for badly needed AIDS research, or to provide health care coverage to the millions of people who do not receive proper medical treatment, or to educate our young people, or to tackle the Nation's drug problem.

There are so many things that we have to do, that there is simply not room for all the things we would like to do. At some point, we have to start making choices—we cannot have it all.

What if we get halfway through construction, and our growing deficit re-

quires us to eliminate all nonessential funding? Will we find that we sunk billions of dollars into a hole in the ground which will never amount to anything?

It certainly would not be the first time that large amounts of taxpayers' dollars have been literally thrown out the window, but I sure hate to take that kind of risk on a \$4 to \$6 billion project.

Until we are sure that we can afford the SSC, and know where the money will come from, the SSC construction dollars contained in this bill are not a wise investment.

At this time, I am not prepared to offer an amendment to eliminate the funds, but I think that Congress ought to give this matter further consideration before we start sinking \$900 million a year of taxpayers' dollars into the SSC.

I thank the chairman for giving me the opportunity to express my serious concerns, and I yield the floor.

Mr. BRADLEY. Mr. President, by now we are all well aware of the threat of overreliance on fossil fuels. The energy crises of the 1970's made that abundantly clear. We have now become very aware of the additional and perhaps much more dangerous threat of global warming. For many years, the world scientific community has been engaged in a monumental effort to develop a new, clean, and economical source of energy which will someday replace fossil fuels as our primary energy source. One focus of this effort has been the development of nuclear fusion. Ronald R. Parker, the director of MIT's Plasma Fusion Center, has written that "studies indicate that it is possible to design fusion reactors which are passively safe and which produce negligible quantities of long-lived radioactive isotopes. Fusion therefore appears to be ideally suited to our future energy needs."

American scientists, working together with their counterparts overseas, have made enormous strides toward realizing the promise of fusion energy. In my own State of New Jersey, at the Princeton Plasma Physics Laboratory, physicists and engineers are now prepared to build the most advanced fusion device yet designed, the Compact Ignition Tokamak [CIT].

Today I urge that we approve \$330 million for magnetic fusion research, \$24 million above the House level, in order that this Nation may continue to pursue the quest for the nearly inexhaustible source of energy which fusion represents. Today, the United States leads the world in this historic endeavor. Since 1974, we have invested more than \$5.3 billion in the magnetic fusion program. But this lead will rapidly erode if we falter in our resolve.

On July 6, Mikhail Gorbachev told the European Parliament that the

Soviet Union hoped to join with European countries in constructing a joint fusion research facility. We, too, are committed to international collaboration. However, we cannot afford to squander our current advantage in yet another high-technology field. We must not cede the initiative in fusion research to the Soviet Union and other countries nor should we become vacillating or half-hearted participants in this bold initiative. Only by energetically forging ahead with magnetic fusion research can we reap the benefits of our previous investment in this technology, thereby ensuring that America's future energy needs will be satisfied.

Mr. President, the Department of Energy has announced a new review of the current state of fusion research. This seems very appropriate, especially given the Appropriation Committee's concerns. I would like to stress, however, the necessity that this review be pursued by an independent commission—one which is able to dispassionately analyze the facts. I would further like to add that my own opinion of the fusion program is at odds with the committee's comments. While the Department of Energy's testimony at a recent hearing on fusion before the Senate Energy Committee highlighted apparent controversy and disarray within program, other testimony consistently underscored the progress being made and a nearly unanimous agreement on the appropriate pace and goals for the program.

During the review period it is critical to maintain ongoing activities so that teams of highly trained scientists, engineers, and technicians are not broken up and lost forever. I am confident that such a review will affirm the wisdom of pressing ahead with the magnetic fusion program, as did the Department's own Magnetic Fusion Advisory Commission recently. The unprecedented accomplishments of the program and the relative maturity of the technology which it employs argue against any pause in the prosecution of the magnetic fusion research effort.

Mr. LAUTENBERG. Mr. President, I want to congratulate Senator JOHNSTON on putting together this bill under very difficult circumstances. We are all learning how to stretch scarce dollars to cover all the important tasks of government. I was pleased that the funding for magnetic fusion in this appropriations bill is \$330 million, \$24 million above the House level. This level of support recognizes the value of fusion research.

The committee report notes that the Department of Energy is undertaking a review of fusion research. I want to underline the importance of assuring that this review be independent. Along with several of our colleagues on the Appropriations Committee, I have

written to the Secretary of Energy urging comprehensive, thorough, and independent technical review of both the magnetic and inertial fusion programs.

I hope this review will receive careful attention when the Department submits it to the Energy and Water Appropriations Subcommittee, as directed by the report. The future course of fusion research is essential to our national energy policy and deserves close scrutiny.

Mr. President, I also believe we should move forward with the construction of the Compact Ignition Tokamak [CIT] at the Princeton Plasma Physics Laboratory, which will mark the next step toward the development of a commercial fusion reactor. The CIT is designed to achieve thermonuclear ignition, which is the point at which a fusion reaction becomes self-sustaining. I would like to point out that the chairman of the Department of Energy's own Magnetic Fusion Advisory Committee [MFAC], Mr. Ribe, has written to Secretary Watkins that—

By all accounts, including that of the MFAC panel of 22, the CIT facility as represented by its full capability has a high probability of achieving its ignition goal.

I would like to submit Mr. Ribe's letter for the RECORD, and ask unanimous consent that it be printed therein.

Failure to follow through on the CIT project could jeopardize full U.S. participation in the proposed international thermonuclear experimental reactor, an important international effort which would distribute the cost of the next stage of fusion research among several nations.

I appreciate the time Senator JOHNSTON has given to this issue and look forward to working with him on it in the future.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF WASHINGTON,
Seattle, WA, June 21, 1989.

HON. JAMES D. WATKINS,
Secretary, U.S. Department of Energy, Washington, DC.

DEAR MR. SECRETARY: Since the June 6-7 meeting of the Magnetic Fusion Advisory Committee (MFAC), the Department has made public the outline of a proposed initiative to establish a 10-year competition between Magnetic Fusion Energy (MFE) and Inertial Confinement Fusion (ICF), based on the Compact Ignition Tokamak (CIT) and the Laboratory Microfusion Facility (LMF) devices. Believing as it does in the importance of fusion in the nation's energy future, and in particular in the urgency of the ignition step, the undersigned unanimous membership of MFAC feels it essential that the potential and the needs of the MFE and ICF programs be reviewed by a high-level technical committee prior to any changes in MFE budget requests.

The fate of the CIT project is part of our concerns. In order to achieve ignition at minimum cost, the project was laid out with

two phases, only the second of which was regarded as having high probability for ignition. In a letter to Representative Lloyd dated July 11, 1988, the Acting ER Director, Dr. Decker, described the two-phase strategy and the DOE approval of it. We take exception to the CIT being equated to only its first phase; doing so conceals the sound logic and value of the CIT project. By all accounts, including that of MFAC Panel 22, the CIT facility as represented by its full capability has a high probability of achieving its ignition goal. Given the importance of ignition in fusion's development, it would damage the MFE program to have a CIT delayed or cancelled out of concern for the ignition risk of Phase I.

If assurance of early ignition is the prime consideration, a better approach in pursuit of a timely ignition experiment would be to develop a plan for proceeding directly to the full-power configuration of Phase II. The plan should be developed with the participation of the fusion community, the Congress, and potential foreign participants. In his oral testimony to the June 14 Senate Subcommittee on Energy Research and Development, Dr. Hunter referred to the Department's policy to "push both (MFE and ICF) to achievement of ignition * * * in new experimental devices within about 10 years". In our view, for the CIT this can be done most effectively by continuing its preparation in parallel with the transport initiative, as expressed in our finding letter of June 7 to Dr. Hunter regarding Panel 22.

Regarding the proposed competition itself, MFAC has on many occasions expressed its belief that an assessment of fusion's potential as an energy source must be multi-faceted, including not only questions of physics feasibility, but also those of nuclear technology, materials, economics, safety, and environmental impact. Scientific progress is needed on a number of high-leverage issues in order to reduce the technological complexity of fusion systems and to speed the development of an attractive reactor and product. Examples of key physics issues, in addition to transport, are efficient current drive, increased beta (energy density), and auxiliary heating methods. These issues are now being addressed not only in the mainline tokamak but also through work on selected alternate magnetic fusion concepts, allowing both a complementary view of the underlying physics and an examination of other potential avenues to a reactor. Within available resources, the present MFE program addresses the physics and technical issues in a balanced way, in preparation for an assessment of magnetic fusion in the first decade of the next century. The effect of the proposed MFE budget cut would be to greatly weaken the ability to make an informed and accurate assessment.

The MFE/ICF competition and program restructuring proposed by the Department would limit the comparison to the performance of two devices, the CIT and the LMF, each of which is designed to address a narrow physics issue, ignition in the CIT and significant energy multiplication in the LMF. Although the CIT would be closer to its reactor goal than the LMF to its reactor goal, neither device would be prototypical of a reactor to follow, and neither device would be intended to, or be capable of, addressing the many questions that would need to be answered in assessing its line of approach to fusion energy. The competition, as posed, would not serve its intended purpose and is unlikely to assure a well defined path to commercial fusion energy.

In the attempt to create a competitive situation, the effect of the initiative would be to slow one program and accelerate the other. The \$50M in funds proposed to be removed from MFE would considerably disrupt the program. They are, in part, just those necessary to resolve the transport issue and prepare for the ignition experiment; and they would, in addition, halt much of the needed multifaceted research discussed above. Out of concern for the long-term health of fusion development, we strongly urge that recommendations for major changes in the MFE program plan and for reprogramming of funds, including the magnitudes of funds to be involved, be delayed until their technical merits and impact on the affected programs have been thoroughly reviewed.

Sincerely yours,

Fred L. Ribe, Chair; Charles C. Baker; David E. Baldwin, V. Chair; Everett E. Bloom; Wilhelm B. Gauster; Melvin Gotlieb; Robert Kribel; James E. Leiss; Dale M. Meade; D. Bruce Montgomery; Tihro Ohkawa; Richard E. Siemon; Peter Staudhammer; Harold Weitzner.

The PRESIDING OFFICER. Under the previous order, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, we do not have a request for the yeas and nays on final passage. Therefore, it was not my intention to ask for the yeas and nays on final passage unless some Senator wished to do so.

If we have a voice vote, it would then be the intention of the Senator from Georgia [Mr. NUNN] to move to the defense bill where we would consider under a unanimous-consent request an amendment on SDI to transfer \$558 million from SDI to several accounts, including V-22, Maverick missile, et cetera, and to have that time evenly divided, the time between now and 8 p.m., at which time the vote would occur.

So I ask the distinguished Senator from Virginia, who is to clear that request, to see if that can be done.

Mr. President, first, I have been informed that there is a request for a rollcall vote on final passage.

So I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, time is very short and in order for us to get the debate finished on SDI in order to vote by 8 p.m., the magic of 8 p.m. being that some Senators have to catch airplanes, we would need a 10-minute vote. So I ask unanimous con-

sent that the vote on final passage be a 10-minute rollcall vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. JOHNSTON. Will the Senator withhold?

Mr. WARNER. Mr. President, I would like to pose a question and then let the leadership deal with it.

Could we address the unanimous consent request on the DOD bill before the rollcall starts?

Mr. METZENBAUM. There will be no rollcall vote.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that we vitiate the requirement for the rollcall vote.

The PRESIDING OFFICER. Is there objection to the vitiation of the rollcall vote?

Without objection, it is so ordered.

The rollcall vote having been vitiated, and the bill having been read the third time, the question is, Shall the bill pass?

So, the bill (H.R. 2696) as amended, was passed.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. JOHNSTON, Mr. BYRD, Mr. HOLLINGS, Mr. BURDICK, Mr. SASSER, Mr. DeCONCINI, Mr. REID, Mr. HATFIELD, Mr. McCLURE, Mr. GARN, Mr. COCHRAN, Mr. DOMENICI, and Mr. SPECTER conferees on the part of the Senate.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana will suspend. The Senate is not in order. The Senate will be in order. Senators who have business other than that before the Senate, please adjourn to the cloakroom.

The PRESIDING OFFICER. The Senator from Arkansas.

CORRECTING THE ENGROSSMENT OF H.R. 2788

Mr. BUMPERS. Mr. President, the Fowler amendment took money from the road fund and put it into a series of things. One was the State energy

programs and the figure was changed in one place in the paragraph, but inadvertently was not changed in the other.

I offer a technical correction to that and I ask unanimous consent that that amendment be agreed to. This change does not increase the overall dollars for energy conservation nor does it affect the overall bill total in any way. This amendment has been cleared by the minority.

The PRESIDING OFFICER. The Senator from Arkansas will be advised that the bill before the Senate now is the defense authorization bill. The amendment that the Senator is offering is to the Interior appropriations legislation, which is passed.

Mr. BUMPERS. Mr. President, I am not offering this amendment on the bill. I ask the engrossment be corrected on the bill we passed yesterday.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1990 AND 1991

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1352, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1352) to authorize appropriations for the fiscal year 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such departments for fiscal years 1990 and 1991, and for other purposes.

The Senate resumed consideration of the bill.

UNANIMOUS-CONSENT REQUEST

Mr. JOHNSTON. Mr. President, I ask unanimous consent that it be in order for me to submit an amendment relative to SDI and the transfer of \$558 million from that program to other programs, including the V-22 Osprey and Maverick missiles, et cetera; that the time on that amendment be equally divided between myself and the Senator from Virginia, Mr. WARNER; that the vote thereon occur at 8:10 p.m.; that no second-degree amendments be in order except those which are agreed to by the mover, myself, the Senator from Virginia, and the Senator from Georgia, Senator NUNN.

Mr. PRYOR. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I think that I understand the Senator from Louisiana to say that there would be an increase of the funding of the Maverick missile; is that correct?

Mr. JOHNSTON. That is correct. The amendment will provide for a transfer of \$558 million from SDI,

which will be put into the V-22 Osprey, \$157 million; KC-135R reengining, \$140 million; Maverick missiles, \$145 million; DARPA, \$75 million, with a breakdown under DARPA; Army ammunition, \$18 million; and R&D on the RF-16, \$23 million; for a total of \$558 million.

Mr. PRYOR. Mr. President, parliamentary inquiry.

Should the request of the Senator from Louisiana be granted under the unanimous consent—pardon me, could there please be order in the Senate, Mr. President?

The PRESIDING OFFICER. The Senate is not in order. Those Senators who are standing, please adjourn to the Cloakroom or take a seat.

Mr. PRYOR. Should the amendment go forward under the unanimous-consent request, would the amendment then be amendable?

The PRESIDING OFFICER. The unanimous-consent request of the Senator from Louisiana would provide that it would be subject to a second-degree amendment if such amendment were concurred to by the Senator from Louisiana, the Senator from Virginia, and the Senator from Georgia. The Chair is not clear as to whether that requires group consensus or whether it requires the consensus of one of those three.

Mr. WARNER. Mr. President, it would require the consensus of all three named Senators.

Mr. JOHNSTON. Mr. President, I say to my friend from Arkansas that the bill could be separately amended after this consideration, but in order to allow a vote by 8:10, we wanted to narrow the issue and not have a lot of second-degree amendments.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Arkansas yield the floor?

Mr. PRYOR. Mr. President, I am about to propound that the Senator from Louisiana reserve for the Senator from Arkansas the opportunity to offer a second-degree amendment to the amendment of the Senator from Louisiana on the SDI.

I will not argue the Maverick missile, but that turkey should have been killed a decade ago and here we are about to pump some more money into it, trying to vote in the next hour and a half. I just think the process is wrong, Mr. President.

Mr. NUNN. Will the Senator yield?

Mr. PRYOR. I am glad to yield to the Senator from Georgia.

Mr. NUNN. Based on my preliminary vote count, the Senator from Arkansas can cure that question and make it moot by simply voting against the Johnston amendment.

Mr. PRYOR. The Senator from Arkansas may want to also be a part of the amendment of the Senator from

Louisiana by striking some SDI money.

But what we are doing, we are taking this money which we want to cut and we are putting it into some, I think, very questionable programs in the Department of Defense.

I did not know, and I say this in all sincerity and respect, I did not know that his amendment was going to place the money in the Maverick missile program. So we are in a dilemma.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Arkansas interject an objection to the unanimous-consent request?

Mr. WARNER. Mr. President, before the Senator does, would he yield for a further observation?

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Virginia?

Mr. PRYOR. I am glad to yield to the Senator from Virginia.

Mr. WARNER. Mr. President, I say to my good friend from Arkansas that the chairman of the Armed Services Committee, myself, the Senator from Louisiana, the distinguished majority leader, and Republican leader have been working very hard to try to get to this point. It has taken a lot of reconciliation of a lot of views and personal plans and airplanes, and I could go on.

I hope that the Senator would weigh heavily his consideration of the interposing of an objection.

Mr. PRYOR. Mr. President, the Senator from Arkansas has never object to a unanimous-consent agreement. I must say, under these circumstances, for the moment, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. JOHNSTON. Will the Senator withhold for just a moment? Let me observe that if this amendment were carried, the Senator could come back with an amendment which would change that amount from Maverick missiles to another account. In other words, this would not be final on the issue of Maverick missiles. I urge him to consider letting us go forward on this and come in with a separate amendment on the Maverick missile.

Mr. METZENBAUM. Will the Senator from Louisiana yield for a question?

Mr. JOHNSTON. Yes.

The PRESIDING OFFICER. The Senator from Louisiana has propounded a unanimous-consent request. The Senator from Arkansas has indicated that he objects. At this point, does the Senator from Louisiana wish to offer an alternative suggestion?

Mr. JOHNSTON. Not at this point, Mr. President.

The PRESIDING OFFICER. Who seeks recognition?

The majority leader.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 500

(Purpose: To reduce funds for the SDI program and increase funds for certain other programs)

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] proposes an amendment numbered 500.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. NUNN. Mr. President, reserving the right to object, will the Senator identify the amendment?

Mr. JOHNSTON. Yes. Mr. President, this is the amendment just described which takes \$558 million.

Mr. NUNN. This is the SDI amendment, the original amendment?

Mr. JOHNSTON. That is correct.

Mr. NUNN. Mr. President, I withdraw my objection.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, may I inquire, is this the same amendment the Senator sent to the desk previously with the same allocation as far as Maverick and other systems?

Mr. JOHNSTON. The Senator is correct.

The PRESIDING OFFICER. The Senator from Louisiana has asked unanimous consent to dispense with the reading of the amendment. Is there objection?

Without objection, it is so ordered.

The amendment is as follows:

At the end of title IX of the bill, add the following new section:

SEC. . REDUCTION OF AUTHORIZATION FOR FUNDS FOR SDI PROGRAM AND INCREASE IN FUNDS FOR CERTAIN OTHER PROGRAMS

(a) LIMITATION ON APPROPRIATIONS FOR SDI.—Notwithstanding the amount authorized to be appropriated pursuant to section 201 for Defense Agencies for fiscal year 1990 for the Strategic Defense Initiative (SDI) program, not more than \$3,743,476,800 may be appropriated to such agencies for fiscal year 1990 for such program.

(b)(1) INCREASE IN AUTHORIZATIONS FOR OTHER PROGRAMS.—Notwithstanding section 123 or any other provision of this Act—

(A) \$157,000,000 is authorized to be appropriated for the Navy for fiscal year 1990 for long-lead procurement for the V-22 aircraft;

(B) \$140,000,000 is authorized to be appropriated for fiscal year 1990 for the Air Force for re-engining KC-135 aircraft;

(C) \$145,000,000 is authorized to be appropriated for fiscal year 1990 for the Air Force for procurement of AGM-65D Maverick missiles;

(D) \$18,100,000 is authorized to be appropriated for fiscal year 1990 for the Army for ammunition; and

(E) \$23,000,000 is authorized to be appropriated for fiscal year 1990 for the Air Force for Research, Development, Test and Evaluation of the RF-16 reconnaissance program.

(F) \$75,000,000 is authorized to be appropriated for fiscal year 1990 for the Defense Advanced Research Projects Agency as follows:

(i) \$5 million for high temperature superconductivity.

(ii) \$20 million for research and development of high resolution display technologies.

(iii) \$15 million for gallium arsenide manufacturing technology and inserting.

(iv) \$30 million for x-ray lithography program.

(v) \$5 million for the artificial neural network technology program.

(2) The amount authorized to be appropriated by paragraph (1) for any program is in addition to any amount otherwise authorized to be appropriated by this Act for such program.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, what this amendment does is take last year's level on SDI, which was \$3.627 billion, and add to that the rate of inflation which is 3.2 percent, which gives us a total amount, for SDI, of \$3.743 billion. That is last year's level plus inflation.

What this leaves us is \$558 million, which is transferred as follows: \$157 million to the V-22 Osprey, which is the amount identified as being necessary to keep that program going; \$140 million to the KC-135R re-engining; \$145 million for Maverick missiles; \$75 million for DARPA, which is the defense research program. That \$75 million is broken as follows: \$5 million for superconductivity R&D; \$20 million for high-density TV, which has a great military application. It also, of course, has a tremendous civilian application. But \$20 million would be for HDTV. Gallium arsenide manufacturing would be \$15 million. This, of course, is important in semiconductors. They will be radiation-proof and will be capable of carrying much more information than the silicon chips. X-ray lithography would have \$30 million. X-ray lithography, my colleagues will recall, also pertains to the manufacture of the very small computer chips which have a tremendous amount of information. Supercomputers would receive \$5 million.

Army ammunition, Mr. President, not part of DARPA, would receive \$18 million and R&D on the FR-16 would receive \$23 million, for a total of \$558 million.

Mr. President, the fundamental question, the threshold question, presented by this amendment is: Did SDI deserve an increase of \$673 million over last year? Because that is what this bill provides for, an increase of \$673 million in an atmosphere and a time of budget cutbacks.

I submit, Mr. President, there are so many unknowns about SDI that now is not the time for that increase. What are the unknowns?

Well, first, the basic, fundamental question: Is SDI helpful or harmful from a strategic standpoint if it works and if it is affordable? The answer to that is unknown.

The office of SDIO says we have not dealt with that question. Indeed, it is a fundamental question. It could be harmful because it could enhance our first strike capability which does not make the world safer. It makes the Soviets more trigger-happy. In any event, that is an unanswered question.

A second question, unanswered, is about cost. We know during phase I we would spend at least \$100 billion and eliminate no more than 16 percent of Soviet warheads. That is, if it measured up to the requirements for phase I of the Joint Chiefs of Staff.

We do not know about its effectiveness; that is, we do not know whether it would work or not. Obviously, if it has not been tested, we cannot know that. We do not know the effectiveness of Soviet countermethods and we do not know whether it breaks the ABM Treaty, whether the different versions of it do. But more than that, Mr. President, there are two even more fundamental questions that pertain, really, to what we are about tonight.

And these are the fundamental questions: First, what is the mission of SDI? When President Reagan proposed SDI back in 1983 in March it was proposed as an astrodome. My colleagues will recall the cartoons about the umbrella placed over the country. It was to make the whole country safe from nuclear attack. Mr. President, that mission has been explicitly abandoned by this administration, as it was from the time the President's words were out of his mouth by the scientists because it was an unattainable goal.

But there are other possible missions. There is an accidental launch protection mission to protect against a launch by the Soviet Union which would be unintended, or some terrorist launch. There is the protection of individual cities. As the Soviet Union rings Moscow with their one system, we could ring Washington with our one system if we chose to do so, or we could defend against missiles. We could defend the MX, or we could defend the Minuteman. We could defend any system we wish. But that is a possible use of SDI. Or the current vogue in talking about the use of SDI

is to confuse the Soviet war planner, to interfere with the sequencing of his attack. That seems such a modest goal, Mr. President, considering the cost of this gigantic system. It seems to me that should be, and I believe it will be if faced squarely by the Congress, rejected out of hand because if all we are doing for all of this hundreds of millions of dollars is interfering with the sequencing of an attack, making it confusing to the Soviet war planner, it seems to me that is not a mission we want.

Mr. President, of all these possible missions, the Office of SDIO, the Secretary of Defense, the President of the United States, no one has at this point identified a mission or identified a set of missions for SDI.

The answer to this may be we do not know what the mission is until we know what the capability is. That is the second very fundamental, unanswered question about SDIO and that is, what kind of technology are they pursuing? There are at least three major choices of technology, Mr. President. There is what I would call in one word the so-called ray technology. These are all the beams, the x-ray laser, the other kind of chemical lasers, the nuclear-driven x-ray laser, the neutral particle beam; all kinds of different rays which people out there in America may think is what we mean by SDI because they have seen the mockups on television where the little orbiting ray guns shoot the missiles as they take off. They always shoot them down with rays in television. That is a possible choice here.

The second choice is what I would call the garage mode of SDI deployment. What I mean by the garage mode is that you have an orbiting garage, as we call it, filled with missiles which are directed principally by central targeting systems, such as the so-called BSTS, the boost surveillance and tracking system, or the SSTS, which is the space surveillance and tracking system. These are two systems that are being widely researched right now and have been for some years.

Boost surveillance, obviously, is designed to be a system in place to detect Soviet missiles in the boost phase and post-boost phase. The space surveillance and tracking system, obviously, is to track them during the midcourse part of the system. But, Mr. President, the garage mode is or was for many years, for many months, the preferred method of deployment or at least a consideration of research for SDI. The rockets which are contained in the garage are what we call kinetic kill; that is to say, they would shoot out as a rocket guided by these central sensors initially and would home in on and kill the oncoming Soviet warhead

by actually striking it, by physically hitting it.

The third method, Mr. President, is what I would call the independent kinetic kill vehicle. This is the brilliant pebbles system which has arrived new on the scene. Brilliant pebbles, Mr. President, involves thousands and thousands—in fact, one of the scientists has identified as many as 100,000 independent satellites, each one of which has its own individual sensor, and the idea would be that somehow we could control those satellites so that they would not shoot down orbiting friendly astronauts, or whatever, but would somehow be triggered to select the right targets when they came over. That seems to be the preferred method.

Mr. President, what we are being asked to do here is to add this \$673 million to SDI to buy a pig in a poke without their having selected the technology. Again, it could be beams; it could be the garage method; it could be brilliant pebbles. And which is it that they are pursuing? Well, they tell us, Mr. President, they do not know that now; that they will know sometime later, sometime this fall.

All we know is we have a five-page sheet containing a "tentative" set of numbers dated June 12, 1989. Let me read a short paragraph which is the preface to these pages. It says:

The attached project level distribution of the SDIO fiscal year 1990 budget request, which is \$4.6 billion, is tentative, pending (a) the results of space-based architecture studies and evaluation of the brilliant pebbles concept to be completed this fall, and (b) the completion of a series of internal program reviews designed to fine tune the program and assure executability in light of a more constrained fiscal environment and the various space-based alternatives.

They continue:

Although the overall project level funding distribution may change significantly by October 1989, the boost surveillance and tracking system, that is project 08, will be continued to be funded at the current level.

Mr. President, to repeat that, we are asked to increase SDI based on tentative numbers which may change dramatically and drastically based upon studies that are to be made.

In every other program that the Department of Defense has, they are able to come to us and say that we want so much money to build such and such a weapons system. With respect to SDI, we are asked to commit to a program which is growing by hundreds of millions of dollars without knowing what that would be spent for and, once the technology is produced, what the mission of that is to be.

It seems to me, Mr. President, that we in the Congress ought to demand that before we fund SDI, we know what the purpose of it is; we know what we are getting into; we know what we want to achieve.

(Mr. DASCHLE assumed the chair.)

Mr. JOHNSTON. All we know, Mr. President, is that they want a tremendous increase here; that it is a \$33 billion requested program over a period of 5 years. I ask my colleagues to consider that this year they want an increase of \$974 million. But it does not stop there. Next year there is about an \$800 million increase. The year after that there is a \$900 million increase. The year after that there is a \$1.4 billion increase. The year after that there is a \$1.3 billion increase.

In other words, the requested program is growing like Topsy—a \$33 billion program—without knowing either what technology we are going to buy or what the purpose is.

Now, Mr. President, that is so fundamental. We do not know what the technology is. It could be brilliant pebbles. We could put it on the so-called ray technology. We could put it on the so-called space-based interceptor, SBI, which is the garage technology. We do not know. Before we increase this program, which is already very generously funded, we ought to know what it is for.

Now, we know with the B-2 approximately what it costs, and what it is for, and we can debate that back and forth. We can debate back and forth the V-22. We know what it is for, what it will accomplish, how it works, and what its use is. It seems to me we ought to do that. But we do not know either what we spend the money for or what it would accomplish. There are so many fundamental questions to be answered about SDI it seems to me what we ought to do is hold that very generously funded program where it is, increase it by inflation, and use the money on uses that we know are very important.

Now, Mr. President, what are those uses in this amendment? First of all, there is the V-22 Osprey, the tiltrotor aircraft. We provide a \$157 million transfer for that, for advanced procurement to procure the critical long leadtime items, hold the production teams together, and protect the production options for next year.

The Senate Armed Services Committee press release on the fiscal year 1989 DOD authorization bill listed a number of major weapons systems that Secretary Cheney had canceled and said they all ought to be canceled save one, and that is the V-22 Osprey. The Senate Armed Services Committee, I know, supports that.

Second is the KC-135R reengining, providing \$140 million for 16 more reenginings. That would bring us to a total of 40 kits in fiscal year 1990. Again, the Senate Armed Services Committee authorized reengining an additional 16 aircraft at \$140 million but they could not afford to fund it and so they told the Air Force to take it out of their hide, that is, to take it

out of other programs. This amendment provides the money.

Next, Mr. President, we procure 2,000 Maverick missiles. Mr. President, the Senate Armed Services Committee report states that the Maverick production rate is below the minimum sustaining rate and far short of the economically efficient rate of production.

Maverick is the only guaranteed tank killer for the Air Force close air support mission; says the committee report. The Air Force plans to buy only one-third of the inventory of Mavericks which they need and this situation according to the Senate Armed Services Committee report is militarily unwise and economically unsound.

So, Mr. President, what this does is, with respect to Maverick, give more of what is needed, not all of what is needed by any means, to that important program.

The \$75 million for DARPA, Mr. President, I have heard it stated by knowledgeable people that that \$75 million in itself is more important R&D for defense, more important R&D for the country than is the total amount of the increase for SDI.

These are such critical technologies, superconductivity, high density television, gallium arsenide for the new generation of computer chips, x-ray lithography for the new generation of computer chips. And by the way, Mr. President, the new generation of computer chips will be a \$100 billion-a-year business, according to the Secretary of Commerce, by the year 2000. That is just on the civilian side, not to mention the military side.

Supercomputers, I do not have to tell my colleagues of the importance of those. And Army ammunition which is greatly underfunded, an additional \$18 million brings us closer, still well below but closer to our needs. And the R&D on the RF-16.

The RF-16 is the version of the F-16 which will be used for tactical surveillance. Right now, Mr. President, we use the F-4, which is a very old airplane. It does not have the capabilities of the F-16 and in particular it is very loud. The noise of a jet plane used in surveillance makes its utility greatly diminished. So we ought to be doing R&D on the F-16 in the surveillance mode.

So that is how we spend the \$558 million, Mr. President. I think this is a very prudent transfer. I think it enhances defense, and I think it fully meets all of the needs of SDI.

I yield the floor.

Mr. BENTSEN. Mr. President, I rise in support of the amendment of the distinguished Senator from Louisiana. I agree with where he wants to be, how he does it.

One of my main reasons, though, for supporting it is the V-22. A good part of that goes to my own State, so I have a parochial interest in it, but it really goes beyond that.

I was on the board of a major aircraft company before I came to the Senate. That company was working on the technology for a tilt rotor, believing it had a great commercial application. But one of the problems was where were the small airports located near the city. Which came first? Did you build this for a commercial application or did you get the airports built first? Did you get it through the airport trust fund. The chicken or the egg?

Here we have a chance to do something for the military. This will become a great military aircraft, but it will also have applications for commercial aircraft. There are five major companies in Europe now, heavily subsidized by their governments, concentrating on this kind of technology, wanting to beat the United States into the tiltrotor vehicle. They have done some things on the Airbus and they have made great headway on that. They have taken a substantial amount of our market in that process. Let us not let them do it again. Let us go ahead and support this amendment and get on with construction of this aircraft.

Mr. President, I am pleased to join in cosponsoring this amendment to revise our military priorities in order to shift needed funds into several defense programs, including the V-22 Osprey.

I believe it is appropriate to offset these increases with a reduction in the funds for the strategic defense initiative. Even with the cuts proposed by this amendment, SDI will still be the second largest program in the defense budget and the biggest R&D account.

Obviously, more could be done with more money, but that truth applies to all defense programs, SDI would still be a highly favored program, with \$4 billion despite our tight-budget environment. Since SDI is a long-term program, which President Bush has already slowed by his own cuts, we can with greater confidence shift some funds into smaller but more urgent programs.

SDI is also a better source for offsets because reductions there would not cut military pay or personnel, would not reduce combat readiness, and would not slash ongoing modernization programs.

By holding SDI to an inflation adjusted freeze, we can make significant improvements in several other defense programs. Let me mention just a few which I consider particularly important.

This amendment provides \$157 million in advanced procurement funding for the V-22 Osprey—money vital to

keep this promising program moving forward.

I think it is significant that the Armed Services Committee specifically did not agree with Secretary Cheney's decision to cancel this program.

Instead, the committee approved \$255 million for continued research and development for this program and requested further testing and careful review of several aspects of the V-22.

The committee acknowledged what I consider a most compelling reason for pressing ahead with this program—the substantial commercial potential which tiltrotor technology could have for alleviating airport congestion and providing a new, major aerospace export for the United States.

I do not mean to minimize the military value of the V-22.

It would substantially enhance the Marine Corps by giving it much greater range, speed, and flexibility for amphibious operations. It could give our special operations forces unrivaled capabilities for antiterrorist and hostage rescue missions.

While the United States is pursuing this technology for immediate military applications, other nations are rushing to exploit commercial and export opportunities.

Already, five government-subsidized companies in Europe have formed a consortium to beat the United States into the civil marketplace for tiltrotor technology, consequently, added funds for the V-22 will preserve our future civilian options as well as maintaining the military ones.

This program is also important for Texas, where several thousand highly skilled and experienced helicopter craftspeople face the loss of their jobs if Secretary Cheney's decisions to kill the V-22 and the AHIP are implemented. It would be a tragic loss to our work force and to our defense industrial base if these people are denied the opportunities to practice their expert skills on these aircraft programs.

Mr. President, this amendment also provides money for other very important, but underfunded, defense programs. I want particularly to emphasize the \$75 million we would shift to DARPA, the Defense Advanced Research Projects Agency.

Of this amount, \$20 million will go to supplement the committee's \$20 million increase for research related to high definition television [HDTV].

Until now, the administration has approved only \$30 million over 3 years for this technology, despite the fact that it could well be the basis of a multibillion-dollar industry within a decade, with enormous implications for trade, the cost of defense electronic components, and our defense industrial base.

Earlier this year, DARPA solicited proposals for HDTV-related research.

Though it had only \$30 million for this purpose, it received dozens of very attractive plans. To fund only the best ones would have required \$100 million per year for 3 years, DARPA testified. With this amendment, the Senate will be endorsing \$40 million this year for HDTV research by DARPA.

Personally, I would like to see the Commerce Department involved in this project, but I understand that that Department's report on HDTV has been delayed. To move ahead in this technology, we have to get moving, and this bill with this amendment provides the best available means.

Our amendment increases funding for other highly promising research programs in DARPA, including x-ray lithography, high-temperature superconductivity, and artificial intelligence. These are dual-use technologies, with important defense applications and exciting nondefense possibilities as well.

Until we set up a framework for the systematic development of these new technologies—as I have proposed with Senator HOLLINGS in S. 1191—we will have to rely on a trickle down of advances from defense to the domestic economy. That is inefficient and insufficient in my view.

Mr. President, this amendment—by shifting funds from SDI to very important conventional weapons and advanced technologies—is necessary if we are to avoid a dangerous imbalance in our defense programs. We must not allow strategic defense research to squeeze out other promising programs like the ones I have mentioned.

I urge my colleagues to support this amendment.

DIVISION OF AMENDMENT NO. 500

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I ask that amendment No. 500 be divided between sections 8 and 9. Actually, between lines 8 and 9, Mr. President.

The PRESIDING OFFICER. The amendment is susceptible to division at that point. The amendment is so divided.

The amendment was divided into divisions I and II.

Mr. PRYOR. Mr. President, on the first portion of that amendment which takes \$558 million from the SDI Program, on that particular amendment or that phase of the amendment, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. JOHNSTON. Mr. President, will the Senator withhold? I think I know what he is doing. But would he explain what he is doing for us?

Mr. PRYOR. Yes. Mr. President, in answer to the inquiry from the Senator from Louisiana—

The PRESIDING OFFICER. Does the Senator from Arkansas withhold his request for the yeas and nays?

Mr. PRYOR. I withhold my request.

In response to the Senator from Louisiana, let me answer by saying that this measure that we have before the Senate right now—in my opinion some of it may be very productive. I think for example in looking at the fact that we have spent \$17 billion on the SDI Program over the past 5 years it would not hurt us to cut \$588 million from the SDI Program. Once we do that, and I join the Senator from Louisiana in this, I think what he has done is a very constructive and meaningful amendment.

But after that, if we want to add money back into various programs, then I think that should be a matter voted on separately, perhaps even next week. I can say to the Senator from Louisiana that I think if we cut the money now and worry about if we want to make add-ons next week, that is fine. And I will take my chances, for example, with the Maverick missile next week.

But we have spent probably \$3 billion to \$4 billion on a Maverick missile. Let me read, if I might, from page 72 of the Senate report from the committee.

It says this under the "Maverick missile": "The Air Force and the Navy intend to terminate further procurement of the * * * Maverick missile after fiscal year 1992."

The Senator from Louisiana has just stated in his remarks, and I quote, "The Maverick is below minimum production."

Mr. President, the reason the Maverick is below the minimum production is it has not worked. It has never worked. The General Accounting Office as recently as 1987—part of this report is secret. I invite Senators to come by this desk and read those parts that are secret. This missile has not worked. It has been a 10-year program or a 15-year program, a multi-billion-dollar program. And now we are trying to pump in \$145 million in addition to the request the committee has made. They want to cancel the program.

I think it is ludicrous, absolutely ludicrous, for us to consider putting \$145 million into a program they say they are going to stop in 1982. The distinguished Senator from Louisiana, my friend and neighbor, also stated a moment ago, and I quote, "This is a guaranteed tank killer."

Mr. President, if the Maverick missile has blown up one tank yet in the past 10 or 12 years, I would like to know about it. Maybe it has. I stand corrected if it has. But the Maverick missile is a jobs program. If we want a jobs program let us make those jobs to building something that works, protect our service people, and protect the interests of this country, the na-

tional security interests of the United States. Let us not keep buying these turkeys because they do not work.

Look at this General Accounting Office report right here. Look at the committee report from our own Armed Services Committee. We are going to cancel this thing. We are going to stop buying them. What are we doing? We will spend another \$145 million. It does not make sense, Mr. President.

I am simply saying let us cut the money for SDI \$558 million, and decide next week whether we want to reauthorize some other programs. I will take my chances at that time.

That is why, Mr. President, I am requesting a division and ultimately the yeas and nays on the cut.

Mr. JOHNSTON. The division is at what point?

Mr. PRYOR. Between lines 8 and 9.

Mr. JOHNSTON. On page 2?

Mr. PRYOR. Mr. President, I think that is correct.

The PRESIDING OFFICER. The Chair would inform the Senator from Louisiana that the Chair's understanding is that the division would occur on page 1 between lines 8 and 9.

Mr. PRYOR. That is right.

Mr. EXON addressed the Chair.

Mr. JOHNSTON. The Chair has ruled that division.

The PRESIDING OFFICER. That is correct. The yeas and nays have not yet been requested.

Mr. PRYOR. Mr. President, would the distinguished Senator from Louisiana yield? I do not want to do procedurally anything that goes against his grain. Would the Senator from Louisiana object now if I requested the yeas and nays on division I of the amendment?

Mr. JOHNSTON. Mr. President, if the Senator will yield, is it possible to have a debate on the division II after we voted on division I? Then the debate can ensue between the votes on the divisions of the amendment?

Mr. WARNER. Mr. President, reserving the right to object, would the Senator restate that? I am not sure it is clear. If the Chair would state the parliamentary situation with respect to the Johnston amendment, has it now been subdivided? If so, precisely at what point?

The PRESIDING OFFICER. The Chair would inform all Senators that the amendment has been divided. Division I is that part of the original amendment which includes lines 1 through 8. Part 2 is the remainder of the original Johnston amendment.

Mr. WARNER. Mr. President, I propound a further question so that Senators who may not have the amendment before them and possibly are listening will understand. In substance that would mean we now have two amendments.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. Division I would essentially be a straight up-or-down vote on a cut on SDI; the second would be a straight up-or-down vote on adding back certain programs to the underlying bill; is that correct?

Mr. JOHNSTON. Mr. President, if I may have the floor to answer that question—

Mr. WARNER. If the Chair could respond to the Senator's question?

The PRESIDING OFFICER. The Chair is uncomfortable in characterizing the amendment in any fashion. But as I described the amendment earlier, all of the remainder of the amendment which is titled "Increase in Authorization for Other Programs" is the total amendment to be offered by the Senator from Arkansas as division II. So the characterization is probably accurate.

Mr. WARNER. I wish to advise the President this Senator understands.

Mr. JOHNSTON. Mr. President, I was in the process of answering a question.

The PRESIDING OFFICER. The Senator from Arkansas retains the floor.

Mr. PRYOR. I am glad to yield.

Mr. JOHNSTON. I believe the Senator from Arkansas yielded to me to answer a question about this division, which is: After the vote on the first division occurs, is the second division either amendable or debatable at that point?

The PRESIDING OFFICER. The Senator from Louisiana is correct.

Mr. JOHNSTON. So that in effect we can proceed directly to vote on the division I; that is, the limitation on SDI, and if that is agreed to, then we could decide how the money was to be spent. It could be amended as to Maverick or anything else, and we could debate that and have a series of votes on the second division; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. NUNN. Will the Senator yield?

Mr. PRYOR. I will yield.

Mr. NUNN. I direct this question to the Senator from Louisiana: Would it be the Senator's view that if the SDI cut amendment is adopted, which is this division I, then we would debate how to divide the money, with the debate focusing on your amendment, with the amendment being in order?

Mr. JOHNSTON. That is correct.

Mr. NUNN. One further question: If the Johnston amendment is defeated on the SDI cut, would the Senator from Louisiana then pursue the other part of his amendment?

Mr. JOHNSTON. Division II of the amendment would then be really not in order, because it would be spending money not available.

Mr. NUNN. Throwing us way over the budget.

Mr. JOHNSTON. That is right. The whole amendment would fall.

Mr. NUNN. So the real question we will have to address is whether to adopt division I, and if division I is agreed to, we would then have debate on division II, as it may be amended. If part I fails, then people could go home tonight and get a nice meal and rest.

Mr. JOHNSTON. Well, Mr. President, if the Senator will further yield, I wonder if now that we have a division of this amendment, if we could get a time agreement on the first section. I do not think that would produce any—

Mr. NUNN. Can I suggest 8 o'clock?

Mr. WARNER. The Senator from Virginia would require consultation with a number of Members on this side. At this time I could not agree to a time limit on just division I, if that is the Senator's request, to ascertain the likelihood of gaining that time agreement.

Mr. JOHNSTON. My own view is, Mr. President, that I would be ready to vote at 8 o'clock or at any other time that my colleagues would want.

Mr. PRYOR. Mr. President, if I could expedite matters, I would be willing to vote on the first division, on the \$558 million cut in SDI, at 7:30. That is 7 minutes from now. But I have no further statements. I think the issue is clear. All I was doing was reserving time, if perhaps one or two colleagues wanted to make a comment. I have no other comment. We will vote on the \$558 million in SDI, and we will deal with other issues later.

Mr. NUNN. I would not propound any unanimous-consent request now. I know the Senator from Virginia has to discuss this with several Members on his side. For the Democratic Members and for those on both sides of the aisle, in about 15 minutes I would hope we could arrive either at a vote, which is the ideal situation, if everybody is ready to vote. There is no need to have a unanimous consent.

If there is still debate going on in about 15 minutes, I would like to propound a unanimous-consent request that we have a time certain for the vote. My suggestion would be 8 o'clock, but that would depend on the will of the group. I hope we can find out from Senators whether they would object, and let everyone be thinking about if they would object to voting at about 8 o'clock.

Mr. PRYOR. I do not want to be objectionable tonight, Mr. President, but I see no reason why we have to go until 8 o'clock to decide. I think the issue is pretty clear.

Mr. NUNN. The Senator from Arkansas stirred everyone's blood with this interjection.

Mr. PRYOR. When Senator NUNN talked about the Maverick missile, he stirred my blood a little bit.

Mr. NUNN. We have to calm down.

Mr. PRYOR. If I might suggest to the distinguished chairman, would 7:45 be an appropriate time? That is 20 minutes from now.

Mr. NUNN. I have not had a chance to talk to the majority leader. That is what I have to do. I would say about 15 minutes after I have had a chance to consult and the Senator from Virginia has had a chance to consult. It would be my intent to try to find a time certain to vote.

Mr. PRYOR. I understand. I ask for the yeas and nays on the first division.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Chair would inform all Senators that this only pertains to division I of the Johnston amendment.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I rise to oppose the amendment offered by the distinguished Senator from Louisiana. I do so after having listened to his presentation on the measure he has proposed. I first want to say that the Senator from Louisiana is so right and so reasonable in his amendment that I suppose some people might be swayed by it.

I agree that the funding level for the SDI should probably end up somewhere in the area as proposed by the Senator from Louisiana. I also agree with many of the statements that he made in his eloquent presentation, when he says that the SDI Program from time to time has been oversold. It certainly has been, I say to my friend from Louisiana.

I think I was shocked and disappointed as a supporter of the SDI Program, when it was first introduced, to see those colored cartoons on television of a little girl drawing a yellow balloon, like a shield, and it showed missiles bouncing off of it. Therefore, it is important that we put this in proper perspective. It is also important to put in proper perspective what the Johnston amendment would do to the SDI Program.

It is also true, Mr. President, that if there is one fundamental reason above everything else, that we should at least continue research and development on the program, that we have invested a great amount, billions of dollars, in.

It is a fact that, aside from what effect it might have, pro or con, on the Soviet military planner, there is one fundamental need above everything else that I would alert the Senate to, and that is the threat of terrorists or small Third World nations and their ability to come up with some kind of a nuclear device, whether it is accurate or not, that could, I think, hold hostage the United States of America.

Therefore, beyond everything else, one of the reasons that we must proceed, in my view, with some kind of a reasonable program in SDI, is the fact that not only today, but 2 years from now or 5 years or 10 years from now, I think it is absolutely essential that, at a minimum, we have some kind of a defense against a single or a double or a triple launch of an ICBM against the United States, not from the Soviet Union, but from some Third World power or from some terrorist organization.

Therefore, the amount of money that we have thus far invested in SDI and the amount of money that we will invest in the future would pay a handsome dividend, if at least the SDI Program has the potential. And I assure my colleagues that, from my perspective, the SDI Program, at a minimum, has the potential, if we pursue it in a prudent manner, to at least give us that capability, which would be tremendously important to the national security interests of the United States, if not the security of the world in general.

Therefore, Mr. President, I am going to outline, if I can, some of the reasons that I believe the amendment offered by the Senator from Louisiana should be defeated by the United States Senate. I have listened with great interest to my friend and colleague from Arkansas. I think he makes an excellent point.

A lot of excellent points have been made.

The facts of the matter are the Senator from Arkansas has for many years tried to cut the SDI Program. That is what he firmly believes in and I have no quarrel with that except that I think he is trying to cut the SDI funding levels below what we basically need.

The Subcommittee on Strategic Forces and Nuclear Deterrence, which I Chair, has already made significant cuts along with other cuts in the President's request for the Strategic Defense Initiative from \$4.9 to \$4.5 billion.

I would also point out to the Senate that outgoing President Reagan requested \$5.9 billion for this program and President Bush and his administration cut that by \$1 billion to \$4.9 billion.

The committee, after its deliberation, reduced the amount requested by President Bush another \$300 million to \$4.5 billion.

The Armed Services Committee studied this. We debated it, and we came up with a figure that we thought was reasonable.

Another \$66 million was taken away from the Energy Department's nuclear directed weapons portion of the SDI Program.

Some consider this previous action too deep a cut in the SDI Program. I can understand this concern as I have long considered myself to be a supporter of a reasonable research program for SDI.

There is no question that a combination of strategic offensive and defensive forces could yield a formidable deterrent under certain circumstances.

I submit, however, that such a formula excludes the impregnable shield advocated by former President Reagan. This plan was only a false hope which ignored the limits of technology and the reality of economics. Indeed, attempts to sell the SDI Program on this basis may have done more to harm the cause for strategic defense than it was helped.

There are additional reasons for supporting the SDI Program. We must always have an insurance policy against a Soviet decision to deploy a nationwide ABM capability. As part of such a policy, we may want to have the option of eventually deploying our own ABM defenses. That the intelligence estimates of the Soviet ability to rapidly deploy such defenses, and the interpretation of these estimates, are so widely disputed are reasons enough, I suggest, for us to be extremely cautious.

Furthermore, and perhaps of more immediate benefit, is the tremendous negotiating leverage that a sound SDI Program provides to our strategic arms negotiators. The Soviets do note this body's level of commitment to the SDI Program.

This is the one program that the Soviets complain about over and over again and obviously it causes great concern to the Soviet military planner. If we reduce SDI funding below previous year's funding, that shows less interest and, therefore, less support and, therefore, less leverage for our negotiators.

I say to my colleagues do not be misled by the pronouncement that the Johnston, et al., amendment will assure funding for the SDI at current year's levels plus inflation. This amendment would do the opposite. Given the House funding for the SDI, that cannot be accomplished. Dress up this amendment in any fancy rhetoric that you want but acceptance of it will guarantee a significant reduction in the SDI funds from last year, make no mistake about that.

For those who are for cutting the SDI fundings, as many of my great friends and colleagues are, then I suggest that you vote for the Johnston amendment. But let us all understand that the Johnston amendment guarantees that we will have funding levels below what we have this year. Now the amendment of the Senator from Louisiana does not reduce SDI below last year's level; it freezes it at that level.

I would like to see such an outcome eventually myself, and the numbers offered by the Senator from Louisiana happen to almost exactly coincide with what I thought that the SDI Program should be funded at the beginning of our deliberations in the Strategic Forces and Nuclear Deterrence Subcommittee and in the full committee itself.

I stand here on the U.S. Senate floor today, though, to tell you that there is no way, there is no way that we can reach the implied goal suggested by the Senator from Louisiana if we accept his amendment. Why? Well, because we still have to deal with the House of Representatives in conference.

The House Armed Services Committee previously reduced their version of funding for the SDI to \$3.75 billion, including funding for both Defense and the Energy Departments. On the House floor, this figure was further reduced to \$3.1 billion.

This is well below last year's level of \$4 billion. Even if we split the difference between the committee mark and the House mark as we have in the past, there is now no way we can avoid a conference outcome lower than last year's level.

If we accept the Johnston, and others, amendment, it will be significantly below last year's level, I assure you of that.

That is what is wrong with this amendment. It goes too far, too fast. This Senator could support the SDI level proposed by the Senator from Louisiana but only in conference; not on the Senate floor.

If you support the SDI Program to the extent that you do not wish to see us spend less next year than we are this year, then you should not vote for this amendment. It promises a freeze but it cannot deliver that. Not with the House at such a low figure as \$3.1 billion. It will only result in a figure lower than last year's figure. I did not support the huge increases proposed for SDI under the Reagan administration; I do not support the huge increase for SDI proposed by the Bush administration, not in this era of a declining defense budget. But I do think we should at least stay where we are in terms of funding. That was the intent of the Strategic Subcommittee's mark on SDI.

While I do not think that we are ready to rush to any SDI deployment nor that we can afford huge increases in the SDI budget, I do not think that we should reverse the progress and promise of this program.

The Strategic Subcommittee's recommended funding level offers the middle road on SDI and if this body accepts that level then we will be able to go to conference with the House of Representatives and come out some-

where near the recommended figure that Senator JOHNSTON addressed.

I urge my colleagues to follow this road and reject the amendment of the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, will the Senator yield for a question?

Mr. EXON. I am happy to yield.

Mr. JOHNSTON. Mr. President, I think the Senator from Nebraska has made his case on splitting the difference between the House and the Senate on SDI and that is some consideration. I would note that if you split the difference between the House and Senate level as it is you would come out less than inflation, and I do not think splitting the difference is the way to do it, and I do not think that is the way you would do it.

Nevertheless, there is another consideration here, and that is if we do not allocate this money which is done by the second part of the amendment, for example, the V-22, then when you get to conference you will not have any running room on V-22 and on KC-135R's and on DARPA and on the other additions we have made because you are already below the House on these matters, so that if you want to consider V-22 in conference or KC-135R's or the other items in here, you have to vote for the Johnston amendment, the second part, or some reasonable facsimile thereof. Is that not correct?

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator controls the floor.

Mr. EXON. Mr. President, the Senator is absolutely correct. What he does not seem to understand is that all of the considerations that he is bringing up on the floor of the U.S. Senate were thoroughly considered by the Strategic Subcommittee and by the full Committee of the Armed Services.

I am against the Osprey. The Osprey is a good program and I wish we had the money to finance it. The facts of the matter are that the President of the United States, the Commander in Chief, all of the top military leaders of our country, the Secretary of Defense and the rest of the administration, looked at the overall budget and they decided that the V-22 Osprey was something, given the budget considerations, that we would do without.

So, I frankly cannot have any sympathy for that argument from the Senator from Louisiana. It is time that we stood up. It is time that we recognized, Mr. President, that we do not have the funds to do everything that we would like to do. We also, for the information of the Senator from Louisiana, discussed and funded some additional KC-135. We have done that each and every year.

Basically they have been too low on the recommendations from the administration. I recognize that is a good

program and I wish we had additional money to go into the KC-135 tankers. We simply do not have.

Therefore, we made a very basic decision in the Armed Services Committee to recognize and recommend a funding level that we thought we could live with based on what was recommended to us by the Commander in Chief. Therefore, I, too, wish that I could have the funds to support some of the things that the Senator from Louisiana would do. I suspect, though, that one of the smaller items, I believe to the tune of \$5 million, that would be provided with this money for the super collider is an effort as much as anything else to pick up some votes for the amendment offered by the Senator from Louisiana.

I would simply say, Mr. President, that some of the things the Senator from Louisiana—

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. EXON. In just a moment, please.

I suspect the Senator from Louisiana has made some good suggestions. There is nothing that he has considered, there is nothing that he has talked about on the floor of the Senate, there is nothing in his amendment that was not thoroughly worked over after hours and hours and hours and days and days and days of hearings.

I simply think that the study that we have done on this in the Armed Services Committee, based essentially on the recommendation from the administration, should hold in this area. Therefore, I cannot support his amendment.

Yes, I am glad to yield.

Mr. JOHNSTON. The Senator said the \$5 million for the super collider was a political add-on. I would say that the Senator misunderstood. That is the supercomputer.

Mr. EXON. There is no super collider money?

Mr. JOHNSTON. No super collider money.

Mr. EXON. I misunderstood the Senator. I apologize. I listened to him very carefully. I thought he said super collider, but it is supercomputer.

Mr. WILSON. Mr. President, I rise to strenuously object and urge the defeat of this amendment.

The distinguished Senator from Nebraska, the chairman of the Strategic Subcommittee, has very eloquently stated the need for sustained funding for the Strategic Defense Initiative to provide a deterrent, an insurance program, against a Soviet breakout, and not simply against Soviet attack, but against accidental launch, either by the Soviets or by someone else having a missile capability or by some third power having that capability, not accidentally.

He has spoken of the tremendous leverage that SDI has given the United States in arms control negotiations. It is not simply a chip. It would have no bargaining power if it did not indicate a future capability that was substantive and real and of compelling urgency from the standpoint of the Soviet Union.

Mr. President, let me just say that what we are faced with here is not simply a cut, which is in itself imprudent, but you have to take into context the fact that this is not a unicameral legislature.

If the Johnston cut became the position of the Senate, when the House and the Senate conferees meet, it will be in a very much constrained situation. Because the House has already acted with total irresponsibility. They have cut the SDI budget from the President's request of \$4.6 billion to \$2.8 billion. Mr. President, that is about a 40-percent cut—40 percent. That is not prudent pruning. It is mutilation.

But, unhappily, the sad experience of similar prior irresponsibility on the part of the House of Representatives in prior years has led me to anticipate a similar pattern of conduct this year. Therefore, on the 15th of June, when the Director of the Strategic Defense Initiative Organization appeared before the Senate Armed Services Committee, I asked General Monahan, the Director, to put on paper his assessment of what the impact would be if there were cuts of 10 percent, 20 percent, or as much as 30 percent below the Presidential request, which I would remind my colleagues was already a billion dollars less than the Reagan budget called for; that billion-dollar slash having been driven by deficit pressures.

So what we are dealing with on the part of the House of Representatives in a \$2.8 billion figure represents half of the Reagan request and only 60 percent of the far more austere Presidential request of this administration.

To give you some idea what that means, let me quote from General Monahan's response to my request of his written assessment of the impact of cuts of 10, 20, and 30 percent. Even at the 90-percent level, he wrote:

The impact of successive budget reductions would also produce increasingly serious damage to the SDI program infrastructure *** even at the 90 percent level we will have to begin dismantling this infrastructure, incur additional costs due to program stretchout and contract renegotiation/termination, force layoffs, and suffer losses of skilled scientists and engineers.

Mr. President, the magnitude of those projected losses of skilled scientists and engineers is 3,500 at the 90-percent level. If we were to see a cut of 20 percent, we would lose more than 6,000 personnel. And at 70 percent level of funding, a 30-percent reduction, we would lose from the SDI Pro-

gram 8,000 skilled engineers and scientists, which is an irreplaceable loss that would, in itself, dramatically alter the pace and progress of the Strategic Defense Initiative Program.

"This funding level"—to continue quoting General Monahan—"could not support the research and testing needed to make an informed decision" on deployment "within 4 years."

A significant point, not simply a parenthetical addendum, is what the impact would be upon our allies, those with whom we have joined in joint ventures trying to come to some kind of mutual benefit.

General Monahan did not mince words. What he said was: "U.S. funding for most allied cooperative programs would be terminated." Specifically, the Arrow missile project currently being developed to provide Israel the antitactical ballistic missile defense, upon which it may well depend for its survival, is threatened with termination.

Mr. President, let me just point out that SDI is not a dome. It is many different technologies. It has to do with the use of sensors. It has to do with control and guidance systems. It has to do with a great many different technologies. And there is a synergy between these different programs which results in what we call the SDIO program.

But there is a distinct threat, not one that is academic and not one that we can afford to ignore for very long because there is a special urgency.

I mentioned Israel and the Arrow program. Already, Mr. President, hostile neighbors—Syria, Iraq, Iran—possess a missile capability for the delivery of chemical and nuclear warheads to Israel. And to those who think that there is lesser need to sustain the pace of SDI because of some perceived thawing in the cold war relationship with the Soviet Union, I hope it is clear that, putting the best face upon superpower relationships, there remains the hideously plausible and even probable scenario of Israel, defenseless against ballistic missile attack, suffering a second and final holocaust as nuclear or chemical warheads rain down upon her.

Mr. President, that missile capability exists and there is a clock running. I will tell my colleagues that the real debate should not be on how we split the pork, whether we apportion it to this program to provide jobs in one State or this program to provide them in another. The fact of the matter is, we are talking here, not simply about jobs, but we are talking about literally the survival of the State of Israel. And, I must point out, that the United States remains utterly defenseless.

That is not the situation in the Soviet Union. To the contrary, entirely within the ABM Treaty, the Soviet

Union has taken advantage of what is permitted to it and has constructed not only the most extensive air defenses in the world but those which can be very readily adapted to a national network of antiballistic missile defenses.

That is not my assessment. It is the assessment required in last year's defense authorization bill, under section 908. The President of the United States, with the advice of the Joint Chiefs of Staff and the Department of Defense, is required to report to the Congress his analysis of the alternative strategic nuclear postures for the United States and a potential START treaty. And he has done so, Mr. President. He has rendered that first report.

It points out for over a generation the Soviet Union has been expanding and modernizing not only its offensive nuclear forces but also expending vast sums on strategic defenses, including passive defensive measures.

I will quote now from the report required under section 908:

The result is an extensive, multifaceted, operational strategic air and ballistic missile defense network, as well as an active research and development (R&D) program in both traditional and advanced antiballistic missile (ABM) defenses. If left unanswered, even in the event of a START Treaty reducing the number of offensive weapons, Soviet offensive and defensive force developments will undermine our ability to deter a Soviet attack.

So, it is not just Israel that is placed in jeopardy by the course of events that we are talking about. It is the United States.

So, while the Senator from Arkansas is unhappy with the diversion to a particular program that he thinks without merit, that really should not be the fundamental issue. The fundamental issue is: How in the world can we, in conscience, put ourselves in a position where there is no hope in conference of reaching a figure that permits either the United States or its allies to entertain any thought that we are moving at a pace and sustaining a progress that can achieve the kind of defensive capability that is essential, according to the language that I have just read?

And the answer is that we cannot. It is not rational to pass the Johnston amendment because it means we go to conference with the House with a virtual guarantee that the figure that we get will not be what the Senator is proposing, which in itself is far too low. This is a truly irresponsible figure, below the existing funding and far below what is called for if we are to seriously and honestly engage in the kind of negotiations which we hope will produce a safer world.

Mr. President, it is essential that the Johnston amendment be rejected. It is not simply unwise. It is dangerously unwise, and we have not only the con-

cern for our own safety but for the safety of our allies.

Let me point out in conclusion that if in fact we delay the pace of completion of the Arrow project we accelerate the likelihood of attack upon Israel. And, if Israel is attacked, the ensuing conflagration in the Middle East is one that I think very clearly threatens to draw the United States and the rest of the free world into the kind of conflict that, really—we simply know not what bounds it might have. The fact is it might not have bounds.

Mr. President, this is not simple porkbarreling of the kind we can shake our heads about. This is dangerous. It is something that affects not just our grandchildren, this affects in a much nearer timeframe, the survival of what are presently free states.

So I urge that the Johnston amendment be rejected.

The Senator from Nebraska, if anything, understates his case. There is need for, not just the insurance program against breakout, but there is need for the kind of insurance program against the otherwise virtually certain attack upon very vulnerable allies. That likelihood we will substantially enhance by adopting the Johnston amendment.

Mr. President, I hope that the Senate will be too wise, that the Senate will in good conscience recognize what is at stake here and not be guilty of the kind of business as usual, the sort of horse trading that would leave us in a position without bargaining power to deal with the House irresponsibility.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise today in opposition to the amendment offered by the Senator from Louisiana. Once again, Senator JOHNSTON has skillfully crafted his amendment. Last year it was the space station that would have benefited from his SDI cuts. In this case he is reducing SDI funding and adding money to the V-22 program, the RF-16 program, the Maverick missiles program, the KC-135 re-engining program, and other programs.

Let us look at the case for the V-22. This program fell victim to the Cheney budget reductions. In order that we might keep the program alive, the committee added \$255 million in research and development to provide for continued flight testing of the V-22 and to permit commercial exploitation of the aircraft. The committee also directed the Department of Defense to join with the Federal Aviation Administration and the Department of Transportation in a thorough review of the V-22. I believe that this is a reasonable approach.

In regard to the KC-135 re-engining program, the committee recommended an increase of \$140 million to re-

engine up to an additional 16 KC-135 tanker aircraft. This would sustain an efficient manufacturing base for this program. I believe that this was a reasonable approach.

The Armed Services Committee has also supported the Maverick missile program. We fully funded the administration's request. The Air Force and the Navy intend to terminate further procurement of this program after fiscal year 1992. If terminated at this point, the services will have acquired only a third of their inventory requirements. I do not believe that this was a wise idea. The Maverick is the only antiarmor missile in production for the Navy and the Air Force.

There must be an overall solution to this problem. I believe that we should continue to buy Mavericks. However, throwing money, at this time, at this program is not the solution. I believe that the committee's call for reassessment of the program is the more reasonable approach.

Finally, the RF-16 research and development program. The current Air Force position is to field a mix of manned and unmanned systems to meet the war fighting commander's needs for timely and responsive tactical intelligence. The Air Force is searching for the best way to accomplish this mission.

I support the concept of the RF-16. Both active duty Air Force and Guard and Reserve units will receive these new reconnaissance aircraft. A Tactical Air National Guard unit in Birmingham, in my home State of Alabama, would be the recipient of a RF-16 squadron.

I wrote the Air Force expressing my concern over the termination of this effort. The Air Force responded by stating they are looking at their entire program. They began a review of the program in May, which will be completed in the near future. Air Force officials have informed me that they intend to revisit the issue in their fiscal year 1991 budget.

They have stated that they realize the deletion of funds for fiscal year 1990 creates a gap between the fielding of the unmanned system and the follow-on manned platform. Moreover, they have assured me that this issue will receive the Air Force's full attention once the requirements and Air Force structure have been finalized. I would have been pleased if these funds had been included. However, I have been convinced that the approach taken by the Air Force is reasonable.

Mr. President, I ask unanimous consent that the letter to me from the Air Force be printed in the *RECORD*.

There being no objection, the letter was ordered to be printed in the *RECORD*, as follows:

DEPARTMENT OF THE AIR FORCE,
Washington, DC, July 17, 1989.

Hon. RICHARD SHELBY,
U.S. Senate, Washington, DC.

DEAR SENATOR SHELBY: I appreciate your concern over the termination of the RF-16 research and development program. The current Air Force position is to field a mix of manned and unmanned systems to meet the warfighting commanders' needs for timely and responsive tactical intelligence, and we are searching for the best way to accomplish this mission.

The Air Force is reviewing in-production and programmed airframes to determine the best follow-on manned tactical reconnaissance aircraft to replace the aging RF-46. This review began in May and should be complete in July. The review examines follow-on manned candidates and the feasibility of unmanned systems replacing manned tactical reconnaissance penetrators. Further, the review will provide a recommendation regarding the required tactical reconnaissance force structure.

The Air Force felt it was not prudent, particularly in light of a zero-growth budget, to commit funds to a program while the specific platform and the force structure remain undefined. We meticulously scrubbed not only this program, but other programs, to stay within the Amended President's Budget and deemed it best to revisit this issue during the next budget cycle.

The Air Force's review is nearing completion, and the results will offer us an opportunity to finalize our tactical reconnaissance improvement effort in the amended FY 91 budget. We realize the deletion of funds creates a gap between the fielding of the unmanned system and the follow-on manned platform. We assure you this issue will receive our full attention once the requirements and force structure have been finalized and we will examine alternatives to bridge the gap.

The Air Force leadership appreciates your concern. I hope this letter provides some insight into the current action.

Sincerely,

JACK C. OVERSTREET, JR., Colonel,
USAF, Chief, Weapons Systems
Liaison Division, Office of
Legislative Liaison.

Mr. SHELBY. Mr. President, now, let us look at what has occurred in the SDI Program. The budget submitted by former President Reagan contained \$5.6 billion for SDI for defense activities. The amended request submitted to Congress by President Bush reduced SDI funding to \$4.6 billion for defense activities, a cut of \$1 billion. The Armed Services Committee markup resulted in a reduction of another \$300 million in fiscal year 1990 funding for the strategic defense initiative in Department of Defense accounts. \$200 million of the \$300 million was added to the fund for waste cleanup and environmental restoration of our nuclear weapons complex. Additionally, the committee included a provision again this year that banned the obligation of funds for the development or testing of ABM systems not in compliance with the ABM Treaty. Again, I believe that the committee has taken a reasonable approach.

However, I do not perceive the approach taken by the Senator from

Louisiana is reasonable. He contends that his amendment constitutes zero growth for SDI in fiscal year 1990. It does not. In reality, the Senator's amendment would lead to a real reduction in the SDI Program, for the first time since its inception. The House Armed Services Committee reported out a bill that contained \$3.5 billion for SDI defense activities. SDI was then cut another \$700 million on the House floor, taking the funding level to \$2.8 billion. It only stands to reason that a conference with the House would result in \$3.2 or \$3.3 billion for SDI, a cut of \$400 million to \$500 million from last year.

Let us now look at the impact that funding reduction would have on the program. Lt. Gen. George L. Monahan, director of the Strategic Defense Initiative Organization, has completed an assessment of the effect of such reductions. The Monahan assessment analyzes the impact of a 10-percent, a 20-percent and a 30-percent reduction in the budget request of \$4.6 billion.

Mr. President, I ask unanimous consent to print a summary of the effects that these cuts would have on the Strategic Defense Initiative in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF EFFECTS OF PROPOSED CUTS ON SDI

IMPACT TO PROGRAM IF FUNDED AT 90 PERCENT OF CURRENT REQUEST

An informed decision on deployment may not be possible within 4 years. Reduced funding would bring about a lower level of research in technical risk, cost reduction, and key technology areas. Planned research in these areas is critical for a confident decision.

A delay of up to one year for the deployment decision can be expected, with corresponding delays for development and deployment schedules.

Some U.S. Terminal Interceptor (including the Anti-Tactical Ballistic Missile) research may be canceled and Allied testing and participation would, therefore, be limited.

A number of experiments critical to proving important technologies would be delayed or canceled.

Directed Energy and Advanced Technology programs would be slowed to the point where follow-on systems may not be available in time to offset possible Soviet countermeasures to an initial U.S. strategic defense system.

The national workforce currently planned for fiscal year 1990 SDI research may be reduced by more than 3,500 personnel.

IMPACT TO PROGRAM IF FUNDED AT 80 PERCENT OF CURRENT REQUEST

The likelihood of making a deployment decision within 4 years would be further reduced due to an even lower level of research in technical risk, cost reduction, and key technology areas. For example:

Fewer flight tests of interceptors and sensors and ground simulators.

Cancellation, or up to 3 year delay of vital survivability and hardening measures.

Slowing of advanced materials program. This will affect the quality of estimates on producibility, manufacturing costs, life cycle costs, and life duration.

Emerging concepts, especially Brilliant Pebbles, would not be fully explored. The space architecture could, therefore, not be completely defined.

Additional U.S. Terminal Interceptor (including the Anti-Tactical Ballistic Missile) research may be canceled and Allied testing and participation would, therefore, be further limited.

Directed Energy and Advanced Technology programs would remain in the laboratory as the more expensive technology integration experiments would be unaffordable.

Follow-on systems would not be available in time to offset Soviet countermeasures to an initial U.S. strategic defense system.

Initial system development/deployment schedules would be delayed at least two years.

The national workforce currently planned for FY 1990 SDI research may be reduced by more than 6,000 personnel.

IMPACT TO PROGRAM IF FUNDED AT 70 PERCENT OF CURRENT REQUEST

This funding level could not support the research and testing needed to make an informed deployment decision within 4 years.

U.S. funding for most Allied cooperative programs would be terminated.

If we are to continue development of layered defenses that meet JCS requirements, Directed Energy and Advanced Technology programs for follow-on systems would have to be canceled and/or minimally funded.

All aspects of the program would be fundamental, rather than free to advance at the pace technology is developed.

An initial deployment would be delayed until well after the year 2000, with no provision for follow-on system to offset Soviet countermeasures to the initially deployed system.

The national workforce currently planned for FY 1990 SDI research would be reduced by more than 8,000 personnel.

Mr. SHELBY. Mr. President, the Monahan assessment clearly indicates that an amendment like the one offered by Senator JOHNSTON, would begin the dismantling of the SDI Program. Major restructure of existing contracts would be required. In turn, jobs would be lost. The program would take a significant step backward, after several years of moving forward. Painful choices would have to be made on what programs need to be terminated or severely restricted just as they are coming to fruition. Most affected would be directed energy and advanced technology programs.

The ground-based interceptor program, so necessary to even a limited protections system could be totally restructured and delayed. The HEDI Program would have to be terminated. Moreover, any leverage that we might have in arms control negotiations could be seriously eroded.

At this point I want to focus on the Innovative Science and Technology Program. This program is part of the technology base effort that encourages prompt exploration of new initiatives. Its goal is to exploit innovative

technologies seeking breakthroughs or quantum leaps that would improve the capability of a strategic defense system to perform its assigned functions.

The IST Program provides funds for advanced research in fundamental science and engineering, focusing particularly on exploitable technical areas applicable to ballistic missile defense. The IST research effort is conducted throughout the scientific community in universities, government national laboratories, and small businesses. This is fundamental research.

We have already seen achievements flowing from this program. I am not going to take up the Senate's time reading this extensive and very technical list. I would, however, like to ask unanimous consent to enter this list into the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

IST PROGRAM ACCOMPLISHMENTS

Made monocrystalline diamond films on metallic substrates;

Accelerated objects to 6 kilometers per second;

Measured invisible high atmospheric clouds having critical implications for laser beam propagation;

Determined the insulating properties of the low Earth orbit space environment;

Predicted ICBM telltale ultraviolet radiation;

Invented a cryocooler gas mixture that septuples infrared sensor cooling rates;

Grew a new superlattice that protects optical detectors from light overdoses;

Used a laser to paint copper conductors on a substrate to reduce electronic packaging;

Grew very thin silicon layer on gallium arsenide to thereby reduce power loss by two-thirds;

Made a superconducting Josephson junction at 15 degrees kelvin to enable a voltage-tunable terahertz oscillator;

Employed atomic layer epitaxy to make the thinnest, most highly strained quantum well ever reported;

Tripled second-order nonlinearity of optical materials to enable optical shutters and computing activity;

Created a light spot below the equivalent diffraction limit using Nearfield scanning optical microscopy;

Discovered a bacterial protein capable of optical computer switching to mimic a human neural net;

Demonstrated a fiber-optic gyroscope at 77 degrees kelvin;

Made an accelerometer (more compact than ever before) by adapting scanning tunneling microscopy principles; and

Linked 1.5 GW microwave sources in a phase-array precursor which could greatly multiply power levels for beams projected into space.

Mr. SHELBY. Mr. President, I would like to see the search for highly innovative technologies continue. There are plans for research into free electron lasers, neutron detectors, electromagnetic guns, superconductors, the tracking of space platforms, and high temperature composite materials.

One must also remember that this program has already sustained cut after cut. Additional cuts could kill this program, thus depriving the Department of Defense of a unique opportunity to engage in fundamental research activities.

Now, let us look at spinoffs. SDI technologies have yielded public and private sector spinoffs in medicine, electronics, space technology, agriculture, energy, materials, and industrial products and processes.

In the medical community, SDI research has led to developments in the use of lasers in medicine, biomedical research, ophthalmology, eye surgery, and the diagnosis of disease and infection.

SDI research has yielded many spinoffs in electronics. These include devices that detect explosives and inspect metallic structures for corrosion; new power sources for medical instrumentation, diagnostic and therapy devices; and technology to produce new supercomputers and permit the further microminiaturization of electronic circuits.

SDI research has been a source of a number of spinoffs that will have application for satellite technology, energy, and space transportation. Many of these spinoffs have been spawned by SDIO-NASA cooperative research programs and SDI work in space-system technology.

SDI research in laser doppler radars and linear induction accelerator technology have produced spinoffs that have applications in agriculture. Among these are devices that detect the presence of insects harmful to agricultural crops and safer methods to preserve food.

The list goes on and on. The bottom line is that all of this research will be at risk if we cut SDI further.

Now, any discussion of strategic defense must include an appraisal of Soviet activities in this regard. Despite all the talk of perestroika and glasnost, the Soviet Union continues to improve its strategic defenses. Right now the Soviets have an extensive, multifaceted strategic defense network as well as an active research and development program in both traditional and advanced strategic defenses. These defenses provide the Soviet Union with a significant defensive capability.

In addition, the Soviet Union has the world's only ballistic missile defense system. It is deployed around Moscow and is currently being improved and expanded. They are in the process of replacing 64 old, reloadable, above-ground Galosh launchers with a two-layer defense composed of silo-based, long-range, modified Galosh interceptor missiles; silo-based Gazelle high-acceleration endoatmospheric interceptor missiles; and associated engagement, guidance, and battle man-

agement radar systems, including the new pill box phased-array radar near Moscow.

Moreover, in 1987, General Secretary Gorbachev stated that Soviet ballistic missile defense research was a broad effort and covered the same areas as the SDI program. In fact, Soviet research and development on advanced technologies for defense against ballistic missiles has been much more vigorous than SDI. It is now believed that the Soviet military laser program alone employs more than 10,000 scientists and engineers.

And what does the United States have to combat this effort. Nothing. What we do have is a research program; a program that has great potential. The potential to redress the growing gap between United States and Soviet strategic defensive systems. The potential of technological advances that could affect our everyday lives.

Our ability to achieve this goal may never be realized if this body adopts the amendment offered by the Senator from Louisiana. We can continue to work toward this goal if the Senate stands by the reasonable approach taken by the Armed Services Committee. Therefore, I oppose the amendment that is now before the Senate and urge my colleagues to join with me in saving a vital defense program.

Mr. President, I yield back the remainder of my time.

Mr. NUNN. Mr. President, I would just like to make a few remarks about this amendment, and I again repeat that I intend to move to table the amendment, but I do not want to cut off the Senator from Louisiana, I do not intend to cut him off and will not cut him off. I hope though, if his side is ready to vote, we could get the other side ready to vote and go ahead and have a tabling motion because if we do not table the Johnston amendment, assuming it is adopted, then it would be my intent to further divide the amendment and to vote on each one of the add-backs.

They are each important. I oppose some of them, and some of them, if the money is available, I would support. I do not know about the whole committee.

I think everybody ought to understand the implication of what is happening tonight. I just received word that the House has now zeroed out the Midgetman missile. Yesterday they took out the mobile basing mode for the MX missile. So we are watching the strategic program of the administration unwind step by step on the floor of the House. I hope we do not do that here.

We are in the middle of arms control in Geneva. We have some very important considerations. For the first time in probably the lifetime of most of us we have a chance to really do some-

thing stabilizing in the nuclear field. We have a chance to arrive at an arms control agreement that can emphasize the survivability of both sides in terms of the ability to survive a first strike. We have the ability to do that by making our missiles mobile. We have the ability to do that by having a sensible position on defenses.

I am not going to get into the whole argument about what the sensible position is, but everyone knows here I do not agree with some of the positions that were taken by the previous administration regarding SDI. I do not view it as an umbrella covering the planet or the United States or a perfect defense that will allow us to march off to the millennium and abolish all nuclear weapons. I am not one of those type SDI supporters, and I certainly did not agree with President Reagan's description of it. But it is important that we not emasculate this program. I think we can debate a long time about the program and we can talk a long time about what is wrong with it. I could join in and actually agree with a number of points the Senator from Louisiana makes. He makes some good points.

The SDI program has changed three or four times in the last 2 years. There is very little conceptual thinking about where the program is going to wind up after START if we get a START treaty. I think all of us recognize that defenses and offenses have to play into the offensive-defensive scenario before anyone is going to conclude arms control. We have to know where we are going to go with defenses because it changes the offensive equation. We have known that for a long time.

I am not going to get into a prolonged debate on SDI this evening. Suffice it to say, if the Senate does not come out of this deliberation on this bill with a reasonable budget on SDI and with a reasonable budget on the Midgetman missile and with a reasonable budget on the MX basing mode and with a reasonable budget on the B-2 bomber and with a reasonable budget on the Trident submarine, then we are going to be going to conference with a hopeless situation. That is the bottom line. The only chance we have of coming out of conference with a reasonable bill, and therefore a continuation of our honest efforts at the arms control table, which are within, I believe, at least years of paying off, if not months, is to hold this bill together.

It does not have to be held together with every iota, every dollar. I do not make that argument. But the program has been carefully put together with SDI, with the Midgetman missile, with the mobile basing mode on the MX, with the B-2, and the Trident submarine. We have a reasonable program in our bill. It has been thought through.

Now, are we going to unwind that tonight, and then go to conference to try to deal with the situation now coming out of the House? I do not want to use too many adjectives to describe what the House has done, but it is not rational. The fact is that the irrational position seems to have prevailed on every vote. Coalitions are shifting. But they are not coming out with a rational position.

I think we are in a situation where we could do very, very grave harm to everything that not only the Bush administration has been seeking in terms of arms control and greater stability but everything the Reagan administration was and what the Carter administration was seeking and what the Ford administration was seeking and even the Nixon administration was seeking. This is not a 2-year quest. This is a 30-year quest.

I just want to make one other point and then I will yield because I would like to move to table in a very short period or time, again giving the Senator from Louisiana the time he needs. I do not want to cut him off.

Mr. President, if this amendment passes the Senate, we are then going to start down the list of the add-backs. The Senator from Louisiana proposes that we add back the V-22 production money. Now, the committee has the V-22 R&D money in the bill. We want to complete the test programs. It may very well pay big dividends in the future. Many people believe it will. But we do not believe we ought to go into production until we have tested the aircraft, until we know it has a broader mission.

Anyone who thinks they are voting to save money by cutting this SDI budget, you better think about the implications of the add-backs because the V-22 is a \$26 billion program. You also have in the add-backs the RF-16, and I may support that at some point, but I do not want to support it at 8:20 at night when nobody has really considered it. That is a \$2- or \$3-billion program.

So those two programs alone are about \$30 billion. You are going to cut \$500 million out of SDI and you are implicitly, if you are going to vote for the Johnston amendment on both parts, going to add back a long-term commitment, an implicit commitment of \$30 billion. Anybody who thinks that is the way to get the defense budget down has done some strange arithmetic.

I am not saying the V-22 is a bad program. I am saying that we examined it in our committee and we did not believe that we were ready to make the production decision. We examined the RF-16. We did not believe, nor did Secretary Cheney, that we were ready to make a \$2- or \$3-billion commitment.

So anyone who thinks this vote is a simple vote where you can save \$500 million for the taxpayers of America had better examine the implications. You are talking about an implied commitment, if the add-backs are agreed to, and probably more than implied because you are starting a new production line on the V-22 of \$30 billion. That is approximately 60 times the amount of savings in the Johnston amendment.

We may end up not voting for the V-22. We are going to examine—thanks to the Senator from Arkansas, and I think that was a service to the Senate—them one at a time.

But I hope people will seriously consider what we are doing from the point of view of our strategic situation, our arms control position, from the point of view of what the House of Representatives has done, and also from the point of view of the implications for greater stability.

I do not believe it is the time to make this decision tonight. We all know that when you go to conference and you have a big difference on money, normally after all the debate, and all the various deliberations, you end up coming very close to a 50-50 split. If the Johnston amendment is adopted, the SDI program coming out of conference will be less than last year's. Is this the time to cut the overall spending on SDI below last year's level? If the Johnston amendment fails, based on the rough estimate of the 50-50 split, we will come out very close to where it was last year. Perhaps the Senate would have to have a 55-45 split to make it about break even.

So the best this program is going to do coming out of conference, as everybody knows who can add and divide, is about what it was last year if we leave this bill alone. You are going to end up with an SDI program that is constant funding approximately. That is my prediction. That depends on the conference.

If you want to cut SDI below last year, vote for the Johnston amendment. That is what it does. If you want an implicit commitment for \$30 billion, then vote for these add-backs just as they have been proposed. Then go home and tell everybody you saved them \$500 million but you had better add to it, "Oops, folks, there is a little caveat there. We are going to have over the next 5 to 10 years an additional \$30 billion because we started two major new programs."

That is what is at stake here. This is a very, very important amendment. The Senator from Louisiana has done, I think, an outstanding job of presenting the problems with SDI. He does not get a whole lot of argument with me on those because they are problems. It has not been managed well.

They do not have very much of a concept in mind. That concept is continually changed. But one thing I think everybody agrees with is that it does have a value in terms of our negotiating position.

I believe that value is significant. That does not mean I think we ought to spend \$6 billion a year on it, but it means we should not be below last year's funding when all of this is over.

Mr. President, I would not cut anyone off now. I see people who might want to speak. I will say to my friend from Virginia, before I yield the floor, it would be my intent to either yield to him for a tabling motion or to move to table myself. I do not want to do it until Senator JOHNSTON is ready on his side and until the Senator from Virginia says he is ready.

Mr. WARNER. Mr. President, I appreciate that. I very much appreciate that; if we could have the understanding before any motion to table is made that I would have an opportunity to have the floor.

Mr. JOHNSTON. Will the Senator yield?

Mr. NUNN. I cannot control who has the floor. I would certainly talk to the Senator before I made a motion to table. That is all I can comment on.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I wonder if we could get a unanimous-consent agreement here and give everybody time who must have a short period of time, and let us vote on this thing. SDI comes up every year. We debate it at great length. I think I, for one, would like to see this debate come to an end after having had it for over 8 hours.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we are working to accommodate not only the Senator from Louisiana but the Senate as a whole to determine when this vote will take place, and I think shortly we can perhaps indicate a unanimous-consent possibility. But I ask for forbearance to allow other Senators who seek to speak to this important issue to do so.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in opposition to the amendment proposed by the distinguished Senator from Louisiana.

Mr. President, I am a strong supporter of SDI; I regret the \$300 million reduction that the Armed Services Committee has already made in the SDI Program. To further reduce the President's request by \$500 million, as proposed by my friend from Louisiana, will significantly degrade our ability to

maintain an essential balance of research and remain on track to provide strategic defense strategy options for the 1990's.

The issue before the Senate with regard to the level of funding of SDI is whether we are to protect the options for deployment of militarily significant defenses in the 1990's. I believe that we should not eliminate the possibility of deployment of defenses for our country by reducing SDI to a technology-only effort.

Mr. President, I believe that President Bush has presented us with a reasonable budget request and that the Armed Services Committee has carefully considered the program to arrive at its current funding level of \$4.3 billion. To further cut the funding without fully considering the implications would not only seriously impact on the SDI Program, but also undermine our negotiators in arms control dealing with the Soviet Union.

Mr. President, I urge my colleagues to vote against the Johnston amendment.

Mr. President, in 1985, I was 1 of 8 Senators who went to the Soviet Union, and while there, we conferred with Mr. Gorbachev. The distinguished chairman of the Armed Services Committee was 1 of those 8; the distinguished Senator from Virginia, Mr. WARNER, the ranking member of Armed Services Committee, was 1 of those 8; the distinguished majority leader, was 1 of those 8; and Mr. Pell and some others were on that trip.

We were amazed that Mr. Gorbachev gave us 3½ hours. I do not know why he did it except this: He was trying to convince us that SDI was the wrong way to go. He did not come out and tell us to come back and tell Mr. Reagan to eliminate SDI, but that was the essence of it.

Mr. Gorbachev was concerned about SDI. I distinctly got that impression. I think the others did also. He did not want us to build SDI. What is SDI? SDI is not a missile that destroys property and kills people.

Mr. THURMOND. SDI is a purely defensive weapon. It's designed to knock down missiles that would destroy property and kill people. It would not hurt if all the countries had an SDI.

The meeting with Mr. Gorbachev convinced me more than ever to go forward with SDI. When I got back to Washington, I saw President Reagan and talked with him. I told him "Hold on to SDI." SDI is the key. I am glad he has done that.

Now, the effort here is to cut SDI. Why cut SDI? The administration and the Defense Department asked for \$4.6 billion. The committee cut it to \$4.3 billion. Now the distinguished Senator from Louisiana wants to cut it \$549 million more.

Mr. President, this would be a serious mistake because when we go to joint conference, we probably will cut it some more.

Mr. President, I am convinced that we should support this amendment. I am very fond of the distinguished Senator from Louisiana. He is a good friend of mine. He is on the wrong track here. It would be a great mistake to cut SDI. I hope the Senate will not see fit to do that.

Mr. President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I will not be long because I know we want to get to a vote. I rise very reluctantly to make my remarks, because I am disagreeing with some of the members of our Senate Armed Services Committee.

I rise to support the amendment by Senator JOHNSTON, even though I come to this decision as a long-time supporter of SDI. Mr. President, we have all taken great pride in saying this is a year of tough choices. We admire Secretary of Defense Cheney for tough choices; tough choices are not easy. I compliment him for making those choices, even though I do not agree with all of them. Now it is our turn to make tough choices because we, under our system of government, are the second opinion in those matters that have been decided at the Pentagon.

We are the second opinion on whether this money can be better spent elsewhere. We are allocating very scarce defense dollars this year. I do not want to see research cut.

SDI has gone through three phases to date. First, it was to be an astrodome that was going to protect everything in the United States. Then they shifted from that concept and went to a phase I space-based interceptor. That lasted for a little while, and now we are off on "Brilliant Pebbles." Starting from the astrodome concept days, I started my own investigation, going out to the laboratories at least once a year to get opinions from the scientists engaged in the research, as to what would work and what would not, and what length of time it would take to do the basic research necessary to make any concept of SDI really work.

Former SDI Director, Gen. Jim Abrahamson, whom all of us know and admire, was one of the more eloquent spokesmen on any technical subject. We admired him greatly. In those days he said that unless we had all the elements of SDI ready to go together, it did not pay to deploy any of this whole system.

In those days, he talked about making laser breakthroughs, neutral particle beam breakthroughs, and

computer breakthroughs. Those three items were necessary before we could consider a truly effective SDI system.

Now, I went to our national weapons labs, Los Alamos, Lawrence Livermore, Sandia, Cal Tech, Stanford, and some other places, at least yearly. To this day they will tell you, if you are talking about an SDI system that includes lasers and neutral particle beams and computers, that we are still 10 years away from knowing enough to make that decision, more probably 15 years, and some will say we will be lucky if we do it in that length of time.

The research on SDI is valuable. It may have other applications. I have supported the research completely. We have gone through these three different phases, and along with phase 1 came the effort to start efforts to deploy a partial system, and that is where we got off base. I opposed that. The people that were working on the program told us at that time, and they made no bones about it, that that was an attempt to get some hardware cut to lock in the whole system. So it became something other than just a research program that would give us the option sometime of going ahead with a more complete SDI system.

I was interested in reading the paper a couple of days ago. The Vice President was up here on the Hill trying to generate support for this program. I read in the paper—and I hope he was quoted accurately—as saying that if we cut to the House level of 3.1, that would mean we could not do any more than just research, that it would cut out any consideration of deployment.

Well, I submit that that would mean—if the Vice President's figures were correct—we can cut a considerable amount here without really getting into the research end that, I think, is important.

I hasten to add this: I am against cutting to 3.1. I want it to stay at around the 4 level, or a little bit plus. What Senator JOHNSTON has proposed is last years budget which permits a good research effort, plus inflation. It is not a butchering of the program. Maybe it cuts a little lower than I would prefer to cut—and it does, I will say that—but that is my own difficulty with making tough choices this year. That means to me that I can make a tough choice here and say, that we cut a little more than I would really prefer, but we can put it in some other defense program.

I do not want to go clear down to the House's 3.1 level. But we need to make some judgments while we are making our tough choices. We need a balance, and what have we already done? In the strategic account we have \$4.5 million for the B-2. We have \$4 billion for the Trident II. We have \$1 billion for MX rail garrison. We have an advanced cruise missile, and we cannot talk about the cost, but it is very ex-

pensive. Sram II, \$300 million. These are items in the strategic account. So we have not ignored that strategic account.

When you get over into the conventional account where we have talked about having a deficit and a deficiency and being able to do the things we need to do in a conventional warfare situation, we have undercut too much. So that is where I have to make my own tough decisions to match the Secretary of Defense and do what I think has to be done, to provide our second opinion on what the Secretary of Defense has submitted to us.

Now, my concerns on the conventional are the V-22 Osprey, re-engineing the KC-135, and some of the other programs that will be debated on this floor. The Secretary of Defense said we cannot afford \$20 billion for the marine ship-to-shore movement. I agree with him on that, if that was the only use of the Osprey. I will have a more lengthy speech on the Osprey later. If somebody said, "We will give you a helicopter that could go twice as far, twice as fast, and carry more payload, whether military, ship to shore, land to land," we would be falling all over to support that. That is the program we developed for 9 years, and now it has come to fruition. They proposed terminating the V-22, not even letting the testing be completed on that aircraft. That is ludicrous, I think. I support that program. I will be giving more remarks on that issue later on.

Mr. President, I do not want to belabor this any further. Obviously, this is a tough decision for me. I do not like to see SDI cut back quite as low as we are going, but I have to make a tough choice. If the option is cutting to that level, which will let the SDI Program do its research—I repeat, will let the SDIO do its research, and not try to deploy a system of any kind that is too early, we can have money for other things that I think are more important than that little extra bit on SDI.

I support Senator JOHNSTON, and I hope my colleagues will join me in supporting his efforts, and we will have debate on some of these other issues. It does not kill SDI, nothing like that whatsoever. It permits SDI to go at last year's funding, plus inflation. In other words, we are not expanding the program or cutting the hardware for deployment. That is what Senator JOHNSTON is trying to prevent and to use those hard-to-get defense dollars this year to fund other programs that will have a better impact on national security.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. Will the Senator yield to Senator DOMENICI?

Mr. GLENN. I yield the floor.

Mr. DOMENICI. Mr. President,

Mr. WILSON. Mr. President, I would like to ask my friend from Ohio a question on his time or mine, if I have the floor.

Mr. GLENN. Whoever gets the floor, gets it. I have yielded the floor.

The PRESIDING OFFICER. Does the Senator from Ohio yield for a question from the Senator from California, because I want to recognize the Senator from New Mexico.

Mr. GLENN. The Senator from Ohio yielded the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I can assure the manager that I will be brief. I am not on the committee of jurisdiction, while I have worked a bit on SDI. My State has a little more than average to do with it; we have two of the laboratories that have been mentioned here tonight as playing a major role are in my State. One of the major laser facilities, if it is constructed, would be built at White Sands Missile Range in New Mexico.

But I do not choose to talk about the substantive issue tonight since I think those who have worked on it far longer than I and are far more knowledgeable than I have spoken to it. I listened attentively to the chairman of the committee. I think what he said essentially is correct.

SDI is not all the things it has been cooked up to be and all the things it has been spoken about in terms of its potential.

Nonetheless, I would like to tell the Senate just another version of why I think we ought not to gut SDI.

If you look around the world and ask people who are knowledgeable and informed about the United States, the one thing they will tell you we are superior at and that they are frightened about is our scientific prowess. If we fail in the economic world, it is not because of science; it is from something else. Even Japan, which causes us to tremble when we speak of their productivity and economic prowess, fears America's basic science capability.

If there is anything in the world that is significant that we are still substantially ahead in, it is science and the application of cutting-edge science.

Mr. President, that is a truism. There is no doubt about it.

If the Soviets are worried about SDI, it has to be because they are worried about our great scientific and engineering potential. That is why. They are not exactly sure what it will yield.

But, Mr. President, I say to my fellow Senators, they are certain that it will be something on the cutting edge in one of the most vital areas of defense that many has ever even considered. Since we have the missiles, obviously we ought to consider the most significant science and applied tech-

nology, a defense to it, albeit partial or experimental.

Mr. President, it seems to this Senator that if there is anything that will keep America in the esteem of those who are wondering where we are going, what are we about, are we really prepared to go the limit to protect ourselves and to defend ourselves, it is a sustained effort in a field as vital as this where we call upon the best science, the best brain power, the best technology appliers and ask them to apply it to the most challenging endeavor in military hardware and military technology in all of mankind's history.

What is the matter with that? Why should not the United States do that?

If one had to go through the evolution of this program, certainly Senator JOHNSTON's early concerns about its mission, we are trying to do too many things, much of that is narrowed down and while there may be some controversy, obviously, as the distinguished chairman of the committee and others have said, we do not want to go backward. We have begun to consolidate and focus and there are some clear objectives.

Do we want really SDI to get funded less than last year while America is making strides in cutting-edge technology and the world is? I do not think so.

That is why I believe we ought to support this program at least to the level that the Armed Services Committee recommended and hope we can keep together a research and development program that is up to America's prowess and up to the challenge of a strategic defense initiative.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I had one of America's better pollsters in my office this afternoon, and we were discussing what is going on in the minds of the American people about our political system and our economy, and so on. Everybody divides up between Republican and Democratic pollsters. This was a Democratic pollster.

He said, "You know the problem with the Democrats is still the perception that they are soft on crime, and weak on defense."

Nixon could open up China. Nobody would think anything about it. He could enter into an agreement with the Soviet Union on SALT and yet virtually everybody on the other side of the aisle enlisted and they all supported it.

President Bush could execute a START agreement, and I promise you it will probably pass here 90 to 10.

But the thing that the pollster told me I found most interesting is, "You know the Japanese and the Europeans see strength entirely differently than the way we do in this country. The

Japanese and the Europeans see strength in the economy, in the vibrancy of their industries, of their employment-unemployment rate, whether or not they are meeting their budget and paying as they go. But the United States has never made that mind change. We still see total strength in this country in how many planes, tanks, guns, SDI, MX's, and Midgetmen we have."

Mr. President, I come down somewhere in the middle. You see, when I say we ought to be talking with the Soviet Union seriously about stopping the maddening arms race and not carrying it into space, I have never suggested that we be naive, that we let our guard down, that we make any really massive cuts in defense spending until these things are an accomplished fact.

Secretary Baker testified before the Defense Appropriations Committee—and incidentally, he has changed quite a bit since then—and he said, "Senator, this is no time to be going headlong and making concessions to the Soviet Union on economics or defense."

I said, "Now, Mr. Secretary, did you hear me say, 'headlong'? I didn't suggest that we go headlong into anything. All I said is we have been waiting for 70 years for the old Bolsheviks to die out and somebody to come up in the Soviet Union that we could talk sense with."

There is a person there now, Mr. Gorbachev, and every time he makes a proposal all you can hear out of the Pentagon and the White House is "Well, Gorbachev may not survive; he may not be there a year from now. We have to keep our guard up."

Nobody on this side of the aisle that I know has even suggested not keeping our guard up. Nobody on this side is suggesting that we unilaterally disarm, unless it is George Bush, incidentally, who has cut \$8 billion out of SDI over the next 5 years.

Mr. President, there has been not one single argument that changed my mind, and I have sat here all evening waiting to relieve myself of this in the certain knowledge that I am not going to change one vote, but also in the absolute necessity that I relieve myself of my ideas on this amendment.

I want to first of all read to you what the Joint Chiefs of Staff say. Who do we depend on in this country for military advice—the top military advisers. That is the Joint Chiefs of Staff headed up by Admiral Crowe, who is the Chairman. And here is the New York Times, Thursday, June 1.

I was in Geneva with the arms control observer group at about the time this story appeared in the New York Times. Later on it was suggested that it was a big leak and that it was not accurate, and so on. You judge for yourself, but in any event I will not read

the whole article but, Mr. President, I ask unanimous consent that the article be printed in the RECORD after I recite these quotes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BUMPERS. They are:

Representatives of the chiefs have reportedly argued that the Soviet Union might be in a better position to deploy new anti-missile defenses than the United States. They have also urged restraint on spending for "Star Wars," officially known as the Strategic Defense Initiative.

In advocating a change in the American stance, the Joint Chiefs have said that the United States should no longer insist on an explicit right eventually to deploy extensive anti-missile defenses.

The chiefs' recommendation follows other moves that indicate that the top military leaders are skeptical about "Star Wars" and wary of steps that might lead to abandoning the ABM treaty.

In April, the chiefs recommended a much lower level of appropriations for the Star Wars program than was advocated by civilian Defense Department officials. The chiefs advised proceeding with research and testing while avoiding any commitment to deployment.

So sayeth the top military advisers in this country.

EXHIBIT 1

[From the New York Times, June 1, 1989]

JOINT CHIEFS URGE U.S. RESTRAINT ON "STAR WARS" IN STRATEGIC TALKS

(By Michael R. Gordon)

WASHINGTON, May 31.—Recommending an important change in the American position in the Geneva talks on strategic arms, the Joint Chiefs of Staff have proposed that the United States no longer insist on the right to eventually deploy extensive anti-missile defenses.

The position taken by the Joint Chiefs is a fresh indication that top United States military leaders are skeptical about the prospects of the "Star Wars" program begun in the Reagan Administration.

Representatives of the chiefs have reportedly argued that the Soviet Union might be in a better position to deploy new anti-missile defenses than the United States. They have also urged restraint on spending for "Star Wars," officially known as the Strategic Defense Initiative.

The chiefs' recommendation was made during the Administration's review of strategic arms issues, which began shortly after President Bush took office and is continuing. The Geneva arms talks, which cover long-range nuclear arms and anti-missile systems, are scheduled to resume on June 19.

The Joint Chiefs' advice is at odds with positions taken by civilian Defense Department officials, who strongly support "Star Wars" defenses, and by others in the Bush Administration, including State Department officials.

Reportedly, no decision has been made. President Bush said in a recent speech that the United States should deploy anti-missile defenses as soon as they are ready.

At issue is whether to affirm President Reagan's three-part negotiating position on anti-missile systems.

Under President Reagan's approach, Washington and Moscow would agree not to exercise their rights to withdraw from the 1972 Anti-Ballistic-Missile Treaty through 1994. The ABM treaty allows each side to withdraw from the agreement on six months' notice if "extraordinary events" jeopardize its "supreme interests."

REAGAN WOULD ALLOW ABM'S

The two sides would have the right to carry out extensive anti-missile testing under the Reagan Administration's "broad" interpretation of the ABM treaty. After the period of non-withdrawal expires, each side would have a clear right to deploy extensive anti-missile defenses, according to the third plank of the Reagan Administration's approach.

Moscow has argued for a somewhat longer period of non-withdrawal from the ABM pact and tighter testing constraints during that period. Moscow also rejected the idea of codifying a right to deploy "Star Wars" defenses.

In advocating a change in the American stance, the Joint Chiefs have said that the United States should no longer insist on an explicit right eventually to deploy extensive anti-missile defenses.

Under the chiefs' approach, once the period of non-withdrawal expired the two sides would continue to observe the ABM treaty. Each side could later withdraw from that agreement on six months' notice if it decides that its "supreme interests" have been jeopardized.

The chiefs' recommendation follows other moves that indicate that the top military leaders are skeptical about "Star Wars" and wary of steps that might lead to abandoning the ABM treaty.

In April, the chiefs recommended a much lower level of appropriations for the Star Wars program than was advocated by civilian Defense Department officials. The chiefs advised proceeding with research and testing while avoiding any commitment to deployment.

An Administration official said that the latest recommendation also reflects a concern that political objections on Capitol Hill as well as technological obstacles may further delay the "Star Wars" program.

"There is a concern that we won't be ready to deploy and that the Russians will be able to move forward with more ground-based defenses," said the official, who is familiar with the Joint Chiefs' stance.

Mr. BUMPERS. Maybe that is one of the reasons George Bush said he wants \$8 billion cut out of SDI over the next 5 years.

I heard the Senator from New Mexico and I heard one or two other Senators say, "If the Soviets are so afraid of this, it must be good for us." That is essentially the argument.

Well, I do not know that today the Soviets are all that afraid of us. They tell us in Geneva—and I have seen it in the New York Times; this certainly is not classified—that the Soviets are saying if we will agree, in spite of that lunatic opinion by Judge Sofaer, the so-called broad interpretation of the ABM Treaty, in spite of that, the Soviets are saying, "If you will not deploy before 1994, 1995, or 1996, in that time zone, you go right ahead. And after that the ABM Treaty still provides for 6 months' notice. So you just tell us

that you will not be deploying any SDI before 1995"—6 years from now—"and then we will be on all fours, and if you want to abrogate the treaty then, you just give us 6 months' notice according to the treaty itself."

Now does that sound like somebody that is terrified of SDI?

The Senator from Georgia a while ago—I was off the floor but I happened to be watching the television set—the Senator from Georgia made what I thought was a very cogent point: The B-2, the mission for the B-2, keeps shifting. And the kind of technology we are going to use on SDI keeps shifting.

I dare anybody on the floor of the U.S. Senate, any one of the 100 Senators, to tell this body the technology we are going to use on SDI. It has changed, counting "Brilliant Pebbles," at least three times and maybe more. On the B-2, they say, "No, the B-2 really is not going to penetrate and hit those targets that we could not find otherwise, but it would be good to bomb Libya with." Twenty-four billion dollars on that program and now we are saying it might make a good bomber to bomb Third World nations.

Seventeen billion dollars on SDI spent so far and the proponents of SDI now come in and say, "Brilliant Pebbles" is a magnificent concept and looks very promising." Out of the \$17 billion, I say to the Senator, do you know how much has been spent on "Brilliant Pebbles?" Less than 1 percent—less than 1 percent.

And originally, we were told—do you remember the ads on television, the cartoon with the little girl?

My Daddy is so smart. He says that the President says that we are going to put an umbrella over the country so those old Russian warheads won't hit us. My daddy says that is a good idea and my daddy is so smart.

You all saw those cartoons; I hope you did. And at that time the little girl was suggesting we had a 100-percent defense just right on our fingertips.

Then the defense people came over and said, "No, it is just 90 percent." Do you know what it is now? Fifty percent and, according to some, 10 percent.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. BUMPERS. I am happy to yield.

Mr. JOHNSTON. The requirements of the Joint Chiefs of Staff for phase 1, which is all we are talking about, is 16 percent.

Mr. BUMPERS. Sixteen percent. I am glad the Senator pointed that out, because I was not aware of that.

But the thing that absolutely eludes me—and I know I have not taken leave of my senses, I have a certain degree of common sense—the thing that eludes me is why are we going to spend \$70 billion to \$1 trillion for some kind of antimissile defense system that will protect us against 16

percent of the warheads that might be sent at us?

Now, bear in mind that is only 16 percent of those warheads which go out of the atmosphere, the so-called ballistic missile warheads. That does not include missiles from bombers against which SDI is totally ineffective. That does not include clandestinely introduced warheads into this country. And if we cannot intercept a boatload of marijuana, I do not have any reason to believe the Soviets could not plant one at the base of the Washington Monument if they wanted to.

And they are not effective against cruise missiles. If they are not effective against cruise missiles and bombers, which is the leg of the triad that both the United States and the Soviet Union are spending most of their strategic money on now, why?

I have always opposed this idea because it is destabilizing. We make much of the fact that we can spend \$70 billion on the B-2 and force the Soviet Union to spend \$350 billion on air defense systems. And yet nobody ever makes that odious comparison on SDI.

We may spend a trillion dollars building SDI and I promise you the Soviets can overwhelm it for between one-fourth and a half or maybe less. It works the same way on that, but that argument just happens to work against SDI, so nobody ever mentions it.

On cruise missiles, I thought the Senator from New York, Mr. MOYNIHAN, made a great statement some time back. He said, "You know, all missiles do not come in from outer space. Some of them come in under the Brooklyn Bridge." And this SDI system is absolutely worthless against one of the most sophisticated weapons of the century, and that is the cruise missile.

Now, I have to be candid with everybody. In the interest of political candor, I will tell you that I may vote against every one of the add-ons. I think we ought to save the money. As the Senator from Georgia said, "Don't deceive yourself into thinking you are a fiscal conservative by voting for the amendment but for the add-ons." That is a zero-sum gain.

Here is what Carlucci said on December 21, 1988. This is from the Hearst News Service.

The United States is not going to be able to deploy this thing before the year 2000.

And he says:

The system would be capable of intercepting 50 percent of the inbound warheads from SS-18 missiles and 30 percent of the warheads from subsequent missiles.

Now, I say to the Senator, he tells me that that is down now to 16 to 17 percent. Let us assume that we had a START agreement and the Soviet Union and the United States agreed,

as they are talking about doing, to reducing the number of warheads on each side to 6,000. I do not have a pocket calculator. One of you staff members figure that out.

Sixteen percent of 6,000 warheads would be intercepted, according to the best calculations today. If we go forward with some kind of technology here which nobody yet understands, but say 16 percent, that means 5,000 warheads are going to get through. And they say, "Yes, but this will cause the Soviets to rethink their planning." Well, if I were a Soviet planner and I had 6,000 warheads to fire at the United States and I knew 5,000 of them were going to get through, I do not know whether I would change my thinking or not. That is enough to give you a bad headache, 5,000 warheads.

You know what Carl Sagan says: "One hundred, Senator, is enough to set off the nuclear winter."

Who is going to win a war when 5,000 warheads hit the United States and 5,000 hit the Soviet Union. Sometimes I think I am in a loony bin.

I just want to say—and the Senator from Georgia is getting antsy to table this amendment; he may get it tabled—but I want to say that I believe what General Scowcroft and the Joint Chiefs say.

There is one other point I want to make. I have not heard one Senator tonight say why they need all this money. The Senator from Louisiana—and I am happy to cosponsor the amendment. I grudgingly cosponsored it because he put money back in these other things. As I say, I do not know how many of those I am going to vote for.

But I want to ask you: Why does not somebody around here occasionally make the point why do they need \$4.5 billion?

Everybody says, "Well, they got \$4 billion last year, they sought to get \$4.5 billion this year, and they only got \$3.5 the year before that. What are they doing with the money?" Not one single Senator during the debate here tonight has made the argument that they cannot go forward.

I am going to tell my colleagues something. I have never suggested that we not go forward with research and development. I think the Senator from Georgia has made the point a number of times, I am not sure how this would work. But, if it has any legitimacy at all, it is that it could possibly be used in case of an accidental launch. But you do not need a \$1 trillion system for that.

So, why do they need all the extra money? The House of Representatives, who are supposed to be closer to the people than we are, have said they do not need it all; \$3.1 billion. As W.C. Fields said, "That ain't beanbag." What are they doing with it? Who has made the case that they have to have

\$5 billion? Or even the figure that the committee reached, the \$4.5 billion?

Mr. President, I am going to close by saying something that might change one vote and it might not. It is my personal belief, after talking to a pollster this afternoon. He told me what the problems of the Democratic Party are in this country and what we ought to be doing and how the Republicans can vote to cut SDI, but Democrats cannot. They can vote for all kinds of things. We cannot vote for crime legislation and it be perceived as us really being tough on crime.

I do not know why that is. Maybe we brought all this on ourselves. This is not a political debate, but I do want to say this. Sometimes I think this place is absolutely frozen with fear of the 30-second television spot.

It has gotten to where we never vote here. This afternoon, on catastrophic illness, we could just see the wheels turning. Every Senator here thinking, "If I vote for that budget waiver, I can see a 30-second spot next summer saying: 'Senator Jones voted to tax you \$810 for that catastrophic illness bill.'"

Those of us who voted "no" are sitting here thinking: How are we going to defend that? How are we going to combat that?

So we have two schools of thought here. Those who are trying to figure out how they are going to stick it to somebody else in a 30-second spot and the rest thinking how we are going to defend ourselves against a 30-second spot.

I am not soft on defense and I am not soft on crime, and I am not soft on anything else. I am a pragmatist. I am a realist. I can tell my colleagues I believe in the combination of a strong economy and a strong defense. But I can tell them one thing, at the rate we are going with a \$100 billion to \$150 billion budget deficit staring us in the face every year as far as the eye can see, we are not going to make this country strong by continuing to buy everything that we can possibly think of to buy and with absolutely no thought of how it is going to be paid for.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, it is my intention to move to table on behalf of myself and Senator WARNER from Virginia.

Mr. GRAMM. Mr. President, would the distinguished Senator yield? I will try to be brief in my remarks but I have waited through five speakers here.

Mr. NUNN. Could the Senator from Texas put a question mark at the end so I could yield to a question?

The PRESIDING OFFICER. Does the Senator from Georgia yield to a question?

Mr. GRAMM. If I might just ask unanimous consent that I have 5 minutes?

Mr. NUNN. Mr. President, I would ask unanimous consent the Senator from Texas have 5 minutes. I would ask unanimous consent the Senator from Louisiana have 4 minutes. The Senator from Virginia?

Mr. WARNER. Mr. President, I would be happy to yield the time that the chairman and I agreed upon to the Senator from Texas, so that would take care of this Senator's requirements.

The PRESIDING OFFICER. What is the unanimous-consent request?

Mr. NUNN. I ask unanimous consent the Senator from Texas have 5 minutes, the Senator from Louisiana have 4 minutes to conclude, and at that stage, I would regain the floor and be recognized. Mr. President, that is the only request I make.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Texas is recognized for 5 minutes.

Mr. GRAMM. Mr. President, I guess one thing the new budget reality has brought to the Senate, which I rejoice in even when it cuts against the things that each of us would do, is it has brought the necessity that we choose. The distinguished Senator from Louisiana propounded, initially, an amendment that put me in a very difficult position and that was an amendment that would fund the V-22, a system that I strongly believe in, a system that is also built in my State, and would fund it by cutting SDI.

The rub came that it cut SDI by \$550 million, while it put only \$157 million into a program that I strongly support. And let me make it clear, Mr. President, if the motion on the floor now was to cut SDI, even though I support SDI, by enough money to assure that we build a revolutionary aircraft which I believe is needed for the military and which I believe is needed for the civilian sector of the economy and will mean jobs, growth, and opportunity for our people in the future, I would vote for that amendment.

But, Mr. President, where we are now is we have an amendment before us that cuts SDI by \$558 million and it does not fund any other single program if this cut is passed. We will then vote on a series of add-ons. Any substitute would be in order for any one of those add-ons. So I have no guarantee. If I vote to cut SDI by \$558 million, I have no guarantee that one penny of that is going to V-22.

In addition, I have \$205 million of SDI projects in Texas.

So, Mr. President, when we vote on funding the V-22, given the level of funding of over \$4 billion for SDI, I am willing to take a \$150-odd million

cut to keep that important program, the V-22 alive. But I am not willing to cut SDI by \$558 million with no guarantee as to where that money is going.

I submit to our colleague from Louisiana, that such an amendment can be crafted. We can offer an amendment to take the \$157 million and give it to the V-22 and I would support such an amendment. But I do not support this amendment, having no guarantee as to where the money is going to go or where the money from SDI is going to be taken.

I yield the floor.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, very briefly to sum up, we have heard some of the same old arguments here; some a little new. All of them can be knocked down.

First we are told that the program is now focused so therefore we ought to fund it. The exact opposite is true.

Mr. President, here is the SDI's own words: "The SDI FY '90 budget is tentative depending on, A, architectural studies and, B, internal program reviews."

They have not settled on a technology. They do not know whether it is brilliant pebbles or whether it is something else. All they know is they want more money and they cannot identify what it is to be spent for.

Point two. We are told that this additional money is necessary for two things, first, arms control. We hear arms control every year, Mr. President, but is it not interesting that this administration has told the Soviet Union that they want to go too fast on cuts on strategic arms; that first we want to get progress on conventional arms. And yet we want to spend money for this bargaining chip for strategic arms. It simply does not make sense.

We are told we ought to spend this money because, first the Soviets are ahead in SDI, and second, that they are afraid of SDI.

Mr. President, I think they are neither. What they are afraid of, what we ought to be afraid of, is spending ourselves mutually into second-class citizenship.

Finally, Mr. President, we are told that we need this money for conference. Interestingly, of those who seem to know the most about this SDI technology, the Senator from Georgia and the Senator from Nebraska, the Senator from Nebraska actually says that my figure is correct and the Senator from Georgia says our arguments are, for the most part correct.

What they say, though, is we need more money so we can come down to your figure in conference.

Mr. President, in conference, the conference, on the part of the Senate, are not required to split the differ-

ence. It is certainly not always done. It is sometimes done. It need not necessarily be done, but I would say if you want the kind of protection in conference on these other systems, like V-22, like KC-135R's, most of those things we got directly from the report of the Armed Services Committee. We do not dream those up out of some grab bag. They came directly from their report. They say we ought to build it.

Mr. President, we are not committing ourselves to fund all of these programs. After all, the programs that we are talking about—this is R&D on the RF-16. It is not committing us to build. DARPA is all research money. The KC-135 and the Maverick are directly out of the Armed Services Committee report. I do not know what they are talking about when they say you are committing us to spend \$25 billion. We are just doing what they say ought to be done for the most part in their report.

V-22, Mr. President, is the one weapon system which they say should not be terminated. I think we ought to build it. I am with the Senator from Texas. If he really wants to build the V-22, he better be for this amendment because it seems to me, otherwise, it is going down the drain.

Finally, Mr. President, what we ought to do is to hold up at last year's level plus inflation until we hear from the report that is coming in on SDI in September. They will tell us in September after the Defense Science Board makes a review of what they want and what they want it for. At least that is what they promise. At this point, Mr. President, we do not know what they want the money for, what the purpose of it is, what technology it will be applied to, and how it will be spent.

Mr. President, if you want to spend the money for programs which the Armed Services Committee says should be funded, then vote for the Johnston amendment: vote against the motion to table.

Mr. CRANSTON. Mr. President, I would like to speak in support of Senator JOHNSTON's amendment. This amendment will freeze SDI funding at last year's level—plus inflation—of \$3.7 billion and transfer the savings to conventional military programs. I am strongly opposed to any increase in the price tag in the SDI program, especially at a time of persistent budget deficits—and a time when essential conventional programs are being cut. We cannot afford to let our conventional defenses deteriorate in order to fund a program whose feasibility has been deeply questioned by military and scientific experts. However, I do think it is prudent to fund modest research programs to see if there is any promise in evolving technologies—and the best way to guard against a breakthrough by the Soviets. Keeping SDI

funding at last year's levels will accomplish this goal.

There are other, equally persuasive arguments for freezing the SDI funding level. The U.S. scientific community remains skeptical on the effectiveness of star wars technologies. And the SDI Program itself has been characterized by uncertainty and a lack of direction. Indeed, the program has started down yet another new path in its emphasis on the brilliant pebbles technology. Until we are presented with a coherent program which defines exactly how much money will be spent on which research projects, I intend to support only a modest program of basic research.

While I do think it is wise for us to take a hard look to see what new technology might offer, I think there are some very dangerous developments we must avoid. I am opposed to any attempts to undermine the ABM Treaty, one of our most important arms control efforts to date. Additionally, I am opposed to the testing and deployment of antisatellite weapons [Asat's]. If the United States and the Soviet Union can threaten large numbers of each other's satellites, we will be in a position to blind each other's nuclear monitoring systems at that precise moment when we most need them to avert unintended escalation—during an international crisis. That's why we need a mutual, verifiable United States-Soviet freeze on Asat testing, and it's a good example of why a verifiable freeze on all United States and Soviet nuclear testing and deployment would do more for our security than continuation of the unrestrained nuclear arms race.

In short, Senator JOHNSTON's amendment is an excellent one. It provides a level of funding sufficient to maintain research in evolving technologies. And it redirects excess funds to those necessary conventional programs that are threatened by budget cuts.

In closing, I'd like to make one additional point. We have been debating today over the changes in the level of SDI funding. We need also to recognize that there is much more at stake here than a simple cut or increase in funding can address. We need to face the fact that we are already spending an exorbitant amount of money—\$4 billion—on the SDI Program. I believe it is time that we undertake a comprehensive review of what we are spending these funds on. We need to confront the possibility that the Soviets may be able to render our new systems obsolete at a fraction of our cost—it has always been less costly and technologically easier to develop offensive rather than defensive weapons. When the program is viewed in this light, I believe that we should consider more than just a freeze on SDI spending—we should seriously consider a sub-

stantial cut in SDI funds. Such a cut would not threaten a modest research program; rather, it would ensure that the funds spent would be spent wisely. And it would also ensure that programs that are vital to our national defense remain adequately funded. A cut in SDI funding, then, would benefit not only our national budget, but our national security as well.

Mr. HEFLIN. Mr. President, I rise in strong opposition to the amendment of the Senator from Louisiana which would reduce, by nearly \$800 million, the funding requested by the administration for the Strategic Defense Initiative Program. This amendment would set funding for the SDI Program roughly \$500 million below what the Senate Armed Services Committee has already cut from the program.

In my judgment, this amendment is ill-advised at a time when the United States is embarking upon a vigorous and comprehensive research program to analyze and design defenses that enhance the security of our Nation and our allies, provide a hedge against a Soviet breakout of the ABM Treaty, and ultimately, if feasible, provide options on whether to develop and deploy advanced defensive systems. As I have said many times before in this body, SDI represents a welcome shift in our strategic policy from one which relies upon the doctrine of mutual assured destruction for deterrence to one based upon a commitment to self-defense. The effect of this amendment would be to gut many of the existing programs now ongoing with the SDI organization, threaten critical elements of the program, and undermine the promising arms control negotiations on reduction of strategic offensive arms.

This amendment only allows the SDI Program the same level of funding as was appropriated last year, fiscal year 1989. Now Mr. President, we all know the budget situation with the SDI Program. The House yesterday severely cut the SDI Program, back to \$2.8 billion for the DOD portion of the program. If this amendment passes, the program will come out of conference with much less than the level appropriated last year. In my judgment, this is a killer amendment. This amendment would literally kill the SDI Program.

Mr. President, I have no problem with where the Senator from Louisiana wants to put the money. Many of the programs are very good programs for which I would like to have more funding. My problem, Mr. President is where he wants to take the money from. I would like to fund the V-22 and other programs listed in the Senator's amendment, but not at the expense of the SDI Program which has such far-reaching promise.

Since its inception, the SDI Program has made significant technological

progress and has provided strong incentives to the Soviets to enter into serious arms control talks. On March 23, 1983, when President Reagan made his historic announcement initiating the SDI Program, I was one of the first in Congress to officially congratulate him on his initiative and foresight. It was the right decision at the right time and placed us on a track of building a more balanced strategic policy which would no longer rely entirely on the threat of retaliation to assure nuclear deterrence.

Mr. President, this is no time to cripple a defense program that has shown such excellent progress and brought the Soviets back to the negotiating table. I do not believe that we can have a START Treaty in any reasonable timeframe without a strong and robust SDI Program. This amendment would send the wrong signal to the Soviets.

Regrettably, Congress has seen fit to make deep cuts in the President's SDI budget request every year since its inception. This year look particularly bleak since the request of \$4.6 was a cut to begin with. The Defense Department cut the original request \$1 billion before it ever came to the Congress as part of President Bush's budget. Mr. President, while I would have preferred that the request remain untouched and that the Armed Services Committee provide a level of funding closer to that required by the administration, the level of funding agreed to by the committee is, in my judgment, the minimum acceptable funding level for the SDI Program if we are to continue the intensive research already begun in many defense technologies.

If we pass this amendment, it would no longer be possible for the SDI Program to keep many of its major programs going along at the currently reduced level. This amendment will result in a funding level for fiscal year 1988 which will force even more severe cuts in major programs and the elimination of a great many others than previously expected. In my judgment, this is not the time to force such far-reaching decisions—decisions which will preclude future options for defending our Nation and tie the hands of our arms control negotiators.

In particular, I am concerned that some of the ground-based elements of the SDI Program which provide us with high confidence and survivable hedge options for our future security, will be endangered by severe budget reductions. These elements can be based on securely on our own soil should the need arise, and they can preferentially defend high valued targets to preserve deterrence. It is not wise to sever the ground-based legs of a multitiered SDI concept for ultimately protecting this Nation against any nuclear missile attack, nor is it

prudent to force the elimination of the more mature ground-based elements before we have perfected the longer term technologies. In my judgment, we should place greater emphasis on research in near-term ground based defensive systems. These of the most mature and should be given the highest priority by the Strategic Defense Initiative Organization.

Mr. President, SDI is making great progress in many BMD technologies, but there is much more progress yet to be made. The Soviet are making progress in SDI technology by leaps and bounds and putting a great deal more money into their system than the United States. Advances in BMD technologies and activities currently being undertaken by the Soviets are of grave concern to me and I know they are to many of my colleagues. Killing the United States SDI Program will not get the Soviets to kill theirs. They will continue and the United States will be left in the cold.

The Soviet threat is real. Because much of it is classified, I am not able to go into details in this forum. One of the objectives of SDI is to evolve with the threat to our Nation. If vital programs are further cut, delayed, or eliminated, as they most assuredly will be if this amendment passes, the program will not be able to evolve with the threat and the program will not be able to live up to that threat.

Mr. President, the continued proliferation of offensive ballistic missile forces by nonsuperpower countries hostile to the United States and our allies raises the possibility of future nuclear threats. Must keep this program going, if for no other reason, to protect our Nation from Third World countries or terrorists with nuclear missile capabilities. The accidental launch protecting system which was discussed some time ago by the Senator from Georgia, Senator NUNN, would go a long way toward this goal. It would require emphasis on ground-based element which I mentioned earlier.

Mr. President, because of budget reductions in previous years, the SDI has already made most of the premature technology cutbacks that it can handle. The SDI Program cannot proceed on schedule with vital elements of the system either missing or delayed. Therefore, I urge my colleagues to reject this disabling amendment and keep the SDI budget at the \$4.5 billion level established by the Senate Armed Services Committee.

Furthermore, we must provide our conferees with the negotiating room necessary to prevent a serious budget catastrophe to the program. I am not pleased about that particular reasoning, but because of the low funding level approved by the House, we are forced to proceed into a conference in

this manner. While I realize that budget pressures are severe in the upcoming fiscal year, we simply cannot afford cutting into a defense program with such far-reaching promise.

Mr. HOLLINGS. Mr. President, I rise in opposition to the Johnston amendment. It is the same story—repeated every year—gut the heart of SDI and literally throw the savings at programs considered undesirable by the Pentagon.

There are two major problems with this anti-SDI amendment. First, the SDI Program has been moving steadily and successfully along in its R&D phase. The American Institute of Aeronautics and Astronautics, the AIAA, this country's most respected body of technology, has recently completed a year-long study on SDI. The conclusions reached by the AIAA clearly show that much of the SDI technology of today—and tomorrow—can be developed and can be deployed—and the technologies can withstand all foreseen Soviet countermeasures to defeat them.

The Johnston amendment would cut \$558 million from the SDI level approved by the Armed Services Committee. This cut—added to the \$300 million cut in SDI approved in the SASC bill—means that \$800 million would be cut by the amendment from the \$4.8 billion level in the budget request to \$4 billion. The House has already cut SDI to a level of \$3.1 billion. Thus, in the likely event of a split between the House and Senate levels in conference—if the Johnston proposal passes—the SDI budget would be at a level of \$3.55 billion. This would not only be a cut of \$1.3 billion from the request, but it would be a cut of over \$400 million to the appropriated level for fiscal year 1989. Thus, we would be moving backward on the program when all evidence says go forward.

It makes no sense to take this action. The strength in America's ability to defend itself is our technology. We have to stop kicking it around. The dumbest policy we have today is the MAD doctrine conceived by McNamara in the 1960's. This policy of mutual assured destruction [MAD] is what we should discard—not the capability to defend our missiles.

What many do not realize is that defending ourselves costs much less than building newer strategic offensive weapons. It is estimated that deployment of a phase I SDI capability would cost in the range of \$50 billion to \$70 billion. The B-2 program alone—the plane without a mission—will eventually cost at least \$100 billion. Other strategic offensive weapons—and the troops to man and maintain them—will cost at least three times that of SDI—and probably more.

The Soviets have been building their IBM system and indeed is already in violation of the ABM Treaty. There is

the Krasnoyarsk radar—also an illegal phased array radar near Moscow. At Shary Shagan is the Soviet laser complex that may be dual capable—with both an Asat and ABM capability. We know our SDI will work because it is the one program that continually garners Gorbachev's attention. He fears it.

So we should be proceeding with our ABM capability—and with a vigorous Asat Program. But that will be an argument heard next week during debate.

In addition to the ill-advised policy of scuttling SDI, the amendment creates an additional problem by funding programs not requested by the Pentagon; namely, the V-22 Osprey, the Maverick, assorted DARPA programs, the super computer, and the RF-16 aircraft. The ultimate cost of these programs would exceed \$30 billion.

Thus, while purporting to cut \$558 million, the real impact of the program would be at least \$30 billion at final funding of these add-backs. Defense Secretary Cheney has made a good start at controlling DOD costs—though he did not go nearly far enough. This spending spree envisioned by the Johnston amendment cannot be justified and the amendment should be rejected.

Mr. LIEBERMAN. Mr. President, the strategic defense initiative is aimed at remedying the vulnerability of our land-based missiles and our strategic communications network to Soviet attack. Even its supporters admit, however, that the program suffers from numerous problems.

Perhaps the program's most serious problem has been a lack of focus. Originally there was much discussion about new space age technologies such as particle beams and lasers, which would be able to render nuclear weapons impotent and obsolete. Interest in this comprehensive population defense receded as the practical difficulties of these exotic technologies emerged. The realization that no system could prevent devastation of our population by blocking all in-coming missiles also had a sobering effect.

Last year the SDI organization again shifted its emphasis to deploying a phase I system involving ground- and space-based sensors and rocket interceptors. Here the emphasis changed more to protecting U.S. land-based nuclear forces and less on defending cities.

This year, yet another concept is being touted—Brilliant Pebbles. Brilliant Pebbles would involve some 6,000 independent interceptors based in space called Pebbles. Each would be 3 feet long and would weigh about 100 pounds. They would supposedly destroy Soviet ICBM's by crashing into them.

Virtually all of this technology remains unproven. It would be, for ex-

ample, difficult to retain control over thousands of semiautonomous weapons pebbles hurtling through space during peace time. To have them converge on thousands of warheads during a nuclear attack would be next to impossible.

The estimate price of \$500,000 per Pebble is also unrealistically low, given the current prices of space-based systems. Even a simple stinger missile costs about \$50,000; a Tomahawk missile costs more than \$1.6 million. Unlike these relatively simple systems, a brilliant pebble must be delivered into space and be equipped with solar panels to supply power, shielding to protect against radiation from nuclear blasts, steering rockets, and a vast and complex system of supporting computers and sensors.

Finally, it is unlikely that brilliant pebbles can solve the fundamental problem that plagues all strategic defense systems: these systems can be defeated by countermeasures that cost far less money. It is relatively easy to build additional missiles to overwhelm defenses or to develop missiles that can get into space before interceptors can target them.

In the likely event that brilliant Pebbles does not prove to be feasible, we will still be left with the phase 1 system whose cost is estimated by the administration to be \$69 billion in fiscal year 1989 dollars. But this is not how much Congress would actually have to appropriate. Nor does this figure take into consideration SDI's life-cycle costs. If these operations and support costs are included and if phase 1 is expressed in then-year dollars, the \$69 billion becomes more like \$120 to \$130 billion.

SDI would also require at some point testing that would violate the ABM Treaty. Such a decision may be necessary as soon as 1992 unless, at a minimum, the program is slowed down and paced more moderately through stabilized funding support. Violating the treaty would be a mistake in light of the stability that it has brought to the United States-Soviet strategic nuclear balance.

The stability of the U.S. strategic triad calls into question an ambitious SDI Program. The United States has approximately 12,000 warheads on missiles, bombers and submarines. Despite the vulnerability of our land-based missiles, the magnitude and relative security of the United States submarine forces ensures that a Soviet attack is highly unlikely.

These reservations—technological feasibility, cost, the ABM Treaty, and questionable mission—appear to have had an impact within the military. Recently the Joint Chiefs of Staff suggested that the administration no longer insist on the right to deploy strategic defenses in the Geneva talks.

Moreover, in April, the Joint Chiefs chose the lowest of the SDI funding options presented to them.

The United States may have a valid interest in a Strategic Defense Research Program to clarify the long-term prospects for strategic defenses. But the current SDI Program is on an overheated path that lurches from one technological concept to another. It is time to slow down the program in order to take a more thoughtful look at it. Only then will be able to proceed in an intelligent manner.

Mr. SPECTER. Mr. President, I am voting against tabling the Johnston amendment because I believe the \$558 million could be better spent in other ways.

Last year, I voted against cutting funds for SDI, because I believe SDI has real potential as a defensive system. It is impossible to predict the full potential of scientific research. In 1945, Vannevar Bush said there would never be an intercontinental ballistic missile, and we know what happened. In 1965, Robert McNamara, Secretary of Defense, said the Soviets would never surpass the United States on ICBM's; but they did.

And we all know the story of the head of the Patent Office who resigned about a century ago, because there was nothing new to discover. With such factors in mind, I think it conceivable that SDI could provide a significant, if not comprehensive, defense.

In prior years, I argued in favor of the broad interpretation of the ABM Treaty I was convinced the treaty did not reciprocally bind the U.S. and U.S.S.R. to the narrow interpretation.

This year, I believe there are other items of higher priority such as the V-22 Osprey which should be included, but cannot be without a reduction in SDI funding. I have come to know the V-22 Osprey form watching its development at Boeing-Vertol in Lester, PA.

Out of deference to the V-22 Osprey and other important programs, I am voting against tabling the Johnston amendment.

The PRESIDING OFFICER. All time has expired. Under the previous order, the Chair recognizes the Senator from Georgia, Senator NUNN.

Mr. NUNN. Mr. President, just a couple of final thoughts before I move to table on behalf of Senator WARNER and myself. If this is tabled tonight, it would be my recommendation to the majority leader, as far as this bill is concerned, that that is all the productive business we can do this evening. I have tried to get other amendments here, but I was not able to give anyone a time. There are a number of people who had important amendments and did not want to bring up an important amendment at this hour of the evening without having any idea what time. I do not think we can do further

business on this bill. That would be my recommendation.

Mr. WARNER. Mr. President, but the key and operative words are if this amendment is tabled.

Mr. NUNN. If this amendment is tabled. If this amendment is not tabled, Mr. President, it is going to be a very long night because we will have the second part of the Johnston amendment. I am not going to delay if this is not tabled. I hope if it is not tabled, we can go ahead and voice vote the amendment, unless it is a cliff-hanger, somebody is absent and comes back, something of that nature. If he wins, without any doubt, from my point of view, I want to move on. In moving on, we have to move to the second half of the amendment. The second half of the amendment has all sorts of programs to be added back. Some of those programs we agree with. Some of those programs we went over very carefully, like the V-22. We felt the research and development money should be put there, but we did not think a production decision should be made now on the V-22, and that program is a program that is about \$26 billion.

So this is starting production on a \$26 billion program. That merits some debate. We are going to have to debate that. We are going to have to debate the other programs that are new programs. Some of these we would be willing, of course, to accept, but other people may want to debate them. Like the Senator from Arkansas is against the Maverick missile. It is going to be a long, long evening if this amendment is not tabled. I know that will not affect anyone's vote on the merit, but I wanted to make that information available.

I would say as far as Monday is concerned, the majority leader informs me we will be in business Monday. We will be voting, and he will make the announcements about the time.

Let me say from my point of view, and I have talked to the Senator from Virginia about this, we will be here when the Senate opens, and we will get on this bill on Monday. We have over 100 amendments filed now. I hoped to get a unanimous-consent agreement that no more amendments would be in order after tonight. That has been impossible to get. I am sure that there are reasons for that, but we have not been able to get that. So we have over 100 amendments. We are going to be in business on Monday. The Senator from Virginia and I will have our staffs here, the majority and minority. They will be set up outside. We hope perhaps we can use the Vice President's office. We will be willing to take a look at anyone's amendment on Monday. I hope we can go through 50 or 60 of them. It may be, before we come to the time of voting, that we will actually be able to handle an

awful lot of amendments. Anyone who has an amendment that they have any hope that the committee may accept, I urge them to come in on Monday morning or sometime during the day Monday and get with us and present the arguments for the amendment, let us weigh it, let us make sure we understand it, and then we will do our best to dispose of it that day by consent, if we agree to it.

Mr. President, does the Senator from Virginia wish to make any comments?

Mr. WARNER. Only to clarify, Mr. President. Should the chairman desire to go forward in the event it is not carried tonight, on our side, we would require votes on each of the separate add-ons, which could be as many as five votes.

Mr. JOHNSTON. Will the Senator yield?

Mr. NUNN. Yes.

Mr. JOHNSTON. I hope whatever happens on this amendment that we can terminate this and come back Monday on that. The threat of keeping us in all night—I was in a markup starting at 9:30 and going to 12 and have been here over 9 hours. The threat of that kind of cuts. What are we trying to do? This is supposed to be quality of life. I do not think Senators ought to vote on this program based on whether they have to go home and vote and stay up until 1 a.m. That is not fair.

Mr. NUNN. We will be glad to talk to the Senator about that. I am not suggesting an all-night session. I think that would be nonproductive. I would not recommend it. But I also think everybody ought to understand what we would have freed up if this amendment is adopted as it is now, it is \$500 million something. Anybody who wants to be contacted all weekend by defense contractors, just leave that some odd \$500 million hanging out here, and I would suggest to you they would rather stay up a little later tonight, spend some of it and make sure we put it in the right places than to be harassed all weekend. There is going to be some discomfort one way or the other. We may be able to save some of it. The Senate does not have to spend all that.

Mr. SIMON. Would the Senator from Georgia yield?

Mr. NUNN. Yes.

Mr. SIMON. Is the motion to table for the whole Johnston amendment?

Mr. NUNN. Just the first part of it. When I make the motion to table on behalf of the Senator from Virginia and myself, it will be on the Johnston amendment which cuts the SDI Program by \$558 million. This motion has nothing to do with the add-backs at this time.

Mr. President, on behalf of Senator WARNER and myself, I move to table the Johnston amendment.

Mr. WARNER. Mr. President, I join him.

The PRESIDING OFFICER. Is there a request for the yeas and nays? Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table division I of amendment No. 500 offered by the Senator from Louisiana. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA], is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. JEFFORDS] and the Senator from Idaho [Mr. MCCLURE] are necessarily absent.

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—50

Armstrong	Exon	McConnell
Bingaman	Garn	Murkowski
Bond	Gore	Nickles
Boren	Gorton	Nunn
Boschwitz	Graham	Packwood
Bryan	Gramm	Robb
Burns	Hatch	Roth
Byrd	Heflin	Rudman
Coats	Helms	Shelby
Cochran	Hollings	Simpson
Cohen	Humphrey	Stevens
D'Amato	Kassebaum	Symms
Danforth	Kasten	Thurmond
Dixon	Lott	Wallace
Dole	Lugar	Warner
Domenici	Mack	Wilson
Durenberger	McCain	

NAYS—47

Adams	Glenn	Mikulski
Baucus	Grassley	Mitchell
Bentsen	Harkin	Moynihan
Biden	Hatfield	Pell
Bradley	Heinz	Pressler
Breaux	Inouye	Pryor
Bumpers	Johnston	Reid
Burdick	Kennedy	Riegle
Chafee	Kerrey	Rockefeller
Conrad	Kerry	Sanford
Cranston	Kohl	Sarbanes
Daschle	Lautenberg	Sasser
DeConcini	Leahy	Simon
Dodd	Levin	Specter
Ford	Lieberman	Wirth
Fowler	Metzenbaum	

NOT VOTING—3

Jeffords	Matsunaga	McClure
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So the motion to lay on the table division I of amendment No. 500 was agreed to.

Mr. DIXON. I move to reconsider the vote by which the motion was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The VICE PRESIDENT. The question is on division II of the amendment. Is there further debate?

Mr. NUNN. Mr. President, will those Senators desiring conversation please retire from the Chamber?

The VICE PRESIDENT. Is there further debate on the amendment?

Mr. JOHNSTON addressed the Chair.

The VICE PRESIDENT. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, division I of this amendment having been tabled, division II is irrelevant. So I, therefore, withdraw the amendment.

The VICE PRESIDENT. The amendment is withdrawn.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER (Mr. BRYAN). The majority leader.

Mr. MITCHELL. Mr. President, there will be no further rollcall votes this evening. The Senate will be in session on Monday, and we will be considering this bill throughout the day. Votes will be stacked commencing not earlier than 5 p.m. on Monday. Senators should be aware of the following with respect to next week: There are now a total of 74 amendments pending. We have been unable to gain consent—

Mr. NUNN. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MITCHELL. There are now 74 amendments pending. I am advised by the distinguished Republican leader that we are unable to gain consent to my suggested agreement to limit amendments to those now filed.

Accordingly, Senators should be prepared for very long sessions every day next week. After Monday at 5 p.m., there will not be and cannot be consideration of any requests regarding times when votes can or cannot occur.

I state this now so Senators can be aware of it. Next week beginning at 5 p.m. on Monday, no consideration will be given to any requests to hold votes. Senators, therefore, should be prepared. We have to finish this bill. We have other matters to attend to. It is my hope that many of these amendments will not be offered. It is my even more fervent hope that the list of 74 will not grow to 174 between now and Monday. Based on past experience, we cannot rule out that possibility. The managers will be here Monday. It is my understanding that there are a number of amendments that they will be able to work out, and they will take amendments during the day on Monday. So Senators who have amendments among the 74, or others not listed, please be prepared to be here on Monday, as we are going to have to complete a lot of work on that

day in order to finish this bill at a reasonable time next week.

Mr. NUNN. Will the majority leader yield briefly?

Mr. MITCHELL. Yes.

Mr. NUNN. Mr. President, I made the announcement a little while ago, but we did not have many Senators on the floor then. We will be here on the floor Monday, as soon as the majority leader calls us in. We will have our staffs, and if we can borrow the office—and I hope we can—the Vice President's office, we will be ready to look at any Senator's amendment. We hope we can accept a number of amendments, and if anyone wants to have the best possible opportunity to have his amendment considered with the possibility of acceptance, I suggest Monday morning and Monday afternoon would be the best time to do that. We will try to dispose of as many as possible.

Mr. DeCONCINI. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. DeCONCINI. Does the Senator anticipate offering a unanimous-consent request regarding the filing of amendments tonight or tomorrow or Monday?

Mr. MITCHELL. I had anticipated that, but I have been advised by the distinguished Republican leader—and he is here and I will ask him to confirm it—that he is not in a position to give consent to such a request.

Mr. DeCONCINI. I take it that that will not occur tonight, any such unanimous consent will not be propounded tonight.

Mr. MITCHELL. That is correct.

The PRESIDING OFFICER. The Senate will suspend and be in order.

Mr. STEVENS. Will the leader yield?

Mr. MITCHELL. Yes, sir.

Mr. STEVENS. I see my friend from Georgia here. Is it possible we can consider some time limit on these amendments, a generic limit of an hour total on any amendment, or something, so that we can move faster? Seventy-five amendments in 5 days is going to be awfully hard unless we have a basic understanding on each amendment.

I urge the leader to consider seeking a unanimous-consent request that no amendment take more than an hour. I have three amendments. I would be happy to agree to such a provision. The Senator from Ohio has some, and I will be working with him. I think these amendments ought to be disposed of a lot more quickly than it looks like we are going to be able to do.

Mr. MITCHELL. I thank the Senator. It is my intention to try again on Monday to get an agreement both limiting the number of amendments and times related to the amendments and a specific time for final passage. We

will simply do the best we can, given the realities of unanimous consent. Now, I should say—

Mr. STEVENS. May I say to my friend that the complexity of this bill is such that it is very difficult to agree that there would be no additional amendments. I would be more than willing to agree to a time limit on any amendment and a time for final passage, but the difficulty is, in terms of this bill, if one amendment is adopted, you automatically may have to have another one come up.

I urge some time limit on each amendment and some time for final passage, and you can make that any time after Wednesday, as far as I am concerned. I am not seeking to delay the bill, but we are trying to study the impact on the appropriation process, frankly, as to what is happening here. I do not think you can do that unless you see the amendments and how they come up.

Mr. MITCHELL. I thank the Senator. If I could comment further, I have just been advised that the conference on the S&L bill has completed action. That will be before us next week, and we must complete action on that. We still have to do the debt limit extension. That must be done. It is still my hope to complete action on rural development and disaster relief legislation.

Finally, the Senate Committee on the Environment and Public Works today reported, unanimously, oilspill legislation, which I hope to take up with the Commerce Committee's previously reported bill as well.

There will be a lot to do next week. Senators should be prepared for long days and nights.

Mr. STEVENS. If the Senator will yield. That is why I have a vital interest in the last matter. That is why I would like to see this bill get completed by Wednesday, if we can do it. I will do anything I can to get to that oilspill legislation.

Mr. MITCHELL. I thank the Senator.

Mr. LEAHY. Mr. President, the Senator mentioned disaster relief legislation. If the Senator will yield for a minute.

Mr. MITCHELL. Yes.

Mr. LEAHY. There have been some discussions earlier this week that the report had not been filed on the disaster relief legislation reported out of the Agriculture Committee this past Tuesday, July 25. I had withheld filing the report because I had been advised by the office of the distinguished Republican leader that there were additional minority views that he or others wished to add to the committee report and that he wanted the 3-day time period to run before adding these additional views. If—and I see the distinguished Republican leader on the floor now—there are no additional

views, the committee report is ready to be filed and has been ready for the last 48 hours.

We are ready right now to file the committee report on disaster relief. I am ready to go on the disaster relief bill on 30 seconds' notice. I would advise the distinguished majority leader and distinguished Republican leader that the report was held back only because it was my understanding that the distinguished Republican leader or others may have wished to add additional views.

If any Senator wishes to discuss this legislation, I am usually in my office by 6:30 or 7 o'clock in the morning and I am here late at night. I am ready and willing to meet with any Senator at any time about disaster relief legislation.

Mr. MITCHELL. I thank the Senator.

Mr. DOLE. I think in response to the Senator from Vermont, in fact, I talked to the majority leader and said I was going to visit with the chairman of the committee and give him a counterproposal. I gave it to as many Members as I could find—Senator BOREN and your staff, and I tried to find Senator KERREY.

The Senator's staff has some information. I could not find other Senators. But we tried to make available a counterproposal. As I said before this happens in farm legislation generally or nutrition legislation, which all of us signed off on today, but it got held up for some other reason, if we could agree on it as I advised the majority leader, it would not take very long at all.

Mr. LEAHY. Will the Senator yield? I wish to advise the Senate that what the distinguished Republican leader has said is true. In the last few seconds, he has given me his counterproposal.

Mr. DOLE. That is about when it was available.

Mr. LEAHY. I will be happy to look at it.

Obviously, because of the lateness of the hour, it might make more sense to meet tomorrow or over the weekend.

I will be happy to meet with Senators tomorrow or over the weekend.

I will be happy to meet with any Senator—Republican, Democrat, or neutral. I will be happy to meet too with the administration, at any time this weekend or on Monday.

As I said over and over again, I think that the proposal that passed the Senate Agriculture Committee and the alternative proposals made by others are really very, very close.

I am convinced that if Senators are willing to sit down with me and other Senators who are interested, we could reach an agreement which could get near unanimous support in this body.

I would also add just one last thing for Senators who are concerned about

the disaster legislation. The committee bill is 29 percent less in money than the House of Representatives' bill, about \$400 million less. If the Senate Agriculture Committee bill is to essentially prevail, we will need near unanimous support from this body.

I have been meeting with the distinguished ranking member, Senator LUGAR, and the distinguished Republican leader, Senator DOLE and others. I will meet with them over the weekend or on Monday. I am convinced that if we will all get together and set aside preconceptions, mine or anybody else's, we can have a bill by late Monday that everybody could agree on. And if we pass it with strong support, then we could go to the House and persuade them to adopt a position closer to the Senate bill.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 93-29, as amended by Public Law 98-459, appoints Mr. E. Don Yoak, of West Virginia, to the Federal Council on the Aging.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 99-83, appoints Rabbi Chaskel Besser and Mr. Levi Goldberger to the Commission for the Preservation of America's Heritage Abroad.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTRAORDINARY COMMUNITY CONTRIBUTIONS OF TWO TRICITY RESIDENTS

Mr. GORTON. Mr. President, America's unsung heroes are her volunteers. These are the people who offer their time unhesitatingly, who keep many vital community services going, who, through thick and thin donate their time without asking for recognition.

The Department of Energy understands that outstanding government service and outstanding volunteer service often go hand-in-hand. Patricia Turner and Santos Ortega of Kennewick, WA, have been recognized by Secretary of Energy Adm. James D. Watkins as part of the Department's nationwide program to honor extraordinary community service provided by its employees.

It is my pleasure to join Admiral Watkins in congratulating these fine Washington State citizens. They are exceptional individuals who bring compassion and caring to their com-

munities and our Nation. They are the people for whom voluntarism is a way of life, not a fad of the 1980's.

Ms. Turner, who has recently completed 35 years of government service, developed an extremely effective teen crisis line in the Tri-Cities. She has been an active volunteer for the region's Sunfest, Kadlec Hospital, and contact teleministries. She also serves as a member of the board of directors for the Volunteer Center.

Mr. Ortega should be commended for his extensive work on behalf of the Tri-Cities' Hispanic population. He is a member of the Tri-Cities Job Training Partnership Act Private Industry Council Advisory Committee, Tri-Cities Job Service Employees Committee, and Committee to Explore a Seed Capital-Minority Entrepreneurial Small Business Investment Corporation.

I urge my colleagues to join with myself and Admiral Watkins in congratulating these outstanding Washingtonians.

FSX

Mr. DIXON. Mr. President, it appears to this Senator that it is time to remind the executive branch that there are three branches to this Government of ours, predicated on a system of checks and balances.

Yesterday, President Bush informed congressional leaders that he thought it highly inappropriate—even constitutionally questionable—that the Congress had set down restrictions on the FSX deal the Reagan and Bush administrations had negotiated with Japan.

Mr. President, when the administration enters into an agreement with a major trading partner—in this instance Japan—that will make Japan a major trading competitor at the expense of hundreds of thousands of American jobs and billions of dollars of American wealth, I think it is time for the Congress to step in on behalf of the American people.

The White House has given up arguing the merits of the agreement. The House, by an overwhelming majority, and the Senate by an even greater majority, have told the President, Japan, and the American people that this is a very bad deal.

And it wasn't just the House and Senate that called FSX a bad deal. The General Accounting Office said, "We know what the Japanese are getting from the United States; we don't know what we are getting from the Japanese."

The White House doesn't argue this. Now, they just say it's none of our business—that this is a constitutional issue, and not the concern of Congress.

Well, Mr. President, the regulation of interstate and foreign commerce has been a prerogative of the Congress

of the United States historically for 200 years.

When it comes to jeopardizing American jobs and America's competitive edge in global competition, then the Congress will certainly exercise that prerogative.

I am not arguing that we should be governed by protectionist concerns. I am not arguing that we should try to stop Japan from developing its aerospace industry. What I am arguing is that we need to consider the long-term implications of decisions the Government makes on the economic health and basic competitiveness of industries that are so important to our national security and overall economy.

Such concern is not the exclusive domain of the executive branch. This is the concern of all Americans—including the Congress.

YAAK TIMBER RELIEF

Mr. BAUCUS. Mr. President, the Interior appropriations bill contains language directing the immediate sale and harvest of timber from stands of lodgepole pine in Northwest Montana's Upper Yaak river drainage. This language is the product of an agreement between myself and my distinguished colleague, Senator BURNS. It is our intent to authorize the sale of approximately 30 to 35 million board feet in this region over the next fiscal year.

For the past two logging seasons, the Forest Service offered no new timber sales in the Upper Yaak, one of Montana's most productive forest areas. While I believe it is time for sales to move forward, I also believe any interim sale program must contain substantial environmental safeguards. We must also respect the fundamental integrity of the National Environmental Protection Act [NEPA].

This legislation balances these two concerns. While sales and harvest will be permitted, timber operations will be confined to stands of lodgepole pine. Since much of the Yaak's lodgepole pine is dead or dying from mountain pine beetle infestation, we are preventing the waste of a resource and a potential fire hazard. Additionally, the legislation also addresses the question of road construction. By use of the term "system roads," it is our intent that construction be confined to temporary roads necessary to access cutting units. Finally, we provide that this harvest must comply with the standards and guidelines of the Kootenai National Forest Plan.

It is also important to recognize this legislation does not tamper with NEPA. What we have done is recognize a point of settled law and fact: Environmental assessments [EA's] have been completed on all sales that the Forest Service would likely carry out in the next fiscal year. The Forest

Service filed decision notices and no citizen saw fit to challenge the adequacy of these environmental studies. The time for appealing any of these EA's has long ago expired.

Finally, it is important to note that this legislation in no way affects an ultimate decision on the merits of the Final Upper Yaak Environmental Impact Statement or Save the Yaak Committee versus Block, a lawsuit currently pending in Federal court.

We have forged a sensible compromise. It is time to move forward with timber management on the Yaak.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, it is now 1,594 days that Terry Anderson has been held in captivity in Beirut.

I ask unanimous consent that a New York Times article which appeared on Christmas Day of 1987 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 25, 1987]

U.S. HOSTAGE SEEN ON NEW VIDEOTAPE

(By Ihsan A. Hijazi)

BEIRUT, LEBANON, December 24.—Terry A. Anderson, the American hostage in Lebanon who has been held the longest, appeared today in a videotape released by his kidnappers, the pro-Iranian group known as Islamic Holy War.

Mr. Anderson, 40 years old and chief Middle East correspondent of The Associated Press, was seized on a West Beirut street by gunmen March 16, 1985. In the videotape, he addressed messages to his family, his friends, and President Reagan for Christmas.

"I don't know what to say to my Government," Mr. Anderson said. "I know you have been trying to have me freed. This is the third Christmas I spend as a hostage."

Mr. Anderson urged President Reagan to do more to bring about freedom for the hostages. He added that there is a limit to what the captives can endure. Mr. Anderson said he was in good health but tired and very lonely.

The four-minute videotape was delivered to a Western news agency here. It came as Lebanese newspapers today carried Christmas messages addressed to American and French hostages by their wives.

As well as Mr. Anderson, Islamic Holy War says it is holding another American, Thomas Sutherland, 55, acting dean of the School of Agriculture to the American University, and three Frenchmen, Marcel Carton, Marcel Fontaine and Jean-Paul Kauffmann.

Six other Americans are among other foreign hostages held captive by a variety of underground factions, all believed linked to Iran.

Mr. Anderson said no progress has been achieved in winning the release of American hostages since David Jacobsen was freed Nov. 2, 1986. Mr. Jacobsen, formerly the administrator of the American University Hospital, was freed as part of a deal between the Reagan Administration and the Iranian Government under which Washington sold

weapons to Teheran in return for freedom for some of the hostages.

U.S. CALLS CAPTORS "CYNICAL"

WASHINGTON, December 24.—The State Department condemned Mr. Anderson's captors today for their "cynical" release of the videotape.

"All statements by hostages are made under the duress of their captivity," Phyllis Oakley, the deputy spokeswoman, said.

TO REAUTHORIZE ACTION VOLUNTEER PROGRAMS

Mr. HATCH. Mr. President, I am pleased to be a cosponsor of the bill to amend and expand the Domestic Volunteer Services Act and to reauthorize ACTION, our Nation's volunteer Agency. I have seen and heard of the tremendous impact that ACTION programs have had in my home State of Utah, and I am confident that this bill will strengthen the ability of the ACTION Agency to encourage volunteerism in America.

Through the leadership of President Bush, the energies of this Nation have been refocused on community spirit and volunteerism—one of the basic characteristics of American society. Although it is individual and community effort that makes volunteerism work, the Federal Government can play an important role in facilitating this participation. Through our national volunteer Agency—the ACTION Agency—we are able to cost-effectively marshal the resources of community volunteers. As stated in the ACTION mission statement:

ACTION's mission is to stimulate and expand voluntary citizen participation through coordination of its efforts with public and private sector organizations and other governmental agencies.

I am personally aware of the difference that the ACTION volunteer programs can make in a community. For example, the Senior Companion programs in which low-income seniors help care for the homebound elderly have proven very effective in Utah. The frail elderly are able to maintain their independence, and Utah seniors continue to make a valuable contribution through their sunset years. I'd like to share a true story with my colleagues that gives the benefits of ACTION's Senior Companion Program a human dimension:

One afternoon in Salt Lake County, a 93-year-old woman—we'll call her Jane—was tending to her front yard when she was approached and severely beaten by two men apparently trying to rob her. After a long hospital stay, Jane was, thankfully, able to return to her home. But, once she returned home, she found that she was too frightened to venture out of her house—even her daughter could not coax her outside. During this recuperative period, a senior companion was assigned to help Jane with light chores around the house and to be there when she needed someone to talk to. One day, the senior companion suggested that they walk to the new yarn store that had just opened

around the block, and Jane walked to the yarn store. From that point on, she could occasionally venture outside her home.

We must continue support of the ACTION volunteer programs for people like Jane. We must bring the power of American volunteerism to bear on the many problems facing society today, even if a particular problem seems small to those of us who do not have to face it.

This bipartisan legislation to reauthorize the ACTION Agency makes several important changes in the current law—changes which I believe are vital to ACTION's continued effectiveness.

First, this bill authorizes increased funding for public awareness and recruitment activities. We must ensure that people around America are aware of volunteer opportunities at ACTION and that they are able to easily be matched up with those opportunities. The majority of recruiting within ACTION is accomplished at the local level, and this is as it should be. ACTION funds are intended to encourage local responses to community problems. However, there are times when a local project may require a skilled volunteer that is unavailable within the local pool of volunteers. To facilitate the matching process between a projected director with a need for a skilled volunteer and a volunteer looking for an opportunity to use his or her skill, this bill asks the director to increase coordination of the recruitment activities.

This bill also authorizes increased funding for public awareness campaigns for VISTA and the Older American Volunteer programs in order to ensure depth in this nationwide talent pool, facilitate the recruiting efforts of the local project directors, and return the ACTION programs to their proper level of national recognition. These funds will support the development of recruiting materials, such as brochures and posters, which may be used by all local ACTION programs in their recruiting efforts. They will also support nationwide public awareness campaigns which are necessary to generate knowledge of and interest in the ACTION programs. VISTA, Senior Companion, Foster Grandparent, and Retired Senior Volunteers make a tremendous difference in our Nation, Mr. Chairman. It is important that they are recognized for their efforts and it is even more important that both communities and potential volunteers know that these opportunities exist.

We know that ACTION-funded volunteers are a cost-effective resource. With a Federal appropriation of \$30.6 million in 1988, over 397,000 ACTION retired senior volunteers alone provided over 72 million hours of service. That means that the services provided by these volunteers cost us less than \$0.50 per hour in Federal funds. par-

ticularly during this time of budget deficits, and increased emphasis on people helping people, we in Congress have to support expansion of the ACTION programs. Therefore, the second major change to current law in this bill is the authorization of increased funding for both the VISTA and Older American Volunteer programs.

The VISTA authorizations in this proposed legislation increase from just under \$31 million in fiscal year 1990 to \$56 million in fiscal year 1993. In 1993, this authorization level will support more than 4,100 volunteer service years, which represents an increase of over 1,500 new volunteers over the current level of 2,600. This bill, therefore, recognizes the contributions made by VISTA volunteers and supports significant program expansion. In addition to increasing the number of volunteer service years supported through VISTA, this legislation allows for an increase in both the subsistence allowance and the stipend paid to VISTA volunteers. It has always been intended that VISTA volunteers live at the same level as those they are serving in the community. However, I have been told that even with the current subsistence allowance many volunteers are forced to spend personal resources simply to exist as a VISTA volunteer and that may be forced to forego this opportunity due to the level of the subsistence allowance. If we are to take advantage of this Nation's increased emphasis on volunteerism, we must make sure that each volunteer is able to live at the poverty level in his or her local community during the period of service.

This bill also authorizes an increase in program funding for all of the Older American Volunteer Programs: the Senior Companion Program, the Foster Grandparent Program, and the Retired Senior Volunteer Program. Most of this increased authorization is to be channeled through a new initiative: Programs of National and Local Significance. We know intuitively that communities around this country have identified creative volunteer solutions to resolve national problems at the local level. We must encourage these programs of national and local significance by providing increased funding and sharing the knowledge of effective community-based solutions with other communities facing similar problems around this country. These new funds will be competitively awarded to new and existing programs which are best able to uniquely meet community needs. Targeted areas of national concern include drug abuse, child care, and respite care.

In addition to this growth in program funding, the authorization levels for the Older American Volunteer Programs include a small increase in the

hourly stipend for Senior Companion and Foster Grandparent volunteers. This bill increases the stipend by \$0.15 to \$2.35 in 1991 and another \$0.15 to \$2.50 in 1992. These stipended programs have always had the dual objective of cost effectively delivering a valuable service and subsidizing low-income elderly. The volunteers provide a valuable service to society, and we should recognize it.

We must also protect the ability of the ACTION Agency to effectively manage and administer these volunteer programs. From 1972 to 1989, ACTION Program funds have increased by 153 percent. Program administration funds have not kept pace. This bill, therefore, increases the authorization levels for ACTION Program administration expenses.

Finally, this legislation allows for multiyear grant awards under the Older American Volunteer Programs to smooth the planning process for these programs and ensure continued service delivery in local communities. This bill also delays the next ACTION reauthorization until 1993, 4 years from now.

Mr. President, the authorization levels for the ACTION volunteer programs are increased because the ACTION volunteer programs are cost effective; but, they also accomplish a number of very important objectives. They assist local communities in the tough fight against poverty and drug abuse; they provide income and job assistance for the low income and low-income elderly; and perhaps, most importantly, they empower individuals with the knowledge that they can make a difference in their own communities.

There have been a number of new proposals to encourage our Nation's volunteer spirit already in this Congress. While I believe we should consider each of these carefully, given the importance of volunteerism to America, I believe we must first fully fund those existing programs, such as ACTION, which have already proven themselves effective. I encourage all of my colleagues to vote for this bill to reauthorize the ACTION Agency.

ACID RAIN

Mr. MOYNIHAN. Mr. President, it will be just 10 years ago, September 14, 1979, that I introduced the first bill ever to address the issue of acid rain. It called for the creation of the National Acid Precipitation Task Force to carry out a 10-year, \$56 million study of the cause and effect of acid precipitants. It was, yes, one of those much derided proposals to study a problem. I do not, however, apologize for this. Not in the least. I said on the occasion:

This legislation freely acknowledges our ignorance and seeks to extend our knowl-

edge by greatly increasing the scope and intensity of research on * * * [the] causes and cures [of acid rain].

Whilst not apologizing for the way I proposed to proceed, neither do I take any special credit for bringing up the subject. I represent New York State and, of course, the Adirondack Preserve, where the problem first appeared, or at least was first noticed in the United States. We are, of course, immediate neighbors of Canada which was also at that time beginning to be much troubled by this phenomenon. Also, a biologist at Cornell University had unraveled the process by which lakefish die off as acid levels rise. Aluminum released from granite collects in gills and fish suffocate. This much we knew; not much else. The custodians of the Adirondack Preserve had lovingly recorded just about everything about the first robin and the last maple leaf in the region for onto a century, but had somehow never measured the pH contents of our lakes. So there was no confident way to know whether the lakes were getting more or less acidic. We had to investigate.

S. 1754 became law as the Acid Precipitation Act of 1980: the first and so far the only enactment in this field.

To those who think of more research as an excuse for inaction, I would point with some emphasis to the events that followed. In the 1970's, environmental issues had found a responsive audience within the executive branch. If a case could be made that something needed doing, the likely response was to try. In 1979, I certainly got no opposition in bringing up and passing this law. However, things changed dramatically when administrations changed. By the early 1980's, concern about acid rain had become widespread as were demands that something be done. In the Executive Office of the President, however, such demands were met by a blunt proposition: Prove it. Prove, that is, that there was a problem that could be dealt with at a reasonable cost.

Well, there was no proof. Which is to say, no research had been completed.

The attitude at the Office of Management and Budget was not unreasonable, per se. We expect doctors and rocket scientists to know what they are doing; environmentalists need to be just as rigorous. However, one could not mistake the overlay of plain old hostility in the attitude of the new administration, and most especially in the Environmental Protection Agency. "Prove It" is one attitude. "Go Away" is another.

This attitude became pervasive. On the weekend of May 2, 1981, a conference on Acid Rain and Clean Air Policy met at the State University of New York at Buffalo. I was invited to be the luncheon speaker. Arriving in Buffalo that morning, I learned that

the Canadian Secretary of State for External Affairs, the Honorable Mark MacGuigan had also been invited and was even then on the campus. I asked had anyone from Washington been there to greet him? Nobody. Had he received any message? None. Oh, Lord.

I got to a telephone and called the White House. Did they know what had happened? No. Well, we must do something. Where was the Secretary of State, Mr. Haig? The Secretary of State was on his way to a NATO meeting in Rome and could not be bothered with acid rain conferences or whatever was going on in Buffalo. Where, I asked, did they think Mr. MacGuigan was heading? Who did they think he would be sitting down to dinner with on Sunday evening? There was a mildly troubled response from the White House. I proposed that at least they have Secretary Haig send a greeting to his colleague which I would read at lunch. Impossible. What do you mean impossible? The Secretary is on a plane to Rome. And there are no radios on his plane? So it went. In the end, I dictated a message which they agreed could be signed by the Acting Secretary of State. Mr. MacGuigan could not have been more cordial about it all. But neither was he overimpressed by his ally's concern for a matter Canadians took seriously.

So it went for 8 years. The implacable hostility of the administration made itself felt on Capitol Hill. The near-heroic efforts of our present majority leader, Senator MITCHELL, came close to succeeding in the 100th Congress, but in the end, was unavailing. The prevailing negativism was combined with an equally unhelpful escalation of demands from environmental groups who seeming to sense that nothing was going to happen anyway, raise their demands, looking to some future negotiation.

Then a new administration came to office, headed by a President who had committed himself to action on acid rain.

That commitment has now been kept in the form of a major proposal, sent to Congress just last week.

And so here we are at last. Dealing with an issue of large consequence—the Nation's struggle for clean air. I would like to make a plea to the Senate that the way we go about addressing this issue reflect both the importance of the problem and the experience we have just been through.

For more than a decade we have witnessed a collective failure of will. We failed to take action to eliminate the factors producing acid rain, we failed to control the emissions of toxics into the atmosphere, and we failed to formulate a strategy that would enable our urban areas to attain healthy air standards.

This was a collective failure. The indifference of the Reagan administration was an obvious factor, but to say again one can name a host of other contributors. Attempts to address the acid rain problem became paralyzed by regional competition. The issue of air toxics got lost in interpersonal squabbles within Congress. Members of industry blocked a number of initiatives that would have been in their own long-term interest. And the environmental community, when given the chance to fashion a compromise and succeed, often chose doctrinal purity and stalemate.

And in the interim, the acid rain problem has become more severe and costly, more cities have fallen out of ozone attainment, and the volume of unregulated toxics spewed into the air rose to the level of more than 2 billion pounds a year.

All of us involved in this longstanding debate have become experts in fashioning no-win situations. The question is, after a decade of failure, are we afraid of achievement?

President Bush has given us an opportunity. He has presented us with a package, and with a challenge. The challenge is to see if we can work for the collective well-being of our Nation.

The President proposes substantial improvements on each segment of the Clean Air Act as currently written. His acid rain proposals call for an annual reduction of 10 million tons in sulfur dioxide emissions by the year 2000.

His air toxics proposal increases the number of regulated chemicals from 6 to almost 300, and requires the use of "maximum achievable control technology" to lower emissions.

His provisions of urbanizing ozone involve a score or more of strategies aimed at bringing most of the Nation's cities into compliance by the year 2000.

The bill includes a host of creative approaches emphasizing market forces to achieve air quality improvements. The President's call for the full-scale development of an alternative fuel automobile fleet to complement and compete with the gasoline market is especially provocative.

It is, in sum, a sincere, imaginative and thoughtful effort.

Does that mean it is the best we can do? I doubt it. I believe that Congress, over the past decade, has developed sufficient understanding of clear air issues that we can craft improvements to various sections of the bill.

Just as importantly, the 1980 Act has done its work. For whatever reasons—I have my own suspicions, but they are not especially relevant—the last administration did provide funds for the National Acid Precipitation Assessment Program (NAPAP), as it came to be known. It did more than required. Almost half a billion dollars has been expended. We have at hand

the most comprehensive data base ever fashioned in anticipation of environmental legislation. We can go forward with rare confidence that we know what we are doing.

That is our task. But I also believe we should recognize what the President has done. Could anyone, even 8 months ago, have guessed that the President would have assumed a leadership role in the area of clean air? Could anyone have foreseen he would have produced a document as creative and foresighted as the proposal we are now considering?

It disturbs me that rather than viewing the President's plan as an opportunity for action, the old patterns of failure are threatening to re-emerge. Instead of embracing its strengths, and improving its weaknesses, many of those involved in the decade-long struggle for clean air seem content to attack the President's proposal, simply out of habit.

I would caution the Members of Congress, and representatives of industry and the environmental community, not to allow the good to become the enemy of the best. When it comes to preventing something positive from taking place in the area of clean air, we are all experts.

If the President can break a pattern of executive indifference to environmental issues, then surely the rest of us can build on this opportunity. The President has taken the first and most important step in breaking the stalemate. I hope we have the stature and the maturity to make the most of this opportunity.

MESSAGES FROM THE HOUSE

At 2:55 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the joint resolution (H.J. Res. 281) to approve the designation of the Cordell Bank National Marine Sanctuary, to disapprove a term of that designation, to prohibit the exploration for, or the development or production of oil, gas, or minerals in any area of that sanctuary, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-236. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Armed Services:

"SENATE RESOLUTION

"Whereas the Secretary of Defense has been empowered traditionally to provide for the religious and spiritual needs of members of the armed forces by appointing military chaplains; and

"Whereas there exists an imbalance in the representation of various religious faiths

among chaplains of the armed forces as compared to the representation of those faiths among members of the armed forces as a whole; and

"Whereas this body is concerned that the men and women from this Commonwealth who serve with commitment and gallantry in the armed forces of this Nation should have the religious and spiritual needs which arise during the course of their military service served by a chaplain of their faith; therefore be it

"Resolved, That the Senate of Pennsylvania memorialize Congress to pass legislation which requires the Secretary of Defense to implement actions to appoint military chaplains in representative proportion to the different faiths represented among the total membership of the armed forces; and be it further

"Resolved, That copies of this resolution be transmitted to the presiding officers of each House of Congress, to each member of Congress from Pennsylvania and to all members of the respective armed services committees of each House of Congress."

POM-237. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Energy and Natural Resources:

"HOUSE CONCURRENT RESOLUTION No. 120

"Whereas the state of Louisiana is a member of the South/West Energy Council, an organization of eight energy producing states concerned with the energy issues facing the United States; and

"Whereas the state of Louisiana believes that the president of the United States and the United States Congress must aggressively implement a national energy strategy; and

"Whereas the state of Louisiana believes that energy is the key to assuring a viable economy and a strong national defense and to sustaining the American way of life; and

"Whereas the South/West Energy Council has adopted a national energy strategy that covers crude oil, coal, natural gas, renewable energy sources, electricity, and the conservation of energy; and

"Whereas the goal of the South/West Energy Council's national energy strategy is to provide a stable supply of reasonably priced energy in an efficient and environmentally sound manner to meet the needs of the United States citizens and of the economy and national security interests of the United States; and

"Whereas the long-term goal of the South/West Energy Council's national energy strategy is the energy independence of the United States; therefore, be it

"Resolved, That the Legislature of Louisiana does hereby express its support of the national energy strategy proposed by the South/West Energy Council and urges the president of the United States and the United States Congress to adopt and implement the proposal as the nation's energy strategy; and be it further

"Resolved, That copies of this Resolution with the attached national energy strategy shall be sent to the Honorable George Bush, President of the United States; the Honorable Dan Quayle, Vice President of the United States and President of the United States Senate; the Honorable Tom Foley, Speaker of the United States House of Representatives; the Honorable J. Bennett Johnston, Chairman of the United States Senate Committee on Energy and Natural Resources; the chairman of the United

States House Committee on Energy and Commerce; the Honorable John Breaux, United States Senator; the members of the Louisiana Congressional delegation; and to Patrick J. Raffaniello, the executive director of the South/West Energy Council."

POM-238. A resolution adopted by the Town Council of Davie, Florida; to the Committee on Energy and Natural Resources.

POM-239. A petition from the Ravenwood Aluminum Corporation; to the Committee on Environment and Public Works.

POM-240. A resolution adopted by the Legislature of the State of Alaska; to the Committee on Environment and Public Works.

"HOUSE JOINT RESOLUTION 11

"Whereas the people of the state are committed to healthful air for residents of the state to breathe; and

"Whereas the air in Anchorage and Fairbanks periodically contains levels of carbon monoxide during cold weather conditions that exceed air quality standards; and

"Whereas carbon monoxide presents a health risk to humans because it robs the body of oxygen and is a particular health risk to the elderly, infants, pregnant women, and individuals with chronic heart and lung diseases; and

"Whereas carbon monoxide is a product of inefficient combustion and at least 90 percent of the carbon monoxide in the air of Anchorage and Fairbanks results from automobile exhausts during the cold winter months; and

"Whereas the carbon monoxide levels in Anchorage and Fairbanks can be reduced by the adoption of two primary strategies: by reducing the number of automobile miles traveled during the cold winter months and by reducing the amount of carbon monoxide each vehicle emits; and

"Whereas the expanded use of mass transit and ride-sharing will reduce the number of automobile miles traveled, thus reducing the amount of carbon monoxide emitted; and

"Whereas the Anchorage and Fairbanks municipal governments are presently restricted by Federal law in their ability to use Federal gas tax funds to expand mass transit and other more efficient transportation measures; and

"Whereas the Environmental Protection Agency now certifies new vehicles for carbon monoxide emissions at temperatures ranging between 68 and 86 degrees Fahrenheit, instead of a range more appropriate to colder climates; and

"Whereas a cold temperature certification program could reduce actual carbon monoxide emissions by as much as 46 percent; and

"Whereas the Congress of the United States is not in the process of reauthorizing and amending the Clean Air Act: Now be it

Resolved, That the Alaska State Legislature urges the Congress to support the reauthorization of the Clean Air Act with amendments noted in this resolution; and be it further

Resolved, That the Alaska State Legislature urges the Congress to increase mass transit funding as a means of mitigating the adverse effects of transportation related air pollution; and be it further

Resolved, That the reauthorization of the Clean Air Act require the Environmental Protection Agency to certify motor vehicles for carbon monoxide emission compliance at 20 degrees Fahrenheit.

"Copies of this resolution shall be sent to the Honorable Dan Quayle, Vice President

of the United States and President of the U.S. Senate; the Honorable Jim Wright, Speaker of the U.S. House of Representatives; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress."

POM-241. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance:

RESOLUTION CHAPTER —

"Assembly Joint Resolution No. 5—

"Whereas home ownership has been and is a fundamental building block of the American ideal; and

"Whereas home ownership gives citizens a greater sense of belonging and commitment to their community; and

"Whereas industries associated with home ownership make an extremely large contribution to the nation's economy; and

"Whereas in recent years the rising cost of housing has for many made the dream of home ownership distant and elusive; and

"Whereas the mortgage interest deduction is a positive force keeping the dream of home ownership alive for many Americans; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to refrain from taking any action, as part of tax reform efforts or otherwise, that would reduce, otherwise diminish, or eliminate the home mortgage interest deduction; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-242. A resolution adopted by the Student Government Association Senate of the University of Kentucky; to the Committee on Foreign Relations:

POM-243. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Foreign Relations:

"JOINT RESOLUTION

"Whereas we are shocked and grieved by the events which have taken place since June 4, 1989, in Beijing, China; and

"Whereas our beliefs are rooted in the democratic traditions of the right of dissent, the right of redress of grievances and the right of peaceful assembly; and

"Whereas the people of China have attempted to peacefully present their earnest desire for a democratic society; and

"Whereas the response of the Chinese Government has been one of wanton disregard for human life; now, therefore, be it

Resolved, That We, your Memorialists, respectfully recommend and urge the Congress and the President of the United States to respond with a strong, clear message of support for democracy, freedom and respect for human life; and be it further

Resolved, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H.W. Bush, President of the United States, to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation."

POM-244. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Foreign Relations:

"SENATE RESOLUTION No. 91

"Whereas on December 12, 1985, an airplane crashed in Gander, Newfoundland, Canada, killing 256 people, including 248 members of the 101st Airborne Division of the United States Army; and

"Whereas an investigation took place in which the majority believed that ice on the wings caused the crash, while a minority believed that a bomb was the cause of the crash; and

"Whereas the investigatory board refuses to review any new evidence; therefore be it

Resolved, That the Senate of Pennsylvania memorialize the President and United States Congress to request the Canadian Government to reopen the investigation to include new evidence relating to the December 12, 1985, airplane crash at Gander, Newfoundland, Canada; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

POM-245. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Governmental Affairs:

"HOUSE CONCURRENT RESOLUTION No. 136

"Whereas the Tenth Amendment, part of the original Bill of Rights of the Constitution of the United States, reads as follows: 'The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people'; and

"Whereas the limits on Congress' authority to regulate state activities prescribed by the Tenth Amendment have recently been the subject of decisions of the United States Supreme Court in the cases of *Garcia v. San Antonio Metropolitan Transit Authority*, 469 U.S. 528 (1985), and *South Carolina v. Baker*, 56 U.S.L.W. 4311 (U.S. April 20, 1988), (No. 94, Original); and

"Whereas, these cases hold that the limits of the Tenth Amendment are structural, and not substantive, leaving states to find protection from congressional regulation through the national political process, rather than through judicially defined spheres of residual state authority; and

"Whereas, these United States Supreme Court decisions invite further federal preemption of state authority. Therefore, be it

Resolved by the Legislature of Louisiana that it is the consensus of this body that the Tenth Amendment to the Constitution of the United States is, and always has been, of operational force governing and balancing the respective powers of the states and the federal government; and be it further

Resolved, That it is the further sense of this body to affirm that the Tenth Amendment is a substantive limit on national power and, therefore, should be applied as a test by the courts of the United States and of the several states in the cases coming before them where a question of the exercise of federal authority is raised, and be it further

Resolved, That copies of this Resolution shall be transmitted to the president of the United States, to the speaker of the House of Representatives and the president of the Senate of the United States Congress, and to each member of the Louisiana Congressional delegation, and that the Legislature of Louisiana does hereby urge the president

and the congress, in carrying out their responsibilities, to protect and strengthen the position of the states in the federal union, to avoid intrusion upon state prerogatives, and to afford protection to the proper governing authorities of the states."

POM-246. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Governmental Affairs.

"HOUSE JOINT RESOLUTION No. 45

"Whereas in recent years, the nation has experienced several significant disasters that required the intervention or assistance of federal agencies in the recovery effort, some of which were caused by nature and others by human activity; and

"Whereas local residents in the area of a disaster suffer by loss of valuable aesthetic, personal, and economic resources, including loss of life or physical injury, and loss of property, employment, and industry; and

"Whereas a successful and efficient clean-up operation following a disaster depends in large part on a qualified and experienced workforce of sufficient size to respond promptly to the threatened harm; and

"Whereas local residents of an area are uniquely qualified to assist in a cleanup operation because of their specific experience and knowledge of the area in which they reside; and

"Whereas it is in the public interest to ensure that local residents, who are most likely to have suffered economic losses from the disaster, have an opportunity to offset their losses by employment in the cleanup operations; Now be it

"Resolved That the Alaska State Legislature urges the Congress to enact legislation to ensure, for disasters requiring the intervention of federal agencies, that local residents receive an employment preference in the cleanup operations conducted by the federal agencies, and that the agencies involved in the cleanup effort consider the advantage of employing the local workforce before considering importing any other group, including a military group.

"Copies of this resolution shall be sent to the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate; the Honorable Jim Wright, Speaker of the U.S. House of Representatives; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress."

POM-247. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Governmental Affairs:

"SENATE JOINT RESOLUTION No. 43

"Whereas the Tenth Amendment of the United States Constitution, a part of the Bill of Rights, provides that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."; and

"Whereas the limits under the Tenth Amendment on the authority of Congress to overrule the laws of the states have recently been reviewed by the United States Supreme Court in *Garcia v. San Antonio Metropolitan Transit Authority*, 469 U.S. 528 (1985) and *South Carolina v. Baker*, 485 U.S. 99 L.Ed.2d 592 (1988); and

"Whereas the opinions hold that the states must use the political process to find protection from efforts by the Congress to overrule state legislation rather than invoking the protections in the Constitution itself; and

"Whereas the opinions offered no protection to state legislation and invite further preemption by the Congress of the authority of the states; and

"Whereas the Alaska State Legislature believes that the Tenth Amendment to the Constitution of the United States is and has been of operational force governing and balancing the respective powers of the United States and the states; and

"Whereas the Alaska State Legislature believes that the Tenth Amendment is a substantive limit on the power of the Congress and should be applied by courts of the United States and of the several states as a substantive limit on national power in cases coming before them when a question of the authority of the states is raised; be it

Resolved, That the President and the Congress are urged to carry out their constitutional responsibilities to protect and strengthen the position of the states in the federal union, to avoid intrusion upon the prerogatives of the states, and afford protection to the proper governing authorities of the states, and

"Copies of this resolution shall be sent to the Honorable George Bush, President of the United States; to the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate; the Honorable Jim Wright, Speaker of the U.S. House of Representatives; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress, and to the Supreme Court of the United States."

POM-248. A resolution adopted by the Supervisors of the Township of Fawn, Pennsylvania, to the Committee on the Judiciary.

POM-249. A resolution adopted by the Town Council of Ponce Inlet, Florida, to the Committee on the Judiciary.

POM-250. A resolution adopted by the City Council of Alliance, Ohio, to the Committee on the Judiciary.

POM-251. A resolution adopted by the Town Council of Davie, Florida; to the Committee on the Judiciary.

POM-252. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on the Judiciary.

"SENATE RESOLUTION No. 88

"Whereas since revolutionary times, the American flag has been an honored emblem chosen to symbolize our nation; and

"Whereas like our nation itself, the American flag represents the dedication and courage of all who have worked, sacrificed and given their lives to establish and preserve this nation and the American way of life; and

"Whereas as an expression of the public's profound sense of outrage at acts of desecration toward this national symbol to which we offer a 'Pledge of Allegiance,' the Commonwealth of Pennsylvania, 47 other states, and the Federal Government have enacted laws prohibiting and punishing flag desecration; and

"Whereas the United States Supreme Court, by a vote of five to four, rendered a decision on June 21, 1989, which effectively held unconstitutional these state and Federal laws prohibiting flag desecration; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize Congress to vote to propose an amendment

to the Constitution of the United States in order to authorize state and Federal governments to enact laws prohibiting and setting penalties for flag desecration; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each House of Congress and to each Member of Congress from Pennsylvania."

POM-253. A resolution adopted by the Town Council of Derry, New Hampshire; to the Committee on the Judiciary.

POM-254. A resolution adopted by the Town Council of Orchard Park, New York; to the Committee on the Judiciary.

POM-255. A resolution adopted by the Republican Committee for the Seventh Congressional District of the State of Virginia; to the Committee on the Judiciary.

POM-256. A resolution adopted by the City Council of Jacksonville, Florida; to the Committee on the Judiciary.

POM-257. A resolution adopted by the City Council of Bedford, Ohio; to the Committee on the Judiciary.

POM-258. A resolution adopted by the City Council of Prattville, Alabama; to the Committee on the Judiciary.

POM-259. A resolution adopted by the House of Representatives of the State of New Hampshire; to the Committee on the Judiciary.

"HOUSE RESOLUTION No. 31

"Whereas the American flag is a sacred symbol of the United States of America; and

"Whereas there is a legitimate public interest in preserving the sanctity of "Old Glory"; and

"Whereas the desecration of "Old Glory" is abhorrent and reprehensible to most Americans; Now, therefore, be it

Resolved by the House of Representatives: That the New Hampshire House of Representatives hereby respectfully requests Congress to enact remedial legislation within the ambit of the United States Constitution against the desecration of the American flag; and

"That copies of this resolution be transmitted to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the New Hampshire Congressional delegation."

POM-260. A resolution adopted by the Senate of the State of New Hampshire; to the Committee on the Judiciary.

"SENATE RESOLUTION No. 6

"Whereas the American flag is a sacred symbol of the United States of America; and

"Whereas there is a legitimate public interest in preserving the sanctity of "Old Glory"; and

"Whereas the desecration of "Old Glory" is abhorrent and reprehensible to most Americans; Now, therefore, be it

Resolved by the Senate: That the New Hampshire Senate hereby respectfully requests Congress to enact remedial legislation within the ambit of the United States Constitution against the desecration of the American flag; and

"That copies of this resolution be transmitted to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the New Hampshire Congressional delegation."

POM-261. A resolution adopted by the Governor and the Cabinet of the State of Florida; to the Committee on the Judiciary.

POM-262. A resolution adopted by the Council of the County of Hawaii; to the Committee on the Judiciary.

POM-263. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Labor and Human Resources.

"HOUSE CONCURRENT RESOLUTION No. 77

"Whereas the National Endowment for the Arts has participated in the funding of an award to artist Andres Serrano which award consists of a stipend of fifteen thousand dollars, and an exhibit of his work, and for the exhibit the artist has selected for photograph, 'Piss Christ'; and

"Whereas the photograph is a picture of Christ submerged in a container of urine and is highly offensive; and

"Whereas the photograph 'Piss Christ' clearly oversteps the boundaries of artistic freedom with its vile and repulsive representation of Christ; and

"Whereas federal tax dollars should not have been used to fund the stipend for the artist and the exhibit of 'Piss Christ,' which clearly reflects anti-Christian bigotry and a sickening example of so-called 'art'. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby condemn the National Endowment for the Arts for using federal tax dollars for the funding of Andres Serrano's work and the exhibit of 'Piss Christ'; and be it further

Resolved, That a copy of this Resolution be transmitted to the National Endowment for the Arts, to the president of the Senate and the speaker of the House of Representatives of the Congress of the United States, and to each member of the Louisiana Congressional delegation."

POM-294. A resolution adopted by the City Council of Sweetwater, Florida; to the Committee on Labor and Human Resources.

POM-265. A concurrent resolution adopted by the Legislature of the State of Florida; to the Committee on Labor and Human Resources.

"HOUSE MEMORIAL No. 1774

"Whereas education has been spoken of as a national priority by the President of the United States, and other elected officials and business leaders, and

"Whereas the teaching of students is at the core of any education reform in the United States, and

"Whereas most teacher compensation packages are locally negotiated and subject to the prevailing political climates, and

"Whereas a centralized pension system for teachers would strengthen the profession and allow for a more stable financial base for teachers who wished to relocate, Now, therefore, be it

Resolved by the Legislature of the State of Florida: That the Congress of the United States investigate and study the feasibility and the impact of a national centralized pension system for public school teachers, not to the exclusion of those nonprofit pension systems presently providing an optional retirement plan to institutions of higher education, and be it further

Resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, and to each member of the Florida delegation to the United States Congress."

POM-266. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Labor and Human Resources:

"ASSEMBLY JOINT RESOLUTION No. 31

"Whereas diabetes is responsible for the deaths of 150,000 people each year; and

"Whereas people who suffer from diabetes must adhere to strict diets which limit the intake of carbohydrate sweeteners; and

"Whereas the amount of nutritive carbohydrate sweeteners contained in processed food is not required to be listed on the labels of containers of packaged food; and

"Whereas the Surgeon General's Report on Nutrition and Health urged processors of packaged food to use nutritional labels that clearly show the level of carbohydrates contained in containers of packaged food; and

"Whereas only by providing accurate and complete information as to the amount of nutritive carbohydrate sweeteners contained in processed food products can consumers make intelligent decisions concerning the contents of the food they wish to eat; now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, jointly, That the Nevada Legislature hereby urges the Congress of the United States to require the listing of the amount of nutritive carbohydrate sweeteners in foods on all containers of packaged food; and be it further

Resolved, That a copy of this resolution be transmitted forthwith by the Chief Clerk of the Assembly to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage and approval."

POM-267. A resolution adopted by the Weslaco Area Chamber of Commerce and Tourism Center, Weslaco, Texas; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 560. A bill to direct the Secretary of the Interior to conduct a study of certain historic military forts in the State of New Mexico (Rept. No. 101-87).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments and an amendment to the title:

S. 818. A bill to authorize a study on methods to pay tribute to the late Senator Clinton P. Anderson of New Mexico for his significant contribution to the establishment of a national wilderness system (Rept. No. 101-88).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment:

S. 963. A bill to authorize a study on methods to commemorate the nationally significant highway known as Route 66, and for other purposes (Rept. No. 101-89).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 975. A bill to amend the Job Training Partnership Act to encourage a broader range of training and job placement for women, and for other purposes (Rept. No. 101-90).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 819. A bill to strengthen the enforcement of motor carrier safety laws, and for other purposes (Rept. No. 101-91).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 1152. A bill to authorize a certificate of documentation for the vessel American Empire (Rept. No. 101-92).

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 1429. An original bill to provide disaster assistance to producers who suffered certain losses in the quantity of the 1989 crop of a commodity harvested as the result of excess moisture, freeze, storm, or related condition occurring in 1989 or drought or related condition occurring in 1988 or 1989, and for other purposes (Rept. No. 101-93).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BURDICK, from the Committee on Environment and Public Works:

Michael R. Deland, of Massachusetts, to be a member of the Council on Environmental Quality;

Timothy B. Atkeson, of Pennsylvania, to be an Assistant Administrator of the Environmental Protection Agency;

Linda J. Fisher, of Ohio, to be Assistant Administrator for Toxic Substances of the Environmental Protection Agency;

J. Clarence Davies, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency;

John F. Turner, of Wyoming, to be Director of the U.S. Fish and Wildlife Service; and

Constance Bastine Harriman, of Maryland, to be Assistant Secretary for Fish and Wildlife, Department of the Interior.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. BIDEN, from the Committee on the Judiciary:

William Braniff, of California, to be U.S. Attorney for the Southern District of California.

By Mr. NUNN, from the Committee on Armed Services:

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of May 1, June 19, June 22, July 11, and July 20, 1989, at the end of the Senate proceedings.)

*Lt. Gen. Ronald L. Watts, USA, to be reassigned in the grade of lieutenant general (Reference No. 284).

*Col. Matthew A. Zimmerman, USA, to be brigadier general (Reference No. 297).

**In the Navy there are 940 promotions to the grade of commander (list begins with Robert Edward Adamson III) (Reference No. 325).

*Lt. Gen. Buford D. Lary, USAF, to be placed on the retired list in the grade of lieutenant general (Reference No. 391).

*Vice Adm. Joseph B. Wilkinson, USN, to be placed on the retired list in the grade of vice admiral (Reference No. 452).

*Lt. Gen. Edwin J. Godfrey, USMC, to be placed on the retired list in the grade of lieutenant general (Reference No. 458).

*Maj. Gen. Robert F. Milligan, USMC, to be lieutenant general (Reference No. 459).

**In the Army there are 189 promotions to the grade of major (list begins with Charles R. Bailey) (Reference No. 474).

*Rear Adm. Richard H. Truly, USN, to be placed on the retired list in the grade of vice admiral (Reference No. 479).

**In the Navy and Naval Reserve there are 19 appointments to the grade of commander and below (list begins with Kevin G. Mitts) (Reference No. 485).

**In the Marine Corps there are 206 appointments to the grade of lieutenant colonel (list begins with Merle E. Mackie Sr.) (Reference No. 486).

**In the Naval Reserve there are 968 promotions to the grade of commander (list begins with John Matthews Abernathy III) (Reference No. 487).

*Rear Adm. (Selectee) Jimmy Pappas, USN, to be vice admiral (Reference No. 496).

*Gen. Duane H. Cassidy, USAF, to be placed on the retired list in the grade of general (Reference No. 521).

*Lt. Gen. Hansford T. Johnson, USAF, to be general (Reference No. 522).

*Lt. Gen. William H. Schneider, USA, to be placed on the retired list in the grade of lieutenant general (Reference No. 525).

*Lt. Gen. John W. Woodmansee, Jr., USA, to be placed on the retired list in the grade of lieutenant general (Reference No. 526).

*Maj. Gen. Jack B. Farris, Jr., USA, to be lieutenant general (Reference No. 527).

*Maj. Gen. John M. Shalikashvili, USA, to be lieutenant general (Reference No. 529).

*Lt. Gen. George R. Stotser, USA, to be reassigned in the grade of lieutenant general (Reference No. 530).

**In the Air Force and Air Force Reserve there are 38 appointments to the grade of colonel and below (list begins with Robert R. Burns) (Reference No. 532).

**In the Air Force there are 3 appointments to the grade of lieutenant colonel (list begins with Michael E. Winchester) (Reference No. 533).

**In the Air Force Reserve there are 43 promotions to lieutenant colonel (list begins with David E. Avenell) (Reference No. 534).

**In the Air Force Reserve there are 22 promotions to the grade of lieutenant colonel (list begins with James W. Adams) (Reference No. 535).

**In the Army Reserve there are 34 appointments to the grade of colonel and below (list begins with Robert H. Balme) (Reference No. 536).

**In the Marine Corps there are 34 appointments to the grade of second lieutenant

(list begins with Lawrence J. Crafts) (Reference No. 537).

**In the Naval Reserve there are 6 appointments to the grade of commander (list begins with Charles T. Smith) (Reference No. 538).

**In the Navy there are 3 promotions to the grade of commander and below (list begins with Barbara M. Bradley) (Reference No. 539).

**In the Navy there are 47 appointments to the grade of ensign (list begins with Danielle Barrett) (Reference No. 540).

**In the Navy there are 36 appointments to the grade of ensign (list begins with Michael Bard) (Reference No. 541).

**In the Air Force Reserve there are 55 promotions to the grade of colonel (list begins with Gary D. Bailey) (Reference No. 542).

**In the Air Force Reserve there are 203 promotions to the grade of lieutenant colonel (list begins with Seymour H. Brickman) (Reference No. 543).

**In the Air Force there are 2,062 promotions to the grade of lieutenant colonel (list begins with David W. Abati) (Reference No. 544).

**In the Army Reserve there are 155 promotions to the grade of colonel and below (list begins with Thomas A. Anderson) (Reference No. 545).

**In the Army there are 773 promotions to the grade of colonel and below (list begins with Richard J. Arold) (Reference No. 546).

**In the Naval Reserve there are 199 promotions to the grade of captain (list begins with Constante Uban Abaya) (Reference No. 547).

**In the Naval Reserve there are 309 promotions to the grade of commander (list begins with James Leslie Austin) (Reference No. 548).

**In the Navy there are 1,529 promotions to the grade of lieutenant commander (list begins with Jeffrey R. Abel) (Reference No. 549).

**In the Air Force there are 15 promotions and appointments to the grade of lieutenant colonel and below (list begins with Patricia C. Stradleigh) (Reference No. 582).

**In the Navy there are 847 promotions to the grade of lieutenant commander (list begins with John D. Adams) (Reference No. 583).

*Lt. Gen. John S. Crosby, USA, to be placed on the retired list in the grade of lieutenant general (Reference No. 591).

*Maj. Gen. George A. Joulwan, USA, to be lieutenant general (Reference No. 592).

*Maj. Gen. Joseph J. Skaff, USA, to be appointed major general of the line (Reference No. 593).

*Lt. Gen. John I. Hudson, USMC, to be placed on the retired list in the grade of lieutenant general (Reference No. 595).

*Lt. Gen. Stephen G. Olmstead, USMC, to be placed on the retired list in the grade of lieutenant general (Reference No. 596).

*Lt. Gen. Bruce R. Harris, USA, to be placed on the retired list in the grade of lieutenant general (Reference No. 603).

Total: 8,756.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COATS:

S. 1414. A bill to amend the Communications Act of 1934 relating to obscene communications; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 1415. A bill to suspend for a three-year period duty on (1) 3-Quinolincarboxylic acid, 1-ethyl-6-fluoro-1,4 dihydro-4-oxo-7-(1-piperazinyl)-, also known as Norfloxacin; to the Committee on Finance.

S. 1416. A bill to suspend for a three-year period the duty on 2,2-dimethylcyclopropylcarboxamide, also known as D-carboxamide; to the Committee on Finance.

S. 1417. A bill to suspend for a three-year period the duty on N-Amidino 3,5-diamino 6-chloropyrazinocarboxamide monohydrochloride dihydrate, also known as amiloride hydrochloride; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 1418. A bill to suspend temporarily the duty on chemical light activator blend; to the Committee on Finance.

By Mr. GRAHAM:

S. 1419. A bill to amend the Rehabilitation Act of 1973 to authorize the Director of the National Institute on Disability and Rehabilitation Research to conduct research on the development of advanced technology prosthetic and orthotic devices; to the Committee on Labor and Human Resources.

By Mr. KASTEN:

S. 1420. A bill to amend the Small Business Investment Act to establish a corporation for small business investment, and for other purposes; to the Committee on Small Business.

By Mr. GORE (for himself and Mr. McCain):

S. 1421. A bill to provide for the imposition of sanctions on persons who export, transfer, or otherwise engage in the trade of certain items in violation of laws and regulations implementing the Military Technology Control Regime; to the Committee on Foreign Relations.

By Mr. FOWLER (for himself, Mr. LUGAR, Mr. LAUTENBERG, Mr. ADAMS, Mr. LIEBERMAN, Mr. GORE, Mr. PRYOR, Mr. SANFORD, Mr. PELL, Mr. MATSUNAGA, Mr. DASCHLE, and Mr. DODD):

S. 1422. A bill to provide for the improved management of the Nation's water resources; to the Committee on Environment and Public Works.

By Ms. MIKULSKI:

S. 1423. A bill to authorize a certificate of documentation for the vessel Job Site; to the Committee on Commerce, Science, and Transportation.

By Mr. STEVENS (for himself and Mr. INOUE):

S. 1424. A bill to amend chapter 57 of title 5, United States Code, to provide that reimbursement for certain travel expenses related to relocation of Federal employees shall apply to all stations within the United States; to the Committee on Governmental Affairs.

By Mr. METZENBAUM (for himself and Mr. CHAFFEE):

S. 1425. A bill entitled the "Nutrition Labeling and Education Act of 1989."

By Mr. DODD (for himself, Mr. HATCH, Mr. KENNEDY, Mr. COATS, Mr. SIMON, Mr. PELL, Mr. GLENN, Mr. ROCKEFELLER, Mr. LEVIN, and Mr. PRESSLER):

S. 1426. A bill to revise and extend the programs of the Domestic Volunteer Service

Act of 1973, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BOSCHWITZ (for himself, Mr. HEFLIN, Mr. DOLE, Mr. LUGAR, Mr. BOND, Mr. CONRAD, and Mr. LEAHY):

S. 1427. A bill to amend the Federal Meat and the Poultry Products Inspection Act to authorize the distribution of wholesome meat and poultry products for human consumption that have been seized and condemned under such Acts to charity and public agencies, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SARBANES:

S. 1428. A bill to provide for certain notice and procedures before the Social Security Administration may close, consolidate, or re-categorize certain offices; to the Committee on Finance.

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry:

S. 1429. An original bill to provide disaster assistance to producers who suffered certain losses in the quantity of the 1989 crop of a commodity harvested as the result of excess moisture, freeze, storm, or related condition occurring in 1989 or drought or related condition occurring in 1988 or 1989, and for other purposes; placed on the calendar.

By Mr. KENNEDY (for himself, Mr. MITCHELL, Mr. PELL, Mr. NUNN, Ms. MIKULSKI, Mr. DODD, Mr. ROBB, Mr. GRAHAM, Mr. SIMON, Mr. MATSUNAGA, and Mr. BUMPERS):

S. 1430. A bill to enhance national and community service, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SIMON (for himself, Mr. HATCH, Mr. DeCONCINI, Mr. THURMOND, and Mr. BRYAN):

S.J. Res. 183. Joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DODD:

S. Con. Res. 57. Concurrent resolution to express the sense of the Senate regarding the twenty-fifth anniversary of Volunteers In Service To America; to the Committee on Labor and Human Resources.

By Mr. GRAHAM:

S. Con. Res. 58. Concurrent resolution calling on the President to award the Presidential Medal of Freedom to Armando Valadares; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COATS:

S. 1414. A bill to amend the Communications Act of 1934 relating to obscene communications; to the Committee on Commerce, Science, and Transportation.

TELEPHONE INDECENCY PREVENTION ACT

Mr. COATS. Mr. President, last year Congress overwhelmingly passed legislation requiring an outright ban on dial-a-porn services. In the recent Sable decision, the Supreme Court ap-

proved much of this law, but struck down efforts to completely ban indecent dial-a-porn.

Today I am introducing legislation which will make the law consistent with the Court's decision. This bill bans all obscene dial-a-porn and prohibits the sale of dial-a-porn to minors, both inter- and intra-state.

The legislation also imposes strict blocking requirements, which allows adults to receive indecent dial-a-porn only if they specifically request access through their local or long-distance telephone company. The new language will require that sexually explicit material be categorized under a separate prefix from other dial-it services, allowing families to protect their children from indecent material without giving up their rights to use other enjoyable and useful services such as dial-sports or weather information.

The new blocking language also places the burden for classifying messages on the service providers, not the telephone companies. In this way, I believe we are consistent with the first amendment concerns expressed by the Court.

I am pleased to note that many Indiana telephone companies already offer free blocking on request. This, however, is not enough. Often by the time parents realize their children have been using dial-a-porn services, the damage has already been done. It is not uncommon to hear of households where a several hundred dollar telephone bill has been run up before parents are aware of the situation. I believe the present compromise language gives parents control over the kind of material their children can receive within the confines of their own homes.

Mr. President, this bill is consistent with the constitutional first amendment requirements indicated by the recent Supreme Court decision. But it also accomplishes the goal toward which many of us have been working for the past several years: It keeps sexually explicit telephone material out of the reach of young children.

In addition, this compromise language has already unanimously passed the House Energy and Commerce Committee, with the support of Energy and Commerce Chairman DINGELL, subcommittee Chairman MARKEY, and ranking members LENT and RINALDO, as well as my former colleague Congressman TOM BLILEY, who has worked long and hard on this issue for the past 8 years.

I urge my colleagues to carefully examine this legislation and I hope the Senate can expedite this matter, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1414

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTORATION AND CORRECTION OF DIAL-A-PORN SANCTIONS.

(a) Section 223(b) of the Communications Act of 1934 (47 U.S.C. 223) is amended to read as follows:

“(b)(1) Whoever knowingly—

“(A) within the United States, by means of telephone, makes (directly or by recording device) any obscene communication for commercial purposes to any person, regardless of whether the maker of such communication placed the call; or

“(B) permits any telephone facility under such person's control to be used for an activity prohibited by subparagraph (A), shall be fined in accordance with title 18, United States Code, or imprisoned not more than 2 years, or both.

“(2) Whoever knowingly—

“(A) within the United States, by means of telephone, makes (directly or by recording device) any indecent communication for commercial purposes to any person under 18 years of age or to any other person without that person's consent, regardless of whether the maker of such communication placed the call; or

“(B) permits any telephone facility under such person's control to be used for an activity prohibited by subparagraph (A), shall be fined not more than \$50,000 or imprisoned not more than 6 months, or both.

“(3) It is a defense to a prosecution under paragraph (2) of this subsection that the defendant restricted access to the prohibited communication to persons 18 years of age or older in accordance with subsection (c) of this section and with such procedures as the Commission may prescribe by regulation.

“(4) In addition to the penalties under paragraph (1), whoever, within the United States, intentionally violates paragraph (1) or (2) shall be subject to a fine of not more than \$50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

“(5)(A) In addition to the penalties under paragraphs (1), (2), and (4) whoever, within the United States, violates paragraph (1) or (2) shall be subject to a civil fine of not more than \$50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

“(B) A fine under this paragraph may be assessed either—

“(i) by a court, pursuant to a civil action by the Commission or any attorney employed by the Commission who is designated by the Commission for such purposes, or

“(ii) by the Commission after appropriate administrative proceedings.

“(6) The Attorney General may bring a suit in the appropriate district court of the United States to enjoin any act or practice which violates paragraph (1) or (2). An injunction may be granted in accordance with the Federal Rules of Civil Procedure.”

(b) Section 223 of such Act (47 U.S.C. 223) is amended by adding at the end thereof the following:

“(c)(1) A common carrier shall not, to the extent technically feasible, provide access to a communication specified in subsection (b) from the telephone of any subscriber who has not previously requested of the carrier access to such communication if the carrier collects from subscribers an identifiable charge for such communication that the

carrier remits, in whole or in part, to the provider of such communication.

"(2) Except as provided in paragraph (3), no cause of action may be brought in any court or administrative agency against any common carrier, or any of its affiliates, including their officers, directors, employees, agents, or authorized representatives on account of—

"(A) any action which the carrier demonstrates was taken in good faith to restrict access pursuant to paragraph (1) of this subsection, or

"(B) any access permitted—

"(i) in good faith reliance upon the lack of any representation by a provider of communications that communications provided by that provider are communications specified in subsection (b), or

"(ii) because a specific representation by the provider did not allow the carrier, acting in good faith, a sufficient period to restrict access to communications described in subsection (b).

"(3) Notwithstanding paragraph (2) of this subsection, a provider of communications services to which subscribers are denied access pursuant to paragraph (1) of this subsection may bring an action for a declaratory judgment or similar action in a court or before the Commission. Any such action shall be limited to the question of whether the communications which the provider seeks to provide fall within the category of communications to which the carrier will provide access only to subscribers who have previously requested such access."

(c) Section 2(b) of the Communications Act of 1934 (47 U.S.C. 152(b)) is amended by deleting "section 224" and inserting in lieu thereof "section 223 or 224".

(d) The amendments made by this Act shall take effect immediately upon the expiration of the 150-day period after the date of the enactment of this Act.

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 1415. A bill to suspend for a 3-year period duty on (1)3-Quinolincarboxylic acid, 1-ethyl-6-fluoro-1,4-dihydro-4-oxo-7-(1-piperazinyl), also known as Norfloxacin; to the Committee on Finance.

S. 1416. A bill to suspend for a 3-year period the duty on 2,2-dimethylcyclopropyl-carboxamide, also known as D-carboxamide; to the Committee on Finance.

S. 1417. A bill to suspend for a 3-year period the duty on N Amidino 3,5-diamino 6 chloropyrazinecarboxamide monohydrochloride dihydrate, also known as amiloride hydrochloride; to the Committee on Finance.

TEMPORARY SUSPENSION OF DUTY ON CERTAIN CHEMICALS

Mr. LAUTENBERG. Mr. President, I rise to introduce, on behalf of myself and Senator BRADLEY, three bills to suspend duties on various products. The same bills have already been introduced in the House of Representatives and have been incorporated in the miscellaneous tariff suspension bill reported from the House Ways and Means Committee.

The first bill would suspend for 3 years the duty on Norfloxacin, whose end-use product, Noroxin, is used as an

oral antibiotic in treating urinary tract infections. According to the International Trade Commission, there is currently no domestic production of Norfloxacin, and the product must be imported to meet U.S. demand.

The second bill would suspend for 3 years the duty on D-carboxamide, a chemical produced outside the United States for use in the production of Primaxin, a patented antibiotic. This chemical is not produced in the United States and import duties simply add to the overall production costs of downstream consumer products. No domestic industry is known to be producing or intending to produce this chemical.

The third bill would suspend for a 3-year period the duty on amiloride hydrochloride, a chemical which is a diuretic sold by prescription. Although two other American companies are sources of the product, they do not produce it domestically.

I urge my colleagues to swiftly pass these bills, and I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subchapter II of chapter 99 of section XXII of title I—Harmonized Tariff Schedule of the United States (19 U.S.C. 1204(a)) is amended by inserting in numerical sequence the following new item:

"(1)3-Quinolincarboxylic acid, 1-ethyl-6-fluoro-1, 4-dihydro-4-oxo-7-(1-piperazinyl)-, also known as Norfloxacin (provided for in item 2933.59.27, Section VI, Chapter 29). No change..... On or before the close of the three-year period beginning on the date of the enactment of this item

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date of the enactment of the Act.

S. 1416

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subchapter II of chapter 99 of section XXII of title I—Harmonized Tariff Schedule of the United States (19 U.S.C. 1204(a)) is amended by inserting in numerical sequence the following new item:

"2, 2-dimethyl cyclopropylcarboxamide, also known as D-carboxamide (provided for in item 2924.21.50, Section VI, Chapter 29). No change..... On or before the close of the three-year period beginning on the date of the enactment of this item

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date of the enactment of the Act.

S. 1417

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sub-

chapter II of chapter 99 of section XXII of title I—Harmonized Tariff Schedule of the United States (19 U.S.C. 1204(a)) is amended by inserting in numerical sequence the following new item:

"N-amidino -3,5 -diamino -6- chloropyrazine-carboxamide monohydrochloride dihydrate, also known as amiloride hydrochloride (provided for in item 2934.90.25, Section VI, Chapter 29). No change..... On or before the close of the three-year period beginning on the date of the enactment of this item

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date of the enactment of the Act.

By Mr. LAUTENBERG:

S. 1418. A bill to suspend temporarily the duty on chemical light activator blend; to the Committee on Finance.

TEMPORARY DUTY SUSPENSION ON CHEMICAL LIGHT ACTIVATOR BLEND

Mr. LAUTENBERG. Mr. President, I rise to introduce a bill to suspend the duty on chemical light activator blend, which is a critical component of the chemiluminescent system for chemical light products. This product is used to make the green sticks that glow in the dark. The Coast Guard uses them to see in the dark, and fishermen use them to catch fish. The ITC has indicated there is no domestic production of this chemical. This bill has already been introduced in the House of Representatives, and was included in the miscellaneous tariff suspension bill reported from the House Ways and Means Committee.

I urge my colleagues to swiftly pass this bill, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

"9902.30.25 A mixture of dimethyl phthalate, t-butanol, hydrogen peroxide, and sodium salicylate (provided for in subheading 2917.12.20 Free ... No change ... No change ... On or before 12/31/92".

SEC. 2. The amendment made by the first section of this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

By Mr. GRAHAM:

S. 1419. A bill to amend the Rehabilitation Act of 1973 to authorize the Director of the National Institute on Disability and Rehabilitation Research to conduct research on the development of advanced technology prosthetic and orthotic devices; to the Committee on Labor and Human Resources.

CLAUDE PEPPER ACT FOR AMPUTEES

● Mr. GRAHAM. Mr. President, many of my colleagues and I gathered on this floor recently to mourn the death of one of the greatest public servants of our time, The Honorable Claude Pepper. Claude Pepper was courageous, creative, clever, charming and perhaps most importantly, compassionate.

In fact, Mr. President, one of the last legislative proposals Senator Pepper offered before his death was an act of his compassion. Senator Pepper's proposal was to provide \$5.5 million in 1990 and \$5 million in 1991 for competitive grants to develop advanced technology prosthetic and orthotic devices for amputees.

There are 2 million amputees in this country, many of whom depend on outdated or limited-capability prosthetic devices. Current research and development efforts in this area are hindered by high startup costs and a limited market demand. Yet the need is not lessened by these factors.

Congress is addressing other comprehensive, legislative proposals to improve education and employment opportunities by eliminating discrimination in the public and private sector. This bill is a complement to those efforts, as it will lead to the opportunity for many Americans to live more normal, comfortable and productive lives.

Mr. President, in honor of Senator Pepper's work on this initiative, I am introducing the text of his legislation today and calling the bill, "the Senator Pepper Act for Amputees."

I ask unanimous consent that the text of the bill be included in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Claude Pepper Act for Amputees".

SEC. 2. PROGRAM AUTHORIZED.

(a) GENERAL AUTHORITY.—Section 204(b) of the Rehabilitation Act of 1973 (29 U.S.C. 762(b)) is amended by adding at the end the following new paragraph:

"(16) Conduct of a research program under which funds are made available to Federal, State, and local government agencies, and to qualified private and public organizations—including but not limited to accredited institutions of higher learning—for the development of advanced technology

prosthetic and orthotic devices. Research conducted under the preceding sentence shall include research on the development of lower limb devices and upper limb devices, research on useful applications of modern materials, and research on new methods of utilizing body power."

(b) REGULATIONS.—The Secretary of Education shall prescribe regulations to carry out section 204(b)(16) of the Rehabilitation Act of 1973 (as added by subsection (a)) before the end of the ninety-day period beginning on the date of the enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 201(a)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 671(a)(2)) is amended—

(1) by striking "\$58,000,000 for fiscal year 1990," and inserting "\$63,550,000 for fiscal year 1990,"; and

(2) by striking "\$60,378,500 for fiscal year 1991" and inserting "\$65,378,500 for fiscal year 1991"; and

(3) by inserting before the period the following: "and of which \$5,550,000 for fiscal year 1990 and \$5,000,000 for fiscal year 1991 is authorized to be appropriated for the purpose of carrying out section 204(b)(16): *Provided*, That of the amounts authorized to be appropriated to carry out section 204(b)(16), at least 10 per centum in any year is authorized to be appropriated for the purpose of making grants to providers of prosthetic and orthotic services who are approved to provide such services under contract or other agreement with the Department of Veterans Affairs.".

By Mr. KASTEN:

S. 1420. A bill to amend the Small Business Investment Act to establish a corporation for small business investment, and for other purposes; to the Committee on Small Business.

CORPORATION FOR SMALL BUSINESS INVESTMENT CHARTER ACT

Mr. KASTEN. Mr. President, I am pleased to introduce today legislation which would create a Corporation for Small Business Investment [COSBI].

This legislation is designed to promote capital formation in the small business community. Venture capital plays a critical role in the growth and development of any small business. Some of America's biggest, most recognized firms were once small businesses which received the boost they needed from venture capital.

Apple Computers, Federal Express, Cray Research, and Genentech are a few examples of firms which have thrived partly because of the availability of venture capital funds.

Venture capital funds have fueled the development of new businesses and technologies. Venture capital funds help get these new developments out of an entrepreneur's garage and into a factory and the marketplace. These small firms provide the lion's share of new jobs in America, with 80 percent of the jobs created during our economic recovery having come from small businesses. Fast-growth companies, which represent just 7 percent of all businesses, create 67 percent of all new jobs.

We, as a nation, must have a market-oriented investment policy which encourages the growth of venture capital funds. My colleagues already know of my strong support for reducing the capital gains tax, which is an essential component of any plan to increase the flow of capital into the marketplace. Passage of the COSBI legislation is another critical step.

What would COSBI do? This legislation would address the nagging problems of the only small business venture capital program sponsored by the Federal Government. Right now, a small business in need of capital has only three real options. The first is to seek traditional bank financing. The second is to work with a private venture capital firm. The third option, and the one my bill would address, is to seek funding from a Small Business Investment Company [SBIC].

The SBIC program is administered by the Small Business Administration [SBA], and fills a financing gap between bank loans and pure venture capital options. Created in 1958, the SBIC program brought about a national network of venture capital companies licensed by the SBA, which help expand the pool of capital available to small businesses. SBIC's make equity investments in small businesses, make long-term loans, and arrange mixed financings. SBIC's also provide managerial and professional counseling to small businesses seeking financial assistance.

Unfortunately, the entire SBIC program has been damaged because of the continuing budgetary restrictions that are placed on the program. Over the past five years, there have been repeated attempts to eliminate the SBA and, therefore, the entire SBIC program. While those efforts have been defeated, funding for the program is still insufficient, and the financial markets are very wary about an industry with such a rocky recent past.

What has been the result of this uncertainty? In 1985, there were a total of 535 SBICs. By 1988, that number had plunged to 416—a 22-percent drop. Without prompt congressional action, this industry will be in serious jeopardy.

The COSBI legislation will revamp and revitalize the SBIC industry, opening up the program to private investors and private management. We will let those who best know the SBIC industry control its destiny.

The Corporation for Small Business Investment legislation will phase out all direct Federal involvement over a 10-year period, and fully privatize the program. Eventually, COSBI will replace the SBA as guarantor of debentures issued by SBIC's. In the meantime, the Corporation would service and manage, on a fee for service basis, the outstanding SBIC debenture port-

folio. As these debentures mature, the Corporation would gain the ability to guarantee increasing amounts of new issues.

COSBI will raise new capital for the SBIC industry by issuing non-Government guaranteed securities, along the lines of the program operated by Fannie Mae and Ginnie Mae. COSBI will also have the ability to raise funds by issuing common and preferred stock to investors.

COSBI will be a private, for-profit corporation. It will be owned by the SBIC industry, which will be required to invest \$20 million for an initial capitalization of the Corporation. This equity will be held in the form of voting common stock by the SBIC's.

COSBI will be governed by a 15-member board of directors, with 9 elected by the industry, one selected by the minority enterprise SBIC (MESBIC) industry, and 5 appointed by the President, subject to confirmation by the Senate.

COSBI will also provide for a special trust fund for a special segment of the SBIC industry, known as minority enterprise SBIC's or MESBIC's. These SBIC's are currently administered in a different manner than regular SBIC's, because their loans and investments, which go to firms which are socially or economically disadvantaged, have a higher default rate than regular SBIC investments.

The trust fund, which would be capitalized by a 5-year transfer of funds at current appropriations levels, would cover interest rate buydowns and any loan losses on MESBIC loans.

Cost estimates for this legislation project a fiscal year 1990 outlay of \$18 million, and a fiscal year 1991 cost of \$31 million. Total cost over the first 5 years is expected to be \$149 million. Over a 10-year period, however, there will be substantial cost savings to the Government. In the out years, the declining service fees paid to COSBI will be more than offset by program savings. After 10 years, there will be no Federal cost at all. This legislation is a net revenue raiser over the long term.

During the first 10 years, while the Corporation is growing and the program is being transferred, the Secretary of the Treasury will have the authority, subject to congressional approval, to purchase COSBI securities up to a level of \$500 million. The financial markets perceive this type of a backstop as a demonstration of significant Federal interest in the institution, and enables the Corporation to offer slightly lower rates of return. After 10 years, the Treasury authority, and therefore the backstop, would be eliminated.

COSBI will be subject to congressional and SBA oversight. A rigorous auditing program is required, and the SBA maintains rulemaking authority, to ensure that the Corporation is run

in a fiscally sound, marketwise manner.

Mr. President, this legislation is good for the Federal budget, good for the small business community, and good for America. I look forward to prompt action in the Small Business Committee on this important bill, and I urge my colleagues to support this effort to provide a steady flow of capital to this Nation's small, emerging businesses.

Mr. President, I ask unanimous consent to submit for the RECORD the following summary of the provisions of this legislation:

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF MAJOR PROVISIONS

The Small Business Act of 1958 will be amended by adding the following provisions relating to the creation and operation of the Corporation for Small Business Investment.

(A) TRANSFER AND PHASEOUT

All SBICs will have three months from the time the Corporation notifies the SBA that it is ready to conduct business to qualify to be licensed under the new provisions. Licensees in good standing which make the required capital contribution will automatically qualify. SBICs which elect not to qualify and do not make the required contribution will either liquidate or convert to non-SBIC status.

(B) THE CORPORATION

Purpose.—To establish a Government-sponsored private corporation financed by private capital which will serve as a secondary market and warehousing facility for loans and investments in SBICs, to improve the distribution of investment capital available for small business concerns, and to encourage the formation of new SBICs. The Corporation will have its principal office in the District of Columbia, and will be exempt from all state and local taxation, except for real property owned.

The board of directors

Interim Board.—Not later than 60 days after enactment of this legislation, the President shall appoint an Interim Board of Directors and designate one member as Chairman. The interim board will consist of 5 members, one a representative of small business, one an owner or operator of small business, two who are representatives of SBICs, and the Administrator of the SBA. The interim board will arrange for the initial offering of common stock to the SBICs.

Permanent Board.—The permanent board will consist of 15 directors, nine elected by the SBICs, one elected by the three trustees of the MESBIC trust (described below), and five appointed by the President with confirmation by the Senate. The SBIC-elected directors will serve annual terms, and the Presidential appointees, one of whom will always be a representative of small business and one the Administrator of the SBA, will serve staggered five-year terms. The permanent board will determine the general policies of COSBI.

Capitalization.—For COSBI's initial capitalization, the Corporation will undertake a common stock offering to each SBIC to raise a minimum of \$20 million. The SBIC's will purchase a minimum number of shares on the following formula basis:

One percent of the SBIC's private capital, plus

One percent of the principal balance of the SBIC's outstanding SBA-guaranteed debentures (the Board may exempt any debentures having maturities of 3 months or less).

Additional capital may be raised by requiring those SBICs that secure financial leverage from COSBI on a continuing basis to make a capital contribution not to exceed one percent of the amount of that leverage.

Common and Preferred Stocks.—COSBI will issue voting common stock in an initial amount of 100,000,000 shares. That maximum amount can be increased or decreased by a vote of a majority of the holders of the outstanding shares. The shareholders may also authorize the issuance of nonvoting common stock and nonvoting preferred stock, which can be converted into common stock. The board will fix the par value of all stock.

Obligations and Securities.—By a majority vote of the entire Board of Directors, COSBI is authorized to issue debt securities bearing such terms and conditions as determined by the Corporation with the approval of the Secretary of the Treasury. No obligations other than Treasury-approved debt securities may be offered during the first five years of operations.

A maximum debt to capital ratio of 33 to 1 shall apply to COSBI debt issuances, unless a greater ratio is adopted by SBA. COSBI is required to make clear in language on these obligations that they are not guaranteed by the United States and do not constitute U.S. debt. Such securities may be redeemed before maturity, and COSBI may issue subordinated obligations which may be converted into common stock. All COSBI paper will be considered exempt securities by the Securities and Exchange Commission.

As an emergency "back-stop," the Secretary of the Treasury is authorized, subject to the prior appropriation of funds by Congress, to purchase up to \$500 million in COSBI securities if the Corporation needs additional federal support at some time in the future. This provision allows COSBI, like other Government-sponsored enterprises, to be deemed an "agency" of the United States and gives COSBI securities the investment status of other federally guaranteed obligations. However, both the backstop and the authority provided therein will be eliminated after ten years.

Loan and Investment Operations.—COSBI may purchase, sell, offer participations or pooled interests in, or otherwise deal in, SBIC securities. COSBI may guarantee securities based on or secured by pools or trusts of SBIC securities.

(C) QUALIFICATION OF SBIC'S

COSBI shall adopt criteria for the qualification of SBICs to conduct business with the Corporation, and such criteria shall include the business reputation of owners and management of SBICs, and the probability of their successful operation.

Each new licensee shall have private capital of not less than \$1 million, as is the case under current SBA regulations. Each SBIC may purchase COSBI stock, borrow money, and issue debentures or other obligations as authorized by COSBI.

National Banks, and Federal Reserve member banks and non-member insured banks, as permitted by state law, are authorized to purchase ownership interests in SBICs up to an aggregate of five percent of the bank's capital and surplus, as provided

for under the current exemption from the Glass-Steagall Act.

(D) OPERATIONS OF SBIC'S

COSBI will contract with each SBIC to govern their operations, and COSBI will adopt rules governing the basic activities of SBICs. As under current law, SBICs are authorized to make equity investments and loans to small businesses, either directly or in cooperation with other investors or lenders. The following six major regulatory restrictions are also adopted from current law:

- (1) Prohibition on engaging in unlawful or non-SBIC activities.
- (2) Prohibition against conflict of interest transactions.
- (3) Prohibition against control of small firms.
- (4) Restriction of investments to only qualified small businesses and for a minimum investment period.
- (5) Required diversification of investment risk, prohibiting an SBIC from investing more than 20 percent of its private capital in any one small business.
- (6) Prohibition against investment in passive businesses, foreign companies, relending activities, or the acquisition of real estate.

COSBI may not provide more than ten percent of its assets to any one SBIC, and must develop regulations to minimize the risk of loss on SBIC obligations and adopt measures to assure compliance. Non-compliance may result in termination or suspension of an SBIC's license. SBIC loans will be exempt from state usury laws unless the state votes against the exemption. Finally, each SBIC will be required to have annual financial and biannual compliance audits, made by independent CPAs or by COSBI, and to make any reports to COSBI as required.

(E) THE MESBIC TRUST

The existing Minority Enterprise Small Business Investment Company (MESBIC) Program, which provides a three percent subsidy on MESBIC debentures, will essentially be continued by replacing the SBA with a Trust as administrator of the program. The Trust would be governed by an agreement between COSBI and five trustees, three to be selected by the MESBIC industry and appointed by the Board of Directors, one to be appointed by the President and confirmed by the Senate, and one to be the Chairman of the COSBI Board. The Trust will terminate fifty years after enactment.

The MESBIC trustees are given full authority to administer, sell, invest and reinvest the trust estate. An initial trust fund capitalization will occur by transferring the regular appropriations for the MESBIC program to the trust. This will occur for the first five years of the organization, providing a total capitalization of \$150 million. SBA would also transfer to the trust all preferred MESBIC stock and debentures not in liquidation which it holds. The Trust can purchase preferred stock in COSBI, subject to certain limitations, and may purchase or guarantee debentures with a 15-year subsidy of four points interest.

(F) AUDITS, REPORTS, AND REGULATIONS

The SBA will have review authority over the Corporation to examine all of its rules and regulations governing operations of SBICs, and may examine all the books and records of COSBI. The SBA shall report annually to Congress on these reviews.

COSBI's accounts shall be audited annually and a report of the audit will be fur-

nished to the Secretary of the Treasury, who will also have access to all COSBI's books and records. The Secretary shall then make a detailed report of the audit to the President and the Small Business Committees within a 6 months of the end of the Fiscal Year. COSBI's books and records will also be subject to audit by GAO upon the request of either Small Business Committee. Finally, the books and records of the Corporation shall be subject to audit by the SBA Inspector General. The Inspector General shall also have audit authority over the books and records of individual SBICs or MESBICs if he has reasonable cause to believe that they have violated any regulations governing their operations or has probable cause to believe that they have committed civil fraud or a crime.

COSBI is also required to transmit a report of its operations and activities to the President, the Small Business Committee and the SBA as soon as practicable at the end of each Fiscal Year.

SBA is authorized to make such rules and regulations as shall be necessary and proper to insure the purposes of this Act are accomplished, and such shall be made on the record after opportunity for hearing in accordance with the Administrative Procedure Act.

(G) MANAGEMENT AND SERVICING OF THE PORTFOLIO

COSBI will administer, manage, and service the SBIC program on a fee for service basis. The outstanding SBA-backed securities, which will decline as a percentage of total securities over a ten-year period, will be serviced by COSBI. The SBA guarantees will remain in effect for those securities already issued.

The Administration will pay an annual service fee to COSBI, based on the following formula:

- (1) 2 percent per annum of the average annual principle balance outstanding on all such securities issued by licensees in good standing and held by the Federal Financing Bank, private investors, or the Administration; and
- (2) 3 percent per annum of the average annual balance of the total principle and interest due the Administration from securities held that are in default or liquidation.

(H) OVERSIGHT

The Small Business Committees shall be afforded access to all COSBI's books and records. GAO shall prepare a report to go to the Committees which will review the impact that COSBI has had on small business and SBICs, as well as the financial situation of the Corporation.

By Mr. GORE (for himself and Mr. McCain):

S. 1421. A bill to provide for the imposition of sanctions on persons who export, transfer, or otherwise engage in the trade of certain items in violation of laws and regulations implementing the Military Technology Control Regime; to the Committee on Foreign Relations.

GORE-McCAIN MISSILE AND PROLIFERATION CONTROL ACT

● Mr. GORE. Mr. President, I rise today to introduce the Gore-McCain Missile and Proliferation Control Act. The transfer to third countries around the world of ballistic missiles capable of delivering weapons of mass

destruction and of technology needed to produce such missiles is an assault on global security. Recognizing this, in 1987, the United States joined with six other nations—Canada, Japan, France, the United Kingdom, Italy, and the Federal Republic of Germany—to establish the Missile Technology Control Regime [MTCR], which aims to prevent such transfers.

The creation of the MTCR was an important step forward. Nevertheless, transfers of items and technologies proscribed by the MTCR continue, and it is clear that some tough punitive measures are needed to give bite to the non-transfer policy. Today therefore, I am joining with my colleague Senator McCain, to introduce the Gore-McCain Missile and Proliferation Control Act, as a way of meeting that need. A substantially parallel measure has already been introduced in the House of Representatives by Congressman Howard Berman, as an amendment to that body's defense authorization bill. Tuesday, it passed by the overwhelming vote of 417 to 9.

In taking this step, both Senator McCain and I wish to recognize the work of Senator BINGAMAN, whose hearings on this issue in the Defense Industry and Technology Subcommittee underscored the need for legislation, and who has already introduced a bill of his own on this subject, which—despite certain differences of approach—shares with ours the objective of expanding the scope and impact of the MTCR.

Let me turn now to a capsule summary of our bill.

Our bill applies to United States persons, foreign persons from countries other than LDC's, and to foreign persons from LDC's. United States persons may not export, transport, conspire or knowingly facilitate the export or transport of any MTCR item, in violation of the Arms Export Control Act or Export Administration Act. Foreign persons from countries other than LDC's may not export, transport, conspire or knowingly facilitate the export or transport of any MTCR item, which the U.S. Government would not allow.

Like United States and foreign persons, LDC persons may not export, transport, or conspire or knowingly facilitate the transport or import of MTCR items. In addition, LDC nations may not import long-range missile systems for the delivery of weapons of mass destruction, or equip their forces with new or additional missile systems or other weapon delivery systems configured to use weapons of mass destruction.

United States persons may be denied export licenses, contracts with the U.S. Government, procurement of products or services from the U.S. Government. Foreign persons from na-

tions which are not LDC's may be denied the transactions listed above, and may be prohibited from importing any product or service into the United States.

In addition, in cases where an LDC is importing MTCR items or long-range missile systems for the delivery of weapons of mass destruction, or is equipping its forces with new or additional missile systems or other weapons delivery systems configured to use weapons of mass destruction, then: Such nations can be denied any form of technical assistance in aviation, electronics, missiles, or space systems or equipment under the control of the U.S. Government, or the transfer of any such technologies. In addition, they may be prohibited from importing into the United States any or all items relating to aviation, electronics, missiles, or space systems or equipment.

It is the President who makes these determinations. He may also draw a distinction between repeated and destabilizing offenses on the one hand, and initial and nondestabilizing offenses on the other. In the former case, the maximum penalty may apply; in the latter case, penalties are restricted to transactions relating to aviation, electronics, missiles, or space systems. Penalties apply over a range of not less than 2 nor more than 5 years.

Sanctions proscribing procurement may be waived upon certification by the President that the product or service which would otherwise be blocked is essential to the national security; that there is no other source of supply; and that the U.S. Government is the end user. In any event, the punitive elements of the bill do not take effect for 6 months after enactment, in order to allow a reasonable minimum period of time for the closing out of preexisting contracts. Sanctions would not be invoked in cases where transfers have been properly licensed by other MTCR governments.

Finally, the administration is required to detail and assess the efforts of all foreign countries to acquire and produce long-range missile systems and destabilizing offensive aircraft, and the efforts of Communist countries to aid or abet other nations in their efforts. Similar information is required on all companies that have provided or continue to provide such assistance to foreign countries. Such information in a report, however, is not required if it would jeopardize the national security of the United States or compromise sensitive intelligence operations.

We believe this is a balanced and well-crafted approach to the problem. It does not make foreign policy; it backs up the policy that has already been made. Mr. President, with permission, I also wish to include for the

record a statement by Senator McCain.

I ask unanimous consent that the Gore-McCain bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gore-McCain Missile and Proliferation Control Act".

SEC. 2. POLICY.

(a) IN GENERAL.—It should be the policy of the United States to take all appropriate measures—

(1) to discourage the proliferation, development, and production of the weapons, material, and technology necessary and intended to produce or acquire missiles that can deliver weapons of mass destruction;

(2) to discourage Communist-bloc countries from aiding and abetting any states from acquiring such weapons, material and technology;

(3) to strengthen the Missile Technology Control Regime and other aspects of the United States control regime to prohibit the flow of United States materials, equipment, and technology that would assist countries in acquiring the ability to produce or acquire missiles that can deliver weapons of mass destruction, including missiles, warheads and weaponization technology, targeting technology, test and evaluation technology, and range and weapons effect measurement technology;

(4) to discourage private companies in non-Communist countries from aiding and abetting any states in acquiring such material and technology; and

(5) to monitor closely the development, sale, acquisition, and deployment of missiles, destabilizing offensive aircraft, and other weapons delivery systems which can be used to deliver weapons of mass destruction, and to make every effort to discourage such activity when such delivery systems seem likely to be used for such purposes.

(b) MULTILATERAL DIPLOMACY.—The United States should seek to pursue the policy described in subsection (a) to the extent practicable and effective through multilateral diplomacy.

(c) UNILATERAL ACTIONS.—The United States retains the right to and should take unilateral actions to pursue the objectives in subsection (a) until such multilateral efforts prove effective and, at that time, to support and enhance the multilateral efforts.

SEC. 3. ENFORCEMENT OF MISSILE TECHNOLOGY CONTROL REGIME.

(a) DETERMINATION BY THE PRESIDENT.—Whenever there is reliable evidence, as determined by the President—

(1) that a United States person—

(A) is exporting, transferring, or otherwise engaged in the trade of any MTCR item in violation of the provisions of section 38 of the Arms Export Control Act (22 U.S.C. 2778) or section 5 or 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404 or 2405), or any regulations issued under any such provisions,

(B) is conspiring to or attempting to engage in such export, transfer, or trade, or

(C) is knowingly facilitating such export, transfer, or trade by any other person, or

(2) that a foreign person—

(A) is exporting, transferring, or otherwise engaged in the trade of any MTCR item for which an export license would be denied if such export, transfer, or trade were subject to those provisions of law and regulations referred to in paragraph (1)(A),

(B) is conspiring to or attempting to engage in such export, transfer, or trade, or

(C) is knowingly facilitating such export, transfer, or trade by any other person, or

(3) that a less developed state or entity—

(A) is importing MTCR items or long-range missile systems for the delivery of weapons of mass destruction, or

(B) is equipping its forces with new or additional missile systems or other weapons delivery systems configured to use weapons of mass destruction,

then, subject to subsection (c), the President shall impose not less than one of the applicable sanctions described in subsection (b).

(b) SANCTIONS.—

(1) The sanctions which apply to a United States person under subsection (a) are the following:

(A) Denying such United States person all export licenses under section 38 of the Arms Export Control Act (22 U.S.C. 2778) and sections 5 and 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404 and 2405).

(B) Prohibiting all contracting with, or procurement of any products and services from, such United States person by any department, agency, or instrumentality of the United States Government.

(C) In a case in which the President determines that the violation under subsection (a) is an initial violation and is nondestabilizing, the sanctions described in subparagraphs (A) and (B) shall apply, but only with respect to MTCR items.

(2) The sanctions which apply to a foreign person under subsection (a) are the following:

(A) Denying the issuance of any export license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) or section 5 or section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404, 2405) if such foreign person is the designated consignee or end-user in the application for such export license or if the President has reason to believe that such foreign person will benefit from the issuance of such export license.

(B) Prohibiting all contracting with, or procurement of any products and services from, such foreign person by any department, agency, or instrumentality of the United States Government.

(C) Prohibiting the importation into the United States of any product or service of such foreign person.

(D) In a case in which the President determines that the violation under subsection (a) is an initial violation and is nondestabilizing, the sanctions described in subparagraphs (A) and (B) shall apply, but only with respect to MTCR items.

(3) The President shall take appropriate steps to dissuade less developed states or entities from developing and deploying destabilizing offensive missiles. Whenever the President determines that such missiles can be used by a non-MTCR country to deliver weapons of mass destruction, one or more of the following sanctions shall be applied to a state or entity under subsection (a):

(A) Denying or reducing all technical assistance relative to, and denying transfer of

all or selected technology in, aviation, electronics, missiles, or space systems or equipment under the control of the United States Government.

(B) Prohibiting the importation into the United States of all or selected items of aviation, electronic, missile, or space systems or equipment.

(4) Sanctions shall be imposed under this section for a period of not less than 2 years and not more than 5 years.

(C) WAIVER.—The President may waive the imposition of sanctions on a person under subsection (a) with respect to a product or service if the President certifies to the Congress that—

(1) the product or service is essential to the national security of the United States;

(2) such person is a sole source supplier of the product or service, the product or service is not available from any alternative reliable supplier, and the need for the product or service cannot be met in a timely manner by improved manufacturing processes or technological developments; and

(3) the end-user of such product or service is the United States Government.

(d) INAPPLICABILITY TO FOREIGN PERSONS LICENSED BY AN MTCR COUNTRY.—If a foreign person has been issued an export license by the government of an MTCR country under any provision of law of such country similar to a provision of law or regulations referred to in subsection (a)(1)(A) and such foreign person is a national of such country or, in the case of a business entity, is established pursuant to the laws of such country, subsection (a) does not apply with respect to any exporting, transferring, or other trading activity covered by such export license.

(e) EFFECTIVE DATE.—The provisions of this section shall take effect 6 months after the date of enactment of this Act.

SEC. 4. REPORTS ON THE PROLIFERATION OF LONG-RANGE MISSILE AND DESTABILIZING OFFENSIVE AIRCRAFT.

(a) REPORTS.—Not later than 90 days after the date of enactment of this subsection, and every 180 days thereafter, the President shall submit to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader and Minority Leader of the Senate, the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs of the House of Representatives and the Select Committee on Intelligence, the Committee on Foreign Relations, and the Committee on Banking, Housing, and Urban Affairs of the Senate a report described in subsection (b).

(b) CONTENTS OF REPORT.—(1) Each report referred to in subsection (a) shall detail the efforts of all foreign countries to acquire long-range missiles and destabilizing offensive aircraft, and to acquire the material and technology to produce and deliver such weapons, together with an assessment of the present and future capability of those countries to produce and deliver such weapons.

(2) Each report under this section shall include an assessment of whether and to what degree any Communist-bloc country has aided or abetted any foreign country in its efforts to acquire weapons systems, material, and technology described in paragraph (1).

(3) Each such report shall also list—

(A) each company which in the past has aided or abetted any foreign country in those efforts; and

(B) each company which continues to aid and abet any foreign country in those efforts, as of the date of the report.

(4) Such report shall also include an assessment as to whether any company listed in paragraph (3)(A) or (3)(B) aware that the assistance provided was for the purpose of developing a long-range missile or offensive aircraft.

(5) Each report under this subsection shall provide any confirmed or credible intelligence or other information that any non-Communist country has aided or abetted any foreign country in those efforts, either directly or by selling such missiles or aircraft or by facilitating the activities of the companies listed in paragraph (3)(A) or (3)(B), but took no action to halt or discourage such activities.

(c) INTERPRETATION.—Nothing in this section—

(1) requires the disclosure of information in violation of Senate Resolution 400 of the Ninety-fourth Congress or otherwise alters, modifies, or supersedes any of the authorities contained therein; or

(2) shall be construed as requiring the President to disclose any information which, in his judgment, would seriously—

(A) jeopardizes the national security of the United States;

(B) undermine existing and effective efforts to meet the policy objectives outline in section 2; and

(C) compromise sensitive intelligence operations, with resulting grave damage to the national security of the United States.

(d) EXCLUDED INFORMATION.—If the President, consistent with subsection (c)(2), decides not to list any company or countries in that part of the report required under paragraphs (3) and (5) of subsection (b) which would have been listed otherwise, the President shall include that fact in that report, and his reasons therefor.

SEC. 5. REVIEW BY THE SECRETARY OF STATE OF CERTAIN LICENSE APPLICATIONS.

Section 6(a)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(a)(5)) is amended by adding at the end thereof the following: "The Secretary shall refer all license applications for the export of missile equipment and technology that is not contained on the United States Munitions List to the Secretary of State for review by the Secretary of State, in consultation with the Secretary of Defense."

SEC. 6. DEFINITIONS.

For purposes of this Act—

(1) the term "United States person" means "United States person" as defined in section 16(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(2));

(2) the term "foreign person" means any person other than a United States person;

(3) the term "person" means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and includes the singular and plural of such natural persons and entities, and any successors of such entities;

(4) in the case of Communist-bloc countries, where it may be impossible to identify a specific governmental entity, "person" shall mean all activities of that government relating to the development or production of any technology affected by the Missile Technology Control Regime, plus all activities of that government affecting the development or production of aircraft, electronics, and space systems or equipment;

(5) the term "otherwise engaged in the trade of" means, with respect to a particular export or transfer, to be a freight forwarder or designated exporting agent, or a consignee or end user of the item to be exported or transferred;

(6) the term "MTCR item" means any item listed in the Equipment and Technology Annex of the Missile Technology Control Regime which was adopted by the governments of Canada, France, the Federal Republic of Germany, Italy, Japan, the United Kingdom, and the United States on April 7, 1987, and in accordance with which the United States Government agreed to act beginning on April 16, 1987; and

(7) the term "less developed states" does not include any member of the political organs of NATO, any member of the Warsaw Treaty Organization, Austria, Australia, Israel, Japan, New Zealand, or Switzerland.

SEC. 7. REGULATORY AUTHORITY.

The President may issue such regulations, licenses, and orders as are necessary to carry out this Act.

● Mr. McCAIN. Mr. President, during the last year we have seen a long series of new articles discussing the transfer of chemical, biological, and nuclear warfare technology to the developing world. At the same time, we have seen a similar stream of articles talking about the development of new long-range missile systems and the transfers of fighter-bomber aircraft that can deliver weapons of mass destruction.

It is clear that we need legislation to fight this trend toward proliferation that establishes tight controls on U.S. manufacturers, that discourages other Western and developed states from transferring such technology, and that discourages developing states from acquiring, deploying, and using weapons of mass destruction. It is equally clear that we need actions, rather than words.

The Gore-McCain Act is intended to provide such action. It is the product of close cooperation with Congressman BERMAN in the House, and of prior work by all our staffs with that of Senator BINGAMAN.

It is designed to complement the legislation that already exists to halt nuclear proliferation. It is designed to complement the legislation to halt the proliferation of chemical and biological weapons contained in the bills put before the Senate by Senators DOLE and PELL, and which I helped formulate and cosponsored. It is designed to complement the bill to strengthen the missile technology control regime set forth by Senator BINGAMAN, and which I have also cosponsored.

I believe that Senator GORE, Senator BINGAMAN, and I share the goal of helping to create the kind of interlocking legislation that will allow us to come to grips with the next major problem in arms control: Blocking the proliferation of weapons of mass destruction in the Third World.

The bill does more than strengthen the Missile Technology Control Regime, which is the primary focus of Senator BINGAMAN's bill. It sends a clear signal to all buyer and seller states, including those in the developing world, that the United States is prepared to apply the same kind of sanctions to anyone who seeks missiles to deliver weapons of mass destruction that it will apply to anyone who seeks those weapons.

The reasons for this bill are all too clear from today's news, and there have been a host of news and intelligence reports focusing on these problems during the last year. Each of these reports has made it clearer that the pace of proliferation in long-range missiles and other weapons systems that can be used for the delivery of weapons of mass destruction is becoming faster than we have previously feared.

Recent events have made it clear that we should not wait to introduce such legislation, and that we need to make it clear to both the exporters of long-range offensive weapons, and the importers, that the United States has the will and courage to force foreign firms and entities to make a clear choice between the limited profits to be made from proliferating the tools of mass destruction, and access to U.S. technology and the American market.

We have already seen that the current arms race in the developing world can lead to the death of hundreds of thousands of people, and the creation of millions of refugees. We have seen that far too many of the world's poorer states are willing to mortgage their future by spending far more than they can afford on conventional arms.

It is all too clear that we to take firm action to establish suitable deterrents to persuade countries from importing such weapons and technology, and suitable deterrents to indigenous efforts. We need to have the courage to recognize the fact that the problem is one which primarily affects less developed states, and which must be targeted toward those states that are seeking new weapons delivery systems of the kind whose primary purpose is to deliver weapons of mass destruction.

There can be no question that this situation will be horribly worse if more and more less developed states indulge in an arms race in long-range missiles, in long-range bombers, in chemical weapons, in biological weapons, in nuclear weapons, and in the kind of advanced conventional weapons that can be used to cripple national economies and infrastructures.

I have discussed these developments in detail in a forthcoming article in the Strategic Review, which I request be reprinted in full in the RECORD. This article makes it clear that this

kind of arms race is not a matter of nationalism, prestige, or sovereign rights. It is a matter of self-destruction and genocide. It is not a matter of legitimate trade, it is literally a matter of merchants of death.

I cannot believe that a world filled with regional conflicts, and new and ancient hatreds, can survive such proliferation. There simply are too many regimes whose leadership is as indifferent to the fate of other states as it is to the fate of their own people. Given the economic and political pressures on the developing world, even today's most stable regimes may be replaced with tomorrow's extremists.

Today's limited steps towards proliferation may be replaced with a race towards every possible form of proliferation. The end result is virtually certain to be the use of weapons of mass destruction and genocide. If not tomorrow, or next year, during the next decade or the decade after that.

Even if we in the United States, the West, or the First and Second Worlds, can escape the direct costs of such an arms race, we cannot escape the constant threat it will pose to our strategic interests, our military forces, and eventually to our populations. The world is now a very small place, and every advance in weapons is making it smaller. It would be an unspeakable tragedy if we were to resolve the tensions between East and West only to see them reoccur in the Third World.

This is why I believe we need to act quickly and decisively on this bill, the Bingaman bill, and on the bills that Senators DOLE and PELL have put down relating to chemical and biological weapons. The proliferation of weapons of mass destruction threatens our very future, and we cannot let short-term expediency blind us to that fact.

I ask unanimous consent to have printed in the RECORD the previously mentioned article.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROLIFERATION IN THE 1990S: THE IMPLICATIONS FOR AMERICAN POLICY AND FORCE PLANNING

(By Senator John McCain)

It is not easy to predict America's future strategic priorities. Even the strongest trends can be upset by unexpected political, economic, and military events. No one, for example, predicted Glasnost or Perestroika, or the events in China. No one predicted the intensity of the struggle for freedom in Afghanistan, or the length of the Iran-Iraq War. Nevertheless, it seems almost certain that the U.S. will face major security problems with proliferation in the 1990s, and that these problems will have a very different character from the proliferation problems of the past.

As a result, the U.S. needs to take a new approach to the subject of proliferation. It needs to stop dealing with nuclear proliferation, chemical and biological weapons, and missiles on a piecemeal basis, and to deal

with all the major causes of proliferation in an integrated way. It needs to take a long term approach to proliferation, rather than one of short term expediency. It needs to stop distinguishing between "good" proliferators and "bad" proliferators, and realize that the problem affects the entire developing world. Finally, it needs to consider how to redesign its own force posture in an era where power projection is likely to become steadily more important, but the term "low intensity combat" is certain to become little more than a misnomer.

THE CHANGING NATURE OF PROLIFERATION

Proliferation cannot be dealt with as if it were driven by whatever military development appears most threatening at a given moment. The two forms of proliferation that has attracted the most attention during the last year have been the use of chemical weapons in the Iran-Iraq War, and the efforts of many developing countries to acquire long range missiles. Both forms of proliferation represent very serious dangers, and major changes in the capabilities of less developed states, but they are only part of a much broader process:

In spite of the Nuclear Non-Proliferation Treaty, states like Argentina, Brazil, India, and Pakistan are making major advances towards developing a nuclear weapons capability. There also are strong indications that some of the most advanced developing nations are now fully familiar with the design and manufacturing of enhanced radiation or neutron weapons, enhanced yield fission weapons, and thermonuclear or fusion weapons. Further, laser isotope separation and centrifuge methods of enrichment are becoming far more practical, as are various other methods of obtaining fissile materials.

Long range surface-to-surface missiles have a special technical glamour, but the proliferation of long range offensive aircraft is equally important. Aircraft like the Tornado and Su-24, and the spread of refueling capability, is doubling and tripling the strike range of developing countries. If these same aircraft were used to deliver nuclear weapons in one-way missions, they could fly several thousand miles. Manned aircraft also offer the advantage that they do not require advanced targeting and missile testing systems, and are likely to be far more accurate under operational conditions than missiles. Further, most developing countries do not have the kind of air defense systems that offer more than minimal capability against low altitude penetrators.

Conventional weapons have repeatedly shown since World War II that they can produce all the damage of weapons of mass destruction. The most lethal single struggle in modern times has been the civil struggle in Cambodia, where the Pol Pot regime decimated the Cambodian people. The Afghan conflict has produced millions of refugees. Conventional arms transfers have also imposed a crippling burden on many developing states, virtually halting their economic development or efforts to increase per capita income. And, the basic character of conventional arms transfers is changing radically. The spread of precision guided weapons is giving a wide range of countries the ability to strike at key economic facilities such as refineries, desalinization plants, and power plants, as well as aircraft and ships.

THE FORCES DRIVING PROLIFERATION IN THE THIRD WORLD

There can be no doubt that proliferation in the Third World is becoming a major

challenge to world peace. While any list of the nations involved in the proliferation of nuclear, chemical and biological weapons, delivery systems, and "smart" conventional weapons is necessarily speculative, no region in the world seems free of states that are at least investigating new forms of proliferation. Table One provides a rough indication of the seriousness of the problems involved, given the number of countries that are now reported or suspected to either be developing such weapons or have actually deployed them.

Many of the nations listed in Table One are doubtful, and others are only investigating weapons of mass destruction for defensive or deterrent purposes. It is totally unrealistic, however, to rely on the hope that such efforts will remain limited to research or a contingency capability, or will simply end in some form of deterrence.

TABLE 1.—THE CURRENT STATE OF PROLIFERATION IN THE DEVELOPING WORLD

Country	Chemical weapons	Biological weapons	Nuclear weapons	Smart weapons	Long-range delivery systems	
					Air	Missile
Afghanistan	SD				WS	WS
Angola	SD				WS	WS
Argentina	SD	RD	RD	WS	WS	RD
Burma	WS					
Brazil	R	R	RD		WS	RD
Chad	SD					
Chile	R		R	WS	WS	WS
China (PRC)	WS	RD	WS	WS	WS	WS
Cuba	S			WS	WS	WS
Egypt	WS		R	WS	WS	WS/RD
El Salvador	SD					
India	R	R	WS/RD	WS	WS	RD
Indonesia	SD				WS	
Iran	WS	RD/WS	RD	WS	WS	RD
Iraq	WS	RD/WS	RD	WS	WS	WS
Israel	RD/WS	R	WS/RD	WS	WS	WS
Laos	SD					
Libya	WS	R	R	WS	WS	R
Mozambique	SD					
Nicaragua	SD				WS	
North Korea	WS	RD/WS	R	WS	WS	WS
Pakistan	SD	R	RD/WS	WS	WS	R
Peru	RD			WS	WS	
Philippines	SD					
South Africa	RD/WS	R	RD	WS	WS	RD
South Korea	RD/WS	R	R	WS	WS	R
Syria	WS	RD/WS	R	WS	WS	WS
Thailand	SD				WS	
Taiwan	RD/WS	R	R	WS	WS	R
Vietnam	RD/WS				WS	

R = Low level research and/or procurement effort. RD = significant research and development and/or procurement effort. SD = suspected, but doubtful. S = Suspected. WS = weapons stocks.

Estimates are based on a variety of sources, include unclassified testimony by CIA Director William H. Webster, Seth Carus, David Goldberg, Elisa D. Harris, and others, and do not reflect the estimates of the U.S. Government.

Twice this century, the First and Second worlds have demonstrated how rapidly regimes can change from democracies to ruthless authoritarian aggressors and that miscalculation can escalate into global conflict. Further, while the Geneva Convention has often been reported to have been successful in blocking the use of chemical weapons until the Iran-Iraq War, there have been eighteen other reported or suspected uses of lethal chemical weapons since the end of World War I.

The long list of conflicts in the developing world since World War II has already shown that post-colonial era is filled with pre-colonial tensions and hatreds that can turn into major wars, and that a long list of new tensions and hatreds have arisen which are of equal seriousness.

No region in the developing world is free of some form of civil or national conflict. The fighting in El Salvador, in Cambodia, in the Spanish Sahara, in Angola and Mozambique, and in Afghanistan is simply the most immediate and visible sign of such conflicts. The Arab-Israeli conflict, Iran-Iraq

War, and India-Pakistan conflicts may be quiet for the moment, but these states are now the centers of both a conventional arms race and the new race for weapons of mass destruction.

If proliferation becomes heavily institutionalized in the Third World, no developing state will be able to stand aside if a rival acts, or be able to ignore any advance in a rival's capability. Like the arms race between East and West, developing states will be forced to develop a full spectrum of different weapons and a capability to deliver such weapons at a wide range of different levels of escalation.

There is a very real risk that developing states will repeat all of the mistakes of the U.S. and Soviet arms race under conditions that are even less stabilizing and that create far more risk. Developing states have not been through the grim experience of two world wars. They are generally far closer to their rivals, have fewer checks and balances within their leadership, and will be unable to afford the scale of forces necessary to remove any incentive for first strikes or preemptive strikes.

Stability will at best consist of mutual assured destruction, but on a far more fragile and stable level. Most developing states offer a few highly lucrative targets, and many are "one bomb" countries, where a strike on the capital or some key population center could virtually decimate the state's ruling and technical elite. Once weapons of mass destruction are widely deployed, it is virtually certain that some crisis will occur that will trigger the use of such weapons during the decades that follow.

There is also a substantial risk that many developing states will react to the current mix of uncoordinated and leaky efforts to control proliferation with the kind of covert effort that is most difficult to control, both in peacetime and in a conflict.

During peacetime, suspicion can be worse than reality. The risk that a rival has the ability to rapidly produce advanced nerve agents or biological weapons, or one or two "basement" nuclear bombs, can lead to covert efforts by a small cadre that is virtually isolated from the normal process of the state. This is the kind of weapons development and production effort that can easily get out of control, both technically and politically.

Once a crisis occurs, nations with covert capabilities will face the risk their rival could assemble and/or deploy weapons first. They will face the risk of attacks on a limited number of production, storage, and delivery system targets, and of the political shock of having a rival be first to announce the possession of such weapons first. There will be an equally strong temptation to use such weapons first, or even take advantage of the technical nature of biological and nuclear weapons to deliver such weapons covertly. Further, there already seem to have been cases where chemical weapons have been released to terrorists, and the use of proxies to deliver such weapons will often seem an attractive option.

Nations with more overt capabilities will face the problem of whether to let their rivals deploy their forces and disperse their weapons of mass destruction and key delivery systems. Preemptive attacks on air bases and missile sites will be particularly attractive, but so will attacks on the casernes and rear areas of land forces. It will often be tempting to strike at conventional forces and threaten escalation to attacks on population centers if the target country retali-

ates. It is highly likely that false alarms will trigger escalation or counter-escalation, and efforts to take defensive action can easily lead to mass panic.

By and large, this process of proliferation will favor extremist states with autocratic leaders. The more moderate and democratic developing states are likely to show considerable restraint and caution. History tells us, however, that this restraint will often be interpreted as weakness. It also tells us that radicals and autocrats are willing to take extreme risks in launching surprise or sudden attacks.

This does not mean, however, that there are good proliferators and bad proliferators. While there are a few special cases like Israel, with stable democratic regimes and a degree of vulnerability that can only be dealt with by developing a suitable deterrent, many of today's stable or democratic regimes may well have a very different character in the future. Most developing states face deep internal political and economic problems, and the era of military and radical coups is far from over. Given the fact that proliferation is a problem that not only affects the world today, but which will continue to face it indefinitely, no one can afford to bet the future on the current political character of any developing state.

The developed states also have no immunity from the consequences of proliferation. Neither the West nor the East can afford to ignore the process of proliferation within less developed states. Quite aside from the moral and ethical issues involved, the Iran-Iraq War has already demonstrated that the West can easily be dragged into Third World conflicts which are anything but "low intensity", which affect vital Western interests, and which involved both weapons of mass destruction and long-range precision guided weapons.

The Falklands conflict has demonstrated that sudden shifts in Third World politics can drag a Western state into Third World conflicts involving weapons of mass destruction and smart weapons, and the Afghan conflict has shown that developed states can initiate the use of weapons of mass destruction in conflicts involving developing countries. Although Soviet forces have been withdrawn from Afghanistan, the Soviets used both chemical weapons and long range missiles before they left, and the Republic of Afghanistan has since used Soviet supplied Scud missiles on its own.

THE GROWING RISKS IN THE PROLIFERATION OF CHEMICAL WEAPONS

Today's problems with chemical weapons are only halting first steps in the process of proliferation in comparison with the kind of problems we will face in the future. Chemical agents vary sharply in lethality, and their effectiveness is heavily dependent on how well they are weaponized, on targeting capabilities, and on the ability to predict weather conditions.

Only a few years ago, most developing countries showed little or no interest in chemical agents of any kind. Those that did show an interest in chemical weapons were largely content with a limited capability to produce weapons like mustard gas. They had little knowledge of targeting, weather, detection, and protection, and made no attempt to organize the kind of specialized branches in their forces necessary to deliver chemical weapons against static or maneuverable military targets.

The Iran-Iraq War, however, has triggered a broad arms race in both chemical and bio-

logical weapons. Iraq showed that chemical weapons could be used against static military targets, against the rear area of attacking forces, and even against forces near the front lines during periods Iraqi forces were on the offensive.

The Iran-Iraq War also provided the Third World with a case study in how to organize chemical forces, in the kind of chemical agents required, in the need of solving targeting and weather prediction problems, and in the ways in which "conventional" weapons systems could be adapted to deliver chemical agents. Iraq showed that less developed countries can develop chemical weapons in binary form, and in forms which can be delivered by terrorists, artillery, multiple rocket launchers, and aircraft. It provided the Third World with a case study in the relative advantages of different chemical agents, and in the value of chemical agents as a terror weapon.

The end result of the Iran-Iraq War is that many of the larger or more advanced developing countries feel they have little other choice than to develop a contingency capability to produce persistent and non-persistent nerve gases, some of which are ten times more lethal per ounce than mustard gas.

Developing states will probably continue to develop stockpiles of mustard gas because it is relatively easy to manufacture and deploy, and has sufficient persistence to overcome most short term defensive measures. They also, however, can be expected to manufacture blood agents like hydrogen cyanide (AC), and cyanogen chloride (CK). They also can be expected to go beyond nerve agents like Tabun (GA) and Sarin (GB), and to produce advanced nerve agents like Soman (GD) and VX. The deployment of V agents will be particularly important because they kill through skin absorption, as well as inhalation.

Regardless of public declarations to the contrary, it is already clear that many such states feel they have no other choice. They feel they cannot trust their major rivals enough to allow them the lead time they can gain if they can carry out a unilateral covert effort. They cannot afford the risk of finding out in a crisis that a rival can threaten the use of such weapons without their being able to retaliate.

The current state of progress in the Third World in developing improved chemical weapons is classified, but it is obvious from unclassified testimony to Congress that many major developing countries have begun to examine both the technology necessary to produce nerve agents and the problems in weaponization. As time goes on, such states are certain to examine ways of developing the kind of near real time weather monitoring and targeting capability necessary to use such weapons effectively.

The basic technical literature necessary to make effective military use of chemical and biological weapons is well known and readily available. The USSR has provided such literature in the past as part of its technology transfer and training packages on artillery and missiles, and the key U.S. Army field manuals on the subject, that were written in the 1960s, are unclassified. The same targeting systems used to improve the targeting of conventional weapons can be readily adapted to delivering chemical, biological, and nuclear weapons.

Many developing states already have all the meteorological skills needed to provide weather and wind prediction over the battlefield, and weather satellites can be used

to provide coverage over urban areas and rear area targets. Many Third World intelligence services and terrorist movements already have sufficient communications to provide more precise weather data, and it is relatively easy to develop remote sensors that can be deployed in peacetime, and triggered to provide real time data in a crisis.

Iraq showed that Third World countries can quickly find ways to develop relatively simple binary warheads and bombs that can be rapidly filled, stored in rear areas, and deployed with relative safety. It has shown that long range artillery weapons and multiple rocket launchers make excellent delivery systems that can deliver large amounts of chemical agents in relatively short periods of time, and at ranges up to 40 kilometers.

Iraq also showed that a wide range of conventional bombs can be adapted for chemical use, and that it is relatively easy to produce new ones. This allows a single fighter to carry thousands of pounds of chemical weapons, versus hundreds for a missile or artillery shell, and such weapons are almost ideally suited for the kind of low altitude delivery that ensures maximum aircraft survival. A fighter can penetrate air defenses and over the target at very low altitudes, without having to maneuver to attack a target with any precision, and can even lob such weapons into the target area at near stand-off ranges from most short range ground-based air defenses.

It is virtually certain that several developing states will soon have all the technology to greatly improve on the Iraqi experience in terms of more precise fuzing and better mixing and dispersal for its artillery warheads and bombs—changes that can easily double or triple the operational effectiveness of chemical weapons.

Missile warheads using chemical agents are already in development, and Iraq may already have such missile warheads. While today's missiles cannot carry a great deal of chemical agent, and most are too inaccurate to have high lethality even against air base targets, they all can be used as effective terror weapons against population centers and key economic area targets. Further, any country can quickly adapt civil cargo aircraft, and particularly tanker configurable aircraft, to spray chemical weapons over an urban target. Any developing country that has studied the literature on chemical weapons is already aware that any civil airliner can be adapted as a covert delivery system that could carry massive amounts of chemical weaponry.

THE EVEN MORE LETHAL THREAT POSED BY BIOLOGICAL WEAPONS

These problems will become far more serious when developing states develop effective biological weapons. Even if one ignores the growing long term threat of biological engineering and the manipulation of DNA, the facilities needed to produce today's biological weapons are substantially easier to conceal than those for the production of chemical weapons, although they require a considerable effort and considerable sophistication. An effective weapons effort requires hundreds of liters of agent. This requires special fermentation facilities for mass production, elaborate precautions in terms of sterility and personnel protection during manufacture and weaponization, and specialized warheads or dispersal systems.

Unfortunately, however, much of the technology involved is dual use technology with far fewer traceable antecedents than chemical or nuclear weapons, and the 1972

Biological and Toxic Weapons Convention, which is the key agreement affecting most developing states, has no provisions for inspection or verification. Developing states also face no difficulty in getting the cultures needed to produce the most commonly weaponized infectious agents: anthrax, cholera, plague, Q fever, tularemia, and viral encephalomyelitis. The same is true of toxins such as blue-green algal toxins, botulinum toxins, enterotoxins, ricin, saxitoxin and tetrodotoxin.

The lethality of such weapons can be illustrated by comparing them to VX nerve gas, one of the most lethal of all poison gases. Anthrax, which is one of the easiest biological weapons to produce, is nearly 100% fatal when a human being is exposed to as few as 8,000 spores. While the amount of material required for effective weaponization is classified, it seems likely that Anthrax can be weaponized in a way that is at least one hundred times more lethal per kilogram of payload than VX gas. The lethal doses for botulinum toxins are even smaller. The estimated dose for 50% lethality in human beings is only 50 millionths of a gram, and it is 1,000 to 10,000 times more lethal than VX gas.

These technical data must be kept in perspective. Biological agents have never been tested in combat. It is difficult to get anything approaching the operational lethality from given agents that their maximum lethality might indicate, and it may be difficult for developing states to achieve operational lethality from a given weight-volume of today's biological weapons that are more than two to ten times those of VX without extensive experimentation with live animals. Achieving anything approaching the optimal dispersal of biological agents is difficult, particularly at high speeds. Biological weapons require careful attention to temperature, humidity, and the amount of sun light.

Biological agents also do not offer less developed countries the capability that non-persistent chemical agents offer in terms of the ability to support offensives by attacks on troops near or at the front line. While such agents do not produce infectious diseases except on contact with the actual agent, it is not possible to control the spread of such agents as precisely as that of chemical weapons. Biological agents do, however, offer a highly lethal means of attacking rear areas. Some, such as Tularemia, also offer the ability to produce large scale incapacity, rather than killing mechanisms, although Tularemia is 30-60% fatal if it is not treated. Such agents can disrupt the entire rear area of an army, or produce large scale panic in a city.

Nevertheless, biological weapons are likely to be far more effective than chemical agents when they are packaged into the comparatively small payloads of most surface-to-surface missiles. The one case example of biological weapons affecting human beings is scarcely reassuring. The Soviet accident at Sverdlovsk in April, 1979 released only about 10 kilograms of dry Anthrax spores into the air. This still contaminated an area with a 2-3 mile radius, and Soviet efforts at aerial spraying, disinfection with steam and hypochlorite, decontamination, and immunization were comparatively ineffective. Even though the release was confined to the Southwest area of the city, and was scarcely optimal from a weapons point of view, several hundred people died and there seem to have been a total of at least 1,000 infections.

Biological weapons also lend themselves to single flights or sorties over urban areas or rear areas where fighters or heavy cruise missiles can spray small amounts of agent to produce an effect over a very wide area. They are ideal for covert or terrorist delivery. A U.S. Army experiment in the 1950s found that chemical material exactly similar to Anthrax spores in size and weight could be scattered over the commuters moving into Grand Central Station in New York during rush hour, and spread the chemical over a large part of greater New York without those affected sensing anything unusual.

In one field trial, a harmless powder of cadmium sulfide was disseminated in particles of two microns in diameter from a ship traveling 16 kilometers offshore. About 200 kilograms were disseminated while the ship traveled a distance of 260 kilometers and they covered an area of over 75,000 square kilometers. Even allowing for the loss of a substantial amount of virulence due to factors like wind and heat, the same particles would have been lethal over an area of 5,000 to 20,000 square kilometers if they had been a biological weapon. It is interesting to note that a highly lethal nerve agent would only have covered 50 to 150 square kilometers.

This kind of attack with biological weapons could confront the victim of an attack with a situation where it could not clearly identify an attacker, and where a terrorist group or third nation could exploit regional tensions and appear to make another nation seem the attacker. Biological agents can also be disseminated by being attached to grenades and other light weapons and achieve considerable lethality with relatively limited amounts of agent.

Further, it is impossible to dismiss the possibility that some nation would be irresponsible enough to use a biological weapon that continued to spread infection by contact between its initial victims and people who were not directly exposed to the agent. UN studies performed as early as the late 1960s showed that only ten tons of a bacteriological agent could cover an area as large as 100,000 square kilometers with a death rate of up to 50%. In contrast, a one megaton bomb affects an area up to 300 square kilometers. Such a biological weapon could also result in epidemics or establish a new endemic disease in a given region.

If this threat sounds exaggerated, it is worth pointing out that in 1957, a new strain of flu hit Czechoslovakia, then a nation of 14 million. The resulting pandemic produced 1,500,000 reported cases of flu and a total estimated 2,500,000 cases. Nearly 50% of this total consisted of members of the work force, and the average loss in work days was six days per individual. A lethal infectious plague for which a given society was not fully prepared would be infinitely more dangerous.

THE CHANGING THREAT OF NUCLEAR PROLIFERATION

The future risks of nuclear proliferation are less clear than those of the proliferation of chemical and biological weapons. U.S. policy has strongly opposed proliferation since President Ford's speech of October, 1976, and the world has established a much stronger mix of safeguards than those that cover chemical and biological weapons. These include the Nuclear Non-Proliferation Act of 1978, the Limited Test Ban Treaty, the Treaty of Tlatelolco, IAEA safeguards, nuclear supplier guidelines, and various bilateral cooperation agreements. The Congress has also legislated relatively

strong sanctions against proliferation, including the Symington-Glenn amendments, which cut off U.S. economic and military aid, and strong controls on technology transfer.

This mix of safeguards is scarcely "leak proof", but it has certainly slowed down the nuclear weapons efforts of many of the countries listed in Table One, and forced the others to either keep their bombs in the basement or preserve some degree of plausible denial. In spite of India's explosion of a nuclear device in 1974, no developing nation has overtly claimed to have developed a nuclear bomb since the PRC became a nuclear power. Nuclear proliferation also remains far more costly and difficult than acquiring chemical and biological weapons.

At the same time, however, there is no doubt that uranium ore is relatively easy to acquire, and that many potential proliferators have nuclear reactors that can be used for weapons production purposes. Advances in centrifuge and laser enrichment are making it easier to acquire fissile material, as are advances in Plutonium processing. These same enrichment methods, and the spread of nuclear weapons technology, are also making it easier to develop a limited number of nuclear weapons using covert facilities.

This raises serious questions about what will happen in an era where states develop and stockpile chemical and biological weapons, and where nations like India and Pakistan are making only minimal efforts to conceal their development of nuclear weapons. The incentives to have the most advanced weapon of mass destruction are very different in a world where rival states have chemical and biological weapons, than in a world where few states have any weapons of mass destruction. As a result, a number of the nations shown in Table One may well move from research to contingency capability. Others may covertly stockpile nuclear warheads.

Iran and Iraq, for example, both attempted to revive their nuclear weapons development efforts as a result of the Iran-Iraq War. Even the restoration of democracy in Argentina did little to slow down Argentina's effort. Pakistan has pressed ahead with its effort, and there are growing reports that India not only has developed a weapons capability, but is exploring enhanced yield and radiation fission weapons and fusion weapons.

Similar pressures may revive interest in less advanced forms of radiation weapons. Radiological weapons have not been a subject of serious concern since the early 1970s, but they are practical as both military and terrorist weapons, and a comparatively large number of states have Plutonium or other material that could be made into lethal particulates. Similarly, a developing state might be willing to take the risk of creating a nuclear bomb using lower levels of enrichment, even if this meant using a much larger device, and unpredictable yields.

It is premature to sound any new warnings about a nuclear armed crowd. It is Panglossian to assume that the barriers to nuclear proliferation will be anywhere as effective in the future as they have been in the past if similar barriers are not established to the proliferation of chemical and biological weapons. The motives that drive nations to proliferate apply regardless of the precise form proliferation takes, and the action any nation takes to acquire one type of weapon of mass destruction will directly interact with the actions other nations take

to acquire other types of weapons. If suitable control efforts do not take place, it is all too possible that we will see a three cornered arms race to acquire chemical, biological, and nuclear weapons in many parts of the developing world.

THE PROBLEM OF LONG RANGE MISSILES AND OTHER DELIVERY SYSTEMS

The proliferation of advanced delivery systems is still another aspect of proliferation. It is important to note that many developing states already have delivery systems that can be used to deliver weapons of mass destruction. IISS, JCSS, and SIPRI reports indicate that these include Afghanistan, Egypt, Iran, Iraq, Libya, North Korea, the PDYR, Syria, and the YAR.

THE GLOBAL SPREAD OF LONG-RANGE BALLISTIC MISSILES

Country	Missile	Producer	Status
ASIA			
India	PRITHVI	India	Under development.
Pakistan	AGNI	do	Do.
Taiwan	HATF-2	Pakistan W/China	Do.
North Korea	Sky Horse	Taiwan	Do.
South Korea	SCUD-B	N. Korea/Egypt	In service.
	NHR (mod.)	S. Korea	Do.
MIDDLE EAST AND AFRICA			
Egypt	SCUD-B	U.S.S.R.	In service.
	BADR-2000 (Condor II)	Egypt/Argentina	Under development.
Iran	SCUD-B	U.S.S.R./N. Korea	In service.
	Unnamed	Iran/China	Uncertain.
Iraq	SCUD-B	U.S.S.R.	In service.
	SCUD-B (Al Husayn)	Iraq-modified	Do.
	SCUD-B (Al Abbas)	do	Do.
	SS-12	U.S.S.R.	Do.
	Condor II	Argentina/Egypt	Under development.
Syria	SCUD-B	U.S.S.R.	In service.
Libya	SCUD-B	W/Iraq funding	Do.
Saudi Arabia	CSS-2	China	Do.
Israel	Jericho	Israel	Do.
	Jericho II	do	Possibly in service.
South Yemen	SCUD-B	U.S.S.R.	In service.
Afghanistan	SCUD-B	do	Do.
SOUTH AMERICA			
Argentina	Condor II	Egypt/Iraq/Argentina	Under development.
Brazil	MB/EE series	Brazil	Do.
	SS series	do	Do.

Source: Testimony of William Webster, Director, Central Intelligence Agency, before Senate Committee on Governmental Affairs, May 18, 1989.

Many current or former Soviet arms clients have FROG rockets and Scud missiles. As Iraq has shown, the Scud can be modified for use at ranges of up to 900 kilometers. While it is scarcely advanced missile system, it is accurate enough to deliver chemical, biological, or nuclear weapons against city-sized targets. Syria already has an advanced short range Soviet-made system, the SS-21, and the PRC is widely reported to be developing an "M" series of long range missiles, at least in part for export purposes.

A number of developing nations, including Argentina, Brazil, Iran, Iraq, India, North Korea, Pakistan, South Africa, Taiwan—are working on more advanced missile systems. Some are working on missiles with ranges of over 1,000 kilometers. A few nations, such as Saudi Arabia and Libya, have either bought such advanced missile systems or are attempting to acquire them.

The problem with these weapons efforts is that they are fundamentally different in character from other weapons acquisition efforts in the developing world. Many other delivery systems can be used to deliver weapons of mass destruction. Long range missiles with conventional warheads can be used as terror weapons against enemy cities,

air bases, and the rear areas of military forces. Nevertheless, the surface-to-surface missiles now deployed in the developing world lack the accuracy and advanced conventional warheads to have any major military effect unless they are equipped with weapons of mass destruction. Regardless of any national denials to the contrary, the value of these systems lies almost solely in the implicit or explicit threat that they will be used for this purpose.

This makes controlling the proliferation of long range missiles another key part of any effective effort to control the weapons of mass destruction. They are symbols of proliferation, and every time a developing state develops or buys such weapons, it is taking another destabilizing action that triggers the broader process of proliferation that is now taking place in the developing world.

It is equally important, however, to acknowledge that offensive aircraft can be at least as effective in delivering weapons of mass destruction. Unlike missiles, aircraft are "self-targeting". They can carry payloads some five to ten times larger, and they have far more flexibility in carrying awkward payloads. They also can fly delivery patterns that make it far easier to deliver chemical and biological agents, and can offset their weapons delivery to achieve optimal results in terms of prevailing weather conditions. In many developing states, aircraft also offer a substantially higher overall level of operational readiness and reliability than missiles.

The added vulnerability of aircraft is often more apparent than real. Older aircraft, which generally have to be flown at relatively high altitudes, are vulnerable to the air defenses of developing states. However, developing states generally lack effective surveillance and warning coverage, and the kind of airborne and land based air defenses that have a high probability of kill against a few low flying attackers. Virtually all developing states depend on a high degree of strategic warning for even minimal defense capability. An attacker may face serious problems in flying the large numbers of successful sorties necessary to make effective use of conventional weapons, but faces little risk of losing an aircraft when only a few scattered sorties are required.

Accordingly, the transfer of advanced strike aircraft such as the Tornado or Su-24, can have a serious destabilizing effect if the developing nation involved is sufficiently extreme or radical to use such aircraft to deliver weapons of mass destruction. The recent Soviet transfer of Su-24 aircraft to Libya is a case in point. Coupled to the transfer of refueling capability, Libya has been provided with a delivery platform that can reach Israel, most moderate Arab states, most of Libya's potential adversaries in Africa, and even Italy and France. While Libya probably could not achieve a significant military effect if it attempted to use its Su-24s to deliver conventional ordnance, it could achieve far more significant political and military effects if it used them to deliver chemical weapons.

The risks inherent in such arms transfers make it almost as important to monitor the transfer of offensive aircraft as to take steps to halt the proliferation of long range offensive missiles. Depending on the country involved, the transfer of offensive aircraft can have a major impact on the process of proliferation. While it is impractical and counterproductive to try to halt the transfer of

all advanced dual capable delivery systems, there will be many cases where every effort should be made to do so because of the particular regime involved.

The same constraints need to be applied to the technology necessary to weaponize chemical, biological, and nuclear weapons. Nothing can be done to affect the transfer of delivery systems like artillery weapons and multiple rocket launchers to the developing world. Some 22,000 modern artillery weapons and MRLs were transferred to the developing world during 1980-1987, and total world-wide inventories of suitable weapons are well in excess of 100,000.

While artillery weapons and multiple rocket launchers lack the glamour of missiles and advanced aircraft, they can deliver chemical and biological weapons in high volume and with great accuracy at ranges of up to 40 kilometers. In many areas in the developing world, this range is also sufficient to reach major population centers and rear areas.

Similarly, nothing can be done to control the transfer of less advanced attack aircraft. About 2,500 such aircraft were transferred to the developing world during 1980-1987. Most have sufficient range for a developing state to reach the capital or major population centers of its immediate neighbor, and it is important to reiterate that any major passenger, transport, or tanker aircraft can be modified to spray or disperse chemical and biological agents, or even carry a crude or low enrichment nuclear device.

What can be done is to carefully identify the subsystems and technology needed to provide efficient weaponization of chemical and biological agents. This will include specialized fuzing, storage vessels, spray and dispersal systems, and other technologies. The exact effect of such controls on the weaponization process is difficult to determine without further research, but efforts to track and control the transfer of such technology will at a minimum help to expose proliferating countries and it may help to further discourage proliferation.

"SMART WEAPONS" AND THE END OF LOW INTENSITY CONFLICT

The final change in the process of proliferation that must be considered in the 1990s is the shift in the overall conventional capabilities of developing states. A great deal of Western literature regarding developing states still talks about the low intensity combat. It is doubtful that the peoples of Afghanistan, Angola, Cambodia, Ethiopia, Iran, and Iraq would be particularly impressed within the distinction. It also is hard to determine why the U.S. or any other Western nation should treat the risks inherent in engaging a developing state with hundreds of modern jet aircraft and thousands of tanks as "low intensity combat".

The plain truth is that the arms race in the developing world has reached a level in many cases where it can produce as much devastation as any "high intensity" conflict in the developed world. At the same time, however, this arms race interacts with the arms race in weapons of mass destruction in a number of alarming ways.

The first such form of interaction is that many of the same imbalances occur in the conventional capabilities of rival developing states that occur in the capability of NATO and Warsaw Pact. These inevitably create incentives to create some form of deterrent or counterforce using weapons of mass destruction. With few exceptions, intense conventional arms races almost inevitably create at least some level of effort to devel-

op chemical, biological, and/or nuclear weapons.

The second form of interaction results from the fact that developing states face substantially more economic problems in acquiring, sustaining, and modernizing large conventional forces than developed states. By and large, it is relatively cheap to acquire weapons of mass destruction as an alternative to expenditures on conventional weapons. This is particularly true of chemical and biological weapons.

The third form of interaction results from the fact that as developing states acquire other forms of smart or highly lethal conventional ordnance, they also acquire the capability to attack vital economic and infrastructure targets. Such targets include water facilities, power plants, refineries, key industrial plants, and the other vital nodes in a given developing economy. Such targets are often also considerably more critical than in developed states. Power and/or water failures may often lead to substantial loss of human life. Many key industrial and export facilities involve long lead time equipment that may take years to fully replace. The end result may be a substantial loss of total national income.

The resulting process of escalation will vary by country and region, but the Iran-Iraq War has already shown that there is a clear interaction between conventional escalation and the escalation of weapons of mass destruction. It also repeatedly showed that efforts to create firebreaks and barriers to attacks on civil targets broke down when either side came under military pressure.

In the future, this third form of interaction may be driven by the proliferation of much longer range missiles with smart or more lethal warheads. For example, the proliferation of today's cruise missiles would allow effective long range attacks on critical economic facilities with little or no warning. The proliferation of fuel air explosive weapons, smart mines, and more lethal anti-ship missiles are similar cases in point. All could be used to achieve serious enough damage to trigger the use of weapons of mass destruction in retaliation.

The final form of interaction is the risk that the involvement of developed states in conventional combat in support of their developing friends and allies may well lead adversary states to threaten or actually use weapons of mass destruction in ways that threaten to sharply and explosively expand what start as regional or local conflicts. U.S., European, or Soviet forces operating in support of a developed state could easily become the target of weapons of mass destruction through either overt or covert attack. The Iran-Iraq War has already posed this risk, and even more threatening cases are certain to arise in the future.

Further, the involvement of developed states may be indirect. A developing nation may use weapons of mass destruction which affect raw materials and resources which are vital to the West. A developing nation may use such weapons when it targets areas with large numbers of nationals from developed nations. Once conflict escalates to the level where a state is willing to use weapons of mass destruction, or attack the most vital interests of an opposing state, virtually any target is free game. A developing state may even calculate that such escalation will serve its interests either by forcing external help in ending a conflict or by escalating a conflict to the point where a nation like the U.S. will be forced to disengage. It is a relatively thin line that separates such a use of

weapons of mass destruction from blowing up an embassy, a Marine Corps barracks, or a passenger airline.

THE IMPLICATIONS OF PROLIFERATION FOR U.S. POLICY

The U.S. cannot unilaterally block the move towards proliferation in the developing world. In fact, no foreseeable combination of developed and developing states can hope to create a mix of barriers that will somehow put the genie back in the bottle. The U.S. can, however, take the lead in making the world aware of the seriousness of the problem, in setting an example for other states, and in using its economic and technological power to fight proliferation. It also can adapt its force planning and strategy to take account of the fact that the character of power projection will change radically over the next few decades.

If the U.S. is to accomplish these goals, it is going to have to adopt the following policies:

It is going to have to take the risk of proliferation seriously, not just use rhetoric or pass exhortative legislation. It is going to have to use a mix of public exposure, diplomatic pressure, and sanctions, and to give priority to minimizing the overall risk of proliferation over immediate regional and bilateral concerns. It must stop trying to target individual or terrorist countries, and deal with all of the countries that are shaping the problem.

It is going to have to treat proliferation as a long term problem which must be dealt with in terms of cumulative risk, not on a case by case basis. It must be flexible enough to do everything possible to halt proliferation, but then minimize the scale of proliferation when it becomes inevitable. It must recognize the fact that the risks of proliferation rarely lie in an immediate crisis, but rather in the continuing risk of an unanticipated crisis or change in government producing a catalytic increase in the pace of proliferation, or a sudden escalation to the actual use of weapons of mass destruction.

The U.S. is going to have to deal with the problem of proliferation as a whole, not simply with whatever aspect of proliferation risks cause an immediate crisis. This means creating a mix of interlocking policy and legislation that deals with chemical, biological, and nuclear weapons, and with missiles and other destabilizing delivery systems. In the short term, this means that the legislation now pending before the Congress to strengthen sanctions against selling and acquiring chemical and biological weapons, and offensive missiles, must be passed as quickly as possible.

It is going to have to engage in a process where it often will be at odds with its friends and allies over individual issues and cases, and where it must mix the use of bilateral and multilateral diplomacy with efforts by international organizations. It is impossible to predict the precise course this diplomatic effort will take, but it is already clear that unless the U.S. is willing to accept the cost of tension and debate, its policies and actions will be ineffective.

It is going to have to accept the cost of "discriminating" against less developed states to the extent that it will be their efforts to proliferate that will be the prime targets of its actions. The debates over the NPT have shown that this inevitably will lead to charges that the U.S. is interfering in the sovereign rights of other states, and a host of similar complaints. U.S. policy must, however, be based on the de facto principal

that nations do not have a right to proliferate weapons of mass destruction, and that every effort must be made to control such proliferation.

It is going to have to reexamine the technology of proliferation to examine the interaction between the technologies required to produce and deliver different weapons of mass destruction. It almost certainly is going to have to strengthen its lists of the technologies that need to be controlled in dealing with chemical, biological, and nuclear weapons, and the list of technologies it will include in the Missile Technology Control Regime.

The U.S. will have to come firmly to grips with the issue of sanctions that go beyond putting limits on U.S. technology transfer, companies, and exporters. Foreign exporters must face clear barriers to any further technology transfer from the U.S. and to remaining in American markets. Proliferating countries must face sanctions that threaten their ability to acquire advanced technology from the U.S., and possibly even continued access to U.S. economic and military aid. It is only through this mix of sanctions that the U.S. can be effective, given the inevitable lags and gaps in tracking given transfers and sales, and the amount of dual use equipment and technology that cannot be controlled.

The U.S. needs to recognize that world wide exposure of the sale of key technologies, and efforts to proliferate, will often be as effective as sanctions. While the U.S. cannot afford to compromise sensitive intelligence sources, it must be willing to embarrass even friendly foreign governments, and name names. U.S., European, and Japanese firms must live under the threat that any action they take to aid proliferation will become a matter of public knowledge.

At the same time, the U.S. must take preventive steps in terms of its own force planning and its aid to friendly states. It must equip its power projection forces to deal with the growing risk of chemical and biological weapons, and pay more attention to the risk of nuclear proliferation. It must stop thinking in terms of low intensity combat in the developing world, and start thinking about the consequences of proliferation. It must be ready to provide defensive systems and technology to friendly states, and begin to create power projection forces which can help friendly states deter the use of weapons of mass destruction through the ability to retaliate with surgical strikes by U.S. forces using conventional weapons.

Even with all these efforts, the U.S. has no assurance that it can keep proliferation to safe levels. It is very clear, however, that if the U.S. does not take these measures, it may well see an arms race in the developing world that will undercut or counter any progress it makes in its arms control negotiations with the East. It is also clear that unless the U.S. takes firm and cohesive action, the world risks turning from one arms race that threatens the globe to another. There can be no greater tragedy, and no greater failure of American policy and resolve. ●

By Mr. FOWLER (for himself, Mr. LUGAR, Mr. LAUTENBERG, Mr. ADAMS, Mr. LIEBERMAN, Mr. GORE, Mr. PRYOR, Mr. SANFORD, Mr. PELL, Mr. MATSUNAGA, Mr. DASCHLE, and Mr. DODD):

S. 1422. A bill to provide for the improved management of the Nation's

water resources; to the Committee on Environment and Public Works.

MUNICIPAL AND INDUSTRIAL WATER CONSERVATION ACT OF 1989

● Mr. FOWLER. Mr. President, this spring many Americans have been fortunate to see their lawns grow green again, their reservoirs refill, and their local water use restrictions lifted after last summer's extreme drought. Some have had the misfortune of too much rain, as homes and fields have been flooded in scattered parts of the country, while others, especially in the Upper Midwest and the West, are continuing to feel the negative effects of the extended droughts of the 1980's.

These past few months have shown Americans how important water is to our economy and our way of life. Rainfall can influence the rate of inflation. It can destroy or restore important local industries such as tourism and agriculture. It can bring on water use restrictions that disrupt our schedules and force us to change our habits temporarily. Even now, 20 years after an American first walked on the Moon and many decades after we began building dams and aqueducts across the country, we still depend on regular rainfall to meet our most essential human needs.

Across the country, municipalities face growing demands for water, demands that in many cases cannot be met reliably with existing supplies. From semitropical Florida to semiarid California, from Boston to Denver to Atlanta, our cities and towns are having trouble meeting today's—and tomorrow's—demands for water. In fact, the General Accounting Office estimates that in the next decade 170 of America's 756 large urban water systems will need additional supplies.

In previous years, such statistics would point the way toward major new public works efforts. But today, most of the economically and environmentally sound large water supply projects have already been built, holding out the possibility of increasing future conflicts, both between environmental protection and our need for water and between fiscal constraints and our need for water.

As easily and unpredictably as the rains have returned for many of us this spring and summer, so can the droughts of previous years. It is not in our power to make it rain, but we can take steps to more efficiently use the water we already have. Just as we responded to the energy crisis of the 1970's by more efficiently using our energy resources, we must respond to the water crisis of the 1980's and beyond by making wiser use of our water resources.

Today, along with Senator LUGAR and 10 of our Senate colleagues, I am introducing the Municipal and Industrial Water Conservation Act of 1989.

This bipartisan legislation, which will soon be introduced in the House by Congressman CHET ATKINS, brings together the expertise and experience of all levels of government, of industry, and of trade associations and individual professionals to assist State and local governments, water utilities, Federal agencies, and private businesses in using water more wisely.

This bill establishes an Office of Water Conservation at the Environmental Protection Agency in order to oversee a broad, nationwide technical assistance program for States and municipalities, businesses, and institutions. Under contract with the EPA, private not-for-profit associations, public and private educational institutions, States and other public authorities will assist the Office of Water Conservation in developing model water conservation programs, studying water uses upon request of municipalities, businesses, and institutions, and recommending alternatives for improved water efficiency.

To many Americans, water conservation means having to ask for a glass of water in restaurants or having to water the lawn at midnight or having to shower faster. But these are the inconveniences of temporary water shortages, instituted in times of crisis. In contrast, there are many longer term, less noticeable but more effective actions that individuals, organizations, and local governments can take to conserve water. Universal metering of water users and pricing reforms can use market incentives to ensure that consumers use only what water they need. Leaks in water systems and in homes and institutions can be found and repaired quite cheaply in many cases, saving millions of gallons of water. More efficient showerheads, toilets, dishwashers, and washing machines can save Americans hundreds of dollars on their water and energy bills without diminished performance. Water used for some purposes can be recycled for other uses. And lawns can be beautifully landscaped with shrubs and grasses that thrive on much less water.

Few municipalities have paid water conservation the attention it deserves in their overall water management plans. Those that have incorporated even a few elements of effective water conservation programs have reaped large and continuing economic benefits. New dams and aqueducts have been postponed, operating costs for pumping and treating water have been cut, and new waste water treatment facilities have been built more cheaply in anticipation of reduced flows. The Office of Water Conservation will exist to promote these alternatives and encourage their incorporation into the everyday planning of municipalities, small and large, from coast to coast.

The Office of Water Conservation will not, however, in any way abridge the existing rights of State and local decisionmakers to control their own water and plan for its proper management according to local conditions. As a former local official myself, I recognize the efficacy of having these decisions made at the level of government with the most information and the greatest stake in their proper execution. The Office of Water Conservation will assist local decisionmakers by making every effort to increase the availability of information on water conservation alternatives which might be beneficial in meeting the needs of individual communities.

As part of this assistance, my bill would allow States and municipalities to use moneys from the new State Revolving Funds created under the Clean Water Act in order to implement water conservation programs, particularly where they will significantly reduce demand for new or upgraded wastewater treatment facilities. Municipalities nationwide face an estimated \$83 billion in costs for upgrading and constructing wastewater treatment facilities. While there is no getting around the need to spend huge sums in this area, it is clear that strong, well-planned water conservation programs can significantly reduce the ultimate bill.

The Office of Water Conservation would be established within the EPA in order to take advantage of EPA's expertise in municipal water systems. As the Federal agency charged with responsibility for safe drinking water and wastewater treatment, the EPA has over the years developed a great deal of experience in working with municipal and industrial water issues. In fact, an internal task within the EPA is currently examining ways in which to incorporate water demand management principles into the agency's programs. By no means, however, does the EPA have a monopoly on expertise or information in this area, and my bill contains strong requirements for intergovernmental coordination between the EPA and the many other Federal agencies involved in water resource planning, development, and management.

This legislation also establishes a National Clearinghouse on Water Conservation in order to facilitate the exchange of information on water conservation. In conjunction with the Office of Water Conservation, the Clearinghouse would serve not just as a repository for information, but also as an active promoter of water conservation methods and technologies. Much good work has already been done in this area, and this Clearinghouse will serve to bring it together to maximize the public benefit.

Over the years, both the legislative branch and the executive branch have

found it helpful to establish advisory councils in various areas in order to assist agencies in carrying out their mandates. My bill will create an Advisory Council on Water Conservation, whose membership will include a broad array of experts in the area, in order to ensure the relevance of the future activities of the Office of Water Conservation and otherwise assist its Director and staff.

Finally, this legislation explicitly requires the consideration of water conservation alternatives in the preparation of environmental impact studies. While statutory authority—and indeed responsibility—exists for such consideration, there is no clear-cut guidance from the Council on Environmental Quality as to how water conservation alternatives are to be determined and evaluated in the environmental impact process. It is the intention of this provision to clarify the situation and preclude future disputes in this area.

Like the National Plumbing Products Efficiency Act, which this bill complements, the Municipal and Industrial Water Conservation Act has been fashioned in cooperation with many individuals and organizations with years of experience in the field of water conservation and municipal water supply management. It is a modest effort which lays out a blueprint for legislative action later in the 101st Congress, and I look forward to continuing to work with all interested parties to enact the most effective legislation possible in this area.

I urge my colleagues to cosponsor this legislation and continue to work with me and the other cosponsors of this bill to promote the more efficient use of our Nation's precious water resources.●

● Mr. GORE. Mr. President, I rise today to join Senator FOWLER in introducing the Municipal and Industrial Water Conservation Act of 1989. This act addresses an issue of growing importance: the need to conserve our water resources.

Our water resources, like many of our natural resources, are not infinite. Although the amount of rainfall may vary from year to year, the amount of water available for our use is fixed. Thus our water resources can support only a limited population. The lakes, reservoirs, rivers, and aquifers on which we depend for our water have a limited capacity, even in years of heavy rainfall. Our growing population, its use of water in households, farms, and industries, is now approaching this limit.

The rains of this spring may have made many of us oblivious to this problem. Indeed, some parts of the United States have experienced very much a different problem; too much rain has flooded homes and ruined crops. However, our approach to the

limits of our water resources can be seen around the Nation. In parts of California and Texas, wells that 40 years ago only needed to be 20 feet deep in order to deliver water must now be more than 160 feet deep. In Memphis, water levels in the aquifer underneath the city have declined steadily since 1950 in response to increased pumping. In Chicago, ground water levels have declined more than 370 feet since the 1940's. In New York, officials are realizing that an expanded water supply system is needed to meet future population demands even though the current system has not yet been completed. The General Accounting Office has predicted that 170 of the 756 large urban water systems in the United States will need to be expanded to meet the expected population demands.

Our past remedy for this problem has been to increase capacity by building new reservoirs and dams and digging more wells. This, however, is no longer possible, environmentally or economically. There are few places left on our rivers that can be dammed; most remaining spots are either economically impractical or environmentally unsound. An example of this dilemma may be seen in Denver, where building a dam in the only economically feasible spot to do so would necessitate flooding a scenic canyon and drowning a wildlife refuge. If we can no longer expand our water resources to meet our growing population, we must adapt our population to meet the carrying capacity of our water resources. We must start conserving.

There is much that can be done to conserve water. Leaks in municipal, industrial, and household systems can be detected and repaired. We can install more efficient showerheads, dishwashers, and washing machines. One-fourth of all the water used in our homes is flushed down the toilets; simply making smaller tanks in our toilets can cut our water consumption significantly. Installing water meters and reforming price structures can use market incentives to ensure that consumers and industries use no more water than they need.

The Municipal and Industrial Water Conservation Act of 1989 is a strong and appropriate step toward instituting some of these conservation measures. It will effectively bring together the expertise and experience of all levels of government, industry, trade associations and individual professionals to assist State and local governments, water utilities, Federal agencies, and businesses in developing ways to use water more efficiently.

The bill creates an Office Of Water Conservation in the Environmental Protection Agency to establish a nationwide technical assistance program for States, municipalities, businesses and institutions. Under contract with

the EPA, private not-for-profit associations, public and private educational institutions, State agencies, and other public authorities can develop model water conservation programs, study water uses in municipalities, businesses, and institutions, and evaluate options for improving the efficiency of water use.

The Office of Water Conservation is designed to promote water conservation alternatives in municipalities' water management plans. Those few communities that have incorporated these conservation measures into their plans have found substantial economic benefits. Operating costs for supplying water have been cut, the construction of new dams, reservoirs, and supply systems has been postponed, and proposed expansions of wastewater treatment facilities have been put off.

Inherent in the Municipal and Industrial Water Conservation Act is a recognition that State and local governments have the right to control their water use. Those that have the most information for making water management decisions and are the most affected by these decisions must be able to make them freely. The Office of Water Conservation will assist local decisionmakers by increasing the availability of information on water conservation alternatives that can be used to meet the needs of the individual communities.

As part of this assistance, State and municipalities will be authorized to use from the State revolving funds created under the Clean Water Act in order to implement water conservation programs. Although these funds were originally intended for the construction or upgrading of wastewater treatment plants, effective water conservation programs can substantially reduce the demand for these new or upgraded facilities, and should therefore be eligible for funds. As Senator FOWLER pointed out, municipalities nationwide face an estimated \$83 billion in costs for constructing and upgrading wastewater treatment facilities. A well-planned water conservation program can significantly reduce this cost.

The Municipal and Industrial Water Conservation Act has been fashioned in cooperation with many individuals and organizations in the field of water conservation and municipal water supply management. It establishes for the Federal Government a role of promoter and coordinator, and leaves for the local and State officials the roles of decisionmakers. It recognizes that a partnership must exist among governments of all levels, industry and trade associations, water utilities, not-for-profit organizations, universities, and private businesses in order for truly effective steps be taken toward water conservation.

I urge all Senators to support this important measure, and again I commend Senator FOWLER for his leadership on this critical issue.●

By Ms. MIKULSKI:

S. 1423. A bill to authorize a certificate of documentation for the vessel *Job Site*; to the Committee on Commerce, Science, and Transportation.

CERTIFICATION OF DOCUMENTATION FOR VESSEL
"JOB SITE"

Ms. MIKULSKI. Mr. President, I am introducing a bill to authorize issuance of a certificate of documentation for the vessel *Job Site* to engage in coastwise trade. This legislation is the only means to remedy a situation that resulted from an error by the U.S. Coast Guard. Mr. President, the U.S. Coast Guard has informed me that the *Job Site* is a candidate for such legislation.

Section 27 of the Merchant Marine Act of 1920, commonly known as the Jones Act, requires that vessels transporting passengers between points in the United States be constructed in the United States, be continuously owned by U.S. citizens, and be continuously operated under the U.S. flag. The Coast Guard is prohibited from issuing a document granting coastwise trading privileges for a vessel that does not meet these conditions unless the requirements are statutorily waived.

The vessel *Job Site*—official number 595013—was sold to a noncitizen corporation in 1982 and thus lost coastwise privileges. Unfortunately when the vessel was subsequently purchased by Gary M. Whitehair of Baltimore, MD, the Coast Guard documentation had no restrictions listed. The Coast Guard has notified me that it regrets the inconvenience and expense which Mr. Whitehair has suffered "as a result of a Coast Guard error." But the Coast Guard does not have the authority to correct its mistake.

Mr. President, I ask unanimous consent that a letter from the U.S. Coast Guard regarding this matter be printed in the RECORD at this time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMANDANT, U.S. COAST GUARD
Washington, DC, May 6, 1989.

HON. BARBARA A. MIKULSKI,
U.S. Senator,
Annapolis, MD.

DEAR SENATOR MIKULSKI: This is in response to your letter of April 21, 1989, forwarding a letter from Mr. Gary Whitehair regarding the documentation of his vessel. Mr. Whitehair has requested that the Coast Guard remove a restriction barring his vessel *Job Site*, official number 595013, from engaging in coastwise trade.

Vessels with coastwise privileges which are sold to non-citizens suffer a permanent loss of those privileges in accordance with the First Proviso of the Merchant Marine Act, 1920. The *Job Site* was sold to a non-cit-

izen corporation in 1982, and thus lost those privileges. Mr. Whitehair is correct in asserting that the Coast Guard erred in issuing a Certificate of Documentation for the vessel without the appropriate restriction. The absence of the proper restrictive endorsement led him to believe that the *Job Site* did in fact have coastwise privileges.

The Documentation Officer at Philadelphia, when reviewing the file, discovered the error. Mr. Whitehair's agent was contacted and assured the Coast Guard that Mr. Whitehair was not concerned about coastwise trade. The Documentation Officer then issued the Certificate of Documentation with the necessary restrictive endorsement.

The Coast Guard does not have the statutory authority to grant coastwise trading privileges to the *Job Site* and cannot perpetuate the earlier error. Each year, however, several vessels which have lost privileges as a result of the First Proviso regain those privileges through special legislation. The *Job Site* would appear to be a candidate for such legislation. A copy of one such action is enclosed for reference. We seriously regret the inconvenience and expense which Mr. Whitehair has suffered as a result of a Coast Guard error.

Sincerely,

THOMAS J. SCHAEFFER,
Captain, U.S. Coast Guard, Deputy
Chief, Congressional Affairs Staff.

Ms. MIKULSKI. Mr. President, this bill provides the requisite legislative waiver to remedy the Coast Guard's error, and I look forward to its adoption. I ask unanimous consent that the text of the bill be printed in the RECORD at this time.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12105, 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of Transportation may issue a certificate of documentation for the vessel Job Site, United States official number 595013.●

By Mr. STEVENS (for himself and Mr. INOUE):

S. 1424. A bill to amend chapter 57 of title 5, United States Code, to provide that reimbursement for certain travel expenses related to relocation of Federal employees shall apply to all stations within the United States; to the Committee on Governmental Affairs.

REIMBURSEMENT TO FEDERAL EMPLOYEES FOR CERTAIN TRAVEL EXPENSES FOR RELOCATION

● Mr. STEVENS. Mr. President, today I introduce legislation which would remedy an inequity in the law with regard to househunting trips for Federal employees. Senator INOUE joins me in sponsoring this bill to amend section 5724a of title 5 of the United States Code.

Current law states that Federal employees who are either transferred or have successfully sought employment with a Federal agency are entitled to

reimbursement for a trip to seek residence quarters. This reimbursement comes from the Federal agency completing the hire, allows for travel and up to 10 days per diem for the employee and a spouse, and is subject to agency approval. This same section of the Code, however, also states that reimbursement covers househunting trips within the continental United States only.

Senator INOUE and I propose a simple change to the Code which would delete the word "continental" and thus encompass the United States in its entirety, including Alaska and Hawaii, as allowable starting and/or ending points for a Federal househunting trip.

There is no reason for the law to prohibit the reimbursement of househunting trips to and/or from Alaska and Hawaii. As the law currently stands, the Federal Government is discriminating against citizens of Alaska and Hawaii by treating them as if they were not residents of the United States.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1424

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 5724a(a)(2) of title 5, United States Code, is amended by striking out "continental".●

By Mr. METZENBAUM (for himself and Mr. CHAFEE):

S. 1425. A bill entitled the "Nutrition Labeling and Education Act of 1989"; to the Committee on Labor and Human Resources.

NUTRITION LABELING AND EDUCATION ACT OF 1989

● Mr. METZENBAUM. Mr. President, for far too long, we Americans have been shopping in the dark. Today, we're here to shine a little light on the food that lines our supermarket aisles.

The Nutrition Labeling and Education Act, which Senator CHAFEE and I are introducing today, will provide consumers with the information that they need to make choices about their diet and their health.

Because what you don't know, can hurt you.

Consumers are fed up with food labels that are at best confusing—at worst, downright deceptive.

Consumers are frustrated by "bait and switch" claims that mislead and misinform.

And when people are told by their physicians to cut back on saturated fat, or to load up on dietary fiber, they find that they don't have the facts to follow the doctor's orders.

Our bill will make consumers secure in the knowledge that a bold face

health claim on the front label won't be contradicted by the fine print on the back panel.

Our bill will give consumers the information they lack today.

Information on the amount of calories, saturated fat, salt, fiber, cholesterol, sugars, and other nutrients.

Information that will save lives and make us a healthier nation.

Mr. President, I'm pleased to report that this bipartisan legislation is also being introduced today in the House by HENRY WAXMAN, chairman of the Health and Environment Subcommittee.

I urge my colleagues to support this important disease prevention legislation.

I ask unanimous consent that the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE. REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Nutrition Labeling and Education Act of 1989".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act.

SEC. 2. NUTRITION LABELING.

(a) LABELING REQUIREMENT.—Section 403 (21 U.S.C. 343) is amended by adding at the end the following new paragraph:

"(q)(1) Except as provided in paragraphs (3) and (4), if it is intended for human consumption and is offered for sale, unless its label or labeling states—

"(A)(i) the serving size which is an amount customarily consumed and which is expressed in a common household measure that is appropriate to the food, or

"(ii) if the use of the food is not typically expressed in a serving size, the other unit of measure which is an amount customarily used as an ingredient in the preparation of a food and which is expressed in a common household measure that is appropriate to the food,

"(B) the number of servings or other units of measure per container;

"(C) the number of calories—

"(i) per serving size or other unit of measure,

"(ii) derived from the total fat in each serving size or other unit of measure of the food, and

"(iii) derived from the saturated fat in each serving size or other unit of measure of the food, and

"(D) the amount of total fat, saturated fat, unsaturated fat, cholesterol, sodium, total carbohydrates, complex carbohydrates, sugars, total protein, and dietary fiber contained in each serving size or other unit of measure.

"(2) If the Secretary determines that nutrition information in addition to the information required by paragraph (1) should be

provided for food subject to paragraph (1) for purposes of providing consumers with information regarding the nutritional value of the food, the Secretary may by regulation require that such additional information be provided in the label or labeling of such food.

"(3) A food which is a raw agricultural commodity shall not be subject to the requirements of paragraphs (1) and (2) if the person who offers the food for sale to consumers provides to consumers the information required by paragraphs (1) and (2) in a manner prescribed by regulation by the Secretary. The regulation of the Secretary shall permit the information described in subparagraphs (C) and (D) of paragraph (1) to be expressed as an average per unit of the same type of raw agricultural commodity.

"(4) Paragraph (1) shall not apply to—

"(A) food which is sold for immediate human consumption at the place of sale, and

"(B) food which is processed and prepared in a retail establishment for human consumption and is offered for sale to consumers but not for immediate consumption in such retail establishment."

(b) REGULATIONS.—

(1) Within 30 days of the date of the enactment of this Act the Secretary of Health and Human Services shall contract with the National Academy of Sciences to prepare a report which makes recommendations regarding the manner in which the information required by paragraphs (1) and (2) of section 403(q) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)) should be included in food labels and labeling to convey in an effective way nutrition information to the public to enable it to readily observe and comprehend the information required to be disclosed and to understand the relative significance of the nutrition information in the context of a total daily diet.

(2) The National Academy of Sciences shall prepare the report described in paragraph (1) within 6 months of the date of the execution of the contract of the Secretary under paragraph (1).

(3) The Secretary shall issue proposed regulations to implement section 493(q) of the Federal Food, Drug, and Cosmetic Act within 3 months of the date of receiving the report of the National Academy of Sciences. Not later than 6 months after the date the Secretary issues proposed regulations the Secretary shall issue final regulations to implement the requirements of such section. Such regulations shall require the required information to be conveyed to the public in a manner which enables the public to readily observe and comprehend such information and to understand the relative significance of such information in the context of a total daily diet. Such regulations shall include regulations which establish standards, in accordance with paragraph (1)(A) of such section 403(g), to define serving size or other unit of measure for food.

SEC. 3. CLAIMS.

(a) IN GENERAL.—Section 403 (21 U.S.C. 343) is amended by adding after the paragraph added by section 2 the following:

"(r)(1) If it is a food for which a claim is made which—

"(A) characterizes the amount of—

"(i) the calories, total fat, saturated fat, unsaturated fat, cholesterol, sodium, total carbohydrates, complex carbohydrates, sugars, total protein, or dietary fiber, or

"(ii) any item required to be included in the food's label or labeling under paragraph (q)(2),

which is contained in the food, or

"(B) characterizes the relationship of—

"(i) the calories, total fat, saturated fat, unsaturated fat, cholesterol, sodium, total carbohydrates, complex carbohydrates, sugars, total protein, or dietary fiber, or

"(ii) any item required to be included in the food's label or labeling under paragraph (q)(2),

which is contained in the food to a disease or a condition,

unless the claim is made in accordance with paragraph (2).

"(2)(A) A claim described in paragraph (1)(A) may only be made—

"(i) if the characterization of amount made in the claim uses terms which are defined in regulations of the Secretary, and

"(ii) if the food for which the claim is made contains, as determined by the Secretary—

"(I) calories, total fat, saturated fat, unsaturated fat, cholesterol, sodium, total carbohydrates, complex carbohydrates, sugars, total protein, and dietary fiber, and

"(II) all items required to be included in the food's label or labeling under paragraph (g)(2),

in amounts which reduce dietary risk to persons in the general population.

"(B) A claim described in paragraph (1)(B) may only be made—

"(i) in accordance with regulations of the Secretary, and

"(ii) if the food for which the claim is made contains, as determined by the Secretary—

"(I) calories, total fat, saturated fat, unsaturated fat, cholesterol, sodium, total carbohydrates, complex carbohydrates, sugars, total protein, and dietary fiber, and

"(II) all items required to be included in the food's label or labeling under paragraph (g)(2),

in amounts which reduce dietary risk to persons in the general population.

"(C) In prescribing regulations under subparagraph (B)(i), the Secretary—

"(i) may only authorize claims for which there is scientific consensus, as determined by the Secretary, among experts qualified by scientific training and experience to evaluate such claims regarding the relationship between the calories, total fat, saturated fat, unsaturated fat, cholesterol, sodium, total carbohydrates, complex carbohydrates, sugars, total protein, dietary fiber, or the item required to be included in the food's label or labeling under paragraph (q)(2) contained in the food and a disease or condition, and

"(ii) shall require claims to be made in a manner which enables the public to comprehend the information provided in the claim and to understand the relative significance of such information in the context of a total daily diet."

SEC. 4. STATE ENFORCEMENT.

Section 307 (21 U.S.C. 337) is amended—

(1) in the first sentence, by inserting before the period the following: ", except that proceedings for the enforcement, or to restrain violations, of section 403(q) or 403(r) may also be brought in the name of a State in which the food that is the subject matter of the proceedings is located. If a State intends to bring such a proceeding, the State shall notify the Secretary at least 30 days before such proceeding is brought", and

"(2) in the last sentence, by striking out "such proceeding" and inserting in lieu thereof "any proceeding under this section".

SEC. 5. CONFORMING AMENDMENTS.

(a) SECTION 405.—Section 405 (21 U.S.C. 345) is amended by adding at the end the following: "This section does not apply to the labeling requirements of sections 403(q) and 403(r)".

(b) DRUGS.—Section 201(g)(1) (21 U.S.C. 321(g)(1)) is amended by adding at the end the following: "A food which makes a claim described in section 403(r)(1)(B) in accordance with the requirements of section 403(r)(2)(B) is not a drug under clause (B)".

SEC. 6. EFFECTIVE DATE.

The amendments made by sections 2, 3, 4, and 5 shall apply with respect to food which is produced or processed 18 months after the date of the enactment of this Act.

● Mr. CHAFEE. Mr. President, I am pleased to be a cosponsor of this important and long overdue piece of legislation.

We have now gone 16 years without a fundamental change in the way foods are labeled. It has become increasingly clear that the current labeling structure has been entirely overtaken by events. In that time we have made a quantum leap in the state of knowledge about the relationship between diet and disease—as well as in our interest in using this knowledge in our diets. To a great degree, Americans are now converts to the cause of good nutrition.

But just as good health depends on good nutrition, good nutrition depends on good information. More than ever before, people know that they should eat a variety of foods and avoid saturated fat, sugar and sodium. The problem comes when we try to apply those principles in our daily lives. We are bombarded with information which runs the gamut from accurate to useless to downright misleading. We try to read labels, but find the information we need isn't there. We hear makers of every type of food that exists making fantastic claims about what will happen to you if you use their product. We try to sort it all out and find that the terms that are being tossed around haven't even been defined by anybody, and could mean almost anything.

This is because the rules of the nutrition information game aren't clear, and this is what we have to fix. Because the rules aren't clear, the average consumer trying to eat a good diet is really at sea without a compass. And unless the rules are clear and well-defined, they can also be used to mislead consumers or bury negative information, as is too often the case now.

The Nutrition Labeling and Education Act of 1989 would begin to straighten out this chaos. It would do the following things:

It would make nutrition labeling mandatory. Currently, nutrition labeling is voluntary for many foods and consequently nutrition labels appear

on only about half of all processed foods;

It would improve nutrition labels by requiring disclosure certain essential pieces of information: Amount of fiber, amount of fat, type of fat—saturated or unsaturated—and amount of cholesterol. This information is the most crucial and basic dietary information, and incredibly, it is not currently required to appear;

It would begin the process of improving the format of nutrition labels to make them easier to read and understand, by soliciting the recommendations of the National Academy of Sciences. Current labels just present the information with no context whatsoever. The label says 21 grams of fat or 900 milligrams of sodium. The average consumer just doesn't know: is that a little or a lot? This is the type of problem that an improved label format would help address; and

Finally, the bill would provide for clear and definite standards governing the claims and statements that can be made about foods. For example, terms like *lite* need to be defined. Under current standards *lite* can mean anything from low calorie to low sodium to just lighter in texture or color. Again, the average consumer just doesn't know.

Another example is term *cholesterol-free*. Under current regulations, this can be used on foods that are high in saturated fat and which raise blood cholesterol levels. The consumer trying to watch cholesterol could see the word *cholesterol-free* and easily assume it was a safe food. Not so.

Current food labels are potential minefields of misinformation. It shouldn't be that way. You shouldn't have to have a degree in nutrition science to be able to decipher a food label and decide whether some critical piece of information has been glossed over, misrepresented, or just plain left out. You ought to be able to look at a food label, and take the information presented there at face value. That is our objective: clear, accurate and straightforward information.

I hope that all of us—Congress, the administration, industry and consumer groups—can work together toward this objective. I anticipate that there will be other ideas from other quarters over how best to proceed on labeling reform, and hope that this bill will spark the kind of serious discussion and debate that we need on this very important issue.●

By Mr. DODD (for himself, Mr. HATCH, Mr. KENNEDY, Mr. COATS, Mr. SIMON, Mr. PELL, Mr. GLENN, Mr. ROCKEFELLER, Mr. LEVIN, and Mr. PRESSLER):

S. 1426. A bill to revise and extend the programs of the Domestic Volunteer Service Act of 1973, and for other purposes; to the Committee on Labor and Human Resources.

DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1989

● Mr. DODD. Mr. President, I am introducing today legislation to reauthorize the Domestic Volunteer Service Act, or DVSA. I am pleased to be joined by Senators HATCH, KENNEDY, COATS, SIMON, PELL, GLENN, ROCKEFELLER, LEVIN, and PRESSLER.

This act funds the programs of the ACTION Agency. Through VISTA and the Older American Volunteer Programs, volunteers in communities across the Nation provide critical services to other people. Some are full-time VISTA volunteers, spending at least a year working in communities to address the problems that result from poverty. Others volunteer as Retired Senior Volunteers or Foster Grandparents or Senior Companions. They too make an enormous difference in their communities.

These volunteers see firsthand the tremendous difficulties that many of our citizens face, whether it's because they have no home, because they cannot read, because they are children from shattered families, or because they are frail and elderly and alone. Confronting these difficulties, half a million people every year give of their time, usually at great personal sacrifice, to help others overcome the formidable odds of poverty, illiteracy, drug abuse, and the loneliness and failing health of old age.

There is a great deal of interest among my colleagues in expanding our national volunteer efforts. I have introduced a bill to create a Conservation Corps and an expanded Youth Service Program. However, as we renew our interest, we should first look to the programs already in place. The model of locally based volunteers supported by a national program has been tried and tested and found remarkably successful. In my State of Connecticut, VISTA volunteers, college students, and OAVP volunteers give generously of their time and make a tremendous difference in dealing with problems of illiteracy, unemployment, and homelessness and in helping the frail elderly and children with special needs. I applaud the volunteers who have given their time and their caring to do this work. And I commend the equally valuable work of those who run the local projects that make the volunteer efforts possible.

Mr. President, in the course of the reauthorization of this legislation, the Subcommittee on Children, Family, Drugs and Alcohol has taken a close look at the ACTION Programs. It should come as no surprise that these volunteer programs receive excellent reviews. Nor should it come as any surprise that there is even more to be done.

In the 25 years since VISTA was first established, our Nation has made progress on many fronts, but we still

face the profound challenge of poverty. The House Ways and Means Committee recently released a report showing that the income gap in this country is growing, that the bottom fifth of our citizens are falling further and further into the despair of poverty.

Homelessness is at its highest rate since the depression, and one third of the homeless are families with children. In 1987, the demand by families with children for emergency food assistance increased by 18 percent in 25 major cities.

The continuing need—and the yet untapped resources of millions of potential volunteers—argue clearly for strengthening the programs authorized by the Domestic Volunteer Services Act. Thus, I am introducing a bill that significantly expands the scope of the programs.

The proposed authorization levels would provide for twice as many VISTA volunteers by the end of fiscal year 1993. This restoration of the 1975 level of service is more than demanded by today's continuing poverty. For the Older American Volunteer Programs, the bill creates a new category of grants to address problems of national significance. The list of priority populations includes those who are developmentally disabled, those who suffer from chronic and debilitating illnesses, such as AIDS, and families that need respite care. We also provide for expanded programs to help children—boarder babies, teenage parents, special-needs children who are in child care, and youth who need special guidance. And we have included programs where volunteers will work with libraries in before and after-school programs for children.

Literacy is another area where the ACTION Agency has provided important assistance. I have included provisions to build on that foundation by increasing the authorization level of the Literacy Corps, by including literacy as one of the new programs of national significance, and by making available more technical assistance for literacy initiatives.

I would like to commend several of my colleagues for their long-time work in certain areas and for their contributions to this legislation: Senator GLENN for his interest in libraries as a resources for latchkey children, Senator SIMON for his initiatives on literacy, and Senator LEVIN for his proposal for intergenerational programs in which senior volunteers tutor children.

In the course of the subcommittee hearings, we heard very compelling reports on the ACTION Programs and the work that the volunteers do. Unfortunately, we also heard that the VISTA Program is not widely known and that local projects often cannot recruit volunteers on their own.

Therefore, this legislation calls for considerably greater national public awareness and recruitment activities. We want to see more college-based outreach, creative use of media and promotional materials, and greater involvement at the regional level where the link between local projects and prospective volunteers is most easily made.

Mr. President, I also want to point out that the VISTA Program has provided volunteer service for 25 years, since the enactment of the Economic Opportunity Act of 1964. In fact, one of the three projects where volunteers were first placed was in Hartford, CT. In recognition of the more than 100,000 VISTA volunteers who have carried out the mandate of helping others help themselves, I am introducing as a separate bill a resolution to commemorate the 25th anniversary of the program.

Across our Nation, we have a great reservoir of energy, ability and talent available for volunteer service. I look forward to working with my colleagues as we build on the successful ACTION models and find even more ways to involve volunteers in helping to meet the needs of our communities.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Domestic Volunteer Service Act Amendments of 1989".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to the Domestic Volunteer Service Act of 1973.

TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

Sec. 101. Selection and assignment of volunteers.
Sec. 102. Support services.
Sec. 103. Applications for assistance by previous recipients.

TITLE II—SERVICE-LEARNING PROGRAMS

Sec. 201. Change in general reference to programs.

TITLE III—SPECIAL VOLUNTEER PROGRAMS

Sec. 301. Authority to establish and operate programs.
Sec. 302. Special initiatives.

TITLE IV—ADMINISTRATION AND COORDINATION

Sec. 401. Reports.
Sec. 402. Evaluation.
Sec. 403. Definitions.

TITLE V—OLDER AMERICAN VOLUNTEER PROGRAMS

Sec. 501. Purposes.
Sec. 502. Projects of national and local significance.

Sec. 503. Increase in stipend or allowance; foster grandparent program.

Sec. 504. Promotion of programs.

TITLE VI—GENERAL PROVISIONS

Sec. 601. Health care problems.
Sec. 602. Technical and financial assistance for improvement of volunteer programs.
Sec. 603. Special initiatives.
Sec. 604. Administrative costs.
Sec. 605. Amendments relating to partnership agreements addressing the needs of the poor.

TITLE VII—AUTHORIZATION OF APPROPRIATIONS

Sec. 701. National volunteer antipoverty programs authorization.
Sec. 702. Priority.
Sec. 703. Administration and coordination.
Sec. 704. Older American volunteer programs.

TITLE VIII—TECHNICAL AMENDMENTS

Sec. 801. Amendments to table of contents.
Sec. 802. Technical amendments.

TITLE IX—EFFECTIVE DATE

Sec. 901. Effective date.
SEC. 2. REFERENCES TO THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.).

TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

SEC. 101. SELECTION AND ASSIGNMENT OF VOLUNTEERS.

Section 103 (42 U.S.C. 4953) is amended to read as follows:

"(b)(1) The Director shall establish, at a cost of not less than \$600,000 from amounts appropriated under section 501 for each fiscal year, national, regional, and State procedures to inform the public of the volunteer service opportunities VISTA provides to Americans from diverse backgrounds, age groups, economic levels, and geographic areas, and to recruit and assign the most qualified applicants to serve in VISTA.

"(2) The Director shall use not less than \$200,000 from the amounts appropriated under section 504 for the support of VISTA recruitment activities, such as travel and training expenditures.

"(3) The Director shall appoint a national Administrator of Recruitment and Placement (hereinafter in this section referred to as the 'Administrator'). The Director shall hire, as necessary, additional national, regional, and State employees to carry out recruitment and placement functions in a timely and effective manner. In each region, the Director shall designate at least one regional or State ACTION employee whose duties shall include assisting such region in carrying out the recruitment and application evaluation functions described in this section.

"(4) The Director shall establish recruitment and placement procedures that offer opportunities for both local and national placement of volunteers. The procedures for the recruitment, selection, and placement of volunteers shall be carried out by—

"(A) making applications for VISTA service available from national, regional, or State offices;

"(B) informing individuals who request an application of the manner in which applications shall be submitted; and

"(C) forwarding applications received at the national or State office to the regional office representing the State in which the applicant resides.

"(5) Each application shall—

"(A) indicate the period of time during which the applicant is available to serve as a volunteer under this part;

"(B) describe the previous education, training, military and work experience, and any other relevant skills or interests of the applicant; and

"(C) specify the State or geographic region in which the applicant prefers to be assigned; and

"(D) specify—

(i) the type of project or program to which the applicant prefers to be assigned; or

(ii) the particular project or program to which the applicant prefers to be assigned.

"(6) The regional or State employees designated in paragraph (3) shall assist in interviewing applicants and evaluating applications. When the interview process of applicants is completed, such employees shall send the applications of the most qualified applicants to the Administrator.

"(7) The Administrator, in conjunction with such regional or State employees, shall engage in public awareness and recruitment activities. Such activities shall include—

"(A) public service announcements through radio, television, and the print media;

"(B) advertising through the print media, direct mail, and other means;

"(C) disseminating information about opportunities for service as a volunteer under this part to relevant entities, including institutions of higher education and other educational institutions (including libraries), professional associations, community-based agencies, youth service and volunteer organizations, business organizations, labor unions, senior citizens organizations, and other institutions and organizations from or through which potential volunteers may be recruited;

"(D) disseminating such information through presentations made personally by employees of the ACTION Agency or other designees of the Director, to students and faculty at institutions of higher education and to other entities described in subparagraph (C), including presentations made at the facilities, conventions, or other meetings of such entities;

"(E) publicizing the student loan deferment and forgiveness opportunities available to VISTA volunteers under parts B and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.), and including such information in all applications and recruitment materials;

"(F) providing, on request, technical assistance with the recruitment of volunteers under this part to programs and projects receiving assistance under this part; and

"(G) maintaining and publicizing a national toll-free telephone number through which callers may obtain information about opportunities for service as a volunteer under this part, and request and receive an application for such service.

"(8) In designing and implementing the activities authorized under this section, the Director shall seek to involve individuals who have formerly served as volunteers under this part to assist in the dissemination of information concerning the program under this part. The Director may reimburse the costs incurred by such former vol-

unteers for such participation, including expenses incurred for travel.

"(9) The Administrator shall—

"(A) maintain up-to-date information on existing and future VISTA placement opportunities;

"(B) make the final selection of individuals who will serve as VISTA volunteers from the applications sent from the regional offices, and assign the individuals in projects;

"(C) assign applicants within VISTA, to the extent practicable, consistent with the abilities, experiences, and preferences of each applicant as set forth in the application and consistent with the needs and preferences of projects or programs approved for the assignment of such volunteers;

"(D) consult with the Director of the Peace Corps to coordinate the recruitment and public awareness activities carried out under this subsection, with those of the Peace Corps, and to develop joint procedures and activities for the recruitment of volunteers to serve under this part; and

"(E) develop, at the beginning of each fiscal year, an annual plan for the recruitment of volunteers under this part that—

"(i) describes in detail (including the cost) the recruitment and public awareness activities carried out during the preceding fiscal year and evaluates the effectiveness of such activities;

"(ii) identifies methods and goals for the recruitment of volunteers during the existing fiscal year, including specific methods and goals for the recruitment of individuals 55 years of age and older, individuals between 18 and 27 years of age (inclusive), recent graduates of institutions of higher education, and special skilled volunteers; and

"(iii) describes in detail (including the expected cost) the recruitment and public awareness activities that shall be undertaken throughout the year to achieve the goals specified in clause (i); and

"(iv) describes in detail (including the expected cost) the recruitment and public awareness activities that shall be undertaken throughout the year to achieve the goals for the recruitment of individuals described in clause (ii).

"(10) If feasible and appropriate, low-income community volunteers shall be given the option of serving in the home communities of such volunteers in teams with nationally recruited specialist volunteers. The Director shall make efforts to assign volunteers to serve in their home or nearby communities and shall make national efforts to attract other individuals to serve in the VISTA program. The Director shall also, in the assignment of volunteers, recognize that the community-identified needs that cannot be met in the local area, and the individual desires of VISTA volunteers in regard to the various geographical areas of the United States, should be taken into consideration.

"(11) A sponsoring organization of VISTA may recruit volunteers. The Administrator shall give a locally recruited volunteer priority for placements in a sponsoring organization of VISTA that recruited such volunteer.

"(12) If an applicant under this part who is recruited locally becomes unavailable for service prior to the commencement of service, the recipient of the project grant or contract may replace such applicant with another qualified applicant approved by the Director.

"(13) The Director shall ensure that not less than 20 percent of all volunteers under

this part are 55 years of age or older and that, by the beginning of fiscal year 1991 and for each fiscal year thereafter, not less than 20 percent of all such volunteers are between 18 and 27 years of age, (inclusive)."

SEC. 102. SUPPORT SERVICES.

Section 105 (42 U.S.C. 4955) is amended—
(1) in subsection (a)(1), by striking out "\$75" both places it appears and and inserting in lieu thereof "\$100"; and

(2) in subsection (b)—

(A) by inserting "(1)" after the subsection designation; and

(B) by adding at the end thereof the following new paragraphs:

"(2) The Director shall set the subsistence allowance for volunteers under paragraph (1) for each fiscal year so that the average subsistence allowance is no less than 105 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) for a single individual as expected in each fiscal year.

"(3)(A) The Director shall consult with regional and State offices of the ACTION Agency to make a determination of the cost of living within each State and whether there are significant local price differentials within the State.

"(B) The Director shall adjust the subsistence allowances for volunteers serving in areas that have a higher cost of living than the national average to reflect such higher cost.

"(4) The Director, in coordination with regional and State offices of the ACTION Agency and taking into account paragraphs (2) and (3), shall establish a method for setting subsistence allowances. The Director shall submit a report on such methods to the appropriate authorizing committees of Congress no more than 90 days after the date of enactment of the fiscal year 1990 appropriation."

SEC. 103. APPLICATIONS FOR ASSISTANCE BY PREVIOUS RECIPIENTS.

Part A of title I (42 U.S.C. 4951 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 110. APPLICATIONS FOR ASSISTANCE BY PREVIOUS RECIPIENTS.

"(a) DURATION.—The Director shall not deny assistance under this part to any project or program, or any public or private nonprofit organization, solely on the basis of the duration of the assistance such project, program, or organization has previously received under this part.

"(b) CONSIDERATION OF APPLICATION.—The Director shall consider each application for the renewal of assistance under this part to any project or program on a case-by-case basis, taking into account—

"(1) the extent to which the sponsoring organization has made good faith efforts to achieve the goals agreed on in the application of such project or program; and

"(2) any extenuating circumstance beyond the control of the sponsoring organization that may have prevented, delayed, or otherwise impaired the achievement of such goals.

"(c) NEW PROJECT OR PROGRAM.—The Director shall consider each application for assistance under this part to a new project or program, that is submitted by a public or private nonprofit organization that has previously received such assistance (so long as such new project or program is clearly distinct from activities for which the organization has previously received such assistance), on an equal basis with all other applications for such assistance and without

regard for the fact that the organization has previously received such assistance.

"(d) RENEWAL OF ASSISTANCE.—In considering a request for a renewal of assistance under this part, the Director may not apply the duration of previous assistance against any entity that is—

"(1) functioning as an intermediary between the Director and organizations requesting such renewal and receiving such assistance; and

"(2) utilized by such organizations—

"(A) to prepare and submit applications for such assistance to the Director; and

"(B) to perform other administrative functions and services associated with applying for and receiving such assistance.

"(e) NOTICE.—The Director shall ensure that the provisions of this subsection are included in—

"(1) an application developed by the agency for use by individuals who request assistance under this part for a project or program; and

"(2) any regulation or guideline issued for the program established under this part."

TITLE II—SERVICE-LEARNING PROGRAMS

SEC. 201. CHANGE IN GENERAL REFERENCE TO PROGRAMS.

(a) Part B of title I (42 U.S.C. 4971 et seq.) is amended—

(1) by amending the heading for such part to read as follows:

"PART B—STUDENT COMMUNITY SERVICE PROGRAMS";

(2) in the first sentence of section 111(a) (42 U.S.C. 4971(a)), by inserting "and community service" after "service-learning" both places it appears; and

(3) in section 114 (42 U.S.C. 4974)—

(A) by amending the heading to read as follows:

"STUDENT COMMUNITY SERVICE PROGRAMS";

and

(B) in the first sentence of subsection (a), by inserting "and community service" after "service-learning".

TITLE III—SPECIAL VOLUNTEER PROGRAMS

SEC. 301. AUTHORITY TO ESTABLISH AND OPERATE PROGRAMS.

Section 122(d) (42 U.S.C. 4992(d)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) The amount of a grant made, or contract entered into, under this part may not exceed \$250,000, unless the Director determines at the end of a fiscal year that a greater amount is required due to exceptional circumstances."

SEC. 302. SPECIAL INITIATIVES.

Section 124 (42 U.S.C. 4994) is amended—

(1) by amending the section heading to read as follows:

"DRUG ABUSE EDUCATION AND PREVENTION SERVICES AND ACTIVITIES";

(2) in subsection (b), by striking out paragraph (3) and redesignating paragraph (4) as paragraph (3); and

(3) by adding at the end thereof the following new subsections:

"(c) In awarding grants and contracts under this section, the Director shall give priority to drug abuse education and prevention projects that serve communities, including rural communities, that have not previously received assistance under this part.

"(d) The Director shall provide for the evaluation of activities and projects conducted with financial assistance received under this section. An application for a grant, for such activities and projects, under this section in excess of \$10,000 shall include data on the appropriate use of funds within the communities where such activities and projects are carried out."

TITLE IV—ADMINISTRATION AND COORDINATION

SEC. 401. REPORTS.

Section 407 (42 U.S.C. 5047) is amended to read as follows:

"SEC. 407. REPORTS.

Not later than 60 days after the beginning of each fiscal year, the Director shall prepare and submit to the appropriate committees of Congress a report that shall include—

"(1) the annual recruitment plan developed under section 103(b)(5);

"(2) a description of the activities carried out under section 103(b) during the preceding fiscal year, including a specification of the total number of—

"(A) individuals who applied for service as a volunteer under this part;

"(B) applicants approved for such service;

"(C) approved applicants provided an assignment as a volunteer under section 103(b); and

"(D) volunteers assigned to projects and programs that were outside the original home communities of such volunteers;

"(3) a description of efforts undertaken by the Director during the preceding fiscal year to involve individuals, who have formerly served as volunteers under this part, in the activities authorized under section 103(b);

"(4) a specification of the number of, and the manner that, individuals referred to in paragraph (3) that were involved in the activities referred to in paragraph (3); and

"(5) a specification of the number and location of employees of the ACTION Agency designated by the Director to assist in carrying out the duties described in section 103(b) during the preceding fiscal year."

SEC. 402. EVALUATION.

The second sentence of section 416(a) (42 U.S.C. 5056(a)) is amended by inserting before the period at the end thereof the following: ", including the VISTA Literacy Corps which shall be evaluated as a separate program at least once every 3 years".

SEC. 403. DEFINITIONS.

Section 421 (42 U.S.C. 5061) is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(6) the term 'poverty line for a single individual' means such poverty line as established by section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))."

TITLE V—OLDER AMERICAN VOLUNTEER PROGRAMS

SEC. 501. PURPOSES.

Title II (42 U.S.C. 5001 et seq.) is amended by inserting after the heading for such title the following new section:

"SEC. 200. PURPOSES.

"It is the purpose of—

"(1) this title to provide for Older American Volunteer Programs, comprised of the Retired Senior Volunteer Program, the

Foster Grandparent Program, and the Senior Companion Program, that empower older individuals to contribute to their communities through volunteer service, enhance the lives of the volunteers and those whom they serve, and provide communities with valuable services;

"(2) part A, the Retired Senior Volunteer Program, to utilize the vast talents of older individuals willing to share their experiences, abilities, and skills in responding to a wide variety of community needs;

"(3) part B, the Foster Grandparent Program, to afford low-income older individuals an opportunity to provide supportive, individualized services to children with exceptional or special needs; and

"(4) part C, the Senior Companion Program, to afford low-income older individuals the opportunity to provide personal assistance and companionship to other older individuals through volunteer service."

SEC. 502. PROGRAMS OF NATIONAL AND LOCAL SIGNIFICANCE.

Part D of title II (42 U.S.C. 5021 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 225. PROGRAMS OF NATIONAL AND LOCAL SIGNIFICANCE.

"(a) IN GENERAL.—The Director shall establish, within each program authorized under this title, a program for making grants to support programs that address national problems on a local level.

"(b) USE OF GRANTS.—The recipient of a grant under the program established under subsection (a) shall use such grant to provide creative solutions to urgent problems.

"(c) AWARDED OF GRANTS.—

"(1) ESTABLISHMENT OF PROGRAM.—There is established the 'Programs of National and Local Significance' program. Under the program, the Director shall award grants each year to programs administered under this title to respond to an identified community need.

"(2) AWARDS.—

"(A) IN GENERAL.—The grants authorized under paragraph (1) may be awarded to both existing and new projects.

"(B) LIMITATION.—A grant under paragraph (1) may not exceed \$150,000 per year.

"(3) CRITERIA FOR AWARDED GRANTS.—

"(A) IN GENERAL.—Under the program established under paragraph (1), the Director shall award grants based on a demonstration by an applicant that such grant will enable such applicant to uniquely and effectively respond to an identified community need.

"(D) USE OF GRANTS.—A program receiving a grant under subsection (a) shall demonstrate that assistance provided by such grants shall be used to increase—

"(1) the total number of volunteers supported by such projects; and

"(2) the number of volunteers in such projects engaged in responding to the identified community need referred to in subsection (g) for which such grant was made.

"(e) DISSEMINATION OF INFORMATION.—The Director shall disseminate information on the Programs of National and Local Significance established under this section to field personnel of the ACTION Agency and other community volunteer organizations that request such information."

"(f) PRIORITY.—Priority for grants under this section shall be given to the following programs of national significance—

"(1) programs that assist individuals with chronic and debilitating illnesses such as immune deficiency syndrome;

"(2) programs designed to decrease drug and alcohol abuse;

"(3) programs that work with teenage parents;

"(4) mentoring programs that match senior volunteers with youth who need guidance;

"(5) adult and school-based literacy programs;

"(6) respite care, including care for frail elderly individuals and disabled or chronically ill children living at home;

"(7) before and after-school programs, sponsored by organizations such as libraries, that serve children of working parents;

"(8) programs working with boarder babies;

"(9) programs serving children who are enrolled in child care programs, with priority given to those serving children with special needs; and

"(10) the provision of care to developmentally disabled adult individuals residing in home and community-based settings including, when appropriate, the involvement of older developmentally disabled individuals as Older American Volunteer Program volunteers.

"(g) FUNDING.—

"(1) AMOUNTS TO BE MADE AVAILABLE.—Notwithstanding any other provision of law, the Director shall make amounts under section 502 available to carry out this section.

"(2) DIRECTOR.—The Director shall not make grants under this section within a program authorized under this title unless the amount appropriated under section 502 for such program, for the fiscal year that such grants are made, exceeds 105 percent of the amount appropriated for the preceding fiscal year for such program."

SEC. 503. INCREASE IN STIPEND OR ALLOWANCE; FOSTER GRANDPARENT PROGRAM.

Section 211 (42 U.S.C. 5011) is amended—

(1) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting after "\$2.20 per hour" the following: "until September 30, 1991, \$2.35 per hour during fiscal year 1991, and \$2.50 per hour on and after October 1, 1992"; and

(B) in paragraph (2), by striking out "\$2.20 per hour" and inserting in lieu thereof "the minimum hourly rate specified in this sentence"; and

(2) in subsection (f)—

(A) in paragraph (1)(C), by inserting before the period at the end thereof "unless such individuals have been referred previously for possible placement as volunteers under part A and such placement did not occur"; and

(B) by amending paragraph (3) to read as follows:

"(3) The Director may not take into consideration, require, or coerce, as a condition of receiving a grant or contract to carry out a project under this part, any applicant for or recipient of such grant or contract—

"(A) to accept or recruit individuals who are not low-income individuals to serve as volunteers under this part; or

"(B) to solicit locally generated contributions, in cash or in kind, to support such individuals."

SEC. 504. PROMOTION OF PROGRAMS.

(a) DUTIES OF DIRECTOR.—Section 221 (42 U.S.C. 5021) is amended—

(1) by amending the heading to read as follows:

"SEC. 221. PROMOTION OF OLDER AMERICAN VOLUNTEER PROGRAMS."

(2) by striking out "SEC. 221." and inserting in lieu thereof "(a) IN GENERAL.—";

(3) by adding at the end thereof the following new subsection:

"(b) PUBLICIZING THE PROGRAMS.—

"(1) IN GENERAL.—The Director shall take appropriate actions to ensure that special efforts are made to publicize the programs established in parts A, B, and C, in order to facilitate recruitment efforts, encourage greater participation of volunteers, and emphasize the value of volunteering to the health and well-being of volunteers and the communities of such volunteers. Such actions shall include informing recipients of grants and contracts under this title of all informational materials available from the Director.

"(2) PARTICIPATION OF PRIVATE ORGANIZATIONS AND OLDER INDIVIDUALS.—In carrying out this title, the Director shall encourage and facilitate the efforts of private organizations to promote the programs established in parts A, B, and C of this title and the involvement of older individuals as volunteers in such programs.

"(3) FUNDING.—From funds appropriated under section 502, the Director shall expend not less than \$250,000 in each fiscal year to carry out paragraph (1)."

TITLE VI—GENERAL PROVISIONS**SEC. 601. HEALTH CARE PROBLEMS.**

(a) ASSIGNMENT OF VOLUNTEERS.—Section 103(a) (42 U.S.C. 4953(a)) is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) in addressing significant health care problems, including chronic and life-threatening illnesses and health care for homeless individuals (especially homeless children) through prevention, treatment, and community-based care activities; and"

(b) VISTA LITERACY CORP.—Section 109(g)(1) (42 U.S.C. 4959(g)(1)) is amended by adding at the end thereof the following new sentence: "The Director shall ensure that records are maintained to indicate the degree of compliance with this requirement."

SEC. 602. TECHNICAL AND FINANCIAL ASSISTANCE FOR IMPROVEMENT OF VOLUNTEER PROGRAMS.

Section 123 (42 U.S.C. 4993) is amended—

(1) by inserting "(a)" after the section designation; and

(2) by inserting at the end thereof the following new subsection:

"(b) The Director may provide technical and financial assistance to nonprofit organizations conducting operations in more than one area of a State and in more than one State, that are engaged in, or wish to become involved in, activities that have been principally designed to address the problems of illiteracy. Such technical and financial assistance may be provided by grant or contract, and shall be used to enable such nonprofit organizations—

"(1) to prepare and broadly disseminate training and technical assistance relating to the use of volunteers in literacy programs to agencies, organizations, and individuals; and

"(2) to seek new and innovative solutions to literacy problems that involve the more effective and extensive use of volunteers."

SEC. 603. SPECIAL INITIATIVES.

Section 124 (42 U.S.C. 4994) is amended by inserting at the end thereof the following new subsection:

"(c) The Director is authorized to provide technical assistance, by grant or contract, to employers who have established or wish to establish worksite literacy programs to assist such employers in obtaining, training,

and integrating volunteers into worksite literacy programs."

SEC. 604. ADMINISTRATIVE COSTS.

Part D (42 U.S.C. 5021 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 225. ADJUSTMENTS TO FEDERAL FINANCIAL ASSISTANCE.**"(a) DETERMINING ASSISTANCE.—****"(1) CONSUMER PRICE INDEX.—**

"(A) IN GENERAL.—In determining the amount of Federal financial assistance to be provided under this title to applicants, the Director shall consider the impact of changes in the Consumer Price Index For All Urban Consumers provided by the Bureau of Labor Statistics, Department of Labor, on the administrative costs of operating the projects for which such assistance will be provided.

"(B) ADJUSTMENTS.—The Director shall, to the fullest extent practicable, make appropriate adjustments in the amount referred to in subparagraph (A) to ensure the effective administration of such projects.

"(2) NOTIFICATION OF APPLICANTS.—The Director shall take reasonable actions to inform applicants for such assistance that such adjustments may be available.

"(b) REPORT.—

"(1) IN GENERAL.—The Director shall submit each year, to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report on the extent to which adjustments are made under subsection (a).

"(2) SUBSTANCE OF REPORT.—With respect to each of parts A, B, and C of this title, the Director shall include in such report—

"(A) a summary of the number of, and purposes for which, such adjustments are requested by the recipients of grants and contracts under parts A, B, and C, respectively;

"(B) a description of the extent that such requests are accommodated; and

"(C) a statement explaining the decisions made by the Director with respect to the requested adjustments."

SEC. 605. MULTIPLE-YEAR GRANTS OR CONTRACTS.

Title IV is amended by adding at the end thereof the following new section:

"SEC. 425. MULTIPLE-YEAR GRANTS OR CONTRACTS.

"The Director is authorized to approve an application for a contract or grant to carry out any project under this title for a multiple-year period. The applicant for such contract or grant shall not be required to submit a proposal for the continuation of such contract or grant during such period."

SEC. 606. AMENDMENTS RELATING TO PARTNERSHIP AGREEMENTS ADDRESSING THE NEEDS OF THE POOR.

(a) GENERAL AUTHORITY.—Section 408(a)(1) of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9910b(a)(1)) is amended—

(1) by striking out "provide for the self-sufficiency of the Nation's poor" and inserting in lieu thereof "stimulate the development of new approaches to provide for greater self-sufficiency of the poor, to test and evaluate such new approaches, to disseminate project results and evaluation findings so that such approaches can be replicated, and to strengthen the integration, coordination, and redirection of activities to promote maximum self-sufficiency among the poor";

(2) in subparagraph (B) by striking out "or" at the end thereof;

(3) in subparagraph (C) by striking out the period at the end and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following new subparagraph:

"(D) contain an assurance that the applicant for such grants will obtain an independent, methodologically sound evaluation of the effectiveness of the activities carried out with such grant and will submit such evaluation to the Secretary."

(b) LIMITATIONS.—(1) Section 408(b)(1) of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9910b(b)(1)) is amended—

(A) by striking out "Grants" and inserting in lieu thereof "(A) Except as provided for in subparagraph (B), grants";

(B) by striking out "new" each place it appears; and

(C) by adding at the end thereof the following new subparagraph:

"(B) After the initial fiscal year that an eligible entity receives a grant under this section to carry out a program, the amount of a subsequent grant made under this section to such entity to carry out such program may not exceed 80 percent of the amount of the grant previously received by such entity under this section to carry out such program."

(2) Section 408(b)(3) of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9910b(b)(3)) is amended—

(A) by inserting "in each fiscal year" after "one grant";

(B) by striking out "\$250,000" and inserting in lieu thereof "\$350,000"; and

(C) by adding at the end thereof the following new sentence: "Not more than two grants may be made under this section to an eligible entity to carry out a particular program."

(c) DISSEMINATION OF RESULTS.—Section 408(c) of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9910b(c)) is amended to read as follows:

"(c) DISSEMINATION OF RESULTS.—As soon as practicable, but not later than 180 days after the end of the fiscal year that a recipient of a grant under this section completes the expenditure of such grant, the Secretary shall prepare and make available to each State and each eligible entity a description of the program carried out with such grant, any relevant information developed and results achieved, and an evaluation of such program so as to provide a model of innovative programs for other eligible entities."

(d) DEFINITION.—Section 408(d)(1) of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9910b(d)(1)) is amended by inserting before the semicolon the following: ", except that such term includes an organization that serves migrant and seasonal farmworkers and that receives a grant under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.) in the fiscal year preceding the fiscal year that such organization requests a grant under this section".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 408(e) of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9910b(e)) is amended—

(1) by striking out "is" and inserting in lieu thereof "are";

(2) by striking out "each of the fiscal years 1987, 1988, and" and inserting in lieu thereof "fiscal year"; and

(3) by inserting "and \$7,500,000 for fiscal year 1990" after "1989".

(f) REPORT TO CONGRESS.—Section 408 of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9910b) is amended—

(1) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (c) the following:

"(d) REPLICATION OF PROGRAMS.—"

"(1) The Secretary shall annually identify programs that receive grants under this section that demonstrate a significant potential for dealing with particularly critical problems of the poor that exist in a number of communities.

"(2) Not less than 10 percent, and not more than 30 percent, of the funds appropriated for each fiscal year to carry out this section shall be available to make grants under this section to replicate programs identified under paragraph (1) in additional geographical areas.

"(e) REPORT TO CONGRESS.—The Secretary shall submit annually, to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report containing—

"(1) (A) a description of programs that received grants under this section during the previous fiscal year; and

"(B) an evaluation of the effectiveness of such programs in such fiscal year; and

"(2) a description of the methods used by the Secretary to comply with subsection (c);

"(3) recommendations of the Secretary regarding the suitability of carrying out such programs with funds made available under other Federal laws; and

"(4) a description of each program identified under subsection (d)(1) or replicated under subsection (d)(2), and an identification of the geographical location where such program was carried out."

TITLE VII—AUTHORIZATION OF APPROPRIATIONS

SEC. 701. NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS AUTHORIZATION.

(a) VOLUNTEERS IN SERVICE TO AMERICA.—

Section 501(a)(1) (42 U.S.C. 5081(a)(1)) is amended in paragraph (1)—

(1) by striking out "and" after "1988"; and

(2) by inserting before the period at the end thereof the following: ", \$30,600,000 for fiscal year 1990, \$39,900,000 for fiscal year 1991, \$47,800,000 for fiscal year 1992, and \$56,000,000 for fiscal year 1993".

(b) VISTA LITERACY CORPS.—Section 501(a) (42 U.S.C. 5081) is amended—

(1) in paragraph (2)—

(A) by striking out "and" after "1988";

(B) inserting before the period at the end thereof the following: ", \$6,000,000 for fiscal year 1990, \$8,000,000 for fiscal year 1991, \$10,000,000 for fiscal year 1992, and \$12,000,000 for fiscal year 1993"; and

(2) in paragraph (3), by striking out "1987, 1988, and 1989" and inserting in lieu thereof "1987 through 1993".

(c) SERVICE-LEARNING PROGRAMS.—Section 501(b) (42 U.S.C. 5081(b)) is amended by inserting before the period at the end thereof the following: ", and \$1,900,000 for fiscal year 1990, \$2,000,000 for fiscal year 1991, \$2,100,000 for fiscal year 1992, and \$2,200,000 for fiscal year 1993";

(d) SPECIAL VOLUNTEER PROGRAMS.—Section 501(c) (42 U.S.C. 5081(c)) is amended in the first sentence by inserting before the period at the end thereof the following: ", and \$1,100,000 for fiscal year 1990, \$1,150,000 for fiscal year 1991, \$1,200,000 for fiscal year 1992, and \$1,275,000 for fiscal year 1993"; and

(e) YEARS OF VOLUNTEER SERVICE.—Section 501(d) (42 U.S.C. 5081(d)) is amended in subsection (d)—

(1) by striking out "and" at the end of subparagraph (B);

(2) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new subparagraphs:

"(D) 2800 years of volunteer service in fiscal year 1990;

"(E) 3100 years of volunteer service in fiscal year 1991;

"(F) 3600 years of volunteer service in fiscal year 1992; and

"(G) 4100 years of volunteer service in fiscal year 1993."

SEC. 702. PRIORITY.

Section 501(d) (42 U.S.C. 5081(d)) is amended by adding at the end thereof the following new paragraph:

"(4) In the event that the Director determines that funds appropriated to carry out part A of title I are insufficient to provide for the years of volunteer service as required in subsection (d)(1), the Director shall, within a reasonable period of time in advance of the date on which such additional funds must be reallocated to satisfy the requirements of such subsection, notify the relevant authorizing and appropriating Committees of Congress. Funds shall be reallocated to part A of title I from amounts appropriated for part C of such title prior to the reallocation of funds appropriated for other parts."

SEC. 703. ADMINISTRATION AND COORDINATION.

Section 504 (42 U.S.C. 5084) is amended—

(1) by inserting "(a)" after "Sec. 504."; and

(2) by adding at the end thereof the following new subsection:

"(b) For each of the fiscal years 1990 through 1993, there is authorized to be appropriated for the administration of this Act, as authorized in title IV of this Act, 20 percent of the total amount appropriated under sections 501 and 502 of this Act."

SEC. 704. OLDER AMERICAN VOLUNTEER PROGRAMS.

(a) RETIRED SENIOR VOLUNTEER PROGRAM.—Section 502(a) (42 U.S.C. 5082(a)) is amended—

(1) by striking out "and" after "1988"; and

(2) by inserting after "1989" the following: ", \$39,900,000 for fiscal year 1990, \$43,900,000 for fiscal year 1991, \$48,300,000 for fiscal year 1992, and \$53,100,000 for fiscal year 1993";

(b) FOSTER GRANDPARENT PROGRAM.—Section 502(b) (42 U.S.C. 5082(b)) is amended—

(1) by striking out "and" after "1988";

(2) by inserting after "1989" the following: ", \$70,800,000 for fiscal year 1990, \$80,900,000 for fiscal year 1991, \$91,700,000 for fiscal year 1992, and \$98,200,000 for fiscal year 1993"; and

(c) SENIOR COMPANION PROGRAM.—Section 502(c) (42 U.S.C. 5082(c)) is amended—

(1) by striking out "and" after "1988"; and

(2) by inserting after "1989" the following: ", \$36,600,000 for fiscal year 1990, \$39,000,000 for fiscal year 1991, \$44,700,000 for fiscal year 1992, and \$48,700,000 for fiscal year 1993."

TITLE VIII—TECHNICAL AMENDMENTS

SEC. 801. AMENDMENTS TO TABLE OF CONTENTS.

The table of contents in the first section (42 U.S.C. prec. 1951) is amended—

(1) by inserting after the item relating to section 109 the following new item:

"Sec. 110. Applications for assistance by previous recipients.";

(2) by striking out the item relating to the heading for part B of title I and inserting in lieu thereof the following new item:

"PART B—STUDENT COMMUNITY SERVICE PROGRAMS";

(3) by striking out the item relating to section 114 and inserting in lieu thereof the following new item:

"Sec. 114. Student community service program.";

(4) by striking out the item relating to section 124 and inserting in lieu thereof the following new item:

"Sec. 124. Drug abuse education and prevention services and activities.";

(5) by striking out the item relating to the heading of title II and inserting in lieu thereof the following new item:

"TITLE II—OLDER AMERICAN VOLUNTEER PROGRAM";

(6) by inserting after the item relating to the heading of title II the following new item:

"Sec. 200. Purposes.";

(7) by striking out the item relating to section 221 and inserting in lieu thereof the following new item:

"Sec. 221. Promotion of older American volunteer programs.";

(8) by adding at the end of the item relating to part D of title II the following new item:

"Sec. 225. Adjustments to Federal financial assistance."; and

(9) by striking out the item relating to section 502 and inserting in lieu thereof the following new item:

SEC. 802. TECHNICAL AMENDMENTS.

The Act (42 U.S.C. 4951 et seq.) is amended—

(1) in the heading of title II (42 U.S.C. prec. 5001), by striking out "NATIONAL";

(2) in section 212(b) (42 U.S.C. 5012(b)), by striking out "a community action agency" and all that follows through the period and inserting in lieu thereof "an eligible entity as defined in section 673(1) of the Community Services Block Grant Act (42 U.S.C. 9902(1)).";

(3) in section 224 (42 U.S.C. 2054), by striking out "programs" and inserting in lieu thereof "projects"; and

(4) in the heading of section 502 (42 U.S.C. 5082) by striking out "NATIONAL".

"Sec. 502. Older Americans volunteer programs."

TITLE IX—EFFECTIVE DATE

SEC. 901. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective October 1, 1989, or on the date of the enactment of this Act, whichever occurs later.●

By Mr. BOSCHWITZ (for himself, Mr. HEFLIN, Mr. DOLE, Mr. LUGAR, Mr. BOND, Mr. CONRAD, and Mr. LEAHY):

S. 1427. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize

the distribution of wholesome meat and poultry products for human consumption that have been seized and have been condemned under such acts to charity and public agencies, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

WHOLESOME MEAT CHARITY DISTRIBUTION ACT

● **Mr. BOSCHWITZ.** Mr. President, today I am introducing a bill that will help in our continuing fight against hunger in America. I am pleased that Senators HEFLIN, DOLE, LUGAR, BOND, CONRAD, and LEAHY have joined me as cosponsors of this legislation. This bill allows perfectly wholesome meat confiscated by the Federal Government because it was fraudulently mislabeled to be donated to charitable organizations that feed the hungry.

Under the Federal Meat Inspection Act, the Federal Government is required to confiscate meat that has been "mislabeled." In most cases the Government confiscated meat that simply carries a higher label than is accurate. For example, that would include meat labeled "prime" that is actually "choice." The meat, however, is still entirely fit for human consumption.

Once the Federal Government seizes the meat, an attempt is made to adjudicate the case in court. If the defendant loses or makes a settlement that leaves the meat in the Government's possession, the court is responsible for disposing of the meat. There are two choices: sell it, with the proceeds going to the Government, or destroy it.

My bill would provide the court with a third option. It would allow the meat to be donated to nonprofit organizations that feed the hungry. I must stress that before the meat could be donated to a charitable organization, the meat must have passed every inspection procedure mandated by the Federal Meat Inspection Act. Any meat that fails to meet the same rigorous standards applied to meat in local grocery could not be donated to a charitable organization.

Simply put, this is common sense. Wholesome meat that might be thrown out can now be donated to a charitable organization and put to good use. Many food banks or soup kitchens would be able to serve more people in need through this simple change.

Back in 1983, I joined the Nutrition Subcommittee because of my growing concern with the problem of hunger and my interest in the ways the Federal Government can address that problem. I have been a strong supporter of Federal nutrition programs such as WIC, school lunch, school breakfast, and food stamps.

It's true that a number of people in this country struggle to get enough to eat. But it's also true that the Federal Government spends a lot of money getting to the hungry and improving

the nutritional status of large segments of the population.

I have long believed that private sector efforts must play an important role in helping to alleviate hunger in our country. There is no single solution to the problem of hunger. Rather, all the pieces, Federal nutrition programs, State programs, and private sector efforts, need to fit together to achieve a healthy well-fed America. I will continue to work for a greater public-private cooperation in reducing hunger and malnutrition in America.

I strongly urge my Senate colleagues to cosponsor the Wholesome Meat Charity Distribution Act of 1989.●

By Mr. SARBANES:

S. 1428. A bill to provide for certain notice and procedures before the Social Security Administration may close, consolidate, or recategorize certain offices; to the Committee on Finance.

SOCIAL SECURITY ADMINISTRATION SERVICES PRESERVATION ACT

● **Mr. SARBANES.** Mr. President, today I am introducing the Social Security Administration Services Preservation Act of 1989. This legislation would establish procedures to be used when the Social Security Administration proposes to close a field office.

Public confidence in the Social Security Program is vital to its effectiveness and is based, at least in part, on the service the agency provides. The agency's extensive network of offices plays an important role in providing quality service to the millions of Americans who depend upon Social Security programs. As early as 1958, the agency recognized that the location of its offices around the country contributes to both public confidence and cooperation.

In recent years, the Social Security Administration has closed, moved, and recategorized service offices without adequate consideration of the public interest. This legislation would establish a process for considering such actions that would ensure that organizations, employees, and Social Security beneficiaries all receive adequate notice of the proposed change.

This bill would also require the agency to list, as part of its annual budget submission, those offices which have been closed in the preceding year as well as those that the agency plans to close. At present, Mr. President, there is no readily available source of this information even though it is clearly important if we in Congress are to be informed about the agency's service to our constituents.

The procedures in the legislation are based both on the procedures for office closings employed by the U.S. Postal Service and on guidelines that the Social Security Administration issued on April 25, 1980. Those guidelines, part of an Administrative Direc-

tives System, outlined the agency's policy. They specified that:

The prime purpose of any service area or facility change will be to directly improve public service, increase operational or administrative efficiency, or both. The assumption is that improvements in operational or administrative efficiency can be shown to result at least indirectly in improved public service, but where change would bring these two concepts or goals into conflict with one another, public service consideration should be carefully weighed in light of the costs involved.

The guidelines go on to specify the criteria that should be used in decisions about closing and relocating facilities. Among the key criteria discussed are shifts in population, demand for personal service, socioeconomic changes, transportation availability, and public reaction to the proposal. If the Social Security Administration had followed these guidelines in recent years, the need for the legislation I am introducing would not be as pressing. However, the guidelines have been repeatedly revised and, more importantly, there appears to be little adherence to the agency's own procedures.

The 1987 closing of a Social Security Administration office in the State of Maryland illustrates the need for this legislation. In the fall of that year, the agency decided to close its Dunbar office located in east Baltimore. That office had been opened in the late 1960's as part of an effort to provide a variety of community services at one central location. Assistance in various areas, such as employment and day care, was offered in a former high school in the Dunbar community. The Social Security office served as the focal point of the center and received frequent referrals from the State and local agencies located there. The demand for services from this community was noticeably high.

The closing of the Social Security office means that, while residents of the area still receive many other services from the Dunbar location, it is necessary for them to go outside of their community for Social Security assistance. The Dunbar office served a community that includes many elderly and disabled residents who find it almost impossible to travel across town to other offices.

The agency's decision to close this particular office was never fully justified. They maintained that their quality of service and operating efficiency would be enhanced by telephone and computer modernization. However, my constituents, my casework staff, and the General Accounting Office have all reported a number of problems with the new equipment and with telephone accessibility. Many serious concerns about the teleservice program were also raised at a hearing held in

April by my colleagues on the Senate Special Committee on Aging.

Even assuming that the telephone system may eventually be fully functional, the agency itself noted that more than 15 percent of households in the east Baltimore area do not have telephones. Therefore, those residents now have no choice except to travel the extra distance to the downtown office. The agency's arguments for closing that office were especially unconvincing given that the Dunbar office had been handling a heavy caseload both efficiently and effectively. At the time it was shutdown, the branch office employed eight people who had a reputation throughout the Baltimore area for the quality of their service and the personal assistance they provided for clients.

The service delivery review that the agency used to justify the proposal to close the office included little serious analysis and did not consider alternative field office arrangements. However, the most surprising thing about that review process was its failure to involve the community in assessing its own service needs. The agency did not provide community groups or Social Security beneficiaries in the Dunbar area with an opportunity to participate in the service review process.

Mr. President, the Social Security Administration clearly did not follow its written procedures in this particular decision to close an office. I am sure that many of my colleagues are aware of situations in their own States in which a service office was closed or downgraded without input from community groups and without adequate consideration of the public interest. As many of us so painfully remember, the last administration proposed closing more than 750 service offices in mid-1985. Thanks to the congressional and public outrage sparked by that proposal, the mass closings were not done. However, since that time the agency has gradually targeted many of those same offices for closure or recategorization.

This legislation would assure that the need for personal attention of many Social Security beneficiaries, such as senior citizens and handicapped persons, is considered before an office is closed. It recognizes that residents of areas that are characterized by low levels of income or education often have a greater need for personal assistance. In the 1960's and 1970's, the agency opened many offices in areas that are socially or economically disadvantaged. It disturbs me that many of the those very offices are among the ones that the agency has targeted for closure in recent years.

This act would also ensure that all decisions to close, recategorize, or move a Social Security office are considered using a fair process. It would

prevent the administration from basing such decisions on political interests instead of on the needs of this Nation's citizens.

Mr. President, I hope that this important legislation will be promptly approved by the Senate and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Social Security Administration Services Preservation Act of 1989."

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) the service philosophy of the Social Security Administration recognizes that the effective administration of programs depends upon the goodwill and acceptance of the public;

(2) the Statement of Objectives of the Social Security Administration in the year of 1958 recognized that public confidence and cooperation is partially based on the locations and appearances of offices;

(3) the mission of the Social Security Administration touches the lives of virtually all United States citizens and therefore offices of the Administration need to be readily accessible to all citizens regardless of residence;

(4) many United States citizens, especially many among the handicapped and the elderly, need personal attention to needs and should not be unnecessarily deprived of access to agency officers;

(5) discrepancies exist between the formal procedures for closing, consolidating, and recategorizing Social Security Administration offices and the practice often used;

(6) the procedures used for such decisions are inconsistent and often too informal;

(7) the procedures used in many closings, moves, and recategorizations have not adequately considered the interests of the individuals affected by the decisions; and

(8) all changes in the status and location of Social Security Administration offices should be considered in such a way as to not undermine public confidence in the Social Security program.

(b) The purposes of this Act are to—

(1) ensure that the public interest is considered and protected in all decisions to close, consolidate, or recategorize Social Security Administration offices; and

(2) establish a fair procedure to be followed in all such decisions.

CONSOLIDATION, CLOSING, OR RECATEGORIZATION OF A SOCIAL SECURITY ADMINISTRATION OFFICE

SEC. 3. Title VII of the Social Security Act is amended by adding at the end thereof the following new section:

"CONSOLIDATION, CLOSING OR RECATEGORIZATION OF A SOCIAL SECURITY ADMINISTRATION OFFICE

"SEC. 712. (a) For purposes of this section, the term—

"(1) 'adequate public notice' means the conspicuous posting of a formal notice at the affected office and the mailing of a written notice to at least—

"(A) the employees of the affected office;

"(B) the regularly published local press serving the affected community;

"(C) all elected local public officials, community groups, and county, parish, and State welfare offices, and any other affected or relevant organization; and

"(D) the Members of Congress who serve the area in which the affected office is located;

"(2) 'move' with respect to an office means any change in the physical location of such office, unless such move is within the same political subdivision and is necessitated by an involuntary loss of a lease or a need for additional space;

"(3) 'office' includes all field offices, district offices, and hearings and appeals offices of the Social Security Administration;

"(4) 'political subdivision' means a component of a county or large city which has a common civic identity characterized by neighborhood pride, independence, or homogeneous ethnic, racial, religious, or economic background; and

"(5) 'recategorize' means the process of scaling down an office to a lesser status or level of function.

"(b) The Social Security Administration, after making a determination as to the necessity for the closing, consolidation, or recategorization of any office, shall provide adequate public notice of such determination at least 90 days prior to the proposed date of such closing, consolidation, or recategorization. Such notice shall include an invitation for written comments on the proposal and shall include an address for mailing such comments.

"(c) When making a determination to close, consolidate, or recategorize an office, the Social Security Administration shall consider—

"(1) the effect of such change on the community served by such office including the availability of public transportation to any site, the socioeconomic status of the community, the caseload of the affected office, and such other factors as the Social Security Administration determines are necessary;

"(2) the need of the community for personal service, relative to mail or telephone service, based on demographic information such as educational and literacy levels;

"(3) the effect of such determination on employees of the Social Security Administration at such office; and

"(4) the economic savings to the Social Security Administration resulting from the change.

"(d) The Commissioner of Social Security or the Deputy Commissioner of Social Security shall approve all preliminary and final determinations to close offices that are open full-time and provide a full range of services. The authority to make other preliminary and final determinations may be delegated by the Commissioner.

"(e) Any preliminary determination of the Social Security Administration to close, consolidate, or recategorize an office shall be in writing and shall include the findings of the Social Security Administration with respect to the considerations required under subsection (c).

"(f) A public hearing shall be—

"(1) held upon written request;

"(2) held no earlier than 60 days after adequate public notice of such hearing is made;

"(3) conducted on all proposals to consolidate, close, or recategorize the affected office;

"(4) held at or near the location of the affected office; and

"(5) conducted by an official designated by the regional or central office.

"(g) Within 30 days after the hearing held under the provisions of subsection (f) or after the 90-day period described under subsection (b), whichever is later, the Social Security Administration shall—

"(1) issue a final report that—

"(A) incorporates all of the testimony provided at the public hearing and all written comments received; and

"(B) specifies the final determination of the status of the affected office;

"(2) send copies of the final report to the local community press and the appropriate Members of Congress; and

"(3) provide adequate public notice of the final determination, including a notice that copies of the full final report may be viewed or obtained, without charge, at the affected office.

"(h) A final determination of the Social Security Administration to close, consolidate, or recategorize an office may be appealed by any person served by such office to the Commissioner of Social Security. Such appeal shall be filed no later than 30 days following adequate public notice of the final determination under subsection (g)(3). The Commissioner shall review such determination on the basis of the record before the Social Security Administration in deciding such appeal. The Commissioner shall set aside any determination, finding, or conclusion found to be—

"(1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law;

"(2) without observance of procedure required by law; or

"(3) unsupported by substantial evidence on the record.

"(i) No action may be taken to close, move, or recategorize any office during the 30 days following the announcement of a decision nor during the time that any level of appeal is pending.

"(j) The Social Security Administration shall include in its annual budget submission to the Congress a list of all offices, as defined under subsection (a)(3), and all contact stations that—

"(1) were closed or discontinued during the year preceding the date of such submission; and

"(2) are scheduled to be closed or discontinued and the date that such action is planned."●

By Mr. KENNEDY (for himself, Mr. MITCHELL, Mr. PELL, Mr. NUNN, Ms. MIKULSKI, Mr. DODD, Mr. ROBB, Mr. GRAHAM, Mr. SIMON, Mr. MATSUNAGA, and Mr. BUMPERS):

S. 1430. A bill to enhance national and community service, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL AND COMMUNITY SERVICE ACT OF 1989

● Mr. KENNEDY. Mr. President, I am pleased to introduce, on behalf of Senators MITCHELL, PELL, NUNN, MIKULSKI, DODD, ROBB, GRAHAM, SIMON, MATSUNAGA, and BUMPERS, the National and Community Service Act of 1989.

This legislation reflects a broad-based consensus on the shape of legislation to encourage Americans of all ages to participate in public service. The key participants in developing

this compromise are Senator PELL, Senator MIKULSKI, Senator DODD, and Senator NUNN, and I commend each of them for their contributions.

Our goal is ambitious—to revive the spirit of service in America that has too often been obscured in recent years by other values in our society. Service to others is a concept that was at the heart of President Kennedy's New Frontier, and it is an ideal that has served America well throughout our history. All of us involved in the present effort believe that it is time for the Federal Government to offer more visible national leadership to advance this ideal. President Bush has expressed a similar commitment and concern, and we look forward to working closely with the administration as this legislation moves through the Congress.

At least 10 national and community service bills have been introduced this year in the Senate, ranging in cost from \$5 million to \$5 billion, and involving many different approaches to national service. The Labor Committee held four hearings on these proposals, and we created an informal task force to review the bills. The compromise we have achieved is a worthwhile measure that includes the best features of all the bill, and the price tag is within realistic budget constraints.

In developing this proposal, we emphasized several key principles. Community service should be the common experience of all citizens. The call to service should come early, and it should be a vital part of education for citizenship in every school system in the Nation. The lesson of service learned in youth will last a lifetime. To advance this goal, title I of the proposal provides \$100 million for school- and college-based opportunities to encourage young people to serve in their own communities. I have called this concept "Serve America" and I hope it will enable millions of young students across the country to take advantage of the opportunities for service that will be provided.

We also recognize that many citizens, having learned the lesson of service, will want to make an even greater commitment to our country. They may choose to serve in the military, in VISTA, the Peace Corps, or similar ways. In order to expand the universe of full-time service opportunities, our proposal authorizes \$100 million for youth service corps programs, modeled after the conservation corps already established in many States. Through these programs, young Americans will provide services in a wide range of important areas, such as cleaning up the environment, responding to hunger, homelessness, disease, and poverty, and meeting other pressing human needs.

We also believe in providing opportunities to young persons to earn benefits. For too many Americans today, especially those who live at or near the poverty level, a college education and a decent home are out of reach. Our bill provides a demonstration program to make education and housing more readily available to those who participate in full-time or part-time national service. The demonstration program will make \$100 million available in its first year.

Other aspects of the bill will expand existing national service programs. We will restore VISTA to its peak level of the past, and expand the Older American Volunteer programs to include many more senior volunteers in issues of national priority. Most of the current programs are legacies of President Kennedy's call to service. The thousands of persons who have already served in these programs, and the millions who have been helped by them are continuing proof of their merit.

We have also included a further role for senior citizens. In addition to expanding the existing volunteer programs, the bill will encourage the involvement of elderly Americans in the school-based and national service demonstration programs as teachers, advisers, and participants. As our population ages, a larger and larger army of senior citizens is waiting to be asked to help America do a better job of meeting its basic needs. Senior citizens have already done a great deal for this country—and given the opportunity, they will do a great deal more.

Finally, I want to emphasize that there is nothing partisan about this proposal. President Bush has already announced a thoughtful and worthwhile proposal. All of us are committed to working closely with the administration to ensure that this bill is as effective and successful as possible. America deserves no less, and we will be on the road to a stronger and better country in the future when national service legislation reaches the President's desk.

I urge my colleagues to support this legislation.

I ask unanimous consent that the entire text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National and Community Service Act of 1989".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.

Sec. 2 Findings.
Sec. 3. Purposes.

TITLE I—SCHOOL BASED COMMUNITY SERVICE

PART A—SCHOOL BASED COMMUNITY SERVICE

- Sec. 101. Short title.
Sec. 102. Program authorized.
Sec. 103. Definitions.
Sec. 104. Allocation of funds.
Sec. 105. State application.
Sec. 106. Local application.
Sec. 107. Federal share.
Sec. 108. Use of funds.
Sec. 109. Federal activities.
Sec. 110. Evaluation.
Sec. 111. Authorization of appropriations.

PART B—HIGHER EDUCATION

- Sec. 121. Innovative projects for community service.

PART C—WORK STUDY PROGRAMS

- Sec. 131. Additional reservation for campus-based community work learning study jobs.
Sec. 132. Work study programs.

PART D—PUBLICATION

- Sec. 141. Information for students.
Sec. 142. Exit counseling for borrowers.
Sec. 143. Department information on deferments and cancellations.
Sec. 144. Data on deferments and cancellations.

PART E—DIRECT LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

- Sec. 151. Loan cancellation authorized.
Sec. 152. Technical amendment.
Sec. 153. Effective date.

PART F—LOAN FORGIVENESS

- Sec. 161. Loan forgiveness.
Sec. 162. Effective date.

TITLE II—YOUTH SERVICE CORPS

- Sec. 201. Short title.
Sec. 202. Definitions.
Sec. 203. Program authorized.
Sec. 204. Allocation of funds.
Sec. 205. State application.
Sec. 206. Focus of programs.
Sec. 207. Related programs.
Sec. 208. Public lands or Indian lands.
Sec. 209. Training and education services.
Sec. 210. Amount of award.
Sec. 211. Matching requirement.
Sec. 212. Preference for certain projects.
Sec. 213. Effect of earnings on eligibility for other Federal assistance.
Sec. 214. Age and education criteria enrollment.
Sec. 215. Post-service benefits.
Sec. 216. Living allowance.
Sec. 217. Joint projects involving the Department of Labor.
Sec. 218. Federal and State employee status.
Sec. 219. Authorization of appropriations.

TITLE III—NATIONAL SERVICE DEMONSTRATION PROGRAM

- Sec. 301. Short title.
Sec. 302. Definitions.
Sec. 303. Grants.
Sec. 304. Types of national service.
Sec. 305. Terms of service.
Sec. 306. Eligibility.
Sec. 307. Vouchers.
Sec. 308. Living allowance.
Sec. 309. Training.
Sec. 310. Use of funds.
Sec. 311. In-service education benefits.
Sec. 312. National Service Demonstration Program amendments.
Sec. 313. Authorization of appropriations.

TITLE IV—CORPORATION FOR NATIONAL SERVICE

- Sec. 401. Definitions.

- Sec. 402. Establishment of Corporation; application of District of Columbia Nonprofit Corporation Act.

- Sec. 403. Board of directors.
Sec. 404. Officers and employees.
Sec. 405. Nonprofit and nonpolitical nature of the Corporation.

- Sec. 406. Housing and education vouchers; living allowances.

- Sec. 407. Reports.
Sec. 408. Supplementation.
Sec. 409. Prohibition on use of funds.
Sec. 410. Nondiscrimination.
Sec. 411. Notice, hearing, and grievance procedures.

- Sec. 412. Nonduplication and nondisplacement.

- Sec. 413. State advisory board.
Sec. 414. Evaluation.
Sec. 415. Funding.
Sec. 416. Functions of the National Service Board.

- Sec. 417. Presidential awards for service.
Sec. 418. Comprehensive service strategy.

TITLE V—EXPANSION OF VOLUNTEERS IN SERVICE TO AMERICA

- Sec. 501. Short title.
Sec. 502. Authorization of appropriations.

TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAMS

- Sec. 601. Short title.
Sec. 602. Programs of national and local significance.
Sec. 603. Authorization of appropriations.

SEC. 2 FINDINGS.

Congress finds that—

(1) service to the community and the Nation is a responsibility of all American citizens, regardless of the economic level or age of such citizens;

(2) citizens who become engaged in service at a young age will better understand the responsibilities of citizenship and continue to serve the community into adulthood;

(3) serving others builds self-esteem and teaches teamwork, decision making, and problem-solving;

(4) the 70,000,000 youth of the United States who are between ages 5 and 25 offer a powerful and largely untapped resource for community service;

(5) Conservation Corps and Human Service Corps provide important benefits to participants and to the community;

(6) the Volunteers in Service to America Program (hereinafter referred to as "VISTA"), as established by the Domestic Volunteer Act of 1973 (42 U.S.C. 4951), is one of the most cost effective means to fight poverty in the United States;

(7) the cost of higher education, loan indebtedness, and the high price of housing deter many young adults from volunteering for VISTA and other service programs that involve a substantial time commitment;

(8) older Americans, through the Older American Volunteer Programs (as established by the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951)), provide 500,000,000 hours of service each year and are a vital force in addressing national problems;

(9) many potential volunteers cannot participate in a full-time volunteer service program, but should have the option of part-time service in such a program;

(10) a range of full-time and part-time national and community service opportunities should be made available to all citizens, particularly youth and older Americans.

SEC. 3. PURPOSES.

It is the purpose of this Act to—

(1) renew the ethic of civic responsibility in the United States;

(2) ask citizens of the United States, regardless of age or income, to engage in full-time or part-time service to the Nation;

(3) begin to call young people to serve in national volunteer programs;

(4) enable young Americans to make a sustained commitment to national service by removing barriers to such service that have been created by high education costs, loan indebtedness, and the cost of housing;

(5) build on the existing organizational framework of Federal, State, and local programs and agencies to expand full-time and part-time service opportunities for all citizens, particularly youth and older Americans;

(6) involve volunteers in activities that would not otherwise be performed by employed workers; and

(7) generate 1,000,000,000 additional volunteer service hours to help meet human, educational, environmental, and public safety needs, particularly those needs relating to poverty.

TITLE I—SCHOOL BASED COMMUNITY SERVICE

PART A—SCHOOL BASED COMMUNITY SERVICE

SEC. 101. SHORT TITLE.

This part may be cited as "Serve America, the Service to America Act of 1989".

SEC. 102. PROGRAM AUTHORIZED.

(a) **IN GENERAL.**—The Secretary is authorized, in accordance with the provisions of this Act, to make grants to States or local applicants to create or expand service opportunities for students and out-of-school youth and for community members, particularly senior citizens, to volunteer in schools.

(b) **TERM OF GRANT.**—The term of the grants may be for a period of not longer than 3 years.

SEC. 103. DEFINITIONS.

For purposes of this part—

(1) The term "community-based agency" means a private nonprofit organization that is representative of a community or a significant segment of a community and that is engaged in meeting human, educational, or environmental community needs.

(2) The term "education institution" means a local educational agency, elementary or secondary school or a community-based agency that provides educational services.

(3) The term "education partnership program" means a program in which school volunteers work in an educational institution in support of the school's objectives to enhance the education of students.

(4) The term "elementary school" has the same meaning given that term in section 1471(8) of the Elementary and Secondary Education Act of 1965.

(5) The term "institution of higher education" has the same meaning given that term in section 1201(a) of the Higher Education Act of 1965.

(6) The term "local educational agency" has the same meaning given that term in section 1471(12) of the Elementary and Secondary Education Act of 1965.

(7) The term "local government agency" means a public agency that is engaged in meeting human, social, educational, or environmental needs.

(8) The term "out-of-school youth" means an individual who has not attained the age of 25, has not completed college or the equivalent, and is not enrolled in an elementary or secondary school or institution of higher education.

(9) The term "participant" means a student or out-of-school youth who provides services pursuant to a program funded under this title.

(10) The term "partnership program" means a cooperative effort to enhance the education of students among an education institution and one or more of the following:

- (A) the private sector;
- (B) public and non-profit agencies;
- (C) institutions of higher education; and
- (D) community organizations.

(11) The term "placement" means the matching of a participant or team with a specific project.

(12) The term "project" means any activity that results in a specific identifiable service or product that otherwise would not be done with existing funds, and which shall not duplicate the routine services or functions of the employer to whom participants are assigned.

(13) The term "school volunteer" means a person beyond the age of compulsory schooling, including an older American, an employee of a private business, an employee of a public or nonprofit agency, or any other individual working without financial remuneration and under the direction of professional staff within a school or school district.

(14) The term "secondary school" has the same meaning given that term in section 1471(21) of the Elementary and Secondary Education Act of 1965.

(15) The term "Secretary" means the Secretary of Education.

(16) The term "service opportunity" means a program or project enabling students or out-of-school youth to perform meaningful and constructive service in agencies, institutions, and situations where the application of human talent and dedication may help to meet human, educational, and environmental community needs, especially those relating to poverty.

(17) The term "State" means a State, the Commonwealth of Puerto Rico, Guam, the District of Columbia, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or Palau.

(18) The term "State agency for higher education" means the State board of higher education or other agency or officer primarily responsible for the State supervision of higher education, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(19) The term "State educational agency" has the same meaning given that term in section 1471(23) of the Elementary and Secondary Education Act of 1965.

(20) The term "student" means an individual who is enrolled full-time or part-time in an elementary or secondary school or institution of higher education.

(21) The term "student community service program" means a program in which students or out-of-school youths are offered service opportunities in the community or an educational institution.

SEC. 104. ALLOCATION OF FUNDS.

(a)(1) The Secretary shall use 85 percent of the funds appropriated under section 111 to make grants to States that have submitted applications under section 105.

(2)(A) In awarding grants to States, the Secretary shall consider the number of students enrolled in elementary and secondary schools in the State, the quality of the proposal, and evidence of State commitment to the program.

(B) If more than \$50,000,000 is appropriated for this part, then the Secretary shall allocate 85 percent of the funds appropriated under section 110 according to the chapter 1 basic grant formula described in section 1005 of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 to States that have applications approved under section 105.

(b) REMAINDER.—The Secretary shall use the remaining 15 percent of the funds appropriated under section 111 for program support, evaluation, training, technical assistance, and activities described in section 108.

(c) LOCALITY APPLICATION.—If a State does not apply for assistance under this part or if a State does not have an application approved under section 105, the Secretary, may make grants directly to local applicants. The Secretary shall apply the criteria described in section 106 in evaluating such local applications.

SEC. 105. STATE APPLICATION.

(a) APPLICATION REQUIRED.—Each State desiring to receive a grant under this part shall, through the State educational agency, submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. Each of such applications shall describe how—

(1) local applications will be ranked according to criteria described in section 106;

(2) service programs in the State will be coordinated;

(3) cooperative efforts among education institutions, local government agencies, community-based agencies, businesses, and State agencies to provide service opportunities, including those that involve the participation of urban, suburban, and rural youth working together will be encouraged;

(4) economically and educationally disadvantaged students are assured service opportunities;

(5) evaluate service programs receiving funds under this title will be evaluated;

(6) programs funded under this part will serve urban and rural areas and any tribal areas that exist in such State;

(7) technical assistance and training will be provided to service programs in the State;

(8) non-Federal funds will be used to expand service opportunities for students and out-of-school youth; and

(9) disseminations of information and outreach will be used to ensure involvement of a broad range of organizations, particularly community-based organizations.

SEC. 106. LOCAL APPLICATION.

(a) APPLICATION REQUIRED.—(1)(A) Any education institution, local government agency, community-based agency or consortia thereof desiring to receive a grant under this part shall form a partnership consisting of 1 or more education institutions and 1 or more local government or community-based agencies.

(B) The provisions of subparagraph (A) shall not apply if the applicant is (A) an education institution that plans to provide service opportunities solely within an education institution; or (B) an education institution that has formed a partnership with 1 or more private businesses to conduct an educational partnership program.

(2) Applicants shall apply to the State educational agency at such time and in such manner as the State educational agency may reasonably require. Each such application shall—

(A) contain a written agreement between the institution with which participants or

school volunteers are affiliated and 1 or more representatives of the community or education institution where service opportunities will be provided that the program was jointly developed by the parties and that the program will be jointly executed by the parties;

(B) specify the membership and role of an advisory committee consisting of representatives of community agencies, service recipients, youth serving agencies, students, parents, teachers, administrators, labor, and business;

(C) describe the goals of the program, including goals that are quantifiable, measurable, and show the benefits to the participants or school volunteers and the community;

(D) set forth the service opportunities to be provided;

(E) describe how the participants or school volunteers will be recruited, including any special efforts to recruit out-of-school youth with the assistance of community-based agencies;

(F) describe how participants or school volunteers were or will be involved in the design and operation of the program;

(G) state the name, if available, qualifications, and responsibilities of the coordinator of any program assisted under this part;

(H) describe preservice and inservice training to be provided to supervisors and participants or school volunteers;

(I) describe the means by which outstanding service will be recognized; and

(J) describe potential resources that will permit continuation of the program, if needed, upon the conclusion of Federal funding.

(3) If the applicant plans to operate a student community service program, in addition to the above information, each applicant shall—

(A) described an age-appropriate learning component for participants that includes, but is not limited to, a chance for participants to reflect on service experiences and expected learning outcomes;

(B) describe whether or not the participants will receive academic credit for participation;

(C) set forth the target numbers of students and out-of-school youth who will participate in the program assisted under this part and the target numbers of hours of service such participants will provide individually and as a group;

(D) describe the proportion of expected participants who are educationally or economically disadvantaged;

(E) describe the ages or grade levels of expected participants;

(F) include other relevant demographic information about expected participants; and

(G) provide assurances that participants will be provided with information on VISTA, the Peace Corps, the Montgomery G.I. Bill Act of 1984, Full-time Youth Service Corps and National Service Demonstration programs funded under this Act, and other service options and their benefits, such as student loan deferment and forgiveness, as appropriate.

(b) APPROVAL.—(1) In the case of student community service programs, the State educational agency shall approve only local applications describing programs that provide—

(A) an age-appropriate learning component for participants to reflect on service experiences;

(B) preservice and inservice training for both supervisors and participants involving

representatives of the community where service opportunities will be provided; and

(C) evidence that participants will make a sustained commitment to the service project.

(2) In the case of school volunteer and partnership programs, the State educational agency shall only approve local applications describing programs that provide—

(A) preservice and inservice training for both supervisors and school volunteers;

(B) opportunities for school volunteers to work with at-risk children or their teachers.

(c) PRIORITY.—(1) In providing assistance pursuant to this part, the State educational agency shall give priority to applications describing—

(A) programs which involve participants in the design and operation of the program;

(B) programs in greatest need of assistance, such as programs targeting low-income areas;

(C) programs which involve individuals of different ages, races, sexes, ethnic groups, and economic backgrounds serving together; and

(D) in the case of applicants that are educational institutions, programs that are integrated into the academic program.

(2) In the case of a school volunteer and partnership program, the State educational agency shall give priority to applications describing programs—

(A) involving older Americans as school volunteers;

(B) involving a partnership between an educational institution and a private business in the community; or

(C) which focus on drug and alcohol abuse prevention, school drop-out prevention, or nutrition and health education.

(d) DURATION.—Grants to local applicants under this part may be for up to a 3-year period and are renewable for a second period of up to 3 years to expand or improve an existing program or to initiate a new program.

SEC. 107. FEDERAL SHARE.

(a) FEDERAL SHARE—STATE.—(1) Funds provided pursuant to this part shall not be used by a State to pay more than 75 percent of the costs of programs assisted under this title.

(2) The portion of costs of programs assisted under this part that are to be paid by a State applicant from sources other than Federal funds shall be in cash.

(b) FEDERAL SHARE—LOCAL.—(1) Funds provided pursuant to this part may not be used by a local applicant to pay more than—

(A) 90 percent of the costs of programs assisted under this title for the first year in which the applicant receives funds under this part;

(B) 80 percent of the costs of programs assisted under this title for the second year in which the applicant receives funds under this part;

(C) 70 percent of the costs of programs assisted under this title for the third year in which the applicant receives funds under this part; and

(D) 50 percent of the costs of programs assisted under this title for the fourth and each succeeding year in which the applicant receives funds under this part.

(2) The portion of the costs of programs assisted under this part that are to be paid by a local applicant from sources other than Federal funds may be paid in cash or in kind, fairly evaluated.

(3) If the portion of the costs of programs assisted under this part to be paid by a local applicant from sources other than Federal

funds are paid by private profitmaking organizations then subsection (a) shall be applied by substituting—

(A) "85 percent" for "80 percent";

(B) "75 percent" for "70 percent"; and

(C) "65 percent" for "60 percent".

SEC. 108. USE OF FUNDS.

(a) STATES.—(1) States shall use no more than 20 percent of funds allocated under section 104 for the costs of administration, including training, technical assistance curriculum development, and coordination activities.

(2) States shall use no more than 10 percent of funds allocated under section 104 for school volunteer and partnership programs.

(b) LOCAL APPLICANTS.—Local applicants may use funds provided under this part for supervision of participants, program administration, training, reasonable transportation costs, insurance, and other reasonable expenses.

(c) STIPENDS.—Funds provided under this part shall not be used to pay any stipend, allowance, or other financial support to any participant except reimbursement for transportation, meals, and other reasonable out-of-pocket expenses incident to participation in a program assisted under this part.

SEC. 109. FEDERAL ACTIVITIES.

(a)(1) The Secretary, in consultation with the National Service Board authorized under title IV of this Act, is authorized to fund one or more national or regional clearinghouses on service.

(2) Public and private nonprofit agencies with extensive experience in student community service and school volunteer and partnership programs shall be eligible to receive funds under paragraph (1) of this subsection.

(3) National and regional clearinghouses funded under paragraph (1) shall provide information, curriculum materials, technical assistance, and training to States and local entities eligible to receive funds under this part.

(b)(1) The Secretary is authorized to make grants to fund national model youth service programs.

(2) States, education institutions, local government agencies, community-based agencies, or consortia of the above organizations shall be eligible to receive grants under paragraph (1) of this subsection.

(3) The Secretary shall widely disseminate information about national model youth service programs funded under paragraph (1) of this subsection.

(c) The Secretary is authorized to make grants for the development of innovative curriculum materials for use in student community service programs and school volunteer and partnership programs.

SEC. 110. EVALUATION.

(a) EVALUATION.—The Secretary shall provide, through grants or contracts, for the continuing evaluation of programs assisted under this part, including evaluations that measure and evaluate the impact of programs authorized by this part, in order to determine program effectiveness in achieving stated goals in general and in relation to cost, the impact on related programs, and the structure and mechanisms for delivery. Such evaluations shall include, where appropriate, comparisons with appropriate control groups composed of individuals who have not participated in such programs. Evaluations shall be conducted by individuals not directly involved in the administration of the program evaluated.

(b) STANDARDS.—The Secretary shall develop and publish general standards for evalua-

tion of program effectiveness in achieving the objectives of this part.

(c) INPUT.—In carrying out evaluations under this part, the Secretary shall include the opinions of program participants and members of the communities where services are delivered concerning the strengths and weaknesses of such programs.

(d) PUBLICATION.—The Secretary shall publish summaries of the results of evaluations of program impact and effectiveness no later than 60 days after the completion of such evaluation.

(e) OWNERSHIP OF PROPERTY.—All studies, evaluations, proposals, and data produced or developed with assistance under this part shall become the property of the United States.

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part, \$65,000,000 for fiscal year 1991, and such sums as may be necessary for each of the 4 succeeding years.

PART B—HIGHER EDUCATION

SEC. 121. INNOVATIVE PROJECTS FOR COMMUNITY SERVICE.

Part C of the Higher Education Act is amended to read as follows:

"PART C—INNOVATIVE PROJECTS FOR COMMUNITY SERVICE

"STATEMENT OF PURPOSE

"Sec. 1061. It is the purpose of this part to support innovative projects to determine the feasibility of encouraging student participation in community service activities before, during, or after the completion of such student's higher education.

"INNOVATIVE PROJECTS FOR COMMUNITY SERVICE

"Sec. 1062. (a) GENERAL AUTHORITY.—The Secretary is authorized, in accordance with the provisions of this part, to make grants to, and contracts with, institutions of higher education (including combinations of such institutions), and other public agencies and nonprofit organizations working in partnership with institutions of higher education, for purposes including, but not limited to—

"(1) encouraging students to participate in community service activities that will engender a sense of social responsibility and commitment to the community;

"(2) creating opportunities for students to engage in community service activities in exchange for financial assistance that reduces the debt acquired by students in the course of completing postsecondary education;

"(3) encouraging student-initiated and student-designed community service projects; and

"(4) encouraging the integration of community service into academic curriculum.

"ADMINISTRATIVE PROVISIONS

"Sec. 1063. (a) APPLICATION.—No grant may be made, and no contract may be entered into, under section 1062 unless an application is made to the Director of the Fund for Improvement of Postsecondary Education (hereinafter referred to as the "Director") at such time, in such manner, and contained or accompanied by such information as the Director may reasonably require.

"(b) Consistent with the provisions of section 1003(c), the National Board of the Fund for the Improvement of Postsecondary Education shall advise the Director on programs, priorities, and the selection of projects developed under the authority of section 1062.

"(c) TECHNICAL EMPLOYEES.—(1) The Secretary may appoint, for terms not to exceed 3 years, without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service, technical employees to administer this title who may be paid without regard to the provisions of chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(2) The Secretary may appoint no more than 1 technical employee for each \$2,000,000 appropriated under section 1064.

"(d) The provisions of section 1004(b) shall apply to grants made under section 1062.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1064. There are authorized to be appropriated to carry out this part, \$35,000,000 for fiscal year 1991, and such sums as may be necessary for each of the 4 succeeding years."

PART C—WORK STUDY PROGRAMS

SEC. 131. ADDITIONAL RESERVATION FOR CAMPUS-BASED COMMUNITY WORK LEARNING STUDY JOBS.

Section 415B(a) of the Higher Education Act of 1965 is amended by inserting the following new paragraph at the end thereof:

"(3)(A) In the event the appropriation for this subpart exceeds \$75,000,000, the Secretary shall, notwithstanding the provisions of section 415(C)(b)(3)(A), allot 50 percent of such excess to the States for the purpose described in section 415(C)(b)(3)(B).

"(B) The Secretary shall make the allotment required under subparagraph (A) on the basis of the number of students participating in campus-based community work learning study jobs assisted under this subpart in each State as compared to the total number of students participating in such jobs in all States."

SEC. 132. WORK STUDY PROGRAMS.

(a) WORK STUDY PROGRAMS.—Section 443(b)(5) of the Higher Education Act of 1965 is amended by striking "and 70 percent for academic year 1990-1991" and inserting "70 percent for academic years 1990-1991 and 1991-1992, and 60 percent for academic year 1992-1993".

(b) COMMUNITY SERVICE LEARNING PROGRAMS.—Section 443(b)(5)(B) of the Act is amended by striking "90" and inserting "100".

PART D—PUBLICATION

SEC. 141. INFORMATION FOR STUDENTS.

(a) Section 485(a)(1) of the Higher Education Act of 1965 (hereafter in this part referred to as the "Act") is amended—

(1) by striking out "and" at the end of subparagraph (J);

(2) by striking out the period at the end of subparagraph (K) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding at the end thereof the following:

"(L) the terms and conditions under which students receiving guaranteed student loans under part B of this title or direct student loans under part E of this title, or both, may—

"(i) obtain deferral of the repayment of the principal and interest for service under the Peace Corps Act or under the Domestic Volunteer Service Act of 1973, or for comparable full-time service as a volunteer for a tax-exempt organization, and

"(ii) obtain partial cancellation of the student loan for service under the Peace Corps Act or under the Domestic Volunteer Service Act of 1973."

(b) Section 487(a)(7) of the Act is amended by inserting before the period a comma and the following: "particularly the requirements of subsection (a)(1)(L) of such section".

SEC. 142. EXIT COUNSELING FOR BORROWERS.

Section 485(b) of the Act is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding the following new paragraph after paragraph (2):

"(3) the terms and conditions under which the student may obtain partial cancellation or defer repayment of the principal and interest for service under the Peace Corps Act or under the Domestic Volunteer Service Act of 1973 or for comparable full-time service as a volunteer for a tax-exempt organization."

SEC. 143. DEPARTMENT INFORMATION ON DEFERMENTS AND CANCELLATIONS.

Section 485(d) of the Act is amended by inserting the following before the last full sentence: "The Secretary shall provide information on the specific terms and conditions under which students may obtain partial cancellation or defer repayment of loans for service under the Peace Corps Act and Domestic Volunteer Service Act of 1973 or for comparable full-time service as a volunteer with a tax-exempt organization of demonstrated effectiveness, shall indicate (in terms of the Federal minimum wage) the maximum level of compensation and allowances which a student borrower may receive from a tax-exempt organization to qualify for a deferment, and shall explicitly state that students may qualify for such partial cancellations or deferments when they serve as a paid employee of a tax-exempt organization."

SEC. 144. DATA ON DEFERMENTS AND CANCELLATIONS.

Section 485B(a) of the Act is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding the following new paragraph after paragraph (4):

"(5) the exact amount of loans partially canceled or in deferment for service under the Peace Corps Act, for service under the Domestic Volunteer Service Act of 1973, and for comparable full-time service as a volunteer for a tax-exempt organization."

PART E—DIRECT LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

SEC. 151. LOAN CANCELLATION AUTHORIZED.

(a) Section 465(a)(2) of the Higher Education Act of 1965 (hereafter in this part referred to as the "Act") is amended—

(1) by striking out "or" at the end of clause (D);

(2) by striking out the period at the end of clause (E) and inserting in lieu thereof a semicolon and the word "or"; and

(3) by adding at the end thereof the following new clause:

"(F) as a full-time volunteer in service comparable to service referred to in subparagraph (E) for an organization of demonstrated effectiveness which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code 1986."

(b) Section 465(a)(3)(A) of the Act is amended—

(1) by striking out "or" at the end of clause (iii);

(2) by striking out the period at the end of clause (iv) and inserting in lieu thereof a semicolon and the word "or"; and

(3) by adding at the end thereof the following new clause:

"(v) in the case of service described in subparagraph (F) of paragraph (2) at the rate of 15 percent for the first or second year of such service and 20 percent of the third or fourth year of such service."

SEC. 152. TECHNICAL AMENDMENT.

(a) Section 464(a)(2)(A)(v) of the Act is amended by striking out "Internal Revenue Code of 1954" and inserting in lieu thereof "Internal Revenue Code of 1986".

(b) Section 465(a)(5) of the Act is amended by striking out "Internal Revenue Code of 1954" and inserting in lieu thereof "Internal Revenue Code of 1986".

SEC. 153. EFFECTIVE DATE.

The amendments made by sections 2 and 3 of this part shall apply only to loans made to cover the costs of instruction for periods of enrollment beginning on or after 30 days after the date of enactment of this part to individuals who are new borrowers on that date.

PART F—LOAN FORGIVENESS

SEC. 161. LOAN FORGIVENESS.

(a)(1) Section 427(a)(2)(B)(ii) of the Higher Education Act of 1965 (hereafter in this Act referred to as the "Act") is amended by inserting after "that" a comma and the following: "subject to the provisions of subparagraph (H)".

(2) Section 427(a)(2) of the Act is amended by—

(A) striking out "and" at the end of subparagraph (G);

(B) redesignating subparagraph (H) as subparagraph (I); and

(C) inserting after subparagraph (G) the following new subparagraph (H):

"(H) provides (subject to section 432(f)) in the case of any student borrower who, prior to the beginning of the repayment period, agrees in writing to volunteer for service under the Peace Corps Act or under the Domestic Volunteer Service Act of 1973 or for comparable full-time service as a volunteer with a tax-exempt organization of demonstrated effectiveness for the payment by the United States of the percent of the amount of loans specified in section 432(f), and";

(b)(1) Section 428(b)(1)(D) of the Act is amended by inserting after "paragraph" the following: "and subject to subparagraph (V)".

(2) Section 428(b)(1) of the Act is amended by—

(A) striking out "and" at the end of subparagraph (T);

(B) striking out the period at the end of subparagraph (U) and inserting in lieu thereof a semicolon and "and"; and

(C) adding at the end thereof the following new subparagraph:

"(V) provides (subject to section 432(f)) in the case of any student borrower who, prior to the beginning of the repayment period, agrees in writing to serve as a volunteer for service under the Peace Corps Act or under the Domestic Volunteer Service Act of 1973 or for comparable full-time service as a volunteer with a tax-exempt organization of demonstrated effectiveness for the payment by the United States of the percent of the amount of loans specified in section 432(f)."

(c) Section 432 of the Act is amended by adding at the end thereof the following new subsection:

"(j) **PARTIAL CANCELLATION AUTHORITY.**—(1) The Secretary shall enter into an agreement with any student borrower described in section 427(a)(2)(H) or 428(b)(1)(V) under which the borrower agrees to serve as a volunteer under the Peace Corps Act or under the Domestic Volunteer Service Act of 1973 or for comparable full-time service as a volunteer with a tax-exempt organization of demonstrated effectiveness.

"(2) The agreement under paragraph (1) shall contain provisions designed to assure that—

"(A) the Secretary will assume the obligation of paying the percent of any loan made, insured, or guaranteed under this part pursuant to the schedule described in paragraph (5); and

"(B) the student borrower who fails to volunteer for service in accordance with the agreement will assume the obligation of paying the amount of any such loan attributable to the period for which the student borrower failed to comply with the agreement.

"(3) The Secretary shall in each fiscal year pay to the holder of each loan for which the Secretary assumes responsibility under this subsection the amount specified in paragraph (5).

"(4) The Secretary shall waive or suspend any obligation of service or payment of any, or any part of, the loan to which the United States is entitled under paragraph (2)(A) whenever the Secretary determines that compliance by an individual with the agreement is impossible or would involve extreme hardship to the individual.

"(5)(A) The percent of a loan which shall be paid by the United States under paragraph (2)(A) of this subsection is 15 percent for the first or second year of service and 20 percent for the third or fourth year of service described in paragraph (1).

"(B) If a portion of the loan is paid by the Secretary under this subsection for any year, the entire amount of interest on such loan which accrues for such year shall be paid by the Secretary.

"(C) Nothing in this subsection shall be construed to authorize refunding of any repayment on the loan."

SEC. 162. EFFECTIVE DATE.

The amendments made by section 161 of this part shall apply only to loans made to cover the costs of instruction for periods of enrollment beginning on or after 30 days after the date of enactment of this Act to individuals who are new borrowers on that date.

TITLE II—YOUTH SERVICE CORPS

SEC. 201. SHORT TITLE.

This title may be cited as the "American Conservation and Youth Service Corps Act of 1989".

SEC. 202. DEFINITIONS.

As used in this title—

(1) **BOARD.**—The term "Board" means the National Service Board established under title IV.

(2) **CREW LEADER.**—The term "crew leader" means a participant appointed under the authority of this title for the purpose of assisting in the supervision of other participants engaged in work projects pursuant to this title.

(3) **CREW SUPERVISOR.**—The term "crew supervisor" means the adult staff individual who is responsible for supervising a crew of participants, including the crew leader.

(4) **INDIAN LANDS.**—The term "Indian lands" means any real property owned by an Indian tribe, any real property held in

trust by the United States for Indian tribes, and any real property held by Indian tribes that is subject to restrictions on alienation imposed by the United States.

(5) **INDIAN TRIBE.**—The term "Indian tribe" means an Indian tribe, band, nation, or other group that is recognized as an Indian tribe by the Secretary of the Interior. Such term also includes a Native village corporation, regional corporation, and Native group established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1701 et seq.).

(6) **PARTICIPANT.**—The term "participant" means an individual enrolled in a program funded under this title.

(7) **PLACEMENT.**—The term "placement" means the matching of a participant or crew with a specific project.

(8) **PROGRAM.**—The term "program" means an activity carried out under this title.

(9) **PROGRAM AGENCY.**—The term "program agency" means—

(A) a Federal or State agency designated to manage a program in a State; or

(B) the governing body of an Indian tribe.

(10) **PROJECT.**—The term "project" means an activity that results in a specific identifiable service or product that otherwise would not be done with existing funds, and that does not duplicate the routine services or functions of the employer to whom participants are assigned.

(11) **PUBLIC LANDS.**—The term "public lands" means any lands or waters (or interest therein) owned or administered by the United States or by an agency or instrumentality of a State or local government.

(12) **STATE.**—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, or Palau.

(13) **SUMMER PROGRAM.**—The term "summer program" means a program authorized under this title that is limited to the months of June, July, and August.

(14) **YOUTH SERVICE CORPS PROGRAM.**—The term "youth service corps program" means a program, such as a conservation corps or human services corps, that offers full-time, productive work (to be financed through stipends) with visible community benefits in a natural resource or human service setting and gives participants a mix of work experience, basic and life skills, education, training, and support services.

SEC. 203. PROGRAM AUTHORIZED.

(a) **IN GENERAL.**—The Board is authorized, in accordance with the provisions of this title, to provide grants to State or local applicants to create or expand full-time or summer youth service corps programs.

(b) **TERM OF GRANT.**—The term of such grant shall be for a period not greater than three years.

(c) **RENEWING GRANT.**—The Board may renew such grant for an additional three year term.

SEC. 204. ALLOCATION OF FUNDS.

(a) **COMPETITIVE GRANT.**—The Board shall make a competitive grant to a State that has submitted applications under section 205.

(b) **DIRECT GRANTS.**—

(1) **IN GENERAL.**—If a State does not apply for assistance under this title, the Board may make a grant directly to local applicants in such State.

(2) **EVALUATION.**—The Board shall apply the criteria described in section 205 in evaluating such local applicants.

(c) LIMITATION.—

(1) **CAPITAL EQUIPMENT.**—Not more than 10 percent of the amount of funds made available to a State or program agency under this title for projects during each fiscal year may be used for the purchase of major capital equipment.

(2) **ADMINISTRATIVE EXPENSES.**—Not more than 15 percent of the amount of funds made available to a State or program agency under this title may be used for administrative expenses.

(3) **SUMMER PROGRAMS.**—Not more than 10 percent of the amount of funds made available to a State under this title may be used for summer Youth Service Corps programs.

SEC. 205. STATE APPLICATION.

(a) **SUBMISSION OF APPLICATION.**—In order to receive a grant under this title, a State shall submit an application to the Board at such time and in such manner as the Board may reasonably require.

(b) **CONTENT OF APPLICATION FOR A STATE.**—In such application, the State shall describe—

(1) any Youth Service Corps program proposed to be conducted directly by such State with funds provided under this title; and

(2) any grant program to entities within such State proposed to be conducted by such State with funds provided under this title.

(c) **CONTENT OF APPLICATION FOR A STATE OR LOCAL APPLICANT.**—In order to receive funds under this title to directly conduct a Youth Service Corps program pursuant to section 204 (a) or (b), each applicant shall include in the application for such funds—

(1) a comprehensive description of the objectives and performance goals for the program, a plan for managing and funding the program, and a description of the types of projects to be carried out, including a description of the types and duration of training and work experience to be provided by such program;

(2) a plan for certification of the training skills acquired by participants and award of academic credit to participants for competencies developed from training programs or work experience obtained under this title;

(3) an estimate of the number of participants and crew leaders necessary for the proposed projects, the length of time that the services of such participants and crew leaders will be required, and the support services that will be required for such personnel;

(4) a list of requirements to be imposed on a sponsoring organization of an individual serving in a program or project under this title, including a requirement that a sponsoring organization that invests in a project under this title by making a cash contribution or by providing free training of an individual participating in such project shall be given preference over a sponsoring organization that does not make such an investment;

(5) a description of the manner of appointment of sufficient supervisory staff (including participants who have displayed exceptional leadership qualities) by the chief administrator, who shall in turn provide for other central elements of a youth corps, such as crew structure and a youth development component;

(6) a description of a plan to ensure the on-site presence of knowledgeable and competent supervision at program facilities;

(7) a description of the facilities, quarters, and board (in the case of residential facilities), limited and emergency medical care, transportation from administrative facilities

to work sites, and other appropriate services, supplies, and equipment that will be provided by the applicant;

(8) a description of basic standards of work requirements, health, nutrition, sanitation, and safety, and the manner that such standards shall be enforced;

(9) a description of the plan to assign participants to facilities as near to the homes of such participants as is reasonable and practicable;

(10) the assurance that the program agency will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program; and

(11) such other information as the Board may prescribe.

(d) **SUMMER YOUTH SERVICE CORPS.**—Each State desiring to receive funds under this title to conduct a grant program pursuant to section 203 shall describe in its application how—

(1) local applicants will be evaluated;

(2) service programs in the State will be coordinated;

(3) economically and educationally disadvantaged youth will be recruited;

(4) programs will be evaluated;

(5) the State will encourage cooperation among programs and the appropriate State job training coordinating council established under the Job Training and Partnership Act (29 U.S.C. 1501 et seq.);

(6) the State will certify the training skills acquired by participants and the credit to participants for competencies developed from training programs or work experience obtained under this title; and

(7) the State will consult with any local labor organizations representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program.

SEC. 206. FOCUS OF PROGRAMS.

(a) **IN GENERAL.**—Programs funded under this title may carry out projects that—

(1) in the case of conservation corps programs, focus on—

(A) conservation, rehabilitation, and improvement of wildlife habitat, rangelands, parks, and recreational areas;

(B) urban revitalization, and historical and cultural site preservation;

(C) fish culture, habitat maintenance and improvement, and other fishery assistance;

(D) road and trail maintenance and improvement;

(E) erosion, flood, drought, and storm damage assistance and controls,

(F) stream, lake, waterfront harbor, and port improvement, and

(G) wetlands protection and pollution control;

(H) insect, disease, rodent, and fire prevention and control;

(I) the improvement of abandoned railroad beds and right-of-ways;

(J) energy conservation projects, renewable resource enhancement, and recovery of biomass;

(K) reclamation and improvement of strip-mined land; and

(L) forestry, nursery, and cultural operations; or

(2) in the case of human services corps programs, include service in—

(A) State, local, and regional governmental agencies;

(B) nursing homes, hospices, senior centers, hospitals, local libraries, parks, recreational facilities, day care centers, and schools;

(C) law enforcement agencies, and penal and probation systems;

(D) private nonprofit organizations that primarily focus on social service;

(E) activities that focus on the rehabilitation or improvement of public facilities, neighborhood improvements, literacy training that benefits educationally disadvantaged persons, weatherization of and basic repairs to low-income housing, energy conservation (including solar energy techniques), removal of architectural barriers to access by handicapped individuals to public facilities, and conservation, maintenance, or restoration of natural resources on publicly held lands; and

(F) any other nonpartisan civic activities and services that the Board determines to be of a substantial social benefit in meeting unmet human, educational, or environmental needs (particularly needs related to poverty) or in the community where volunteer service is to be performed.

(b) **INELIGIBLE SERVICE CATEGORIES.**—In order to be eligible to receive assistance under this title, the service projects referred to in subsection (a) shall not be conducted by any—

(1) business organized for profit;

(2) labor union;

(3) partisan political organization;

(4) organization engaged in religious activities, unless such project does not involve any religious functions; or

(5) domestic or personal service company or organization.

SEC. 207. RELATED PROGRAMS.

An activity administered under the authority of the Secretary of Health and Human Services, that is operated for the same purpose as a program eligible to be carried out under this title, is encouraged to use services available under this title.

SEC. 208. PUBLIC LANDS OR INDIAN LANDS.

(a) **LIMITATION.**—The Board shall only fund programs that involve projects on public lands or Indian lands or provide a public benefit.

(b) **REVIEW OF APPLICATIONS.**—The Board shall consult with the Department of the Interior in reviewing applications proposing programs or projects on public lands or Indian lands.

(c) **CONSISTENCY.**—A project carried out under this title for conservation, rehabilitation, or improvement of any public lands or Indian lands shall be consistent with—

(1) the provisions of law and policies relating to the management and administration of such lands, and all other applicable provisions of law; and

(2) all management, operational, and other plans and documents that govern the administration of such lands.

SEC. 209. TRAINING AND EDUCATION SERVICES.

(a) **ASSESSMENT OF SKILLS.**—Each program agency shall assess the educational level of participants at the time of entrance into the program, using any available records or simplified assessment means or methodology.

(b) **ENHANCEMENT OF SKILLS.**—Each program agency shall, through programs and projects administered under this title, enhance the educational skills of participants in the program.

(c) **PROVISION OF IN-SERVICE TRAINING AND EDUCATION.**—

(1) **REQUIREMENT.**—A program agency shall use not less than 10 percent of the funds made available to such agency to provide in-service training and educational materials and services for participants and individuals serving in such projects.

(2) **AGREEMENTS FOR ACADEMIC STUDY.**—A program agency that is receiving assistance under this Act may enter into arrangements with academic institutions or education providers, including—

(A) local education agencies;

(B) community colleges;

(C) 4-year colleges;

(D) area vocational-technical schools; and

(E) community based organizations;

for academic study by a participant or individual serving in youth service projects during nonworking hours in order for such participant or individual to upgrade literacy skills, to obtain a high school diploma or the equivalent of such diploma, a college degree, or to enhance employable skills.

(3) **CAREER COUNSELING.**—Career counseling shall be provided to a participant or an individual serving in youth service projects during a period of in-service training as described in this subsection.

(4) **PRIORITY FOR PARTICIPANTS WITHOUT HIGH SCHOOL DIPLOMAS.**—A participant or an individual serving in a youth service project who has not obtained a high school diploma or the equivalent of such diploma shall have priority to receive services under this subsection.

(d) **POST-SERVICE EDUCATION AND TRAINING ASSISTANCE.**—

(1) **USE OF FUNDS.**—A program or project receiving funds under this title shall use not less than 10 percent of such funds to provide the services described in subsection (c)(1) for post-service education and training assistance.

(2) **AMOUNT OF ASSISTANCE.**—The amount of assistance provided to an eligible individual under this subsection shall be based on the period of time that such individual has served in a program or project under this title.

(3) **ACTIVITIES.**—The activities conducted under this section may include activities available to eligible participants under in-service education and training assistance programs, career and vocational counseling, assistance in entering a program under the Job Training Partnership Act (29 U.S.C. 1501 et seq.), and assistance for other activities considered appropriate for the participant by the program agency and the Board.

(d) **STANDARDS AND PROCEDURES.**—

(1) **CONSISTENCY WITH STATE AND LOCAL REQUIREMENTS.**—Appropriate State and local officials shall certify that standards and procedures with respect to the awarding of academic credit and the certification of educational attainment in programs conducted under subsection (c) are consistent with the requirements of applicable State and local law and regulations.

(2) **ACADEMIC STANDARDS.**—Such standards and procedures shall specify that an individual serving in a program or project under this title—

(A) who is not a high school graduate, shall participate in an educational curriculum so that such individual can earn a high school diploma or the equivalent of such diploma; and

(B) may arrange to receive academic credit in recognition of learning and skills obtained from service satisfactorily completed.

SEC. 210. AMOUNT OF AWARD.

In determining the amount of funds to be awarded to an applicant under this title, the Board shall consider—

(1) the proportion of the unemployed youth population of the area to be served; and

(2) the type of project or service proposed to be carried out with funds appropriated under this title.

SEC. 211. MATCHING REQUIREMENT.

(a) **FEDERAL SHARE.**—The Federal share of the cost of programs assisted under this title shall not exceed 75 percent.

(b) **STATE OR LOCAL APPLICANT.**—The State or local applicant share of the costs of programs assisted under this title shall be at least 25 percent.

SEC. 212. PREFERENCE FOR CERTAIN PROJECTS.

In the approval of applications for programs and projects submitted under section 205, the Board shall give preference to programs and projects that—

(1) will provide long-term benefits to the public;

(2) will instill a work ethic and a sense of public service in the participants;

(3) will be labor intensive, and involve youth operating in crews;

(4) can be planned and initiated promptly; and

(5) will enhance skills development and educational level and opportunities for the participants.

SEC. 213. EFFECT OF EARNINGS ON ELIGIBILITY FOR OTHER FEDERAL ASSISTANCE.

Earnings and allowances received under this title by an economically disadvantaged youth, as defined in section 4(8) of the Job Training Partnership Act (29 U.S.C. 1503(8)), shall be disregarded in determining the eligibility of the family of the youth for, and the amount of, any benefits based on need under any program established under this title.

SEC. 214. AGE AND EDUCATION CRITERIA ENROLLMENT.

Enrollment in programs funded under this title shall be limited to individuals who, at the time of enrollment, are—

(1) not less than 16 years or more than 25 years of age, except that summer programs may include individuals not less than 15 years and not more than 21 years of age at the time of the enrollment of such individuals; and

(2) citizens or nationals of the United States (including those citizens of the Northern Mariana Islands as defined in section 24(b) of the Act entitled "An Act to authorize \$15,500,000 for capital improvement projects on Guam, and for other purposes," approved December 8, 1983 (Public Law 98-213; 48 U.S.C. 1681 note) or lawful permanent resident aliens of the United States.

SEC. 215. POST-SERVICE BENEFITS.

(a) **IN GENERAL.**—The program agency shall provide post-service education and training benefits (such as scholarships and grants) for each participant in an amount not less than \$50 per week nor more than \$100 per week.

(b) **EXCLUSION FROM GROSS INCOME.**—For purposes of section 61 of the Internal Revenue Code of 1986, in the case of an individual, gross income shall not include any amount received as assistance under this section.

(c) FACILITIES, SERVICES, AND SUPPLIES.—

(1) **IN GENERAL.**—The program agency may deduct, from amounts determined under section 216, a reasonable portion of the costs of the rates for room and board provided at residential facilities.

(2) **EVALUATION.**—The program agency shall establish the deductions and rates under paragraph (1) after evaluating of costs of providing such room and board.

(3) **PROGRAM AGENCY.**—A program agency may provide facilities, quarters, and board

and shall provide limited and emergency medical care, health insurance, transportation from administrative facilities to work sites, and other appropriate services, supplies, and equipment.

(d) GUIDANCE AND PLACEMENT.—

(1) **IN GENERAL.**—Each program agency shall provide such job guidance and placement information and assistance for participants as may be necessary.

(2) **COORDINATION WITH OTHER ENTITIES.**—Such assistance shall be provided in coordination with appropriate State, local, and private agencies and organizations.

SEC. 216. LIVING ALLOWANCE.

(a) **IN GENERAL.**—Each participant in a full-time youth service corps program shall receive a living allowance of not less than 100 percent of the poverty line for a single individual (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) and not more than 100 percent of the amount such participant would have earned if such participant had been paid at a rate equal to the minimum wage under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) during the period of service of such participant.

(b) **HEALTH INSURANCE.**—In addition to the living allowance provided under subsection (a), each participant in a full-time youth service corps program shall be provided with health insurance.

SEC. 217. JOINT PROJECTS INVOLVING THE DEPARTMENT OF LABOR.

(a) **DEVELOPMENT.**—The Board may develop, in cooperation with the Secretary of Labor, regulations designed to allow, where appropriate, joint projects in which activities supported by funds authorized under this title are coordinated with activities supported by funds authorized under employment and training statutes administered by the Department of Labor (including the Job Training Partnership Act (29 U.S.C. 1501 et seq.)).

(b) **STANDARDS.**—Regulations promulgated under paragraph (1) shall provide standards for approval of joint projects that meet both the purposes of this title and the purposes of such employment and training statutes under which funds are available to support such projects.

SEC. 218. FEDERAL AND STATE EMPLOYEE STATUS.

(a) **IN GENERAL.**—Participants, crew leaders, and volunteers are considered as being responsible to, or the responsibility of, the program agency administering the project on which such participants, crew leaders, and volunteers work.

(b) NON-FEDERAL EMPLOYEES.—

(1) **IN GENERAL.**—Except as otherwise specifically provided in this subsection, a participant or crew leader in a project that receives assistance under this title shall not be considered a Federal employee and shall not be subject to the provisions of law relating to Federal employment.

(2) **WORK-RELATED INJURY.**—For purposes of subchapter I of chapter 81 of title 5, United States Code, relating to the compensation of Federal employees for work injuries, a participant or crew leader serving American Conservation and Youth Service Corps program agencies shall be considered an employee of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provision of that subchapter shall apply, except—

(A) the term "performance of duty", as used in such subchapter, shall not include an act of a participant or crew leader while

absent from the assigned post of duty of such participant or crew leader, except while participating in an activity authorized by or under the direction and supervision of a program agency (including an activity while on pass or during travel to or from such post of duty); and

(B) compensation for disability shall not begin to accrue until the day following the date that the employment of the injured participant or crew leader is terminated.

(2) **TORT CLAIMS PROCEDURE.**—For purposes of chapter 171 of title 28, United States Code, relating to tort claims procedure, a participant or crew leader assigned to a Youth Service Corps project shall be considered an employee of the United States within the meaning of the term "employee of the government" as defined in section 2671 of such title.

(3) **ALLOWANCE FOR QUARTERS.**—For purposes of section 5911 of title 5, United States Code, relating to allowances for quarters, a participant or crew leader shall be considered an employee of the United States within the meaning of the term "employee" as defined in paragraph (3) of subsection (a) of that section.

SEC. 219. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to carry out this title \$100,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, and 1995.

TITLE III—NATIONAL SERVICE DEMONSTRATION PROGRAM

SEC. 301. SHORT TITLE.

This title may be cited as the "National and Community Service Demonstration Act".

SEC. 302. DEFINITIONS.

As used in this title—

(1) **BOARD.**—The term "Board" means the National Service Board authorized under title IV.

(2) **ELIGIBLE ORGANIZATION.**—The term "eligible organization" means a public or private nonprofit organization engaged in meeting human, educational, environmental, or public safety needs.

(3) **INSTITUTION OF HIGHER EDUCATION.**—The term "institution of higher education" has the same meaning given that term in section 1201(a) of the Higher Education Act of 1965.

(4) **PARTICIPANT.**—The term "participant" means an individual participating in a program under this title.

(5) **PLACEMENT.**—The term "placement" means the matching of a participant or team with a specific project.

(6) **PROGRAM.**—The term "program" means an activity carried out under this title.

(7) **PROJECT.**—The term "project" means an activity that results in a specific identifiable service or product that otherwise would not be done with existing funds, and that does not duplicate the routine services or functions of the employer to whom participants are assigned.

(8) **SPECIAL SENIOR SERVICE MEMBER.**—The term "special senior service member" means an individual who is age 60 or over and willing to work full-time or part-time in conjunction with a full-time national service program.

(9) **SPONSORING ORGANIZATION.**—The term "sponsoring organization" means an organization, eligible to receive assistance under this title, that has been selected by a State to provide a placement for a participant.

(10) **STATE.**—The term "State" means a State, the Commonwealth of Puerto Rico,

Guam, the District of Columbia, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or Palau.

SEC. 303. GRANTS.

(a) **IN GENERAL.**—Not later than 1 year from the date of enactment of this title, the Board shall, in accordance with the provisions of this title, make grants to States to create full-time and part-time national service demonstration programs.

(b) **TERM OF GRANT.**—The term of such grant shall not exceed the term of the authorization of this title.

(c) **CRITERIA FOR RECEIVING APPLICATIONS.**—In awarding such grant to a State, the Board shall consider—

(1) the ability of the proposed program to serve as a model for a large-scale national service program;

(2) the quality of the application of such State, including the plan of such State for training, recruitment, placement, and data collection;

(3) the extent that the proposed program builds on existing programs; and

(4) the expediency with which the State proposes to make the program operational.

(d) **DIVERSITY.**—The Board shall ensure that programs receiving such a grant are diverse geographically and include programs in both urban and rural States.

(e) **ALTERNATIVE VOUCHER OPTION LIMITED.**—The Board shall ensure that no more than 25 percent of States are authorized to exercise the alternative voucher authorized under section 307(d)(3).

(f) **COMPOSITION OF PROGRAMS.**—The Board shall ensure that at least 25 percent of funded programs include full-time, part-time and special senior service participants.

(g) **NUMBER OF STATES.**—

(1) **IN GENERAL.**—The Board shall ensure that—

(A) no more than five States are authorized to operate full-time programs and no more than 5 States are authorized to operate part-time programs in fiscal year 1991;

(B) no more than eight States are authorized to operate full-time programs and no more than eight States are authorized to operate part-time programs in fiscal year 1992;

(C) no more than 10 States are authorized to operate full-time programs and no more than 10 States are authorized to operate part-time programs in fiscal year 1993; and

(D) no less than 12 States are authorized to operate full-time programs and no more than 35 States are authorized to operate part-time programs in fiscal years 1994 and 1995.

(2) **SINGLE PROGRAM.**—For purposes of this subsection, a State operating a single national service program with both full-time and part-time options shall be counted as a State operating a full-time program and a State operating a part-time program.

(3) **COOPERATIVE ARRANGEMENT.**—For purposes of this subsection, a State operating a national service program involving a cooperative arrangement with a multi-State organization or with sites in more than one State shall be counted as a single State.

(h) **STATE APPLICATION FOR GRANT.**—In order to receive a grant under this title, a State shall submit an application to the Board at such time and in such manner as the Board may reasonably require. Each such application shall describe—

(1) the State administrative plan for the program;

(2) the method that participants, including economically and educationally disadvantaged youth and employed individuals, shall be recruited and selected for a program receiving assistance under this title;

(3) procedures for training, supervising, and organizing participants in such program;

(4) the plan for placing such participants in teams or making individual placements in such program;

(5) assurances that, before such placement is made, such State will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program;

(6) assurances that before such placement is made, such State will consult with employees at the proposed project site who are engaged in the same or similar work as that proposed to be carried out by such program;

(7) the anticipated number of full-time and part-time participants and special senior service members;

(8) a plan for recruiting and selecting sponsoring organizations that will receive participants under this title will be placed;

(9) procedures for matching such participants with such sponsoring organizations;

(10) the State budget for the program;

(11) whether the State intends to exercise the voucher alternative option authorized under section 307(d)(3).

(12) a plan for evaluating the program and assurances undertaken by the State will cooperate fully with any evaluation undertaken by the Board pursuant to section 414; and

(13) other such information as the Board may reasonably require.

SEC. 304. TYPES OF NATIONAL SERVICE.

(a) **IN GENERAL.**—A participant in a program funded under this title shall perform national service to meet unmet educational, human, environmental, and public safety needs, especially those relating to poverty.

(b) **TYPES OF NATIONAL SERVICE.**—Such national service may include the following types of service—

(1) educational service, such as literacy programs, Head Start, (as established under 42 U.S.C. 9831) and other early childhood education programs, tutorial assistance, and service in schools, libraries, and adult education centers;

(2) human service, such as—

(A) service in hospitals, hospices, clinics, community health centers, public health organizations, facilities serving individuals with acquired immune deficiency syndrome, homes for elderly individuals, and child-care centers; and

(B) service in programs to assist elderly, poor, and homeless individuals, including programs to build, restore, and maintain housing for poor or homeless individuals and self-help programs;

(3) environmental service, such as service in programs to conserve, maintain, and restore natural resources in the urban and rural environment, to provide recreational opportunities, and to encourage community betterment or beautification;

(4) public safety service in support of the criminal justice system, including police, fire departments, courts, and prisons; and

(5) in the case of special senior service members, service to assist a State in administering a program, including mentoring, supervision, and other functions.

SEC. 305. TERMS OF SERVICE.

(a) **LENGTH OF SERVICE.**—

(1) **PART-TIME.**—An individual volunteering for part-time national service under this Act shall agree to perform community service for at least three years but not more than six years, at the discretion of such individual.

(2) **FULL-TIME.**—An individual volunteering for full-time national service shall agree to perform community service for at least one year but not more than two years, at the discretion of such individual.

(3) **SPECIAL SENIOR SERVICE.**—A special senior service participant performing national service shall serve for a period of time as allowed by the Board.

(b) **PARTIAL COMPLETION OF SERVICE.**—If the State releases a participant from completing a term of service in the program for compelling personal circumstances shown by such participant, the Board may provide such participant with a portion of the financial assistance specified in section 307 corresponding to the quantity of the service obligation completed by such individual.

(c) **TERMS OF SERVICE.**—

(1) **PART-TIME.**—A participant performing part-time national service shall serve for—

(A) 2 weekends a month and 2 weeks during the year; or

(B) an average of 9 hours per week.

(2) **FULL-TIME.**—A participant performing full-time national service shall serve for not less than 40 hours per week.

(3) **SPECIAL SENIOR SERVICE.**—A special senior service participant performing national service shall serve either part-time or full-time as allowed by the Board.

SEC. 306. ELIGIBILITY.

(a) (1) **PART-TIME.**—An individual may serve in a part-time national service program if such individual—

(A) is age 17 or over;

(B) is a citizen of the United States or lawfully admitted for permanent residence.

(2) **PRIORITY.**—In selecting applicants for a part-time program, States shall give priority to applicants who are currently employed.

(b) **FULL-TIME.**—An individual may serve in a full-time national service program if such individual—

(1) is age 17 or over;

(2) has received a high school diploma or the equivalent of such diploma, or agrees to work toward a high school diploma or the equivalency of such diploma while participating in the program; and

(3) is a citizen of the United States or lawfully admitted for permanent residence.

(c) **SPECIAL SENIOR SERVICE.**—An individual may serve as a special senior service member if such individual—

(1) is age 60 or over; and

(2) meets the eligibility criteria for special senior service membership established by the Board.

SEC. 307. VOUCHERS.

(a) **PART-TIME.**—The Board shall annually provide to each participant a non-transferable voucher that is equal in value to \$3,000 for each year of service that such participant provides to the program.

(b) **FULL-TIME.**—The Board shall annually provide to each participant a non-transferable voucher that is equal in value to \$8,500 for each year of service that such participant provides to the program.

(c) **SENIOR PARTICIPANT.**—A special senior service participant shall be ineligible to receive a voucher under this section.

(d) **USE OF VOUCHER.**—

(1) **PART-TIME.**—A voucher issued pursuant to subsection (a) shall only be used for—

(A) payment of a student loan from Federal or non-Federal sources;

(B) downpayment or closing costs for a first home; or

(C) tuition at an institution of higher education on a full-time basis, or the expenses incurred in the full-time participation in an apprenticeship program approved by the appropriate State agency.

(2) **FULL-TIME.**—A voucher issued pursuant to subsection (b) shall only be used for—

(A) payment of a student loan from Federal or non-Federal sources;

(B) downpayment or closing costs for a first home; or

(C) tuition, room and board, books and fees, and other costs associated with attendance at an institution of higher education on a full-time basis, or the expenses incurred in the full-time participation in an apprenticeship program approved by the appropriate State agency.

(3) **ALTERNATIVE VOUCHER OPTION.**—A State administering a full-time national service program may apply to the Board for authorization to offer an alternative voucher option limiting the use of vouchers to either education as permitted under paragraphs (d) (1) and (3) or housing as permitted under paragraph (d)(2).

(e) **EXCLUSION FROM GROSS INCOME.**—For purposes of section 61 of the Internal Revenue Code of 1986, any compensation received under this section by a participant shall not be considered gross income.

SEC. 308. LIVING ALLOWANCE.

(a) **IN GENERAL.**—Each participant in a full-time national service program shall receive a living allowance of not less than 100 percent of the poverty line for a single individual (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) and not more than 100 percent of the amount such participant would have earned if such participant had been paid at a rate equal to the minimum wage for a 40-hour workweek under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) during the period of service of such participant.

(b) **HEALTH INSURANCE.**—In addition to the living allowance provided under subsection (a), each participant in a full-time national service program shall be provided with health insurance.

(c) **SPECIAL SENIOR SERVICE PARTICIPANT.**—Each full-time special senior service participant shall receive a living allowance equal to that for full-time participants under subsection (a) and such other assistance as the Board considers necessary and appropriate for a senior participant to carry out the service obligation of such participant.

SEC. 309. TRAINING.

(a) PROGRAM TRAINING.—

(1) **IN GENERAL.**—Each participant shall receive three weeks of training conducted by the Board in cooperation with the State.

(2) **CONTENTS OF TRAINING SESSION.**—Each training session described in paragraph (1) shall—

(A) orient each participant to the nature, philosophy, and purpose of the program;

(B) build an ethic community service; and

(C) train each participant to effectively perform the assigned program task of such participant by providing—

(i) general training in citizenship and civic and community service; and

(ii) if feasible, specialized training for the type of national service that each participant will perform.

(b) **ADDITIONAL TRAINING.**—Each State may provide additional training for participants.

(c) **AGENCY OR ORGANIZATION TRAINING.**—In addition to the training described in subsections (a) and (b), each participant shall receive training from the sponsoring organization in skills relevant to the work to be conducted.

SEC. 310. USE OF FUNDS.

(a) **PROHIBITED USES.**—No Federal funds shall be expended for training provided pursuant to section 309(b), State administration, materials, State recruitment, supervision of participants, inservice education benefits provided pursuant to section 311, grievance procedures and arbitration required under subsection 410(e), or expenses of the State advisory committee.

(b) **ALLOWABLE USES.**—Federal funds shall be expended for training provided pursuant to section 309(a), vouchers provided pursuant to section 307, living allowances and health insurance provided pursuant to section 308, Federal administrative costs, and the costs of evaluations conducted pursuant to section 414.

SEC. 311. IN-SERVICE EDUCATION BENEFITS.

Each State that receives funds under this title shall provide to each participant enrolled in a full-time program funded under this title in-service educational services and materials to enable such participant to obtain a high school diploma or the equivalent of such diploma.

SEC. 312. NATIONAL SERVICE DEMONSTRATION PROGRAM AMENDMENTS.

(a) **TREATMENT OF EDUCATION AND/OR HOUSING VOUCHER.**—For purposes of determining eligibility for programs under title IV of the Higher Education Act of 1965 (hereafter in this section referred to as the "Act"), vouchers received under this Act shall be considered as estimated financial assistance as defined in section 428(a)(2)(C)(i) of title IV of the Act, except that in no case shall such a voucher be considered as—

(1) annual adjusted family income as defined in section 411F(1) of subpart 1 of part A of title IV of the Act; or

(2) total income as defined in section 480(a) of part F of title IV of the Act.

(b) **TREATMENT OF STIPEND FOR LIVING EXPENSES.**—In no case shall stipends received under this Act be considered in the determination of expected family contribution or independent student status under—

(1) subpart 1 of part A of title IV of the Act; or

(2) part F of title IV of the Act.

(c) **CONFORMING AMENDMENTS.**—The Act is amended—

(1) in section 411F(9) by adding a new subsection at the end thereof:

"(F) Annual adjusted family income does not include any stipend received by a participant in the National Service Demonstration Program established under the National and Community Service Act of 1989.";

(2) in section 411F(12)(B)(vi) by striking "(including all sources of resources other than parents)" and inserting "(including all sources of resources other than parents and stipends received as a result of participation in the National Service Demonstration Program established under the National and Community Service Act of 1989.";

(3) in section 480(f) by—

(A) striking "and" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and "and"; and

(C) adding at the end thereof the following new paragraph:

"(3) any stipend received by a participant in the National Service Demonstration Program established under the National and Community Service Act of 1989.";

(4) in section 480(d)(1)(F) by striking "(including all sources of resources other than parents and stipends received as a result of participation in the National Service Demonstration Program established under the National and Community Service Act of 1989)".

SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the purposes of carrying out the provisions of this title \$100,000,000 in fiscal year 1991, \$125,000,000 in fiscal year 1992, \$150,000,000 in fiscal year 1993, \$300,000,000 in fiscal year 1994, and \$300,000,000 in fiscal year 1995.

TITLE IV—CORPORATION FOR NATIONAL SERVICE

SEC. 401. DEFINITIONS.

As used in this title:

(1) **BOARD.**—The term "Board" means the Board of Directors for the Corporation for National Service.

(2) **CORPORATION.**—The term "Corporation" means the Board of Directors for the Corporation for National Service, as established by section 402(a).

(3) **ELECTION.**—The term "election" has the same meaning, when referring to an election for Federal office, as given such term by section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1)).

(4) **FEDERAL OFFICE.**—The term "Federal office" has the same meaning as given that term by section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3)).

SEC. 402. ESTABLISHMENT OF CORPORATION; APPLICATION OF DISTRICT OF COLUMBIA NONPROFIT CORPORATION ACT.

(a) **ESTABLISHMENT.**—There is established a nonprofit corporation, to be known as the "Corporation for National Service", that shall not be considered an agency or establishment of the United States Government.

(b) **APPLICATION OF DISTRICT OF COLUMBIA NONPROFIT CORPORATION ACT.**—The Corporation shall be subject to this Act, and to the extent consistent with this Act, to the District of Columbia Nonprofit Corporation Act.

SEC. 403. BOARD OF DIRECTORS.

(a) APPOINTMENT.—

(1) **IN GENERAL.**—The Corporation shall be directed by a National Service Board consisting of 11 members appointed by the President, by and with the advice and consent of the Senate.

(2) **TIME PERIOD FOR APPOINTMENTS.**—The President shall appoint members of the Board not later than 90 days after the date of enactment of this title.

(3) **POLITICAL AFFILIATION.**—Not more than six members of the Board shall be members of the same political party.

(4) **NOMINATIONS.**—Three of the members shall be appointed from individuals nominated by the Speaker of the House of Representatives, and three of the members shall be appointed from individuals nominated by the majority leader of the Senate.

(b) **QUALIFICATIONS.**—The President shall select the members of the Board—

(1) from among citizens who are eminent in such fields as community service, youth service, education, civic affairs, business, labor, or military service; and

(2) so as to provide as nearly as practicable a broad representation of various regions of the United States, various professions and occupations, and a variety of talent and experience appropriate for the performance of the functions and responsibilities of the Corporation.

(c) INCORPORATION.—The members of the initial Board of Directors shall serve as incorporators and shall take whatever actions are necessary to incorporate the Corporation under the District of Columbia Non-profit Corporation Act.

(d) TERM OF OFFICE.—The term of office of each member of the Board shall be 7 years, except that—

(1) any member appointed to fill a vacancy within the Board occurring prior to the expiration of the term for which the predecessor of such member was appointed shall be appointed for the remainder of such term;

(2) initial appointments to the Board shall be for terms of 3, 5, or 7 years; and

(3) no member of the Board shall be eligible to serve more than 2 consecutive terms.

(e) VACANCY.—A vacancy in the Board shall not affect the power of the Board and shall be filled in the same manner as the original appointment.

(f) MEETINGS.—

(1) REQUIREMENT.—A member of the Board shall attend not less than 50 percent of all duly convened meetings of the Board in any calendar year.

(2) PENALTY.—

(A) IN GENERAL.—A member who fails to meet the requirement of paragraph (1) shall forfeit membership on the Board.

(B) APPOINTMENT OF NEW MEMBER.—President shall appoint a new member to fill such vacancy created under subparagraph (A) (while meeting the requirements of subsection (e)), not later than 30 days after such vacancy is determined by the Chairperson of the Board, as elected in subsection (g).

(3) QUORUM.—Six members of the Board shall constitute a quorum.

(g) ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON.—Members of the Board shall annually elect one such member to be Chairperson and elect one or more of such members as a Vice Chairperson.

(h) COMPENSATION OF BOARD MEMBERS.—

(1) NON-FEDERAL EMPLOYEE.—A member of the Board shall not, by reason of such membership, be considered to be an officer or employee of the United States.

(2) COMPENSATION.—Except as provided in paragraphs (3) and (4), a member of the Board shall—

(A) while attending meetings of the Board or while engaged in duties related to such meetings or other activities of the Board, be entitled to receive compensation at the rate of \$150 per day, including travel time; and

(B) while away from the home or regular place of business of such member, be allowed travel and actual, reasonable, and necessary expenses.

(3) LIMITATION.—No member of the Board shall receive compensation under paragraph (2) of more than \$10,000 in any fiscal year.

(4) FEDERAL EMPLOYEE.—A member of the Board who is a full-time officer or employee of the United States shall receive no additional pay, allowances, or benefits by reason of such membership.

SEC. 404. OFFICERS AND EMPLOYEES.

(a) IN GENERAL.—

(1) RATE OF BASIC PAY.—The Corporation shall have a President, and such other officers and employees as may be named and

appointed by the Board for terms and at rates of compensation fixed by the Board, except that no officer or employee of the Corporation may receive compensation at an annual rate of pay that exceeds the rate of basic pay payable from time to time for level I of the Executive Schedule under section 5312 of title 5, United States Code.

(2) ADDITIONAL COMPENSATION.—No officer or employee of the Corporation shall receive any salary or other compensation from any source other than the Corporation for services performed for the Corporation.

(3) TERM OF OFFICE.—All officers and employees of the Corporation shall serve at the pleasure of the Board.

(b) EMPLOYMENT OF SPECIAL SENIOR SERVICE MEMBERS.—In selecting employees, the Board is encouraged to include members of the Special Senior Service authorized under title III.

(c) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without payment of reimbursement to the detailing agency. A detail of a Federal employee under this subsection shall not result in the interruption or loss of civil service status or privilege of such employee.

SEC. 405. NONPROFIT AND NONPOLITICAL NATURE OF THE CORPORATION.

(a) LIMITATIONS ON POWERS.—

(1) ISSUANCE OF STOCK.—The Corporation shall not issue any shares of stock or declare or pay any dividends.

(2) INCOME OR ASSETS OF THE CORPORATION.—No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as salary or reasonable compensation for services on behalf of the Corporation.

(b) NONPOLITICAL NATURE OF CORPORATION.—The Corporation shall not contribute to or otherwise support any political party or candidate for elective public office.

SEC. 406. HOUSING AND EDUCATION VOUCHERS; LIVING ALLOWANCES.

(a) HOUSING AND EDUCATION VOUCHERS.—The Corporation shall issue housing and education vouchers pursuant to title III. The Board shall consult with the Department of Education in issuing education vouchers.

(b) LIVING ALLOWANCES.—The Corporation shall establish living allowances pursuant to title III, taking into account variations on the cost of living.

SEC. 407. REPORTS.

(a) STATE REPORTS.—

(1) IN GENERAL.—Each State receiving funds under titles IA, II, and III of this Act shall submit an annual report to the Board on the status of national and community youth service programs in such State.

(2) LOCAL GRANTEEES.—Each State may require local grantees receiving funds under titles IA, II, and III of this Act to supply such information as is necessary to complete such report, including a comparison of actual accomplishments with the goals established for the program, the number of participants in the program, the number of service hours generated, and problems, delays or adverse conditions that have affected or will affect the attainment of program goals.

(3) REPORT DEMONSTRATING COMPLIANCE.—

(A) IN GENERAL.—Each State receiving funds pursuant to this title shall include in the annual report required under subsection (a), information that demonstrates compliance with the provisions of section 412.

(B) LOCAL GRANTEEES.—Each state may require local grantees to supply such information as is necessary to comply with paragraph (1).

(4) AVAILABILITY OF REPORT.—Such report shall be available to the public on request.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—The Board shall, not later than 120 days after the end of each fiscal year, prepare and submit to the appropriate authorizing and appropriation committees in Congress a report on programs funded under titles IA, II, and III.

(2) CONTENT.—Such report shall summarize information contained in State reports required under subsection (a) and reflect the findings and actions taken as a result of any evaluation conducted by the Board.

SEC. 408. SUPPLEMENTATION.

(a) IN GENERAL.—All Federal funds and funds used to pay the remainder of the costs of programs assisted under titles IA, II, and III shall be used to supplement the level of State and local public funds expended for services assisted under this title in the previous fiscal year.

(b) AGGREGATE EXPENDITURE.—Subsection (a) shall be satisfied, with respect to a particular program, if the aggregate expenditure in such program for the fiscal year in which services are to be provided will not be less than the aggregate expenditure in such program in the previous fiscal year, excluding Federal funds and funds used to pay the remainder of the costs of programs assisted under this title.

SEC. 409. PROHIBITION ON USE OF FUNDS.

(a) IN GENERAL.—Funds provided under titles IA, II, and III shall not be used by program participants and program staff to—

(1) give religious instruction, conduct worship services, or engage in any form of proselytization;

(2) assist, promote, or deter union organizing; and

(3) finance, directly or indirectly, any activity designed to influence the outcome of an election to Federal office or the outcome of an election to a State or local public office.

(b) CONTRACTS OR COLLECTIVE BARGAINING AGREEMENTS.—A project assisted under this title shall not impair existing contracts for services or collective bargaining agreements.

SEC. 410. NONDISCRIMINATION.

(a) IN GENERAL.—Any financial assistance provided under this Act shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101), and the regulations issued thereunder.

(b) NONDISCRIMINATION.—An individual with responsibility for the operation of a program funded under this title IA, II, or III shall not discriminate in the selection of participants to such program because of race, religion, color, national origin, sex, age, handicap, or political affiliation.

(c) RULES AND REGULATIONS.—

(1) EDUCATION.—In the case of programs funded under title I, the Secretary of Education shall issue rules and regulations to provide for the enforcement of this section that shall include provisions for summary suspension of assistance for no more than 30 days, on an emergency basis, until notice and an opportunity to be heard can be provided.

(2) **VOLUNTEER SERVICE.**—In the case of programs funded under title II and title III of this Act, the Board shall issue rules and regulations to provide for the enforcement of this section that shall include provisions for summary suspension of assistance for not more than 30 days, on an emergency basis, until notice and an opportunity to be heard can be provided.

SEC. 411. NOTICE, HEARING, AND GRIEVANCE PROCEDURES.

(a) IN GENERAL.—

(1) **SUSPENSION OF PAYMENTS.**—The Secretary of Education (in the case of a program funded under title I) or the Board (in the case of a program funded under title II or III), is authorized, in accordance with the provisions of this Act, to suspend payments or to terminate payments under a contract or grant providing assistance under this Act whenever the Secretary determines there is a material failure to comply with this Act or the applicable terms and conditions of any such grant or contract issued pursuant to this Act.

(2) **PROCEDURES TO ENSURE ASSISTANCE.**—The Secretary of Education (in the case of a program funded under title I) or the Board (in the case of a program funded under title II or III) shall prescribe procedures to ensure that—

(A) assistance under this Act shall not be suspended for failure to comply with the applicable terms and conditions of this Act, except in emergency situations for 30 days; and

(B) assistance under this Act shall not be terminated for failure to comply with applicable terms and conditions of this Act unless the recipient of such assistance has been afforded reasonable notice and opportunity for a full and fair hearing.

(b) **HEARINGS.**—Hearings or other meetings that may be necessary to fulfill the requirements of this section shall be held at locations convenient to such recipient.

(c) **TRANSCRIPT OR RECORDING.**—A transcript or recording shall be made of a hearing conducted under this section and shall be available for inspection by any individual.

(d) **STATE LEGISLATION.**—Nothing in this Act shall be interpreted to preclude the enactment of State legislation providing for the implementation, consistent with the provisions of this Act, of the programs administered under this Act.

(e) **GRIEVANCE PROCEDURE.**—

(1) **IN GENERAL.**—State and local applicants funded under titles IA, II, and III of this Act shall establish and maintain a procedure for grievances from participants, labor organizations, and other interested individuals concerning projects funded under this Act, including grievances regarding proposed placements of such participants.

(2) **DEADLINE FOR GRIEVANCES.**—Except for a grievance that alleges fraud or criminal activity, a grievance shall be made within one year after the date of the alleged occurrence.

(3) **DEADLINE FOR HEARING AND DECISION.**—A hearing on any grievance shall be conducted within 30 days of filing such grievance and a decision shall be made not later than 60 days after the filing of such grievance.

(4) **ARBITRATION.**—

(A) **IN GENERAL.**—On the occurrence of an adverse grievance decision, or 60 days after the filing of such grievance if no decision has been reached, the party filing the grievance shall be permitted to submit such grievance to binding arbitration before a

qualified arbitrator who is jointly selected and independent of the interested parties.

(B) **DEADLINE FOR PROCEEDING.**—An arbitration proceeding shall be held within 45 days after the request for such arbitration.

(C) **DEADLINE FOR DECISION.**—A decision on such grievance shall be made within 30 days after the date of such arbitration proceeding.

(D) **COST.**—The cost of such arbitration proceeding shall be divided evenly between the parties.

(5) **PROPOSED PLACEMENT.**—If a grievance is filed regarding a proposed placement of a participant in a program assisted under this Act, such placement shall not be made unless such grievance is resolved pursuant to this subsection.

(6) **REMEDIES.**—Remedies for a grievance filed under this subsection include—

(A) suspension of payments for assistance under this Act;

(B) termination of such payments; and

(C) prohibition of such placement described in paragraph (5).

SEC. 412. NONDUPLICATION AND NONDISPLACEMENT.

(a) **NONDUPLICATION.**—

(1) **IN GENERAL.**—Funds provided under this Act shall be used only for an activity that does not duplicate, and is in addition to, programs and activities otherwise available in the locality.

(2) **PRIVATE NONPROFIT ENTITY.**—Funds available under this Act shall not be provided to a private nonprofit entity to conduct activities that are the same or substantially equivalent to activities provided by a State or local government agency that such entity resides in, unless the requirements of subsection — are met.

(b) **NONDISPLACEMENT.**—

(1) **IN GENERAL.**—An employer shall not displace an employee or position, including partial displacement such as reduction in hours, wages, or employment benefits, as a result of the use by such employer of a participant in a program established under this Act.

(2) **SERVICE OPPORTUNITIES.**—A service opportunity shall not be created under this Act that will infringe in any manner upon the promotional opportunity of an employed individual.

(3) **LIMITATION ON SERVICES.**—

(A) **DUPPLICATION OF SERVICES.**—A participant in a program under this Act shall not perform any services or duties or engage in activities that would otherwise be performed by an employee as part of the assigned duties of such employee.

(B) **SUPPLANTATION OF HIRING.**—A participant in any program under this Act shall not perform any services or duties or engage in activities that will supplant the hiring of employed workers.

(C) **DUTIES FORMERLY PERFORMED BY ANOTHER EMPLOYEE.**—A participant shall not perform services or duties that have been performed by or were assigned to any—

(i) presently employed worker;

(ii) employee who recently resigned or was discharged;

(iii) employee who is subject to a reduction in force;

(iv) employee who is on leave (terminal, temporary, vacation, emergency, or sick); or

(v) employee who is on strike or who is being locked out.

SEC. 413. STATE ADVISORY BOARD.

(a) **FORMATION OF BOARD.**—Each State applying for funds under titles IA, II or III of this Act shall form a State Advisory Board for National and Community Service.

(b) **APPOINTMENT OF MEMBERS.**—The Governor of such State shall appoint members to such Advisory Board from among—

(1) representatives of State agencies administering community service, youth service, education, social service, and job training programs; and

(2) representatives of labor, business, agencies working with youth, community-based organizations such as community action agencies, students, teachers, Older American Volunteer Programs as established under the Domestic Volunteer Act of 1973 (42 U.S.C. 4950 et seq.), full-time youth service corps programs, school-based community service programs, higher education institutions, local educational agencies, volunteer public safety organizations, educational partnership programs, and other organizations working with volunteers.

(c) **DUTIES OF BOARD.**—The State Advisory Board for National and Community Service shall assist the State agency administering a program funded under title IA, II, or III in—

(1) coordinating service programs and related programs within the State;

(2) disseminating information about service programs funded under this Act;

(3) recruiting participants for programs funded under this Act; and

(4) developing programs, training methods, curriculum materials, and other materials and activities related to programs funded under this Act.

SEC. 414. EVALUATION.

(a) **IN GENERAL.**—The Board shall provide, through grants or contracts, for the continuing evaluation of programs assisted under titles II and III, including evaluations that measure and evaluate the impact of programs authorized by titles II and III, in order to determine—

(1) the effectiveness of such programs in achieving stated goals in general and in relation to cost;

(2) the impact of such programs on related programs; and

(3) the structure and mechanisms for delivery of services for such programs.

(b) **COMPARISONS.**—The Board shall include in such evaluations, where appropriate, comparisons of participants in such programs with individuals who have not participated in such programs.

(c) **CONDUCTING EVALUATIONS.**—Evaluations of such program shall be conducted by individuals who are not directly involved in the administration such program.

(d) **PROGRAM OBJECTIVES.**—The Board shall ensure that programs funded under title III are evaluated for effectiveness in—

(1) recruiting and enrolling of diverse participants in such programs, consistent with the requirements of section 306, based on economic background, race, ethnicity, age, marital status, education levels, and handicap;

(2) promoting of educational achievement of each participant in such programs, based on earning a high school diploma or the equivalent of such diploma and the future enrollment and completion of increasingly higher levels of education;

(3) encouraging of each participant to engage in public and community service after completion of the program based on career choices and service in other service programs such as the Volunteers in Service to America program established under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.), the Peace Corps, the military, and part-time volunteer service;

(4) promoting of positive attitudes among each participant regarding the role of such participant in solving community problems based on the view of such participant regarding the personal capacity of such participant to improve the lives of others, the responsibilities of such participant as a citizen and community member, and other factors;

(5) enabling each participant to finance a lesser portion of the higher education of such participant through student loans;

(6) providing services and projects that benefit the community;

(7) supplying additional volunteer assistance to community agencies, but not overloading such agencies with more volunteers than can effectively be utilized;

(8) providing services and activities that could not otherwise be performed by employed workers and that will not supplant the hiring of, or result in the displacement of, employed workers or impair the existing contracts of such workers; and

(9) attracting a greater number of citizens to public service, including service in the active and reserve components of the Armed Forces, the National Guard, and for the Peace Corps and VISTA.

(e) **COMPARISON OF PROGRAM MODELS.**—The Board shall evaluate and compare the effectiveness of different program models in meeting the program objectives under subsection (d) including full-time and part-time programs, programs involving different types of national service, programs using different recruitment methods, and programs utilizing individual placements and teams.

(f) **OBTAINING INFORMATION.**—

(1) **IN GENERAL.**—In performing the evaluation required under subsection (d), the Board may require each program participant to provide such information as may be necessary to carry out the requirements of this section.

(2) **CONFIDENTIALITY.**—The Board shall keep such information confidential.

(f) **DEADLINE.**—The Board shall complete the evaluation required under subsection (d) not later than 4 years after the date of enactment of this Act.

SEC. 415. FUNDING.

Of funds appropriated for title II and III of this Act, not less than \$5 million or more than \$25 million shall be made available to the Board for program support and activities in sections 414 and 416.

SEC. 416. FUNCTIONS OF THE NATIONAL SERVICE BOARD.

The National Service Board shall—

(1) administer programs authorized under title II and title III of this Act;

(2) provide, directly or through contract with public or private nonprofit organizations with extensive experience in service programs, training and technical assistance to States, full-time youth service corps, and full-part-time national service programs;

(3) in consultation with the Department of Education, provide one or more clearinghouses for information on service (the Board may contract with public or private non-profit organizations with extensive experience in service to perform such clearinghouse function);

(4) consult with appropriate Federal agencies in administering programs funded under titles II and III, and

(5) arrange for the evaluation of programs authorized under titles II and III of this Act, in accordance with section 414.

SEC. 417. PRESIDENTIAL AWARDS FOR SERVICE.

(a) **PRESIDENTIAL AWARDS.**—

(1) **IN GENERAL.**—The President is authorized to make Presidential Awards for service to individuals demonstrating outstanding community service and to outstanding service programs.

(2) **NUMBER OF AWARDS.**—The President is authorized to make one individual and one program award in each Congressional district, and one statewide program award in each State.

(3) **CONSULTATION.**—The President shall consult with the Governor of each State in the selection of individuals and programs for Presidential Awards.

(4) **PARTICIPANTS IN PROGRAMS.**—An individual receiving an award under this section need not be a participant in a program assisted under this Act.

(b) **INFORMATION.**—The President shall ensure that information concerning individuals and programs receiving awards under this section is widely disseminated.

SEC. 418. COMPREHENSIVE SERVICE STRATEGY.

The President shall design a comprehensive Federal service strategy that shall include—

(1) the review of existing programs to identify and expand opportunities for service, especially by students and out-of-school youth;

(2) the designation of a senior official in each Federal agency who will be responsible for developing youth service opportunities in existing programs nationwide;

(3) the establishment of service projects in each Federal agency;

(4) the encouragement of Federal employees to participate in service projects;

(5) the designation of an executive branch official to coordinate the Federal service strategy; and

(6) the annual recognition of outstanding service programs by a Federal agency.

TITLE V—EXPANSION OF VOLUNTEERS IN SERVICE TO AMERICA

SEC. 501. SHORT TITLE.

This title may be cited as the "VISTA Expansion Act of 1989".

SEC. 502. AUTHORIZATION OF APPROPRIATIONS.

(a) **NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS.**—Section 501 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5081) is amended by striking out paragraph (1) of subsection (a) and inserting in lieu thereof the following new paragraph:

"(1) There are authorized to be appropriated to carry out part A of title I (except section 109) \$30,600,000 for fiscal year 1990, \$39,909,000 for fiscal year 1991, \$47,800,900 for fiscal year 1992, and \$56,500,000 for fiscal year 1993."

TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAMS

SEC. 601. SHORT TITLE.

This title may be cited as the "National Older American Volunteer Programs Expansion Act of 1989".

SEC. 602. PROGRAMS OF NATIONAL AND LOCAL SIGNIFICANCE.

Part D of title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5021 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 225. PROGRAMS OF NATIONAL AND LOCAL SIGNIFICANCE.

"(a) **IN GENERAL.**—The Director shall establish, within each program authorized under this title, a program for making grants to support programs that address national problems on a local level.

"(b) **USE OF GRANTS.**—The recipient of a grant under the program established under

subsection (a) shall use such grant to provide creative solutions to urgent problems.

"(c) **AWARDING OF GRANTS.**—

"(1) **ESTABLISHMENT OF PROGRAM.**—There is established the 'Programs of National and Local Significance' program. Under the program, the Director shall award grants each year to programs administered under this title to respond to an identified community need.

"(2) **AWARDS.**—

"(A) **IN GENERAL.**—The grants authorized under paragraph (1) may be awarded to both existing and new projects.

"(B) **LIMITATION.**—A grant under paragraph (1) may not exceed \$150,000 per year.

"(3) **CRITERIA FOR AWARDING GRANTS.**—

"(A) **IN GENERAL.**—Under the program established under paragraph (1), the Director shall award grants based on a demonstration by an applicant that such grant will enable such applicant to uniquely and effectively respond to an identified community need.

"(d) **USE OF GRANTS.**—A program receiving a grant under subsection (a) shall demonstrate that assistance provided by such grants shall be used to increase—

"(1) the total number of volunteers supported by such projects; and

"(2) the number of volunteers in such projects engaged in responding to the identified community need referred to in subsection (g) for which such grant was made.

"(e) **DISSEMINATION OF INFORMATION.**—The Director shall disseminate information on the Programs of National and Local Significance established under this section to field personnel of the ACTION Agency and other community volunteer organizations that request such information."

"(f) **PRIORITY.**—Priority for grants under this section shall be given to the following programs of national significance—

"(1) programs that assist individuals with chronic and debilitating illnesses such as immune deficiency syndrome;

"(2) programs designed to decrease drug and alcohol abuse;

"(3) programs that work with teenage parents;

"(4) mentoring programs that match senior volunteers with youth who need guidance;

"(5) adult and school-based literacy programs;

"(6) respite care, including care for frail elderly individuals and disabled or chronically ill children living at home;

"(7) before and after-school programs, sponsored by organizations such as libraries, that serve children of working parents;

"(8) programs working with boarder babies;

"(9) programs serving children who are enrolled in child care programs with priority given to those serving children with special needs; and

"(10) the provision of care to developmentally disabled adult individuals residing in home and community-based settings, and when appropriate, the involvement of older developmentally disabled individuals as Older American Volunteer Program volunteers.

"(g) **FUNDING.**—

"(1) **AMOUNTS TO BE MADE AVAILABLE.**—Notwithstanding any other provision of law, the Director shall make amounts under section 502 available to carry out this section.

"(2) **DIRECTOR.**—The Director shall not make grants under this section within a program authorized under this title unless the amount appropriated under section 502 for

such program, for the fiscal year that such grants are made, exceeds 105 percent of the amount appropriated for the preceding fiscal year for such program."

SEC. 603. AUTHORIZATION OF APPROPRIATIONS.

(a) **RETIRED SENIOR VOLUNTEER PROGRAM.**—Section 502(a) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5082(a)) is amended—

(1) by striking out "and" after "1988,"; and

(2) by inserting after "1989" the following: ", \$39,900,000 for fiscal year 1990, \$43,900,000 for fiscal year 1991, \$48,300,000 for fiscal year 1992, and \$53,100,000 for fiscal year 1993."

(b) **FOSTER GRANDPARENT PROGRAM.**—Section 502(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5082(b)) is amended—

(1) by striking out "and" after "1988,";

(2) by inserting after "1989" the following: ", \$70,800,000 for fiscal year 1990, \$80,900,000 for fiscal year 1991, \$91,700,000 for fiscal year 1992, and \$98,200,000 for fiscal year 1993."

(c) **SENIOR COMPANION PROGRAM.**—Section 502(c) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5082(c)) is amended—

(1) by striking "and" after "1988,"; and

(2) by inserting after "1989" the following: ", \$36,600,000 for fiscal year 1990, \$39,000,000 for fiscal year 1991, \$44,700,000 for fiscal year 1992, and \$48,700,000 for fiscal year 1993." ●

● **Mr. PELL.** Mr. President, I am pleased to join my colleagues in introducing this important piece of legislation. I am even more pleased by the fact that we have achieved such consensus. We have brought together a series of very different proposals in a most amicable fashion as can be seen by the fact that this bill is cosponsored by Senators KENNEDY, DODD, NUNN, MIKULSKI, GRAHAM, and ROBB, among others.

Title III of this legislation embodies many of the principles set forth in my own bill, which I introduced in the 100th Congress and again earlier this year. I have long sought enactment of a national service demonstration bill that would link community service to an educational benefit. My efforts to achieve that linkage are reflected in the consensus legislation we are introducing today.

Under the terms for full-time service in title III, the program would be open to any individual who has achieved the age of 17. If the person is not a high school graduate, he or she would have to complete a GED during their 2-year period of service.

Every full-time participant would have to complete 2 years of service. During this period they would receive subsistence compensation that would range from \$6,200 to \$7,000 a year. Upon successful completion of the service obligation, they would be entitled to receive a voucher, which would total \$8,500 a year for 2 years.

The voucher could be used either for education, or for a down payment on a home, or for both. The addition of the housing element is a significant departure from my original proposal, but

one that I strongly support. Two of the most important dreams in American life are the opportunity for advanced education and the chance to own your own home. We make realization of both of those dreams more possible through this legislation.

An education voucher could be used at any institution eligible to receive Federal student aid and could also be used for participation in an apprenticeship training program run by a labor union.

We anticipate that the full-time program would begin in 5 States and grow to at least 12 States in the fourth year of the program. This, to my mind, would give us an adequate basis upon which to judge the success of the demonstration program.

Title III makes provision for part-time service, and thus embodies the proposal originally put forth by Senator MIKULSKI. This, too, is an important alteration of my original proposal, but one which I am glad we have been able to make. The opportunity for part-time service is especially important for working men and women who simply might not be able to pursue service on a full-time basis.

The education/housing voucher would be worth \$3,000 for each year of part-time service with a requirement that an individual must serve at least 3 years. As in the full-time program, this voucher could be used for education purposes or as a down payment on a home.

Overall, the program would be administered by a government-established corporation, similar in concept to the Corporation for Public Broadcasting.

While the National Service Demonstration Program has been the focal point of my concern, it is by no means the only significant title in this legislation. The title I program of support of school- and campus-based community service provides for a substantial increase in the innovative projects for Community Services Program at the fund for the Improvement of Postsecondary Education.

In addition, we make important changes in the College Work Study Program and the State Student Incentive Grant Program in order to encourage the development and implementation of community service opportunities. Further, we provide for partial cancellation of loans in both the Stafford and Perkins loan programs to those who perform full-time service with tax-exempt community service organizations. This service would have to be comparable to that experienced by Peace Corps or VISTA volunteers.

Mr. President, the legislation we are introducing today is the product of give and take on all sides by the proponents of proposals that varied widely in their approach to national and com-

munity service. It is a good, strong piece of legislation and one I believe merits the serious consideration and support of our Senate colleagues. ●

● **Ms. MIKULSKI.** Mr. President, I'm very happy to join with my distinguished colleagues today in introducing the National Community Service Act. This is really the Congress at its best. This is where we've taken a look at a compelling national need: the desire of young people to either afford higher education or the ability to own their own home. A national need that we need more volunteers: full time, part time, anytime. And at the same time we've taken our individual ideas and fashioned them together into a continuum of community service.

I am proud to join with so many of my distinguished colleagues:

Senator KENNEDY believes that all people of any age should have the opportunity to volunteer and can volunteer whether they're 9 or 69. He fashioned a particular program reaching out to the youth.

Senator DODD, who believes that the disadvantaged should not only be the beneficiaries of social services, but can make an actual contribution to the delivery of social services.

Senator PELL, who wants to be sure college students have an opportunity that while they are learning in the classroom, they could also learn in the laboratory of life.

Senator NUNN and Senator ROBB, who believe that there should be full-time service to ensure civil responsibility along with meeting a civil need.

Senator BOB GRAHAM, who believed that the business community wanted to do something, if we show them how they could get involved and stay involved.

And therein lies the genesis of our bill. A national need, a willingness to take our individual ideas and fashion them into a continuum of community service.

I am so pleased to be part of this bill because what it does is this: whether you're a 9-year-old kid doing aerobics at a nursing home, or you're a 19-year-old delivering meals-on-wheels, or you're a 69-year-old in the classroom doing literacy training, there's not only room for you in America, America needs you.

I'm particularly pleased that I was part of the post-high school component of this program, or post-GED. It is a complement to the Nunn-Robb approach to full-time community service. Mine is modeled on a part-time idea where we would ask people to give 2 weekends a month to work in their own community. As we worked on volunteer services, we know that not everybody could go away or not everybody should go away. Our high-tech graduates had to go immediately into their fields, but boy could we use them

running Saturday scholars programs or science fairs. And some people wanted to get on with their life and relationship in their own community.

Well, we know now that this would create both an opportunity for young people to pay for their education or put down a downpayment on a first home, but at the same time we ask an obligation. We want to reach out to people and show that we want to help them with their aspirations, but we want them to put a little perspiration into their own community and along the way get inspiration through their continued work.

Let me just sum up by saying this is the 25th anniversary of "Mississippi burning." We all remember that. And we all remember that 25 years ago volunteers spread out through this world in an unprecedented effort through Peace Corps, through VISTA, through other programs that then went into parts of rural America to teach. Twenty years ago we landed on the Moon. Everybody remembers that, but I remember that it was the summer that I began a fight against a highway in Baltimore. That fight led to changing the face of Baltimore, but it changed my life. For all that I've done, it was my work as a citizen volunteer that maybe meant the most to me, and I hope it meant the most to others.

So President Bush said in his inaugural address, we were heavy on will and light on wallet. I think this modest demonstration project shows we're heavy on will and we'll be light on the wallet.●

● **Mr. BUMPERS.** Mr. President, today I am delighted that Senator KENNEDY, chairman of the Senate Labor and Human Services Committee, has decided to include three bills I introduced on March 8, S. 539, S. 540, and S. 541, as parts of his omnibus national service bill.

The three bills that I introduced move the Government out of the way so that our young people will be able to provide voluntary service to their community and to the Nation. They belong in the omnibus national service bill and I very much appreciate the support and leadership that Senator KENNEDY has provided on this important issue.

The legislation I introduced makes it possible for many more young people to provide voluntary service by reducing the pressure that these young people feel from their student loan debt burden. The legislation reduces this debt burden pressure for students when they provide full-time, low-paid voluntary service to their community as employees of nonprofit community service organizations.

THE NEXT GENERATION

There are many who are ringing their hands about the next generation, worried about what the "world is coming to."

We have even coined a new word for some of the young people in our country—yuppies. And there is a negative stereotype that we assign to yuppies—earnest young people concerned only with their salaries and their possessions.

But, the premise of the legislation I introduced is that many young people do not fit the yuppie stereotype.

I am not one of those who is worried about the next generation. I go out of my way to meet with young people and I am impressed with them and with their values.

They want to serve their community as volunteers.

They have a social conscience.

The know that Government services are not enough to help the poor, the sick, and the disadvantaged.

They care about others and they have a charitable spirit.

STUDENT LOAN INDEBTEDNESS

They are willing to devote themselves to serving these needs, but many of our college graduates believe that they are unable to do so due to the debts they have accumulated in order to attend college. With these enormous debts they simply feel that community service is not a realistic option for them.

In fact, the most frequently cited reason of students on why they do not perform some service to the community is their loan debts.

Upon graduation their first priority is to secure a high paying job so that they can earn the money to begin to repay their loans. This focus is a function of reality, not selfishness.

We should applaud this sense of responsibility in wanting to repay their debts. We are burdened by some who don't repay their student loans. We want our students to feel responsible for repaying their loans.

The problem is that once a student takes that first high paying job, he or she has passed by a major opportunity to provide service to the community. And it then becomes quite unlikely that they will ever perform full-time service to their community.

When students graduate from college, they have many choices and few encumbrances. For many of them it is possible to devote a year or two to serving the community before they begin to settle down with a family, an employer, and a house.

The legislation I am introducing says, "take this time to provide a year or more of service to the community. You may never have an opportunity to do so again."

It says, "the Government will not require you to immediately repay your student loan debts if you serve the community."

The legislation says, "the Government will even partially cancel your obligation to repay your loans if you serve the community."

The legislation says, "you will never regret serving your community." It says, "your service to the community is important to the Federal Government as well as to the community you serve."

The legislation permits young people to consider community service and to stop worrying about their debts while they serve.

The legislation takes away the most commonly heard excuse about why young people are not willing to serve.

The legislation challenges young people to think more about the possibility of service, rather than simply referring to their debts and dismissing the whole subject out of hand.

Young people may still conclude that they don't want to serve. They may have other excuses. They may place a higher priority on material possessions. They may be more interested in a fancy car than in helping their fellow citizens.

But, with this legislation in place, they will have to find an excuse other than student loan debts. They will have to consider the issue on the merits.

PEACE CORPS MODEL

The legislation I am introducing today is based on the model of service provided by the Peace Corps and VISTA.

What my legislation attempts to do is extend the Peace Corps and VISTA models of service into the private sector.

What they do is encourage private sector nonprofit organizations to set up their own Peace Corps and VISTA programs, with the Federal voluntary service programs serving as the model.

What my legislation does is seek to create an Un-Peace Corps or a decentralized Peace Corps.

My legislation does not compete with the Peace Corps or VISTA in any way. They build on the idea that service involves some sacrifice. It is premised on the idea that service involves commitment. It recognizes the principal reward for service should be the sense of satisfaction and accomplishment that comes with the service.

Some of the other national service proposals may present a problem for the Peace Corps and VISTA because they would reward service with benefits that are more generous than those that are given to Peace Corps and VISTA volunteers. This may put competitive pressure on the Peace Corps and VISTA. My legislation does not have this effect.

My legislation is the direct descendant of the Peace Corps.

DEFERMENT AND FORGIVENESS

Since the early 1960's there has existed a deferment on repayment of direct and guaranteed student loans for Peace Corps and VISTA volunteers. In 1980 this deferment was

made available to students who perform similar service in the private sector for nonprofit, tax-exempt community service organizations.

To qualify for the deferment, the service with the nonprofit organizations must be comparable to the service of a Peace Corps or VISTA volunteer and this means that the service must be full time, low paid and long term, which means at least a year.

One of my bills simply directs the Department of Education to publicize the current deferment for service with a nonprofit organization, just as the Peace Corps and VISTA publicize the same deferment available for their volunteers.

I also propose that there be authorized partial cancellation of direct, Perkins loans, for students who serve with tax-exempt organizations. This proposal is identical to a provision that partially cancels the direct loans of Peace Corps and VISTA volunteers. Again, to qualify for partial cancellation of direct loans, the service with the tax-exempt organization must be comparable to the service of a Peace Corps or VISTA volunteer.

With both the deferment and partial cancellation of direct loans, the incentive and benefit was initially given to Peace Corps and VISTA volunteers and I am simply seeking to extend it to comparable service in the private sector with community service organizations.

I have also proposed that there be authorized partial cancellation of GSL, Stafford loans for Peace Corps and VISTA volunteers and for students who serve in comparable positions with tax-exempt community service organizations. This partial cancellation of guaranteed loans would be new to the Peace Corps and VISTA and new to students who serve with tax-exempt organizations. Here the exact same benefit would be given to each volunteer, Peace Corps, VISTA, or private sector Peace Corps volunteers.

ALTERNATIVE NATIONAL SERVICE PLANS

As I have said, this legislation moves the Government out of the way so that young people can provide voluntary service to their communities.

There are many Members of the Congress now proposing various incentives and programs to promote community service.

These other proposals tend to have several features in common.

First, they tend to be quite costly. They either set up whole new Government programs or bureaucracies or they would dispense millions of dollars in benefits to young people who are willing to perform community service.

Second, because so much money is involved, they will tend to give the Federal Government a major responsibility in setting standards for the kind of service that will be performed.

And third, one of them denies Government benefits to young people who choose not to serve. It contains a stick as well as a carrot. I am delighted that this approach is not included in this omnibus bill.

My legislation shows my trust in young people. I have confidence in them.

I do not believe young people need to be pushed to serve.

They don't need to be made to feel greedy when they don't serve.

They don't need to be bribed to serve.

They don't need to be deprived of Government benefits to persuade them to serve.

They don't need to be required to serve.

It would be condescending of us to assume that most young people are not willing to serve their community unless they are pushed or bribed to do so.

And, if it is true that they need to be pushed or bribed, it is doubtful if we will be very happy with the kind of service that these young people will provide to us.

My approach reduces a major impediment to service, student loan indebtedness. It takes away the principal excuse that young people often give for not serving. The cost of the legislation is modest and it is based directly on two proven programs, the Peace Corps and VISTA.

I am concerned about proposals that are costly and which will dramatically increase the Federal Government presence in the voluntary service field. I am concerned about bureaucracy, regulatory requirements and control.

My legislation involves almost no bureaucracy, no Government standards on how the service is to be performed, no Government regulation on who may serve, and no Government control of the tax-exempt organization that is organizing the service.

NONPROFIT SECTOR

The Federal Government does not have to organize the service opportunities for young people. This country is blessed with a multitude of tax-exempt charitable organizations that is unique.

These tax-exempt charitable organizations provide service to those in great need. They do so efficiently and fairly. They show immense creativity and imagination in providing service.

The Government doesn't have to find placements for the students who want to serve. The opportunities for service are all around us with nonprofit community service organizations.

It doesn't have to pay the students a living allowance while they serve. They can serve as paid employees.

It doesn't have to provide services to the young people while they serve. They can receive fringe benefits from their employer.

The Government could do some of these things and there are wonderful Government programs, like the Peace Corps and VISTA, which involve the Government very directly in organizing and funding civilian service.

There is also a superb network of State and local service corps that are organizing and funding youth service.

These programs certainly make it easier for some young people to serve.

And the Government would probably find that additional young people are willing to serve if the Government organizes and funds the service.

What I am saying, however, is that the Government can accomplish much of its objective simply by removing a major barrier to service, the obligation students feel immediately to begin repaying their student loan debts, and encouraging young people to serve in the private sector with existing tax-exempt community service organizations.

This approach is simple, effective, inexpensive, and involves none of the controversy which may arise with some of the other national service proposals.

STUDENT COMMUNITY SERVICE LEGISLATION

As I have said, the legislation I am introducing would give students a break on their Government student loans when they are willing to take low-paid, full-time positions with tax-exempt community service organizations.

CURRENT DEFERMENT PROGRAM

Few students know that when they serve in these low-paid, full-time positions with community service organizations that they already can defer repayment of all of their Government student loans. The first bill I introduced, S. 539, would simply require that the Department of Education publicize this current deferment—which it has adamantly refused to do.

PARTIAL CANCELLATION, PERKINS LOANS

Under current law the direct student loans—Perkins, NDSL loans—of Peace Corps and VISTA volunteers are partially canceled—up to 75 percent cancellation over 4 years. The second bill I am introducing would extend this partial loan cancellation to students who perform comparable service with tax-exempt community organizations.

PARTIAL CANCELLATION, STAFFORD LOANS

The current partial cancellation provisions for Peace Corps and VISTA volunteers only apply to direct [NDSL] loans, so the third bill I am introducing will provide for partial cancellation of guaranteed loans—Stafford, GSL—for Peace Corps and VISTA volunteers and for students who perform comparable service with tax-exempt community service organizations. This loan cancellation applies to both undergraduate and graduate students with GSL loans. GSL loans

constitute the bulk of the Federal student financial assistance.

Taken together these three bills make a strong statement about the desire of the Government that young people provide voluntary service to their community.

HISTORY OF LEGISLATION

The first and second bills are based on legislation I introduced in the last Congress, S. 759 and S. 760. (133 CONGRESSIONAL RECORD at S3264-68, March 17, 1987.) The GSL loan cancellation bill is new with this Congress.

In 1987, I testified on these bills before the Subcommittee on Human Resources of the House Post Office and Civil Service Committee. "Voluntary National Youth Service Act," hearings of April 29, 1987. Congressman GERRY SIKORSKI, chairman of that subcommittee, has been the lead House sponsor for the student community service legislation.

In December 1987, I authored a directive to the Department of Education regarding implementation of the current deferment. (133 CONGRESSIONAL RECORD at S17943-44, December 11, 1987.) Unfortunately this directive was completely ignored.

In September 1988 the Senate adopted the substance of S. 760 as an amendment to the Stafford Student Loan Default Prevention and Management Act of 1988, S. 2647. (134 CONGRESSIONAL RECORD at S12541-42, September 15, 1988.) Earlier this year the Senate again adopted the substance of the deferment-implementation bill (this year, S. 539) as an amendment to the same legislation. (135 CONGRESSIONAL RECORD at S3202, March 17, 1989.)

I also testified before the Senate Labor and Human Resources Committee earlier this year when it held its hearings on the national service legislation.

THE CURRENT DEFERMENT

Over the past 2 years I have written many letters to the Department of Education regarding implementation of the current deferment.

This deferment for young people who work full-time in low-paid positions with tax-exempt community service organizations came into existence with the 1980 amendments to the Higher Education Act. The deferment was first proposed by Mr. Matthew R. Paratore, executive secretary, International Liaison of Lay Volunteers in Mission in testimony to the Subcommittee on Postsecondary Education. "Reauthorization of the Higher Education Act and Related Measures, Part 6," Subcommittee on Postsecondary Education, House Committee on Education and Labor, 96th Congress, first session, at 157-163 and 292-294. He is responsible for the deferment.

Mr. Paratore pointed out to the subcommittee that there already existed a deferment on repayment of student

loans for Peace Corps and VISTA volunteers. He suggested that the same deferment be available for full-time, low-paid service with tax-exempt community service organizations.

The subcommittee recognized the simple equity in Mr. Paratore's suggestion and extended the deferment to such service with tax-exempt organizations. This put full-time, low-paid employees of tax-exempt community service organizations on a par with Peace Corps and VISTA volunteers.

As with Peace Corps and VISTA volunteers, the deferment applies to direct, guaranteed and plus loans. It is available for full-time service for at least a year. All a student has to do to obtain the deferment is fill out a simple one-page form certifying that he or she qualifies.

It would all be very simple except that since enactment of this deferment the Department of Education has systematically refused to publicize the existence of the deferment or even inform students of the requirements for claiming it. As a result, very few students are aware of the deferment and very, very few students are using it.

The Department refuses to collect data on how many students are claiming this deferment, so we do not know how many students are using it. We suspect that about 1,000 students are now using this deferment. I have asked the Department to begin collecting data on the utilization of the deferment and it has refused to do so.

For more than 2 years the Department also refused to provide information to me on exactly which students qualify for the deferment.

Finally, on September 1, 1988, the Department did supply me with answers to a series of questions I raised about the deferment and on May 26, 1989, the new Secretary of Education, Lauro F. Cavazos, finally answered my final questions about the current deferment.

We now know who qualifies for the current deferment—9 years after the deferment became law. And I am now seeking to publicize this information so that more students might consider community service.

But to this day the Department continues to mislead students about the terms of the current deferment. It refuses to inform anyone that a student may be a paid volunteer and still qualify for the deferment. It only informs students that they must be volunteers, which strongly implies that they may not be paid. This is not the case. The Department's May 26 letter finally acknowledged that students can be paid the minimum wage by their nonprofit employers.

It is shocking to me that the Department would not want to publicize the current deferment.

I have not asked it to issue any new regulations about the deferment.

I have not asked it to support the enactment of any new legislation regarding the deferment.

All I have asked it to do is implement the law as it has stood since 1980.

It is outrageous that I have to resort to the introduction of legislation to achieve this objective. But, given the refusal of the Department to implement the law, that is what my first bill would do, direct the Department of Education to implement and publicize the current deferment.

The refusal of the Department to implement the current deferment program is not due to the potential cost of the program. According to the Department the current deferment costs only \$80 per \$1,000 of the student's loans per year. This is an incredibly cheap program given the fact that it encourages young people to devote a year or more of their lives to community service.

Its refusal also does not arise from any church-state issues. It has been clear from the beginning that the deferment is available for church-affiliated tax-exempt organizations as long as the student, "as part of his or her duties, does not give religious instruction, engage in religious proselytizing, or engage in fundraising to support religious activities." (Department regulations.)

The only explanation for the Department's refusal to implement the current deferment is its indifference—or perhaps its hostility—to students who are willing to devote a year or two of their lives to serving the community.

If the administration really supports community service, it can begin to implement and publicize the current deferment.

The deferment is not a generous program. It requires full-time, low paid service for at least a year. If this type of service is not deserving of the administration's support, I have a hard time understanding what the President means when he calls for a thousand points or light.

PARTIAL CANCELLATION: DIRECT LOANS

In the 1986 Higher Education Act amendments the current deferment for Peace Corps and VISTA service was supplemented by a provision authored by Senator Donn that partially cancels the direct (Perkins, N.D.S.L.) loans of Peace Corps and VISTA volunteers.

The partial cancellation provision provides that 15 percent of a volunteer's direct loans will be canceled for each of the first 2 years of service and an additional 20 percent will be canceled for each of the next 2 years of service as a volunteer. This means that

a total of 70 percent of a student's direct loans may be canceled.

The partial cancellation provision applies only to new loans taken out by students just beginning their college education. It is not retroactive to loans or students who have previously taken out direct loans. It is an incentive only, with no windfall for students who already are in school.

The partial cancellation applies on top of the deferment. In other words, the student who serves as a volunteer will not be obligated to begin repaying his or her loans during the term of service as a volunteer and then when he or she does begin to repay the loans, he or she will not have to repay the full amount of the loans.

So, we first has a deferment for Peace Corps and VISTA service than then we had a deferment for comparable service with tax-exempt community service organizations. Then we had partial cancellation of direct student loans and I am proposing that we extend this same provision to students who serve with tax-exempt community service organizations.

I am asking for symmetry.

I am asking for equal treatment.

The terms of the partial cancellation I am seeking is the same for both groups of volunteers.

Each year the Federal Government makes approximately 800,000 direct loans. These direct loans go to students with substantial financial need. It is particularly appropriate that the partial cancellation provision apply to the loans which are used by the students with substantial financial need. They are much more likely to need this partial cancellation to be able to provide the community service.

Extending the partial cancellation provision to students who serve full-time in low-paid positions with tax-exempt community service organizations is a simple matter of equity. We've extended the deferment to these students and now we should extend the partial cancellation benefits to them as well.

PARTIAL CANCELLATION: GUARANTEED LOANS

Under current law the partial cancellation provision applies only to direct loans. There is no partial cancellation for guaranteed loans for any student volunteer no matter where he or she serves. The loan deferment provision applies to guaranteed loans, but not the partial cancellation provision.

But, there are a great number of students with guaranteed loans who might be inclined to join the Peace Corps or VISTA or take full-time, low-paid positions with tax-exempt organizations if their guaranteed loans were partially canceled. There are over 3 million students with guaranteed student loans, nearly four times as many as have direct loans.

Accordingly, my third bill would partial cancel a student's guaranteed

loans when he or she joins the Peace Corps or VISTA or serves with a tax-exempt community service organization. This partial cancellation applies to any student with GSL loans.

COST OF THE LEGISLATION

These three bills encourage and promote community service at an incredible low cost.

As I have said, the current deferment costs only \$80 per \$1,000 of student loans deferred per year. The average loan balance for students is approximately \$5,000, so the current deferment costs approximately \$500 for each student who performs service. This is an incredibly low cost for the benefits that these students are providing to the community.

Because my first bill simply requires the Department to implement and publicize the current deferment, the bill raises no Gramm-Rudman or Budget Act issues. The bill does nothing to change the terms of the current deferment.

The cost of extending the partial cancellation for direct loans to students serving with tax-exempt organizations is minimal. According to a October 3, 1988, letter from the Congressional Budget Office, the cost of this proposal is \$500,000 and this cost does not begin until fiscal 1993. This budget impact does not start until then as the provision applies only to new students and they will only then begin to graduate and to complete their terms of service with the tax-exempt organizations.

It would be more costly to partial cancellation for the GSL loans of Peace Corps and VISTA volunteers and of students who perform comparable service with tax-exempt organization. A preliminary estimate is that this third bill would cost less than \$5 million per year. Again, this cost does not begin to be felt until fiscal 1993 because the benefits apply only to new loans taken out by new students.

POLITICAL REALITY

These bills are effective and equally important, they are politically realistic.

These bills do not involve the Federal Government in organizing the community service, no new agency or bureaucracy is established, there is no duplication of existing State and local service corps programs, and there is nothing mandatory or semimandatory. The Government does not secure placements for the students, subsidize their living expenses, pay for fringe benefits, or supervise their conduct.

Student loan indebtedness is the most frequently cited reason why students are unwilling to perform community service upon graduation. These bills take away that excuse.

The bills do not require service directly or indirectly.

The bills do not involve the Federal Government in organizing the service

itself or even in placing students in service positions.

The bills do not create any new Government agency or bureaucracy. They are directed solely at the private sector.

The bills involve hardly any paperwork. All a student must do to qualify is to sign a simple form certifying that he or she qualifies for the deferment or partial cancellation.

The bills are very inexpensive.

To qualify for these benefits, the students must make a sacrifice. The position must be a low-paid one, meaning that the pay must not exceed the Federal minimum wage. This makes the service with a tax-exempt organization comparable to that of a Peace Corps or VISTA volunteer. If they make this sacrifice, they deserve a break on their student loans.

These bills build on the Peace Corps and VISTA model. These are proven programs and we should not experiment with untried service corps models. And, above all we should do nothing that adversely affects the Peace Corps and VISTA.

The bills do nothing to undermine the availability of Federal financial assistance to students who choose not to serve.

There already exist 50 State and local youth service corps and these bills do not duplicate or conflict with these programs.

These bills stimulate the entrepreneurs with tax-exempt organizations, who show great creativity in delivering needed services to the community at a low cost, rather than asking them to compete with other organizations for a limited amount of Federal grant money. We need to tap the creativity of the private sector, not burden it with Government bureaucracy and regulations.

Local community service organizations will not have to restructure themselves and their programs to meet Federal regulatory requirements or to avoid controversies which might imperil their grants.

Tax-exempt community service organizations will be encouraged to establish service corps that can make the best use of students who qualify for the deferment and partial cancellation programs.

Publicizing the current deferment requires no new legislation or appropriations. It can be done now, without any delay by the administration and by Congress. Member's offices can do this with mailings to the universities and colleges and tax-exempt organizations within their State.

The three bills I have introduced are realistic, effective and timely.

And I am delighted that they have been included in Senator KENNEDY's omnibus national service legislation.

I ask unanimous consent that two documents be printed at this point in the RECORD, some excerpts from letters commenting on S. 539, S. 540, and S. 541 and an outline of the terms for qualifying for the current student loan deferment and for the partial cancellation of student loans proposed in S. 540 and S. 541.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APPENDIX NO. 1

LETTERS IN SUPPORT OF BUMPERS COMMUNITY SERVICE LEGISLATION

Following are excerpts from letters commenting on Senator Bumpers' student community service legislation, S. 539, S. 540, and S. 541:

Dallas Martin, National Association of Student Financial Aid Administrators, Washington, D.C.:

"I believe the incentives you have proposed . . . are important alternatives that should be considered. I also believe, as you do, that it is important we do not create new programs which provide benefits greater than we are now providing to individuals who successfully participated in such programs as the Peace Corps and VISTA. These are excellent programs, and I believe we need to build on our experience from these rather than trying to establish a completely new, untested model."

Charles B. Saunders, American Council on Education, Washington, D.C.:

"Your legislation to extend forgiveness for community service to Stafford loan recipients is an important complement to your earlier bill dealing with the Perkins loan program."

Ernest Boyer, the Carnegie Foundation for the Advancement of Teaching, Princeton, New Jersey:

"The legislation you've introduced . . . makes good sense to me."

Sheldon Hackney, President, University of Pennsylvania, Philadelphia, Pennsylvania:

"Your efforts to extend Perkins loan forgiveness . . . is indeed to be commended, and should, I believe be part of any community service legislation adopted by the Congress. I wholeheartedly agree with your premise that such legislation should build upon existing volunteer programs at a variety of Government and private levels, including those programs initiated by college students themselves."

Sister Ellen Cavanaugh, International Liaison of Lay Volunteers in Mission, Washington, D.C.:

"(W)e strongly support Senator Bumpers' legislation . . . we know that there are many young persons who would be willing to serve if they only could stop worrying about their student loan debt."

A declaration from Philadelphia (Students representing the eight Ivy League Universities), April 9, 1989:

"There must be an equal opportunity for all students to enter public service. Loan deferment and loan cancellation of guaranteed student loans are therefore necessities in eliminating barriers to and providing equal opportunities for engaging in public service."

Evelyn Pinneker, the Volunteer Connection, Scotts Bluffs, Nebraska:

"(T)he bills are an exciting challenge for our youth and programs like mine."

David Orr, General Conference Mennonite Church, Newton, Kansas:

"As an administrator of a non-profit voluntary service program, I am certain that this legislation, if passed, could make a very significant impact on the number of young people available for community service."

Ben Richmond, Friends United Meeting, Richmond, Indiana:

"I believe that this legislation would be of significant assistance to young people who would like to provide service to others, but who feel financially unable to do so following graduation from college."

Gary Gonya, Youth Department, Diocese of Toledo, Toledo, Ohio:

"The loan deferment and loan cancellation legislation of Senator Bumpers would greatly aid us in our endeavors to challenge out youth. Bumpers' legislation . . . would grant to all our full time volunteers the same incentives that we have (and I had) in a tour of service in the Peace Corps or VISTA."

Michael Tanner, Covenant House, New York, New York:

"I feel it is my duty to communicate our support for (the Bumpers) legislation."

Robert A. Seeley (Board, Center Committee for Conscientious Objectors), Philadelphia, Pennsylvania:

"I think all three bills are very good ideas, which have been badly needed for years now."

Dave Treber, legislative liaison, National Interreligious Service Board for Conscientious Objectors, Washington, D.C.:

"It was especially enjoyable to have a presentation on a bill which could help the spirit of volunteerism in this country a great deal without creating some massive Federal bureaucracy."

Adam Yarmolinsky, University of Maryland, Baltimore, Maryland:

"I am writing to urge your support for the legislation introduced by Dale Bumpers . . . these bills seem to me a more reasonable approach to the national service issue than the proposals that would condition student loans or grants on performance of national service."

Charles Shelby Rooks, United Church Board for Homeland Ministries, New York, New York:

"You have my full support for all three of your bills."

Andy Weis, Public Service Center, Stanford University, California:

"Senator Bumpers' legislation is practical, straightforward and inexpensive . . . (T)he three bills . . . are easily implemented and effectively address several problems that (Stanford project on national service) would like to see alleviated."

APPENDIX NO. 2

LOAN DEFERMENT AND LOAN CANCELLATION BILLS: QUALIFICATION REQUIREMENTS

There already exists a deferment on repayment of student loans for borrower who perform service comparable to that of a VISTA or Peace Corps volunteer. Senator Bumpers has proposed that this current loan deferment be supplemented by partial cancellation of the loans of the borrowers who perform this service.

The qualification requirements set for the proposed partial loan cancellation would be the same as for the current deferment. Following is an outline of the requirements for the current deferment:

1. *Tax-Exempt Organization.*—To qualify for the current deferment the student borrower must be employed by an organization that is exempt from Federal income taxes under section 501(C)(3) of the Internal Rev-

enue Code provided that the individual is performing services comparable to those provided by volunteers in VISTA or the Peace Corps.

2. *Full-time:* The student borrower must work full-time. The number of hours that constitutes "full-time" is determined by the organization employing the individual.

3. *At least a year:* The student borrower must work for at least 1 year. If the student does not, in fact, work for 1 year, no penalties are imposed on the student.

4. *Low pay:* The maximum compensation that the student borrower may earn is the Federal minimum wage. It is not clear whether "compensation" includes fringe benefits. The student borrower may receive compensation from other employers if the individual serves "full-time" with the tax-exempt organization.

These are the basic qualification requirements for the current deferment (and for the proposed partial loan cancellation).●

● **Mr. GRAHAM.** Mr. President, on February 8, 1989, I introduced, S. 382, the Business and Citizen School Volunteers Act. This legislation would establish a National Center for School Volunteer and Partnership Programs which would assist schools and businesses in effectively organizing, promoting, training, and utilizing volunteers in our Nation's schools. It would also provide incentives to create school volunteer and partnership programs that focus on using older Americans as volunteers and assist schools in creating or expanding programs in such important areas as drug and alcohol abuse prevention, dropout prevention, and health and nutrition education.

I am very familiar with the many benefits that community and business volunteers provide to schools. In Florida alone last year, there were some 140,900 volunteers who contributed more than 6.1 million hours of service to schools in the State. The estimated monetary value of this voluntary service was more than \$48.9 million.

These volunteers, working under the supervision of professional school staff, greatly enrich and enhance the educational experience of students and teachers. Volunteers provide a wide variety of services to schools, including tutoring students in reading, math, science, and English; organizing and operating computer labs; and serving in guidance offices, libraries, and health centers.

Today, Senator KENNEDY has introduced the National and Community Service Act of 1989—comprehensive legislation to revive the spirit of community service in America.

I am very pleased that this legislation has incorporated many components of S. 382 that I introduced 5 months ago. It calls for the creation of a National Clearinghouse for School Volunteer and Partnership Programs, and provides incentives for the creation or expansion of volunteer and partnership programs nationwide—particularly those programs involving older Americans as school volunteers;

involving partnerships between educational institutions and the private sector; and which focus on drug and alcohol prevention, school dropout prevention, or nutrition and health education.

I am honored to cosponsor this comprehensive national service bill, and urge my colleagues to join me in supporting this effort to encourage community service and school volunteer efforts in their States.●

By Mr. SIMON (for himself, Mr. HATCH, Mr. DeCONCINI, Mr. THURMOND, and Mr. BRYAN):

S.J. Res. 183. Joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget; to the Committee on the Judiciary.

PROPOSED CONSTITUTIONAL AMENDMENT ON A
FEDERAL BALANCED BUDGET

● Mr. SIMON. Mr. President, today I am introducing a joint resolution for a constitutional amendment to balance the Federal budget. My proposal tackles head on one of the Nation's biggest problems: the national deficit.

The spree of deficit spending by our Federal Government must be curbed. Our interest expense is second only to defense and social security. In fiscal year 1980 the Federal Government spent \$83 billion on interest. This fiscal year we are spending approximately \$234 billion. Next year we will spend at least \$263 billion for interest. Two years from now—for the first time in the Nation's history—we will probably spend more money on interest than on defense. For this we get nothing: No education, no health care, no resources for the battle against drugs and crime, no job training, no housing. And the money for this enormous expense comes out of the pockets of taxpayers, primarily the middle class.

And who gets these interest payments? These billions of dollars we spend on interest are paid to those who can invest in T-bills: the wealthy, more and more now from foreign countries. Our current policy is reverse Robin Hood: Steal from the middle class and poor and pay to the rich. Instead of paying the rich, we should be enriching our Nation.

The constitutional amendment I am introducing today requires us to adhere to fiscal responsibility, rather than financial treachery. My proposal requires the Federal Government to achieve and maintain a balanced budget. It charges the President to propose a balanced budget to Congress each year. An excess of outlays over receipts can be approved only by a three-fifths vote of both the House and the Senate. During wartime, the balanced budget requirement may be waived. These provisions ensure a course of reason in managing our fiscal affairs.

This is a bipartisan effort: my proposal for a balanced budget amendment is cosponsored by Senators HATCH, DeCONCINI, THURMOND, and BRYAN, and I invite other Senators to join us.

As chairman of the Subcommittee on the Constitution, which has jurisdiction over this issue, I am committed to the progress of this proposal. I have scheduled hearings for today, with a markup immediately following. In the last Congress, my subcommittee held a hearing on a number of balanced budget proposals and favorably reported a balanced budget amendment. With an earlier start this Congress, I hope to be able to move the bill through the Judiciary Committee and to the floor.

A balanced budget amendment steers a self-disciplined course which protects our future economic prowess and national standard of living. Both flexibility and a strong mandate are needed for a fiscally responsible path for our Nation. The constitutional amendment which I propose provides both these elements; 48 States already function with constitutions mandating a balanced State budget, and a majority of States have called for a constitutional convention to enact a balanced budget amendment. Congress can help solve the ever-increasing deficit problem by heeding the majority of States who already perform within the constitutional restraints of a balanced budget and who cry for the same fiscal leadership from the Federal Government. Just as States have lived with their balanced budgets, so can our Nation. My proposal provides a livable constitutional mandate worthy of our children and grandchildren.●

● Mr. BRYAN. Mr. President, I rise in support of the joint resolution offered by the distinguished Senator from Illinois [Mr. SIMON]. I am pleased to be an original cosponsor of this measure to amend the Constitution to provide that Federal receipts and outlays be balanced.

The burgeoning Federal debt is an issue that should command our highest priority as we labor to address the needs of our country and our citizens. The debt, which has nearly tripled in size the last 8 years, holds hostage our future economic growth, mortgages the quality of life our children and grandchildren may enjoy, and threatens our efforts to remain a competitive economic power. The ongoing expense of servicing the debt impairs to a greater extent each year our ability to fund necessary programs out of existing revenues.

The Federal Government must stop spending money it does not have. That will require disciplined actions and hard decisions on the part of both the executive branch and the Congress.

Presently 48 State governments have constitutional provisions requiring

that they balance their budgets. A similar Federal provision may be the only certain method of imposing fiscal order on the Federal Government's affairs.

When I became Governor of the State of Nevada in 1983, the State treasury was literally empty. We faced insolvency. So, we made the hard choices necessary to live within the State's means. We cut State spending, balanced budgets for 6 consecutive years, and retained the confidence and respect of the State's taxpayers. When I left the Governor's office in 1988, we turned over to my successor the largest budget surplus in the State's history.

I believe the Federal Government can benefit from the example that State governments have displayed in their fiscal affairs. I therefore urge my colleagues to support this joint resolution so that our constitution may be amended to provide for fiscal responsibility for the Federal Government.●

ADDITIONAL COSPONSORS

S. 16

At the request of Mr. CRANSTON, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 16, a bill to require the executive branch to gather and disseminate information regarding, and to promote techniques to eliminate, discriminatory wage-setting practices and discriminatory wage disparities which are based on sex, race, or national origin.

S. 82

At the request of Mr. THURMOND, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 82, a bill to recognize the organization known as the 82d Airborne Division Association, Incorporated.

S. 120

At the request of Mr. KENNEDY, the names of the Senator from Maine [Mr. COHEN] and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 120, a bill to amend the Public Health Service Act to reauthorize adolescent family life demonstration projects, and for other purposes.

S. 135

At the request of Mr. GLENN, the names of the Senator from Virginia [Mr. ROBB], the Senator from Hawaii [Mr. INOUE], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of S. 135, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 247

At the request of Mr. METZENBAUM, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Nevada [Mr. BRYAN], the Senator from Washington [Mr. ADAMS], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 247, a bill to amend the Energy Policy and Conservation Act to increase the efficiency and effectiveness of State energy conservation programs carried out pursuant to such act, and for other purposes.

S. 346

At the request of Mr. WIRTH, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 346, a bill to amend the Alaska National Interest Lands Conservation Act, and for other purposes.

S. 494

At the request of Mr. DURENBERGER, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 494, a bill to amend the Internal Revenue Code of 1986 to extend for 5 years, and increase the amount of, the deduction for health insurance for self-employed individuals.

S. 714

At the request of Mr. McCLURE, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 714, a bill to extend the authorization of the Water Resources Research Act of 1984 through the end of fiscal year 1993.

S. 805

At the request of Mr. McCLURE, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 805, a bill to amend the Food Security Act of 1985 to permit certain school districts to receive assistance to carry out the school lunch program in the form of all cash assistance or all commodity letters of credit assistance.

S. 993

At the request of Mr. KOHL, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Illinois [Mr. SIMON], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of S. 993, a bill to implement the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction, by prohibiting certain conduct relating to biological weapons, and for other purposes.

S. 1062

At the request of Mr. GORE, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from California [Mr. CRANSTON] were added as cosponsors of S. 1062, a bill to amend the Earthquake Hazards Reduction Act of 1977 to improve the Federal effort to reduce earthquake hazards, and for other purposes.

S. 1067

At the request of Mr. GORE, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 1067, a bill to provide for a coordinated Federal research program to ensure continued United States leadership in high-performance computing.

S. 1091

At the request of Mr. GRAHAM, the names of the Senator from Tennessee [Mr. SASSER], the Senator from Virginia [Mr. WARNER], and the Senator from New Hampshire [Mr. HUMPHREY] were added as cosponsors of S. 1091, a bill to provide for the striking of medals in commemoration of the bicentennial of the United States Coast Guard.

S. 1142

At the request of Mr. BENTSEN, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 1142, a bill to establish and evaluate four military-style boot camp prisons within the Federal prison system as a 4-year demonstration program.

S. 1150

At the request of Mr. CONRAD, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 1150, a bill to provide for the payment by the Secretary of the Interior of undedicated receipts into the Refuge Revenue Sharing Fund.

S. 1153

At the request of Mr. DASCHLE, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1153, a bill to amend title 38, United States Code, to provide for the establishment of presumptions of service-connection between certain diseases experienced by veterans who served in Vietnam era and exposure to certain toxic herbicide agents used in Vietnam; to provide for interim benefits for veterans of such service who have certain diseases; to improve the reporting requirements relating to the "Ranch Hand Study"; and for other purposes.

S. 1163

At the request of Mr. HATCH, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1163, a bill to amend the District of Columbia Code to limit the length of time for which an individual may be incarcerated for civil contempt in a child custody case in the Superior Court of the District of Columbia and to provide for expedited appeal procedures to the District of Columbia Court of Appeals for individuals found in civil contempt in such case.

S. 1207

At the request of Mr. PACKWOOD, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Kentucky [Mr. FORD], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 1207, a bill to amend the Communications Act of

1934 to reform the radio broadcast license renewal process and for other purposes.

S. 1214

At the request of Mr. DECONCINI, the names of the Senator from Nebraska [Mr. KERREY] and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 1214, a bill to provide that ZIP code boundaries may be redrawn so that they do not cross the boundaries of any unit of general local government.

S. 1245

At the request of Mr. MITCHELL, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 1245, a bill to amend the Federal Meat Inspection Act to expand the meat inspection programs of the United States by establishing a comprehensive inspection program to ensure the quality and wholesomeness of all fish products intended for human consumption in the United States, and for other purposes.

S. 1276

At the request of Mr. GLENN, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 1276, a bill relating to the method by which Government contributions to the Federal employees health benefits program shall be computed for contract year 1990 or 1991, if no Government-wide indemnity benefit plan participates in that year.

S. 1310

At the request of Mr. SIMON, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 1310, a bill to eliminate illiteracy by the year 2000, to strengthen and coordinate literacy programs, and for other purposes.

S. 1385

At the request of Mr. LOTT, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 1385, a bill to establish a tropical cyclone reconnaissance, surveillance, and research program under the joint control of the Secretary of Defense and the Secretary of Commerce.

SENATE JOINT RESOLUTION 53

At the request of Mr. D'AMATO, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of Senate Joint Resolution 53, a joint resolution to designate May 25, 1989, as "National Tap Dance Day."

SENATE JOINT RESOLUTION 102

At the request of Mr. D'AMATO, the names of the Senator from New York [Mr. MOYNIHAN] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Joint Resolution 102, a joint resolution designating September 1989 as "National Library Card Sign-Up Month."

SENATE JOINT RESOLUTION 122

At the request of Mr. LUGAR, the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Joint Resolution 122, a joint resolution to designate October 1989 and 1990 as "National Down Syndrome Month."

SENATE JOINT RESOLUTION 154

At the request of Mr. JOHNSTON, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of Senate Joint Resolution 154, a joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920.

SENATE JOINT RESOLUTION 175

At the request of Mr. D'AMATO, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Washington [Mr. ADAMS], the Senator from South Carolina [Mr. THURMOND], the Senator from California [Mr. WILSON], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of Senate Joint Resolution 175, a joint resolution designating the week beginning September 17, 1989, as "Emergency Medical Services Week."

SENATE RESOLUTION 155

At the request of Mr. LOTT, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of Senate Resolution 155, a resolution to establish a temporary special committee of the Senate to provide oversight and guidance with respect to the responsibilities of the Director of National Drug Control Policy.

SENATE CONCURRENT RESOLUTION 57—RELATING TO THE 25TH ANNIVERSARY OF VOLUNTEERS IN SERVICE TO AMERICA

Mr. DODD submitted the following concurrent resolution; which was referred to the Committee on Labor and Human Resources:

S. CON. RES. 57

Whereas in 1964 Congress enabled legislation establishing the Volunteers in Service To America program (hereinafter referred to in this resolution as "VISTA") as this country's only full-time, volunteer, anti-poverty program;

Whereas since 1964, more than 100,000 individuals, from all walks of life, geographic areas, and ages have given a year or more of their lives to help the poor and disadvantaged of the United States;

Whereas VISTA has helped communities develop local leadership and has empowered people to help themselves and their communities;

Whereas VISTA volunteers have helped create and maintain employment programs, health clinics, battered women's shelters, legal services centers, literacy organizations, food banks, literacy education programs, substance abuse prevention projects, and housing programs;

Whereas VISTA volunteers have worked with homeless families, the mentally and

physically disabled, migrant farmworkers, low-income senior citizens, incarcerated youth and adults, and refugees to enable them to become more self-reliant; and

Whereas with the increasing number of poor people in the United States, the importance of VISTA as one of the Nation's most effective weapons against poverty cannot be underestimated: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Senate—

(1) that VISTA be commended on its twenty-fifth anniversary for its work in helping to combat the difficulties caused by poverty; and

(2) that VISTA has been a highly successful program and the commitment of the Senate to VISTA is reaffirmed.

SENATE CONCURRENT RESOLUTION 58—CALLING ON THE PRESIDENT TO AWARD THE PRESIDENTIAL MEDAL OF FREEDOM TO ARMANDO VALLADARES

Mr. GRAHAM submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 58

Whereas Cuba continues to violate the human rights of thousands of its residents under the brutal dictatorship of Fidel Castro;

Whereas thousands of political prisoners remain in Cuban jails;

Whereas Armando Valladares, like many Cubans, endured privations and tortures while being held as a political prisoner in Cuba for 22 years; and

Whereas while serving as the United States Ambassador to the United Nations Human Rights Commission, Armando Valladares has helped to promote human rights and dignity for all individuals: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the egregious human rights violations in Cuba should be condemned; and

(2) pursuant to section 2(b) of Executive Order 9586, the President should award the Presidential Medal of Freedom to Armando Valladares for outstanding efforts to secure human rights and freedom for Cubans and millions of individuals throughout the world.

● Mr. GRAHAM. Mr. President, I am submitting a concurrent resolution today calling on the President to award the Presidential Medal of Freedom to Armando Valladares for his outstanding efforts to secure human rights and freedom for Cubans and millions of individuals throughout the world.

Armando Valladares has become a shining beacon of courage and perseverance to all of those who have suffered at the hands of dictators. After spending 22 years in Fidel Castro's prisons, Armando was finally released in 1982.

He has gone on to serve his adopted country, leading the United States' human rights efforts before the United Nations in Geneva. Largely due

to his dedication and commitment, the U.N. launched its first investigation of human rights in Cuba.

That landmark investigation has led the United Nations to extensively document across the board human rights abuses that included cases of torture, missing people, religious persecution, violations of civil and political rights, and violations of economic and social rights.

It is time we thank Armando for shining the light of world public opinion on the Castro dictatorship in Cuba. One very appropriate way we can do so is to award him the Presidential Medal of Freedom. It is the least we can do to show our sincere appreciation.●

AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT—FISCAL YEARS 1990 AND 1991

ROTH AMENDMENT NOS. 425 AND 426

(Ordered to lie on the table.)

Mr. ROTH submitted two amendments intended to be proposed by him to the bill (S. 1352) to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes, as follows:

AMENDMENT No. 425

At the appropriate place in the bill add the following new section:

Since the armed forces of the Soviet Union have deployed a weapons system capable of destroying low-orbiting satellites;

Since the armed forces of the United States wish to acquire a similar capability;

Since the capacity to destroy surveillance satellites is inherently destabilizing and could provoke a crisis during times of political tension; and

Since any program to acquire a United States antisatellite capacity and/or to improve the survivability of United States satellites will prove extremely costly;

Now, therefore, be it declared that it is The Sense of the Senate that—

The United States Government should pursue a "dual track" policy on antisatellite weaponry *viz*, that any military program designed to acquire such a military capability should be paralleled by a diplomatic offer to the Soviet Union to negotiate a verifiable treaty to abolish antisatellite weaponry.

AMENDMENT No. 426

At an appropriate place in the bill, add the following new section:

SEC. . (a) METHODS OF PAYMENT FOR ACQUISITIONS AND TRANSFERS BY THE UNITED STATES.—Section 2344(a) of title 10, United States Code, is amended by striking out "or substantially identical nature" and inserting in lieu thereof "value".

(b) BROADENING OF ITEMS ELIGIBLE FOR EXCHANGE.—(1) The table of sections at the be-

gining of Chapter 138 of title 10, United States Code, is amended by striking out the item relating to section 2348.

"(c) The following transfers in exchange for supplies or services are prohibited:

"(1) Transfers in exchange for property the acquisition of which is prohibited by law.

"(2) Transfers of nuclear warheads.

"(3) Transfers of chemical munitions.

RURAL DEVELOPMENT, AGRICULTURE, AND RELATED AGENCIES APPROPRIATIONS—FISCAL YEAR 1990

PRYOR AMENDMENT NO. 427

Mr. PRYOR proposed an amendment to the bill (H.R. 2883) making appropriations for Rural Development, Agriculture, and related agencies programs for the fiscal year ending September 30, 1990, and for other purposes, as follows:

Insert at the appropriate place:

Sec. . (a) Not more than \$47,003,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Agriculture.

(b)(1) Not later than 20 days after the end of each fiscal quarter, the Secretary of Agriculture shall (A) submit to Congress a report on the amounts obligated and expended by the department during that quarter for the procurement of advisory and assistance service, and (B) transmit a copy of such report to the Comptroller General of the United States.

(2) Each report submitted under paragraph (1) shall include a list with the following information:

(A) All contracts awarded for the procurement of advisory and assistance services during the quarter and the amount of each contract.

(B) The purpose of each contract.

(C) The justification for the award of each contract and the reason the work cannot be performed by civil servants.

(c) The Comptroller General of the United States shall review the reports submitted under subsection (b) and transmit to Congress any comments and recommendations the Comptroller General considers appropriate regarding the matter contained in such reports.

NATIONAL DEFENSE AUTHORIZATION ACT—FISCAL YEARS 1990 AND 1991

BOSCHWITZ AMENDMENT NO. 428

(Ordered to lie on the table.)

Mr. BOSCHWITZ submitted an amendment intended to be proposed to the bill S. 1352, supra, as follows:

At the appropriate place, insert the following:

SEC. . TERMINATION OF CONGRESSIONAL REPORTING REQUIREMENTS.

(a) **TERMINATION.**—Effective on January 1, 1991, any requirements imposed by law for the Secretary of Defense, the Secretary of a military department, or any other officer of the Department of Defense to submit a

report to Congress (or to any committee of Congress) is terminated.

(b) **POLICY CONCERNING EXCEPTIONS.**—It is the policy of Congress that any exception to the provisions of subsection (A) will be enacted by law on a case-by-case basis and should only be made if (i) there is a unique and compelling rationale or requirement for requiring the report to be submitted and (ii) efforts to reduce unnecessary or redundant reporting requirements have been made and such a report is still justified.

RURAL DEVELOPMENT, AGRICULTURE, AND RELATED AGENCIES APPROPRIATIONS—FISCAL YEAR 1990

LEAHY (AND HARKIN) AMENDMENT NO. 429

Mr. BURDICK (for Mr. LEAHY, for himself, and Mr. HARKIN) proposed an amendment to the bill H.R. 2883, supra, as follows:

On page 58, line 10 strike the amount "\$4,872,044,000" and insert in place thereof the amount "\$4,887,494,000"; and on line 12 strike the amount "\$715,490,000" and insert in place thereof the amount "\$730,940,000".

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS—FISCAL YEAR 1990

JOHNSTON AMENDMENTS NOS. 430 AND 431

Mr. JOHNSTON proposed two amendments to the bill (H.R. 2696) making appropriations for energy and water development for the fiscal year ending September 30, 1990, and for other purposes, as follows:

On page 44, line 19, strike "\$1,098,431,000" and insert in lieu thereof "\$1,114,431,000".

On page 48, line 13, after the sum "\$9,554,098,000," insert the following:

"of which '\$1,597,031,000 is for Defense Waste and Environmental Restoration activities including \$658,467,000 for Waste Operations and Projects."

ADAMS AMENDMENT NO. 432

Mr. JOHNSTON (for Mr. ADAMS) proposed an amendment to the bill H.R. 2696, supra, as follows:

On page 29 after line 10 add the following new section:

Sec. . Section 4(t)(3) of the Water Resources Development Act of 1988 (102 Stat. 4021-4022) is amended by adding at the end of subparagraph (3)(E) the following new subparagraph:

"(F) Upon transfer of OMR&R responsibility to the city in accordance with the provisions of this subsection, the Secretary shall further modify the project contract to forgive the city's OMR&R payment obligations in excess of \$200,000 for the period beginning October 1, 1988 and ending September 30, 1989, provided that the total amount forgiven shall not exceed \$600,000."

MOYNIHAN AMENDMENT NO. 433

Mr. JOHNSTON (for Mr. MOYNIHAN) proposed an amendment to the bill H.R. 2696, supra, as follows:

On page 7, line 9, before the period at the end of the line, insert the following: "Provided further, That the Secretary of the army, acting through the Chief of Engineers, is directed to use \$250,000 of the funds appropriated under this heading for a comprehensive reconnaissance study to determine what improvements in the interest of water quality and environmental enhancement are advisable for Onondaga Lake, New York".

SANFORD AMENDMENT NO. 434

Mr. JOHNSTON (for Mr. SANFORD) proposed an amendment to the bill H.R. 2696, supra, as follows:

On page 7 line 20 strike the figure "\$1,022,270,000" and insert in lieu thereof "\$1,022,770,000".

And on page 14 line 17 add the following before the colon: "Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$500,000 of the funds appropriated herein to complete a reassessment of the Manteo (Shallowbag) Bay, North Carolina project, including a reanalysis of a sand-bypass system and the effect of stabilization measures undertaken by the State of North Carolina on the overall project".

EXON (AND KERREY) AMENDMENT NO. 435

Mr. JOHNSTON (for Mr. EXON, for himself, and Mr. KERREY) proposed an amendment to the bill H.R. 2696, supra, as follows:

At the appropriate place in the bill, insert the following:

Sec. . The lake and recreation area at Dam Site 18 of the Papillion Creek Basin Project in Nebraska shall, on and after the date of enactment of this Act, be known and designated as the "Ed Zorinsky Lake and Recreation Area". Any reference to the area containing such dam site and its lake and surroundings in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Ed Zorinsky Lake and Recreation Area.

DeCONCINI AMENDMENT NO. 436

Mr. JOHNSTON (for Mr. DeCONCINI) proposed an amendment to the bill H.R. 2696, supra, as follows:

At the appropriate place in the bill add the following:

Notwithstanding section 601(B) of Public Law 99-662, the project for flood damage prevention, along the Rillito River, Pima County, Arizona, is authorized for construction in accordance with the plans described in the report of the Chief of Engineers dated January 22, 1988 at a total cost of \$19,600,000 with an estimated first Federal cost of \$14,600,000.

NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEARS 1990 AND 1991

SIMON (AND OTHERS)
AMENDMENT NO. 437

(Ordered to lie on the table.)

Mr. SIMON (for himself, Mr. LAUTENBERG, Mr. BRADLEY, and Mr. DIXON) submitted an amendment intended to be proposed by them to the bill S. 1352, supra, as follows:

"SEC. . COMPTROLLER GENERAL CERTIFICATION ON BASE CLOSURES.—(a) The Comptroller General of the United States must certify to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives that no significant errors were made in the Commission's phase one determination of any base selected for closure or realignment. Those bases where such significant errors are found may not be closed or realigned.

(b) The Comptroller General must submit such certification no later than November 15, 1989.

DIXON AMENDMENT NO. 438

(Ordered to lie on the table.)

Mr. DIXON submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

On page 247, below line 24, insert the following:

SEC. 836. COMPETITIVE PROCEDURES REQUIRED FOR PROCUREMENTS OF PRODUCTS AVAILABLE FROM FEDERAL PRISON INDUSTRIES.

(a) COMPETITIVE PROCEDURES REQUIRED.—The Secretary of Defense shall ensure that competitive procedures are used for the award of Department of Defense contracts for the procurement of a product which may be procured from Federal Prison Industries.

(b) LIMITATIONS.—In the solicitation for and award of contracts for the procurement of a product referred to in subsection (a), the Department of Defense may not—

(1) accord Federal Prison Industries any greater preference than is accorded small business concerns; or

(2) purchase any product of Federal Prison Industries for a price that exceeds the current market price of such product.

(c) DEFINITIONS.—As used in this section:

(1) The term "current market price" means, with respect to any product, the fair market price of that product, within the meaning of section 15(a) of the Small Business Act (15 U.S.C. 644(a)), at the time that the contract is awarded.

(2) The term "small business concern" shall have the same meaning as is provided in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)), and includes a small business concern owned and controlled by socially and economically disadvantaged individuals.

(3) The term "small business concern owned and controlled by socially and economically disadvantaged individuals" shall have the same meaning as is provided in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS—FISCAL YEAR 1990

DOMENICI AMENDMENT NO. 439

Mr. DOMENICI proposed an amendment to the bill H.R. 2696, supra, as follows:

On page 56, line 14, strike all beginning with the word "and" through the word "seq.))" on line 16, and insert in lieu thereof the following: "colleges and universities having a student body in which more than 20 percent of the students are Hispanic Americans, or Native Americans. For purposes of this section, economically and socially disadvantaged individuals shall be deemed to include women."

PRYOR AMENDMENT NO. 440

Mr. PRYOR proposed an amendment to the bill H.R. 2696, supra, as follows:

Insert at the appropriate place:

Sec. . (a) Not more than \$36,271,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Energy.

(b)(1) Not later than 20 days after the end of each fiscal quarter, the Secretary of Energy shall (A) submit to Congress a report on the amounts obligated and expended by the department during that quarter for the procurement of advisory and assistance service, and (B) transmit a copy of such report to the Comptroller General of the United States.

(2) Each report submitted under paragraph (1) shall include a list with the following information:

(A) All contracts awarded for the procurement of advisory and assistance services during the quarter and the amount of each contract.

(B) The purpose of each contract.

(C) The justification for the award of each contract and the reason the work cannot be performed by civil servants.

(c) The Comptroller General of the United States shall review the reports submitted under subsection (b) and transmit to Congress any comments and recommendations the Comptroller General considers appropriate regarding the matter contained in such reports.

METZENBAUM (AND GLENN)
AMENDMENT NO. 441

Mr. METZENBAUM (for himself and Mr. GLENN) proposed an amendment to the bill H.R. 2696, supra, as follows:

On page 20, line 9, immediately following the colon, insert the following: "Provided further, That \$300,000 of the funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers, for dredging of the Ashtabula River, Ohio:"

NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEARS 1990 AND 1991

D'AMATO AMENDMENT NO. 442

(Ordered to lie on the table.)

Mr. D'AMATO submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

At the appropriate place in the bill insert the following:

"SEC. . (a) USE OF DEADLY FORCE.—The President shall report to the Committees on Armed Services and the Committees on the Judiciary of the Senate and House of Representatives, to the Senate International Narcotics Control Caucus, and to the Select Committee on Narcotics Abuse and Control of the House of Representatives on—

(1) all current provisions of law and regulation permitting the use of deadly force during time of peace by United States military personnel in the performance of their official duties—

(A) within the territorial land, sea, and air of the United States, its territories and possessions; and

(B) outside the territorial land, sea, and air of the United States, its territories and possessions.

(2) changes, if any, that may be necessary to existing law, regulations, treaty, or executive agreements to permit United States military personnel to employ deadly force under the following circumstances—

(A) to bring down a suspected drug smuggling aircraft which has refused or ignored instructions to land at a specified airfield for customs inspection after penetrating the territorial airspace of the United States;

(B) to halt a suspected drug smuggling vessel on the sea which has been ordered to heave to for inspection by a United States vessel or aircraft and has ignored or refused to obey the order;

(C) to halt a suspected drug smuggler who has crossed the land border of the United States illegally and who has refused to obey or ignored an order of stop for customs inspection; and

(3) deadline for submission of the report. The required report shall be submitted not later than ninety days after the enactment into law of this Act. The required report may be submitted in both classified and unclassified versions.

WILSON (AND OTHERS)
AMENDMENT NO. 443

Mr. WILSON (for himself, Mr. PELL, Mr. CHAFEE, Mr. PRESSLER, and Mr. CRANSTON) submitted an amendment intended to be proposed by him to the bill, S. 1352, supra, as follows:

At the end of part A of title XXVII insert the following:

SEC. 2812. FINANCIAL ASSISTANCE TO PUBLIC SCHOOL DISTRICTS AFFECTED BY MILITARY FAMILY HOUSING PROJECTS.

(a) IN GENERAL.—(1) Subchapter II of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2835. Assistance to public school districts affected by military family housing projects

"(a) PAYMENT OF ASSISTANCE.—If a project for the acquisition of family housing subject to this subchapter affects one or more

public school districts in the United States as described in subsection (b), the Secretary of the military department carrying out such project shall pay to the public school district or districts, as the case may be, the amount determined by multiplying the total number of square feet of the floor space of the family housing acquired in such project by \$1.50, as adjusted under subsection (j).

"(b) SCHOOL DISTRICTS ELIGIBLE FOR PAYMENT.—A public school district is eligible to receive a payment under subsection (a) in connection with a family housing project only if such school district—

"(1) demonstrates to the Secretary concerned that—

"(A) the total number of students enrolled in public schools in such school district is likely to be substantially increased over the number of students that would otherwise be enrolled in such public schools except for the enrollment of students whose parents are employed (or will be employed) on such project or live (or will live) in the family housing proposed to be acquired; and

"(B) such school district does not have sufficient financial resources or facilities to provide adequately for the educational needs of the increased number of students; and

"(2) such school district submits a plan for the use of the funds paid under this section in connection with such family housing project as provided in subsection (f).

"(c) ALLOCATION OF PAYMENT.—(1) In the event that a family housing project under this subchapter affects more than one public school district as described in subsection (b)(1)(A), the Secretary concerned shall allocate among such districts the total amount required to be paid under subsection (a).

"(2) The amount of the allocation of a public school district referred to in paragraph (1) shall be determined by multiplying the total amount to be paid under subsection (a) by the percentage determined by dividing—

"(A) the total number of students enrolled in public schools in such school district that exceeds the number of students that would otherwise be enrolled in such public schools except for the enrollment of students whose parents are referred to in subsection (b)(1)(A), by

"(B) the total number of students enrolled in public schools in all school districts referred to in paragraph (1) that exceeds the number of students that would otherwise be enrolled in such public schools except for the enrollment of students whose parents are referred to in subsection (b)(1)(A).

"(d) SOURCE OF FUNDS.—Amounts required to be paid under subsection (a) in connection with a family housing project carried out by the Secretary of a military department may be paid out of funds available to such department for military construction.

"(e) NOTICE OF FAMILY HOUSING PROJECT; ADDITIONAL INFORMATION.—(1) At the same time that a solicitation is issued in connection with the award of a construction contract under a family housing project referred to in subsection (a), the Secretary concerned shall transmit a written notice of the project to each school district in the United States that will be affected by such project as described in subsection (b)(1)(A). The notice shall contain the following information:

"(A) A written description of the proposed project, including the number of persons from outside the school district concerned who are expected to be employed on such project.

"(B) An estimate of the number of families that will occupy the family housing.

"(C) The estimated date of the award of the construction contract.

"(D) Any other information the Secretary considers appropriate.

"(2) The Secretary concerned shall furnish a public school district such information (in addition to the information furnished under paragraph (1)) as the school district may request for the purpose of facilitating preparation of documents necessary to meet the requirement set out in subsection (f).

"(f) PLAN.—Each school district receiving a notice of a family housing project pursuant to subsection (e)(1) shall submit to the Secretary concerned, before the date specified in the notice pursuant to subsection (e)(1)(C), a plan containing a discussion of how the funds paid to the school district under this section are to be used.

"(g) TIME FOR PAYMENT.—A payment required to be made to a public school district under subsection (a) in connection with a family housing project shall be made on the same date as the Secretary concerned makes the first payment to a contractor for the construction of such project.

"(h) USE OF FUNDS.—Funds received by a public school district under this section in connection with a family housing project may be used only for the construction or other acquisition of educational facilities for schools affected by such project (as determined pursuant to subsection (b)(1)(A)).

"(i) RELATIONSHIP TO OTHER SOURCES OF FUNDS.—(1) A public school district may use amounts received under this section only to supplement and, to the extent practicable, increase the level of funds that would, without regard to payments under this section, otherwise be made available to such school district from sources outside the Federal Government for the acquisition of educational facilities by such school district, and in no case may such amounts be used to supplant such funds.

"(2) The Secretary of Education shall take into consideration, for the purposes of determining the priority of a school district for assistance under the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), and the amount of assistance to be paid to such school district under such Act, the amount of any payment made to such school district under this section. The Secretary of a military department shall furnish the Secretary of Education such information as may be necessary to carry out this paragraph.

"(j) ANNUAL ADJUSTMENT OF AMOUNT OF PAYMENT.—Effective on January 1 of each year, the rate per square foot paid under subsection (a) shall be increased by the percentage by which the Consumer Price Index (all items—United States city average) published for September of the preceding year by the Department of Commerce exceeds such index for September of the year before such preceding year.

"(k) CONSULTATION REQUIREMENT.—The Secretary of each military department shall consult with the Secretary of Education in carrying out this section.

"(l) DEFINITION.—In this section, the term 'acquisition', with respect to family housing or educational facilities, includes construction, leasing, addition, extension, expansion, alteration, and relocation of family housing or educational facilities, respectively."

"(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2811 the following:

"2835. Assistance to public school districts affected by military family housing projects."

"(b) EFFECTIVE DATE.—(1) The amendment made by subsection (a) shall take effect with respect to family housing projects for which contract solicitations are issued on or after October 1, 1989.

"(2) The first adjustment under section 2835(j) of title 10, United States Code (as added by subsection (a)) shall take effect on January 1, 1991, and shall be computed on the basis of a comparison of the Consumer Price Index (referred to in such section) (published for September 1990 with the Consumer Price Index published for September 1989).

ENERGY AND WATER RESOURCES APPROPRIATIONS—FISCAL YEAR 1990

MCCAIN (AND OTHERS) AMENDMENT NO. 444

Mr. MCCAIN (for himself, Mr. HATCH, Mr. NICKLES, Mr. GORTON, Mr. THURMOND, Mr. WILSON, Mr. D'AMATO, and Mr. WARNER) proposed an amendment to the bill H.R. 2696, supra, as follows:

At the end of the bill add the following:
SEC. . 1 YEAR DELAY IN MEDICARE CATASTROPHIC PROVISIONS.

(a) It is the purpose of this Act—
(1) to provide Medicare beneficiaries with protection from the financial ravages of an illness that results in a long-term hospitalization (provided for in the Medicare Catastrophic Coverage Act of 1988, already implemented);

(2) to provide Medicare beneficiaries with protection from what is commonly referred to as spousal impoverishment—the near total liquidation of a couple's assets in order to meet the income eligibility requirement for long-term care benefits through the Medicaid Program—by permitting the spouse who is not in need of long-term care services to retain a certain level of assets and/or income (provided for in the Medicare Catastrophic Coverage Act of 1988, to be phased-in—beginning in September 1989);

(3) to permit a nominal, flat, increase in Medicare premiums in order to pay for the long-term hospitalization (provided for in the Medicare Catastrophic Coverage Act of 1988, already implemented);

(4) to delay, for a year, implementation of all other benefits provided for in the Medicare Catastrophic Coverage Act of 1988;

(5) to delay, for a year, implementation of the supplemental premium provided for in the Medicare Catastrophic Coverage Act of 1988;

(6) It is the sense of the Senate that the Senate Finance Committee shall study both the benefits, financing and mandatory nature of the Medicare Catastrophic Coverage Act of 1988.

Specifically, it is the sense of the Senate that the Senate Finance Committee shall study among other things the Act's financing mechanism. And, taking into consideration the analysis of the Congressional Budget Office, the Office of Management and Budget and any other relevant studies and cost estimates in relation to the benefits hereby delayed, shall determine the appropriateness of both;

(7) It is further the sense of the Senate that, by January 1, 1991, the Senate shall have taken the appropriate steps to reduce the supplemental premium if it finds, after studying the above mentioned analysis, that the total amount of premiums being collected under the Act are greater than the amount needed to cover the costs of the coverage provided by the Act.

(b) Section 1833(c) of the Social Security Act (42 U.S.C. 13951(c)), as inserted by section 201(a) of the Medicare Catastrophic Coverage Act of 1988, is amended—

(1) in paragraph (1), by striking "1990" and inserting "1991";

(2) in paragraph (3), by striking "1990" each place it appears and inserting "1991"; and

(3) in paragraph (3)(A)—

(A) by striking the first sentence,

(B) in the second sentence, by striking "succeeding year" the first place it appears and inserting "year (beginning with 1991)", and

(C) in the second sentence, by striking "succeeding" the second place it appears.

(c) Paragraph (4)(B) of section 1861(t) of the Social Security Act, as added by section 202(a)(2)(C) of the Medicare Catastrophic Coverage Act, is amended by striking "1990" and inserting "1991".

(d) Section 1834(c) of the Social Security Act, as added by section 202(b)(4) of the Medicare Catastrophic Coverage Act, is amended—

(1) in paragraph (1)(C)(i), by striking subclause (I) and (II) and inserting the following:

"(I) 1991 is \$600,

"(II) 1992 is \$652, and";

(2) in paragraph (1)(C)(i) by striking subclause (III) and redesignating subclause (IV) as subclause (III);

(3) in paragraph (1)(C)(iii), by striking "1992" and inserting "1993";

(4) in paragraph (2)(C)(ii), by striking "1990", "1991", "1992", and "1993" and inserting "1991", "1992", "1993", and "1994", respectively;

(5) in paragraph (3)(A), by striking "1992" and inserting "1993";

(6) in paragraph (3)(C)(i), by striking "1990" and inserting "1991";

(7) in paragraph (4)(A)(i), by striking "1990 or 1991" and inserting "1991 or 1992";

(8) in paragraph (7)(B), by striking "1991" and inserting "1992";

(9) in paragraph (8)(A), by striking "6 years" and inserting "7 years"; and

(10) in subparagraphs (B), (C), (D), and (F) of paragraph (8), by striking "1989", "1990", "1991", "1992", "1993" and "1994" and inserting "1990", "1991", "1992", "1993", "1994", and "1995", respectively.

(e) Paragraphs (1) and (4) of section 1842(o) of the Social Security Act, as added by section 202(c)(1)(C) of the Medicare Catastrophic Coverage Act, are each amended by striking "1991" and inserting "1992".

(f) Section 202(e)(4)(B) of the Medicare Catastrophic Coverage Act is amended by striking "1993" and inserting "1994".

(g) Section 202(i)(2) of the Medicare Catastrophic Coverage Act is amended by striking "1989, 1990, 1991, 1992, and 1993" and inserting "1990, 1991, 1992, 1993, and 1994", respectively.

(h) Section 202(l)(2) of the Medicare Catastrophic Coverage Act is amended by striking "1989" and "1990" and inserting "1990" and "1991", respectively.

(i) Section 202(m) of the Medicare Catastrophic Coverage Act is amended by striking "1989", "1990", and "1991", and "1992", respectively.

(j) Section 1834(d)(2) of the Social Security Act, as added by section 203(c)(1)(F) of the Medicare Catastrophic Coverage Act, is amended by striking "1990" and inserting "1991".

(k) Section 203(c)(2) of the Medicare Catastrophic Coverage Act is amended by striking "1991", and inserting "1992".

(l) Section 1835(a)(2)(G) of the Social Security Act, as inserted by section 203(d)(1)(C) of the Medicare Catastrophic Coverage Act, is amended by striking "1993" and inserting "1994".

(m) Section 1154(a)(16) of the Social Security Act, amended by section 203(d)(2) of the Medicare Catastrophic Coverage Act, is amended by striking "1993" and inserting "1994".

(n) Section 203(g) of the Medicare Catastrophic Coverage Act is amended by striking "1990", and inserting "1991".

(o) Section 1834(e) of the Social Security Act, as added by section 204(b)(2) of the Medicare Catastrophic Coverage Act, is amended—

(1) in paragraph (2)(B)(ii), by striking "1992" and inserting "1993".

(2) in paragraph (4)(A)(i), by striking "1990" and inserting "1991".

(3) in paragraph (4)(B), by striking "1991" and inserting "1992", and

(4) in paragraph (5), by striking "1990" and "1991" each place each appears and inserting "1991" and "1992", respectively.

(p) Section 204(3) of the Medicare Catastrophic Coverage Act is amended by striking "1990", and inserting "1991".

(q) Section 205(f) of the Medicare Catastrophic Coverage Act is amended by striking "1990", and inserting "1991".

(r) Section 206(b) of the Medicare Catastrophic Coverage Act is amended by striking "1990", and inserting "1991".

(s) Section 111 of the Medicare Catastrophic Coverage Act is amended by moving all dates in this section forward one year.

(t) Section 112(b) of the Medicare Catastrophic Coverage Act by striking "1990" and "1989" and inserting "1991" and "1990", respectively.

(u) Section 1839(g) of the Social Security Act, as added by section 211(a) of the Medicare Catastrophic Coverage Act, is amended—

(v) Section 1841A of the Social Security Act, as inserted by section 212(a) of the Medicare Catastrophic Coverage Act, is amended—

(1) in subsection (c), by striking "1990" and inserting "1991", and

(2) in subsection (d), by striking "1992" each place it appears and inserting "1993".

(w) Section 1840(i) of the Social Security Act, as added by section 212(b)(1) of the Medicare Catastrophic Coverage Act, is amended by striking "1" after "(i)" and by adding at the end of the following new paragraph:

"(2)(A) Notwithstanding the previous provisions of this subsection but subject to subparagraph (B), premiums collected under this part which are attributable to subsection (g) of any month in 1989 shall, instead of being transferred to (or deposited to the credit of) the Federal Supplementary Insurance Trust Fund, be transferred to (or deposited to the credit of) the Federal Hospital Insurance Catastrophic Coverage Reserve Fund (created under section 1817A).

"(B) The total amount of the transfers or deposits made under subparagraph (A) shall not exceed the Secretary's estimate of the total amount of additional expenditures

made under part A which are attributable to benefits during 1989 and which would not have been made but for the amendments made by the Medicare Catastrophic Coverage Act of 1988."

(x) Section 1841B(c) of the Social Security Act, as inserted by section 213 of the Medicare Catastrophic Coverage Act, is amended by striking "1990" each place it appears and inserting "(1991)".

(bb) Section 412 of the Medicare Catastrophic Coverage Act, is amended by striking "1990" each place it appears and inserting "(1991)".

BUMPERS (AND OTHERS) AMENDMENT NO. 445

Mr. BUMPERS (for himself, Mr. McCURE, Mr. GLENN, Mr. HATFIELD, Mr. ADAMS, and Mr. HARKIN) proposed an amendment to the bill H.R. 2696, supra, as follows:

On page 43, line 6, after the word "University", add the following: "; and of which \$3,300,000 shall be available only for the Reduced Enrichment in Research and Test Reactors program and not for program termination activities."

NATIONAL DEFENSE AUTHORIZATION ACT FISCAL YEARS 1990 AND 1991

HEINZ AMENDMENT NO. 446

(Ordered to lie on the table.)

Mr. HEINZ submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

On page 247, below line 24, insert the following:

SEC. 836. PROCUREMENT FROM COUNTRIES THAT DENY ADEQUATE AND EFFECTIVE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS.

It is the sense of Congress that the Department of Defense should not procure property, services, or technology from—

(1) any person of any country which has been identified pursuant to section 182(a)(2) of the Trade Act of 1974 (19 U.S.C. 2242) as denying adequate and effective protection of intellectual property rights or fair and equitable market access to United States persons that rely upon intellectual property protection; or

(2) any person of any other country that denies adequate and effective protection of intellectual property rights, as determined by the Secretary of Defense on the advice of the U.S. Trade Representative; or

(3) any person who misappropriates United States intellectual property.

GORE (AND MCCAIN) AMENDMENT NO. 447

(Ordered to lie on the table.)

Mr. GORE (for himself and Mr. McCain) submitted an amendment intended to be proposed by them to the bill S. 1352, supra, as follows:

At the appropriate place insert the following:

SEC. 1. POLICY.

(a) IN GENERAL.—It should be the policy of the United States to take all appropriate measures—

(1) to discourage the proliferation, development, and production of the weapons, material, and technology necessary and intended to produce or acquire missiles that can deliver weapons of mass destruction;

(2) to discourage Communist-bloc countries from aiding and abetting any states from acquiring such weapons, material and technology;

(3) to strengthen the Missile Technology Control Regime and other aspects of the United States control regime to prohibit the flow of United States materials, equipment, and technology that would assist countries in acquiring the ability to produce or acquire missiles that can deliver weapons of mass destruction, including missiles, warheads and weaponization technology, targeting technology, test and evaluation technology, and range and weapons effect measurement technology;

(4) to discourage private companies in non-Communist countries from aiding and abetting any states in acquiring such material and technology; and

(5) to monitor closely the development, sale, acquisition, and deployment of missiles, destabilizing offensive aircraft, and other weapons delivery systems which can be used to deliver weapons of mass destruction, and to make every effort to discourage such activity when such delivery systems seem likely to be used for such purposes.

(b) **MULTILATERAL DIPLOMACY.**—The United States should seek to pursue the policy described in subsection (a) to the extent practicable and effective through multilateral diplomacy.

(c) **UNILATERAL ACTIONS.**—The United States retains the right to and should take unilateral actions to pursue the objectives in subsection (a) until such multilateral efforts prove effective and, at that time, to support and enhance the multilateral efforts.

SEC. 2. ENFORCEMENT OF MISSILE TECHNOLOGY CONTROL REGIME.

(a) **DETERMINATION BY THE PRESIDENT.**—Whenever there is reliable evidence, as determined by the President—

(1) that a United States person—

(A) is exporting, transferring, or otherwise engaged in the trade of any MTCR item in violation of the provisions of section 38 of the Arms Export Control Act (22 U.S.C. 2778) or section 5 or 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404 or 2405), or any regulations issued under any such provisions,

(B) is conspiring to or attempting to engage in such export, transfer, or trade, or

(C) is knowingly facilitating such export, transfer, or trade by any other person, or

(2) that a foreign person—

(A) is exporting, transferring, or otherwise engaged in the trade of any MTCR item for which an export license would be denied if such export, transfer, or trade were subject to those provisions of law and regulations referred to in paragraph (1)(A),

(B) is conspiring to or attempting to engage in such export, transfer, or trade, or

(C) is knowingly facilitating such export, transfer, or trade by any other person, or

(3) that a less developed state or entity—

(A) is importing MTCR items or long-range missile systems for the delivery of weapons of mass destruction, or

(B) is equipping its forces with new or additional missile systems or other weapons delivery systems configured to use weapons of mass destruction,

then, subject to subsection (c), the President shall impose not less than one of the

applicable sanctions described in subsection (b).

(b) **SANCTIONS.**—

(1) The sanctions which apply to a United States person under subsection (a) are the following:

(A) Denying such United States person all export licenses under section 38 of the Arms Export Control Act (22 U.S.C. 2778) and sections 5 and 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404 and 2405).

(B) Prohibiting all contracting with, or procurement of any products and services from, such United States person by any department, agency, or instrumentality of the United States Government.

(C) In a case in which the President determines that the violation under subsection (a) is an initial violation and is nondestabilizing, the sanctions described in subparagraphs (A) and (B) shall apply, but only with respect to MTCR items.

(2) The sanctions which apply to a foreign person under subsection (a) are the following:

(A) Denying the issuance of any export license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) or section 5 or section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404, 2405) if such foreign person is the designated consignee or end-user in the application for such export license or if the President has reason to believe that such foreign person will benefit from the issuance of such export license.

(B) Prohibiting all contracting with, or procurement of any products and services from, such foreign person by any department, agency, or instrumentality of the United States Government.

(C) Prohibiting the importation into the United States of any product or service of such foreign person.

(D) In the case in which the President determines that the violation under subsection (a) is an initial violation and is nondestabilizing, the sanctions described in subparagraphs (A) and (B) shall apply, but only with respect to MTCR items.

(3) The President shall take appropriate steps to dissuade less developed states or entities from developing and deploying destabilizing offensive missiles. Whenever the President determines that such missiles can be used by a non-MTCR country to deliver weapons of mass destruction, one or more of the following sanctions shall be applied to a state or entity under subsection (a):

(A) Denying or reducing all technical assistance relative to, and denying transfer of all or selected technology in, aviation, electronics, missiles, or space systems or equipment under the control of the United States Government.

(B) Prohibiting the importation into the United States of all or selected items of aviation, electronic, missile, or space systems or equipment.

(4) Sanctions shall be imposed under this section for a period of not less than 2 years and not more than 5 years.

(c) **WAIVER.**—The President may waive the imposition of sanctions on a person under subsection (a) with respect to a product or service if the President certifies to the Congress that—

(1) the product or service is essential to the national security of the United States;

(2) such person is a sole source supplier of the product or service, the product or service is not available from any alternative reliable supplier, and the need for the product or service cannot be met in a timely manner

by improved manufacturing processes or technological developments; and

(3) the end-user of such product or service is the United States Government.

(d) **INAPPLICABILITY TO FOREIGN PERSONS LICENSED BY AN MTCR COUNTRY.**—If a foreign person has been issued an export license by the government of an MTCR country under any provision of law of such country similar to a provision of law or regulations referred to in subsection (a)(1)(A) and such foreign person is a national of such country, or in the case of a business entity, is established pursuant to the laws of such country, subsection (a) does not apply with respect to any exporting, transferring, or other trading activity covered by such export license.

(e) **EFFECTIVE DATE.**—The provisions of this section shall take effect 6 months after the date of enactment of this bill.

SEC. 3. REPORTS ON THE PROLIFERATION OF LONG-RANGE MISSILE AND DESTABILIZING OFFENSIVE AIRCRAFT.

(a) **REPORTS.**—Not later than 90 days after the date of enactment of this subsection, and every 180 days thereafter, the President shall submit to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader and Minority Leader of the Senate, the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs of the House of Representatives and the Select Committee on Intelligence, the Committee on Foreign Relations, and the Committee on Banking, Housing, and Urban Affairs of the Senate a report described in subsection (b).

(b) **CONTENTS OF REPORT.**—Each report referred to in subsection (a) shall detail the efforts of all foreign countries to acquire long-range missiles and destabilizing offensive aircraft, and to acquire the material and technology to produce and deliver such weapons, together with an assessment of the present and future capability of those countries to produce and deliver such weapons.

(2) Each report under this section shall include an assessment of whether and to what degree any Communist-bloc country has aided or abetted any foreign country in its efforts to acquire weapons systems, material, and technology described in paragraph (1).

(3) Each such report shall also list—

(A) each company which in the past has aided or abetted any foreign country in those efforts; and

(B) each company which continues to aid and abet any foreign country in those efforts, as of the date of the report.

(4) Such report shall also include an assessment as to whether any company listed in paragraph (3)(A) or (3)(B) aware that the assistance provided was for the purpose of developing a long-range missile or offensive aircraft.

(5) Each report under this subsection shall provide any confirmed or credible intelligence or other information that any non-Communist country has aided or abetted any foreign country in those efforts, either directly or by selling such missiles or aircraft or by facilitating the activities of the companies listed in paragraph (3)(A) or (3)(B), but took no action to halt or discourage such activities.

(c) **INTERPRETATION.**—Nothing in this section—

(1) requires the disclosure of information in violation of Senate Resolution 400 of the Ninety-fourth Congress or otherwise alters,

modifies, or supersedes any of the authorities contained therein; or

(2) shall be construed as requiring the President to disclose any information which, in his judgement, would seriously—

(A) jeopardizes the national security of the United States;

(B) undermine existing and effective efforts to meet the policy objectives outline in section 2; and

(C) compromise sensitive intelligence operations, with resulting grave damage to the national security of the United States.

(d) EXCLUDED INFORMATION.—If the President, consistent with subsection (c)(2), decides not to list any company or countries in that part of the report required under paragraphs (3) and (5) of subsection (b) which would have been listed otherwise, the President shall include that fact in that report, and his reasons therefor.

SEC. 4. REVIEW BY THE SECRETARY OF STATE OF CERTAIN LICENSE APPLICATIONS.

Section 6(a)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(a)(5)) is amended by adding at the end thereof the following: "The Secretary shall refer all license applications for the export of missile equipment and technology that is not contained on the United States Munitions List to the Secretary of State for review by the Secretary of State, in consultation with the Secretary of Defense."

SEC. 5. DEFINITIONS.

For purposes of this Act—

(1) the term "United States person" means "United States person" as defined in section 16(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(2));

(2) the term "foreign person" means any person other than a United States person;

(3) the term "person" means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and includes the singular and plural of such natural persons and entities, and any successors of such entities;

(4) in the case of Communist-bloc countries, where it may be impossible to identify a specific governmental entity, "person" shall mean all activities of that government relating to the development or production of any technology affected by the Missile Technology Control Regime, plus all activities of that government affecting the development or production of aircraft, electronics, and space systems or equipment;

(5) the term "otherwise engaged in the trade of" means, with respect to a particular export or transfer, to be a freight forwarder or designated exporting agent, or a consignee or end user of the item to be exported or transferred;

(6) the term "MTCR item" means any item listed in the Equipment and Technology Annex of the Missile Technology Control Regime which was adopted by the governments of Canada, France, the Federal Republic of Germany, Italy, Japan, the United Kingdom, and the United States on April 7, 1987, and in accordance with which the United States Government agreed to act beginning on April 16, 1987; and

(7) the term "less developed states" does not include any member of the political organs of NATO, any member of the Warsaw Treaty Organization, Austria, Australia, Israel, Japan, New Zealand, or Switzerland.

SEC. 6. REGULATORY AUTHORITY.

The President may issue such regulations, licenses, and orders as are necessary to carry out this Act.

DECONCINI AMENDMENT NO. 448

(Ordered to lie on the table.)

Mr. DECONCINI proposed an amendment to the bill S. 1352, supra, as follows:

On page 362, line 15, strike out "174,609,000" and insert in lieu thereof "175,109,000".

BOSCHWITZ AMENDMENT NO. 449

Mr. BOSCHWITZ submitted an amendment intended to be proposed by him to the bill, S. 1352, supra, as follows:

On page 394, below line 23, insert the following:

SEC. 2830. RELEASE OF REVERSIONARY INTEREST, HENNEPIN COUNTY, MINNESOTA.

(a) RELEASE.—Subject to subsections (b) through (d), the Secretary of the Army shall (1) release to the State of Minnesota the reversionary interest of the United States in and to a parcel of land in Hennepin County, Minnesota, containing approximately 35.38 acres of land and known as "Area J," which was conveyed by the United States to the State of Minnesota by quitclaim deed dated August 17, 1971, and (2) release the State of Minnesota from all covenants and agreements contained in such quitclaim deed that relate to such parcel of land.

(b) CONDITION OF RELEASE.—(1) The releases required by subsection (a) shall be subject to the condition that the State of Minnesota convey to the United States, without consideration, a parcel of land containing approximately 35.38 acres for use by the Department of the Army.

(2) The Secretary of the Army may permit the State of Minnesota to retain a reversionary interest in the property pursuant to paragraph (1) that provides for the reversion of all right, title, and interest in and to such property (including improvements thereon) in the event that the Secretary ceases to use the property for Department of the Army purposes or fails to preserve historic structures on the property in conformity with the Department of Interior standards that apply to the preservation of properties listed on the National Register of Historic Places.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal descriptions of the parcel of land described in subsection (a) and the property conveyed pursuant to subsection (b) shall be determined by surveys which are satisfactory to the Secretary of the Army and the State of Minnesota. The cost of such surveys shall be borne by the State of Minnesota.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions as he considers appropriate to protect the interests of the United States.

(e) DEED AMENDMENT.—The Secretary of the Army may execute and record such documents as he determines necessary and appropriate to carry out the provisions of this section.

CONRAD AMENDMENT NO. 450

Mr. CONRAD submitted an amendment intended to be proposed by him to the bill, S. 1352, supra, as follows:

On page 247, below line 24, insert the following:

SEC. 836. CREDIT FOR NATIVE AMERICAN CONTRACTING IN MEETING CERTAIN MINORITY CONTRACTING GOALS.

(a) REGULATIONS.—(1) Pursuant to regulations which the Secretary of Defense shall prescribe and subject to subsections (b) and (c)—

(A) credit toward meeting the goal specified for a fiscal year in section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note) shall be given for each contract or subcontract described in paragraph (2) that is to be performed in such fiscal year; and

(B) credit toward meeting a goal for the utilization of a small business concern owned and controlled by socially and economically disadvantaged individuals for the purposes of section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given for each subcontract described in paragraph (2) that is to be performed in such fiscal year.

(2) A contract or subcontract referred to in paragraph (1) is any contract or subcontract that—

(A) is to be performed on any Native American trust land and meets the requirements of paragraph (1) of subsection (b); or

(B) is undertaken by a joint venture that meets the requirements of paragraph (2) of that subsection.

(b) ELIGIBLE CONTRACTS, SUBCONTRACTS, AND JOINT VENTURES.—(1) A contract or subcontract to be performed on Native American trust land meets the requirements of this paragraph if—

(A) not less than 40 percent of the workers directly engaged in the performance of the contract or subcontract on the trust land are Native Americans; and

(B) the contractor or subcontractor has a management plan which—

(i) provides for Native Americans to manage the workforce and, in the case of a contract or subcontract for the construction of facilities, provides for Native Americans to have an ownership interest in any facilities constructed pursuant to the contract or subcontract; and

(ii) is approved by the tribal government having jurisdiction over such trust land.

(2) A joint venture undertaking to perform a contract or subcontract meets the requirements of this paragraph if—

(A) a tribe or tribally-owned corporation owns at least 50 percent of the joint venture;

(B) the activities of the joint venture under the contract or subcontract provide employment opportunities for Native Americans either directly or through the purchase of products or services for the performance of such contract or subcontract; and

(C) the tribe or tribally-owned corporation manages the performance of such contract or subcontract.

(c) EXTENT OF CREDIT.—(1) Credit under subsection (a) shall be given for a contract or subcontract to the extent of the percentage of the dollar value of the contract or subcontract designated by the contractor or subcontractor.

(2) The maximum percentage that may be designated by a contractor or subcontractor—

(A) in the case of a contract or subcontract to be performed on Native American trust land, is the percentage equal to one-half of the ratio that the number of Native Americans performing work under the contract or subcontract on the trust land bears to the total number of workers performing such work; and

(B) in the case of a contract or subcontract undertaken by a joint venture referred to in subsection (a)(2), is the percentage of the tribe's or tribally-owned corporation's ownership interest in the joint venture.

(d) DEFINITIONS.—In this section:

(1) The term "Native American trust land" means any land that—

(A) is held in trust by the United States for Native Americans;

(B) is subject to restrictions on alienation imposed by the United States on Indian lands;

(C) is owned by a Regional Corporation or a village corporation, as such terms are defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)); or

(D) is on any island in the Pacific Ocean if such land is, by cultural tradition, communally-owned land, as determined by the Secretary of Veterans Affairs.

(2) The term "Native American" means—

(A) an Indian, as defined in section 4(a) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(a));

(B) a Native Hawaiian, as defined in section 8 of the Native Hawaiian Health Care Act of 1988 (Public Law 100-579; 102 Stat. 2921);

(C) an Alaska Native, within the meaning provided for the term "Native" in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)); and

(D) a Pacific Islander, within the meaning of the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.).

SIMON (AND DOMENICI) AMENDMENT NO. 451

(Ordered to lie on the table.)

Mr. SIMON (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by them to the bill S. 1352, supra, as follows:

On page 73, below line 22, insert the following:

SEC. 333. NOTICE TO LOCAL AND STATE EDUCATIONAL AGENCIES OF ENROLLMENT CHANGES DUE TO BASE CLOSURES AND REALIGNMENTS.

(a) NOTICE REQUIRED.—Not later than January 1 of each year in which any activities necessary to close or realign a military installation under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2627) are conducted, the Secretary, in consultation with the Secretary of Education, shall—

(1) to the extent practicable, identify each local educational agency that will experience at least a 5 percent increase or at least a 10 percent reduction in the number of minor dependents of members of the Armed Forces and minor dependents of civilian employees of the Department of Defense enrolled in schools under the jurisdiction of such agency during the next academic year (compared with the number of such dependents enrolled in such schools during the preceding year) as a result of the closure or realignment of a military installation under that Act; and

(2) not later than 30 days after identifying such local educational agency, transmit a written notice of the schedule for the closure or realignment of that military installation to such local educational agency and to the State government education agency responsible for administering State government education programs involving that local educational agency.

KERRY AMENDMENT NO. 452

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

On page 240, strike section 831.

METZENBAUM AMENDMENT NO. 453

(Ordered to lie on the table.)

Mr. METZENBAUM submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

At the end of Title 3, add the following new section:

"SEC. DEFENSE CONTRACT AUDITORS.

"The Secretary of Defense, not later than September 30, 1990, shall increase the number of full-time personnel employed by the Defense Contract Audit Agency to 7,457, of which not less than 6,488 shall be auditors."

McCLURE AMENDMENT NOS. 454 THROUGH 456

(Ordered to lie on the table.)

Mr. McCLURE submitted three amendments intended to be proposed by him to the bill S. 1352, supra, as follows:

AMENDMENT NO. 454

On page 454, between lines 3 and 4, insert the following new subsection:

(c) LIMITATION ON DISPOSAL OF SILVER.—Any disposition of silver under the authority of this section may be made only to the Bureau of the Mint of the Treasury Department for the purpose of minting coins pursuant to subchapter 2 of chapter 51 of title 31, United States Code.

AMENDMENT NO. 455

On page 454, in the table above line 1, strike out the item relating to silver.

AMENDMENT NO. 456

On page 38, line 20, insert "(1)" before "Section".

On page 40, between lines 5 and 6, insert the following new paragraph:

(2) Section 2361 of title 10, United States Code, as amended, shall not apply to those projects included under the National Defense Stockpile Transaction Fund Account in Public Law 100-440.

GLENN AMENDMENT NOS. 457 AND 458

(Ordered to lie on the table.)

Mr. GLENN submitted two amendments intended to be proposed by him to the bill S. 1352, supra, as follows:

AMENDMENT NO. 457

On page 248, line 2, strike out all through line 12 on page 258.

AMENDMENT NO. 458

On page 259, line 12, strike out all through line 18 on page 260.

GLENN (AND LEVIN) AMENDMENT NO. 459

(Ordered to lie on the table.)

Mr. GLENN (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by them to the bill S. 1352, supra, as follows:

On page 260, line 19, strike out all through line 11 on page 266 and insert in lieu thereof the following:

SEC. 844. POST-EMPLOYMENT RESTRICTIONS.

(a) Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended—

(1) in subsection (a)(1) by inserting before the semicolon a comma and "except as provided under the provisions of subsection (c)";

(2) in subsection (b)(1) by inserting before the semicolon a comma and "except as provided under the provisions of subsection (c)"; and

(3)(A) by redesignating subsections (c) through (i) as subsections (d) through (j), respectively;

(B) by redesignating subsections (j) through (n) (as designated before the date of the enactment of this section) as subsections (l) through (p), respectively;

(C) by inserting after subsection (b) the following new subsection:

"(c) RECUSAL.—(1) A procurement official and a competing contractor may engage in discussions of future employment or business opportunity otherwise prohibited by this section if, prior to engaging in such discussions or immediately after an initial contact for the limited purpose of determining whether the procurement official is subject to the requirements of this section and is interested in pursuing such discussions—

"(A) the procurement official provides his supervisor with a formal written notice of intent to disqualify himself from all participation in the performance of procurement functions relating to contracts of the competing contractor for any period during which future employment opportunities for such procurement official have not been rejected by either the procurement official or the competing contractor and a reasonable period thereafter as determined by the designated agency ethics official; and

"(B) the supervisor of the procurement official, after consultation with the designated agency ethics official and the contracting officer on any relevant contract, approves in writing the recusal of the procurement official.

"(2) A procurement official shall promptly report any initial contact with a competing contractor under this subsection to the supervisor of the official."

(4) in subsection (f) (as redesignated by subsection (a)(3) of this section)—

(A) in the first sentence by inserting "knowingly" after "such procurement shall";

(B) in paragraph (1) by striking out "or" at the end thereof;

(C) by amending paragraph (2) to read as follows:

"(2) participate personally and substantially in the performance of such contract on behalf of the contractor, or"; and

(D) by inserting after paragraph (2) the following new paragraph:

"(3) participate personally and substantially in the performance of a subcontract of such a contract on behalf of any subcontractor under such a contract, if—

"(A) the price of such subcontract is in excess of \$5,000,000 or 5 percent of the contract price, whichever is less; or

"(B) the procurement official personally reviewed or approved the award of such subcontract,"; and

(5) by inserting after subsection (j) (as redesignated in subsection (a)(3)(A) of this section) the following new subsection:

"(k) ETHICS ADVICE.—(1) An employee or former employee of an agency may request advice from the appropriate designated agency ethics official as to whether such employee or former employee is precluded by this section from participating in the performance of a particular contract on behalf of a particular contractor or subcontractor.

"(2) An employee or former employee of an agency who requests advice from a designated agency ethics official pursuant to paragraph (1) shall provide the official with all information reasonably available to the employee or former employee that is relevant to a determination by the ethics official regarding such request.

"(3) Not later than 30 days after the date on which a designated agency ethics official receives a request for advice under paragraph (1) accompanied by the information required pursuant to paragraph (2), the official shall issue a written opinion as to whether the employee is precluded by this section from participating in the performance of the contract at issue.

"(4) An employee or former employee of an agency who obtains a written opinion from a designated agency ethics official under this section on the basis of the complete disclosure of information required by paragraph (2) shall not be subject to any penalty under this section to the extent that the employee or former employee reasonably relies upon such opinion."

(b) Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is further amended—

(1) in subsection (e) (as redesignated by subsection (a)(3) of this section)—

(A) in paragraph (1)(A)(i) by striking out "(c), or (e)" and inserting in lieu thereof "(d), or (f)";

(B) in paragraph (1)(B)(ii) by striking out "(c), or (e)" and inserting in lieu thereof "(d), or (f)";

(C) in paragraph (2)(A) by striking out "(c), or (e)" and inserting in lieu thereof "(d), or (f)";

(D) in paragraph (3)(A) by striking out "(c), or (e)" and inserting in lieu thereof "(d), or (f)"; and

(E) in paragraph (7)(B)(ii) by striking out "subsection (m)" and inserting in lieu thereof "subsection (o)";

(2) in subsection (g) (as redesignated by subsection (a)(3) of this section) by striking out "subsection (m)" and inserting in lieu thereof "subsection (o)";

(3) in subsection (h) (as redesignated by subsection (a)(3) of this section)—

(A) in paragraph (1) by striking out "subsection (d)" and inserting in lieu thereof "subsection (e)";

(B) in paragraph (2) by striking out "(b) or (c)" and inserting in lieu thereof "(b) or (d)"; and

(C) in paragraph (3) by striking out "(h) and (i)" and inserting in lieu thereof "(i) and (j)";

(4) in subsection (i) (as redesignated by subsection (a)(3) of this section) by striking

out "(c), or (e)" and inserting in lieu thereof "(d), or (f)";

(5) in subsection (j)(1) (as redesignated by subsection (a)(3) of this section)—

(A) by striking out "subsection (n)" and inserting in lieu thereof "subsection (p)"; and

(B) by striking out "subsection (m)" and inserting in lieu thereof "subsection (o)" and

(6) in subsection (l) (as redesignated by subsection (a)(3)(B) of this section)—

(A) in paragraph (1) by striking out "subsection (b)" and inserting in lieu thereof "subsections (b), (c), and (k); and

(B) in paragraph (2)—

(i) by striking out "subsection (b)" and inserting in lieu thereof "subsections (b), (c), and (k)"; and

(ii) by striking out "(c) or (e)" and inserting in lieu thereof "(d), or (f)".

(c) Section 2397a(a)(6) of title 10 United States Code, is amended to read as follows:

"(6) The term 'procurement function' includes, with respect to a contract, any function relating to—

"(A) the administration of the contract;

"(B) the approval of changes in the contract;

"(C) quality assurance, operational and developmental testing, the approval of payment, or auditing under the contract; or

"(D) the management of the procurement program."

(d) No later than 90 days after the date of the enactment of this section, the Federal Acquisition Regulatory Council shall prescribe regulations implementing the amendments made by this section to the provisions of section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423).

GLENN AMENDMENT NOS. 460 THROUGH 464

(Ordered to lie on the table.)

Mr. GLENN submitted five amendments intended to be proposed by him to the bill S. 1352, *supra*, as follows:

AMENDMENT No. 460

On page 266, line 12, strike out all through the matter before line 4 on page 267.

AMENDMENT No. 461

On page 444, line 3, strike out all through line 3 on page 448.

On page 448, line 4, strike out "3143" and insert in lieu thereof "3142".

On page 449, line 13, strike out "3144" and insert in lieu thereof "3143".

On page 444, line 3, strike out all through line 3 on page 448.

On page 448, line 4, strike out "3143" and insert in lieu thereof "3142".

On page 449, line 13, strike out "3144" and insert in lieu thereof "3143".

AMENDMENT No. 462

On page 450, between lines 13 and 14, insert the following:

SEC. 3145. CLOSURES OF DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITIES.

Notwithstanding any other provision of law, the Secretary of Energy is not required—

(1) to cease production at the Feed Materials Production Center (FMPC), Fernald, Ohio, at the end of fiscal year 1990;

(2) to initiate or complete a transition from the manufacture of depleted uranium metal at such center to acquisition from do-

mestic commercial producers on a competitive basis beginning in fiscal year 1990; or

(3) to submit an implementation plan for such transition.

AMENDMENT No. 463

On page 450, between lines 13 and 14, insert the following:

SEC. 3145. REPORTS IN CONNECTION WITH CLOSURES OF DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITIES.

(a) TRAINING AND JOB PLACEMENT SERVICES PLAN.—Not later than 90 days before a Department of Energy defense nuclear facility (as defined in section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g)) is closed, the Secretary of Energy must submit to Congress a report containing a discussion of how the Secretary plans to guarantee that employees at such facility are furnished training and job placement services necessary to enable the employees to seek employment in the remediation and cleanup effort at the facility upon the closure of such facility.

(b) CLOSURE REPORT.—Upon closing any Department of Energy defense nuclear facility, the Secretary of Energy shall submit to Congress a report containing—

(1) a complete survey of environmental problems at the facility;

(2) budget quality data indicating the cost of returning the facility to an environmentally safe multi-use condition; and

(3) a discussion of the cost of environmental cleanup at the facility and the proposed schedule for the cleanup.

AMENDMENT No. 464

At the end of title IX of the bill, add the following new section:

SEC. 917. REPORTS ON THE MANPOWER REQUIRED TO CONTROL THE TRANSFER OF MISSILE TECHNOLOGY AND CERTAIN WEAPONS.

(a) AMENDMENT TO NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989.—Section 901(c) of the National Defense Authorization Act for Fiscal Years 1988 and 1989, is amended by striking out "February 1, 1988," and inserting in lieu thereof "60 days after the date of enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991."

(b) REPORT ON MANPOWER REQUIRED TO IMPLEMENT EXPORT CONTROLS ON CERTAIN WEAPONS TRANSFERS.—(1) Not later than February 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report—

(A) identifying the role of the Department of Defense in implementing export controls on nuclear, chemical, and biological weapons;

(B) describing the number and skills of personnel currently available in the Department of Defense to perform this role; and

(C) assessing the adequacy of these resources for the effective performance of this role.

(2) The report required by paragraph (1) shall identify the total number of current Department of Defense full-time employees or military personnel and the grades of such personnel, required to carry out each of the following activities of the Department in implementing export controls on nuclear, chemical, and biological weapons:

(A) Review of private-sector export license applications and government-to-government cooperative activities.

(B) Intelligence analysis and activities.

- (C) Policy coordination.
- (D) International liaison activity.
- (E) Technology security operations.
- (F) Technical review.

(3) The report shall include the Secretary's assessment of the adequacy of staffing in each of the categories specified in subparagraphs (A) through (F) of paragraph (2) and shall make recommendations concerning measures, including legislation if necessary, to eliminate any identified staffing deficiencies and to improve interagency coordination with respect to implementing export controls on nuclear, chemical, and biological weapons.

HEFLIN AMENDMENT NO. 465

(Ordered to lie on the table.)

Mr. HEFLIN submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

At the appropriate place in the bill, add the following section:

SEC. . SENSE OF THE CONGRESS WITH RESPECT TO ACCIDENTAL LAUNCH PROTECTION.

The Strategic Defense Initiative (SDI) has made substantial progress in developing technologies to defend the United States from a possible ballistic missile attack, be it deliberate or accidental;

Technological advances in interceptors, sensors, and command, control and communications have been achieved and key elements of the SDI program have recently been combined to form the basic architecture for a possible Phase I defense system to defend the United States against ballistic missile attack;

The Soviet Union maintains the world's only operational ballistic missile defense system and has deployed such a system in the Moscow area;

There exists significant asymmetries in United States and Soviet anti-ballistic missile (ABM) production and capabilities and the ability of the United States to counter a Soviet deployment of a nationwide or more limited ABM system;

Ground-based elements and their associated adjuncts and technologies represent the most mature technologies within the SDI program and should therefore receive priority by the Strategic Defense Initiative Organization;

The United States is a signatory to the 1972 Anti-Ballistic Missile Treaty;

There have been several accidents involving ballistic missiles, including the loss of a submarine of the Soviet Union due to inadvertent missile ignition and the inadvertent landing in China of a test missile of the Soviet Union; and

The continued proliferation of offensive ballistic missile forces by non-superpower countries hostile to the United States and our allies raises the possibility of future nuclear threats;

It is the sense of Congress—

(1) that the Secretary of Defense should direct the Strategic Defense Initiative Organization to give priority to the development of technologies and systems for a system capable of protecting the United States from the accidental launch of a strategic ballistic missile against the continental United States;

(2) that such development of an accidental launch protection system should be carried out with an objective of ensuring that such system is in compliance with the 1972 Anti-Ballistic Missile Treaty; and

(3) that the Secretary of Defense should submit to Congress forthwith the report on the status of planning for development of a deployment option for such an accidental launch protection system as required by section 224(c) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1943)."

LOTT AMENDMENT NO. 466

(Ordered to lie on the table.)

Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

On page 293, between lines 13 and 14, insert the following:

SEC. 917. REPORT ON SERVING CATFISH IN MILITARY DINING FACILITIES.

(a) REPORT REQUIRED.—Not later than March 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the desirability and feasibility of adding catfish to the menus of dining facilities of the Armed Forces in the United States and overseas.

(b) CONSIDERATIONS.—In determining the desirability of adding catfish to the menus of such dining facilities, the Secretary shall consider the increasing popularity of catfish as food and the nutritional value of catfish.

KERRY AMENDMENT NO. 467

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

At the appropriate place in the bill, add the following new section:

SEC. . DRUG WAR FUNDING.—Of the unobligated balances in the Department of Defense accounts authorized under this Act at the end of fiscal year 1989, make \$1,700,000,000 available for transfer to fully fund Public Law 100-690, the Anti-Drug Abuse Act of 1988 in fiscal year 1990.

WALLOP AMENDMENT NO. 468

(Ordered to lie on the table.)

Mr. WALLOP submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

At the appropriate place in the bill, insert the following:

It is the sense of the Congress that the decision on the decontrol of certain personal computers announced on July 18, 1989, by the Secretary of Commerce should be suspended for sixty days to allow for the completion of an interagency review involving the Secretary of Defense, the Director of Central Intelligence, and the President's Science Advisor of the foreign availability assessment conducted by the Department of Commerce supporting such decision.

KENNEDY AMENDMENT NO. 469

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

On page 448, strike Sec. 3143 and add the following new section:

SEC. . NUCLEAR TEST BAN READINESS PROGRAM.
Section 1436 of National Defense Authorization Act, Fiscal Year 1989 (public Law

100-456; 102 Stat. 2075; 42 U.S.C. 2121 is amended in subsection (c), by adding the following new paragraph—

"(4) to explore the feasibility of alterations in existing nuclear weapon stockpile designs that would facilitate their future adaptation to new delivery systems deployed under a low-threshold or comprehensive test ban agreement."

KENNEDY (AND OTHERS) AMENDMENT NO. 470

(Ordered to lie on the table.)

Mr. KENNEDY (for himself, Mr. WIRTH, and Mr. ADAMS) submitted an amendment intended to be proposed by them to the bill S. 1352, supra, as follows:

At the end of title IX, add the following new section:

SEC. . TECHNICAL ASPECTS OF NUCLEAR WARHEAD DISMANTLEMENT AND FISSILE MATERIAL MONITORING.

(a) IN GENERAL.—The Congress urges the President to seek the establishment of a joint United States-Soviet working group of technical experts to examine—

(1) technical aspects of United States-Soviet nuclear warhead dismantlement as a potential means of assuring future nuclear arms reductions, and

(2) on-site monitoring techniques and inspection arrangements which might be employed in conjunction with national technical means to verify compliance with an international cutoff in the production of fissile materials for nuclear weapons purposes in the event that such an agreement is negotiated in the future.

(b) REPORT.—The President shall prepare a report for the Congress on—

(1) the technical aspects of United States-Soviet nuclear warhead dismantlement as a means of assuring future nuclear arms reductions, and

(2) the full range of on-site monitoring techniques and inspection arrangements that might be employed in conjunction with national technical means to verify compliance with an international cutoff in the production of fissile materials for nuclear weapons purposes in the event that such an agreement is negotiated in the future.

(c) PREPARATION AND SUBMISSION OF REPORT.—The report shall be submitted in both classified and unclassified form to the Committees on Armed Services of the Senate and the House of Representatives no later than April 30, 1990. In order to prepare this report, the President shall establish a United States technical working group on nuclear warhead dismantlement and monitoring of fissile material production.

KENNEDY (AND OTHERS) AMENDMENT NO. 471

(Ordered to lie on the table.)

Mr. KENNEDY (for himself, Mr. GLENN, and Mr. WIRTH) submitted an amendment intended to be proposed by them to the bill S. 1352, supra, as follows:

On page 414, line 11, insert ", including site preparation," after "construction".

COHEN AMENDMENT NO. 472

(Ordered to lie on the table.)

Mr. COHEN submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

At an appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE ON PROCUREMENT OF B-2 AIRCRAFT.

(a) **FINDINGS.**—The Senate makes the following findings:

(1) Over the past decade the United States has devoted significant resources to the strategic bomber force, including significant upgrades to B-52 bombers, and the research, development, and procurement of B-1 bombers and air-launched cruise missiles.

(2) Of the \$167 billion (then-year dollars) appropriated from fiscal years 1980 and 1989 for research and development of and investment in strategic offensive and defensive forces, nearly one-half (46 percent) has been devoted to the strategic bomber force.

(3) The current five-year defense plan presumes that a similar share of the total spending for research and development of and investment in strategic offensive and defensive forces will be devoted to the strategic bomber force.

(4) The Department of Defense currently estimates that the acquisition cost for a force of 132 B-2 aircraft will be \$70.2 billion (then-year dollars), and this estimate is premised on several assumptions, including the achievement of cost-reduction initiatives, not all of which have been contracted for yet.

(5) The lifecycle costs for a force of 132 B-2 aircraft would be significantly higher than this acquisition cost estimate of \$70.2 billion (then-year dollars).

(6) Congress has approved funds for the low-rate initial production of B-2 aircraft, but has not yet decided whether to provide funds for the procurement of an operational force of B-2 aircraft.

(7) If, in the future, the United States makes a decision to acquire an operational force of B-2 aircraft, the funds available for other military programs will necessarily be reduced.

(8) Fiscal year 1990 will constitute the fifth consecutive year of real decline in the amount appropriated for budget function 050 (National Security);

(9) Efforts to reduce the Federal budget deficit, which are imperative for the economic well-being of the United States, will continue for the foreseeable future to require limits on all discretionary Federal spending, including defense spending.

(10) The constraints on the defense budget makes it essential that the Nation's defense priorities be carefully analyzed so as to properly fund the Armed Forces, including the various elements of the Nation's strategic forces.

(b) **SENSE OF THE SENATE.**—In light of the findings in subsection (a), it is the sense of the Senate that:

(1) It is not prudent or possible at the present time to commit to the procurement of an operational force of B-2 aircraft.

(2) The contingent authorization of funds in this Act for the low-rate initial production of the B-2 aircraft does not constitute a commitment or express an intent by the Senate to support the procurement of an operational force of B-2 aircraft, to provide funding for rate production for the B-2, or to approve a multiyear procurement.

(3) Prior to making a commitment to procure an operational force of B-2 aircraft, the Congress and the President should carefully consider the feasibility and desirability of:

(A) structuring the strategic bomber force in such a manner that primary reliance would be placed upon bombers carrying cruise-missiles rather than bombers having strictly a penetrating role;

(B) pursuing options for the procurement of significantly fewer than 132 B-2 aircraft, in the event that a decision is made in the future to procure an operational force of B-2 aircraft, in order to reduce the total acquisition and lifecycle cost of the B-2 program.

**COHEN (AND LEVIN)
AMENDMENT NO. 473**

(Ordered to lie on the table.)

Mr. COHEN (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by them to the bill S. 1352, supra, as follows:

On page 219, line 18, strike out "3-year period" and insert in lieu thereof "2-year period".

On page 220, line 7, strike out "30 percent" and insert in lieu thereof "20 percent".

On page 220, line 15, strike out "3-year period" and insert in lieu thereof "2-year period".

**DOMENICI (AND BINGAMAN)
AMENDMENT NO. 474**

(Ordered to lie on the table.)

Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill S. 1352, supra, as follows:

Strike all of part C of title XXXI of division C (page 421, line 1 through page 443, line 5) and insert in lieu thereof the following:

**"PART C—DEFENSE ENERGY TECHNOLOGY
TRANSFER**

"SECTION 1. This Act may be referred to as the 'Department of Energy National Competitiveness Technology Transfer Act of 1989'.

"FINDINGS AND PURPOSE

"SEC. 2. "(a) **FINDINGS.**—Congress finds that:

"(1) technology advancement is a key component in the growth of the United States industrial economy, and a strong industrial base is an essential element of the security of this;

"(2) there is a need to enhance United States competitiveness in both domestic and international markets;

"(3) innovation and the rapid application of new technology are assuming a more significant role in near-term marketplace success;

"(4) the Department of Energy's laboratories and other facilities have outstanding capabilities in a variety of advanced technologies and skilled scientists, engineers, and technicians who could contribute substantially to the posture of United States industry in international competition;

"(5) improved opportunities for cooperative arrangements between certain Department of Energy facilities and the U.S. private sector, consistent with the program missions at those facilities, particularly the national security functions involved in atomic energy defense activities, would contribute to our national well-being; and

"(6) more effective cooperation between those Department of Energy facilities and the private sector is required to provide

speed and certainty in the technology transfer process.

"(b) **PURPOSES.**—The purposes of this Act are to—

"(1) enhance United States national security by establishing a national competitiveness mission for certain Department of Energy facilities in order to provide opportunities to utilize the technologies and capabilities residing in those facilities for the United States to enhance its competitiveness; and

"(2) enhance collaboration between universities, the private sector, and facilities of the Department of Energy so as to foster the development of technologies in areas of significant economic potential.

SEC. 3. DEFINITIONS.—For purposes of this Act, the term—

"(a) 'Facility' means the following Department of Energy installations, respectively:

"(1) Lawrence-Livermore National Laboratory;

"(2) Los Alamos National Laboratory;

"(3) Sandia National Laboratory;

"(4) Idaho National Engineering Laboratory;

"(5) any other laboratory primarily engaged in atomic energy defense activities; and

"(6) any other laboratory that are designated by the Secretary for purposes of this Act and are managed under a contract that includes the provisions referred to in subsection 4(a)(5) of this Act and any future government-owned, contractor-operated facilities established as Department of Energy multi-purpose laboratories or program-dedicated laboratories; except that term does not include Naval Nuclear Propulsion laboratories or contractors performing work covered under Executive Order 12344, as codified in 42 U.S.C. 7158.

"(b) 'Secretary' means the Secretary of Energy.

"(c) 'Contract' means a prime contract between the United States, represented by the Department of Energy, and a contractor to manage and operate a facility.

"(d) 'Contracting party' means, in the case of a government-owned, contractor-operated facility, the contractor-manager of the facility, and, in the case of a government-owned, government-operated facility, the director of the facility.

"(e) 'Cooperative arrangement' means a written agreement between a contracting party and one or more collaborative parties, under which the contracting party, acting under his contract, provides personnel, services, equipment, or other resources for the conduct of specified developmental or advanced work to assist in creating products of potential commercial value. A federal department or agency may be a party to such an arrangement;

"(f) 'Collaborative party' means a party to a cooperative arrangement other than a Federal department or agency or any of their contractors or subcontractors acting in furtherance of their contractual undertakings to the Federal entities.

"(g) 'Program mission' means the work and services constituting the entire scope of work to be performed by the contracting party under the contract, excluding the national competitiveness mission.

"(h) 'National competitiveness mission' means the contractor-manager's activities under the contract pursuant to section 4 of this Act.

"(i) 'Intellectual property' means patents, trademarks, copyrights, mask works, trade

secrets, and other forms of comparable property rights protected by law.

"(j) 'Technical data' means recorded information, regardless of form or characteristic of a scientific or technical nature, excluding computer software.

"(k) 'Computer software' means recorded information, regardless of form or media on which it may be recorded, comprising computer programs or documentation thereof.

"(l) 'Unlimited rights' means the right of the Government to use, disclose, reproduce, prepare derivative works, distribute copies of the public, and perform publicly, in any manner and for any purpose, and to have or permit others to do so.

"SEC. 4. NATIONAL COMPETITIVENESS MISSION.—

"(a) Within 180 days after the date of enactment of this Act, the Secretary shall:

"(1) review all existing laws, regulations, policy guidelines, orders, directives and administrative processes associated with the Department's ability to achieve the purpose of this Act;

"(2) confer with representatives of United States industry and labor, educational institutions, and contracting parties respecting effective implementation of this Act.

"(3) advise the Congress of any existing legal obstacles interfering with the Department's ability to achieve the purpose of this Act, and make pertinent recommendations;

"(4) formulate and put into effect a comprehensive set of policy guidelines, procedures, and supporting regulations to effectuate the purpose of this Act, including:

"(A) a procedure for assuring that proposed cooperative arrangements are reviewed and concurred in, required to be modified, or rejected by the Secretary or his designee within 60 days after receipt by the Secretary or his designee of the proposed arrangement. In any case under such procedure in which the Secretary disapproves or requires the modification of any proposed cooperative arrangement submitted under this Act, the Secretary shall transmit a written explanation of such disapproval or modification to the contracting party of the facility concerned within 60 days after such submission. If such action is not taken within this 60-day period, the Secretary shall notify the United States Senate Committee on Armed Services and Energy and Natural Resources and the appropriate committees of jurisdiction of the United States House of Representatives of the reason such action was not taken;

"(B) requirements to avoid conflicts of interests, and to govern the use of Government funds for a receipt of funds, due to the national competitiveness mission; and

"(C) any other requirements related to the principles stated in subsection (b) of this section; and

"(5) negotiate with each contracting party appropriate contract provisions that refer to this Act, establish the concept of cooperative arrangements as a mission for the government, and describe the respective obligations and responsibility of the government and the contracting party with respect to the national competitiveness mission.

"(b) In taking the steps provided for in subsections (a)(4) and (a)(5) of this section the Secretary shall be guided by the following principles:

"(1) The national competitiveness mission shall not interfere with any national security mission for the Department of Energy and shall be complementary to and supportive of the program missions at the facility, and in the overall best interests of the federal government.

"(2) Classified information and unclassified sensitive information (as defined under section 148 of the Atomic Energy Act of 1954, as amended) protected by law or regulations shall be safeguarded.

"(3) The Secretary's management authority and responsibility with respect to the facility and the conduct of activities under the contract for the operation of the facility shall not be diminished.

"(4) The national competitiveness mission shall be conducted in a manner that—

"(A) provides fairness of opportunity to participate to entities in the United States private sector and for a fair return on the taxpayer's investment; and

"(B) includes consideration of small business firms and universities.

"(5)(A) The benefits of technology transfer resulting from the national competitiveness mission shall accrue to United States industry.

"(B) In accordance with the principles in paragraphs (2), (4) and (5)(A) of this subsection, entities that are owned, controlled or dominated by a foreign government or foreign entity shall be separately considered in light of the objective of this Act to improve United States competitiveness and of national security. In addition, agreements with such foreign entities shall take into consideration whether or not the associated foreign government permits United States agencies, organizations, or other persons to enter into competitive arrangements and licensing agreements with agencies, organizations, or other persons of such foreign country.

"(6) The Secretary shall establish an explicit policy and procedures to govern the contracting party's use of Government resources for the national competitiveness mission, royalties or other income from licensing agreements, and receipts of funds by reasons of cooperative arrangements, as well as the maintenance of books and records.

"(7) March-in rights shall be provided, in the same manner as provided under section 203 of title 35, United States Code, for intellectual property acquired by the contracting party, collaborative party or their successors-in-interest to assure commercial utilization of technology developed under cooperative arrangements.

"(c) Beginning promptly after the inclusion of the national competitiveness mission in a contract, and continuing thereafter during the course of the national competitiveness mission, designees of the Secretary and the contracting party or his representative shall periodically confer to discuss:

"(1) potential projects for cooperative arrangements;

"(2) terms and conditions in cooperative arrangements;

"(3) specification of particular inventions and specific technical data or computer software provided for in section 5 of this Act; and

"(4) progress and problem areas associated with potential or actual cooperative arrangements.

"SEC. 5. PARTICULAR INVENTIONS AND SPECIFIC TECHNICAL DATA OR COMPUTER SOFTWARE.—

"(a) Beginning after the inclusion in a contract of the national competitiveness mission, each contemplated cooperative arrangement shall identify in writing:

"(1) any particular inventions, conceived or first actually reduced to practice by the contracting party in the performance of program missions under its contract, pro-

posed for use in the contemplated cooperative arrangement; and

"(2) any specific technical data or computer software determined to have near-term commercial value, first produced by the contracting party in the performance of program missions under its contract, proposed for use in the contemplated cooperative arrangement.

"(b) To the extent that this Act is inconsistent with any of the provisions of 35 U.S.C. 200 et. seq., the provisions of this Act take precedence.

"(c) With respect to any inventions conceived or first actually reduced to practice by the contracting party in the course of or under its contract to manage and operate the facilities:

"(1) Notwithstanding section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182), section 9 of the Federal Non-Nuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908), or other provision of law, the Secretary shall dispose of the title to an invention made by a contracting party in the same manner as applied to small business and nonprofit organizations under chapter 18 of title 35, United States Code, and as provided by this Act.

"(2)(A) Whenever a contracting party makes an invention to which the Secretary has determined (at the time of contracting for the management and operation of the facility) to retain title for exceptional circumstances under section 202(a)(ii) of title 35, United States Code, title to the invention shall be retained by the Government unless the facility at which the invention is made requests title to the invention and the Secretary does not notify the contracting party of the facility within ninety days after receipt of the request that the invention is covered by a determination under section 202(a)(ii) of title 35, United States Code or has been classified or has been designated sensitive technical information as authorized by section 148 of the Atomic Energy Act of 1954, and that rejection of the request, in whole or in part, is in the best interest of the United States, taking into consideration the matters set forth in subparagraph (C).

"(B) Whenever a contracting party makes an invention to which the Secretary has determined (at the time of contracting for the management and operation of the facility) to retain title because the invention is made in the course of or under a funding agreement described in section 202(a)(iv) of title 35, United States Code, the title to the invention shall be retained by the Government unless the director of the facility at which the invention is made requests title and the Secretary does not notify the director of the facility within ninety days after receipt of the request that the invention is covered by a determination under subsection 202(a)(iv) of title 35, United States Code, or has been classified or has been designated sensitive technical information as authorized by law or regulation, and that rejection of the request, in whole or in part, is in the best interests of the United States, taking into consideration the matters set forth in subparagraph (C).

"(C) In determining whether to waive any or all of the rights of the United States to an invention or discovery pursuant to a request submitted in accordance with this paragraph, the Secretary shall consider whether any such waiver either will result in—

"(i) the compromise of the national security;

"(ii) the release to unauthorized persons of sensitive technical information (whether classified or unclassified) under any program or activity for which dissemination is controlled under Federal law; or

"(iii) an organizational conflict of interest contemplated by Federal statutes and regulations; or will adversely affect the operation of any other program or activity conducted at any facility. The Secretary may not use export control statutes or regulations as the sole basis for refusing a request for title to an invention.

(D) If the Secretary does not notify the contracting party that has requested title to an invention in accordance with this section, the contracting party shall have the right to title to the invention under the Government-wide contractor patentable ownership provisions of chapter 18 of title 35, United States Code.

"(d) With respect to specific technical data or computer software referred to in subsection (a)(2) which the contracting party identifies as having near-term commercial value with agreement by the Secretary, the cooperative arrangement may provide intellectual property rights to the technical data or computer software and that the technical data or computer software shall not be disclosed to or reproduced for any third party by the Government (except for third parties to which the Government decides it must disclose the technical data or computer software on a restricted basis for national security purposes, or for health, safety and environmental purposes), the contracting party and all collaborative parties to the arrangement, for a period of up to five years after termination of the work performed under the arrangement. Thereafter, or upon permission of the parties, the Government shall have unlimited rights to such intellectual property and technical data or computer software.

"(e) Notwithstanding any grant of rights under subsections (c) and (d) of this section, the Government shall have a nonexclusive, nontransferable, irrevocable, paid-up license, to practice or have practiced for or on behalf of the United States throughout the world, to such inventions, to use or have used for or on behalf of the United States throughout the world such technical data or computer software, and to disclose or reproduce such technical data or computer software as set forth in subsection (d).

"SEC. 6. COOPERATIVE ARRANGEMENTS.—Notwithstanding any other provision of this Act or any other provision of any other law to the contrary—

"(a) the rights to any inventions conceived or first actually reduced to practice by a collaborating party in performing under a cooperative arrangement shall be agreed to by the parties to the arrangement, subject to the Government's nonexclusive, nontransferable, irrevocable, paid-up license, to practice or have practiced for or on behalf of the United States throughout the world, to that invention.

"(b) Technical or computer software data first produced in the performance of a cooperative arrangement which the contracting party identifies as having near-term commercial value with agreement by the Secretary, may be protected by an intellectual property right and shall not be disclosed to or reproduced for any third party by the Government (except for third parties to which the Government decides it must disclose the technical data on a restricted basis for national security purposes, or for health, safety, and environmental purposes), the contracting party, and all collaborative parties to the arrangement, without the express written permission of all parties to the arrangement, for a period of up to five years after termination of the work performed under the arrangement. Thereafter, or upon permission of the parties to the agreement, the Government shall have unlimited rights to the intellectual property and technical data or computer software.

"(c) Technical data or computer software in which collaborating parties have rights shall be accorded appropriate confidentiality.

"SEC. 7. OVERSIGHT.—The Secretary, the Inspector General of the Department of Energy, and the Comptroller General shall conduct periodic audits of activities under this Act.

"SEC. 8. LIABILITY.—Except as provided in title 28, United States Code, section 1498, neither the United States nor the contracting parties or any of their officers, employees, or agents shall be liable for the use or manufacture of an invention covered by a patent acquired under this Act nor for the infringement of any copyright or certificate of plant variety protection acquired under this Act.

"SEC. 9. REGULATIONS.—

"(a) Within 180 days after the date of the enactment of this Act, the Secretary shall prescribe regulations necessary to carry out the provisions of this Act. In prescribing such regulations, the Secretary shall provide opportunity for public comment on proposed regulations.

"(b) Before the Secretary issues regulations under this section, the Secretary shall consult with the Office of Procurement Policy for review of such regulations for consistency with this Act.

"(c) Regulations under this section shall ensure that the contract for the management and operation of any facility authorizes the contracting party with respect to such facility to enter into cooperative arrangements and to negotiate the terms and conditions of such arrangements with—

"(1) other Federal agencies;

"(2) units of State and local government;

"(3) industrial organizations including corporations, partnerships and limited partnerships, consortia, and industrial development organizations;

"(4) public and private foundations;

"(5) nonprofit organizations including universities; and

"(6) other persons or entities including licensees of inventions, technical data, or computer software owned by the contracting party of a facility.

"SEC. 10. COPYRIGHTS AND PATENTS.—This Act does not contain any new authority for the Department of Energy to obtain a copyright or a patent.

"SEC. 11. REPEAL OF SUPERSEDED PROVISION.—Section 3131 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1987 (100 Stat. 4062; 42 U.S.C. 7261a) is repealed.

"SEC. 12. EFFECTIVE DATE.—The provisions of the Act shall take effect 180 days after the date of the enactment of the Act. Notwithstanding this section, the Secretary, immediately after the date of the enactment

of this Act, shall enter into negotiations with the contracting party at each facility to amend all existing contracts for the operation of the facility to reflect this Act.

"SEC. 13. CONSTRUCTION OF ACT.—Nothing in this Act shall be construed as denying to any contracting party the benefit of any provision of law that—

"(a) applies to activities conducted by such contracting party that are not activities under any atomic energy defense program of the Department of Energy;

"(b) governs the transfer of technology; and

"(c) is less restrictive than the provisions of this Act.

"SEC. 14. PERSONNEL EXCHANGES.—The Secretary may include provisions in cooperative arrangements for temporary exchanges of personnel between any domestic firm or university and the contracting facility. The exchange of personnel may be subject to such restrictions, limitations, terms and conditions as the Secretary considers necessary in the interest of national security."

DOMENICI AMENDMENT NOS. 475 THROUGH 478

(Ordered to lie on the table.)

Mr. DOMENICI submitted four amendments intended to be proposed by him to the bill S. 1352, *supra*, as follows:

AMENDMENT No. 475

On page 42, between lines 19 and 20, insert the following new section:

SEC. 230A. SINGLE PULSE AND EXCIMER LASER PROGRAMS.

Of the funds authorized to be appropriated pursuant to section 201, not less than \$20,000,000 shall be available for research, development, test, and evaluation in connection with the single pulse and excimer laser programs.

AMENDMENT No. 476

On page 42, between lines 19 and 20, insert the following new section:

SEC. 230A. MAGNETOENCEPHALOGRAPHY (MEG) AND NEUROMAGNETISM RESEARCH.

Of the funds authorized to be appropriated pursuant to section 201 for the Army for fiscal year 1990, not more than \$250,000 shall be made available for the joint Army-Department of Energy research project on magnetoencephalography (MEG) and neuromagnetism.

AMENDMENT No. 477

On page 84, between lines 11 and 12, insert the following new section:

SEC. 356. For purposes of allocating funds to military installations of the Department of Defense for morale, welfare, and recreation purposes, Cannon Air Force Base, New Mexico, shall be considered to be a remote and isolated military facility.

AMENDMENT No. 478

On page 295, after line 25, insert the following new section.

SEC. . REPORT ON LOSS OF SSI BENEFITS.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on the number of members of the Armed Forces who have dependents who are eligible for supplemental security income (SSI) benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.). The Secretary shall include in such report the following:

(1) A statement of the number of dependents of members of the Armed Forces who, as a consequence of members of the Armed Forces being assigned to duty outside the United States, lose their eligibility for supplemental security income (SSI) benefits.

(2) A statement of the total cost of providing SSI benefits to dependents of members of the Armed Forces.

(3) Information indicating whether the Department of Defense provides any benefit for members of the Armed Forces, based upon the blindness or disability of a dependent, similar to SSI benefits provided under title XVI of the Social Security Act.

(4) A discussion of possible programs of assistance that could be established to assist members of the Armed Forces in cases in which dependents lose SSI benefits as a result of accompanying members of the Armed Forces to duty stations outside the United States.

(b) DEADLINE FOR REPORT.—The report required by subsection (a) shall be submitted not later than 180 days after the date of the enactment of this Act.

DOMENICI (AND BINGAMAN) AMENDMENT NO. 479

(Ordered to lie on the table.)

Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill S. 1352, supra, as follows:

At the end of the bill, add the following:

"SEC. . The Secretary of Energy is authorized and directed to enter into an agreement with the State of New Mexico for the purpose of reimbursing the State of New Mexico under current DOT advance construction procedures, as set forth in title 23 CFR part 630 subpart G, in such manner and in such amount as shall hereafter be provided in appropriation Acts, for any and all costs incurred by the State of New Mexico for the design, row acquisition, construction and/or upgrading of certain highways or relief routes in the State of New Mexico used for the transportation of radioactive waste generated during defense-related activities, and destined for the Waste Isolation Pilot Project (WIPP), including those roads identified in an August 4, 1987, WIPP Agreement between the State of New Mexico and the United States Department of Energy."

DOMENICI AMENDMENT NO. 480

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

On page 42, between lines 19 and 20, insert the following new section:

SEC. 230A. LASER WEAPON VERIFICATION RESEARCH.

(a) FUNDING.—Of the amounts made available for weapon verification research for fiscal year 1990, not to exceed \$5,000,000 shall be available for laser weapon verification technology research.

(b) AWARD OF CONTRACTS.—In awarding contracts for research, development, test, and evaluation in connection with laser weapon verification technology, the Secretary of a military department or the head of a Defense Agency, as the case may be, shall ensure that such contracts are awarded to contractors that have experience in one or more of the following areas:

(1) Development of technologies for cooperative verification of laser weapons.

(2) Expertise in matters related to the propagation of high energy laser beams through the atmosphere.

(3) Ability to verify the testing or deployment of high energy laser beams against satellites in space.

SYMMS AMENDMENT NOS. 481 THROUGH 485

(Ordered to lie on the table.)

Mr. SYMMS submitted five amendments intended to be proposed by him to the bill S. 1352, supra, as follows:

AMENDMENT NO. 481

At the end of the bill add the following new section:

SEC. . RADIATION EXPOSED VETERANS.

Subparagraph (A) of paragraph (4) of subsection (c) of section 312 of title 38, U.S.C., as enacted by Public Law 100-321, is amended to read as follows:

"(A) The term 'radiation-exposed veteran' means a veteran who, while serving on active duty, active duty for training, inactive duty training, or as a military technician of the National Guard, participated in a radiation-risk activity."

AMENDMENT NO. 482

At the end of the bill add the following new section:

SEC. . REQUIREING CONCURRENCE IN FOREIGN AVAILABILITY ASSESSMENTS.

The Export Administration Act of 1979, as amended, is amended as follows:

(a) in subparagraph (B) of paragraph (3) of subsection (f) of section 5, strike "does not require" and insert in lieu thereof "requires"; and

(b) strike subparagraph (C) of paragraph (4) of subsection (f) of section 5.

AMENDMENT NO. 483

At the end of the bill add the following new section:

SEC. . REQUIREING CONCURRENCE IN FOREIGN AVAILABILITY ASSESSMENTS.

The Export Administration Act of 1979, as amended, is amended as follows:

(a) in subparagraph (B) of paragraph (3) of subsection (f) of section 5, strike "does not require" and insert in lieu thereof "requires"; and

(b) strike subparagraph (C) of paragraph (4) of subsection (f) of section 5.

AMENDMENT NO. 484

On page 32, strike the word "and" the second time it appears on line 11, strike the period on line 13 and insert in lieu thereof a semicolon and the word "and", and insert after line 13 the following new sub-subparagraph:

"(iii) \$5,000,000 is authorized for further development of Project Have Gaze."

On page 32, strike the word "and" the second time it appears on line 18, strike the period on line 20 and insert in lieu thereof a semicolon and the word "and", and insert after line 20 the following new sub-subparagraph:

"(iii) \$5,000,000 is authorized for further development of Project Have Gaze."

At the appropriate place in title II, insert the following new section:

"SEC. . PROJECT HAVE GAZE.

"It is the sense of the Senate that, upon the successful ground testing of Project Have Gaze, the Secretary of Defense should

reprogram such sums as are necessary to implement the further development of the program."

AMENDMENT NO. 485

At the end of the bill add the following new section:

"SEC. . PROTECTION FROM TERRORISM.

The Export Administration Act of 1979, as amended, is amended as follows:

(a) in paragraph (b)(1) of section 5, insert "and section 6(j) of this Act" after "[22 U.S.C.A. Sec. 2370(f)]";

(b) before the semicolon in subparagraph (b)(1)(A) of section 5, insert the following: "including such country's possible engagement in chemical and biological weapons development, ballistic missile proliferation, or international terrorism";

(c) in paragraph (j)(1) of section 6, add the following new subparagraphs and redesignate all succeeding paragraphs accordingly:

"(B) Such country is hostile to the United States and may be engaged in chemical or biological weapons development.

"(C) Such country is engaged in ballistic missile proliferation to countries engaged in or providing support for terrorism."

(d) in subsection (g) of section 10, insert the following new paragraph (4) and renumber paragraph (4) accordingly:

"(4)(A) The Secretary and the Secretary of Defense shall not approve exports within the general exceptions category of militarily significant or dual-use technology and commodities controlled and determined by the Coordinating Committee for Multilateral Export Controls to defense priority industries of countries subject to controls of such Committee.

"(B) Within 60 days of enactment, the Secretary of Defense shall compile and report to the committees of jurisdiction a list of defense priority industries, including computer and semiconductor manufacturing, for the purpose of implementing this paragraph."

ARMSTRONG AMENDMENT NOS. 486 AND 487

(Ordered to lie on the table.)

Mr. ARMSTRONG submitted two amendments intended to be proposed by him to the bill S. 1352, supra, as follows:

AMENDMENT NO. 486

At the end of title IX of the bill, add the following new section:

"SEC. . FINANCIAL BENEFITS TO THE UNION OF SOVIET SOCIALIST REPUBLICS CONTINGENT UPON CESSATION OF DRUG TRADE BY CUBA.

"(a) Notwithstanding any other provision of law, until the President makes the certification specified in subsection (b), he shall—

"(1) Instruct the United States representative to any international organization funded in whole or in part by the Government of the United States, which extends financial assistance to member states, including but not limited to the International Monetary Fund, the General Agreement on Tariffs and Trade, and the International Bank for Reconstruction and Development, to oppose membership or observer status of the Union of Soviet Socialist Republics in such organizations and to oppose the extension, directly or indirectly, of any form of financial aid, assistance, loan, or credit whatsoever to the Union of Soviet Socialist Re-

publics whether or not that country achieves membership or observer status in such organization;

"(2) Deny to the government or any state enterprise of the Union of Soviet Socialist Republics, or to U.S. persons or corporations and their subsidiaries doing business in or with the Union of Soviet Socialist Republics, the extension, directly or indirectly, of any form of financial aid, assistance, loan, credit, subsidy, or loan guarantee whatsoever having the purpose or effect of facilitating the conduct of business in or with the Union of Soviet Socialist Republics, by any entity controlled by the Government of the United States (other than the Commodity Credit Corporation), which extends financial aid, assistance, loans or credits to foreign states or to United States persons or corporations doing business in or with foreign states, including but not limited to the Overseas Private Investment Corporation and the Export-Import Bank; and

"(3) Oppose any substantial relaxation, liberalization, reclassification, or end of restrictions on any license for the sale of goods or technology (apart from routine review and updating of the control list), or the granting of any exceptions to such restrictions, to the Union of Soviet Socialist Republics through the Coordinating Committee for Multilateral Export Controls.

"(b) The provisions of subsection (a) of this section shall remain in effect until the President certifies to the President of the Senate and to the Speaker of the House of Representatives, that—

"(1) Neither the Government of Cuba nor any entity controlled by the Government of Cuba is involved in any way in illegal drug trafficking;

"(2) Neither Cuban territory nor Cuban territorial waters are used as a conduit or transfer point for the supply of illegal drugs to the United States; and

"(3) The conditions specified in paragraphs (1) and (2) of this subsection have existed for a period of at least one year.

"(c) Nothing in this section shall be construed to repeal, contravene, or waive any provision of law prohibiting or establishing other requirements for the extension to the Union of Soviet Socialist Republics of the benefits denied by subsection (a) or otherwise to grant or to require the granting of such benefits upon the certification specified in subsection (b)."

AMENDMENT NO. 487

At the end of title IX of the bill, add the following new section:

"SEC. . FINANCIAL BENEFITS TO THE UNION OF SOVIET SOCIALIST REPUBLICS CONTINGENT UPON CESSATION OF SOVIET-BLOC MILITARY AID TO NICARAGUA.

"(a) Notwithstanding any other provision of law, until the President makes the certification specified in subsection (b), he shall—

"(1) Instruct the United States representative to any international organization funded in whole or in part by the Government of the United States, which extends financial assistance to member states, including but not limited to the International Monetary Fund, the General Agreement on Tariffs and Trade, and the International Bank for Reconstruction and Development, to oppose membership or observer status of the Union of Soviet Socialist Republics in such organizations and to oppose the extension, directly or indirectly, of any form of financial aid, assistance, loan, or credit whatsoever to the Union of Soviet Socialist Re-

publics whether or not that country achieves membership or observer status in such organization;

"(2) Deny to the government or any state enterprise of the Union of Soviet Socialist Republics, or to U.S. persons or corporations and their subsidiaries doing business in or with the Union of Soviet Socialist Republics, the extension, directly or indirectly, of any form of financial aid, assistance, loan, credit, subsidy, or loan guarantee whatsoever having the purpose or effect of facilitating the conduct of business in or with the Union of Soviet Socialist Republics, by any entity controlled by the Government of the United States (other than the Commodity Credit Corporation), which extends financial aid, assistance, loans or credits to foreign states or to United States persons or corporations doing business in or with foreign states, including but not limited to the Overseas Private Investment Corporation and the Export-Import Bank; and

"(3) Oppose any substantial relaxation, liberalization, reclassification, or end of restrictions on any license for the sale of goods or technology (apart from routine review and updating of the control list), or the granting of any exceptions to such restrictions, to the Union of Soviet Socialist Republics through the Coordinating Committee for Multilateral Export Controls.

"(b) The provisions of subsection (a) of this section shall remain in effect until the President certifies to the President of the Senate and to the Speaker of the House of Representatives, that—

"(1) The Communist Sandinista regime of Nicaragua is not receiving from the Union of Soviet Socialist Republics or from any country allied with the Union of Soviet Socialist Republics military or security assistance in any form whatsoever, including but not limited to the supply of weapons, weapon parts, ammunition, military vehicles or military aircraft or naval craft or parts thereof, training of Sandinista military or security personnel, or services of Soviet or Soviet-allied military or security personnel in Nicaragua;

"(2) The Communist Salvadoran guerrillas of the Farabundo Marti National Liberation Front (F.M.L.N.) or any related or allied organizations is not receiving from the Union of Soviet Socialist Republics or from any country allied with the Union of Soviet Socialist Republics, including Nicaragua or Cuba, military or political assistance in any form whatsoever, including but not limited to the supply of funds, weapons, weapons parts, ammunition, vehicles or aircraft or parts thereof, command and control, training of F.M.L.N. personnel, services of Soviet or Soviet-allied personnel in El Salvador, or harboring of F.M.L.N. personnel in Nicaragua or Cuba; and

"(3) The assistance specified in paragraphs (1) and (2) of this subsection has ceased for a period of at least one year.

"(c) Nothing in this section shall be construed to repeal, contravene, or waive any provision of law prohibiting or establishing other requirements for the extension to the Union of Soviet Socialist Republics of the benefits denied by subsection (a) or otherwise to grant or to require the granting of such benefits upon the certification specified in subsection (b)."

BINGAMAN (AND DOMENICI) AMENDMENT NO. 488

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by them to the bill S. 1352, supra, as follows:

On page 450 of the bill, after line 13, add the following:

SEC. . NATIONAL COMPETITIVENESS MISSION.

Section 91(a) of the Atomic Energy Act of 1954 (68 Stat. 936; 42 U.S.C. 2121(a)) is amended—

(1) by striking out "and" at the end of clause (1);

(2) by striking out the period at the end of clause (2) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new clause:

"(3) enhance the economic competitiveness of the United States, to the extent consistent with the national security missions of the Department of Energy, by ensuring that investment in research and development in the military application of atomic energy results in the development of civilian applications for and commercialization of advanced technology (including, but not limited to, advanced technology relating to the safe and efficient handling and disposal of industrial wastes), through appropriate transfers of Federally owned or federally originated technology to state or local governments, private industry, universities, or other nonprofit institutions.

BINGAMAN AMENDMENT NO. 489

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

On page 295, after line 25, insert the following new title:

TITLE —MISSILE CONTROL

SEC. . FINDINGS.

The Congress finds that—

(1) the global spread of weapons of mass destruction, accompanied by the proliferation of sophisticated missile delivery systems and missile technology, poses a serious threat to stability and peace in many regions;

(2) the Missile Technology Control Regime (MTCR) was established in 1987 to restrict such proliferation;

(3) notwithstanding the existence of the MTCR, companies situated in countries which are adherents to the MTCR have transferred, in violation of the principles of that agreement, missile equipment and technology to nonadherents;

(4) the MTCR is further weakened as it does not include the Soviet Union, China, Argentina, North Korea, Brazil, and certain Soviet-bloc countries, which have transferred missiles and missile technology to countries without this capability;

(5) missile proliferation could be better controlled if MTCR adherents shared a common interpretation of the MTCR principles and strictly enforced its provisions;

(6) the spread of intermediate range missiles can be effectively restricted only if all countries involved in the transfer of such missiles and technology agree to restrict such transfers;

(7) coordination and cooperation between the agencies charged with responsibility for carrying out United States policy on missile control is inadequate; and

(8) greater consultation between the President and the Congress is needed to ensure that Congress is being kept fully informed about missile proliferation and development, and ongoing diplomacy to halt missile proliferation.

SEC. . PURPOSE.

It is the purpose of this title—

(1) to restrict the transfer and development of missiles and missile equipment and technology;

(2) to encourage greater international participation in and adherence to the Missile Technology Control Regime (MTCR) of 1987;

(3) to seek bilateral and multilateral agreements similar to the MTCR;

(4) to encourage countries without missiles to forego the development or acquisition of these weapons; and

(5) to mandate procedures which would permit the United States to take the lead in restricting the spread of missiles and missile equipment and technology by requiring stricter enforcement procedures and improved cooperation among the responsible agencies.

SEC. . AMENDMENT TO THE ARMS EXPORT CONTROL ACT.

The Arms Export Control Act is amended by inserting after chapter 6 (22 U.S.C. 2795b, et seq.) the following new chapter:

"CHAPTER 7—CONTROL OF MISSILES AND MISSILE EQUIPMENT AND TECHNOLOGY

"SEC. 71. POLICY.—It is the policy of the United States to improve the control and reduce the proliferation of missiles and missile equipment and technology by taking all appropriate measures—

"(1) to improve enforcement and seek a common and broader interpretation among Missile Technology Control Regime (MTCR) members of MTCR principles;

"(2) to extend MTCR membership to non-adherents and to explore with other nonadherents which export missiles and missile equipment and technology the negotiation of bilateral and multilateral agreements which would support the principles of the MTCR or, at a minimum, not undercut the MTCR;

"(3) to consider the organization of an international conference to review measures which would reduce the proliferation of missiles and missile equipment and technology;

"(4) to consider an international treaty which prohibits the global spread of missiles that are subject to MTCR guidelines; and

"(5) to seek through diplomatic efforts peaceful resolution of regional differences, thereby reducing the perceived need for missile forces.

"SEC. 72. DENIAL OF THE TRANSFER OF MISSILE EQUIPMENT AND TECHNOLOGY.—(a) Except as provided in subsection (b), the following shall apply:

"(1) If the President determines, after consultation with the Secretary of State and the Secretary of Defense, that a domestic firm has transferred, in violation of the MTCR guidelines, after the date of enactment of this Act—

"(A) missile equipment and technology (other than MTCR category I), then the Secretary of State and the Secretary of Defense shall deny, for a period of two years, government contracts relating to missile equipment and technology and export licenses for any transfer of missile equipment and technology to such firm; and

"(B) MTCR category I missile equipment and technology, then the Secretary of State

and the Secretary of Defense shall deny, for a period of five years, government contracts relating to missile equipment and technology and export licenses for any transfer of missile equipment and technology to such firm.

"(2) the President determines, after consultation with the Secretary of State and the Secretary of Defense, that a foreign firm or state entity, in violation of the MTCR guidelines, has transferred, after the date of enactment of this Act—

"(A) missile equipment and technology (other than MTCR category I), then the Secretary of State and the Secretary of Defense shall deny, for a period of two years, government contracts relating to missile equipment and technology and export licenses for any transfer of missile equipment and technology to that foreign firm or State entity; and

"(B) MTCR category I missile equipment and technology, then the Secretary of State and the Secretary of Defense shall deny, for a period of five years, government contracts relating to missile equipment and technology and export licenses for any transfer of missile equipment and technology to that foreign firm or State entity.

"(b) The prohibitions contained in subsection (a) shall not apply if the President, after consultation with the Secretary of State and the Secretary of Defense, determines and so certifies to Congress that the export license or government contract would not be inconsistent with the purpose of title of the National Defense Authorization Act for Fiscal Years 1990 and 1991.

"SEC. 73. ANNUAL REPORT ON MISSILE CONTROL.—(a) CONTENTS OF REPORT.—Not later than February 1 of each year, the Secretary of State shall submit to the Congress a report on transfers of missile equipment and technology to MTCR nonadherents that shall include—

"(1) the status of missile development programs, as defined in the MTCR, of all nonadherents, except the Soviet Union, which have transferred or sold to other countries, or are developing, missile systems and, in the case of the Soviet Union, a description of all missile exports, as defined in the MTCR, to other nonadherents;

"(2) a description of the assistance provided by individual Communist-bloc countries and non-Communist countries and companies, including MTCR adherents, to MTCR nonadherents in the development of missile systems, as defined in the MTCR;

"(3) the number, on a country-by-country basis, of validated export licenses, technical assistance agreements, manufacturing licensing agreements, and letters of offer and acceptance approved for the transfer of missile equipment and technology to MTCR nonadherents;

"(4) a description specifying the type of equipment, the end-user, and the purpose for which it will be used, of missile equipment and technology transfers to MTCR nonadherents which require assurances from the recipient; and

"(5) a description of diplomatic measures that the United States has taken or that other MTCR members have made to the United States with respect to activities of private firms and countries suspected of violating the MTCR.

"(b) TYPE OF REPORT.—The President shall make every effort to submit all of the information required by subsection (a) in unclassified form. Whenever the President submits any such information in classified form, he shall submit such classified infor-

mation in an addendum and shall also submit simultaneously a detailed summary, in unclassified form, of such classified information.

"(c) CONSTRUCTION.—Nothing in this section—

"(1) requires the disclosure of information in violation of Senate Resolution 400 of the Ninety-fourth Congress or otherwise alters, modifies, or supersedes any of the authorities contained therein; or

"(2) shall be construed as requiring the President to disclose any information which, in his judgment, would seriously—

"(A) jeopardize the national security of the United States;

"(B) undermine existing and effective efforts to meet the policy objectives outlined in section 71 of this Act; or

"(C) compromise sensitive intelligence operations, with resulting grave damage to the national security interests of the United States.

"SEC. 74. DEFINITIONS.—For purposes of this chapter—

"(1) the term 'Missile Technology Control Regime' or 'MTCR' means the agreement, as amended, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on an annex of missile equipment and technology; and

"(2) the terms 'missile' and 'missile equipment and technology' mean those items listed in the MTCR Equipment and Technology Annex, as amended."

SEC. . AMENDMENTS TO THE EXPORT ADMINISTRATION ACT OF 1979.

(a) REVIEW OF MTCR LICENSE APPLICATIONS.—Section 6(a)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(a)(5)) is amended—

(1) by inserting "(A)" immediately after "(5)"; and

(2) by adding at the end thereof the following:

"(B)(i) The Secretary shall direct the Office of Export Licensing to refer all license applications for the export of items on the MTCR annex, excluding those directed to MTCR adherents and those that deal with NATO programs of cooperation, to the Secretary of State and, if so requested, to the Secretary of Defense.

"(ii) The Secretary shall, in consultation with the Secretary of State and the Secretary of Defense, establish a procedure that would permit the Secretary of State and the Secretary of Defense to have access to the Office of Export Licensing's computer lists of license applications for missile equipment and technology."

(b) EXPORT LICENSING OF CERTAIN MISSILE EQUIPMENT AND TECHNOLOGY.—Section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405) is amended—

(1) by redesignating subsections (k) through (p) as subsections (l) through (q), respectively; and

(2) by inserting after subsection (j) the following:

"(k) CONTROLS ON EXPORTS OF MISSILE EQUIPMENT AND TECHNOLOGY.—

"(1) IN GENERAL.—Missile equipment and technology, other than missile equipment and technology on the United States Munitions List, may be exported from the United States only pursuant to a validated export license.

"(2) DENIAL REQUIRED.—After enactment of this subsection, the Secretary shall not

issue an export license for missile equipment and technology to which this subsection applies—

"(A) if the proposed exporter or recipient of the export has transferred, after the date of enactment of this subsection, and within the 2-year period preceding the application for the license, missile equipment and technology in violation of the MTCR guidelines;

"(B) if the proposed recipient of the transfer is a facility of a MTCR nonadherent that is designed to develop offensive missiles (as defined in the MTCR) for export to MTCR nonadherents; or

"(C) if the proposed recipient or end-user is located in a country which the Secretary of State has determined, for purposes of subsection (j) of this section, has repeatedly provided support for acts of international terrorism.

"(3) EXCEPTIONS.—Notwithstanding paragraph (2), the Secretary may issue a license for an export of missile equipment and technology to which this subsection applies if, after consultation with the Secretary of Defense, the Secretary determines and so certifies to the Congress that the issuance of the export license would not be inconsistent with the purpose of title of the National Defense Authorization Act for Fiscal Years 1990 and 1991."

(c) REPORT.—Section 14 of the Export Administration Act of 1979 (50 U.S.C. App. 2413) is amended—

(1) by striking the section heading and inserting in lieu thereof "REPORTS";

(2) in subsection (a), by striking "CONTENTS" and inserting "ANNUAL REPORTS"; and

(3) by adding at the end thereof the following:

"(g) REPORTS ON CONTROLS OF MISSILE EQUIPMENT AND TECHNOLOGY.—Not later than February 1 of each year, the Secretary shall submit to the Congress a report setting forth with respect to the preceding calendar year—

"(1) the number, on a country-by-country basis, of requests for validated export licenses approved for missile equipment and technology to non-MTCR countries;

"(2) a description, specifying the type of equipment, the end-user, and the purposes for which it will be used of export licenses approved for missile equipment and technology to MTCR nonadherents that required assurances from the recipient; and

"(3) the number, on a country-by-country basis, and description of requests or applications for missile equipment and technology export licenses that were referred to the Department of State and the Department of Defense."

(d) DEFINITIONS.—Section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following:

"(7) the terms 'MTCR', 'Missile Technology Control Regime', and 'missile equipment and technology' have the same meanings as in section 74 of the Arms Export Control Act;"

WILSON AMENDMENT NO. 490

(Ordered to lie on the table.)

Mr. WILSON submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

At the appropriate place insert the following:

SEC. . DEADLINE FOR COMPLETION AND EXECUTION OF AGREEMENTS WITH AFFECTED STATES AND WITH THE ENVIRONMENTAL PROTECTION AGENCY.

(a) Whenever a Department of Defense facility is proposed for listing on the National Priorities List pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended, the Secretary of Defense shall, not later than one year after the date a facility is proposed for such listing, ensure that an agreement with affected states and with the Environmental Protection Agency for the expeditious initiation and completion of remedial action at such facility is executed.

(b) Nothing in this provision shall be construed as affecting or modifying state law, including laws concerning removal or remedial action, or enforcement, or the application of such laws to facilities owned or operated by a department, agency, or instrumentality of the United States.

PRESSLER AMENDMENT NO. 491

(Ordered to lie on the table.)

Mr. PRESSLER submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

On page 193, between lines 10 and 11, insert the following:

SEC. 657. COMMISSARY STORES PRIVILEGES.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1056. Commissary store privileges for custodial parents.

"The unmarried former spouse of a member or retired member of the armed forces may use commissary stores for the benefit of a dependent child (as described in section 1072(2)(D) of this title) of such member during any period when all of the following conditions apply:

"(1) such former spouse has legal custody of such a child;

"(2) such a member or retired member is authorized to use commissary stores—

"(3) such dependent child is unable to use commissary stores because of administrative restrictions on the use of commissary stores by dependent children."

(b) TECHNICAL AMENDMENT.—The table of sections at the beginning of such chapter is included by adding at the end of the following new item:

"1056. Commissary store privileges for custodial parents."

DOMENICI AMENDMENT NO. 492

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

On page 42, between lines 19 and 20, insert the following new section:

SEC. 230A. MAGNETOENCEPHALOGRAPHY (MEG) AND NEUROMAGNETISM RESEARCH.

Of the funds authorized to be appropriated pursuant to section 201 for the Army for fiscal year 1990, not more than \$250,000 shall be made available for the joint Army-Department of Energy research project on magnetoencephalography (MEG) and neuromagnetism.

NICKLES (AND BOREN) AMENDMENT NO. 493

(Ordered to lie on the table.)

Mr. NICKLES (for himself and Mr. BOREN) submitted an amendment intended to be proposed by them to the bill S. 1352, supra, as follows:

At the end of part B of title 28 insert the following:

SEC. 2830. TINKER AIR FORCE BASE, OKLAHOMA.

(a) PURCHASE AUTHORIZED.—Notwithstanding any other provision of law, the Secretary of the Air Force is authorized to acquire a Depot Operations Logistics Facility at Tinker Air Force Base for the sum of \$248,900. No charge to appropriations shall be required for sums previously expended for site preparation, leasing, installation or other construction.

(b) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

MURKOWSKI AMENDMENT NO. 494

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

At the end of the bill, add the following new sections:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Energy Security Act of 1989".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the United States is the leader of the free world and has world wide responsibilities to promote economic and political security;

(2) the exercise of traditional responsibilities here and abroad in foreign policy requires that the United States be free of the risk of energy blackmail in times of shortages;

(3) the level of the United States oil security is directly related to the level of domestic production of oil, natural gas liquids, and natural gas;

(4) a national energy policy should be developed which ensures that adequate supplies of oil shall be available at all times free of the threat of embargo or other foreign hostile acts;

(5) the ability of the United States to exercise its free will and to carry out its responsibilities as leader of the free world could be jeopardized by an excessive dependence on foreign oil imports; and

(6) increasing dependence on foreign oil imports has and continues to impose unacceptable risks to the lives of United States service men and women and severe economic costs to the national defense.

(b) PURPOSE.—The purpose of this Act is to establish a national energy security plan designed to reduce United States dependence on foreign oil supplies to a level which does not pose an unacceptable threat to the national security.

SEC. 3. DUTIES OF THE PRESIDENT.

(a) ESTABLISHMENT OF CEILING.—The President shall establish a National Oil Import Ceiling (referred to in this Act as the "ceiling level") which shall represent a ceiling

level beyond which foreign crude and oil product imports as a share of United States oil consumption should not exceed.

(b) **LEVEL OF CEILING.**—The ceiling level established under subsection (a) shall not exceed 50 percent of United States crude and oil product consumption for any six month period.

(c) **REPORT.**—(1) The President shall prepare and submit an annual report to Congress containing a national oil security projection which shall contain a forecast of domestic oil and NGL demand and production, and imports of crude and oil product for the subsequent year. The report shall indicate the likelihood of foreign crude and oil product imports exceeding the ceiling level during the next year.

(2) The projection prepared pursuant to paragraph (1) shall be presented to Congress with a description of the actions which the President expects to take pursuant to section 4 at the time of the submission of the President's Budget.

SEC. 4. ENERGY PRODUCTION AND SECURITY ACTION PLAN.

(1) The President shall at all times monitor the level of foreign crude and oil product imports as a share of United States oil consumption. Upon a finding that the ceiling level has been exceeded, the President shall within 90 days amend, if necessary, and submit an Energy Production and Security Action Plan to Congress. The plan shall indicate specific actions to be taken to reduce crude and product imports below the National Oil Import Ceiling. Unless disproved or modified by joint resolution and notwithstanding any other provision of law, the plan shall be implemented 90 calendar days after being submitted to Congress.

(2) The Energy Production and Oil Security Plan shall include:

(A) a certification by the President that the ceiling level has been exceeded;

(B) a list of federal land tracts, offshore and onshore, in order of their potential for oil and gas recovery, including any federal land currently off-limits to oil and gas leasing;

(C) a schedule for leasing such tracts in order of their potential for oil and gas discovery including number of tracts to be leased and the timing for individual lease sales;

(D) energy conservation actions including improved fuel efficiency for automobiles and the development of alternative transportation fuels; and

(E) production incentives for domestic oil and gas including royalty reductions, tax and other incentives for stripper well production, offshore, frontier, and other oil produced with tertiary recovery techniques.

PRYOR AMENDMENT NOS. 495 AND 496

(Ordered to lie on the table.)

Mr. PRYOR submitted two amendments intended to be proposed by him to the bill S. 1352, supra, as follows:

AMENDMENT No. 495

Insert in the appropriate place:

The Secretary of the United States Army is hereby directed to transfer the lease of property and all improvements to said property known as the Seymour W. Terry Army Reserve Center located on the campus of the University of Arkansas at Little Rock, Arkansas, to the University of Arkansas at Little Rock, Arkansas.

AMENDMENT No. 496

On page 447, between lines 13 and 14, insert the following:

(4)(A) Whenever a person, upon separation from employment by the Department of Energy, commences the furnishing of services with respect to which section 207 of title 18, United States Code, or section 27(e) of the Office of Federal Procurement Policy Act does not apply by reason of paragraph (1) or (3), the Secretary of Energy shall transmit to the Office of Government Ethics a notification containing the name of such person, the Department of Energy position in which the person was employed at the time of separation, the contractor to which or on behalf of which such person is furnishing such services, and a description of such services.

(B) Whenever the Secretary of Energy appoints to a position of employment in the Department of Energy any person to whom section 208 of title 18, United States Code, does not apply by reason of paragraph (2), the Secretary shall transmit to the Office of Government Ethics a notification containing the name of such person, the position in which such person was employed while such person was employed in a laboratory referred to in that paragraph, the name of the person's employer while such person was so employed, and the position to which such person is appointed.

(C) Notifications received by the Office of Government Ethics under this paragraph shall be available to the public.

MURKOWSKI AMENDMENT NOS. 497 THROUGH 499

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted three amendments intended to be proposed by him to the bill S. 1352, supra, as follows:

AMENDMENT No. 497

On page 247, below line 24, insert the following:

SEC. 386. REQUIREMENT FOR CERTIFICATE OF INDEPENDENT PRICE DETERMINATION IN CERTAIN DEPARTMENT OF DEFENSE CONTRACT SOLICITATIONS.

The Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to provide that—

(1) the exception provided in Federal Acquisition Regulation 3.103-1 for work performed by foreign suppliers outside the United States, its possessions, and Puerto Rico shall not apply in the case of any firm-fixed-price contract awarded by the Department of Defense and any fixed-price contract with economic price adjustment awarded by the Department of Defense; and

(2) the provision set out in Federal Acquisition Regulation 52.203-2 (relating to a certificate of independent price determination) shall be inserted in the contract solicitation for each such contract unless another exception provided in Federal Acquisition Regulation 3.103-1 applies in the case of such contract.

AMENDMENT No. 498

On page 247, below line 24, insert the following:

SEC. 836. PROHIBITION ON ACQUISITION OF AGRICULTURAL PRODUCTS OF SOUTH AFRICA.

(a) **IN GENERAL.**—(1) Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410c. Prohibition on acquisition of agricultural products of the Republic of South Africa

"Agricultural products of the Republic of South Africa may not be acquired, directly or indirectly, by the Department of Defense."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2410c. Prohibition on acquisition of agricultural products of the Republic of South Africa."

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall apply to contracts entered into and purchases made on or after the date of the enactment of this Act.

AMENDMENT No. 499

At the end of the bill, add the following new section:

SEC. . ILLEGAL ACTS BY TAIWANESE FISHING VESSELS.

(a) **CONGRESSIONAL FINDINGS.**—The Congress finds that—

(1) the illegal harvesting of salmon in driftnet fisheries in the North Pacific Ocean is a serious threat to the well-being of the salmonid resources of the United States, and to the livelihoods of thousands of American citizens;

(2) vessels operating from Taiwan have been demonstrated to be extensively involved in such illegal harvesting;

(3) the Government of Taiwan has consistently failed to take appropriate and necessary steps to prevent the illegal harvest of salmonid fishes of the United States by drift-net vessels from Taiwan;

(4) a tentative agreement regarding drift-net fisheries of the North Pacific Ocean has been negotiated between the Coordination Council for North American Affairs, representing the Government of Taiwan, and the American Institute in Taiwan, representing the United States;

(5) the failure of the Government of Taiwan to finalize the tentative agreement between the Coordination Council for North American Affairs and the American Institute in Taiwan regarding driftnet fisheries of the North Pacific makes it impossible to implement effective cooperative enforcement efforts as provided for in the Driftnet Impact Monitoring, Assessment and Control Act of 1987 (16 U.S.C. 1822 note), also known as "the Driftnet Act";

(6) Taiwan has been certified by the Secretary of Commerce under the Driftnet Act, which certification is deemed to be a certification for the purposes of section 8(a) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a));

(7) the certification of Taiwan under the Driftnet Act permits the President to impose restrictions on the import of certain marine products from Taiwan.

(b) **COOPERATIVE MONITORING.**—Within ninety days of the enactment of this Act, and after consultation with the Secretary of Commerce and the Secretary of Transportation, the Secretary of Defense shall implement a system—

(1) providing for the timely transmission of information collected on the locations, names, and other identifying features of foreign fishing vessels in the North Pacific Ocean to the fisheries law enforcement offices of the United States Coast Guard and National Marine Fisheries Service; and

(2) requiring any United States military vessel or aircraft which sights a foreign fishing vessel in the North Pacific Ocean to

record the location of such sightings, together with other information including but not limited to the fishing vessels' names and other identifying information, unless the acquisition of such information would jeopardize the mission of the United States vessel or aircraft.

(c) **IMPOSITION OF TRADE RESTRICTIONS.**—Within sixty days of the date on which Taiwan was certified under the Driftnet Act, the President shall direct the Secretary of the Treasury to prohibit the bringing or importation into the United States of all fish and shellfish products from Taiwan, unless—

(1) an agreement pursuant to the Driftnet Act is in effect between the United States and Taiwan, or their representatives, within sixty days of the date on which Taiwan was certified under the Driftnet Act; and,

(2) during such time as any agreement pursuant to the Driftnet Act is in effect between the United States and Taiwan, or their representatives, the actions of the Government of Taiwan continue to demonstrate in all respects its willingness and ability to abide by the terms of the agreement.

(d) **SUPPLEMENTAL TRADE RESTRICTIONS.**—At such times as the importation of fisheries products from Taiwan is prohibited under subsection (c) of this section, the President may also order restrictions in the sale of weapons and other military materials to the Government of Taiwan or its representative.

JOHNSTON AMENDMENT NO. 500

Mr. JOHNSTON (for himself, Mr. CHAFEE, Mr. BUMPERS, Mr. SANFORD, Mr. HEINZ, Mr. BENSTEN, and Mr. GLENN) proposed an amendment to the bill S. 1352, supra, as follows:

At the end of title IX of the bill, add the following new section:

SEC. . REDUCTION OF AUTHORIZATION FOR FUNDS FOR SDI PROGRAM AND INCREASE IN FUNDS FOR CERTAIN OTHER PROGRAMS.

(a) **LIMITATION ON APPROPRIATIONS FOR SDI.**—Notwithstanding the amount authorized to be appropriated pursuant to section 201 for Defense Agencies for fiscal year 1990 for the Strategic Defense Initiative (SDI) program, not more than \$3,743,476,800 may be appropriated to such agencies for fiscal year 1990 for such program.

(b)(1) **INCREASE IN AUTHORIZATIONS FOR OTHER PROGRAMS.**—Notwithstanding section 123 or any other provision of this Act—

(A) \$157,000,000 is authorized to be appropriated for the Navy for fiscal year 1990 for long-lead procurement for the V-22 aircraft;

(B) \$140,000,000 is authorized to be appropriated for fiscal year 1990 for the Air Force for re-engining KC-135 aircraft;

(C) \$145,000,000 is authorized to be appropriated for fiscal year 1990 for the Air Force for procurement of AGM-65D Maverick missiles;

(D) \$18,100,000 is authorized to be appropriated for fiscal year 1990 for the Army for ammunition; and

(E) \$23,000,000 is authorized to be appropriated for fiscal year 1990 for the Air Force for Research, Development, Test, and Evaluation of the RF-16 reconnaissance program.

(F) \$75,000,000 is authorized to be appropriated for fiscal year 1990 for the Defense Advanced Research Projects Agency as follows:

(i) \$5 million for high temperature superconductivity.

(ii) \$20 million for research and development of high resolution display technologies.

(iii) \$15 million for gallium arsenide manufacturing technology and insertion.

(iv) \$30 million for X-ray lithography program.

(v) \$5 million for the artificial neural network technology program.

(2) The amount authorized to be appropriated by paragraph (1) for any program is in addition to any amount otherwise authorized to be appropriated by this Act for such program.

SHELBY (AND OTHERS) AMENDMENT NO. 501

(Ordered to lie on the table.)

Mr. SHELBY (for himself, Mr. BINGAMAN, and Mr. HEFLIN) submitted an amendment intended to be proposed by them to the bill S. 1352, supra, as follows:

On page 43, between lines 14 and 15, insert the following:

(c) **SPECIFIC PROGRAMS.**—Of the amount specified in subsection (a)—

(1) not less than \$175,000,000 shall be available only for development of the Exoatmospheric Interceptor.

(2) not less than \$160,000,000 shall be available only for the development of the Endoatmospheric Interceptor;

(3) not less than \$200,000,000 shall be available only for the Free Electron Laser technology integration experiment;

(4) not less than \$156,000,000 shall be available only for Neutral Particle Beam technology; and

(5) not less than \$146,000,000 shall be available only for the Innovative Science and Technology Program.

LEVIN AMENDMENT NOS. 502 AND 503

(Ordered to lie on the table.)

Mr. LEVIN submitted two amendments intended to be proposed by him to the bill S. 1352, supra, as follows:

AMENDMENT No. 502

(a) On page 444, line 8, delete "25 positions" and substitute "15 positions".

(b) On page 444, line 25 through page 445, line 1, delete "after such three-year period so long as" and substitute "for up to four years after the date of enactment of this Act, provided that".

AMENDMENT No. 503

On page 20, line 14, insert the following:

(d) The Secretary of the Air Force shall take appropriate steps to ensure that the procurement of all B-2 aircraft authorized for fiscal year 1989 and thereafter shall be subject to a contractor guarantee pursuant to section 2403 of title 10 and that the prime contractor for such aircraft shall be required to assume a substantially greater responsibility for the cost of corrective actions required under section 2403(b) than under existing contracts for B-2 aircraft. Notwithstanding section 2403(g), the Secretary may negotiate exclusions or limitations on the prime contractor's liability for defects under section 2403(b) only for the cost of corrective action for such defects that exceeds the total of the contractor's actual profits on the production of such aircraft. Funds appropriated for the Air Force for fiscal year 1990 for procurement of aircraft may not be

obligated for the procurement of B-2 aircraft until the Secretary of Defense certifies to the Committees on Armed Services of the Senate and the House of Representatives that such steps have been taken.

DIXON AMENDMENT NO. 504

(Ordered to lie on the table.)

Mr. DIXON submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

On page 270, between lines 9 and 10, insert the following new section:

SEC. . TEMPORARY PROHIBITION ON AWARD OF A CERTAIN CONTRACT TO A FOREIGN CONTRACTOR.

The Secretary of the Army may not award to a foreign contractor a contract for the procurement of transmissions pursuant to solicitation DAAE07-89-R-JO33 until after the Comptroller General of the United States (1) has made a determination regarding the applicability of Federal Acquisition Regulation (FAR) 6.302-3 to the award of such contract, and (2) has notified the Secretary whether such regulation is applicable to the award of such contract.

KERRY (AND HARKIN) AMENDMENT NO. 505

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by them to the bill S. 1352, supra, as follows:

On page 295, line 25, insert the following: strike the word "treaties," and insert the following "treaties."

TITLE XI—MILITARY DRUG INTERDICTION AND LAW ENFORCEMENT SUPPORT

SEC. 1101. FINDINGS.

Congress makes the following findings:

(1) The large volume of illegal drugs entering the United States from foreign sources poses a direct and immediate threat to the national security of the United States.

(2) The Department of Defense has the responsibility to protect and defend the United States against all threats, foreign and domestic.

(3) The Department of Defense has vast air, ground, and sea reconnaissance, tracking, and intercept capabilities which can be readily adapted to the mission of drug interdiction.

(4) In light of these capabilities, title XI of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456), assigned the following three missions to the Department of Defense specifically related to preventing the transit of illegal drugs into the United States:

(A) Being the lead Federal agency responsible for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States.

(B) Having responsibility to integrate into an effective communications network the command, control, communications, and technical intelligence assets of the United States that are dedicated to drug interdiction.

(C) Having responsibility to oversee an enhanced drug interdiction and law enforcement role for the National Guard under the direction of State governors.

(5) Assignment of these missions to the Department of Defense, at no additional cost to the taxpayer, is intended—

(A) to use Department of Defense capabilities to permit law enforcement agencies to eliminate or reduce their performance of certain functions and more efficiently focus their effort on direct law enforcement; and

(B) to make additional funding available for demand reduction programs.

(6) There is a need for the Department of Defense to increase and focus its actions in implementing the provisions of the National Defense Authorization Act, Fiscal Year 1989, related to drug interdiction and law enforcement support, as evidenced by the following:

(A) Required reports concerning the role of the Armed Forces in drug interdiction have been poorly prepared, late, and incomplete.

(B) Agreements between the Department of Defense and all Federal law enforcement agencies involved in drug interdiction have not been completed.

(C) The amended budget request of the President for fiscal year 1990 for the Department of Defense and the most recent five-year defense program submitted to Congress under section 114(g) of title 10, United States Code, do not contain any provisions for the funding of the drug interdiction effort by the Department of Defense.

(D) The Department of Defense and law enforcement agencies have not established an effective intelligence-sharing network.

(E) The Department of Defense has failed to undertake policies to eliminate duplication of effort between the Department of Defense and law enforcement agencies involved in drug interdiction.

(F) The Department of Defense has assigned few personnel to the joint task forces created for drug interdiction.

SEC. 1102. TRAINING EXERCISES IN DRUG-INTERDICTION AREAS.

(a) EXERCISES REQUIRED.—Subsection (b) of section 371 of title 10, United States Code, is amended to read as follows:

“(b)(1) The Secretary of Defense shall direct that the armed forces, to the maximum extent practicable, shall conduct military training exercises (including training exercises conducted by the reserve components) in drug-interdiction areas.

“(2) Not later than December 1 of each year, the Secretary shall submit to the Congress a report on the implementation of paragraph (1) during the fiscal year ending on September 30 of that year. The report shall include—

“(A) a description of the exercises conducted in drug-interdiction areas and the effectiveness of those exercises in assisting civilian law enforcement officials; and

“(B) a description of those additional actions that could be taken (and an assessment of the results of those actions) if additional funds were made available to the Department of Defense for additional military training exercises in drug-interdiction areas for the purpose of enhancing interdiction and deterrence of drug smuggling.

“(3) In this subsection, the term ‘drug-interdiction areas’ includes land and sea areas in which, as determined by the Secretary of Defense, the smuggling of drugs into the United States occurs or is believed by the Secretary to have occurred.”

(b) FIRST REPORT REQUIRED.—The first report required by section 371(b)(2) of title 10, United States Code (as added by subsection (a)), shall be submitted not later than December 1, 1990.

SEC. 1103. OPERATION OF EQUIPMENT USED AT POINTS OF ENTRY OR USED TO TRANSPORT CIVILIAN LAW ENFORCEMENT PERSONNEL.

(a) PURPOSES FOR WHICH EQUIPMENT MAY BE OPERATED.—Section 374(b)(2) of title 10, United States Code, is amended—

(1) by striking out subparagraph (C) and inserting in lieu thereof the following new subparagraph:

“(C) Inspection of cargo, vehicles, vessels, and aircraft at points of entry into the land area of the United States.”; and

(2) by striking out “, and the Attorney General” and all that follows through “outside the land area of the United States” in subparagraph (E) and inserting in lieu thereof “and the Attorney General (and the Secretary of State in the case of a law enforcement operation outside of the land area of the United States)”.

(b) CONFORMING AMENDMENTS.—(1) Section 374(b) of title 10, United States Code, is further amended—

(A) by striking out paragraph (3);

(B) by redesignating paragraph (4) as paragraph (3); and

(C) by striking out “paragraph (4)(A)” both places it appears and inserting in lieu thereof “paragraph (3)(A)”.

(2) Section 379 of such title is amended—

(A) by striking out “section 374(b)(4)(A)” in subsection (c) and inserting in lieu thereof “section 374(b)(3)(A)”;

(B) by striking out “section 374(b)(4)(B)” in subsection (d) and inserting in lieu thereof “section 374(b)(3)(B)”.

SEC. 1104. SUPPORT NOT TO AFFECT ADVERSELY MILITARY PREPAREDNESS TO A SUBSTANTIAL DEGREE.

(a) CHANGE IN LIMITATION ON SUPPORT.—Section 376 of title 10, United States Code, is amended—

(1) by inserting “the Secretary of Defense determines that” after “under this chapter if” in the first sentence; and

(2) by inserting “to a substantial degree” before the period in both sentences.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

“§ 376. Support not to affect adversely military preparedness to a substantial degree”

(2) The item relating to such section in the table of sections preceding section 371 of such title is amended to read as follows:

“376. Support not to affect adversely military preparedness to a substantial degree.”

SEC. 1105. REIMBURSEMENT.

(a) IN GENERAL.—Section 377 of title 10, United States Code, is amended to read as follows:

“§ 377. Reimbursement

“Notwithstanding section 1535 of title 31 or any other provision of law, a civilian law enforcement agency to which support is provided under this chapter is not required to reimburse the Department of Defense for that support.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to support provided by the Department of Defense after the date of the enactment of this Act.

SEC. 1106. ENHANCED DRUG INTERDICTION AND LAW ENFORCEMENT SUPPORT BY THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—(1) Subtitle A of title 10, United States Code, is amended by inserting after section 380 the following new sections:

“§ 381. Detection and monitoring of aerial and maritime transit of illegal drugs: Department of Defense to be lead agency

“(a) The Department of Defense shall serve as the single lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs into the land area of the United States.

“(b)(1) To carry out subsection (a), Department of Defense personnel may operate equipment of the Department to intercept a vessel or an aircraft detected outside the land area of the United States for the purposes of—

“(A) identifying and communicating with that vessel or aircraft; and

“(B) directing that vessel or aircraft to go to a location designated by appropriate civilian officials.

“(2) In cases in which a vessel or an aircraft is detected outside the land area of the United States, Department of Defense personnel may begin or continue pursuit of that vessel or an aircraft over the land area of the United States.

“(c) The limitation on providing support to civilian law enforcement officials specified in section 376 of this title shall not apply to the activities of the Department of Defense under this section.

“§ 382. Drug interdiction and law enforcement support: budget proposals

“The Secretary of Defense shall include in the annual budget of the Department of Defense submitted to Congress a separate budget proposal for the activities of the Department of Defense related to drug interdiction and support for civilian law enforcement agencies.

“§ 383. National Guard: enhanced drug interdiction and enforcement role

“(a) If the Governor of a State or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard submits a plan to the Secretary of Defense under subsection (b), the Secretary may provide to that Governor or commanding general sufficient funds for the pay, allowances, clothing, subsistence, gratuities, travel and related expenses of personnel of the National Guard of that State or the District of Columbia used—

“(1) for the purpose of drug interdiction and enforcement operations; and

“(2) for the operation and maintenance of the equipment and facilities of that National Guard used for that purpose.

“(b) A plan referred to in subsection (a) shall—

“(1) specify how personnel of the National Guard are to be used in drug interdiction and enforcement operations; and

“(2) certify that those operations are to be conducted at a time when the personnel involved are not in Federal service; and

“(3) certify that participation by National Guard personnel in those operations is service in addition to annual training required under section 502 of title 32.

“(c) Before funds are provided under subsection (a), the Secretary of Defense shall consult with the Director of National Drug Control Policy regarding the adequacy of the plan submitted under subsection (b).

“(d) Nothing in this section shall be construed as a limitation on the authority of any unit of the National Guard of a State or the District of Columbia, when such unit is not in Federal service, to perform law enforcement functions authorized to be per-

formed by the National Guard by the laws of the entity concerned.

"(e) The Secretary of Defense shall prescribe and enforce training criteria for the National Guard to enhance the capability of the National Guard to assist in drug interdiction and law enforcement support.

"(f) In this section, the term 'State' means each of the several States, the Commonwealth of Puerto Rico, and any territory and possession of the United States.

"§ 384. Annual report on drug interdiction

"Not later than December 1 of each year, the Secretary of Defense shall submit to Congress a report on the drug interdiction activities of the Department of Defense under this chapter and other applicable provisions of law during the preceding fiscal year. The report shall include—

"(1) specific information as to the size, scope, and results of Department of Defense drug interdiction operations;

"(2) specific information on the nature and terms of interagency agreements with other law enforcement agencies relating to drug interdiction; and

"(3) any recommendations for additional legislation that the Secretary determines would assist in furthering the ability of the Department to perform its mission under this chapter or to assist other agencies."

(2) The table of sections preceding section 371 of such title is amended by adding at the end the following new items:

"381. Detection and monitoring of aerial and maritime transit of illegal drugs: Department of Defense to be lead agency.

"382. Drug interdiction and law enforcement support: budget proposals.

"383. National Guard: enhanced drug interdiction and enforcement role.

"384. Annual report on drug interdiction."

(b) CONFORMING REPEALS.—Sections 1102 and 1105 of the National Defense Authorization Act, Fiscal Year 1989 (102 Stat. 2042, 2047), are repealed.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 1989.

SEC. 1107. RESTRICTION ON DIRECT PARTICIPATION BY MILITARY PERSONNEL

Section 375 of title 10, United States Code, is amended to read as follows:

"§ 375. Restriction on direct participation by military personnel

"The Secretary of Defense shall prescribe such regulations as may be necessary to ensure that any activity (including the provision of any equipment or facility or the assignment or detail of any personnel) under this chapter does not include or permit direct participation by a member of the Army, Navy, Air Force, or Marine Corps in a search and seizure, an arrest, or other similar activity unless participation in such activity by such member is otherwise authorized by law."

SEC. 1108. AUTHORIZATION OF APPROPRIATIONS RELATED TO DRUG INTERDICTION

(a) AUTHORIZATION OF APPROPRIATIONS.—Of the funds appropriated for fiscal year 1990 pursuant to an authorization contained in this act, \$450,000,000 shall be available as provided in this section.

(b) OPERATIONS OF THE DEPARTMENT OF DEFENSE.—Of the amount referred to in subsection (a), \$135,000,000 shall be available only to carry out the mission of the Department of Defense relating to drug interdiction and law enforcement support (other than for purposes specified in subsections (c) through (g)).

(c) NATIONAL GUARD.—Of the amount referred to in subsection (a), \$70,000,000 shall be available only to provide assistance to the National Guard under section 383 of title 10, United States Code (as added by section 1106).

(d) INTEGRATION OF C₃I ASSETS.—Of the amount referred to in subsection (a), \$50,000,000 shall be available only to continue the activities of the Department of Defense under section 1103 of the National Defense Authorization Act, Fiscal Year 1989 (10 U.S.C. 374 note).

(e) AIRCRAFT CONVERSION.—Of the amount referred to in subsection (a), \$49,000,000 shall be available only to convert existing Marine Corps Reserve OV-10A aircraft for improved drug interdiction performance.

(f) USE OF CERTAIN FACILITIES.—Of the amount referred to in subsection (a), \$20,000,000 shall be available only to carry out—

(1) research and development activities under the plan prepared pursuant to section 6163(a) of the Anti-Drug Abuse Act of 1988 (102 Stat. 4350); and

(2) other research and development relating to drug interdiction and law enforcement support.

(g) CIVIL AIR PATROL.—Of the amount referred to in subsection (a), \$1,000,000 shall be available only to support Civil Air Patrol activities in support of civil law enforcement agencies.

(h) DETECTION AND MONITORING EQUIPMENT.—Of the amount referred to in subsection (a), \$125,000,000 shall be available only for the purchase of detection and monitoring systems and associated equipment.

SEC. 1109. REPORTS.

(a) BY THE PRESIDENT.—Not later than April 1, 1990, the President shall submit to Congress a report—

(1) describing the progress made on implementation of the plan required by section 1103 of the National Defense Authorization Act, Fiscal Year 1989 (10 U.S.C. 374 note);

(2) containing an analysis of the feasibility of establishing a National Drug Operations Center for the integration, coordination, and control of all drug interdiction operations; and

(3) describing how intelligence activities relating to narcotics trafficking can be integrated, including—

(A) coordinating the collection and analysis of intelligence information;

(B) ensuring the dissemination of relevant intelligence information to officials with responsibility for narcotics policy and to agencies responsible for interdiction, eradication, law enforcement, and other counternarcotics activities; and

(C) coordinating and controlling all counternarcotics intelligence activities.

(b) BY THE DIRECTOR OF NATIONAL DRUG CONTROL POLICY.—(1) Not later than December 1, 1989, the Director of National Drug Control Policy shall submit to Congress a report—

(A) on the feasibility of detailing not more than 200 officers in the Judge Advocate General's Corps of the military departments to the Department of Justice to assist in the prosecution of drug cases in areas in which there is a lack of sufficient prosecutorial resources; and

(B) on the feasibility of permitting the employment of former and retired members of the Armed Forces as law enforcement officers even though they are over age 35 at the time of initial employment.

(2) In preparing the report required by paragraph (1), the Director of National

Drug Control Policy shall consult with the Attorney General, the Secretary of Defense, and other appropriate heads of agencies.

(c) BY THE SECRETARY OF DEFENSE.—(1) Not later than December 1, 1989, the Secretary of Defense shall submit a report to Congress—

(A) on the specific drug-related research and development projects to be funded, and the planned allocation of funding for such projects, under section 1108(f); and

(B) containing a plan to increase the employment of the resources and personnel of the Special Operations Command in drug interdiction and law enforcement support.

(2) Not later than April 1, 1990, the Secretary of Defense, in coordination with the Secretary of Transportation and Director of National Drug Control Policy, shall submit a report to Congress on—

(A) the feasibility of establishing aerial and maritime navigational corridors by which civilian aircraft and vessels may travel through drug interdiction areas, as defined in section 371(b)(3) of title 10, United States Code (as added by section 1102);

(B) the feasibility of requiring the submission of navigational plans for all civilian aircraft and vessels that will travel in such areas; and

(C) the funding considered necessary to implement a plan to carry out the matters referred to in subparagraphs (A) and (B).

SEC. 1110. TECHNICAL AND CLERICAL AMENDMENTS RELATING TO DRUG INTERDICTION.

(a) CHAPTER HEADING.—(1) The heading of the chapter following chapter 17 of title 10, United States Code (relating to drug interdiction and military cooperation with civilian law enforcement officials), is amended to read as follows:

"CHAPTER 18—DRUG INTERDICTION AND SUPPORT FOR CIVILIAN LAW ENFORCEMENT AGENCIES"

(2) The items relating to such chapter in the table of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, of such title are amended to read as follows:

"18. Drug Interdiction and Support for Civilian Law Enforcement Agencies 371".

(b) REFERENCE TO TARIFF SCHEDULES.—Section 374(b)(3) of such title (as redesignated by section 1103(b)) is amended by striking out "general headnote 2 of the Tariff Schedules of the United States" in subparagraph (A)(iii) and inserting in lieu thereof "general note 2 of the Harmonized Tariff Schedule of the United States".

(c) CROSS-REFERENCE AMENDMENT.—Section 374(c) of such title is amended by striking out "paragraph (2)" and inserting in lieu thereof "subsection (b)(2)".

**KERRY (AND OTHERS)
AMENDMENT NOS. 506 AND 507**

(Ordered to lie on the table.)

Mr. KERRY (for himself, Mr. JEFFORDS, and Mr. HARKIN) submitted to amendments intended to be proposed by them to the bill S. 1352, *supra*, as follows:

AMENDMENT No. 506

At the appropriate place in the bill, insert the following new sections:

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The United States Government relies on many of its satellites for communications, reconnaissance, electronic intelligence, remote sensing, detection of nuclear explosions, early warning of attack, monitoring compliance with arms control agreements, and monitoring the activities and movements of hostile military forces.

(2) Such satellites constitute vital integral parts of many United States weapons systems, command, control, and communications systems, and intelligence systems.

(3) It is essential to the national security of the United States that United States Government satellites survive antisatellite attacks.

(4) The Soviet Union has not tested its only antisatellite weapon, a coorbital system, against an object in space since the summer of 1982.

(5) The further development and testing of new antisatellite weapons by the United States and the Soviet Union may make all United States Government satellites and all Soviet satellites vulnerable to each other's antisatellite weapons.

(6) It is in the national security interest of the United States to discourage the development and testing of new antisatellite weapons by the Soviet Union.

SEC. 2. DECLARATION OF POLICY.

(a) **PROTECTION OF SATELLITES.**—It is the policy of the United States to protect United States Government satellites—

(1) by discouraging Soviet efforts to improve antisatellite capabilities; and

(2) by conducting research, development, and testing on techniques that increase the capability of such satellites to survive physical attack, including such techniques as hardening, resistance, jamming, orbit selection, maneuvering, ground segment improvements, orbiting of spare satellites, deployment of dormant satellites, and signature reduction.

(b) **ANTISATELLITE LIMITATION NEGOTIATIONS.**—It is the sense of Congress that the President should initiate and conduct good faith negotiations with the Soviet Union with a view to achieving an agreement that provides for (1) the strictest possible limitations on the development, testing, production, and deployment of antisatellite weapons by the United States and the Soviet Union, (2) the dismantling of existing Soviet antisatellite weapons, and (3) verification of the compliance with the agreements.

SEC. 3. LIMITATION ON TESTING OF ANTISATELLITE WEAPONS.

Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by any Act may be obligated or expended to test any weapon against an object in orbit around the Earth until the President certifies to Congress either—

(1) that the Soviet Union has conducted, after August 1982, a test of any weapon against an object in orbit around the Earth;

(2) that the President has requested the Soviet Union to permit the United States to deploy cooperative monitoring and verification technologies at the Soviet laser test site at Sary Shagan and at each other location that the President suspects the Soviet Union to be using for laser testing, and that the Soviet Union has refused to cooperate in good faith to make it possible for the United States to do so, or

(3) that the President has attempted to negotiate with the Soviet Union to establish limitations on the development, testing, production, and deployment of antisatellite weapons, and that the Soviet Union has re-

fused to negotiate in good faith on such limitations.

AMENDMENT NO. 507

At the appropriate place in the bill, insert the following new section:

SEC. . REPORT TO CONGRESS ON THE SURVIVABILITY OF UNITED STATES SATELLITES.

(a) **IN GENERAL.**—Not later than March 1, 1990, the President shall prepare and transmit to Congress a report on—

(1) the capabilities of United States Government satellites to survive antisatellite attacks; and

(2) the capabilities of the United States (A) to monitor the development, testing, production, deployment, and use of antisatellite weapons by the Soviet Union, and (B) to verify Soviet self-restraint in the development, testing, production, deployment, and use of such weapons.

(b) **CONTENT OF REPORT.**—The report shall include reviews and analyses of—

(1) the capabilities of United States Government satellites to survive attack by antisatellite weapons, and the future actions necessary to ensure the capability of United States Government satellites to survive such attacks through the end of the twentieth century;

(2) an assessment of the effects on United States national security of—

(A) Soviet antisatellite capabilities;

(B) the development by the Soviet Union, of antisatellite capabilities symmetrical to potential future United States antisatellite capabilities;

(C) the development, by the Soviet Union, of the capability to destroy high-altitude United States Government satellites, including those satellites in geosynchronous orbit; and

(D) an agreement entered into by the United States and the Soviet Union that provides for (i) a verifiable ban on the development, testing, production, and deployment of all antisatellite weapons, and (ii) the dismantling of all existing antisatellite weapons;

(3) the actions that could be taken to improve the capability of United States Government satellites to survive antisatellite attacks and the projected budgetary costs of taking such actions—

(A) if the Soviet Union were not to improve its antisatellite capabilities;

(B) if the Soviet Union were to develop antisatellite capabilities symmetrical to potential future United States antisatellite capabilities;

(C) if the Soviet Union were to develop the capability to destroy high-altitude United States Government satellites, including those satellites in geosynchronous orbit; and

(D) if the United States and the Soviet Union were to enter into an agreement providing for (i) a verifiable ban on the development, testing, production, and deployment of all antisatellite weapons, and (ii) the dismantling of all existing antisatellite weapons;

(4) United States capabilities to monitor and verify Soviet antisatellite capabilities;

(5) techniques by which the United States could improve capabilities to monitor and verify Soviet antisatellite capabilities, including—

(A) development, testing, production, and deployment of monitoring equipment, onsite verification equipment, and other verification equipment;

(B) onsite inspections; and

(C) negotiation of an agreement between the United States and the Soviet Union providing for the use of telemetry by each that is readable by the other and other cooperative means with the Soviet Union; and

(6) the desirability of and prospects for limiting Soviet antisatellite capabilities by agreement, including any agreement that would limit development, testing, production, or deployment of kinetic kill, directed energy, nuclear, or any other form of antisatellite weapon or that would limit any other antisatellite capability for any altitude.

(c) **FORM OF REPORT.**—The President shall transmit the report in a classified form to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives. The President shall also transmit to Congress an unclassified summary of the report.

DECONCINI AMENDMENT NO. 508

(Ordered to lie on the table.)

Mr. DECONCINI submitted an amendment intended to be proposed by him to the bill S. 1352, *supra*, as follows:

On page 293, between lines 13 and 14, insert the following:

SEC. 917. ENHANCED DRUG INTERDICTION AND LAW ENFORCEMENT SUPPORT BY THE NATIONAL GUARD.

(a) **IN GENERAL.**—(1) Subtitle A of title 10, United States Code, is amended by inserting after section 380 the following new section:

"§ 381. National Guard: enhanced drug interdiction and enforcement role

"(a) If the Governor of a State or, in the case of the District of Columbia, the commanding general of the District of Columbia, the commanding general of the District of Columbia National Guard submits a plan to the Secretary of Defense under subsection (b), the Secretary may provide to that Governor or commanding general sufficient funds for the pay, allowances, clothing, subsistence, gratuities, travel and related expenses of personnel of the National Guard of that State or the District of Columbia used—

"(1) for the purpose of drug interdiction and enforcement operations; and

"(2) for the operation and maintenance of the equipment and facilities of that National Guard used for that purpose.

"(b) A plan referred to in subsection (a) shall—

"(1) specify how personnel of the National Guard are to be used in drug interdiction and enforcement operations;

"(2) certify that those operations are to be conducted at a time when the personnel involved are not in Federal service; and

"(3) certify that participation by National Guard personnel in those operations is service in addition to annual training required under section 502 of title 32.

"(c) Before funds are provided under subsection (a), the Secretary of Defense shall consult with the Director of National Drug Control Policy regarding the adequacy of the plan submitted under subsection (b).

"(d) When a plan is submitted under subsection (a), the Chief of the National Guard Bureau shall identify the types of oper-

ations proposed in that plan. Before funds are provided to the Governor of a State or the Commanding General of the District of Columbia National Guard under this section for a plan including a particular type of operation, the Chief of the National Guard Bureau shall obtain the approval of the Secretary of Defense for funding of that type of operation in drug interdiction and enforcement plans. The Secretary of Defense, before approving any type of operation, shall consult with the Attorney General of the United States regarding such operations. Operations of a type for which funding has been previously provided to any State or the District of Columbia for plans under the authority of this section or of section 1105 of Public Law 100-456 shall be considered as approved by the Secretary and the Attorney General unless the Secretary shall later communicate to the Chief of the National Guard Bureau a withdrawal of approval for a specified type of operation.

"(e) Nothing in this section shall be construed as a limitation on the authority of any unit of the National Guard of a State or the District of Columbia, when such unit is not in Federal service, to perform law enforcement functions authorized to be performed by the National Guard by the laws of the entity concerned.

"(f) The Secretary of Defense shall prescribe and enforce training criteria for the National Guard to enhance the capability of the National Guard to assist in drug interdiction and law enforcement support.

"(g) In this section, the term 'State' means each of the several States, the Commonwealth of Puerto Rico, and any territory and possession of the United States."

(2) The table of sections preceding section 371 of such title is amended by adding at the end the following new item:

"381. National Guard: enhanced drug interdiction and enforcement role."

(b) CONFORMING REPEAL.—Section 1105 of the National Defense Authorization Act, Fiscal Year 1989 (102 Stat. 2047), is repealed.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the funds authorized in this Act to be appropriated for fiscal year 1990, \$70,000,000 shall be available only to provide assistance to the National Guard under section 383 of title 10, United States Code (as added by section 1106).

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 1989.

BIDEN AMENDMENT NO. 509

(Ordered to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

On page 394, below line 23, insert the following:

SEC. 2830. REPORT REGARDING FORT MEADE RECREATION AREA.

Not later than 30 days after the enactment of this Act, the Secretary of the Army shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility of conveying to the State of Delaware a parcel of property known as Fort Meade Recreation Area, formerly Fort Miles, Delaware, containing approximately 95.9 acres.

HARKIN (AND KERRY) AMENDMENT NO. 510

(Ordered to lie on the table.)

Mr. HARKIN (for himself and Mr. KERRY) submitted an amendment intended to be proposed by them to the bill S. 1352, supra, as follows:

On page 293, between lines 13 and 14, insert the following:

SEC. 917. FUNDING FOR PROGRAMS UNDER THE ANTI-DRUG ABUSE ACT OF 1988.

(a) TRANSFER FROM SDI AUTHORIZATION.—Of the amount authorized in section 201 to be appropriated for fiscal year 1990 and made available pursuant to subsection (a) of section 231 for the Strategic Defense Initiative, the amount equal to the excess of the amount specified in that subsection over \$2,000,000,000 shall be transferred to appropriation accounts provided in fiscal year 1990 for the Anti-Drug Abuse Act programs.

(b) AMOUNT TO BE TRANSFERRED FOR EACH PROGRAM.—The total amount transferred to the appropriation accounts for an Anti-Drug Abuse Act program may not exceed the fiscal year 1989 deficiency amount for such program.

(c) ADDITIONAL AUTHORIZATION.—If the total amount transferred pursuant to subsection (a) to the appropriation accounts for an Anti-Drug Abuse Act program is less than the fiscal year 1989 deficiency amount for such program, there is authorized to be appropriated for such program for fiscal year 1990 the amount equal to the difference between that deficiency amount and the amount so transferred.

(d) DEFINITION.—In this section:

(1) The term "Anti-Drug Abuse Act program" means each program for which appropriations were authorized for fiscal year 1989 in the Anti-Drug Abuse Act of 1988 (Public Law 100-690; 102 Stat. 4181) and for which the amount appropriated for such fiscal year was less than the amount authorized for such fiscal year.

(2) The term "deficiency amount" means, with respect to an Anti-Drug Abuse Act program, the difference between the amount appropriated for such program for fiscal year 1989 and the amount authorized for that program for fiscal year 1989 in the Anti-Drug Abuse Act of 1988.

HARKIN AMENDMENT NO. 511

(Ordered to lie on the table.)

Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

On page 293, between lines 13 and 14, insert the following:

SEC. 917. SALE AND USE OF UNITED STATES DOMESTIC MEAT IN ARMED FORCES FACILITIES IN THE EUROPEAN COMMUNITY.

(a) REQUIREMENT TO USE UNITED STATES DOMESTIC MEAT.—(1) Chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2491. Commissary stores and dining facilities: sale and use of United States domestic meat in the European Community

"(a) The Secretary of each military department shall ensure that the meat and meat food products sold in commissary stores of that military department located in any member country of the European Community and the meat and meat food products served in dining facilities of that military department located in any such country are produced and processed in the United States.

"(b) In this section:

"(1) The term 'meat' means meat within the meaning of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.).

"(2) The term 'meat food product' has the same meaning as provided in section 1(j) of such Act."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2491. Commissary stores and dining facilities: sale and use of United States domestic meat in the European Community."

(b) GENERAL POLICY.—It is the sense of Congress that the Secretary of each military department should intensify efforts to procure from United States sources the products to be sold in commissary stores of that department, the food products to be served in dining facilities of that department, and the supplies to be used in such dining facilities.

(c) FUNDING.—Of the amounts authorized to be appropriated pursuant to this division, \$10,000,000 shall be available to defray the cost of transporting meat and meat products referred to in section 2491 of title 10, United States Code (as added by subsection (a)), from the United States to European Community countries for sale in commissary stores and for serving in dining facilities as provided in that section.

DECONCINI AMENDMENT NO. 512

(Ordered to lie on the table.)

Mr. DECONCINI submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

On page 2, line 17, strike out the "\$2,706,500,000" and insert in lieu thereof the following "\$2,769,500,000" and on page 2, line 18, strike out the "\$2,742,100,000" and insert in lieu thereof the following "\$2,805,100,000".

MACK AMENDMENT NO. 513

(Ordered to lie on the table.)

Mr. MACK submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

At the end of title I, procurement, section , Navy and Marine Corps, insert the following:

"No funds shall be authorized for tug and towing services by the Department of the Navy at Port Canaveral, Florida, unless competition for said services is open and unrestricted."

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the Senate and the public that the hearing scheduled before the Committee on Energy and Natural Resources on July 31, 1989, have been postponed.

The purpose of the hearing was to receive testimony on the Department of Energy's efforts to improve the operations and management of its atomic energy defense activities and its efforts to restore public credibility in the Department's ability to operate its facilities in a safe and environmentally

sound manner. Testimony was also to be heard on S. 972 and S. 1304.

The hearings were originally scheduled to take place on the above mentioned date in the Dirksen Senate Office Building in Washington, DC.

This hearing will be rescheduled at a later date. For further information, please contact Mary Louise Wagner or Teri Curtin at (202) 224-7569.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON THE CONSTITUTION

Mr. SIMON. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, July 27, 1989, at 2 p.m., to hold a hearing on Senate Joint Resolution 2, Senate Joint Resolution 9, and Senate Joint Resolution 12, balanced budget amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM, NARCOTICS AND INTERNATIONAL OPERATIONS

Mr. SIMON. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Narcotics and International Operations be authorized to meet during the session of the Senate on Thursday, July 27, at 10 a.m. to hold a hearing on the Inspector General's Report on International Narcotics Control Programs in Peru and Bolivia.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. SIMON. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, July 27, 1989, at 4 p.m., to hold a markup on Senate Joint Resolution 2, Senate Joint Resolution 9, and Senate Joint Resolution 12, balanced budget amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SIMON. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, July 27, 1989, beginning at 9:30 a.m., to hear Linda J. Fisher, nominated to be Assistant Administrator for Pesticides and Toxic Substances, EPA; Timothy B. Atkeson, nominated to be Assistant Administrator for International Affairs, EPA; and J. Clarence (Terry) Davies, nominated to be Assistant Administrator for Policy, Planning, and Evaluation, EPA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SIMON. Mr. President, I ask unanimous consent that the full Committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate 9:30 a.m., July 27, 1989, for a business meeting to consider S. 712, a bill to provide for a referendum on the political status of Puerto Rico.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. SIMON. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate 1 p.m., July 27, 1989, for hearing to receive testimony on S. 286, a bill to establish the Petroglyph National Monument in the State of New Mexico, and for other purposes; S. 798, to amend title V of the act of December 19, 1980, designating the Chaco culture archaeological protection sites, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EDUCATION, ARTS, AND HUMANITIES

Mr. SIMON. Mr. President, I ask unanimous consent that the Subcommittee on Education, Arts, and Humanities, of the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Thursday, July 27, 1989, at 10 a.m. to conduct a hearing on vocational education.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. SIMON. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a markup on S. 13, the Veterans' Benefits and Health Care Act of 1989 (incorporating provisions of S. 1158, S. 947, and numerous other bills); an original bill to provide for income verification under VA needs based benefits (with provisions derived from S. 1188); S. 190 (as amended by amendment No. 110); and a medical construction resolution amendment relating to the Boston Outpatient Clinic at 9:15 a.m. on Thursday, July 27, 1989, in SR-418.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FOREIGN COMMERCE AND TOURISM

Mr. SIMON. Mr. President, I ask unanimous consent that the Subcommittee on Foreign Commerce and Tourism, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 27, 1989, at 10 a.m. to hold a hearing on the Japanese space industry—the American commercial challenge.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL RESEARCH AND GENERAL LEGISLATION

Mr. SIMON. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Thursday, July 27, 1989, at 10 a.m. to hold a hearing on the funding for agricultural research.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. SIMON. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on July 27, 1989, beginning at 9 a.m., in 485 Russell Senate Office Building, to hold a hearing on S. 143, the Indian Development Finance Corporation Act; S. 1203, the Indian Economic Development Act of 1989; and Oversight on Implementation of the 1988 Indian Financing Act Amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SIMON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, July 27, 1989, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

COOPER T. HOLT—A FIGHTER FOR OUR NATION'S VETERANS

● Mr. SASSER. Mr. President, I rise to honor Cooper T. Holt, who is retiring as executive director of the Veterans of Foreign Wars Washington Office.

I have a deep and profound respect for Cooper Holt for several reasons.

First, Cooper Holt is a man of some achievement.

Cooper was born and educated in Chattanooga, TN. But like many others of his generation, he graduated from college at a time of crisis—1943—when the fate of our country and other democratic nations hung in the balance.

He joined the Army in 1943 and served with great distinction in the Pacific, earning the Asiatic-Pacific Theater Ribbon, the Solomon Islands Campaign Battle Star, and the Bronze Star.

Cooper returned home and joined the Chattanooga VFW in 1945 and rose quickly to become the commander in chief of the Veterans of Foreign Wars at the ripe old age of 32—the

youngest commander in chief that the Veterans of Foreign Wars has ever had.

In August 1963, Cooper became the executive director of the VFW Washington Office and has served with great distinction ever since.

The second reason why I admire Cooper Holt is that he is a fighter.

In that regard I am reminded of the story that during the Civil War—in 1862—when President Lincoln was angered over Gen. George McClellan's inability to beat his opponents despite a great superiority in numbers, he wrote a terse one sentence letter to the general as follows:

If you don't want to use the Army, I should like to borrow it for a while. Yours respectfully, A. Lincoln.

Believe me, no one ever had to write a letter like that to Cooper Holt.

He has always been a fighter for our Nation's veterans.

He led the fight to create a Cabinet-level Office of Veterans Affairs.

He has fought tirelessly for laws that provide for judicial review of VA benefit determinations.

And he has always worked for a first rate system of veterans benefits and compensation.

Finally, I salute Cooper Holt because he so admirably symbolizes the spirit of my native State—Tennessee—The Volunteer State.

Whatever the job, Cooper sized it up and did it. He never underestimated his opponents—but he never underestimated his own abilities as well.

Indeed, I am reminded of the time when the British Adm. Alexander Cochrane was going to attack New Orleans during the War of 1812. He boasted that he would be eating Christmas dinner in New Orleans. Andrew Jackson heard the boast, and coolly replied, "It may be so, but I shall have the honor of presiding at that dinner."

Cooper Holt, in his own way, embodies many of the sterling qualities of that great Tennessean—Andrew Jackson.

President Jackson helped make our country a great Nation. And in his way, Cooper Holt has helped to sustain and preserve the ideals of freedom and service on which this democracy is built. ●

MOST-FAVORED-NATION STATUS FOR THE SOVIET UNION

● Mr. ARMSTRONG. Mr. President, many Americans have been deeply concerned by proposals by Members of the Congress to waive the Jackson-Vanik amendment and extend most-favored-nation [MFN] status to the Soviet Union before they have met the terms of Jackson-Vanik.

I find these proposals unsettling too. In an editorial recently published in the Intermountain Jewish News by

Mr. William Cohen, the president of the Boulder Action for Soviet Jewry Committee, writes that any waiver of the Jackson-Vanik amendment at this point in time is premature. I agree. He cites that fact that although the Soviet Union has demonstrated increased levels of emigration recently, there has been no substantive reform of " * * * Soviet emigration law and policies [that] guarantee the right and opportunity for freedom of emigration."

As our relations continue to evolve with a Soviet Union that is in the midst of change, we must not allow the few positive steps toward change taken so far by the Soviet leadership to become a substitute for actual, substantive restructuring of the Soviet system. Increased emigration levels are very positive steps. They are not substantive reform of the Soviet emigration system.

I ask my colleagues to read Mr. Cohen's editorial carefully.

The editorial follows:

[From the Intermountain Jewish News, June 2, 1989]

JACKSON-VANIK WAIVER IS PREMATURE

(By William M. Cohen)

Americans and citizens of other Western democracies take for granted their virtually unrestricted freedom to leave and to return to their own countries. Soviet citizens, in contrast, are denied this freedom. Those in power decide who shall be "permitted" to leave those countries.

In 1988, the Soviet government, in an effort to put a new face on its relations with the West, and to improve its human rights image, allowed almost 80,000 of its citizens to emigrate. Included were approximately 19,000 Jews: a slightly greater number of Armenians and ethnic Germans; and Pentecostals, Baptists, Seventh Day Adventists, Ukrainians and others.

If the current rate of emigration is sustained for the rest of this year, approximately 100,000 people, including 35,000-40,000 Jews, could leave in 1989.

This significantly increased level of emigration has prompted some individuals and groups, mostly those interested in trade with the USSR, to call for a one-year waiver of the "Jackson-Vanik" freedom of emigration amendment to the 1974 US Trade Act.

That amendment denies Most Favored Nation treatment to the Soviet Union until it demonstrates a high and sustained level of emigration, free from arbitrary restrictions and discrimination.

The amendment was intended to deny the USSR access to monetary credits and favorable trade tariffs until it demonstrated compliance with international standards, which recognize the universal human right to emigrate.

Overlooked in present discussions of the waiver issue are the express statutory criteria which must be met to justify such a waiver.

Jackson-Vanik requires the President to certify to Congress not only that high levels of annual emigration are being sustained (60,000 Jews per year, according to the legislative history), but also that Soviet emigration laws and policies guarantee the right and opportunity for freedom of emigration.

The requirement that Soviet emigration law and policy be reformed is an essential component of Jackson-Vanik. In 1979, Soviet Jewish emigration reached 51,320, only to be arbitrarily shut off by the Brezhnev government in the wake of deteriorating US-USSR relations, following the Soviet invasion of Afghanistan.

Absent an institutionalized right to emigrate, the Soviets could just as arbitrarily turn the current spigot off and again impose repressive measures to discourage emigration.

Current Soviet emigration policy is still characterized by several pernicious practices:

Some 2,000 long-term refuseniks, many living in refusal 10 years or more, still remain in limbo, subject to official whims and relying on Western pressure to obtain their freedom.

Approximately 10% of present applicants are still being refused on bogus secrecy grounds or because of refusal by applicants' relatives to provide financial waivers, the so-called "poor relatives" class of refuseniks.

The potential for a new 50,000-member refusenik class, out of the 500,000 Soviet Jews who wish to emigrate, refutes the claim that the problem of refuseniks has been resolved.

This past January, the Soviets signed the Vienna Concluding Document (VCD) in the follow-up conference to the Helsinki Accords, expressly agreeing to "fully respect" the right of everyone to "be free to leave any country, including his own, and to return to his country."

In the VCD, the Soviets committed to resolve favorably all pending refusenik cases within six months. Also, since signing the VCD, the Soviets have repeatedly promised to enact emigration reform:

to restrict national security refusals to "strictly warranted time limits";

to eliminate the requirement for family financial waivers;

to provide written reasons for, as well as fair administrative and judicial review of, refusals.

In return for these "promises," the US conceded to a Moscow Human Rights Conference in 1991, while conditioning US participation in that conference on substantial improvement in Soviet human rights practices.

The six-month deadline is rapidly approaching and only a handful of the long-term refusenik cases have been resolved. Emanuel Lurie, for example, continues to be refused on grounds of secrecy for alleged classified work he performed 25 years ago. He has been a refusenik for nine years.

Just as significantly, however, the proposed Soviet legislative reform, promised to be "published" this spring, has now been postponed until the fall. Its form, and likelihood for enactment, remain unknown.

Under all these circumstances, it is apparent that the Jackson-Vanik statutory criteria for a waiver have not been met.

To grant such a waiver to the USSR at this time would be tantamount to rendering the policy of Jackson-Vanik meaningless. It would give the Soviet government the wrong message about American resolve in the crucial area of human rights. It would substantially diminish the standard by which the USSR must be judged before it is granted favorable US trade status.

For all these reasons, advocates of emigration, and of the cause of human rights within the Soviet Union, should go on record as supporting a waiver of Jackson-Vanik only when the Soviet Union has met

the following measurable criteria justifying such a waiver:

1. All outstanding refusenik cases must be favorably resolved and those refusenik families must have emigrated from the USSR.

2. The USSR must have enacted into law and implemented legal and procedural reforms in its emigration statutes and practices, which are consistent with the international human right to emigrate under the Helsinki Final Act and the Vienna Concluding Document. These new laws and procedures must institutionalize the right and opportunity of Soviet citizens to emigrate, free from arbitrary restrictions and discrimination.

3. The USSR must have demonstrated a high and sustained level of emigration.

As Senator "Scoop" Jackson stated on Solidarity Sunday for Soviet Jews in April, 1979:

"The law is clear. The Soviets cannot qualify for trade concessions until they assure the President that henceforth their emigration practices will lead substantially to the achievement of free emigration. We have a right to demand that the law is upheld, that the promise is kept."●

CONVENING OF FIRST CONGRESS OF CHINESE STUDENTS IN THE UNITED STATES

● Mr. DIXON. Mr. President, tomorrow marks the opening of the First Congress of Chinese Students in the United States. This historic event, convening in Chicago at the University of Illinois at Chicago, will bring together some 500 Chinese students from all across the Nation and abroad.

Two of the most important Chinese student leaders, Mr. Wuer Kaixi and Yan Jiaqi, will be in attendance at the congress. These two brave individuals were able to get out of China and made their way to France. My distinguished colleague, Senator SIMON, and I were successful in obtaining visitors' visas for them in order that they could come to the United States and speak to their countrymen assembled in Chicago.

I wish to welcome Mr. Wuer and Mr. Yan to the United States, express my admiration for their efforts to advance reforms in China, and wish them and their colleagues success in Chicago.

Mr. President, this congress signifies a new chapter in the prodemocracy movement in China. The movement has not ended or ceased. It is renewing itself. We must be supportive of prodemocracy efforts within China and I pledge my full support for their efforts.●

ECONOMIC OUTLOOK FOR AMERICA

● Mr. BOSCHWITZ. Mr. President, the New York Times 2 weeks ago published an insightful article on the economic outlook for America written by Peter G. Peterson, a former U.S. Secretary of Commerce, is currently an investment banker and chairman of the Council on Foreign Relations and

the Institute for International Economics.

In the article Peterson laments that fact that because America has turned into a consumer, credit-oriented society we are now faced with the prospect, for the first time in the history of the country, that our children will not "do better" than their parents. For example: today the typical 25-35-year-old parent now earns less and lives in a smaller home than his or her parents did at the same age. In addition children under 16 years old are now five times as likely to live in poverty as the elderly.

This is no surprise of course, for the last several years experts have talked about this widening economic disparity between the generations. However, Peterson presents the problem a bit differently than most experts, approaches it not only from an economic perspective but also from a moral one, quoting Dietrich Bonhoeffer who stated that "the ultimate test of a moral society is the kind of world it leaves to its children."

The way it's going now our children stand to inherit a staggering debt—the result of spiraling consumption over the past two decades. Right now America's savings rate is the lowest in the industrial world. Simply in order to keep our economy functioning we have borrowed ourselves into massive debt. To leave that debt to our children and grandchildren is unthinkable, but unless we act now to reduce consumption in this country and regain economic stability, the burden of our excessive consumption will fall to them.

The solution is obvious—in order to ease our debt and dependence on foreign financing we must curb our exorbitant spending and begin saving and investing in earnest.

However, Peterson points out that, though that conclusion was reached years ago, literally nothing has been done. While there is much talk of straightening out the deficit, spending continues out of control and Peterson suggests that we would be more diligent in erasing the debt, if it were something that was going to impact our lives—those of us living and voting today—rather than those generations who cannot yet vote or who are not yet born.

As I said, Mr. President, Mr. Peterson gives us some excellent food for thought and I ask that this article be printed in the RECORD.

The article follows:

[From the New York Times, July 16, 1989]
AN AMERICAN DREAM: WE MUST "DO BETTER"
FOR OUR CHILDREN

(By Peter G. Peterson)

I am a son of Greek immigrants. My parents, George and Venetia, came to America in their teens with nothing more than grade-school educations, and from a school in a Greek farm village at that. They were

understandably fearful yet full of hope and confidence. This was not only the land of the free but the land of limitless frontiers and resources—a land where dreams come true.

So, like many others, my father went west. He took menial work wherever a recent immigrant with a foreign tongue could find it. He joined his older brother, Nick, and worked for the Union Pacific Railroad. (The foreman had trouble spelling the family name of Petropoulos, or son of Peter. My father followed his brother's example in taking the new name, Peterson—a decision he later regretted.) He labored in a steaming caboose kitchen, suffering more hardships than I can imagine. My father saved much of what little he made, and borrowed as little as possible—and even then only to invest in a better future for his family.

"My son," he used to say, "if we spend a little less and save a little more today, we will all have a lot more tomorrow."

In time, his savings were transmuted into the inevitable restaurant, distinguished not for its cuisine, but by the fact that for a quarter of a century, in Kearney, Neb., the Central Cafe stayed open 7 days a week, 24 hours a day, 365 days a year. During those hours and days and years, my father and mother worked and saved—even during the sobering days of the Great Depression—fully confident that their sons would "do better." I was fortunate to be born into such a family, in such a time.

My father, like many immigrant parents, had a very clear vision of the American Dream. He focused the dream clearly on his own future and most emphatically on his children's and grandchildren's future. Indeed, had his sons not "done better" than himself, he would have regarded it as a personal failure. He never asked what kind of education he could afford for me and my brother. Instead, he asked what was the best education money could buy (as if it were an investment that took priority over any consumption claim).

As for his grandchildren, he used to say that the Apache word for grandfather and grandson is the same, symbolizing the link and lock between generations. That was how he saw his own grandchildren. Late in life, he was delighted to give them his most successful investment, stock in a local onion products factory.

"How are you doing today, big shot?" my father used to ask. In this spirit, I must ask: How are we doing? My generation has been doing fine for itself. But what of our children and grandchildren? Not so well at all. By my father's standards—the standards he applied to himself and to his family—we are failing them.

Today, when we talk about our children, we refer to a list of pathologies: not just to the social problems of suicide, drugs, child abuse, teen-age pregnancy, latchkey children and absent fathers; nor just to intellectual and educational deficiencies like those reported in 1983 by the National Commission on Excellence in Education, which stated: "For the first time in the history of our country, the educational skills of one generation will not surpass, will not equal, will not even approach, those of their parents." The list also extends—with ominous consistency—to economic indicators that threaten to transform the American Dream into something approaching a nightmare.

Up until about two decades ago, Americans would have considered it unthinkable that they could not save enough as a nation

to afford a better future for their children, and that each generation would not "do better" and that the resources we invest into the beginning of life might be dwarfed by the resources we consume at the end of life. Yet, today the unthinkable is happening.

Our net national savings rate is now the lowest in the industrial world, forcing us to borrow abroad massively just to keep our economy functioning. The typical 25- to 35-year-old parent now earns less (after inflation and taxes) and lives in a smaller home than his or her parents did at the same age. And children under age 16 are now five times as likely to live in poverty as are the elderly.

Renewing the American Dream for our children and grandchildren means saving and investing more. And that, in turn, means temporarily consuming less—or, to be precise, temporarily reducing the growth of consumption in order to regain our long-term competitiveness and economic health.

What kind of consumption might we be talking about? The obvious place to start looking is the large and growing flood of federally subsidized consumption we benignly call "entitlements." In the last 25 years, just the increase in these programs (as a share of GNP) has been larger than today's entire defense budget. And with the rapid graying, medicating and "COLA-ing" of America, "we ain't seen nothing yet."

People often confront me with the obvious and brutal question: O.K., Pete, so whose increase in consumption should we temporarily cut?

My father would have understood that the question itself—implying we have thus far avoided any choice—is misleading. With our pathetically small savings and investment for the future, we have already decided whose living standard should suffer: our children's. The real question is: When will we change course? To what extent should those of us now able and alive and mature bear sacrifices for those who cannot yet vote or speak—or indeed, have yet to be born?

The choice is often obscured by the mistaken claim that most of our entitlement spending currently goes to the poor. In fact, the bulk of the vast entitlement edifice consists of nonmeans-tested benefits that go largely to retired Americans, including Congressional and military pensioners. We might think of it as a bloated and ballooning welfare program for the relatively well-off. Only 15 percent of Federal benefits spending is disbursed on the basis of financial need. Such spending is often woefully inadequate, especially to children below the poverty line—the majority of whom do not have access to any public help, either in cash or in health care.

At first glance, addressing this seems to be an economic, social or mainly a political question. But my father would have understood it as a moral question. Indeed, he could barely imagine an ethical goal more universal than fairness to the poor. But it requires a noble act of moral imagination to see life as the Apaches saw it—to see that the fate of our grandchildren, individually or collectively, is indistinguishable from our own.

This is the ethic of endowment, not the ethic of entitlements. As Abraham Lincoln once said: "Few can be induced to labor exclusively for posterity, and none will do it enthusiastically. Posterity has done nothing for us; and theorize on it as we may, practically, we shall do very little for it unless we

are made to think we are, at the same time, doing something for ourselves."

Exactly. It is the blessing of millions of mature Americans today that we once had parents who, like my own, felt little reward from work unless it was part of an effort to make life at least as rewarding for their children.

It is likewise a mystery that, looking at our own children, we now find it so easy to separate the two issues. For ourselves, we make certain. For posterity, we "theorize on it as we may." We swagger with good intentions, with ebullient hopes, with "iron-clad" budget-balancing rules, with "tough" rhetoric about "tough" choices. But we do not make certain as if it were ourselves.

Dietrich Bonhoeffer once observed that "the ultimate test of a moral society is the kind of world it leaves to its children."

Today, few of us feel comfortable that we are passing such tests. Still fewer realize that the only moral test we ever really pass is the dream-come-true that generates as much satisfaction in giving as in receiving. Although I am certain my father never heard of Dietrich Bonhoeffer, I am certain he would have understood his simple message. Like family like nation. ●

CALL TO CONSCIENCE VIGIL

● Mr. GRAHAM. Mr. President, I am pleased to join several of my Senate colleagues in the congressional Call to Conscience Vigil by speaking out on behalf of victims of human rights abuse. Particularly, I would like to address the plight of Igor and Inessa Uspensky and their son Slava, Jewish citizens of Moscow who have been denied emigration to Israel since 1979.

The Uspensky family first applied for emigration visas in 1979 and were rejected. At the time, the Uspenskys were well respected and productive members of Soviet society. Since applying for emigration visas, however, both have lost their jobs and been ostracized by the medical community; they are considered disloyal to their homeland and viewed as enemies of the Soviet state. Although both Igor and Inessa hold Ph.D.s, Inessa works as a typist and Igor as a elevator operator.

Ten years later, they still long to be united with their culture and family in Israel. Yet, Soviet officials continue to deny emigration to the Uspensky family. They accuse them of being a threat to state security. The reasons? Inna's brother and Igor's mother worked for official state agencies and are accused of holding state secrets. Ironically, Inna's brother emigrated to Israel in 1988. Igor's mother, Irina Voronkovich, has been retired as a professor from the U.S.S.R. Ministry of Agriculture since 1976.

Just as tragic is the case of their son, Slava. Slava, called by his preferred Jewish name, Hillel, has suffered immensely as a result of his Jewish roots. Slava's only crime is an acute interest in his Jewish cultural heritage. In high school, he was denied matriculation and educational opportunities be-

cause of his study of the Torah and Hebrew. As a result, he has been unable to pursue his chosen career in biology and medicine and has turned to a lifestyle working as a messenger and as a homemaker for the disabled. He also teaches the Torah to Soviet children in Jewish Sunday school.

Moreover, Slava has been separated from his wife, Alla Mendelev, since she emigrated to Israel in February 1989. Alla was granted a visa in the fall of 1988, just before she secretly wed Slava in a Jewish ceremony. Soviet officials do not recognize their marriage as legitimate. This spring, Alla had their first child, Natalie, alone, in Israel.

For 2 years, Soviet officials have refused to consider Slava's emigration application separately from his parents. Igor and Inessa had hoped that a separate visa application would facilitate Slava's emigration by disassociating him from his family. Slava holds no state secrets; he has no college education. Soviet authorities, however, still hold him accountable for his grandmother's ties to the Soviet state.

Slava continues in his efforts to be reunited with his wife and child in Israel. He reapplied for permission to emigrate, attaching copies of his marriage license and daughter's birth certificate. In November 1988, he staged a hunger strike to bring attention to his and similar refusenik cases. His message has gone largely unheeded.

This March, in an appeal through the American Jewish Community, Slava Uspensky called on members of the Free World and the United States Congress to remember the plight of Soviet refuseniks and to remain committed to their release:

The perestroika did not reach us yet. Our hunger strike last November for 13 days showed us that we are not alone in our struggle and that we have many, many friends all over the world—but not, unfortunately, among Soviet officials. International talks are now much more frequent than earlier. Please remind them about our plight. Please help us to be again a unified family.

I call on my congressional colleagues to heed this call to conscience.

Since writing this statement, Inessa, Igor, and Slava have been promised permission to emigrate from the Soviet Union. At this time it is unclear whether the Uspenskys will leave for Israel. Igor and Inessa hesitate to leave Irina Voronkovich, who has not been promised a visa.

Igor recently cabled Soviet Foreign Minister Shevardnadze to allow his 77-year-old mother to emigrate to Israel. Originally, Soviet officials stated that within 5 years after retirement, Irina would no longer be a threat to state security; this was 13 years ago. Irina's father died in World War II and her mother was executed in Stalin's purges. Igor, Inessa, and Slava are her only family.

Although I am pleased about the positive developments in the Uspensky case, the family is far from being released. This case serves as a blatant reminder of the inconsistency and injustice of Soviet emigration policy. It is encouraging that Soviet authorities have recently begun lifting emigration barriers; however, it is too early to determine whether the Soviet Union will sustain its efforts in this regard. Soviet officials have made no efforts to codify changes in emigration policy.

Though the Soviet Union claims to promote an era of openness—glasnost—it continues to turn its back on the religious and personal suffering of Soviet Jews. We members of the free world must not be indifferent to this persecution. It is imperative that we continue to pressure Soviet officials to respect human rights including religious and political tolerance. Perhaps with our continued efforts all such tragic stories of divided spouses and family reunification can be resolved. ●

THE SILENT WAR

● Mr. PELL. Mr. President, on May 21, 1989, I attended the inauguration of the North Smithfield Library in North Smithfield, RI. A speech was given at the event by Mark Patinkin, a Pulitzer Prize winning journalist and syndicated columnist based at the Providence Journal Bulletin. I was so impressed by Mr. Patinkin's discussion of what he terms the Silent War, or threat of the fierce competition from other nations entering U.S. markets on every front, that I wanted to share it with my colleagues.

Mr. Patinkin's speech was based on his recent book, "The Silent War," which he coauthored with Ira Magaziner. Mr. Patinkin and Mr. Magaziner have been traveling around the globe for the past 2 years investigating how and why so many nations have surpassed us economically in a staggering number of areas. They offer sound and encouraging advice on ways that we can compete more effectively in the international arena. For policy makers this book is required reading, and I would urge my distinguished colleagues to pick up a copy.

We have much to learn from the stories told by these two men regarding the role of government in the support of research, development, and manufacturing if we are to successfully compete on the aggressively competitive global economic battleground. The following transcript of Mr. Patinkin's speech which I submit for the RECORD offers a few of those lessons.

The speech follows:

THE SILENT WAR

I arrived at my office to find a phone message from a name I recognized mostly from afar. Ira Magaziner—I knew of him as a former Rhodes Scholar and global business strategy consultant based in my home state

of Rhode Island. We sat down and he told me what he had in mind.

In his career, he'd worked for hundreds of companies around the world—from Volvo to Mitsubishi to General Electric. Over time, he'd grown increasingly alarmed at how our competitors, even unlikely competitors like Singapore and France, were becoming far more sophisticated at international business than we were. Just as disturbing, he saw foreign governments giving their companies far more help in competing than our own was.

He was convinced a new war was unfolding, a silent war, one that would determine which nations would be able to leave their children a higher standard of living. He began to tell me of the battles we've lost.

He pointed out that there was only one U.S. company left making color televisions. No U.S. company had ever made a VCR. In the last few years, Korea had taken away much of our microwave oven industry. We've even fallen behind in semiconductors—Japan was now the world leader. The irony, he said, was that each of those products was an American invention. But too often, we got the patents while our rivals got the profits.

Now he wanted to write a book that would warn of the threat—not a book of economic analysis, but one that would tell the inside stories of how our fiercest competitors were invading U.S. markets, and how the best of American companies were fighting back.

About two years ago, we left on the first of six trips around the world. One of our early stops was Singapore. It was new to me. I'd never been to the Far East before. I pictured rows of unskilled workers bent over sewing machines. Instead, I found a tiny nation that has begun to resemble Silicon Valley, bristling with the kind of firms any U.S. governor would covet. At first, I thought Singapore had lured those companies with the classic bait of a Third World country—low wages. It's not that way anymore.

We sat down with a well-groomed young man named Wong Lin Hong, the managing director of Micropolis, a typical Singaporean company. It doesn't make cheap radios or clothing. It makes computer disk drives, which is typical enough. Eighty percent of the world's disc drives are made there. I wondered how a low-skilled country could have dominated so high tech a product. Mr. Wong gave me the answer. It's true that he grew up in a shanty, the son of a junk dealer, but today, Mr. Wong is an engineer. So are his three brothers. So is his sister. So is his sister-in-law. That is our new Third World competition.

We also visited an Apple computer plant there. In the early 1980s, Apple put up a simple plant in Singapore making memory boards—a low-skill job. That was all Apple thought it could make in a low-skilled Third World country. But Apple's Singaporean workers wanted to prove they could do more. They began to volunteer nights and weekends for special classes in the country's vast new network of worker training institutes—built by the government to arm its people in the skills of the 1990s. Eventually, Apple's management in Cupertino, Calif., realized one of its most skilled workforces anywhere was in Singapore. So it made a bold decision. It built a major new plant there. And today, every single Apple II computer, one of the most successful personal computers ever designed—a true American symbol—is made in Singapore, not because of low wages, but high skills.

We found similar stories in Korea, in Hong Kong, in Taiwan. That, I learned, is

the reality of today: an increasingly aggressive Third World.

But we had one other question we wanted to answer: what about the products of tomorrow? Who will win those battles? To help understand the answer, we went to Japan.

We went there not to simply explore a high tech product, like semiconductors, but a true product of the future, one that wouldn't be big until the next decade or century. There were many we could have chosen—superconductors, advanced ceramics, micro-electronics. We decided to focus on photovoltaics; solar energy—the conversion of sunlight to electricity by way of silicon cells. Right now, it's about a \$300 million a year industry, but many are convinced it will be worth billions in a decade. Which nations will harvest that wealth?

We met two men who helped show us the answer. The first, Joseph Loferski. He's considered one of the fathers of solar science and symbolizes why America has been a world technology leader for so long: the backing of government. Loferski's education was federally funded, so was his research at RCA, and then, government reached out to him again, putting him on a special team to perfect the solar cells that powered our first satellites. When he decided to move to Brown University, he found the faucets still wide open again, and was able to buy over a million dollars in equipment and staff his lab with a dozen workers. By the late 1970s, we were the world's clear solar leader, just as we led in electronics, semiconductors and aeronautics.

The second man who opened our eyes about the solar race was Yutaka Hayashi. Although Japanese, he knew that to get a top science education, there was only one nation to go to. And he did, graduating from Stanford, then returning home to join Japan's first rudimentary solar effort, begun after the 1973 oil crisis. His reality was the opposite of Loferski's—he was stuck in a crowded, underfinanced lab, forced to beg companies for second hand equipment and to read U.S. solar magazines for the latest breakthroughs. We were the leader, Japan the copiers.

But in the 1970s, that began to change. Japan's government became convinced that to keep its people prosperous into the next century, it wouldn't be enough to be a nation of good manufacturers. They'd have to be good innovators, too. And so, in the late 1970s, Japan began one of its biggest technological projects ever—the building of a science city two hours south of Tokyo, bigger than almost any U.S. college campus; hundreds of buildings and thousands of scientists, whose key mission was to help companies compete.

I visited that Science City two summers ago. One of its most impressive labs was dedicated to solar cells. It had millions of dollars of equipment and well over a dozen scientists. One of them was Dr. Yutaka Hayashi, now armed with the best that money can buy.

The postscript to this story: when oil prices dropped, America slashed its solar funding to the bone. In Japan, where oil prices also dropped, they actually redoubled their solar effort. Today, Japan is the world's clear solar leader.

Unfortunately, it's the same in other products of the future—from superconductors to advanced ceramics.

I came away from our time abroad convinced that America is now in a fierce horse race. But our time exploring companies at

home showed me there's no reason we have to lose.

First—can American win when a Third World country begins challenging us with \$2 an hour labor? We can and the proof is the refrigerator, one of the great American products. You may find Sony stereos in your living room, but you don't find Mitsubishi refrigerators in your kitchen. That almost changed a few years ago when Japan put a low-wage plant in Singapore to make refrigerator compressors, the heart of the machine, as important as an engine in a car.

At General Electric, our biggest refrigerator maker, a number of executives wanted to simply give up—shut their compressor plant and import from the competition. They had to pay their workers \$17 an hour with benefits; there was no way they could fight back against \$2 an hour rivals. But a number of engineers insisted on standing their ground. They argued that the only way to build a prosperous company, and country, was through manufacturing. They convinced GE management to make its biggest factory investment ever—\$120 million into a new compressor plant so automated it would allow our workers to be ten times as productive as their competition. GE is still working out the bugs, but that plant is now completed, and capable of allowing \$17 U.S. workers to build cheaper compressors than their \$2 an hour competition.

The next question—can we go beyond stopping imports at the border and succeed at exporting? Few U.S. companies even try. Of America's 360,000 manufacturing firms, only 10 percent export. But we found one that proves any company can do it: Cross pens and pencils, a non-high-tech, non Fortune 500 firm. A number of years ago, Cross realized it would one day stop growing if it didn't move beyond America. But it saw other U.S. firms who'd tried to export and given up after a year or two of failure. So Cross came up with a key strategy: it vowed it would care more about market leadership next decade than stockholder payoff next quarter. In every new foreign market it took on, it resolved to stick it out for at least five years. In many countries, to establish a solid beachhead of salespeople and advertising, it spent ten times the profit it was harvesting. And it made sure to tailor its products to foreign tastes. It saw how U.S. auto companies ship cars to Japan with the steering wheel on the left even though the Japanese drive with it on the right. To avoid that kind of mistake, Cross adjusted its goods for different markets, in one case going so far as to come up with a whole new product—a fountain pen for European buyers. The strategies have worked. Today, Cross sells in 150 countries, from Fiji to Andorra; it's the top selling status pen in Japan, and a key player in Europe, bringing millions of dollars into America when usually it's the other way around; our dollars flowing into foreign pockets.

Finally, can America lead in products of tomorrow? We can, and the proof we found is Corning Glass. About 15 years ago, it came up with the greatest breakthrough in telecommunications since Alexander Graham Bell invented the telephone: fiber optic phone lines. Instead of talking by electricity over copper wire, Corning found a way to let us talk by light over glass—our voices carried on microscopic laser beams over hair thin glass fibers that run for miles. Corning's executives went to Japan to sell their breakthrough. The Japanese acknowledged it was an astounding product. But they refused to buy. They refused be-

cause Japan had targeted fiber optic phone lines as a key industry of the future, and had resolved to manufacture it on its own. The only way Corning could get a piece of the action, Japan said, would be to license over its technology. In the last 20 years, U.S. companies have done that routinely, selling over 45,000 technology licenses to Japan. But in this case, Corning refused. Japan's response: it formed a coalition of fiber optic phone line companies and backed them with millions of research dollars.

That meant Corning had to spend millions more of its own to keep improving its product. It has paid off. Travel the world today and you'll see Japanese cars everywhere, America cars restricted mostly to our own market. But look close at the world's phone systems and you'll see American technology everywhere, and Japan boxed inside its own borders.

So we can win.

But not simply by dropping the value of the dollar as our only strategy for competing. To stay ahead, we have to win in the lab, in the factory and in the marketplace. We have to match the strategies now unfolding around the world. In Japan, governments and companies are spending millions to research products of the future. In Singapore, they're spending millions to train workers in the skills of the future. In Europe, they're spending millions to export into the markets of the future.

We have to do the same.

In Spring of 1987, my co-author, Magaziner, met a Japanese government official for lunch as part of one of his consulting jobs. The official began discussing Japan's latest economic vision. In the methodical way of Japanese, he explained how they'd charted out the exact point where they expect to pass America by as the world's technology leader—right around the year 2000.

Then he asked Magaziner a question. He wondered what had happened to our economic will? Why is it, he asked, that except for military pursuits, we no longer seem to want to win? Magaziner wasn't sure what answer to give him. But after 70 visits to Japan, he's convinced of something. Although the Japanese are good, we can be better. They and other nations—from Singapore to Germany—may well win the economic race, but only if we let them. ●

FOREIGN RELATIONS AUTHORIZATION AMENDMENT RE HONG KONG AMENDMENT NO. 362

● Mr. BRADLEY. Mr. President, last week the Senate passed an amendment I had offered to the foreign relations authorization bill that highlights the plight of the people of Hong Kong following the June 3-4 massacre of prodemocracy demonstrators in Beijing. The amendment requires the Secretary of State to report to Congress no later than January 1, 1990, on the implications of the massacre for Hong Kong, and on the administration's policy and plans to help ensure the stability of Hong Kong and the democratic rights of its people after the reversion of the territory to Chinese rule on July 1, 1997.

The American people, the administration, and Congress have all right-

fully condemned in the strongest terms the tragic events in Beijing on the night of June 3d and the morning of the 4th, when Deng Xiaoping and his supporters sent armed troops to crush the millions of Chinese people who wanted nothing more than a chance to participate in the running of their country. Thousands were killed during the ensuing violence, and more have been detained—and executed—since.

But while we have been expressing our outrage and concern for the Chinese people now, we appear to have all but forgotten the people of Hong Kong, who will come under the People's Republic of China sovereignty of July 1, 1997.

Under the terms of the 1984 agreement between the United Kingdom and the People's Republic of China, Hong Kong will keep its current social and economic system for 50 years after it reverts to China in 1997. The agreement, however, did not specify the political arrangements which would govern Hong Kong after reversion, leaving the details to be decided through tripartite discussions between China, the United Kingdom, and Hong Kong.

A draft basic law, Hong Kong's mini-Constitution after 1997, has been completed and is now open for comment in Hong Kong. The draft currently provides for a continuation of the democratization process that the British have begun in Hong Kong, but that process will be so gradual that more than a decade after the reversion only half of the island's legislators will be directly elected.

Many in Hong Kong fear that the lack of fully elected legislature will weaken the voice of the Hong Kong people in dealing with the Beijing Government. The Office of the Executive and Legislative Councils has recently called for full Legco elections by 1995. The United Kingdom has not yet endorsed this, but has recognized the need to accelerate the democratization process in Hong Kong prior to the reversion.

Because the 99-year lease on the majority of Hong Kong's territory is due to expire in 1997, the United Kingdom has been at a disadvantage in its dealings with Beijing. Indeed, for decades following the establishment of the People's Republic of China, the Beijing Government refused to formally recognize the lease granted by the failing dynasty government in 1898. Many were surprised that the People's Republic of China didn't actively contest the lease, and no one thought Beijing would even consider extending it after the July 1997 expiration. As a result, the 1984 Sino-United Kingdom joint declaration on Hong Kong is widely viewed as being merely the best that

could be reached under the circumstances.

In the aftermath of the Tien An Men incident, the United States must work with its friends and allies in the region, especially Japan, to strengthen the hands of the British and the people of Hong Kong in negotiations with the Beijing regime. The Chinese need to clearly understand that one of the costs of the massacre may be changes in the conditions under which they regain sovereignty over Hong Kong. The people of Hong Kong must have a say over Beijing's ability to amend or interpret the Basic Law; over the stationing of PLA troops in the territory; and over Beijing's ability to declare martial law. And they will only have this strength if their legislative body has the full legitimacy granted it by full, direct elections.

I am not suggesting that the United States should get directly involved—interfere—in the reversion process. But the United States and its allies have a strong interest in the political and economic stability of Hong Kong, for moral and for pragmatic reasons. We must support the United Kingdom and Hong Kong as they continue their negotiations with the Chinese authorities. My amendment merely directs the administration to report to the Congress how it believes the United States can attain this goal. To do anything less would be unconscionable.

And if passage of the amendment sends a signal to Beijing, so much the better.●

Mr. LEAHY. Mr. President, will the distinguished majority leader yield to me for a unanimous-consent request?

Mr. MITCHELL. I yield.

FILING THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY 302(b) PROGRAM ALLOCATION

Mr. LEAHY. Mr. President, pursuant to section 302(b) of the Congressional Budget and Impoundment Control Act, I am submitting the Committee on Agriculture, Nutrition, and Forestry's 302(b) program allocation. These allocations are based on the resolution adopted on May 18, 1989.

I ask unanimous consent that the committee's allocation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AGRICULTURE, NUTRITION, AND FORESTRY COMMITTEE 302(b) ALLOCATIONS

Program	Budget authority	Outlays
Rural development, electric and telephone programs....	\$984	\$228
Conservation, land management and forestry programs.....	628	626
FmHA and farm credit programs.....	1,081	3,267
Farm and commodity programs.....	14,922	9,955
Ocean freight differential.....	48	48

AGRICULTURE, NUTRITION, AND FORESTRY COMMITTEE 302(b) ALLOCATIONS—Continued

Program	Budget authority	Outlays
Nutrition programs.....	18,801	18,905
Committee total—Direct spending.....	12,776	14,035
Committee total—Entitlements funded in appropriations accounts.....	23,689	18,993

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, while awaiting the Republican leader, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. LEAHY. Mr. President, having the distinguished Republican leader on the floor, if I might have his attention, I would ask the distinguished Republican leader now if he has any objections to the report on the Disaster Assistance Act to the filing of that report together with a bill at this point?

Mr. President, I will withhold on that request a moment.

DISASTER ASSISTANCE ACT REPORTED OUT OF THE COMMITTEE ON AGRICULTURE

Mr. LEAHY. Mr. President, I ask unanimous consent that the bill passed by the Committee on Agriculture, Nutrition, and Forestry, together with its report and together with additional views of Senators GORTON, LUGAR, DOLE, HELMS, and MCCONNELL, be reported and the 1-day waiting period be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to Executive Session to consider the following nominations:

Calendar 251, Harry M. Snyder to be Director of the Office of Surface Mining Reclamation and Enforcement; and

Calendar 252, William C. Brooks to be an Assistant Secretary of Labor.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF THE INTERIOR

Harry M. Snyder, of Kentucky, to be Director of the Office of Surface Mining Reclamation and Enforcement.

DEPARTMENT OF LABOR

William C. Brooks, of Michigan, to be an Assistant Secretary of Labor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

UNANIMOUS-CONSENT AGREEMENT—S. 1153, THE AGENT ORANGE BENEFITS BILL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the majority leader, after consultation with the minority leader, may proceed to the consideration of Calendar No. 166, S. 1153, the agent orange benefits bill. I further ask unanimous consent that S. 1153 be considered under the following time limitation:

Sixty minutes on the bill, including the committee substitute, to be equally divided between Senators CRANSTON and MURKOWSKI, or their designees, and 15 minutes on the bill under the control of Senator SIMPSON; and that no amendments or motions, except reconsideration and tabling motions, be in order.

I further ask unanimous consent that at the conclusion of yielding back of time, the Senate, without any intervening action, proceed to adoption of the committee substitute, third reading, and final passage of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. CUSTOMS SERVICE 200TH ANNIVERSARY YEAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 167, House Joint Resolution 363, which designates 1989 as the "United States Customs Service 200th Anniversary Year."

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 363) to designate 1989 as "United States Customs Service 200th Anniversary Year."

The **PRESIDING OFFICER**. Is there objection to the request of the majority leader?

There being no objection, the Senate proceeded to consider the joint resolution.

The **PRESIDING OFFICER**. If there is no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 363) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. **MITCHELL**. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. **LEAHY**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF DATE FOR SUBMISSION OF COMMITTEE RECONCILIATION RECOMMENDATIONS TO THE COMMITTEE ON THE BUDGET

Mr. **MITCHELL**. Mr. President, I ask unanimous consent that the time by which Senate committees must submit their reconciliation recommendations to the Committee on the Budget pursuant to section 5 of the concurrent resolution on the budget, House Concurrent Resolution 106, be changed to 5 o'clock in the afternoon of Thursday, August 3.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ORDER THAT ENVIRONMENT AND PUBLIC WORKS COMMITTEE HAVE UNTIL 5 P.M. TOMORROW TO REPORT S. 686

Mr. **MITCHELL**. Mr. President, I ask unanimous consent that the Environment and Public Works Committee have until 5 p.m. tomorrow to report S. 686, the Oil Pollution Liability and Compensation Act of 1989.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

COMPARISON OF THE AGRICULTURE COMMITTEE BILL WITH THE ALTERNATIVE

Mr. **DOLE**. Mr. President, I just want to put into the **RECORD**, so Members would have knowledge of it, a comparison of the committee bill that the distinguished Senator from Vermont has talked about and the alternative that we now distributed, at least to two or three Senators. We have only had it for a few minutes or I would have gotten it out earlier.

I ask unanimous consent that it be printed in the **RECORD** so Members may have an opportunity to take a look at it and give us their views. I

share the view expressed by the chairman that if we can come together—I do not believe we are that far apart—we could do this very quickly on Monday.

There being no objection, the material was ordered to be printed in the **RECORD**, as follows:

COMPARISON OF COMMITTEE BILL WITH ALTERNATIVE

Item	Committee	Cost	Alternative	Cost
Program crops participants with crop insurance			35/65/80	321
Other program crop participants, peanuts, sugar, etc.	40/65/80	697	40/65/80	423
Advance disaster payments	Required	0	Required	0
Nonparticipants, Nonprogram crops	45/65/80	271	50/50	160
Soybeans	45/65/80	124	45/65/80	124
Damaged fruit	Drop	(50)	Drop	(50)
Double payments	Prohibited	(20)	Prohibited	(20)
FCIC nonduplication	Same as 1988	(10)	Same as 1988	(10)
Payment limit	do	(50)	do	(50)
1988 advance deficit payments	Defer	0	Defer	0
Canola planting	Included	(10)	Included	(10)
Peanut shrink	do	0	do	0
Orchard freeze	Covered	3	Covered	3
Other provisions (livestock, etc.)	Included	0	Included	0
Total		955		891

ORDER OF PROCEDURE

Mr. **LEAHY**. Mr. President, I do not want to cut into the leaders' time. I am going to need 3 to 4 minutes as in legislative session. I apologize to the leaders. I do not want to cut into their time.

Mr. **MITCHELL**. Mr. President, I ask unanimous consent that the Senator from Vermont be recognized to address the Senate for 5 minutes, following which the Senate stand in recess under the previous order until 10:30 a.m. on Monday, July 31.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The Senator from Vermont is recognized.

Mr. **LEAHY**. I thank the distinguished majority leader.

I note the paper put into the **RECORD** by the distinguished Republican leader is the one he showed to me.

THE B-2 STEALTH BOMBER

Mr. **LEAHY**. Mr. President, I rise this evening to declare my strong opposition to the B-2 Stealth bomber.

Yesterday, when the House of Representatives voted not to kill this program, we could hear the sighs of relief all the way from here down to the Pentagon. The Senate had earlier voted to make only minor cuts in the program and set up some hoops the project could jump through—better than nothing, but just barely. The House merely delayed the program by cutting \$1 billion in procurement.

I fully intended to offer an amendment to the Defense authorization bill

to kill the B-2. We cannot afford it and we do not need it.

However, after discussions with others opposed to the B-2, I have decided not to offer my amendment on this bill. I can count after almost 15 years here, and I know the votes to stop this \$70 billion plane are not yet there. We opponents need to do a lot more time work to convince Senators it is time to find the courage to kill the largest defense program in history. We have got to find a way to counter the avalanche of Madison Avenue hard sell coming out of the Pentagon and Northrop.

Tonight, I put the Senate on notice that the B-2 fight is not over. It has only just begun. I will offer an amendment to kill the B-2 on the Defense appropriations bill.

I am determined to fight the B-2 as long as it takes, because it is painfully clear in this era of massive Federal deficits and declining defense budgets we simply cannot afford the B-2 bomber. And, I do not believe it is essential for our national security. There are much more affordable alternatives.

Mr. President, several years ago I strongly opposed President Reagan's decision to buy the B1-B bomber. I felt the Stealth bomber should be the next generation of penetrating bombers. However, I never said I would support two new strategic bombers and never offered carte blanche support to the Stealth.

Over the past several weeks, as the layers of secrecy on this program have been peeled off, the case against the B-2 has grown. The plane is not worth its cost.

We presently have more than adequate deterrence with cruise missiles, the MX, the Minuteman, the Trident D-5, the B1-B, and the advanced cruise missile. Armed with cruise missiles, B-52 and B-1 bombers can launch thousands of nuclear warheads from a standoff position outside Soviet air defenses. In the age of cruise missiles, we no longer need penetrating strategic bombers.

Back when the B-2 was being sold to Congress in the development stage, we were told its main mission was going to be to attack mobile missiles in the Soviet Union. The latest Air Force briefing paper now reluctantly admits that the B-2 will be unable to attack these targets in the near or mid-term future.

Earlier this month, Defense Secretary Cheney begged Congress not to nickle and dime the B-2 program. This week we ignored that advice. The House amendment to cut procurement by \$1 billion will increase program cost by \$3.3 billion according to Air Force budget officials.

Mr. President, 2 years from now we have to have our deficit down to \$28

billion. Only real cuts in programs—including in the \$300 billion defense budget—are going to do that. We have already sunk \$22 billion in the B-2. Congress should not agree to pour another \$48 billion into the single most expensive weapons system in the history of the world.

The plane is not worth its cost. We should take a bold step and kill it and I hope the Senate will support my amendment later this year.

Mr. President, I yield back my time. I would assume that would bring us into the recess.

ORDERS FOR MONDAY, JULY 31, 1989

RECESS UNTIL 10:30 A.M. AND MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10:30 a.m. on

Monday, July 31, and that following the time for the two leaders there be a period for morning business not to extend beyond 11 a.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESUME CONSIDERATION OF S. 1352 AT 11 A.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 11 a.m. on Monday, July 31, the Senate resume consideration of S. 1352, the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10:30 A.M., MONDAY, JULY 31, 1989

The PRESIDING OFFICER. Under the previous order, the Senate will

stand in recess until 10:30 a.m., Monday, July 31, 1989.

Thereupon, at 10:04 p.m., the Senate recessed until 10:30 a.m., Monday, July 31, 1989.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 27, 1989:

DEPARTMENT OF LABOR

WILLIAM C. BROOKS, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF LABOR.

DEPARTMENT OF THE INTERIOR

HARRY M. SNYDER, OF KENTUCKY, TO BE DIRECTOR OF THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

PROPOSED AMERICAN BAR
ASSOCIATION RESOLUTION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. CLEMENT. Mr. Speaker, the American Bar Association will meet in August in annual convention to consider many issues and resolutions. One of those resolutions will be offered by Owen Meredith Smaw, a resident of the Fifth Congressional District of Tennessee.

Dr. Smaw has asked me to share his proposed resolution and some additional background information with members of the legal community at large. While I do not endorse Dr. Smaw's resolution, I believe that discourse and debate of all views is essential to making an informed choice. Consequently, I am pleased to share the text of Dr. Smaw's resolution with those interested in the debate on the death penalty:

EXECUTIONS IN THE UNITED STATES ARE
GENOCIDE IN AMERICA

(Resolution submitted by Owen Meredith Smaw of Nashville, TN)

Whereas the Convention on the Prevention and Punishment of the Crime of Genocide is an international treaty which defines genocide as "acts committed with intent to destroy, in whole or in part, a national . . . group as such"; and

Whereas genocide, n., is "the deliberate and systematic extermination of a national or racial group", according to the Random House Dictionary of the English Language, the Unabridged Edition, Copyright 1967, 1966 by Random House, Inc.; and

Whereas condemned prisoners in the United States of America are "a national group as such"; and

Whereas "this ultimate form of state-sponsored tyranny", as Professor Elie Wiesel describes genocide, has been routinely systematically and deliberately committed by our government as it has taken rather than protected the lives of our citizens on death row in America since July 4, 1976; and

Whereas genocide is a crime under international law; Now, therefore, be it

Resolved, That the American Bar Association recognizes that the United States of America is guilty of:

1. Genocide,
2. Conspiracy to commit genocide, and
3. Complicity in genocide;

and calls upon the United States Government to cease these wrongdoings by discontinuing the practice of capital punishment.

AMENDMENT TO ORIGINAL PETITION TO THE
INTERNATIONAL COURT OF JUSTICE

(Note of counsel: The following argument has been pending, administratively, at the Hague, since February 1986.)

The death penalty in the United States of America is genocide against a specific cognizable class.

The people who populate the various death rows are all tied together in many ways, due to similar areas of deprivation. They are all the product of lives of deprivation in one or more of the following areas: They are either socially, economically, politically, emotionally, mentally or racially deprived.

These deprivations dramatically increase their probability of being ensnared in the criminal justice system of this country. They are all socioeconomically deprived, and as a result, had little chance of avoiding what ever sentence the State wished to mete out to them. The rich and powerful commit the same crimes, but do not populate death row.

Money or political influence buys justice in the United States of America, or at the very least, is a powerful mitigating factor that contributes to a more humane sentence.

Because the people on death row are from these lower socioeconomic strata, the judges that they come before cannot envision them as potential peers. Because of this inability to identify, a harsher sentence is meted out than if a former colleague of the judge or prosecutor were there for a similar charge. There is a definite division of classes of the "have's and have not's" and justice is meted out accordingly.

The individuals of this lower socioeconomic class usually keep a constant strain on the various social services in their communities and a result of this is a local and national intolerance for them.

When a pauper or near pauper is brought before a state court, charged with a serious crime, he or she must appeal to the court for state funds to defend themselves against the state.

Historically, our state judicial systems have had to be forced by the federal courts to provide defendants of pauper status with funds to present a defense. As a consequence, the states provide the barest minimum amount possible to the defendant. The result is a shamefully puny defense against the awesome power and funds available to the state prosecutors.

This constitutes a gross flagrant national and state level of discrimination against a judicially helpless individual from this specific lower socioeconomic class.

There are approximately 1,600 death row inmates in the United States. This sentence is not given to just those who commit rare, revolting, mind-shocking crimes, brutal and gruesome to the extreme. Even they should not be killed.

The systemic state execution of 1,600 human beings can only be classified as genocide.

Only in about five percent of the cases in which a prosecutor can seek the death sentence does the state actually seek it. The reasons are many and some are shocking to the conscience.

Often a defendant is retarded to a certain degree, some more severely than others. The retarded defendant may have merely been at the scene of the crime or participated in a minimal way. Usually, the retarded defendant was led into crime by a codefendant who had a whole mind. However, the retarded defendant is given the death sentence, also.

At times a defendant may be totally insane and had been insane before, during and after the crime. Both, the defense and the state prosecutor's psychiatrists, have, in certain cases, testified to the defendant's insanity prior to, during and after the crime.

Yet, the prosecutor still sought the death sentence and caused a retarded person and/or a totally insane person to come to death row with a death sentence.

There are many reasons for this. No one is more defenseless and easily convicted than a retarded person or a totally insane person. How much can they contribute to their own actual defense?

The prosecutor increases his conviction rate and reaps massive media exposure from any trial where a death penalty is sought. Actually getting a death sentence put on a defendant gives the prosecutor enormous local community approval and support.

Even if a defendant is mentally healthy, he or she is at the mercy of the whim of the prosecutor.

If the evidence is clear and the mood of the local community is such that success is likely, the prosecutor may ask for a death sentence in a case much less severe than others where he has allowed a defendant to plead to a lesser crime or plead guilty for a life sentence. This depends upon the social power or lack of it and the poverty of the defendant and the prosecutor's lust for massive media exposure.

Often, in spite of the merits of a specific case, a prosecutor will seek a death sentence simply because it's an election year and the massive media exposure that accompanies a death sentence trial, enhances his chances of re-election. So, there are some people on death row waiting to die, simply because a prosecutor felt it would help in his or her re-election.

There are some inexcusable, thin, whimsical reasons as to why some people were given a death sentence.

When a deprived person of this lower socioeconomic class has to defend him- or herself against the state's imposition of the death sentence as a pauper or near pauper, this person is stripped of the socially recognized necessities when in conflict with the awesome overwhelming power of the state judiciary. This defendant has neither powerful relatives nor political influence to any degree, nor the money necessary to pay for a defense strong enough to avoid the death sentence.

He or she is naked, devoid of the armour of social and financial power and position necessary to survive an encounter with the inexorable machinery of the state. The state's power is most awesomely displayed when wielded against a social pauper who stands alone in this conflict, who must pitifully appeal to the state, the very ones trying to kill him or her, for the paltry funds the state reluctantly gives in amounts so picayune as to permit only an inadequate semblance of even a poor defense.

For all these reasons, I ask you to accept the definition of those on death row, as a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

cognizable class of socioeconomically deprived. I ask you to recognize the use of the death sentence as an act of social genocide.

Please, as men of international awareness and good conscience, recognize the gross abuses in the imposition and application of this death penalty and render an advisory opinion against the United States of America's unconscionable acts of social genocide.

I am a citizen of the United States of America and personally have a death sentence. Because of these things, I come under the legal jurisdiction of this court. This petition is legal, timely and proper.

I remain your humble supplicant.

PROPOSITION 42

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. OWENS of New York. Mr. Speaker, as a member of the Education and Labor Committee I am concerned about education problems throughout the Nation; however, I am particularly and deeply concerned about school and education problems within my 12th Congressional District in New York City. In reality my national and local concerns are not mutually exclusive. My district is a mirror of some of the best and the worst educational activities in the country. Lessons learned in my district would be useful anywhere in the Nation. From time to time, in my district, I discover situations which can only be described as atrocities. I think it would be useful if these outrages were exposed to the whole Nation.

In this instance I am concerned about a policy which will have an adverse impact on African-American student athletes, specifically males, not only in my district but nationally. Educational experts have shown through statistics that African-American men are disappearing from higher education. High school graduation rates among the African-American community have been increasing, while at the same time the rates of African-American men attending and graduating from institutions of higher education have been falling. The education community has been discussing the dire need to reverse this trend. One avenue into higher education for young African-American men is through the sports arena. The NCAA's proposition 42 is unfair to all athletes in higher education, and is a giant step backward in the struggle to include more African-American men in the higher education community.

In the university setting, there have always been and probably will always be several special classes of students.

These have included musicians, prodigies in one special subject such as math, accomplished writers and poets, children of alumni, and athletes. These special students are valued and privileged members of any college community. As students, they may be admitted primarily because of these demonstrated special talents, though they may be lacking in other areas of academia. As teachers, a prize-winning writer who never graduated from college or received a Ph.D. may be asked to come to the institution as a professor, based on demonstrated talents and accomplish-

ments. This increases the diversity of the school and the richness of the school's community.

Athletes contribute much to any institution of higher learning. The Greeks, from whom we have borrowed most of the tenets of our higher education system, believed that in education one exercised both one's mind and one's body. They saw athletic competition as a primary means to learn about gamesmanship, honor, teamwork, and much more. Athletics was an integral part of their educational system and their daily lives.

In our institutions, there has been concern that athletes be given the same educational opportunities as other students at the college. Prior to now, this concern manifested itself in the form of extra assistance, special tutors, and special support services for the athletes. Prior to now, African-Americans represented a minority in all aspects of college life, including athletics. Now, when African-Americans are beginning to constitute a majority in some sports arenas in the colleges, there is a new movement to test these students out of college life. If there are new problems on college campuses with student athletes, the responsible move would not be to eliminate these students from the population, but to expand existing services to better assist these students and their changing needs.

If musicians on the college campus were deemed to be lacking in academic achievement, there would be no mention of cutting their student aid or their educational opportunities.

Proposition 42 will prevent many student athletes from attending the college of their choice because they did not perform as well as other students on various tests. These students have demonstrated a special talent, similar to many other admitted students, and are being admitted to the school based on those special talents. As students, it is expected that the institution will take appropriate action to give these students whatever assistance they need to be able to be competitive in the academic arena as well as the sports arena. Denying these students financial aid will keep many of them out of college. It is denying them the opportunity to use their special abilities to better themselves as some musicians and prodigies are allowed.

Proposition 42 is uncomfortably reminiscent of the testing imposed on jockeys in the early 1900's to exclude African-Americans from racing. The white controlled Jockey Club decided that all jockeys must pass written tests to be eligible for licenses, effectively excluding African-Americans from the sport. Preventing student athletes from attending college because they cannot pass a test will hurt those students coming from poor and minority communities such as those in my congressional district, with below standard educational facilities. It will eliminate from the college sports scene a significant number of minority students, and it will decrease the number going into professional sports.

Most major educational associations have been fervently asserting that they must do more to educate and graduate more minority students in their colleges.

The Center for Sports in Society finds in a recent study that 80 percent of African-Ameri-

can athletes who entered Division I schools in 1981 would have been denied scholarships by those schools if proposition 42 had been in effect then. There is no one who can say that these students would be helped by proposition 42. Instead of hurting the students who have been denied so much by the educational establishment throughout their lives, the NCAA should focus more attention on highlighting the problems that produce educationally disadvantaged students in the first place.

The NCAA has said that proposition 42 is simply an attempt to elevate the academic position of student athletes. But proposition 42 is a bad rule. Worse than that, it is an inherently racist rule. One which seeks to rectify a situation by getting rid of the evidence that proves there is a problem, rather than correcting the problem. The NCAA and all educational institutions must look carefully at this rule and at the history of racism in sports which this rule will be perpetuating. In order to improve the condition of the student athlete, programs and resources must be devoted to assisting them. Shutting them out of the system is unfair and unnecessary. This is not a solution; for many young, African-American males it is a potential catastrophe.

Mr. Speaker, I hope that through more congressional hearings on this matter, we will be able to shed more light on the condition of student athletes in our institutions, and be able to identify some more suitable ways to meet their special needs.

RULE ON H.R. 3024, TO PROVIDE A TEMPORARY INCREASE IN THE PUBLIC DEBT CEILING

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to the rules of the Democratic caucus, I wish to serve notice to my colleagues that I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration by the House of Representatives of H.R. 3024, to provide a temporary increase in the public debt ceiling.

IN MEMORY OF EDWARD P. BAKER

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. FLORIO. Mr. Speaker, I rise today to commemorate the life of Edward P. Baker of the First Congressional District in New Jersey, a true champion of former members of our Armed Forces who passed away on June 14, 1989, at the age of 94.

Ed was the civil defense director in Gloucester County for 27 years, chaplain of the County Freeholder Board for 30 years, and director of the county's veterans' affairs until his death. Known fondly as Mr. Veteran,

he also held more than a dozen titles in local veterans' organizations.

Ed Baker was born in Pennsylvania in 1894 and lived in Cuba from 1898 to 1907. In 1915, he moved to Texas, joined the National Guard and fought the border war with Mexico. During World War I, Ed served as an ambulance driver in the French Army, and in England with the Canadian Army. He joined the U.S. Army's American Expeditionary Force and was discharged with the rank of second lieutenant. He received the French Croix de Guerre Award for bravery and a Purple Heart for injuries received in 1918.

Ed was a member of numerous civic organizations, giving of his time freely and with a great deal of enthusiasm. He was a life member of the Colonial Manor Fire Company, a volunteer for the Woodbury Veterans Committee and the Vineland Memorial Home. This is in addition to his membership and responsibilities at the American Legion Post 133 and VFW Post 2117 of Woodbury.

Ed Baker's commitment to his community and his country demonstrates the highest tradition of the American spirit. He will be sorely missed. Mr. Speaker, I respectfully ask that my colleagues join with me in extending sincere condolences to his family and friends for the loss of such a dedicated American.

HONORING THE 100TH BIRTHDAY OF THE NATIONAL ASSOCIATION OF LETTER CARRIERS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to one of this country's most successful and thriving unions, the National Association of Letter Carriers. On Friday, August 18, the New York State Association of Letter Carriers will be conducting a special stamp and post marking ceremony in observance of NALC's 100th birthday.

The National Association of Letter Carriers began in 1889 when a Detroit letter carrier, William Wood, organized the founding meeting during an encampment of the Grand Army of the Republic. Approximately 100 letter carriers from 13 States responded to Wood's organizing call which took place in Milwaukee, WI. The assembled carriers elected Wood the first president and appointed an executive board to coordinate all legislative efforts.

The NALC immediately went to work to improve the working conditions of letter carriers. Burdened by little job security and low wages, the NALC had an uphill battle with postal officials to gain more justice for letter carriers. A few years after the formation of the NALC, a landmark labor case was won by the NALC before the Supreme Court. After that surprising victory, membership in the NALC boomed, and the power of the union grew.

Since those early days the NALC has grown from a few hundred members to over 200,000 today. As the NALC grew in numbers, it continued to fight for the rights of all letter carriers: those in small cities as well as large, the

old as well as the young, substitutes, and the sick. From its beginnings, the NALC pioneered programs for mutual support and welfare to complement its struggles for improved working conditions. Today the NALC is led admirably by its president, Vincent R. Sombrotto.

The New York State Association of Letter Carriers has an equally impressive and important history as well. From its inception, the NYSALC has been influential in shaping the national agenda of the letter carriers. This tradition is being carried on today by the able leadership of Jerry Kane, president of the NYSALC.

Mr. Speaker, the NALC should be commended for its progressive outlook and staunch defense of workers' rights. The NALC has been at the forefront of labor reform for 100 years, and there is no sign of letting up. I ask all of my colleagues in the United States House of Representatives to salute the NALC on its 100th anniversary and wish it continued success in the future.

TESTIMONY OF MS. ROSANN WISMAN, EXECUTIVE DIRECTOR OF PLANNED PARENTHOOD OF WASHINGTON, DC

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. SCHEUER. Mr. Speaker, I would like to take this time to thank Ms. Rosann Wisman, the executive director of Planned Parenthood of Metropolitan, DC, Inc. for her testimony before the Appropriations Subcommittee on the fiscal year 1990 Appropriations bill for the District of Columbia on July 19, 1989.

Ms. Wisman, as the director of Planned Parenthood is at the forefront of one of America's most pressing social issues, that of pregnant women's right to self-determination. She is the most knowledgeable kind of witness, one who works everyday with the individuals our decisions affect. We should adhere to her professional insight and expertise.

Her testimony depicts the desperation and hopelessness of those women living in the District of Columbia whom, due to budget restraints imposed last September by Congress, were unable to receive adequate medical care. The needy women number in the thousands. Their unfortunate situations will only continue if we ignore Ms. Wisman's message.

STATEMENT OF ROSANN WISMAN, EXECUTIVE DIRECTOR, PLANNED PARENTHOOD OF METROPOLITAN WASHINGTON, DC, INC.

Mr. Chairman and Distinguished Members of the Committees: I am Rosann Wisman, Executive Director of Planned Parenthood of Metropolitan Washington. I appreciate the opportunity to appear before this joint meeting of the Appropriations Sub-Committees of both the House and Senate Appropriations committees.

Planned Parenthood of Metropolitan Washington is the oldest and largest provider of family planning services in the national capital area. Our three clinics in the District of Columbia serve 10,000 low-income women and men annually. Planned Parenthood provides more family planning services

to prevent the need for abortion than any other organization in our community.

But we know that even with the use of contraception, unintended pregnancies are a reality. As a major provider of abortion services in the District of Columbia, Planned Parenthood of Metropolitan Washington is committed to providing all women with the option of a safer, dignified, and affordable abortion.

I am here today because I want to tell Members of the Committees about three women who have come to Planned Parenthood of Metropolitan Washington since last September when Congress prohibited the District from assisting poor women who needed an abortion. These are real stories about real women's lives. Each woman was affected by the prohibition. In order to protect the confidentiality of the women involved, I am using only initials.

B.K. was a twenty-three year old pregnant woman who had lived since Christmas of 1988 in a District shelter for the homeless with her three year old son and her four month old baby. B.K. was unemployed, lived on public assistance and food stamps, and paid \$150 a month for shelter. She stated that she occasionally used drugs, including crack. B.K. had no contact with her family. Her male partner was in jail.

Another woman at the shelter suggested that B.K. contact Planned Parenthood of Metropolitan Washington.

When B.K. came to our clinic seeking an abortion, she was ten and one-half weeks pregnant. She could barely afford to pay \$10 for any medical service.

B.K. made a difficult decision, but one that she believed was responsible given the circumstances of her life.

Until enactment of the Congressional restriction, District citizens were able to show compassion and concern for a woman like B.K. by providing her with the public assistance she needed to obtain a safe abortion. Now District citizens can no longer provide women like B.K. with that assistance.

Let me tell you about another woman who came to Planned Parenthood.

R.D. was a twenty-two year old homeless District woman who lived on the streets. R.D. was given Planned Parenthood's name by a person at an Alcoholic's Anonymous meeting. R.D. was a multiple-substance abuser, including crack. She thought she was sixteen weeks pregnant, but her doctors determined she was nineteen weeks pregnant. She had no money.

Planned Parenthood of Metropolitan Washington does not perform abortions past sixteen weeks.

We gave R.D. information about shelters of the homeless, substance abuse treatment programs, and referrals for second trimester abortions.

Until enactment of the Congressional restriction, District citizens were able to show compassion and concern for a woman like R.D. by providing her with the public assistance she needed to obtain a safe abortion. Now District citizens can no longer provide women like R.D. with that assistance.

I want to tell you about a third woman.

A.G. was a young woman who sought an abortion from a public hospital in the District. The Congressional restriction prohibited that facility from providing her with the abortion. The hospital referred her to Planned Parenthood of Metropolitan Washington.

A.G. had tested HIV positive. She had visible symptoms of AIDS. She was nineteen weeks pregnant.

A.G. had no money, and had delayed seeking an abortion for several weeks because she had no money. At nineteen weeks, the abortion would cost more than \$800.

Until enactment of the Congressional restriction, District citizens were able to show compassion and concern for a woman like A.G. by providing her with the public assistance she needed to obtain a safe abortion. Now District citizens can no longer provide women like A.G. with that assistance.

Through tenacity and good luck, each of these three women learned about Planned Parenthood of Metropolitan Washington. We were able to help B.K. by performing the abortion. We helped both R.D. and A.G.—finding other providers for them and giving both R.D. and A.G. the money they needed to pay for the abortion.

Planned Parenthood of Metropolitan Washington cannot afford to continue providing its basic family planning services and subsidize abortion services for poor women in the District indefinitely. Reducing our family planning services would simply compound the problem of unintended pregnancy and the need for abortion.

We are deeply concerned about the hundreds of women who have neither the tenacity nor good luck to find Planned Parenthood or other health care providers who can help.

These women risk death or continuing a pregnancy and bearing a child for whom they cannot care. They know they cannot provide the food, shelter, education, and health care needed to give their child a decent life. These women believe that the difficult decision to terminate a pregnancy through abortion is a responsible and moral decision.

The Congressional restriction falls hardest on Washington's minority women. More than 72% of the District women who obtain abortions are Black or members of other minority groups.

The United States Supreme Court in *Webster v. Reproductive Health Services* has set the stage for all future public policy decisions about abortion services to be made by the elected representatives of the people in each State. It would be ironic in the aftermath of *Webster* if Congress again denied residents of the District authority to determine whether or not to use local revenue to assist poor women.

The spirit if not the letter of "Home Rule" should command respect for the decision reached by citizens of the District.

The women whose stories I have told struggled with problems in their lives relating to jobs, education, marriage, drugs or crime which resulted in a grim existence—not only for themselves but for the children that they have already borne. They knew they could not provide the financial or emotional support needed to care for another responsible decision for themselves and their families.

In the past, the residents of the District supported their decision.

On behalf of Planned Parenthood of Metropolitan Washington, on behalf of the thousands of women whom we serve, I urge that Congress allow the District of Columbia to resume using local revenue to provide support for poor women who have chosen an abortion.

TRIBUTE TO SUBCOMMITTEE CHAIRMAN DAVID R. OBEY

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Ms. OAKAR. Mr. Speaker, I would like to take a moment to thank subcommittee Chairman OBEY for his dedicated work on the Foreign Operations Appropriations bill. He and the other committee members have worked very hard to bring a balanced foreign aid bill, which addresses so many of our important foreign affairs commitments abroad.

I would specifically like to thank him for including the earmark of \$7.5 million in economic support assistance and development assistance for humanitarian aid for the people in Lebanon in the Foreign Operations Appropriations bill. I successfully offered this as an amendment to Foreign Aid Authorization bill. My amendment was broadly supported by many Members, including members of the authorizing committee. I greatly appreciate the Appropriations Committee's decision to fully fund the amount that was authorized.

I am also grateful to note that the amendment which was successfully offered by subcommittee Chairman OBEY spared Lebanon from the 1-percent across-the-board cut. In view of the dire situation in Lebanon and the suffering there, I appreciate this gesture by the distinguished chairman.

Our Nation's continued assistance to Lebanon is an important symbol of support and a signal to the people in that strife-torn nation and to its people that the United States has not forgotten them in their darkest hour and is willing to help. In my amendment, I intended that the humanitarian aid for Lebanon would be made available to Private Voluntary Organizations and educational organizations who are able to supply assistance to those in need and carry out effective programs in humanitarian and relief and rehabilitation assistance.

I would like to thank the members of the committee for raising concerns in the Appropriations Committee report about the increased politicization of the process under which allocations are made of the funds provided for the American Schools and Hospitals Abroad [ASHA] under section 214 of the Foreign Assistance Act of 1961, as amended. I am also gravely disturbed by this trend, because ASHA allocations for educational institutions in Lebanon decreased as a result of the politicization of the allocation process. The Appropriations Committee report on the Foreign Operations Appropriation (Report 101-165) discusses the politicization of the process and the 1989 allocation to the American University in Beirut on pages 103 through 104. I hope that the trend toward politicizing the ASHA allocation process will be reversed.

The decreased allocation for American University in Beirut and Beirut University College particularly troubled me because I am a former educator. As a former educator, I appreciate the importance of education and the role that educational institutions play in society. Education is the anchor for a society. In fiscal year 1988, the American University in Beirut received \$6.5 million, and in fiscal year

1986 and fiscal year 1987 the American University in Beirut received \$6 million in each year. Yet despite report language in the 1989 Senate Foreign Assistance Appropriations bill (Senate Report 100-395) that the committee expected that the American University in Beirut would receive similar sums in fiscal year 1989 from the ASHA account, the Agency for International Development allocated \$3.5 million for the American University in Beirut.

I am greatly discouraged by this decision to ignore the great financial need of both the American University in Beirut and Beirut University College in their darkest hour. By diminishing the allocation for these established, western-oriented educational institutions, our Nation is sending a signal that we no longer care as much as we once did about the future of Lebanon. Both institutions help our country greatly by promoting understanding between the United States and the Arab world. It is my belief that their activities should continue and my hope that our Nation will support these institutions, at least to the extent which we supported them in the past.

Finally, I would like to thank Chairman OBEY for his dedicated work to craft a compromise amendment regarding schools on the West Bank. I believe that it is important to support Israel's decision to open some of the schools and to express the desire that all schools will be opened at an early date and remain opened.

Again, I commend the committee for its work on this fair bill which addresses the problems of so many people who are in need throughout the world.

NUTRITION LABELING AND EDUCATION ACT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. WAXMAN. Mr. Speaker, today, I am introducing legislation, H.R. 3028, the Nutrition Labeling and Education Act, that will put an end to the confusion and deception that frequently characterizes nutrition labeling today. I am pleased to be joined by a number of distinguished Members of the House, Mr. MOAKLEY, Mr. GLICKMAN, Mr. COOPER, Mr. SCHEUER, Mr. WALGREN, Mr. SIKORSKI, Mr. BATES, and Mr. SHARP.

An identical bill is also being introduced in the Senate today by Senator METZENBAUM and Senator CHAFEE.

Last year, the Surgeon General issued the "First Report on Nutrition and Health." The report provided invaluable information to nutrition policymakers about the role of diet in preventing the leading causes of death and disability in the United States. The report concluded that if Americans would change their dietary practices, the risk of diseases like heart disease, stroke, some forms of cancer, diabetes, and obesity could be reduced.

The Surgeon General is not alone. The U.S. Department of Agriculture, the National Institutes of Health and the National Academy of Sciences all say our diets should have less

fat, sodium, and cholesterol to reduce the risk of heart disease, and contain more fiber to reduce the risk of cancer.

The American public wants better nutrition information. Salad bars, low fat diets and health clubs are not a fad. The American public wants to choose food that contributes to a healthy lifestyle. The food industry knows this and has produced a mass of new food products that are low in sodium, high in fiber, and cholesterol free. But when consumers try to look beyond the marketing hype displayed on food packaging and investigate the actual nutrition content of a product, they are greeted with a bewildering array of contradictory and misleading information.

There is probably no greater example of abuse than the industry practice of defining serving size. Some products labeled as containing two servings are ordinarily consumed at a single serving. The result is twice the labeled exposure to potentially unhealthy amounts of sugar or total fat. Most of us think of serving size as the average amount of a product we eat. But to some food companies, the serving size has less to do with actual consumption than with how to lower sodium, calorie, and cholesterol numbers on the nutrition label.

Look at a package of Lays potato chips as an example. They sell them in the takeout line of the House restaurant. The nutrition label says a single serving contains 240 milligrams of sodium, and 10 grams of fat. Is this useful information in planning a diet? Absolutely. But look carefully at the serving size upon which the nutrition disclosure is based. In fact, the package actually contains two servings. Since there is no way to reseal the package, a consumer that eats the entire package will consume 480 milligrams of sodium and 20 grams of fat. When was the last time you saved half a bag of potato chips for your next snack? Food companies should be required to disclose nutritional information on the amount of food that people really eat.

Current nutrition labels also don't have enough information. Products can be high in saturated fat without your knowledge. Products high in fiber, and therefore a good addition to your diet, can also be unhealthy because of high levels of cholesterol. Products claiming no cholesterol can actually increase the risk of heart disease because of high levels of sodium and saturated fat.

The Food and Drug Administration has been studying the issue of nutrition labeling since the Carter administration. That's simply too long. The FDA is incapable of taking the kind of strong, decisive action the public demands. It is incumbent upon Congress to help consumers get accurate information about the nutritional content of the food they consume and feed their families.

The opportunity to pass legislation requiring new nutrition labels has never been better. There is scientific consensus on the nutrients that contribute to a healthy diet. And Members of Congress are just like their constituents. We all want better nutrition information on our food.

Mr. Speaker, I urge all Members to join in cosponsoring H.R. 3028.

MUTUAL DEFENSE COSTS AND CONSULTATIONS—UNITED STATES-JAPAN

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. DORGAN of North Dakota. Mr. Speaker, I want to call my colleagues' attention to my amendment on mutual defense costs with Japan and consultations on security affairs with our Pacific allies to the bill, H.R. 2461, the National Defense Authorization Act of 1990. The amendment will be taken up as part of Chairman ASPIN's pending en bloc amendment. I wish to thank the chairman and the ranking member, Mr. DICKINSON, for their cooperation and support. I also want to commend Mrs. SCHROEDER and Mr. IRELAND for their leadership on mutual defense costs and allied burden sharing.

WHAT IS THE AMENDMENT?

It is a sense of Congress expression that the President should:

First, encourage the Government of Japan to start in 1991 to increase its host nation support to cover all except the salaries of United States military personnel, and

Second, invite by 1991 Japan and our other Pacific allies—South Korea, Australia, Philippines, and Thailand—to engage in annual security consultations, consistent with each nation's own constitution and national defense requirements.

The amendment seeks to increase Japan's host nation support by about \$2.5 billion while it also urges that Japan play a larger role in setting security policy through annual multilateral consultations. In a word, it addresses burden sharing and power sharing.

The amendment does not mandate negotiations, does not set a rigid timetable, and does not ask the Japanese Government to disregard its constitution. It clearly, but fairly, puts Congress on record that we need a change in our security relationship with Japan.

WHY IS THE AMENDMENT NEEDED?

It lays out some guidelines to meet a goal on which most everyone agrees.

It would implement recommendations compatible with the Armed Services Committee Burden Sharing Panel, Secretary Baker's call for improved consultations among Pacific allies, and the North Atlantic Assembly's request for a Western working group on security issues which would include Japan.

It addresses a key defense issue not addressed directly in the bill.

If implemented, the guidelines would result in significant savings to U.S. taxpayers and a stronger partnership with our major Pacific ally.

The Japanese Government, the administration, and the American public all agree on the need to enlarge Japan's role in mutual defense.

The only questions remaining are what should we do, when should we do it, and how should we do it? The committee bill is silent on these points and the report is very vague. Frankly, that concerns me because burden sharing is one of the most important foreign

policy and defense questions we must address.

GUIDELINES FOR A NEW PACIFIC SECURITY POLICY

But my amendment fills this void and proposes guidelines for each of these issues.

When? By 1991 the President should set a plan for increased burden sharing by Japan and should call for multilateral consultations with Japan and other Pacific allies.

What? The Japanese should pay for all host nation costs—except the actual salaries of United States military personnel. Note that this prevents the U.S. military from being perceived as merely a mercenary force. It also gives Japan a wider forum—consistent with its constitution—to discuss mutual security concerns. These are consultations—not an alliance.

The amendment proposes—but does not mandate—that Japan begin to pay for operations and maintenance, most all military construction costs, civilian personnel, currency fluctuations, family housing beyond what it now budgets for new facilities, labor cost sharing, environmental matters, and deferred costs. This will result in increased Japanese defense spending without increasing Japan's defense forces.

The present total cost of United States military forces in Japan is about \$7 billion per year, of which the United States pays \$4.5 billion and Japan only \$2.5 billion. My amendment seeks to have those shares reversed, with the United States paying \$2 billion for military salaries and Japan absorbing all other costs.

The amendment goes beyond burden sharing to power sharing. If we say Japan should pay more for mutual defense it should have more to say about it. We already have bilateral contacts with Japan. But there is no multilateral forum for Japan, the United States, Australia, South Korea, the Philippines, and Thailand to discuss mutual concerns. I believe this would give Japan an appropriate forum in which to enlarge its role, while giving other Pacific allies a voice in this change.

How? The President is given wide latitude in the arrangements and timetable for meeting this goal.

In a word, the two provisions of this amendment offer a fair, flexible, and measured approach to the critical issue of mutual defense requirements in the Pacific. Since the reported bill provides limited guidance on this issue, I would urge my colleagues to support my amendment as part of the en bloc measure.

AMENDMENT TO H.R. 2461 BY MR. DORGAN OF NORTH DAKOTA

At the end of title XII (page 253, after line 15), insert the following new section:

SEC. 1243. SENSE OF CONGRESS REGARDING HOST NATION SUPPORT BY JAPAN FOR UNITED STATES MILITARY FORCES AND ANNUAL CONSULTATION WITH PACIFIC ALLIES.

It is the sense of Congress that the President should—

(1) encourage the Government of Japan to begin to increase by 1991 its host nation support for United States military forces in Japan to eventually cover all costs related to the presence of such forces in Japan, except the pay and allowances of military personnel of the United States stationed in Japan; and

(2) issue an invitation by 1991 to the Government of Japan and other governments of Pacific allies of the United States to engage in annual multilateral consultations on security concerns, consistent with the constitutions and national defense requirements of the respective countries.

THE COOKIE MONSTER OF P.S. 224

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. OWENS of New York. Mr. Speaker, as a member of the Education and Labor Committee I am concerned about education problems throughout the Nation; however, I am particularly and deeply concerned about school and education problems within my 12th Congressional District in New York City. In reality, my national and local concerns are not mutually exclusive. My district is a mirror of some of the best and the worst educational activities in the country. Lessons learned in my district would be useful anywhere in the Nation. From time to time, in my district, I discover situations which can only be described as atrocities. I think it would be useful if these outrages were exposed to the whole Nation.

One such atrocity involves school administrators who are insulated from accountability under local disciplinary regulations for firing incompetent public school principals. They are also frequently protected by powerful friends in their union, the Council of Supervisors and Administrators, by district school board members, and others with positions in local politics. A given principal could be abusive, lazy, even intoxicated by drugs or alcohol, but due to the iron-clad regulations and the influence of their friends, most manage to stay in their positions virtually forever, or until their incompetence becomes so blatantly obvious that they are forced to resign. Many are simply transferred to other school districts. To permit such people to have continuous daily contact with our children constitutes an atrocity against our children.

A public school administrator who successfully escaped accountability until recently is Virginia Noville, principal of P.S. 224 which is located in my congressional district.

Her actions were revealed in an article published in the February 12, 1989 New York newspaper, the Village Voice, entitled "The Cookie Monster of P.S. 224: A Principal Sells Junk Food to Poor Students." For most of last year, Noville had her teachers and school aides push a cart in the school cafeteria during lunch hour which was loaded with cookies, cheese snacks, and other nonnutritional junk food. She would pay 15 cents for a bag of cookies and sell the bags to the children for 35 cents each. On occasion, she would recruit older students to help her sell this junk food to the younger children. It cost her \$3,000 to purchase the junk food from a local company. In the 6 months before her relationship with the company ended, stopping her illegal practice, Noville received between \$4,000 and \$6,000 for her investment.

Most of the students at P.S. 224 could not afford to purchase the junk food items, Noville and her cohorts pressured them into buying. Nicknamed "The Forgotten School of District 19," three-fourths of its 820 African-American and Hispanic students qualify for the free lunch program.

Noville's exploitation of these poor students did not end with her junk food cart. One Mother's Day, she sold flowers to the children ranging in price from \$1.50 to \$2.50, even though she had purchased these same flowers at 50 cents or 60 cents each. She even spoke on the school's public address system to remind the children to bring their money for the flowers.

Noville sponsored so-called holiday parties for which the students had to pay, at least a dozen per year. She enlisted school aides to sell tickets to these parties to the students during their classes. The tickets ranged in price from \$0.75 to \$2.00.

During these parties the students would receive only stale popcorn and juice. There would be no games, activities or supervision at these events. While the New York City Board of Education permits school principals to sponsor one profit-making activity per year, Noville clearly had more than the allotted number. She never produced any accounting sheets, and the school did not visibly benefit from her various parties.

In fact, some P.S. 224 teachers told the Village Voice that Noville never ordered new classroom supplies. The only new supplies the school received came from the Teachers Choice program, a union-coordinated fund that gives each teacher \$200 per year for classroom materials. The Voice reported that Noville often confiscated these funds and gave them to her favorites.

Money that should have been spent on field trips, after school programs and other activities designed to broaden the educational horizons of P.S. 224 students instead lined the pockets of Noville's friends. Or the money ended up in Noville's cookie tin where she kept the profits from her ill-gotten holiday parties, flower sales and other questionable enterprises.

Mr. Speaker, it is a mystery how this woman managed to maintain her position as the principal of P.S. 224 given her obvious exploitation and abuse of her students. It is also a mystery that it took several years before the Board of Education finally bestirred itself to have its Auditor General investigate Noville and the school. She was also under investigation by the Brooklyn District Attorney's Office, the Board of Education's Inspector General and the Department of Investigation.

As a result of the Auditor General's findings, Noville was dismissed from her post as of April 11. She was reassigned to a post in the Community School District 19 office. In the near future there will be an administrative hearing before an arbitrator selected by the Central Board of Education, at which attorneys for Noville and for the Community Board, as well as the Inspector General, the Auditor General, the Community School Board Superintendent, and others will testify regarding the charges against Noville, then findings and recommendations will be made on her case. P.S.

224 meanwhile has an acting principal, Robert Newton, operating the school.

In the years that it took to oust Noville, hundreds of P.S. 224 students for whom she was responsible were undoubtedly emotionally scarred, perhaps irreparably so. And for every Noville who is investigated and finally discharged, there are many other principals, teachers, and District School Boards' members who are never caught.

While I support the concept of academic freedom, I do not support the idea that an incompetent principal, even if he or she is tenured, should be allowed to stay in that position and wreak havoc on our children's lives. Principals who are racist, drug or alcohol abusers, or dictators who use their positions as personal fiefdoms, have absolutely no place in our schools. The Central Board of Education should provide more coherent monitoring and technical assistance to local boards and individual schools.

And the Chancellor for New York City schools should be given a voice in the selection of local principals and superintendents. Perhaps if these measures are taken, we can prevent "Cookie Monsters" and worse from inflicting themselves on our vulnerable and defenseless young people.

FLORIO HAILS "MOCK TRIAL" COMPETITORS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. FLORIO. Mr. Speaker, it is my pleasure to bring to the attention of my colleagues a team of nine high school students whose desire and success in learning about the law is truly commendable.

The Cherry Hill High School East mock trial team—Samir Ahuja, Daniel Choi, John Dunfee, Gregory DeMichael, Niraj Gusani, Drew Katz, Dara Less, John Musero, and Todd Shoenhaus—won third place in the mock trial competition which was held in Louisville, KY; 2,800 teams competed in the local competitions across the country which led to 28 berths at the national event. The Cherry Hill team earned a place after winning the New Jersey Bar Association's seventh annual competition. The team's consistent academic effort over the school year made their success possible. The student team members spent over 200 hours studying various legal and procedural aspects of the law under coach Ron Hillman, a history and American law teacher. Three community lawyer-coaches—Lewis Katz, Richard DeMichael and John Shipley—enhanced the teams practical knowledge of the justice system and courtroom proceedings. The team "fine tuned" their lessons at nine local competitions which led the way to their State and national successes.

Mr. Speaker, promoting greater student interest in our justice system can only help to ensure a greater interest in public service and public trust. It is especially gratifying to see these young people participating in such a worthwhile and productive program. I respectfully ask that my colleagues join with me in

congratulating the Cherry Hill High School East mock trial team for a job well done.

HONORING QUEEN OF PEACE CHURCH ON ITS 50TH ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. ACKERMAN. Mr. Speaker, I rise today to pay special tribute to an outstanding establishment, the Queen of Peace Church, whose congregation is celebrating 50 years of faithful service to the Kew Gardens Hills community in Queens, NY.

Queen of Peace Church was founded by Pastor Eugene Nolan, and throughout the years it has sponsored many community service programs, including an elementary school, currently run by Sister Delores Ryan, and a 50-plus club for senior citizens. It warmly embraces all members of the community and shares a harmonious relationship with the community's many other religious denominations.

To honor the 50th anniversary of Queen of Peace Church, its devoted congregation will offer a Rededication Ceremony on Sunday, September 10. His excellency, Bishop Muga-vero of the Diocese of Brooklyn, will be present. After this formal religious service, the congregation will then have a parade of flags, led by the Stars and Stripes and including heritage flags which represent all the nationalities that make up this vibrant multiethnic community.

Mr. Speaker, in a time when urban violence and crime are crippling our cities, it is heart warming to see citizens come together to honor their church, their community, and their country. I would like to ask all Members of the U.S. House of Representatives to congratulate Queen of Peace Church and wish their congregation continued success in the future.

TRIBUTE TO FORMER REPRESENTATIVE FRANK THOMPSON

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mrs. BYRON. Mr. Speaker, today I would like to include in the RECORD an article which appeared in the Frederick News Post on July 26, 1989, in tribute to former Representative Frank Thompson.

The article was written by my constituent, Roy Meachum, who covered the Hill for many years in the Washington media before moving to Frederick.

[From the Frederick (MD) News Post, July 26, 1989]

FALLEN HERO

(By Roy Meachum)

Frank "Thompy" Thompson's death at John Hopkins Hospital last weekend should have occasioned national mourning. As in life, he remains one of the few political heroes from my years in Washington.

At the very least, the former congressman was deserving of pro forma plaudits from civil rights and labor leaders. By all that's fair and just, the nation's arts community should have been generously quoted in stories accompanying his obituary. I can neither ignore nor forgive their silences.

As House whip, Thompy was down in the trenches, leading the fight for this nation's landmark civil rights legislation. He forged new dignity for America's working class through service on various labor committees.

It was said, at the time, that the gentleman from New Jersey "made all the difference" in the creating of the National Endowment for the Arts and Humanities. Roger Stevens, the endowment's first chairman, put it simply: "I don't know what we would have done, without Frank Thompson."

When Mr. Stevens brought the Kennedy Center for the Performing Arts into reality, again it was Thompy who managed the enabling bills through the congressional wars.

Frank Thompson's talent was to win so many battles for causes that directly profited so few congressmen. Somehow, he was able to bring out the best, time and again, from women and men who seem, most times, concerned only with their re-election.

Others have attributed Capitol Hill's attack of conscience 20 years ago to the country's grief at the murder of a youthful president. And there can be no doubt: John F. Kennedy's assassination became an important argument for the passage of measures that made good on the dead leader's promises.

After the president's murder, no congressman had better right to invoke the magic of the Kennedy name than Mr. Thompson. He played a key role in the 1960 campaign that upset Richard M. Nixon's first assault on the White House.

However, grief is a short-lived commodity among politicians. Death is usually measured in terms of its impact on the continuing struggle for power and influence. Furthermore, the Kennedys' hard-ball politics left behind scores to be settled that counterbalanced the post-assassination sentiments.

If there were a key to Thompy's victories for workers, minorities and the arts, it was in the New Jersey representative's firm belief in the principle that this government has a solemn obligation to provide a better life for all its citizens.

In short, Frank Thompson was an idealist. I know that it was his knowledge of the House and how its games are played that permitted him to help bring the Congress to its finest hours. I would like to think it was an understanding for his faith in true democracy that enabled the Trenton-born politician to retain the respect and confidence of his fellow members.

As indication of the great respect Frank Thompson enjoyed from his colleagues, the members called upon him to clean up the mess left behind by Wayne Hayes and his messy sex scandals. In 1976, he took over as chairman of the House Administration Committee, the post that allocates offices, parking permits and those other perquisites so important to congressional sensitivities.

The record shows that, as Administration Committee chairman, Thompy ended the corruption practiced by his predecessor. Unlike Mr. Hayes, he awarded choice offices and other "perqs" in an openness that brooked no charges of favoritism. At the same time, he pushed vigorously for campaign finance reform.

The bare facts about Frank Thompson's 26 distinguished years in the U.S. House of Representatives were touched upon in most of his obituaries this week, but not all. However, in every newspaper that marked his passing last weekend the headline writers made much of Thompy's conviction in the Abscam sting operations.

For younger readers, perhaps I should explain that in the last years of the Carter Administration, the Department of Justice launched an investigation of representatives and senators. FBI agents posed as wealthy Arabs and offered bribes to selected congressmen.

Delaware Sen. Harrison Williams and seven representatives were indicted in 1980 on criminal charges. They all went to jail. Among them was Frank Thompson.

I mean to pass no judgment on the others when I say that I have never thought Thompy was guilty of abusing his high office in any way. Nor was I alone in my serious doubts. Colleague Jack Anderson had the same problem. We shared our disbelief that Frank Thompson, of all that group, could have descended to such stupidity.

"Why would I risk all this?" Thompy asked, sweeping his arm around the huge Administrative Committee chairman's office the last time I saw him. He claimed to have no knowledge of the briefcase containing \$50,000 in purported bribe money. The videotape did not show the briefcase in his possession. His story was that his meeting with the "Arab investors" was because of their promises to invest in his hometown.

In the late 1970s, Trenton was coming apart. The plumbing in some areas didn't work. Water trucks patrolled the streets, filling residents' bottles. The city's collapse had been well covered in the press. Against the supporting background, and knowing the man's history on Capitol Hill, I came away that day completely convinced of his innocence.

In any event, a Brooklyn, N.Y., jury disagreed. It convicted the New Jersey representative. I've always wondered if the verdict might not have been different in another venue. Now, it doesn't matter of course.

After his release from prison, Thompy lived a quiet life in Virginia. His name was never again in the headlines, not until after his death last Saturday. An operation for throat cancer didn't work. He was 70.

Let the record show: Frank Thompson was one of my few political heroes during my Washington years. He still is. Requiescat in pace. Now and forevermore.

NATIONAL YOUTH SERVICE

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. SIKORSKI. Mr. Speaker, "National Youth Service" is a phrase that has many definitions but one common goal. That goal is the development of patriotism and community spirit by encouraging America's youth to devote a portion of their lives to working for the common good. Our communities need the voluntary services of our Nation's college students and many of our young people are willing to serve their community. But one thing

often stands in their way—looming student loan indebtedness.

Loan debt burden is the most frequently cited reason for students not serving their community upon graduation. In our winner take all society, graduating college students fear that they cannot afford to serve their communities. We must allow America's college students to participate in community service without the fear of falling into bankruptcy because of their loan debt and without the interference from our Federal Government.

Mr. Speaker, today I am introducing three bills to amend the Higher Education Act to encourage graduates of our colleges and universities to devote up to 3 years of their lives to public and community service upon graduation. These three bills will give students a break on their loans when they are willing to take low paid, full-time positions with tax exempt community service organizations.

Few students know that when they serve in these low paid, full-time positions with community service organizations they can defer repayment of all of their Government student loans. The first bill I am introducing will require that the Department of Education publicize this current deferment—which it has been unwilling to do.

Under current law, the Perkins loans of Peace Corps and VISTA volunteers are partially cancelled—up to 75 percent cancellation over 5 years. The second bill I am introducing will extend this partial loan cancellation to students who perform comparable service with tax exempt community organizations.

The current partial cancellation provisions for Peace Corps and VISTA volunteers only apply to direct Perkins loans, so the third bill I am introducing will provide for partial cancellation of Stafford loans for Peace Corps and VISTA volunteers and for students who perform comparable service with tax exempt community service organizations. GSL loans constitute the bulk of the Federal student financial assistance.

These three bills encourage and promote community service at an incredibly low cost. The current deferment program costs the Government only \$80 per \$1,000 of student loans deferred per year. The proposed partial cancellation for direct loans would cost \$500,000 in 1992. The bill is prospective and applies only to loans taken out after the bill becomes law. I am now obtaining a cost estimate for the partial cancellation for guaranteed loans.

These bills do not establish a new Federal agency or bureaucracy, the Federal Government is not involved in organizing the community service, and most importantly, there is nothing mandatory or semimandatory in the program. The bills are plain and simple: They encourage American youth to serve the American community.

A PLAN FOR CLEANER POLITICS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. JACOBS. Mr. Speaker, I place in the RECORD an article by Mark Green.

The article was published in the Christian Science Monitor and it not only is eloquent but has some thoughtful opinions which I believe to be worthy of the Members' attention.

[From the Christian Science Monitor, July 3, 1989]

A PLAN FOR CLEANER POLITICS

(By Mark Green)

Dear Speaker Foley, congratulations. As expected, though not as planned, you're the Speaker. Unfortunately, your ascension results from a congressional oil spill as challenging as Exxon's.

How can you clean up after the Wright and Coelho disasters? How do you respond to the crescendo of Republican attacks on "Democratic corruption"? (For the moment, put aside the humorous notion that the party of Meese, Deaver, and North, the party whose President vetoed the '88 Ethics Act, the party of today's HUD scandals can make any accusations about ethics.)

As both a proud Democrat and an ethics activist, may I suggest one answer that would help restore trust in government, expand the franchise, and get our party off the defensive? In exchange for a modest and recorded-vote pay increase, Congress would enact long-needed reforms of political action committees (PACs), campaign finance, honoraria, conflicts-of-interest, and voter registration.

Clearly, people of good faith seem divided on the issue of Congress and ethics. Rep. Tom Downey denounces "ethical McCarthyism," yet Fred Wertheimer of Common Cause attacks "institutionalized bribery." Who's right? Both are.

It is outrageous that, in the post-Hart-Biden-Tower-Wright-Coelho atmosphere, charges become tantamount to convictions. Such trial-by-press could cashier talented people out of public life, and deter others from ever running in the first place.

At the same time, as Mr. Wertheimer implies, the scandal of Congress is not what's illegal but legal—i.e., the "smoking gun" is not so much third-rate burglaries or arms diversions but a system of "legal graft" whereby good people are pressured into bad acts. Jim Wright, for example, was accused of accepting a gift from someone with an interest in legislation. But isn't that usually true of a speech honorarium (if the member keeps the money)?

Sacrificial lions like Mr. Wright and Tony Coelho, then, are not the real problem on Capitol Hill. Rather, it's too much money and too few voters. First, after years of receiving thousands of dollars from economic elites, how many members have the courage to bite the hand that funds them? Too often they favor contributors over constituents. And second, a Congress that abolished poll taxes and literacy tests still tolerates a voting-registration maze introduced a century ago to discourage the participation of minorities and immigrants. The result today: the lowest voting turn-out among Western democracies, as people who earn over \$50,000 vote on average 50 percent more than those who earn \$5,000.

Some commentators belittle these issues as trivial and diverting. But since process shapes policy, a tainted congressional process is not a trivial but a primary concern. We can't ever achieve sound defense or environmental policies, for example, if contractors and polluters have so much more say than taxpayers and consumers.

Given these problems of ethics and access, and given the courage of Chinese protesters quoting Thomas Jefferson, many of us wonder where are our marchers for democracy? In fact, millions of citizens in thousands of civic groups have indeed won many reforms at the local and state levels.

Speaker Foley, let's apply their lessons to our national legislature. To advance democracy and ethics, here is an omnibus proposal that should be appealing both to defensive Democrats who believe in ethics reform and to Republicans frustrated by their permanent minority status.

Pay hike. Provide for a 10 percent pay increase for each of three years (starting with the next Congress) and then a cost-of-living increase if Congress allows a recorded vote on such an amendment. This provision avoids the flaws of the earlier, discredited salary grab, which was both excessive (50 percent in one year) and covert (no recorded vote).

PACs. Ideally, abolish PACs and institute a campaign-spending ceiling. Or at least limit PAC gifts to the amount of individual gifts (now \$2,000 per election) and restrict them to a set amount, say \$100,000 per House race, so a few PACs running in packs cannot dominate thousands of individual, local contributors.

Matching public financing. As in New Jersey, New York City, and the presidential primaries, public funds should match smaller, private contributions if participating candidates agree to a spending ceiling. Better that we spend pennies apiece as taxpayers than lose billions in revenues to special-interest lobbies.

Voter registration. As Minnesota and Wisconsin have done, simplify registration requirements: Allow postcard, election-day, and agency-based registration while not purging voting rolls if someone fails to vote.

Dishonoraria. Ban them. It's wrong for private interests, in effect, to pay a quarter of the salary of public servants.

Soft money. The Bush and Dukakis campaigns each funneled \$50 million to state parties from large donors in an obvious violation of the spirit (and maybe even the letter) of the presidential public-financing system. Because so-called "soft money" takes us back to the Watergate era of presidential funding, it should be prohibited or limited.

Investments. Prohibit investments by members of Congress in firms directly affected by their committee assignments, as is already the case in the executive branch. A member of, say, a banking committee, shouldn't hold bank stock.

If Congress doesn't adopt such dramatic ethics reforms, Capitol Hill will remain an echo chamber where a skeptical public may believe all accusations. Nor is this pay-for-ethics plan farfetched. Get Ralph Nader and Sen. Bob Dole to agree—since Mr. Nader has been anti-pay hike and Senator Dole anti-campaign reform—and it's a done deal.

Last week, President Bush made his highly publicized proposals on campaign-finance reforms. He deserves applause for urging the abolition of special interest PACs and of the transfer of war chests from cam-

paign to campaign. But he also deserves a Bronx cheer for admitting in a meeting with public-interest groups that one of his goals was to promote Republican prospects in 1990—which his PAC proposal does, since PAC's favor incumbents and there are more Democratic congressional incumbents. Why not laud Bush's modest opening bid and raise the ante?

Mr. Speaker, obviously this grand compromise uses the bait of a reasonable pay hike to get Congress to go along with needed reforms. Would that virtue were its own reward. Until then, isn't this modest trade-off worth the greatest pro-democracy bill of the century? Won't this proposal expose the Gingriches and Atwaters, if they balk, as partisans more interested in a good election-year issue than in good government?

It's time for a new Speaker to break with the past and to take the ethics offensive, for the good of our party, Congress and country.

AMBASSADOR JOSEPH JOHN JOVA AN EXEMPLARY GREAT AMERICAN

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. TORRES. Mr. Speaker, I wish today to call attention to my colleagues in the House the retirement of my good friend Joseph John Jova from the presidency of Meridian House International. Prior to his assuming the presidency, Ambassador Jova distinguished himself as a career Foreign Service Officer serving in many diplomatic assignments on behalf of our Nation.

Ambassador Jova entered the Foreign Service after 4 years in private enterprise in Central America and 5 years in the U.S. Navy during World War II. He was appointed vice consul at Basra, Iraq, 1947-49; and then served in Morocco, 1949-52; and in Portugal, 1953-57; in the Department of State's Bureau for French and Iberian Affairs, 1957-58; and as the State Department's Chief of Personnel Operations, 1959-61. He served as Deputy Chief of Mission and Chargé d'Affaires in Santiago, Chile, 1961-65. He was appointed Ambassador to Honduras, 1965-69; Ambassador to the Organization of American States, 1965-69; Ambassador to the Organization of American States, 1965-74; and Ambassador to Mexico, 1974-77. He has headed U.S. delegations to a variety of international conferences.

He serves as trustee on the boards of Mount St. Mary College in Newburgh, NY; the University of the Americas in Puebla, Mexico; the Pan American Development Foundation; the Foundation for Cooperative Housing; the Library Associates of Georgetown University; and Amigos de las Americas. He is a member of the Mexican Academy of International Law, the Mexican Academy of History and Geography, the Washington Institute of Foreign Affairs, and Spain's Institute of Hispanic Culture. In addition, Ambassador Jova is a member of the Knights of Corpus Christi of Toledo, the Asociación de Hildalgos (Spain), the Societe d'Histoire de la Guadeloupe (France), and the Knights Malta.

Mr. Speaker, in Washington, he is an active member of the Metropolitan Washington Board of Trade. Ambassador Jova has served as chairman of the District of Columbia's advisory committee on wages and as chairman of the Mayor's task force on foreign residents. He is a director of the First American Bank of Washington.

Ambassador Jova has received honorary degrees from Mount St. Mary College, D.H.L.; and Dowling College, LL.D. In 1971, he received the U.S. Presidential Management Improvement Award; in 1975, the Thomas F. Cunningham Award from the International House in New Orleans "for outstanding contributions to relations between the United States and Latin America;" and in 1978, the State Department's Wilbur J. Carr Award for meritorious service. He has been honored with the Constantinian Order of St. George, and the Grand Crosses of the Orders of Morazan (Honduras), and the Aztec Eagle (Mexico). In recognition of his contributions to cultural exchange as president of Meridian House International, he was awarded the Grand Cross of the Order of Isabel La Catolica (Spain) and was named Commandeur of the order of Orange-Nassau (the Netherlands).

Mr. Speaker, Ambassador Jova was born on November 7, 1916 in Newburgh, NY, where he attended the Newburgh Free Academy. In 1938, he received his A.B. with honors from Dartmouth College. He attended the State Department's Senior Executive Seminar on Foreign Policy, 1958-59. Ambassador and Mrs. Jova, the former Pamela Johnson, have two sons and a daughter.

Mr. Speaker, I know my colleagues in the House wish Ambassador Jova and his wife Pamela all best wishes for a much deserved retirement. Their untiring efforts at this unique institution made it possible for Meridian House to serve as a doorway to the United States for hundreds of international visitors, and as a window to the world for Americans.

OPENING OF APPALACHIAN HIGHWAY MONUMENT TO RURAL DEVELOPMENT

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. JENKINS. Mr. Speaker, the opening recently of the final portion of the Appalachian Highway network through Georgia brings to fruition a dream for rural development in the lower end of the Appalachian Mountain chain.

Completion of this 66-mile, four-lane artery connecting Georgia's beautiful Blue Ridge mountains and its residents with metro Atlanta reduces the traveltime between the two by an hour. The increased accessibility to the region already has brought commercial development along the completed portions of the route and more than 1,000 new jobs.

The credit for the concept of promoting rural development with better transportation routes to attract industry and tourists to an area we all love lies with the designers of the 13-State network of developmental roads proposed in the 1960's during the Johnson ad-

ministration. My predecessor, the Honorable Phil Landrum, Sr., was one of those designers. They saw the opportunity for tapping the human resources of the area through accessibility. The people of Appalachia could help themselves through development in the area and quicker access to other areas. Highways were one way of realizing this dream.

Even grand designs, such as this Appalachian rural development program, must have executors. Without cooperation from State officials, particularly in the Georgia Department of Transportation, the Appalachian Highway never would have left the drawing board. Through the years of development, Georgia DOT officials Bert Lance, Tom Moreland, and Hal Rives nurtured the project. Georgia DOT board members Tom Mitchell, Steve Reynolds, Troy Simpson, and Doug Whitmire spent countless hours of their time and talents to make the highway system a reality.

While DOT was taking the highway from the drawing boards to the land, other State agency officials, such as George Berry and Hannah Ledford in the department of industry, trade and tourism, were working on an overall strategy for rural development in the area.

Cooperation among the agencies was necessary to prepare the area for the increased growth and traffic. Many programs in the Appalachian Regional Commission's jurisdiction provided the vital seed money for water and sewer projects and other basic needs for industries and businesses ready to take advantage of the area's increased accessibility.

Sometimes during the process, the plan had to be reassessed and the primary goals restated. The purpose was not to destroy the home of the natives and the natural beauty of those mountains formed millions of years ago. Successfully, growth has come to the mountains, and the rare endangered ladyslippers and trillium still thrive with the local residents who treasure the land of their ancestors more than 20 years after the grand design was born. Grand designs do take time. It must be our mission now to ensure that our original intent of a better quality of life for Appalachia is not lost.

A TRIBUTE TO WESLEY A. BROWN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. RANGEL. Mr. Speaker, it is indeed an honor for me to pay tribute to Wesley Anthony Brown, a man who has paved the way for many African-Americans to follow. Mr. Brown's life represents the exemplary advancement of blacks in the military.

Wesley A. Brown was born in 1927 in Baltimore, MD. He attended Dunbar High School and Howard University in Washington, DC, where he was enrolled in the Specialized Training Reserve Program.

The U.S. Naval Academy was founded in Annapolis, MD, in 1845, only 100 years later was Wesley A. Brown nominated by the late Adam Clayton Powell, Jr., to attend this academy. On June 3, 1949, Wesley Brown became

the first African-American to be graduated from the U.S. Naval Academy. Others have tried before him, but with hard work and dedication Wesley became the first. Mr. Brown graduated from the Naval Academy with a B.S. in mechanical engineering.

As a certified professional engineer, Wesley A. Brown was commissioned and served in the Navy from July 1949 until he retired in June 1969. From his first assignment in July 1949 as the assistant maintenance and transportation equipment superintendent at the Boston Naval Shipyard, to his last assignment in 1965 as the public works officer and officer in charge of construction at the Brooklyn Navy Yard, Brown has been nothing but a promising leader who has made many contributions to the Navy.

Along with his 20 years of service in the Navy, Brown has worked on various civilian projects. From 1976 to 1988 he was the director of physical facilities analysis and planning at Howard University. He is currently a member of the nominations committee where he selects bright and energetic individuals who are eager to follow in his footsteps.

Wesley Anthony Brown is the perfect role model for the youth of today. Not only have his achievements in the Navy stood as an example of leadership and pride, but his accomplishments also represent progress and success for all African-Americans. On this commemorative occasion recognizing the 40th anniversary of Mr. Wesley A. Brown's graduation from the Naval Academy, I salute all of his historic achievements.

JUSTINE ALESCHUS: FRIEND OF SCOUTING

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to pay tribute to an outstanding American in my district who is being honored on August 3, 1989, for her outstanding contributions to the youth of this country and the Boy Scouts of America in particular. This inspiring woman, Justine Aleschus, is the recipient of the second annual Service to Youth Award which has been bestowed upon her by the Suffolk County Council of the Boy Scouts of America.

This award is not a surprise to those of us who know Justine. Her commitment to community service is well known throughout Suffolk County. Justine has previously been honored with the American Hospital Association's Award for Volunteer Excellence and with the First Volunteer Service Award from the Smithtown chapter of the American Association of University Women. Justine is active in a number of business organizations as well, and is currently a member of the board of the Long Island Builders' Institute's newly formed Sales and Marketing Council.

Justine's commitment to the Boy Scouts of America has been a long and fruitful one. She is a cornerstone of the Suffolk County Council's fundraising efforts and contributes untold hours of her time to ensure that all young men

in Suffolk County have the opportunity to experience the challenge of being a Boy Scout. I know that many of my colleagues in the House of Representatives join me in extending our congratulations to Justine Aleschus on this joyous occasion.

CONGRESSIONAL TRIBUTE TO JOE PLACENTIA OF LOS ANGELES

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. DIXON. Mr. Speaker, it is with pride and admiration that I rise to recognize the lifetime achievements of an individual committed to the welfare of America's workers, Joe M. Placentia. Joe is retiring on July 31, 1989, after 41 years of active involvement with the United Automobile, Aerospace and Agricultural Implement Workers of America [UAW].

Throughout his lengthy tenure with the Aluminum Co. of America, Joe worked within the UAW to advocate the rights of workers. He has acted as president of UAW Local 808, and as an international representative of UAW region six. He has also been actively involved with minority politics; he has traveled to Israel on a goodwill tour as a representative of the Hispanic community, is a four-time delegate to the Democratic National Convention and has worked to elect Hispanic and other minority group candidates to political office. He has also served on the board of directors of many community organizations in Los Angeles.

Mr. Speaker, Joe Placentia's commitment to his community, his job and to the cause of the unions should not go unrecognized. Now, on the eve of his retirement, I ask my colleagues in the House of Representatives to join me in congratulating Joe on his accomplishments, and in wishing him much future happiness.

THE WALKER AMENDMENT—SOLACE FOR NONVIOLENT CIVIL RIGHTS DEMONSTRATORS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. DORNAN of California. Mr. Speaker, last Thursday, the House adopted by voice vote an amendment to the fiscal year 1990 Veterans-HUD and independent agencies appropriations that would deny community development block grant to any municipality where three or more law enforcement personnel have been convicted of using excessive force, on the order of a superior, against nonviolent civil rights demonstrators. The amendment is meant to deter such actions and to express the sense of the Congress that brutality in law enforcement is unnecessary, inexcusable and won't be tolerated.

Recent events, including the arrest of a news reporter covering a nonviolent pro-life demonstration in West Hartford, CT, are inspiring the press to take a closer look at the

extent of official violence against American citizens engaged in traditional modes of political dissent. Incidents of physical violence against civil rights demonstrators on the abortion issue have erupted in Portland, OR; Sunnyvale, CA; San Diego; Pittsburgh; Los Angeles; Atlanta; Boston and many other cities across this great Nation. In the West Hartford case, on June 17, police officers not only roughed up elderly protestors, clergymen and other participants (breaking one demonstrator's arm with audible force), but they also seized and destroyed the arrested reporter's notes and confiscated newsmagazine of the event.

Columnist William F. Buckley summarized the situation well in his syndicated column published on June 21, 1989. He wrote that June 17 "is a day that can be compared to the famous day that featured Selma, AL, in 1965. It is hard to believe that Bull Connor, directing white redneck policemen, caused more brutality in the treatment of blacks than was caused by the police of West Hartford in their treatment of members of Operation Rescue." Mr. Speaker, I am pleased to submit a copy of Mr. Buckley's column for the record, and I ask my colleagues to reflect on whether the behaviors it describes are tolerable responses to acts of peaceful political protest.

ABORTION FOES LACK RHETORICAL RESTRAINT

It isn't easy to achieve psychological neutrality in the abortion standoff, but the violence of the surrounding rhetoric, and now the physical violence of the policemen of West Hartford, Connecticut require that the effort be made to focus on a critical difference between the two camps.

It is this: that the lifers do not seek to harm anybody, or, for that matter—to use a taxonomically neutral term—anything. When they demonstrate in front of an abortion clinic, they are not seeking to hurt the choicers queuing up for abortions. They are seeking by their demonstrations to persuade pregnant mothers to have what the lifers consider to be developing human beings.

The choicers should honor this distinction. Their conviction that the fetus is simply a disposable part of their—repeat—their—body is a position held by honorable men and women of rectitude. But they need to recognize that there is that other point of view, and that this other point of view seeks not to destroy, but to preserve, and that accordingly, a certain rhetorical restraint is in order when engaged in disputes with them.

The events in West Hartford on June 17 are gradually catching the attention of the public. It is certainly a day that can be compared to the famous day that featured Selma, Alabama, in 1965. It is hard to believe that Bull Connor, directing white redneck policemen, caused more brutality in the treatment of blacks than was caused by the police of West Hartford in their treatment of members of Operation Rescue, the anti-abortion organization.

It was a Saturday morning. According to affidavits filed by the people arrested, including Bishop George Lynch (a veteran of seven Operation Rescue efforts), about 275 Rescuers had gathered to picket and block the Summit Women's Center, which does most of its business on Saturdays.

If we are to believe these affidavits, the policemen tried to get the crowd to disperse, failed to do so—whereupon they illegally removed their badges and name tags, and

through this gave them immunity to act like thugs rather than to pursue their profession, which is among other things, to prevent thuggery.

These policemen arrested most of the Rescuers, using nylon cuffs attached so tightly as to cut off circulation to the hands. One policeman pushed his nightstick across an elderly woman's face, twisted her arms behind her, and put his weight on her back.

This scene was repeated, with variations, many times. Nightsticks were used liberally. Several Rescuers were beaten. One experienced a nightstick placed between his legs and jerked sharply upward. Another arm was broken with such force that the snap was audible 40 feet away. Many of the Rescuers were elderly; they were not spared the violent treatment, not even the technique that became standard for the day, the strap-pado—inserting the nightstick between the back and the bound hand, then lifting, so that the body's weight is painfully concentrated on the elbows or upper arms.

Many of the victims screamed involuntarily, others sobbed. The police laughed and mocked them. "Jesus isn't helping you," one policeman told a praying Rescuer. "Call out for Satan." Those words, in that context, have a resonance 2000 years old.

At least one reporter was also arrested. Her notes were seized and destroyed. "Aww, her First Amendment rights have been trampled," another policeman was heard to coo. Photographers representing several local Catholic newspapers were forced to turn over their film: confiscated, South African style.

In the jailhouse, the police punched, kicked and tossed the arrestees about. One man was pitched head-first into a sink from a height of five feet. A comrade who saw this called it a "miracle" that no serious injury resulted marveled at the audacity of the policeman's violence, considering the liability that might arise: that should arise.

The Rescue folk are not more violent than those who almost every day sit in on South African consulates and are gently removed, booked and released. They seek to dramatize a point that choicers should force themselves to acknowledge: as demonstrators for civil rights they were fighting not for themselves, but for others.

BIG U.S. MULTINATIONAL FIRMS PAYING LITTLE U.S. TAX

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. STARK. Mr. Speaker, recently, the National Bureau of Economic Research, Inc., released a study of taxes paid by U.S. multinationals and their foreign subsidiaries. This study, called *Coming Home to America: Dividend Repatriations by U.S. Multinationals* (NBER Working Paper No. 2931), concludes that "... U.S. multinationals paid little or no U.S. tax on their foreign operations."

Under current law, the dividends paid by foreign subsidiaries of American firms to their parent companies are taxable in the United States. But multinationals can avoid paying U.S. taxes by investing their foreign profits instead of paying out dividends. One would think that most firms would choose this option to escape taxes.

Yet, statistics show that many firms have not taken advantage of this practice. But neither have firms paid much tax on the dividends. How is this possible? According to the authors of the article, some firms paid taxes to foreign governments in amounts that exceeded the tax they owed to the IRS. As a result, the foreign subsidiaries incurred no U.S. tax liability by paying dividends to the parent company here. Another way that multinationals avoid taxes on dividends is when the losses from their U.S. operations outweigh their foreign incomes.

The authors go on to say that the recent cut in the U.S. corporate income tax rate from 46 percent to 34 percent will further increase the number of multinationals which will have excess foreign tax credits, enabling them to pay little or no U.S. tax.

It may be beneficial for us to reconsider our tax laws, as examples such as these surface. As the writers conclude, "The present U.S. system of taxing multinationals' income may be raising little U.S. tax revenue, while stimulating a host of tax-motivated financial transactions."

NBER's description of the article follows:

THE MYSTERY OF MULTINATIONAL DIVIDENDS

When overseas subsidiaries of U.S. multinationals pay dividends to their parent corporations, these dividends are subject to U.S. tax. However, firms can defer paying U.S. taxes indefinitely by reinvesting their foreign profits abroad rather than remitting dividends. Yet in 1984, the latest year for which statistics are available, foreign subsidiaries paid \$11.8 billion in dividends to their U.S. parents on profits net of foreign taxes of \$30 billion, for a payout rate of 39 percent. In some years, this payout rate has been as high as 60 percent. Why would U.S. corporations voluntarily choose to increase their tax bills by transferring income in this way from subsidiary to parent?

A new NBER study by James Hines and Glenn Hubbard finds that these transfers do not actually increase the taxes paid by U.S. multinationals. In *Coming Home to America: Dividend Repatriations by U.S. Multinationals* (NBER Working Paper No. 2931), they examine tax data for 1984 on 12,041 foreign subsidiaries of 453 U.S. parent corporations. They report that 84 percent of foreign subsidiaries did not pay dividends at all to their U.S. parent. Among the 16 percent of foreign subsidiaries that did pay dividends, firms with excess foreign tax credits paid over half of the repatriated dividends. In other words, the taxes paid by these subsidiaries to foreign governments exceeded the tax owed to the IRS. Therefore, these firms incurred no U.S. tax liability in choosing to pay dividends to their U.S. parent. Other multinationals that received dividends from foreign subsidiaries had losses on their U.S. operations that offset their income from overseas. The net result was that U.S. multinationals paid little or no U.S. tax on their foreign operations.

Foreign subsidiaries also can transfer income to their U.S. parents in the form of interest, rents, and royalties. Hines and Hubbard find that 6 percent of foreign subsidiaries made such payments in addition to paying dividends, while another 15 percent paid interest, rents, and royalties but not dividends. These latter firms generally paid foreign taxes that were less than the U.S. taxes that would have been due if they had paid dividends to their U.S. parents. Hines and Hubbard calculate that 63 percent of in-

terest, rents, and royalties were paid by firms in such situations.

Finally, they suggest that the recent reduction in the U.S. tax rate on corporate profits from 46 percent to 34 percent will increase the number of multinationals with excess foreign tax credits. This will tend to reduce further the U.S. taxes collected from U.S. multinationals. Although other changes introduced by the Tax Reform Act of 1986 will tend to raise tax revenues from overseas income, Hines and Hubbard conclude, "The present U.S. system of taxing multinationals' income may be raising little U.S. tax revenue, while stimulating a host of tax-motivated financial transactions."

DOD AUTHORIZATION AMENDMENTS

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. LELAND. Mr. Speaker, unfortunately, due to very pressing business in my district I was not present to vote on the amendments to H.R. 2461, the Department of Defense authorization bill. Had I been present, I would have voted as follows:

Rollcall No. 174, "yea."
Rollcall No. 175, "yea."
Rollcall No. 176, "yea."
Rollcall No. 177, "yea."
Rollcall No. 178, "yea."
Rollcall No. 179, "yea."
Rollcall No. 180, "yea."

CHILEAN CONSTITUTION TO PROTECT PINOCHET'S POWER

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. GARCIA. Mr. Speaker, Chile is a nation in transition as it enters the 17th year of the Gen. Augusto Pinochet dictatorship. Although some positive changes have advanced democracy here, including a number of proposed constitutional changes, which will be voted on in a national referendum on July 30, many observers question the legitimacy of Pinochet's democratic intentions. Since his October 5 plebiscite defeat, the general has fought unceasingly to maintain both his and the military's power after his scheduled departure from office in March 1990. Though a new president, to be elected in December, will take his place, Pinochet will remain as commander in chief of the armed forces for 8 more years, thanks to his hand crafted 1980 constitution.

Since the military's role is defined as insuring the "institutional order of the Republic", many experts interpret this as Pinochet's way of guaranteeing the possibility of a future coup if things get out of hand, as defined by him and his military colleagues. In order to heighten public awareness of the important Chilean constitutional debate and to encourage a true democratic transition, I wish to submit into the RECORD a slightly edited article which first appeared in the July 19 edition of the Washing-

ton Report on the Hemisphere, a biweekly publication of the Washington-based Council on Hemispheric Affairs [COHA], authored by COHA research associate Tim Sheehan.

**CHILEAN CONSTITUTION TO PROTECT
PINOCHET'S POWER**
(By Tim Sheehan)

Chilean voters will go to the polls July 30 to vote in a referendum on amending the 1980 constitution imposed by Gen. Augusto Pinochet. A majority of them are expected to approve the proposed changes, which the government and opposition have agreed to after several months of often tough negotiations, through anti-Pinochet forces feel the reforms still do not sufficiently limit the power assumed by Pinochet and the military after the 1973 coup.

The regime was willing to make some important, though far from critical, changes such as reducing the next presidential term from eight to four years, abolishing the requirement that two consecutive congresses approve constitutional amendments, and eliminating the president's power to dissolve the Chamber of Deputies. Voters will likely support these reforms, hoping that they are a step in the right direction, even though the opposition fought for greater changes.

One of the biggest disappointments for the opposition was its inability to eliminate the provision allowing for ten unelected senators, including Pinochet's lifetime seat. In past elections, the political right has usually won at least one-third of the legislative races. If the same occurs in the December 14 general election, this could give the pro-Pinochet forces a near majority in the 43-member upper house, thus making it all but impossible for the opposition candidate, Patricia Aylwin, if she wins, to get desired legislation through Congress.

The composition of the all-important National Security Council (NSC), a powerful body created by the 1980 constitution which can issue opinions to authorities regarding "any deed, act, or matter" which undermines the "foundations of the institutionality" of the nation, was altered but only in a cosmetic way. The military will hold four of the eight voting council seats instead of four out of seven, which will still give the armed forces effective control of the body since the military members can be counted on to vote as one.

The controversial Article B, outlawing "totalitarian" (i.e. Marxist) actions and doctrines was abolished, yet a very similar clause was added to Article 19, continuing to define "totalitarian" acts, which Pinochet would attribute to half the opposition, as unconstitutional.

Under Article 41, the president still has the right during a state of siege to arrest people at will, suspend or restrict the right of assembly, and curtail freedom of information and opinion. The president may also call for a declaration of a "state of assembly," enabling a prohibition of unionization, and allowing censorship and confiscation of property.

Other clearly undemocratic provisions of the Pinochet-mandated 1980 constitution were left untouched, including the government's right to dissolve political parties, forbid association contrary to the "Security of the State," and even forbid "partisan" education.

Pinochet has turned to the constitution that he pushed through in a fraud-ridden 1980 referendum to protect both his present, and the military's future, power. His endorsement of these relatively modest

constitutional reforms should not be seen as a sign that Pinochet is ready to yield some of his power. The Chilean leader previously had placed a clause in the constitution mandating that he will remain at the head of the armed forces throughout the next administration. But he is using these modest concessions, in his waning months in office, as a way to widen his base of public support and build confidence in the armed forces' good intentions, painting them as the best alternative should the nation again face a political crisis.

Article 90 explains that the role of the armed forces is to "guarantee the institutional order of the Republic." Many people see this as the general's way of legitimizing a future coup attempt. The army deputy commander, Gen. George Zincke, surely struck fear into the hearts of many Chileans when he responded to a hypothetical question about the role of the military should the nation's institutional order break down: "You already saw what happened on September 11, 1973," he said.

**NEW YORKER VOLUNTEERS
FOR THE ENVIRONMENT**

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Ms. SLAUGHTER of New York. Mr. Speaker, today I rise to salute the exceptional work of a woman from my district who recently gave up 2 weeks of her time to help cleanup efforts in the aftermath of the *Exxon Valdez* oilspill in Alaska.

Miriam Nathan of Scottsville, NY, worked tirelessly as a volunteer at the Oil Spill Volunteer Response Center in Seward, AK. She provided the invaluable service of monitoring the health of oil-fouled wildlife and assisting with their recovery. Time was of the essence to save lives. Now, 4 months after the Nation's worst oilspill, long-term cleanup efforts continue. Exxon employees, Coast Guard officials, and scores of volunteers are still laboring to cleanse the beaches, wildlife, and the water of more than 10 million gallons of crude oil that poured from the *Exxon Valdez* on March 24.

Ms. Nathan has never considered herself an activist; she works full time as a sign language interpreter in Rochester, NY. However, the scope of the Exxon disaster compelled Ms. Nathan to take time off and help in any way she could. She felt she could not sit by and allow our beaches and marine wildlife to be destroyed by toxic crude oil.

Mr. Speaker, I applaud Ms. Nathan's attitude, determination, and effort. She did not merely deplore the situation; she took action to help in a time of need. I ask my colleagues to join me in seeing that her contributions were not in vain. We have an obligation to Ms. Nathan and the other cleanup volunteers to enact safeguards to prevent future oilspill disasters. The loss of life, livelihood, and a once-pure environment that we have witnessed in Alaska's Prince William Sound must never be repeated.

A RIGHT DIMINISHED

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. EDWARDS of California. Mr. Speaker, an editorial in the San Jose Mercury News on July 4, 1989, offers an insightful look at the Supreme Court's recent decision in Webster versus Reproductive Health Services. The editorial illustrates what a fractured, unfortunate opinion Webster offers. It demonstrates that this case undermines the 1973 Roe versus Wade decision, which affirmed reproductive freedom as a constitutional right of privacy.

The date of July 4 was an excellent choice to print this editorial as it demonstrated the irony of celebrating America's independence when the day before—July 3—the Supreme Court decision made many women less free. As the Mercury points out: "for women, the celebration of Americans' inalienable rights to life, liberty and the pursuit of happiness rings hollow today."

The editorial shows clearly that by upholding the Missouri statute's prohibition against the use of public facilities and public employees to perform abortions, the Court essentially ruled against poor women, minority women, and rural women, whose only access to medical facilities may be the local city or country hospital.

There is no doubt in my mind that this decision invites the Government to intrude into the bedroom of every American family. As the editorial states, what is at risk "here and everyone, is not simply a woman's right to an abortion, but women's right to control their lives."

The editorial follows:

[From the San Jose Mercury News, July 4, 1989]

A RIGHT DIMINISHED

All men are created equal. But, for women, the celebration of Americans' inalienable rights to life, liberty and the pursuit of happiness rings hollow today.

Monday, a narrowly and bitterly divided Supreme Court expanded state power to regulate abortions, and promised to hear cases next term that could strip away the constitutional right to abortion.

If the Webster ruling is the first step toward overturning the 1973 Roe vs. Wade decision, as the court minority warns, then it will mean that men in state legislatures across the country will decide whether women shall bear children.

It will be the first case of a constitutionally determined civil right being withdrawn from the people. This is no decision to applaud.

The five-member majority in the Webster case upheld a Missouri law that bans state-funded hospitals and state employees from providing abortions or counseling, unless necessary to save a woman's life, and requires doctors to test a fetus for viability before performing an abortion after 20 weeks of pregnancy.

The decision ducked ruling on the constitutionality of the law's preamble, which proclaims that "the life of each human being begins at conception" and gives unborn children "all the rights, privileges, and immunities available to other persons, citizens, and residents of this state."

Missouri had claimed, absurdly, that the preamble was "abortion-neutral."

Since 1973, the court has ruled that while states are not required to fund abortions for poor women, they may not put obstacles in the path of their decision.

Chief Justice William Rehnquist argued that the Missouri law does not obstruct free choice by denying a hospital abortion to a woman whose doctor has medical privileges only at a state-funded hospital.

His logic was even worse when it came to the ban on abortion counseling. Women with family incomes below \$11,000 account for one-third of all abortions, teenagers for one-fourth. Girls and women who rely on public clinics and hospitals for medical care will receive no information about abortion, under the Missouri law, but lack of information also was judged no obstacle to their right to decide.

The 1973 opinion allowed states to intervene to protect the fetus only in the last trimester, when it could live outside the mother's body. It is not unreasonable to modify this, since medical science has made it possible for some babies to survive after 22 weeks of gestation. The question is whether the court intends to go much further.

In the most chilling part of his opinion, Rehnquist denied any intent to overturn *Roe vs. Wade*, and then wrote: "We do not see why the state's interest in protecting potential human life should come into existence only at the point of viability, and that there should therefore be a rigid line allowing state regulation after viability but prohibiting it before viability."

If states can regulate abortion before viability, then nothing remains of women's rights to choice.

Justice Harry Blackmun, author of the *Roe* opinion, wrote in dissent: "The plurality opinion is filled with winks and nods, and knowing glances to those who would do away with *Roe* explicitly, but turns a stone face to anyone in search of what the plurality conceives as the scope of a woman's right under the due process clause to terminate a pregnancy free from the coercive and brooding influence of the state."

In California, where the right to privacy was written into the state Constitution in 1972, the Legislature has passed a ban on Medi-Cal funding of abortion for the poor every year for 10 years. And every year, the state Supreme Court rules the funding ban violates the state Constitution. Gov. Deukmejian's conservative appointees have not changed that view.

Following Monday's Supreme Court decision, an initiative drive to amend the Constitution and limit state abortion rights is a possibility. A lot of grandstanding in the Legislature is a certainty.

At risk, here and everywhere, is not simply a woman's right to an abortion but women's right to control their lives.

A GLASNOST HALF EMPTY OR FULL?

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. DORNAN of California. Mr. Speaker, last Friday Soviet Marshal Sergei Akhromeyev testified before the House Armed Services Committee on Soviet national security. While this meeting was a welcome step toward a

better understanding of Soviet defense resources, we must still be cautious.

Akhromeyev was fairly forthcoming with his answers, however, when the HASC Members tried to pin him down on specifics, he was generally unable to respond. He flatly stated that the detailed information about Soviet military production would remain unavailable for a few more years. This should be viewed with a certain amount of skepticism. On the one hand the Soviet Union has openly discussed the heretofore secret defense budget, yet on the other hand it will take 2 plus years to present real numbers? I would like to share with you an article written by the Undersecretary of Defense, Paul Wolfowitz. I believe you will find his commentary in today's Washington Post of compelling interest.

(From the Washington Post, July 27, 1989)

A LITTLE MORE GLASNOST, PLEASE, MARSHAL AKHROMEYEV

(By Paul Wolfowitz)

The Soviet Union has been making a number of gestures toward the West recently in the name of glasnost, or openness. Adm. William Crowe visited the Soviet Union last month, and last Friday Soviet Marshal Sergei Akhromeyev appeared before the House Armed Services Committee, where he spoke about Soviet national security in the 1990s, with a particular emphasis on arms control. We welcome more Soviet openness, just as we welcome and hope to continue high-level meetings between U.S. and Soviet defense officials.

However, we must also be candid. Despite Chairman Gorbachev's announcement that his country is spending 77.3 billion rubles per year for defense, Soviet budgets remain secret and puzzling. In his congressional appearance, Marshal Akhromeyev indicated that more detailed information could not be made available until 1990 or perhaps 1991.

Based on the information we have, we cannot be certain whether the Soviet Union is really cutting its military budget, and if so, which portions are being cut. Do the cuts reflect a fundamental shift in military doctrine and foreign policy, or are the Soviets merely shedding anachronistic burdens to develop a leaner and more capable military force?

Our skepticism begins with the overall budget total. The figure of 77.3 billion rubles clearly is more realistic than the 20.2 billion acknowledged in 1988. But others in the Soviet leadership, including leading Soviet economists, have said that the defense budget is more than 100 billion rubles, and we estimate that true spending on the Soviet military is almost 15 to 17 percent of GNP, or about double the figure the Soviets now use.

Our skepticism about the total grows out of a skepticism about its parts. The Soviets have indicated that the 77.3 billion rubles includes procurement, research, construction and "maintaining" the armed forces (probably military pay). But that still leaves some questions about items not covered, and the prices used to calculate the released numbers. Soviet spokesmen the past two years have been saying it would not be possible to release a defense budget until price reform because they could not know the real value of military goods and services. But price reform still has not occurred, so how much credence should we now place in a 77.3 billion figure?

Gorbachev has said his country would reduce defense spending by 14.2 percent. He

implied this was to be accomplished by the end of 1990. However, other Soviet officials have subsequently suggested they would not reach 14.2 percent until 1991, with the 1989 cut being only 1.5 percent. The Soviets also say that defense spending was frozen in 1987-88, but we estimate 3 percent annual growth since Gorbachev has been in power. Of course we could welcome Soviet budget cuts, but we need more information to go on.

By contrast the size of the U.S. defense budget is well known and the subject of spirited public debate. The whole world can see that our recent budget request of \$295.5 billion for fiscal 1990 was \$10 billion, or 3 percent, below President Reagan's request in January. This represents the fifth consecutive year of budget decline—a real decline and not just promise—for a cumulative reduction in real defense spending of approximately 12.6 percent over the five years. Our projected defense spending for the fiscal years 1988-1994 will have been reduced by a total of \$373 billion.

It is important, however, to get past the totals. We provide massive amounts of detailed data on specific programs, whereas the Soviet Union provides nothing comparable. These details are important, because the real Soviet threat is measured by military hardware, not dollars or rubles.

For example while the United States announces how many systems it produces and fields, the U.S.S.R. provides almost no such information. While the U.S.S.R. has released some information on forces in the area from the Atlantic to the Urals, it has not provided basic information about how many systems it currently has deployed worldwide. And while Soviet leaders quote detailed, public information about the cost of our Strategic Defense Initiative, they provide no cost information about their own ambitious strategic defense program, even though their research effort was started years before ours.

For real military glasnost to exist, the U.S.S.R. would have to be much more open about providing defense information. At the very least, it should meet United Nations standards for military budget reporting. In fact, the Soviets should adopt a more progressive standard and provide detailed information on programs and production similar to what is routinely revealed in the West. This would be a positive step, consistent with their claims of a truly defensive doctrine and with their expressed desire to reduce tensions and improve trust. What should come next? During their meeting in March 1988, U.S. Defense Secretary Carlucci and Soviet Minister of Defense Yazov agreed to exchange basic information on U.S. and Soviet forces and force structure. The Soviets later declined to carry out such an exchange. They should revisit their position on this issue.

Finally, the Soviet Union needs to spell out how its military forces and capabilities contribute to a more stable international environment. Gorbachev told the Congress of People's Deputies in May that although he was cutting spending and reducing forces, the cuts would give a "a new quality to the U.S.S.R. Armed Forces without any detriment to the country's defense capability." Does this mean that the Soviets have changed their force requirements, or will the forces be reduced in size without losing capability? If the latter, the reductions may make little difference to the threat faced by the United States. We must ask what exactly are the long-term Soviet military goals.

We look forward to additional exchanges during future meetings with representatives of the Soviet Ministry of Defense. Clearly there is much yet to do. If the Soviet Union really is moving toward a less threatening posture, and if it wants to reap the full benefits of its new position, it can only stand to gain by releasing information that would help resolve the ambiguities in its present position.

POLL RESULTS ON LONG-TERM CARE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. STARK. Mr. Speaker, I have asked most of my constituents who have written letters in opposition to the new Medicare Catastrophic Coverage Act a series of questions about what changes they would like to see.

The following poll results on 150 usable responses may be of interest as we consider future legislation:

	Percent
Do you believe we should enact long-term health care (home health aides, adult day care, nursing home) insurance:	
(a) instead of spending money helping people with acute care catastrophic expenses:	
Yes.....	59
No.....	25
No response.....	15
(b) in addition to acute care catastrophic expenses:	
Yes.....	40
No.....	43
No response.....	17
If you said YES to either question above, roughly how much would you be willing to pay per month for such insurance:	
less than \$10.....	32
\$10 to \$25.....	27
\$25 to \$50.....	16
\$50 to \$100.....	3
No response.....	22

Mr. Speaker, as you know, the average 1988 cost of a month in intermediate care nursing home is at least \$1,200. As the poll indicates, 59 percent of the seniors who have written me letters on the new Medicare law are willing to contribute less the \$25 a month for such insurance.

As we draft legislation in this area, we will need to pay close attention to these thresholds of "tax tolerance," if we are to avoid complaints like those that have arisen against the Medicare Catastrophic Coverage Act.

OPTION OR EXTORTION?

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. TALLON. Mr. Speaker, on Monday of this week, the Ways and Means Committee approved by a narrow margin a proposal to change the new Medicare catastrophic coverage law. Despite good intentions from many

members of the committee, I cannot help but be disappointed with the provisions in this committee proposal.

I have always been an advocate of making catastrophic coverage optional under the Medicare Program. When Congress originally considered catastrophic in 1987, I voted for a substitute proposal simply because it made the extended coverage optional.

In both the 100th and 101st Congresses, I have introduced legislation to make catastrophic optional. My bill, H.R. 558, the Catastrophic Coverage Election Act, would allow seniors to opt out of both the new catastrophic benefits and premiums while enabling them to keep their valuable part B physician coverage.

The Ways and Means Committee makes a mockery out of the idea that catastrophic should be voluntary. Under this proposal seniors can opt out of catastrophic premiums and benefits only if they chose to forego part B. That's ludicrous. Ninety-six percent of Medicare enrollees have chosen part B insurance because they need it and want it.

If Ways and Means has its way then seniors would have only a one-time chance to elect coverage instead of a true option such as an open season as proposed in H.R. 558. To top it off, the committee version would mean that the seniors would be penalized for dropping part B if they do not want catastrophic coverage.

Pure and simple, it's extortion to force seniors to give up part B in order for them to be rid of the burden of the catastrophic premiums which most of us in Congress believe are unfair.

I commend the Ways and Means for cutting the new supplemental premiums in half. Still, I am opposed to the idea that the new benefits for all beneficiaries are paid by a smaller group of enrollees on the basis of ability to pay. I say if there is going to be catastrophic coverage under Medicare, the Ways and Means Committee will have to come up with a different way of financing it. That's what we have been fighting for over many months now.

I can certainly understand the pressure my colleagues on the Ways and Means Committee have faced in this matter. But I fear its reported solution is only a perfunctory attempt to pay lip service when the present catastrophic crisis presents a real challenge that must be met with fortitude, determination, and reason.

THE DEMOCRATIC REVOLUTION

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. FAUNTROY. Mr. Speaker, recently the National Endowment for Democracy held a Conference on "The Democratic Revolution." During the course of the conference, Mr. Leopold Berlangier, the President of the Haitian International Institute for Research and Development, delivered remarks at a Luncheon Panel Session on the situation facing democrats in Haiti.

Mr. Berlangier's comments are most enlightening and in my capacity as Chair of the bi-

partisan Congressional Task Force on Haiti, I am pleased to submit them for review by my colleagues. A brief introduction precedes these remarks by Mr. Berlangier.

REMARKS BY MR. LEOPOLD BERLANGIER

(Leopold Berlangier is the president of the Haitian International Institute for Research and Development, which is working to promote democratic values and processes and encourage cooperation and dialogue among private sector groups committed to democracy in Haiti. Mr. Berlangier, who served as a program coordinator for the Haitian Development Foundation, has also been a professor of development economics and land management.)

I am delighted to be here with such a distinguished assembly of people fighting all around the world for democracy. Again, we want to congratulate the National Endowment for Democracy for its efforts and initiatives and for making this gathering possible.

During the last three or four years, Haiti has been a critical test for the spread of the democratic revolution. The wave of democratic change in the 1980's which affected political regimes of the American subcontinent also found its way into Haiti. The downfall of twenty-nine years of brutal and corrupt dictatorship in February 1986 was welcomed by the Haitian people as a second independence. Most Haitians believed the 1986 revolution, based on people's sovereignty and political rights, would give full meaning to the 1804 victory over colonization.

Today, democratic principles and values have become the latest motif for politics—the common ground for political consensus and Haitian hopes for freedom, responsible government, and for a better life. We all have in mind the tremendous effect on the world's political context of the human rights policies initiated by the Carter Administration. Also, these policies were strengthened throughout the hemisphere by the Catholic Church's new commitment to elementary rights against political oppression.

In Haiti, the most sensible and perhaps most crucial achievements to date as a consequence of this new era are indisputable—freedom of speech, freedom of the press, and more space for pluralistic organizations of civil society.

Yet in this painful surge for a new beginning, the Haitian people have not been able to choose democratically their own leaders, and the fulfillment of their aspirations—clearly expressed through a constitution, massively voted by the people in March 1987—still remains a dream.

But this difficult birth of democracy is consistent, on the one hand, with the firm conviction of the Haitian people to struggle for a new democratic society and, on the other hand, with the enormous obstacles that handicap the process.

In today's Haiti, threats against democracy come from every direction. First of all, one has to take into consideration the weight of historical heritage. The political culture is dominated by an authoritarian tradition which favors the exclusivism of a small group against the will of the many. Of course, this type of political culture favors neither the common surge of consensus nor the general equilibrium of the political system.

The lack of adequate institutions at the state level is also an important obstacle to democracy, especially without the institutionalization of the armed forces along pro-

professional criteria. Under a clear perception of the supremacy of a legitimate civilian government, the risk of a coup d'état or a military coup could remand a regular pattern.

Another major problem is the judiciary. Until now, the idea of justice has been considered as luxury for the strong, while the weak, or the majority, have to struggle every day against oppression. Nevertheless, the institutionalization processes of democracy also rely heavily on the shoulders of civil society. Strong leadership based on political parties, as well as structured unions, is a known prerequisite for stable democracy. Such structures will take a great deal of time, effort and know-how.

Above all, however, corruption and poverty are the most crucial obstacles to democracy in Haitian society today. Systematic abuses, enormous privileges and monopolies are current practices for an oligarchic fraction of society.

Those elements are antagonistic to every conceivable positive step toward democracy and development. Such corrupt practices are the basis for actual perceptions of pre-eminence of personal and particular interest over national interest and common good. In this perspective, the democratic revolution is also a moral revolution.

On the other side, massive poverty is by all accounts an awful plight and impediment to democracy. It goes hand-in-hand not only with hunger, but also with ignorance. Poverty and ignorance are exploited by the political extremes who can build on them slogans of totalitarian revolution and systematic immediate rupture at any expense, at any cost.

Today in Haiti democrats stand a fighting chance to overcome the totalitarian and authoritarian challenge if they show enough realism to mold democracy according to social and historical realities. Three years of political and governmental instability spell, apparently, chaos and anarchy. But these years are also years of searching for something better than dictatorship. In fact, the social and political instability demonstrates society's willingness not to go back to an ancient and traditional solution.

This proves that democracy stands as the only workable alternative in Haiti. The democratic society the Haitian people are striving for may not be an ideal or fully genuine one for the next decade. Today and in the years ahead, Haitian democrats must be careful not to give way to absolute political competition. Moderate political consensus will be the only reasonable path for some years to come. At this stage, it means also a genuine expression of democracy. Again, it points out that a democratic revolution is a gradual revolution.

Finally, despite the primary responsibility of government policy in establishing the rule of law, the real fight will be from the bottom up. A major portion of this initiative will have to come from grassroots levels.

It is consequently imperative to strengthen political processes by making them instrumental for social and economic transformation, mostly to the benefit of the disenfranchised, which represent a national majority today. Although there have been many different problems on the paths of Haiti's progress toward democratization, its ongoing struggle is an expression of confidence and a testament that the people of Haiti want democracy, and they will attain it.

The future of six million Haitians is at stake. Social change is inevitable. Our duty

is to make it happen as peacefully as possible and in what we believe are the best interests of our country.

Our presence here today means that we share a wish to work together to promote, protect and defend the basic human rights of liberty and social justice. Yes, democracy will prevail.

CONGRATULATIONS MISS BRANDI SHERWOOD

HON. RICHARD H. STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. STALLINGS. Mr. Speaker, I rise today to congratulate Miss Brandi Sherwood of Idaho Falls, who was crowned Miss Teen America on Tuesday.

Brandi graduated in May from Idaho Falls High School where she was involved in many activities. As a junior, she was a member of the varsity cheerleading squad. She also was president of Girl's Federation and vice president of the Idaho Student Government.

Brandi is a very active young woman who enjoys waterskiing, modeling, and dancing. After her reign as Miss Teen America, Brandi plans to go on to college to study communications and performing arts.

We are very proud of Brandi's presentation and performance. It was obvious to anyone watching that this young woman from Idaho was clearly the winner.

Brandi has done an excellent job of representing my State as Miss Teen Idaho. She is an outstanding role model for our Nation's young people, possessing strong family values and a demonstrated commitment to her school and community. I am sure that she will be an excellent representative of our Nation.

INTRODUCTION OF COMPREHENSIVE OILSPILL LEGISLATION

HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. STANGELAND. Mr. Speaker, today I am pleased to join the leadership of the House Public Works and Transportation Committee in introducing comprehensive oilspill legislation—the Oil Pollution Prevention, Response, Liability, and Compensation Act of 1989.

Our bipartisan package is the product of lengthy hearings this Congress by our Water Resources and Investigations and Oversight Subcommittees as well as thousands of pages of testimony from previous Congresses. We intend to move the bill expeditiously so we can then work with the Merchant Marine and Fisheries Committee and others to resolve differences between our bill and H.R. 1465.

The committee bill, like H.R. 1465, contains three titles that would: First, establish a comprehensive scheme to provide liability for oilspills and establish a fund to pay for uncompensated cleanup costs, natural resource damages, and economic damages to third parties; second, implement international proto-

cols on oilspill liability and compensation; and third, make improvements, as well as conforming changes, to existing Federal oilspill laws such as section 311 of the Clean Water Act.

Unlike H.R. 1465, the committee bill contains a fourth title on oilspill prevention and response, addressing issues such as improved contingency plans and response teams, vessel traffic systems, tug escorts, and Coast Guard authorities to "federalize" or supervise private cleanup efforts. The bill also differs from H.R. 1465 by calling for several new studies and establishing a major research and development program. Focus would be given to, among other things, double hulls, cleanup technologies, health risks to response workers, and improved methods to restore or replace damaged natural resources.

Mr. Speaker, this bill is not so much punitive as it is preventive. The *Exxon Valdez* catastrophe and other recent spills have taught us that we can prevent many spills by taking certain steps in a responsible fashion—without having to ban oil exploration or transportation. Our bill takes that approach.

For example, our bill establishes a major new research and development program and increases the focus on double hulls and other vessel safety issues. It gets "tough" on alcohol-related problems by giving Coast Guard new authority to learn about current or chronic alcohol-related problems of tanker captains and others and to deny or revoke various licenses and documents based on such problems.

Our bill also strengthens the Federal Government's response authorities and improves the coordination of Federal, State, local, and private efforts. As with the prevention provisions of our bill, the response provisions are based in large measure on the graphic lessons of the *Exxon Valdez*. This Nation needs a clearer delineation of authority among response officials as well as greatly increased emergency response resources.

Our bill responds to those needs. It also answers the question of "who's in charge?" It gives the Federal Government aggressive new direction to prevent and respond to oilspills through improved contingency plans and response centers that have adequate equipment and trained personnel on hand. It leaves primary responsibility for initial cleanup with the spiller—the party in the best position to react to the unexpected emergency. At the same time, though, our bill authorizes the Coast Guard—such as after a major spill—to seize control and direct all cleanup efforts without letting the polluter "off-the-hook."

While we as a nation should focus first on oilspill prevention and cleanup, we must not lose sight of liability and compensation issues. The polluter should pay and the victim should receive full compensation for direct, proven damages. This includes governmental cleanup costs, natural resource damages, and economic damages to third parties such as fishermen and beachfront property owners. And when the polluter can't or won't pay, a Federal fund should be available for prompt, adequate compensation to oilspill victims without having to endure endless and costly litigation. Our bill follows these important principles.

The public works bill improves upon the liability and compensation provisions that Congress has debated many years. In close cooperation with the Merchant Marine and Fisheries Committee, we have crafted a truly comprehensive Federal regime to consolidate the current patchwork of Federal and State laws and State trust funds.

Some may argue that our bill, like H.R. 1465, should not preempt State oilspill laws or certain uses of their trust funds. I certainly understand these concerns. But the benefits of preemption far outweigh the theoretical detriments—and this is true whether the beneficiary is the Federal Government, a State and its citizens, or interstate commerce generally.

States will ultimately have greater jurisdiction over foreign tankers under title III of our bill which would implement the international protocols upon their ratification. State officials and their citizens will also have increased Federal resources for cleanup, greater legal remedies, and increased opportunities for compensation. For example, our bill gives State officials "direct draw" authority to spend up to \$250,000 from the fund immediately; they also have priority status to recover from the fund their other costs after the cleanup. In addition, our bill continues to recognize the important roles State officials must play in determining cleanups and assessing damages to their natural resources.

Actually, Mr. Speaker, the committee's bill is only partially preemptive of State laws and trust funds. And this is an important point for those like myself who are very supportive of States' rights. Nothing in our bill affects—in any way—State laws regarding personal injury, wrongful death, or workers' compensation. Nothing in our bill preempts a State from enforcing oilspill laws through the assessment of civil or criminal penalties or from enforcing the new Federal financial responsibility laws on State waters. And nothing in the introduced bill prevents a State from having a trust fund—regardless of its revenue source—for responding to spills or for paying certain additional cleanup costs beyond what Federal officials recommend.

Mr. Speaker, this comprehensive bill is more than anything else—a compromise. It's certainly not perfect. It will need some work in a few areas. But our bill does offer a good starting point. I urge my colleagues, including those on the Merchant Marine and Fisheries Committee and other relevant committees, to support this legislation and the principles embodied in it. I am confident it can become a strong House-passed bill that is both responsive to the environment and responsible to our Nation's growing energy and economic needs.

FLAG VOTE A SHAM

HON. CHUCK DOUGLAS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. DOUGLAS. Mr. Speaker, unfortunately today the Judiciary Committee passed H.R. 2978, a bill which: First, had no hearings; second, was never subject to subcommittee

markup; and third, was written on July 24, 2 days after the close of hearings on broader matters.

This bill, H.R. 2978, did not exist when the Civil and Constitutional Rights Subcommittee held its hearings on both the statutory and constitutional amendment approaches to the flag burning issue. This bill deals only with the statutory approach and no consideration is being given to the constitutional amendment arguments. At least 162 Members have co-sponsored the bipartisan Michel/Montgomery bill which would call for an amendment. But because of the gag imposed by the Judiciary Committee, the 435 Representatives of the people will not be given the opportunity to even consider the question.

The statute itself is flawed with all sorts of defects. Not enough consideration has been given to its drafting. As now written, the statute would not punish the desecration of a flag which somehow had become soiled or worn. This would be an absolute defense. Anyone who wants to burn a flag can simply defile it, soil it, or wear it out first, then burn it. This is no protection for the flag.

The statute also provides for an expedited review by the Supreme Court. We will have to have another flag burning situation and then a review by the Court to see if this approach will even work. It won't. If a statute would clearly work, there would be no need for expedited review.

We are dealing with the first amendment rights and free speech actions. By denying our Members the ability to even consider an amendment, we are abridging our rights of free speech. We are being gagged from debating the issue. Why?

I am pleased my protest to having this put on under suspension of the rules has succeeded and the bill is put off until September.

HONORING MRS. DONNA PELKEY

HON. JOHN G. ROWLAND

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. ROWLAND. Mr. Speaker, I rise today in order to honor Mrs. Donna Pelkey of Cheshire, CT who is the recipient of the 1989 "Pharmacist of the Year" award. The award was presented by Pharmacists Against Drug Abuse. Mrs. Pelkey was nominated by the Connecticut Pharmaceutical Association in recognition of her outstanding work in the struggle against drug abuse.

Mrs. Pelkey has been a pharmacist for 11 years, and is presently the Director of Pharmacy Services for the State of Connecticut Department of Corrections. Pharmacists Against Drug Abuse awarded \$2,500 to Mrs. Pelkey and presented another check for \$7,500 to the University of Connecticut in her name for a needy pharmacy student(s).

Out of a field of approximately 120,000 pharmacists, Mrs. Pelkey was 1 of 23 nationwide nominee's for the fourth annual "Pharmacist of the Year" award. Once again, I would like to congratulate Donna on her award and her tireless efforts in combating drug abuse.

COLOMBIA'S COMMITMENT TO THE WAR AGAINST DRUGS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. RANGEL. Mr. Speaker, as chairman of the House Select Narcotics Committee, I would like to join with my ranking Republican member, Congressman LAWRENCE COUGHLIN, in praising President Barco of Colombia for his continuing leadership on the front lines of the war against drugs. His country is under siege by the drug traffickers, but the Colombian people have refused to surrender in spite of the trafficker's murderous tactics.

President Barco gave a speech during his visit to Washington in April 1989 outlining Colombia's anti-drug efforts and calling, as this Congress has, for a Western Hemisphere anti-drug summit. Mr. COUGHLIN and I would like to submit this important speech, to be published at this point in the RECORD, so that our colleagues can more fully appreciate Colombia's noble sacrifices and continuing resolve in the war against drugs.

The speech follows:

DRUGS AND VIOLENCE A THREAT TO DEMOCRACY

Ladies and Gentlemen: I want to thank you for inviting me to speak to you this morning about one of the most ominous threats faced by mankind in modern times. This is an altogether appropriate forum because the consequences of threat are perhaps best symbolized by colleague of yours a man who could be sitting here today, a fellow editor, a friend of mine and a hero in Colombia.

GUILLERMO CANO: A COLOMBIAN HERO

Guillermo Cano, the editor of one of the largest national newspapers, *El Espectador*, prepared to drive home after work on December 17, 1986, *El Espectador* has more than a hundred years of proud history as a free and independent newspaper and the Cano family, since the paper's founding, has been its driving force. Guillermo Cano, in editorial after editorial, spoke out against the production, consumption and traffic of illegal narcotics. On that December evening, two hitmen operating under the orders of Pablo Escobar, one of the major traffickers in the international drug business, brutally gunned him down. He paid with his life for his courage and his moral commitment. Today his sons carry on his crusade.

Cano was not alone in that cause nor in the pain and tragedy his family and friends have suffered. Another thirty newsmen have been assassinated and, just two weeks ago, *El Espectador's* attorney was killed as he pursued the case against the narcotics cartel.

Guillermo Cano and his colleagues in the press, a Minister of Justice, and Attorney General, judges, more than 1,300 policemen and thousands of others have given their lives to this cause—all of them are heroes in Colombia. All of them should be heroes here.

Knowing these people as we Colombians do, feeling their pain and suffering and being so proud of their courage, we cannot understand nor accept the usual stereotypes attributed to Colombians. Contrary to what so many American TV drama programs sug-

gest, Colombia is not a nation of criminals. Rather, we too are victims of the scourge of narcotics.

A CALL TO ACTION

There is also no better time for a Colombian President to speak here in your capital city. I am in Washington to join with others in demanding extraordinary action. The production, consumption and traffic of illegal drugs not only threatens public order in this and other cities across the United States. The insatiable demand for drugs in this country is also the greatest single threat to democracy in our hemisphere.

I am well aware that this is why I am here today. That you have chosen me to speak after Director Bennett. You have greeted me politely, for which I thank you, but many of you are no doubt ambivalent about me and my country and the role you believe we play in America's new agony.

If we are to work together to eliminate this curse, we must understand the cross we each bear. Let me start with circumstances all too familiar here in Washington:

A people that are the standard-bearer, and historical home of democracy but are now besieged by cocaine cartels.

A people that have enjoyed strong economic growth and an ever diversifying economy for many years, but now see it put at risk by cocaine cartels.

In considerable part, a middle class people that put a premium on law and order in their streets, safe neighborhoods and good schooling, yet now face cocaine cartels that would destroy all of that.

And a people that still have an underclass of the impoverished and dispossessed whose needs have long been inadequately addressed and who see a unique chance to get rich quick through narcotics production, consumption and traffic.

You assume possibly that I am talking about Washington, D.C. I am not. I am describing my own country, Colombia. We are Latin America's oldest democracy, a democracy almost as old as yours. We have a constitution over 100 years old with democratic institutions that have traditionally been a model for our neighbors.

Our free press is one of the fundamental pillars of our democracy, for without a free and independent press democracy is not possible. The Colombian people believe that our national and regional press is the basis of liberty and individual rights. This is one of the great assets of our democracy. The long history of our pluralistic political system is also the history of a free press and of the open exchange of ideas. In contrast with many other regions in Latin America, Colombia has never been a fertile land for dictatorship nor for authoritarian regimes.

ECONOMIC AND SOCIAL PROGRESS

The exceptional strength of our democracy is not the only achievement we are proud of. In fact, democracy in Colombia has promoted a stable and growing economy. We have enjoyed an average rate of 5% growth a year for the last twenty years and we are the only country in the region to have enjoyed positive economic growth throughout the 1980s. We are the only Latin American country not to have had to reschedule our debt. Indeed, throughout the debt crisis we have retained the creditworthiness to allow us steadily to continue our program of investment and development.

Asked to name our exports, I am sure even as distinguished an audience as this, would for the most part name only two: coffee and cocaine. Yet the flowers in your hotel room

are almost certainly Colombian. We have \$1.5 billion in oil exports, as well as growing exports in industrial goods, fruits, printing, leather and seafood. We have the largest coal reserves in Latin America and the third largest gold reserves in the region. In short, we have built a modern, diversified, thriving economy.

This significant economic performance has served as a key driving force for social change and for improving the living conditions of our population. Life expectancy in Colombia has increased from 46 years in 1950 to 68 years today. Over 90 percent of our population is literate. Our country has also lived through a profound demographic revolution, showing today one of the lowest birth rates among developing countries. While in 1950, only 30% of the population lived in the cities, today that rate is over 70%.

THE DRUG TRADE AND COLOMBIA'S ECONOMY.

Some suggest that our prosperity comes from cocaine. Nothing could be farther from the truth. Most of the drug funds are laundered through U.S. and European banks and end up invested outside of Colombia in real estate and industries. In fact, the violence of narcotics production, consumption and traffic deters higher investment in Colombia. Narcotics is not a driving factor in our economy, just as it is not in Washington nor in the United States. It is a force of disruption, not of growth.

Academic research has demonstrated that the drug traffickers' activities have been harmful to our economy. The fast-buck has become the enemy of hard work. The Financial Times recently estimated that cocaine sales amounted to between 1.5% and 3% of Colombian G.D.P. Assuming these high figures were true, compared to the violence, disorder, deterrence to investment and the enforcement costs to the government, there is no net benefit to Colombia by any standard.

THE NARCOTICS CARTEL

Yet, for those directly involved in the drug trade, the sums they receive are powerful incentives to kill, bribe, and intimidate to get their way against the interests of the law abiding majority. Like the United States, we are not a society taken over by the cocaine traffickers. We face determined cartels and criminals willing to go to any length to hold and expand their exclusive control of addiction and misery. Our democratic tradition, the heritage of a free press, and even the moral nature of our society is what is threatened by the international drug business. However, what is at stake is so precious to Colombia that, quoting President Kennedy, "we are willing to pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty".

The narcotics cartel is an international criminal class who have refined the concept of the multinational illegal operation. From the drug producing areas through the processing and shipment to the final distribution point on the corner of your block, a single chain of criminal organizations, of many nationalities, seeks to corrupt our youth and destroy our democracies for the sake of their illegal profits.

Today, in speaking to you as opinion leaders I make this appeal: we must combine in an alliance stronger and better coordinated than the cartels. We need our own alliance of drug-victim nations to fight back.

Drug production, consumption and traffic is not a problem of one nation, not even of a

group of nations; it is a universal scourge. If we don't develop effective and strong instruments for international cooperation to fight against all the different phases of the problem, there will be no final victory.

A PRESIDENT'S DRUG SUMMIT

That is why today I am using this forum to call for a new initiative that draws on the sense of urgency we all share. We, the President of the Americas, that is, President Bush, myself and my neighbors must come together as soon as possible and put our combined authority behind a strong program of common international action. We can not expect successful results if Colombia, or for that matter any country, is left to act alone. We must defeat the cartel on the international field of operations they have made their own.

Indeed, we are making progress. In 1988, we in Colombia captured more than 5,000 individuals engaged in the narcotics trade. We destroyed almost 900 laboratories and 72 airstrips; seized more than 19 tons of cocaine and destroyed a million and a half coca plants. And in the first quarter of the present year we have already done nearly as much as in all of 1988. Overall, more than 80% of cocaine interdiction that occurs in the world is carried out by Colombian officials. But still the menace of cocaine persists.

The efforts we make to curb supply must be accompanied by equivalent efforts against demand in the developed countries. The only law narcotics traffic does not break is the economic law of supply and demand. While people are willing to pay huge amounts of money to satisfy their vice, the cartels will continue to produce and sell cocaine. The incentives and the profits are too large. They are as addictive as the cocaine itself.

That is why we look to the consumer of more than half the world's cocaine, the United States, to curb demand through vigorous policing, education and rehabilitation. If cocaine sales are tolerated on your streets, coca will continue to be grown in the hidden valleys and hillsides of South America. We can only break this trail through concerted action at both ends.

We Presidents of the Americas must meet and plan common action on:

First, prompt and effective implementation of the Vienna Convention;

Second, sharing police intelligence and satellite information;

Third, better interdiction, not just of cocaine, but also of ingredients such as the chemicals, shipped from North America and Europe, that go into its manufacture;

Fourth, environmentally effective crop eradication;

Fifth, action against money-laundering;

Sixth, share knowledge and experience on combating addiction;

Seventh, better transport and equipment for our armies and police forces;

Eight, improved training;

Ninth, more support for programs to develop alternative sources of income in coca producing areas; and

Tenth, programs to reduce demand.

For our part we are continuing to step up our efforts through all the means at our disposal. But you may be interested to note that despite the attention given to narcotics in the U.S. we received only \$12.8 million in security assistance last year, for equipment and spare-parts of the Air Force and the Anti-narcotics Police. We lack the logistical

means to effectively combat the mobile, well equipped narco-traffickers.

THE FIGHT AGAINST CONSUMPTION

We can make progress on the drug problem by capturing narcotics dealers, destroying laboratories and interdicting drug shipments. Yet, can we honestly believe it is possible to stop all drug supplies at the source and also to seal off all 90,000 plus miles of America's shoreline? Or, will we finally acknowledge that the war against drugs will not be won alone by the proven heroism of the Colombian people or for that matter, by the courageous work of your Coast Guard and DEA? It will be won—only in the hearts, minds and habits of the people of the United States and the other consumer countries.

If we are to rescue both of our countries from the many forms of fear and intimidation due to the drug trade, we must face the problem with frankness as well as courage.

The war against drugs will be won not only on ships, but in schools; not just by coast guards but by teachers; not only by new hardware, but by the hard work of education, treatment and effective law enforcement. Every tactic and every weapon in the war against narcotics pales into insignificance compared to the need to reduce U.S. demand.

We must insist on the message that illegal drugs are neither fashionable nor harmless, whether at glittering parties of the wealthy or in the ghetto. Drug users in this country need to understand that their habit is pushing our countries to the brink of disaster and, that in the all-out war against narcotics that we are proposing, they, the consumers, are in the camp of the enemy, along with those who produce and push the drugs.

HUMAN RIGHTS IN COLOMBIA

There is another issue related to drug violence in Colombia which should be addressed here. We are deeply committed to protect human rights. Our task has, however, been complicated by narcotics. In some areas the drug mafia uses guerrillas for protection and assistance; in other areas the narcotic dealers and the guerrillas are at deadly odds mainly because of economic conflicts. In this battle around the narcotics business, the drug dealers have been retaliating against guerrillas, killing innocent peasants accused by the mafias of being members of such groups and assassinating honest members and leaders of perfectly legitimate leftist parties such as the UP, Union Patriótica. In either case, the interrelation of law and order and justice is further torn. "America's Watch", summarizing its recent report, says that the entry of drug dealers on the scene is "deeply disturbing" and has had a "tragic impact". In its press release on the same report, "America's Watch" also states:

"Most of the political assassinations and collective massacres in 1987 and 1988 were committed by paramilitary groups directed, financed and trained by figures in the international drug trade". We welcome the fact that for the first time a Human Rights organization recognizes the role of drug traffickers as a key factor in promoting violence in Colombia.

As you are aware, human rights abuses in Colombia are perpetrated by various factions and groups on both the extreme right and extreme left of the political spectrum. Let me be clear. My Government will not tolerate human rights abuses by any group. The Colombian press has recently highlighted the great successes we have achieved in dismantling terrorist groups.

Today, our two nations, long tied together by common values, are involved in the joint necessity of confronting the international cocaine business and the drug mafia. Faced with these perils, we cannot surrender. Not to act is to concede defeat and you can be sure that we will never give up. In re-dedicating ourselves to fighting against this menace, we will preserve our two great democracies, and freedom in the hemisphere. We will also forge an even stronger bond of friendship between the Colombian and American people, in which your children and ours will live in security and free from the threats of vice and criminal terror.

INTRODUCTION OF NATIONAL OCCUPATIONAL SAFETY AWARENESS WEEK

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. GEJDENSON. Mr. Speaker, today I have introduced a bill which would designate the week of September 17-23, 1989 as National Occupational Safety Awareness Week. This legislation will bring needed attention to the importance of occupational safety in the workplace.

Every year, more than 100,000 Americans die of diseases and injuries that are job related. In the last 2 years there has been a disturbing increase in the number of work-related accidents, injuries, and deaths within the American work force. According to the most recent figures available from the Bureau of Labor Statistics, injury and illness incident rates climbed from 7.9 percent to 8.3 percent in 1987. Additionally, of the 6 million-plus cases reported in 1987, over one-half were serious enough to result in lost workdays for the injured worker.

Perhaps many of you recall the tragic construction accident that occurred in the State of Connecticut, where 28 workers lost their lives when a partially built apartment complex tumbled to the ground. By cosponsoring this important legislation you can help bring attention to the importance of safety awareness for working Americans throughout the United States.

This significant commemorative legislation has already received wide attention among the members of the International Association of Industrial Accident Boards and Commissions. Prevention of work-related crisis through safety awareness is an important step for both employees and employers if we are to reduce the occurrence of these incidents.

I urge my colleagues to become cosponsors of National Occupational Safety Awareness Week and take part in the effort to increase our awareness of the importance of on-the-job safety for the protection of our workers.

A SCULPTURE OF COURAGE

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. KOSTMAYER. Mr. Speaker, today I bring to the attention of the House an extraordinary work of art by George Anthonisen. Mr. Anthonisen is a nationally-known artist residing in my congressional district in Bucks County, PA. The 6-foot bronze sculpture entitled, "I set before you this day * * *" is a monument to men and women who risked their lives to protect Jews from Nazi persecution. The title is taken from Deuteronomy 30:19, which invites the choice of life over death. For Mr. Anthonisen, the sculpture is connected with every issue of conscience that calls upon people to choose life by demonstrating the power of individual action and personal courage.

George Anthonisen, of Solebury, PA, is the artist who sculpted the statue of Senator Ernest Gruening on display in the Capitol Building.

"I set before you this day * * *" addresses the choice faced by gentiles during the Holocaust: to help the Jews or ignore their cries. The question was initially raised 10 years ago with Mr. Anthonisen by the late Alfred Ronald, a Jewish survivor of the Holocaust, who was haunted by the same question and wondered if it could be translated into sculpture.

I believe, Mr. Speaker, many who are concerned for human rights throughout the world will find this sculpture moving and provocative. I hope all of my colleagues will have an opportunity to view "I set before you this day * * *," which will be on display in the rotunda of the Cannon House Office Building during the month of September, 1989.

I would like to insert into the RECORD at this point an article published by the Bucks County Courier Times which portrays the significance of this work.

BUCKS ARTIST'S WORK OF HEART

(By Sally Friedman)

It is, for now, a "working model" not yet in its final form or size. But George R. Anthonisen's "I set before you this day * * *" is still a monumental work of soaring beauty and deep personal meaning. It is a sculpture that asks an agonizing question about a terrible part of our collective history.

Anthonisen, a nationally known sculptor who lives and works in Solebury, explains that haunting question, and its meaning to him:

"What would you do if helping your fellow man meant that you and your family were threatened with certain death? Would you choose to help, or would you choose to ignore that cry?"

The question was initially raised by a Jewish survivor of the concentration camps of the Holocaust, a man named Al Ronald whose path crossed Anthonisen's some years ago. Ronald was plagued by that question, and eager to translate it into some enduring art form. Before his death, Ronald had fueled the Bucks County sculptor's imagination and creativity.

In recent years, Anthonisen has set about to create what he calls "the most important

project of my life," a sculpture that addresses the deepest issues of morality, responsibility and commitment—a memorial to the "righteous gentiles" whose courage helped Jews and others.

Today at Temple Judea, Swamp Road, Doylestown (8 p.m.) viewers will have the opportunity to view Anthonisen's "I set before you this day * * *." In special observance of National Holocaust Remembrance Week, the sculpture will be on display, and the sculptor will be on hand to discuss it.

"There is so much to say about the figures in the work, about what they represent, and about why I dealt with the questions as I did," said the sculptor who has works in New York's Carnegie Hall, the U.S. Capitol Building and the World Health Organization Headquarters in Geneva.

"I choose to use the metaphor of a family of three generations to respond artistically, with each figure expressing some point of view. Every detail of positioning is significant, every nuance of posture is part of the message."

And what a message.

Anthonisen admits he "came as close as I ever have to a religious conversion" the day he walked into his first sculpture class, attempts to show every reaction to the rescue of Jews from indifference to self-sacrifice in his lyric work.

One "righteous male" will take the leap to commitment; an elderly "patriarch" cannot be moved. Another female figure has dropped to her knee to offer solace to a frightened child, while lovers stand locked in their own embrace, shutting out the world.

Anthonisen can explain each tiny nuance of his work, from the position of a hand to the rigidity of posture. A cadaverous figure from the death camps, mythically bound to the resistant patriarch, is a ghostly, ghastly reminder of the horrors from which the refugees are escaping.

"There are three generations in the work, and three groupings within. I needed to reduce it to a family equation," explains

Anthonisen, born a Christian, but now a man who regards himself as a "humanist." The piece is now scaled to 3 feet, but the sculptor hopes someday to create it in massive, 8-foot scale. And the message is vast beyond human dimension.

"My feeling is that these kinds of responsibilities are going to become more and more frequent * * * The Holocaust is now history, but it can be repeated, and maybe it is being repeated in different forms in South Africa, Ethiopia, South America."

Anthonisen, who once attended Dartmouth Medical School in order to perfect his knowledge of anatomy—who learned to see both sides of an issue as the middle brother of three, and has used that "conflict-resolution" skill in his art—is passionately concerned with more than his sculpture.

While that work has won him awards from the National Sculpture Society, the U.S. Department of the Interior, the Alaska State Council on the Arts, and, in 1985, from the Bucks County Chamber of Commerce, Anthonisen sees his role as an artist in this unique way: "I'm a keen observer whose mission is to stir up people and hopefully, to give them vision."

With his wife, Ellen, as his partner, Anthonisen has consistently concentrated on "the family of man" as his artistic inspiration. His own family, which includes a son and daughter with definite artistic leanings, shares his commitment to the development of a major "I set before you this day" enlargement, and its ultimate placement at Israel Yad Vashem, the memorial to the Holocaust in Jerusalem. It is a project that will take enormous time, money and commitment.

For now, George Anthonisen is happy to share his labor of love with his community. And he is mindful of the passage in Dueteronomy from which his moving title comes:

"I call heaven and earth to witness against you this day, that I have set before you life and death, blessing and curse; therefore

choose life, that you and your descendants may live."

HONORING THE CREW OF THE U.S.S. "PUEBLO"

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1989

Mr. SLATTERY. Mr. Speaker, I would like to recognize the contributions of the members of the House Armed Services Committee in putting together the Defense Authorization Act that is before us this week.

I am very pleased that the legislation includes a provision for awarding the Ex-POW Medal to the crew of the U.S.S. *Pueblo*.

In 1968, the entire crew of the *Pueblo* was taken prisoner by North Korea. One man was killed in the attack, and the rest were held for 11 months under military confinement and subjected to the physical and mental tortures of prisoners of war.

Eighty-two former crewmen of the U.S.S. *Pueblo*, including Steven Woelk of McLouth, KS, were imprisoned in North Korea, and are presently being denied the Ex-POW Medal.

Despite the crew's honorable service to our country, and their eligibility for full benefits as Ex-POW's, the Ex-POW Medal has been withheld by the Department of Defense because the United States was not in open conflict with North Korea at the time the U.S.S. *Pueblo* was attacked.

The Department of the Navy has endorsed efforts to correct this oversight.

I am pleased that the House is considering this important legislation. These soldiers have honored their country with distinguished service. It's time to honor them with a medal that is unquestionably deserved.

HOUSE OF REPRESENTATIVES—Friday, July 28, 1989

The House met at 9 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Purify our motives, O gracious God, and refine our attitudes, so that we truly desire to serve other people and sincerely seek to ease their burdens. May we pursue justice not so we will know adulation in the eyes of others, but because we know that doing the works of righteousness brings its own reward, for, as Your Word proclaims, it is more blessed to give than to receive. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California [Mr. MINETA] come forward and lead the House in the Pledge of Allegiance.

Mr. MINETA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PRESIDENT SHOULD SIGN FSX LEGISLATION

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, I urge the President to sign the legislation passed overwhelmingly by Congress to restrict and clarify the FSX agreement.

We have a history of trade and production agreements with Japan which tells us that without guarantees, the United States will come up with the short end of the stick.

The United States semiconductor industry was promised 20 percent of the semiconductor market in Japan, but we have barely been able to get 10 percent.

The Japanese Government is building a \$7.7-billion airport. How much has been announced for American industry? A paltry few thousand dollars.

The list goes on and on, from agriculture to telecommunications.

The FSX is a trade issue, pure and simple. The United States should be selling our genius under equitable terms. We have been promised 40 percent of the production. We should do everything we can to ensure that we get what we've bargained for.

Mr. Speaker, the President was elected to serve the best interests of the United States. He should do so now. He should sign the FSX legislation.

THROUGH THE DRUG WAR MAZE IN 28 DAYS, DAY 9: HOUSE ADMINISTRATION COMMITTEE

(Mr. SMITH of Mississippi asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Mississippi. Mr. Speaker, I call attention today to the House Administration Committee—one more part of the drug war maze—as illustrated at my left—in the U.S. Congress.

What is the drug war maze?

It is where get-tough antidrug legislation gets lost in a bureaucracy where it is often a low priority item.

It is where get-tough antidrug legislation sits, and waits, and dies.

It is where the Nation's drug czar, Bill Bennett, will have to spend well into next year testifying, one committee at a time, to as many as 80 congressional panels.

It is where 435 Members of Congress, who sit on these panels, can get public-relations mileage out of the war on drugs.

It is where we badly need a new approach. Reform. A single, effective committee to handle all antidrug legislation. A single, effective committee whose focus and top priority is to fight what Americans rate, along with crime, as the No. 1 problem facing this country. A single committee to fight the war on drugs by troop, and not by choir.

WHAT HAS HAPPENED TO CIVIL RIGHTS?

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, the U.S. Civil Rights Commission has had a long distinguished history, a long and distinguished history of opening doors, making America live up

to its dreams and making those dreams become a reality.

Today it shows how terribly tarnished it has become under Republican administrations. Today the Commission is meeting to talk about police treatment of people in Operation Rescue in cities like mine, Denver, CO, where people have tried to storm family planning clinics and the police have passively tried to turn back the people storming those clinics.

Suddenly now they are turning on the police. They are really going just the opposite direction of the way the Civil Rights Commission has gone in the past in that they are trying to narrow people's rights, rather than expand them.

This also violates the charter of the Civil Rights Commission, which says that they are not to get into these kinds of choice issues.

I think it is time for this body to say if they cannot act up to the level that they used to, the great historical standards, it is time to take their money away and have them stop doing this. They are rolling back our rights every single day and people must be just absolutely cringing as they watch this.

I salute my chairman, the gentleman from California [Mr. EDWARDS], who has written a letter protesting this, and I hope other Members will join in saying that the Civil Rights Commission must comply with their charter, not go off on these political follies and be part of the Atwater SWAT team.

CURRENT HOUSE RULES ON INCENTIVE PAY FOR STAFF

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, this country has been built as a way of life on incentives, and incentives are no more important than the payment of the American worker, and yet to my surprise this week, I discovered that in an institution here in the Congress of the United States we cannot and do not provide overtime, and now we have discovered that we cannot provide any kind of a merit pay or bonus for work above and beyond the call of duty.

The rules of the House would suggest:

Year end salary adjustments should be made only on a permanent basis, and only when the services of the individuals warrant.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Well, to be honest with you, I just discovered this week that for 9 years I have given bonuses against the rules of the House, and as I have talked to most of my colleagues on both sides of the aisle they, too, have been giving bonuses to their staffs for legitimate reasons, unknowing that the House rules suggested that was improper.

Today, I along with the gentleman from Michigan [Mr. UPTON], the gentleman from New York [Mr. SOLARZ], the gentleman from Pennsylvania [Mr. CLINGER], and others, will be introducing legislation to correct this wrong, to return to the Congress of the United States a little bit of the American way. Let us give incentives to our staffs to work harder and to be reimbursed for work above and beyond the call of duty.

HUD'S MISMANAGEMENT LEADS TO EXPRESSIONS OF OUTRAGE

(Mr. KOLTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLTER. Mr. Speaker, over the past month or so, this body has expressed a justifiable sense of outrage over the Supreme Court's ruling in the flag desecration case. I now hope that my colleagues will join me in transferring some of that outrage to an eminently worthy target: the Department of Housing and Urban Development—after 8 years of mismanagement.

It is a matter of great concern to me to recall the exhaustive efforts of my constituents who tried to get an urban development action grant through HUD. I shared their perfectly reasonable assumption that hard work, sound proposals, and a touch of vision were significant elements in securing a HUD grant. What we did not realize was that other criteria were essential for success with HUD among certain high officials. Indeed, we dealt with a department where good proposals were often not as critical as good connections—where well analyzed reports in support of grants were not as important as chats with certain key employees whose monumental inexperience was only overshadowed by monumental ego.

I am confident that Secretary Jack Kemp is taking the steps to correct a long and paralyzing series of errors, and I urge my colleagues to press for an unrelenting search to see that all the questions in this miserable affair are soon answered.

THE 40TH ANNIVERSARY OF NORTHSIDE KIWANIS CLUB OF KNOXVILLE, TN

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, the Northside Kiwanis Club of Knoxville celebrated its 40th anniversary last night. This club is one of the finest civic clubs in this Nation.

It has special meaning for me, because the Northside Club was founded in my father's law office some 40 years ago when he was a young lawyer in Knoxville.

This club sponsors a crippled children and handicapped bowling league.

□ 0910

This club sponsors five high school Key Clubs and the Circle K Club at Maryville College. The club has a student loan fund, and they also donated recently \$14,000 to the East Tennessee Children's Hospital for diagnostic equipment. It works with 4-H youth and various service projects, and participates in an adoptive school program and provides band instruments to elementary school students who cannot afford them.

Mr. Speaker, the work of America's volunteers is worth untold billions to this Nation. In fact, our deficit would be extremely huge if the Government had to take over all of the work that the various volunteers do through civic and charitable organizations. We do not provide them with enough recognition and credit.

I salute the members of the North Side Kiwanis Club of Knoxville, TN, and congratulate them on their 40th anniversary.

INTRODUCTION OF VETERANS PTSD TREATMENT AND PSYCHOLOGICAL READJUSTMENT ACT OF 1989

(Mr. JONTZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONTZ. Mr. Speaker, almost one-half million veterans, over 15 percent of the men who served in Vietnam, are currently suffering from posttraumatic stress disorder, or PTSD.

These veterans, who gave so much to our country, deserve help to deal with the readjustment problems which still plague their lives, years after the end of the war. Yet, only 10 percent of these veterans have ever received any treatment for PTSD from the Department of Veterans Affairs.

Yesterday I introduced legislation with 45 cosponsors to begin to remedy this injustice. The Veterans PTSD Treatment and Psychological Readjustment Act of 1989 would expand inpatient and outpatient treatment facilities for PTSD through VA hospitals and vet centers, establish stable funding for the contract PTSD counseling program, and conduct research on treatment modalities.

Mr. Speaker, our obligation to the men and women who fought in Vietnam should extend to helping the hundreds of thousands of veterans who still need assistance with readjustment from their combat roles. The Veterans PTSD Treatment and Psychological Readjustment Act of 1989 would help us to meet that important responsibility.

REPEAL SECTION 89

(Mr. SMITH of New Hampshire asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Hampshire. Mr. Speaker, last week, the House Ways and Means Committee approved a package which, among other things, included an overhaul of section 89 of the IRS Code. By now, we are all familiar with section 89; it is the section of the IRS Code that imposes complicated regulations on American businesses. These regulations will cause many small businesses to drop their benefit plans altogether.

An overhaul or rewrite of this section is unacceptable. Currently, 315 Members of the House have cosponsored H.R. 634, a bill that would repeal section 89. We did not sign on to rewrite or overhaul section 89, we signed on to have the code repealed. Is it democracy when 72 percent of the House cannot get a clean vote?

Currently, there is a discharge petition right here in this well. It needs 218 signatures to assure a vote on the repeal of section 89. I signed it, and I urge all of my colleagues who have cosponsored H.R. 634 to do the same. American small businesses need our help. By signing this discharge petition, we can show them that our actions match our rhetoric. Let us repeal section 89.

AMERICAN BUSINESSES IN CHINA FORSAKING FREEDOM FOR GREED AND THE BUCK

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, the war of freedom and oppression rages on in China. Forty more people in China have been executed in the past 2 weeks. What was their crime? Their crime only was expounding the virtues of democracy, to have what we have and what we take for granted, freedom of speech, freedom of elections.

Freedom is contagious. The Chinese have been contaminated with that, but they have been repressed by guns and tyrants, by a totalitarian government.

What is the United States doing? I will tell the Members what they are doing: American businesses are quickly

moving back into China, because China has assured them that everything is normal. If that is normal, the Chinese are in for a long haul.

Business is forsaking freedom in the world for greed and the buck, and I say to American business, "Come back to the United States and give your jobs where they belong, to the American people."

THE STEEL TRADE LIBERALIZATION PROGRAM

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I rise today to applaud the President for his firm action taken to protect and augment the steel industry of this Nation. Announced on the 25th of this month, the Bush proposal is a good plan for augmenting our Nation's industrial strength.

The Bush program, titled "The Steel Trade Liberalization Program" is designed to achieve three goals.

First, an orderly transition to open markets;

Second, continued modernization and adjustment of the U.S. steel industry;

Third, negotiation of an international consensus to restore fair and open steel trade.

The Members of the Congress know that I support a free market for steel. However, our trade with other nations must be conducted on an equal level. I believe that we must have an orderly phase out of the steel VRA's, which have limited import competition since 1984, and a return to market driven trade. But this can only occur with the complete removal of the extensive trade distorting subsidies and trade barriers which have characterized the global steel sector.

Unfortunately, foreign governments continue to use trade practices which threaten and undermine the U.S. steel industry. Just since 1981, other governments have provided more than \$60 billion in subsidies and other financial supports to their steel producers. These subsidies have led to structural overcapacity and painful adjustment worldwide. Furthermore, foreign nations continue to levy unfair tariff barriers on outside producers. The current average worldwide tariff on steel products is 10 percent compared to the United States average of 4.9 percent. Some foreign tariffs are as high as 50 percent. Their import quotas, import licensing, and minimum import prices also hurt our U.S. steel industry.

This must be stopped. I applaud the President for starting the process.

THE PRIDE OF OUR ANCESTORS IN OUR FLAG

(Mr. TALLON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. TALLON. Mr. Speaker, the recent Supreme Court decision that permits flag burning as a protected expression was one that has caused much concern. Regardless of that decision, no one can ignore the overwhelming pride that our ancestors felt when they traveled far to reach the shores of the United States and saw this Nation for the first time. The flag holds a special place in their lives. I have a letter from Mrs. Lynn Boykin Lazich that expresses so well what the American flag means to many, and I wish to share it with the Members by submitting it for the RECORD.

DEAR ROBIN AND AMY: I didn't even bother getting a thank-you card because I knew that I would never be able to say all that I need to in such a small place. I wanted to thank you so very much for the American flag that you sent in celebration of our son, Stephen's birth.

It arrived just before the fourth of July. This is a special time of the year for the Lazich family. Stephen is named after his 92 year-old Great-Grandfather Stephen Stephanovitch Lazich. Poppy, as we call him, is a truly wonderful person and is the most patriotic man that I know of. He came to America, when he was seventeen, from Yugoslavia. Many times he has told us the story of the trip over and his first sight of the Statue of Liberty. It truly makes you proud to be an American. Every fourth of July Poppy takes his flag, that he bought years ago, out and he mounts it on his porch. He still believes that the flag is a cherished item and it's with great pride that he flies his.

Stephen is his first Great Grandson. He will carry on the Lazich name and we will teach him to respect his flag and country as much as Poppy does.

We cannot thank you enough for the gift. Just know that it does mean more to this family than you could ever imagine.

LYNN BOYKIN LAZICH.

SUSPENSION OF REGULATIONS APPLYING TO TURTLE EX- CLUDER DEVICES OPPOSED

(Ms. SCHNEIDER asked and was given permission to address the House for 1 minute.)

Ms. SCHNEIDER. Mr. Speaker, I rise today to express my outrage over the suspension of regulations concerning the use of turtle excluder devices by shrimp fishermen in the Gulf of Mexico.

Two years ago this body had a long and open debate concerning the use of TED's, and we overwhelmingly mandated their use. The decision was not a hasty nor an arbitrary one.

Every year an estimated 11,000 endangered and threatened sea turtles drown in the nets of shrimp fishermen. If we are to give any credence at

all to the Endangered Species Act, we must make the use of TED's a requirement up until the time that any other technology may be a suitable substitute.

The argument has gone on for years about TED's. However, after thoughtful debate and many scientific studies, the Congress concluded that the studies conducted by the National Marine Fisheries Service and other State and Federal agencies were accurate. The use of TED's would not diminish the catch of shrimp fishermen, and their use could clearly save the lives of tens of thousands of endangered and threatened sea turtles.

Mr. Speaker, I am puzzled as to why a decision was made to postpone the required use of TED's after years of such studies made by the Congress and the administration due to these illegal actions on the part of a small group of fishermen.

I urge all of my colleagues to join me in expressing their outrage at this action and to urge the Department of Commerce to reverse their decision and to base their actions on laws, on the facts, and not on pure emotion.

We have a responsibility to respect the survival of other creatures and to respect our laws.

VETO OF S&L BILL WOULD BE DISSERVICE TO CONGRESS AND AMERICAN PEOPLE

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, last night the House and Senate conferees finished work on the S&L bill. It is a bill that we can be proud of. It is a good bill. It is a bill that shows Congress at its best.

Mr. Speaker, in this bill we did many things that needed to be done. In this bill we told the thrift owners that they from now on must put their money up front instead of risking depositors' money. It is a bill in which we said those rogues who looted thrifts will go to jail and go to jail for a long, long time. It is a bill that insulates the new Home Loan Bank Board from the political process, and, finally, it is a bill that takes the money and spends it on budget.

I would simply like to address the last issue for one moment. On budget is cheaper. It will save the American people between \$5 billion and \$20 billion. On budget is more honest. It states what our real deficit is, because under any plan, we are going to be borrowing \$50 billion, and on budget is more satisfactory to the markets.

I would like to say to the President, "This is a good bill. It is important to America. Do not wave a veto threat over the on-budget issue. We have

brought you a bill that meets most of your specifications, and to veto it on this particular ground would be a disservice to the Congress and to the American people."

□ 0920

FACTFINDING MISSION TO SOUTH AMERICA

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, I agree with my friend from New York that the product of the conference was in large part a good one, but I must say that I am very concerned about the on-budget provision for one simple reason, and that is it begins to set a horrible precedent by waiving Gramm-Rudman and creates an opportunity for this House to do it once again in the future.

But that is not the reason I took the well, Mr. Speaker. I did that just to follow up on the very eloquent remarks of my friend, the gentleman from New York.

Mr. Speaker, I simply want to inform my colleagues that a group of us are going to be traveling this afternoon to Central America where we will be visiting Guatemala, El Salvador, and Nicaragua. I can assure our colleagues that we will be looking into criticisms from both the left and the right in El Salvador, concerns in Guatemala, and as we enter Nicaragua we hope very much that we will be able to play a role in encouraging the supreme electoral council to move toward a fair election as we look toward what will certainly be a very important date, Mr. Speaker. That is February 25 of next year when we want the people of Nicaragua to have what they were promised back 10 years ago this month.

STOP ABUSES OF THE IRS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I am glad to hear that the Members of the minority side are going to Central America. I do not mean this facetiously. I would like to see them visit Cleveland and the Bronx in New York.

Mr. Speaker, in 1984, Presidential candidate Walter Mondale said, "I am going to raise your taxes, I am going to tell you the truth, and Ronald Reagan will too." That was the dumbest thing I ever heard. Ronald Reagan had a press conference and said, "Speak for yourself, Walter," and the election was over.

In 1988 Mike Dukakis did something, in my opinion, even a little dumber. He said he was going to, if elected,

hire a lot of new IRS agents and go out and collect all of that tax.

George Bush said let us keep the IRS agents out of our kitchens.

Today, ladies and gentlemen, in the Treasury-Postal Service appropriation bill there are 1,400 new agents positions. I do not have the power to cut, but I have an amendment to cut 100 of them, which is in line with President Bush's target.

Let us send some shots over the IRS' bow to stop the abuses of the IRS. Give me some help on my amendment.

SHAMEFUL REFUSAL OF COMMERCE SECRETARY MOSBACHER TO ENFORCE ENDANGERED SPECIES ACT

(Mr. RAVENEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAVENEL. Mr. Speaker, here is what another Florida newspaper, the Florida Tribune, has to say about our gutless Secretary of Commerce—

Surrendering to shrimper's pirate-like tactics, U.S. Commerce Secretary Robert Mosbacher suspended the requirement that shrimper's use devices to end the slaughter of turtles. By yielding to lawbreakers, Mosbacher makes a farce of Federal law. * * * Last weekend, rogue shrimper's flew skull and cross bones flags as they staged a blockade at ports in Texas and Louisiana * * * The intimidation worked. * * * Shrimper's say they don't kill many turtles but studies show nets kill at least 11,000 turtles a year.

Mr. Speaker, Mosbacher's refusal to enforce the Endangered Species Act, is a disgrace to President Bush—all the drowned turtles, that will now be washing ashore. Mosbacher and Mosbacher alone, will have caused to be killed. Shame on you Robert Mosbacher, shame on you.

APPLAUDING ISRAEL'S KIDNAPING OF THE KIDNAPER

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, 1 year, 5 months and 11 days ago U.S. Marine officer Lieutenant Colonel Higgins, serving the cause of peace in the Middle East, wearing the blue beret of the United Nations' peacekeeping force, was kidnapped by a heretofore unknown group called the Organization of the Oppressed Peoples on Earth. Again that is 1 year, 5 months and 11 days ago, today.

In 1988 all of those young men, enlisted and officers who wore that blue beret were given the Nobel Prize for Peace, which means that Lieutenant Colonel Higgins is a Nobel laureate, and yet he has been in captivity for a year and a half.

The Israelis this morning went in and kidnaped the man identified as his

kidnaped, Abd Al-Karim Ubaid, and he is now held in custody in either Lebanon or on Israeli soil.

Why did we not do that? I thank the small nation of Israel for their decisive action.

A.P. correspondent, Terry Anderson, has been a prisoner for 4½ years. So has Thomas Sutherland, who went over there to teach them farming. We now have 9 Americans held in captivity in Lebanon. It is a disgrace that we have been unable to resolve this problem in 4 years—a longer period than it took us to wipe out Adolf Hitler and fascism in Europe. That took 3 years, 5 months and 1 day. Now we have Americans held captive for 4½ years. Thomas Sutherland has been a hostage since June 9 of 4 years ago, taken 3 months after Terry Anderson. This hostage situation is an absolute disgrace.

Mr. Speaker, I tip my hat to the Israelis for taking direct action and kidnaping the kidnaper. Maybe now Colonel Higgins will be reunited with his family.

THE PHOENIX AND THE FIGHTER JET

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, the Japanese Phoenix is a term that has been so aptly coined by author Karel van Wolferen.

The legend of the Phoenix is quite interesting—the bird lived for 500 years, burned itself to ashes, and rose alive from the ashes to live another long life.

Just as the Phoenix survived burning alive, so too has the Japanese airplane industry survived to live yet another life. And, in this incarnation, the Japanese Phoenix is slowly, and effortlessly, circling the United States defense industrial base.

What makes this legend so incredible is that the brain (or the avionic computer codes), the plumage (or composite exteriors), and the skeleton (the airframe structure) will be produced in the United States.

But this modern-day legend of the Phoenix is not myth; it is real. It is part of a continuing pattern of technology transfer abroad and serves only a narrow interest.

The Phoenix must not be allowed to fly unfettered—restrictions must be placed on the deal—or we will wake to find that we have financed the sunset of the American aerospace industry.

DISMAY AT OUTCOME OF NATIONAL DEFENSE AUTHORIZATION BILL

(Mr. OWENS of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of Utah. Mr. Speaker, I rise to express my dismay at the outcome of H.R. 2461, the Defense authorization for fiscal year 1990, which passed last night. While I am gratified by the passage of my two amendments—one requiring public disclosure on our Biological Research Program, the other deleting funding for chemical weapons—I am deeply troubled by the deletion of funding for the Midgetman missile.

I think it was entirely appropriate that the B-2 and MX were held down to a reasonable funding level, particularly during this period of fiscal austerity and flat defense budgets. However, the Midgetman is an extremely important weapons system, vital to our deterrent credibility and our strategic arms control negotiations. I don't believe the decision last night to eliminate the Midgetman entirely from the Defense authorization reflects the true and thoughtful sentiments of this body. It was eliminated in back-door fashion, and I hope it is restored to a reasonable level at conference.

Mr. Speaker, I would also like to take this opportunity to clarify for the record my vote on SDI last Tuesday. As you recall, the amendments were considered under a King of the Hill procedure. The Dellums-Boxer amendment limiting funding to \$1.3 billion was considered first, then the Bennett amendment which reduced spending on SDI to \$3.1 billion. My first vote for the Dellums-Boxer amendment was cast by mistake, and was not as I had intended. My past voting record and public statements clearly indicate my support for the \$3-\$3½ billion level.

VIRGINIA SMITH ANIMAL HEALTH RESEARCH LABORATORY

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROBERTS. Mr. Speaker, today I am introducing a bill to designate the Agricultural Research Service, U.S. Department of Agriculture Animal Health Research Building in Clay Center, NE, as the Virginia Smith Animal Health Research Laboratory.

My colleagues, we all know that VIRGINIA SMITH serves on the powerful House Appropriations Committee. But I want to underscore the following: Every Member of the House Agriculture Committee has cosponsored this bill in honor of Mrs. SMITH's many

and fine contributions to agriculture. I invite all of my colleagues to cosponsor this very fine tribute.

□ 0930

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1990

Ms. SLAUGHTER of New York. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 214 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 214

Resolved, That all points of order for failure to comply with the provisions of section 302(f) of the Congressional Budget Act, as amended (Public Law 93-344, as amended by Public Law 99-177) are hereby waived against consideration of the bill (H.R. 2989) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1990, and for other purposes. During the consideration of the bill, all points of order against the following provisions of the bill for failure to comply with the provisions of clause 2 of rule XXI are hereby waived: beginning on page 7, line 1 through page 9, line 9; beginning on page 10, lines 1 through 8; beginning on page 16, line 24 through page 17, line 7; beginning on page 25, lines 10 through 14; beginning on page 27, lines 11 through 12; beginning on page 27, lines 21 through 25; beginning with "Provided further," on page 39, line 18 through page 40, line 16; beginning with page 45, lines 3 through 14; beginning on page 46, lines 5 through 19; beginning on page 64, lines 10 through 14; beginning on page 79, line 5 through page 81, line 11; and all points of order against the following provision for failure to comply with the provisions of clause 5(b) of rule XXI are hereby waived: beginning on page 65, lines 3 through 5. In any case where this resolution waives points of order against only a portion of a paragraph, a point of order against any other provisions in such paragraph may be made only against such provision and not against the entire paragraph.

The SPEAKER pro tempore (Mr. TALLON). The gentlewoman from New York [Ms. SLAUGHTER] is recognized for 1 hour.

Mr. Speaker, I yield the customary 30 minutes, for purposes of debate only, to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

Ms. SLAUGHTER of New York. Mr. Speaker, House Resolution 214 is the rule providing for the consideration of H.R. 2989, the bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies for fiscal year 1990.

Since general appropriations bill are privileged, the rule does not provide any special procedure for consider-

ation of the bill. The rule also does not contain any provisions relating to the time for general debate. Customarily, general debate will be limited by a unanimous-consent request by the floor manager when the bill is considered.

Mr. Speaker, the bill will be open to amendment under the 5-minute rule, and any amendment which does not violate the rules of the House will be in order.

House Resolution 214 waives clause 2 of rule 21, which prohibits unauthorized appropriations or legislative provisions in general appropriations bills, against specified provisions in the bill. The exact provisions of H.R. 2989 for which these waivers are provided are detailed in the rule by reference to page and line in the appropriations bill.

The rule waives section 302(f) of the Congressional Budget Act, which prohibits consideration of measures which would provide new entitlement authority in excess of a committee's 302(b) allocation of such authority. Section 620 of H.R. 2989 provides for a pay raise of 3.6 percent for most Federal civilian employees. While without a waiver the bill would be subject to a point of order under section 302(f) of the Budget Act, the pay rate increase is consistent with the assumptions in the current resolution on the budget for fiscal year 1990. Therefore, the chairman of the Budget Committee and a majority of its members have indicated that they have no objection to the rule's section 302(f) waiver.

In addition, the rule waives clause 5(b) of rule 21 against a specified provision of the bill dealing with implementation of section 89 provisions. When granting this waiver of clause 5(b), rule 21, Chairman MOAKLEY made this statement:

The Chair wishes to reaffirm the position of the Committee concerning waivers of clause 5(b) of rule 21. Clause 5(b) prohibits revenue provisions in a bill not reported by the Committee on Ways and Means. It is only with great reluctance that, in this instance, the Committee decided to grant a waiver. As a general rule, the Committee has not granted clause 5(b) waivers and our action today does not in any way indicate a change in our position. While the Committee reserves its right to judge each situation in its own light, I can say the committee will continue to be very reluctant to grant such waivers.

Finally, this resolution provides that in any instance where this resolution waives points of order against only a portion of a paragraph, a point of order against any other provision in such paragraph may be made only against such provision, and not against the entire paragraph.

Mr. Speaker, H.R. 2989 appropriates \$18.2 billion for the Department of the Treasury, the U.S. Postal Service, the Executive Office of the President,

and certain independent agencies including the Federal Elections Commission, the General Services Administration, and the National Archives and Records Administration.

The bill includes a provision which prohibits enforcement during fiscal year 1990 of portions of the 1986 tax reform law generally known as section 89. Section 89 was a well-intended effort to extend health care coverage to the 37 million Americans who do not have health care coverage. But it has proven to be extremely cumbersome to implement, particularly for small businesses which do not have the accounting resources that larger firms do. Including this prohibition in the Treasury-Postal appropriations measure will postpone implementation of section 89 and give Congress enough time to find a better solution to the vexing problem of uninsured workers.

Mr. Speaker, I would like to commend the chairman of the Appropriations Subcommittee, the gentleman from California [Mr. ROYBAL], and the ranking Republican member, the gentleman from New Mexico [Mr. SKEEN], for their leadership and hard work in putting together this legislation.

I urge my colleagues to adopt House Resolution 214 so that we can proceed with the consideration of this important bill.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to begin by commending the subcommittee chairman, the gentleman from California [Mr. ROYBAL] and the subcommittee ranking Republican, the gentleman from New Mexico [Mr. SKEEN] for their fine work on this bill. In the subcommittee they had to deal with some very contentious issues. They did a masterful job in working out a solution to most of those problems before they came to the floor.

There was one item added in the full committee which generated substantial interest in the Rules Committee. That was a provision to prevent the implementation of what has become known as section 89. Section 89 as currently drafted promises to work a major hardship on our small businessmen and their employees. Many of them may cancel their health insurance plans for employees, rather than go through all the redtape in section 89. I not only support his concept but I would also support the concept of an actual repeal of section 89.

If it had been necessary, I was prepared to offer in the Rules Committee an amendment to the rule to protect the section 89 provision from a point of order. However, the Rules Committee majority ultimately decided to include protection for the provision in their proposed rule, even though it had not been requested by the Com-

mittee on Appropriations. As a result, I never had to offer my amendment.

□ 0940

Mr. Speaker, the amounts appropriated in this bill fall within the amount allocated under the budget resolution.

However, for my colleagues who are concerned about waivers of the Budget Act, I should note that at least a technical waiver is included in this rule. The bill includes a 3.6-percent pay raise which is technically an entitlement. Since the Appropriations Committee did not receive any new entitlement authority for fiscal year 1990, the waiver was included in the rule.

The chairman of the Budget Committee wrote a letter noting that the pay rate increase provided in the bill is consistent with the budget resolution for fiscal year 1990. The budget resolution assumed a pay raise of 3.6 percent for fiscal year 1990.

Mr. Speaker, I support the rule.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding time to me.

This is a good day to be a Member of the House of Representatives of the U.S. Congress because we are now poised to strike a blow in the eventual elimination of section 89 from the face of the Internal Revenue Code as proposed in 1986.

This odious section, section 89, has caused so much trouble with our small and large businessmen, not to mention the working people themselves who are threatened to lose health benefits because of the provisions of section 89. The Committee on Appropriations, through the leadership of the gentleman from Texas and the gentleman from Oklahoma were able to insert into this rule and into their bill, and subsequently approved by the Committee on Rules, a measure by which we could halt in its tracks the implementation of section 89.

This makes it an excellent day to be here in Washington, DC. I commend the gentleman from Texas [Mr. DELAY] for bringing it to the Committee on Appropriations, the gentleman from Tennessee [Mr. QUILLEN], who was ready to help in the Committee on Rules to make sure this provision would stay in place, and to the others on the Committee on Rules on both sides who have crafted such a rule that will let Members vote up or down on the Treasury appropriations while simultaneously saying to the business world, to our free enterprise system, to our working people, that we are going to remove that noose around your necks known as section 89.

Ms. SLAUGHTER of New York. Mr. Speaker, for the purpose of debate only, I yield 2 minutes to the chairman of the Budget Committee, the

gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, I rise to discuss the relation of H.R. 2989 to the 1990 budget resolution and to clarify one technical budget point raised by the bill.

The Budget Committee has provided a "Dear Colleague" to all Members on this appropriations bill. There is one Budget Act waiver required under section 302(f) because, in providing for a 3.6-percent pay raise for Federal civilian employees on January 1, 1990, the bill creates new entitlement authority [NEA], and new entitlement authority was not allocated to the Appropriations Committee for 1990. However, the 1990 budget resolution does assume such a 3.6-percent pay raise effective on January 1, 1990. Therefore, the Budget Committee has no objection to a technical waiver of section 302(f) of the Budget Act because this pay raise is consistent with the budget resolution and the bipartisan budget agreement assumptions.

In total, this bill provides \$9,391 million of discretionary budget authority and \$9,350 million of discretionary outlays. These amounts are, respectively, \$19 million below the discretionary budget authority and equal to the discretionary outlays included in the section 302 subdivision assigned to this subcommittee. Consequently, the spending provided by this bill is consistent with both the 1990 budget resolution and the bipartisan budget agreement worked out with the administration.

This subcommittee has done a good job in meeting the spending targets established under the budget resolution. We congratulate Chairman ROYBAL and the other members of the subcommittee, and we are pleased to bring this information to the attention of all Members.

There is one technical budget point I wish to clarify in order to avoid a potential budget problem with the conference report on this bill later in the session.

The bipartisan budget agreement scorekeeping guidelines, which conform to Gramm-Rudman scorekeeping rules, indicate that appropriations bills or reports should contain language specifying whether funds to cover pay raises are either provided for or absorbed within the amounts included in the bill or remain to be funded. Such language was contained in the conference reports or the texts of all 1989 appropriations laws. Under the guidelines, if such language is not included in an appropriations bill or report and a part or all of the pay raise remains to be provided, a scorekeeping adjustment is to be made consistent with the Gramm-Rudman baseline estimating rule for pay raises.

Neither H.R. 2989 nor the accompanying report includes such language on pay raise costs. The scorekeeping adjustment for this bill would increase discretionary budget authority by \$84 million and discretionary outlays by \$70 million. We are informed, however, that the Appropriations Committee intends to include the appropriate language on pay raise costs in the conference version of this bill.

Mr. PANETTA. Mr. Speaker, I include my "Dear Colleague" letter and the budget summary and factsheet, as follows:

**COMMITTEE ON THE BUDGET,
Washington, DC, July 27, 1989.**

DEAR COLLEAGUE: Attached is a fact sheet on H.R. 2989, Treasury, Postal Service, and General Government Appropriations bill for Fiscal Year 1990. This bill is scheduled for floor consideration on Friday, July 28, subject to a rule being adopted.

This is the sixth appropriations bill for fiscal year 1990 and is \$19 million below the discretionary budget authority and equal to the Appropriations Committee 302(b) subdivision outlays for this subcommittee. Therefore, it is consistent with the 1990 Budget Resolution and the Bipartisan Budget Agreement.

I hope this information will be helpful to you.

Sincerely,

LEON E. PANETTA,
Chairman.

[Factsheet]

**H.R. 2989, TREASURY, POSTAL SERVICE, AND
GENERAL GOVERNMENT APPROPRIATIONS
BILL, FISCAL YEAR 1990 (H. REPT. 101-170)**

The House Appropriations Committee reported the Treasury, Postal Service, and General Government Appropriations bill for fiscal year 1990 on Tuesday, July 25, 1989. This bill is scheduled for floor action on Friday, July 28, subject to a rule being adopted.

COMPARISON TO THE 302(b) SUBDIVISION

The bill provides \$9,391 million of discretionary budget authority, \$19 million less than the appropriations subdivision for this subcommittee. The Budget Act provides a point of order if the target for discretionary budget authority is breached. Since it is not, there is no such point of order against this bill. The bill is equal to the subdivision for estimated discretionary outlays. A detailed comparison of the bill to the spending and credit subdivisions follows:¹

¹ The scorekeeping guidelines in the Bipartisan Budget Agreement, include the following: "Appropriations bills or reports should contain language that clearly specifies the extent to which funds for pay raises are either provided or absorbed within the levels appropriated in the bill, or remain to be provided. If such language is not contained in the bill or report and a portion or all of the pay remains to be provided, a scorekeeping adjustment will be made consistent with the GRH rule for pay raises." Neither this bill nor the accompanying report contain such language on pay raise costs. The scorekeeping adjustment for this bill would increase the discretionary budget authority total by \$84 million and outlays total by \$70 million. However, the Appropriations Committee has indicated that it is their intent to add the appropriate language on pay raise cost at the conference stage.

COMPARISON TO SPENDING ALLOCATION

[In millions of dollars]

	Treasury, Postal Service, and General Government appropriations bill		Appropriations Committee 302(b) subdivision		Bill over (+)/under (-) 302(b) subdivision	
	BA	O	BA	O	BA	O
Discretionary	9,391	9,350	9,410	9,350	-19	
Mandatory	9,114	8,665	9,114	8,665		
Total	18,505	18,015	18,524	18,015	-19	

* Conforms to the Budget Resolution assumptions.

Note.—BA—New Budget Authority; O—Estimated outlays; DL—New Direct Loan Obligations; LG—New Loan Guarantee Commitments.

COMPARISON TO CREDIT ALLOCATION

There are no direct loan or loan guarantee programs in this bill. Therefore, Appropriations Committee 302(b) subdivision for new credit authority, new direct loans and new loan guarantees, for this subcommittee is zero.

Pursuant to Section 302(b) of the 1974 Budget Act as amended by P.L. 99-177 (Gramm-Rudman-Hollings), the Committees of the House are required to subdivide the spending authority and credit authority allocated to them in the Budget Resolution for Fiscal Year 1990 (shown in H. Rept. 101-50). The Appropriations Committee reported its 302(b) subdivisions on June 21, 1989 (H. Rept. 101-97). These subdivisions are the official scorekeeping targets for appropriations subcommittees.

The following are the major program highlights for the Treasury, Postal Service, and General Government Appropriations Bill for FY 1990, as reported:

PROGRAM HIGHLIGHTS

[In millions of dollars]

	Budget author- ity	New outlays
Treasury Department:		
Internal Revenue Service	5,557	4,836
Customs Service	1,041	885
U.S. Secret Service	371	316
Financial Management Service	290	252
Bureau of the Public Debt	219	176
Bureau of Alcohol, Tobacco, and Firearms	246	214
Payment to the Postal Service Fund	460	460
Other agencies:		
Executive Office of the President	268	115
Federal Buildings Fund limitation		(3,309)
GSA Management and Administration	140	103
National Archives and Records Administration	127	101
Office of Personnel Management	114	108
Government Payment for Health Benefits (mandatory)	3,780	3,304
Payment to the Civil Service Retirement Fund (mandatory)	5,212	5,212

Mr. QUILLEN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. MARTIN].

Mrs. MARTIN of Illinois. Mr. Speaker, I rise in support of the rule.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. CONTE.]

Mr. CONTE. Mr. Speaker, I rise in support of this rule and commend the Rules Committee for the waiver. Their bold action affords this body the opportunity to speak out publicly about section 530 of H.R. 2989, the Treasury, Postal Service, and General Government Appropriations Act of fiscal year 1990.

Section 530 would prohibit the expenditure of Treasury funds for the implementation of Internal Revenue Code section 89. The purpose of section 89 is to eliminate so-called benefits discrimination. Section 89 is a solution in search of an undocumented problem. Section 89 is complex, confusing, and costly. Employers have to gather data and test their plans. They have a qualification test, three eligibility tests, and a benefits test. Or If they are lucky an alternative test.

Treasury estimates it will cost employers 9 million man-hours to comply. A recent study has estimated the total compliance cost for employers at over \$4 billion in 1990, adding \$4 billion to the cost of labor and consequently reducing the level of employment by 89,000 jobs. Now you know what the 89 stands for. Increased production costs will result in a loss of \$2.6 billion in gross national product. The result of implementation in 1990 a net loss of \$800 million in tax revenues.

Mr. Speaker, without this provision section 89 rules will come into effect October 1, 1989. Employers in my district are hopping mad. They want total repeal. I want total repeal. That is why I am the first cosponsor with JOHN LaFALCE of legislation designed to do just that. Over 300 of us have signed onto the bill. Now, thanks to the Rules Committee, we have a chance to act.

Section 530 is not a permanent fix. To do that we need to repeal section 89. Then we need to apply the Regulatory Flexibility Act to the IRS. And we need to contain rising health and insurance costs. It's a long haul, but a march of 1,000 miles begins with the first step. Supporting the rule is that first step. I urge all my colleagues to join me on this march for America's employers.

Mr. Speaker, I do want to commend the Committee on Rules again, and the chairman of the Subcommittee on Treasury, Postal Service, and General Government, the gentleman from California, Mr. ROYBAL, and JOE SKEEN, who did a wonderful job in bringing this bill under 302(b) allocation.

Ms. SLAUGHTER of New York. Mr. Speaker, for the purpose of debate only, I yield 5 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, starting out, I just want to commend the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from Texas [Mr. DELAY], who have been working on section 89, the gentleman from Massachusetts [Mr. CONTE], and the gentleman from New York [Mr. LaFALCE]. They have all worked hard on section 89. It looked like they were not going to get a chance. I want to commend the Committee on Rules for

giving them that chance. They worked hard, and they deserved it. I want to thank the Committee on Rules for giving me an opportunity to speak as they have on many occasions.

I have an amendment today that will be opposed by the committee, and by a chairman that I have the greatest respect for. I will never forget because he helped me at a time in my area where no one else would. As the gentleman from California [Mr. ROYBAL] and his staff assistant, Tex Gunnels, are here, and they are some of the finest people we have in Washington.

However, this bill contains 1,399 new IRS agents. I am speaking briefly, again, because I want Members to know that if I could cut it further, I would. Not because I do not think that we need the revenue, but the abuses in the IRS are now legendary. Congress, for some reason, just continues to go forward, and now we are going to give them 1,400 new agents.

Now the President said, I can understand it, but he said, "Let us not give them more than 1,299." Maybe the President, and I cannot speak for him, wants to throw a little shot across the bow, I do not know. I would like to really cut them.

□ 0950

I think they intimidate our taxpayers. They have gotten bonuses for going out and hassling Americans, and sometimes overzealous agents have gone into the kitchens of America and scared families. There have been incidents of violence in repossessions. My God, what is going on?

Mr. Speaker, just this last week, before a subcommittee of the Congress that held a hearing, they said the IRS targeted critics of the administration, not just Republican administrations now but Democratic Presidents as well. They kept files and dossiers. They used those tax files for political purposes. What is this all about?

Now, I have an amendment that cuts 100 of these new 1,400 jobs. I would hope that Congress would support this modest cut. The committee gives them their agents so they can go out and raise the money, but at least we can let them know that Congress is starting to talk about the abuses and is prepared to go into their "kitchen" and root out the problems of the IRS. I do not think that is too much to ask.

Mr. Speaker, the President—and I will say this on the floor as a Democrat—made a tough decision with his Super 301 decision, and he looked good to me. He made a tough decision on semiautomatic weapons, and I think he is doing a good job. I would like to see him look at our trade picture. I think he could really help the country if he would focus on trade.

But even the President knew about this problem in the last campaign. He said that we do not need our IRS

agents running in and out of America's kitchens. Maybe we have to take a look and not just give them carte blanche, write a check and let them go out and do what they want to do. I say, "No more throwing the ball out in gymnasium class, folks."

So this modest amendment will cut the request by 100 little jobs, but the intent of it is for them to straighten out their act. And I want the help of the gentleman from Texas [Mr. STENHOLM], the gentleman from Texas [Mr. DELAY], the gentleman from Tennessee [Mr. QUILLEN], the gentleman from Massachusetts [Mr. CONTE], and the gentleman from New Mexico [Mr. SKEEN]. I also want the help of the gentleman from Massachusetts [Mr. MARKEY] and the gentleman from California [Mr. FAZIO]. I want to pass this amendment.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I thank the gentleman from Tennessee [Mr. QUILLEN] for yielding time to me, and I also thank the gentleman from Tennessee, the gentlewoman from New York [Ms. SLAUGHTER], and the rest of the Rules Committee for granting the waiver which enabled an important provision to reach the House floor.

I rise in strong support of that provision contained in the bill which denies funding to enforce section 89 of the Internal Revenue Code, and, therefore, I support this rule.

Before I begin, Mr. Speaker, I also want to thank the gentleman from California [Mr. ROYBAL] and the gentleman from New Mexico [Mr. SKEEN] for all their gracious work in helping me and in advising me on this bill. And certainly we all must thank the gentleman from New York [Mr. LAFALCE] and the gentleman from Massachusetts [Mr. CONTE] for the wonderful work they have done on the repeal of section 89. I would also like to thank my colleagues who were willing to testify before the Committee on Rules on behalf of this important provision.

Mr. Speaker, if left unresolved, businesses are expected to spend nearly \$4 billion to determine whether their employee benefits programs are in compliance with section 89 in 1990. And, according to a survey conducted by the Institute for Research on the Economics of Taxation, this will mean a loss of over 89,000 jobs.

The survey results indicate that the additional compliance costs of section 89 can only adversely affect employment and production economywide. The survey had more than 550 respondents, from both large and small businesses, employing a total of well over 5 million workers (almost 19 percent of total private sector employees). The respondents indicated through the survey that they have already spent more than \$13.5 million in at-

tempting to comply with section 89. Where has this money gone? It has gone to law firms, accountants, and benefit groups who are paid big dollars to figure out these burdensome regulations.

Who loses? The worker—your constituents. The more health insurance options a company offers to its employees, the more costly it is to comply with section 89. The result: Section 89 will reduce the number of health insurance options available to workers and reduce the total amount of health insurance offered as part of workers' compensation packages. If a company offers no health insurance, its section 89 compliance costs are zero. From the perspective of the employer, section 89 is a tax on the provision of health insurance to its employees.

In all but one of the 566 industries surveyed, section 89 would cause a reduction in the level of health insurance benefits. Nearly 22 percent of the trade industry respondents and almost 15 percent of the service industry respondents said that they expect to reduce the level of health insurance benefits. Many go so far to say that they will eliminate health insurance benefits all together.

Is this what the American people want—less access to health insurance benefits? No. Are America's businesses willing to wait an indefinite amount of time for some unknown provision to be enacted? No. Let us take care of this problem now.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, this is an unusual day. It is not often that those of us middle-benchers in this House come down here and, on the one hand, commend the Rules Committee. Normally we are bitching about the rule that constricts our right to debate. Normally we come down here and pick on the Appropriations Committee because they have done something else we do not like.

Today is a totally different day. We are down here saying thank you to the Rules Committee for giving us a rule that responds to the will of the House. We are down here saying thank you to the Appropriations Committee for being sensitive to what is going on in this country regarding section 89 and responding accordingly.

I know I speak for well over 300 Members of this House when I say to all the members on the Rules Committee and all the members on the Appropriations Committee, "thank you for your leadership, thank you for your energy, and thank you for your willingness to respond," because today has now become the most important day, with this, the most important step thus far in responding to the outcries of every small business in America

concerned about maintaining any kind of a benefit package within their company.

The reality is, with all due respect to Treasury and the Committee on Ways and Means and everyone else who has tried to modify section 89, that it cannot be done, it is too complex. We say to them, "Your results have not met the test of understandability." And more important, there is such a concern out there by the small business men and women that unless they have a full-time corporate counsel within their small business, they simply are being forced for their own protection to junk all benefit programs, all retirement programs, and all health packages, and that is not what we want.

The intent of eliminating Cadillac benefit programs is an initiative we can begin again. Let us admit that the program we have in effect in section 89 has not worked. Let us defund it today under this appropriation bill, let us go on and repeal it later on and let us start over and respond to the real needs of America's most productive sector, its small business men and women.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, like my colleagues, I come to the floor this morning in support of the rule which has been granted for the Treasury-Post Office appropriations bill. Like some of my colleagues on the Appropriations Committee, I want to commend the work of the chairman of the committee and the ranking minority member of that committee for the work they have done. But also, like those who have spoken here this morning, I want to concentrate my remarks on that particular provision that deals with prohibiting the Treasury Department from spending any money to implement or to enforce section 89.

I think all of us recognize that this is not the ideal route nor the best vehicle to use to achieve what we want, which is the repeal of section 89. We want the Ways and Means Committee to do that. But this is the vehicle that is available for us here today. We passed section 89 3 years ago as part of our tax reform bill in an attempt to make the delivery of benefits to the American people fair and more equal.

□ 1000

It was a worthy goal, but it missed its mark. It missed its mark badly, and it is time for this Congress to recognize that and to do something to change it. Instead of having more benefits for more workers, and a fairer application of those benefits, we know now without question that small companies all over the United States are simply going to abandon their health

care programs, their various benefits packages, because they cannot afford to pay the cost of implementing this; so benefits will be lost. The losers will be those who are working. The losers will be the American workers, the American employees.

Mr. Speaker, 300 Members of this body have sponsored legislation to repeal section 89, and this is the time for us to work our will on this issue to make sure that we send a clear message to the Ways and Means Committee, to the administration and to the Senate, before this August recess that we want repeal accomplished. Do not just reform it, because the reforms have also missed the mark.

Mr. Speaker, let us repeal section 89 and let us do it today, send that message today with the passage of this rule and this bill.

Ms. SLAUGHTER of New York. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Speaker, I rise in support of the rule brought to the House today providing for consideration of H.R. 2989, the Postal Service-Treasury-General Government appropriations. The Rules Committee took special care to examine the provisions crafted by the Committee on Appropriations and has developed an amendment that will permit orderly and sensible debate of the bill.

I commend the subcommittee chairman, the gentleman from California [Mr. ROYBAL], the ranking minority member, Tex Gunnels and other members of the staff, along with all the members of the committee for their work.

Mr. Speaker, I urge my colleagues to support the rule.

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. PURSELL].

Mr. PURSELL. Mr. Speaker, I want to congratulate an outstanding subcommittee, the Subcommittee on Treasury, Postal Service, and General Government, the chairman, the gentleman from California [Mr. ROYBAL] and the ranking Republican member, the gentleman from New Mexico [Mr. SKEEN] for an outstanding appropriation bill.

I, too, want to congratulate my full Appropriations Committee for taking the lead in the repeal of section 89. This has been a blow to small businessmen over the years. Congress now is beginning to assert its real leadership because of the response of those of us who have had small businesses over the years.

This is a great opportunity for this Congress to repeal section 89; so I congratulate the committee for a good appropriation bill, keeping within the 302(b) allocations and also the oppor-

tunity to start the fight on the repeal of section 89.

Mr. QUILLEN. Mr. Speaker, I yield back the balance of my time.

Ms. SLAUGHTER of New York. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. ROYBAL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2989) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1990, and for other purposes; and, pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from New Mexico [Mr. SKEEN] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYBAL].

The motion was agreed to.

□ 1005

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2989, with Mr. FLIPPO in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from California [Mr. ROYBAL] will be recognized for 30 minutes and the gentleman from New Mexico [Mr. SKEEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. ROYBAL].

Mr. ROYBAL. Mr. Chairman, I yield myself as much time as I may require.

Mr. Chairman, it is a great pleasure and a privilege for me to present this bill to the House. I want to take this opportunity to express my appreciation and thanks to the members of the committee who helped make this presentation possible. We have been working on this bill since last January and have held many hours of committee hearings. It is due to the diligence, effectiveness, efficiency, and dedication of the committee members that we are

able to be here today. I especially appreciate the assistance of the gentleman from New Mexico [Mr. SKEEN]. He has been of invaluable assistance, participating in all of our hearings and I want him and all the other members of the committee to know how much I appreciate their help.

The Appropriations Committee presents a bill for your consideration today that provides \$18.4 billion in recommended appropriations for 1990 for both mandatory and discretionary items. The bill before you is: \$6.2 million over the President's budget; \$2.4 billion over fiscal year 1989, of which \$1.8 billion is caused by increases in mandatory requirements; \$19 million under the 302(b) allocation for discretionary budget authority; and conforms exactly to the 302(b) allocations for budget outlays.

The departmental amounts for new budget authority are as follows:

For the Treasury Department, \$8.1 billion, an increase of \$500,000 over the budget and \$385 million over 1989;

For the Postal Service, \$486 million, the exact amount of the budget request and an increase of \$60 million above 1989;

For the Executive Office of the President, \$268.1 million, a reduction of \$15.6 million below the amount of the budget request and an increase of \$154.7 million above 1989;

For independent agencies covered by this bill—such as GSA, the Office of Personnel Management, the Tax Court, and others—\$9.6 billion, an increase of \$21.2 million above the budget, and an increase of \$1.8 billion over 1989.

Now, may I call your attention to certain specific agencies:

First, for the U.S. Customs Service, the committee recommends \$7 million above the budget in order to bring U.S. Customs staffing up to a level adequate to make a difference in the influx of massive amounts of drugs and other contraband into this country. The committee added about 160 new positions.

The committee believes that the high level of drug abuse and related crime in this country requires a strong law enforcement effort to stem the tide of illicit drugs coming into the United States. The recommended increase would also expedite the processing of visitors to this country and of our own citizens returning from abroad. Further, this increase would also expedite the processing of commercial goods being imported, and help prevent the illegal exportation of high technology items to unfriendly countries.

I might also point out that the U.S. Customs Service is the second largest producer of revenue for the Government—over \$15 billion per year in customs duties.

Second, for the Internal Revenue Service, the committee recommends \$14.9 million above the amount requested in the President's budget to provide an additional \$362.5 million above fiscal year 1989. For the past several years the committee has been concerned about inadequate funding for the Internal Revenue Service. It now appears that the administration has finally realized the serious shortfalls in IRS funding and has requested additional funds for that agency for fiscal year 1990.

Third, for the U.S. Postal Service, I am particularly pleased today to inform you that this bill provides an appropriation to the Postal Service of \$459.8 million for revenue foregone. This appropriation will permit the Postal Service to maintain current postal rates for preferred rate mailers until the end of fiscal year 1990. Qualified preferred rate mailers are defined as religious, educational, scientific, philanthropic, agricultural, labor, veteran's, and fraternal organizations, and include such groups as the American Cancer Society, the American Heart Association, the National Easter Seal Society, the March of Dimes Birth Defects Foundation, the American Association of Retired Persons, National Wildlife Federation, the Salvation Army, as well as many, many others.

These nonprofit groups have long played a vital role in American life, supplying a considerable share of the social services, health care, education, research, arts, culture, community improvement, international relief, conservation, environmental protection, and public advocacy occurring in the United States.

The bill before you recommends funding for most of the agencies at the levels requested in the President's budget, as set forth in the report accompanying this bill.

The bill also recommends language authorizing a 3.6-percent raise for Federal civilian employees, effective January 1, 1990, who are at or under executive level III. It does not include Members of Congress, judges, or other employees above executive level III.

I again commend the ranking minority member, Mr. SKEEN, for the outstanding job that he has done, and I appreciate the conscientious and faithful service of all the members of the subcommittee. Mr. AKAKA, Mr. HOYER, Mr. ALEXANDER, Mr. EARLY, Mr. SABO, Mr. SKEEN, Mr. LOWERY, and Mr. WOLF have all been highly supportive of the bill now before you.

Mr. Chairman, this is a good bill and a fair bill. I urge the support of all Members.

□ 1010

Mr. SKEEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, and the gentleman from California [Mr. ROYBAL], I want to tell the gentleman that I appreciate the kind words, but the work of this committee and its product, I think, are due directly to the leadership of the gentleman from California and his gentility and his kindness which has, as always, been apparent. It has been a pleasure always to work with the gentleman, but it is that kind of leadership that produces this kind of work, and I think it is exemplary.

Mr. Chairman, it is a good bill. I think it is a very difficult one to go through because of its vast scope, and the gentleman does it very well. The staff that accompanies the gentleman and the staff that accompanies our Members have done an outstanding job as well, and they have worked real hard.

Mr. Chairman, our subcommittee has jurisdiction over a wide variety of agencies crucial to the smooth operation of the Federal Government. Principal among these is the Treasury Department which includes revenue producing entities such as the Internal Revenue Service, Customs, and the Bureau of Alcohol, Tobacco and Firearms. These same revenue producing entities are also critically involved in our Nation's war against drugs.

Also included within the Treasury appropriation are such entities as:

The Secret Service, which has the double duty of protecting our national leaders and protecting our currency from counterfeit.

The Bureau of the Mint, which just this month issued a commemorative coin for the bicentennial of the Congress.

The Federal Law Enforcement Training Center, which plays a critical role in the training of Federal law enforcement officers for drug interdiction.

Additionally, the bill contains appropriations for the U.S. Postal Service (revenue foregone), the Executive Office of the President, and 12 independent agencies, from the Federal Elections Commission, to the Archives, to the Committee for Purchase from the Blind.

The subcommittee has acted in a responsible manner to see that each agency has the resources it needs to meet its objectives.

There are large agencies and there are small agencies. We take as much time as necessary to deal with the problems of each one, and I think that is a fair conclusion and a fair representation of what the committee's responsibility is. We have worked with GSA in the effort to provide a safe and comfortable workplace for Federal employees. We have insured that nonprofit organizations retain special postal rates. We have increased funding for vital drug interdiction agencies,

and we have met these obligations while remaining within the tight constraints of our budget allocations.

While I have concerns about some of the cuts, particularly the cut in the Customs Air Interdiction Program which is vital to the Southwest border States in combating drug smuggling, I fully support the efforts of the subcommittee.

Of course, I would have liked to increase the budgets for several worthy agencies such as the Federal Election Commission or the Office of National Drug Control Policy, but fiscal constraints would not allow us to do so. We have had to balance what is absolutely necessary against an ideal economic world.

In all, Mr. Chairman, it is a good bill. It was crafted in a spirit of bipartisanship with a knowledge that the agencies covered by this bill are personnel-intensive where small changes have significant impact. The subcommittee has worked hard within tight budgetary constraints to formulate a well-balanced, equitable bill.

In what may be unprecedented, our subcommittee has received a letter from the administration stating: "Let me commend the subcommittee for reporting a fiscally responsible bill that is consistent with its 302(b) allocation." If the other body will practice the same restraints that we have, then we will have an appropriations bill that is virtually guaranteed to avoid a veto. This is no mean feat.

I thank Chairman ROYBAL and commend him for his hard work, his integrity, and his evenhandedness in guiding the subcommittee through the crafting of this legislation. I also want to commend the members of the subcommittee for all their fine work and Tex Gunnels and Bill Smith for their expertise and support.

I urge the Members of the House to sustain the good work done by this subcommittee and pass H.R. 2989.

Mr. Chairman, I yield such time as he may consume to the ranking member of the Committee on Appropriations, the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Chairman, I rise in support of the bill.

At the outset, I want to commend the chairman of the subcommittee, my good friend, Ed ROYBAL, and the ranking member, Joe SKEEN, for their leadership during the consideration of this bill.

I sat through the subcommittee and the full committee markups on this bill, and believe me, it wasn't easy to make ends meet. We even started at a disadvantage. The President's budget, as presented, was \$72 million above the 302(b) allocation for outlays. Yes, that's right. The President's budget busted the 302 ceiling for outlays.

As a result, tough decisions were required. The drug interdiction program

and revenue enhancement efforts demand enormous resources, and at every point, the committee was faced with cutbacks and limited funds.

Ed ROYBAL and Joe SKEEN responded to this challenge.

On behalf of the committee, they presented the House with a responsible bill. It's within the budget allocation for outlays, and it's \$19 million below the 302(b) ceiling for budget authority.

Compared to the President's budget, the bill is only \$6 million above the budget request. That's a point zero 3-percent increase. It's peanuts.

However, compared to the fiscal year 1989 enacted level, the bill is \$2.4 billion over last year: \$577 million in discretionary spending and \$1.8 billion in mandatory appropriations.

As requested by the President, these increases over last year are due primarily to enhancements in two important areas. First, the committee agreed with the requested increase for anti-drug abuse programs. Second, the committee complied with the budget summit agreement and approved a significant increase over last year for revenue collection activities by the IRS. These two areas account for the bulk of the increase over fiscal year 1989 enacted levels.

In addition to the President's increase for discretionary programs, the budget included \$1.8 billion in additional funding for the Government payment to the Federal employee health benefits and retirement fund.

These costs are mandatory. The Federal Government has an obligation to make these payments, and the committee approved the President's requested increase.

This bill is tight. It's a barebones recommendation that is recognized by the administration as fiscally responsible.

In a letter to me before the full committee meeting, OMB Director Dick Darman was clear in his support for the committee's action. He wrote to "commend the subcommittee for reporting a fiscally responsible bill that is consistent with this 302(b) allocation."

The Statement of Administration Policy on the bill does mention a few minor objections. However, the statement is generally positive. It's the closest comment that I have seen to an endorsement of the spending provided in this bill.

Mr. Chairman, this bill is a balanced recommendation, and as OMB says, it's "fiscally responsible." It responds to the important drug related and revenue producing needs funded in this bill, and at the same time, it is generally consistent with the President's request.

I urge all my colleagues to support this bill.

□ 1020

Mr. ROYBAL. Mr. Chairman, I yield 3 minutes to the gentleman from Hawaii [Mr. AKAKA].

Mr. AKAKA. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the Treasury-Postal Service and General Government appropriations bill for fiscal year 1990 and ask unanimous consent to revise and extend my remarks.

Before proceeding, I want to commend my colleagues on the Treasury Subcommittee for their many hours of hard work. Special thanks go to our fine chairman, Ed ROYBAL, and our ranking member, Joe SKEEN, for their able leadership in formulating this bill.

Let me also offer warm words of appreciation to our subcommittee staff, Tex Gunnels, and Bill Smith, for their countless hours of work on this bill. Without their help, I don't know what we would do.

As anyone who has attended our subcommittee meetings can tell you, we operate in an open and almost non-partisan manner. The bill before you today was forged through consensus, and the overwhelming majority of its provisions are matters on which we unanimously agree.

I don't have to tell anyone in this Chamber how difficult this year has been for the Appropriations Committee. There simply is not enough money for the work that needs to be done. Many hard choices had to be made in the process of formulating this bill.

Nonetheless, the legislation before you is a fair and responsible bill that deserves every Member's support.

I am proud to say that our bill provides \$1,178,206,000 for the U.S. Customs Service, an increase of \$7,000,000 over the budget request. I don't need to tell you that drugs are streaming through our borders and polluting the minds of millions of Americans—from addicts on city street corners, to employees in the workplace and even children in our schools.

Frankly, the amount we provided is barely adequate for the Customs Service to perform its responsibilities. If funds were available to do so, we would have given the Customs Service more money to fight the war on drugs. Unfortunately, this bill faces the same constraints as every other appropriations bill, and all we could muster was sufficient funds for 100 additional Customs inspectors.

I remind my colleagues that every Customs officer is on the front line when it comes to fighting drugs, whether their job assignment is tactical interdiction or inspection and control. Give the cunning ingenuity of drug runners, all Customs personnel are required to maintain constant vigil in an effort to halt the flow of illegal

narcotics. Experience has shown that some of the largest drug seizures have occurred during otherwise routine inspections of commercial cargo.

I also remind my colleagues that the Customs Service has been given lead status among Federal law enforcement agencies for drug interdiction. This bill contains the necessary funds to carry out this enhanced responsibility.

It is a tragic fact that illicit drugs are destroying the youth of our Nation. The illegal drug trade is an insidious plague that infects our society and causes pain and anguish in every city and town throughout America.

Only if we are prepared to give the Customs Service the manpower and resources they need can we stop drugs at our borders. Drug runners do not fire pop guns and do not ride bicycles. They carry uzis and other advanced weapons. They move their illicit cargo in high performance cigarette boats and in advanced jet aircraft which have the most sophisticated radar systems money can buy. Every dime in our bill is urgently needed to fight the war on drugs. Unless we provide the Customs Service with the funds necessary to compete with their adversaries on an equal footing, we should not expect them to succeed.

I am happy to say that according to the statement of administration policy, the administration is generally pleased with our bill. While there are a number of items about which the administration has expressed concern, I do not believe that these concerns would prevent the President from signing our bill.

We have met our obligations under the bipartisan budget agreement, and bring to you a bill that is below the subcommittee's section 302 allocation for budget authority and outlays.

Mr. Chairman, as I said earlier, this is a good bill and I urge every Member to support it.

Mr. SKEEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I rise in support of the provision that denies funding to enforce section 89.

Mr. Chairman, I rise in support of the provision within this legislation which denies funding to enforce section 89 of the Internal Revenue Code.

Mr. Chairman, the original intent of section 89 was to prevent employers from giving better health benefits to their higher paid employees rather than their lower paid workers. As we have found out, however, this law is the burr under the saddle of America's small business community.

This ill-conceived law destroys the flexibility employers and employees require to tailor health benefits packages to their own needs.

Who is hurt by section 89? The employees—your constituents—will be the losers. Section 89 rules require employers to conduct tests to determine if they are discriminating against an employee with regard to health

care benefits. The tests are based on actual participation rates and not the opportunity to participate. The tests are exceedingly complex and impose an incredible administrative burden on employers.

Should the company involved not meet the section 89 requirements for providing health care benefits, both the employee and employer are burdened with tax penalties. Businesses, especially small businesses, may very well decide not to provide health benefits at all, leaving more and more workers uninsured.

As an example, Freeport Welding & Fabricating, Inc., a company in my district, informed me recently that from the information they received so far regarding the new IRS section 89 ruling we feel that it would be "in our best interest to cancel our coverage" and "it would be cheaper and easier to cancel." The company recommended repeal of the ruling.

Some may say that the Ways and Means Committee is taking care of the problem. I'm not going to argue that point. However, I would like to point out some important observations. Reconciliation has not and most likely will not be considered by the House before the August recess. Even if the Senate begins deliberation on the reconciliation bill by the middle of September, there is no way that the bill will pass out of conference committee and be signed by the President anytime soon. But, more importantly, we know as of now, that the Ways and Means Committee has decided on a compromise version of section 89 which is still totally unacceptable—at the very least, very controversial—to the business community. The bottom line is that the fix is not good enough. The problems remain—the paperwork burden is still the same, the inflexibility created is still there, and the discrimination against certain employers is still there. We have seen fixes in the past—the ones that generate many letters and did not fix anything.

That's why the Committee on Appropriations decided to nullify section 89 through this appropriations measure. This measure that I offered in committee, if it remains, will become law October 1 of this year. By removing funds to enact this burdensome and inflexible provision through this appropriations vehicle, we can correct the problem now. No waiting for the Ways and Means Committee to pass a reconciliation bill that we already know contains an unacceptable, controversial, compromise to section 89—besides, they have had 3 years to look at the problem. We will be able to serve the wishes of well over 315 Members of Congress who have pledged their support in opposition to section 89 by supporting this language and the bill.

I hope that all Members will support small business.

Mr. SKEEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I thank the gentleman for yielding. I rise in full support of this bill, and especially with its keeping intact the prohibition against funding for section 89.

Mr. SKEEN. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. and Mrs. Small Business America, wake up. There is good news coming out of the Congress. Believe it. Believe it.

I want to join with and associate myself with the remarks of the gentleman from Texas [Mr. DELAY], the gentleman from Wisconsin [Mr. GUNDERSON], and the gentleman from Arizona [Mr. KOLBE] in regard to the provision that will deny funds to the Treasury in regards to enforcing the so-called section 89 reform package.

I say reform. That is an oxymoron of the first order.

Thank you to the Rules Committee.

Thank you, Mr. ROYBAL.

Thank you, Mr. SKEEN.

We pass a lot of legislation around here, and sometimes I wonder why we do not look at the law of unintended effects. As a consequence, I always worry about what lurks under the banner of reform.

I have received more letters, more complaints, more outcries, more cries for help, the longest, the loudest outcry I have ever heard from the business community in the First District of Kansas on this issue than any other before the Congress.

This is a disaster in every respect. It is like Frankenstein's monster, it is running amok and it is wreaking havoc all throughout the land.

And like Dr. Frankenstein, Congress must put an end to it. We are going to do it today. This is the day that Congress takes responsibility for its mistakes by responding to the howls of protest.

There are three simple reasons why section 89 should be repealed if we do that later on.

It is unworkable.

It is costly.

It is unnecessary.

As Members' constituents have told them, the testing requirements alone are mind boggling in their complexity. Few small businesses have the in-house expertise required for compliance, and often must spend hours and thousands of dollars on outside consultants.

I had a phone call about a month ago. I thought it was about the drought in Kansas. It was an old friend in a country grain elevator in Garden City, KS, and he said:

Pat, I am about consulted out. Can you send me any more consultants? Section 89, tax reform, reappraisal, all these conservation requirements in regard to the farm bill, please, send me a consultant. I can't pay any more.

Section 89 started out to achieve a fair distribution of employee benefits and expanded health insurance coverage. It does not. Instead, section 89 provides strong incentives for employ-

ers to avoid compliance by simply dropping their benefits plan, and many have already done so. The end result will be an entirely new class of medically uninsured workers. That possibility is of special concern in rural America with its above average number of uninsured workers.

The irony of the long and convoluted section 89 story is that there has never been any solid evidence of discrimination in benefit plans.

So to solve a problem that does not exist, Congress has devised a paperwork obstacle course. If an employer has not jumped through the hoops, over the hurdles, and skirted the water hazards, the employees are at risk of having to pay taxes on their benefits. Try explaining to a constituent why the IRS regards his \$200,000 medical bill as taxable.

Mr. Chairman, I have often said Congress is amazing in its ability to pass limitless legislation affecting every aspect of life. Lord knows we do that enough around here. When the results are positive, there is no shortage of people willing to take the credit, but when there is blame to be shared, Congress is nowhere to be found.

Today we have been found. Today we stand up.

Section 89 has been a sad, cruel joke. We have the opportunity to right our wrong, to prevent further hardship for workers and employers.

No, we cannot give back the wasted hours, the wasted money, or compensate for the aggravation and the frustration that section 89 has caused. But now the House will at least recognize its error and vote to correct it.

Thank you, Mr. SKEEN.

Thank you, Mr. ROYBAL.

Thank you to the Rules Committee. It is important to pass good legislation around this body, but it is equally important to prevent bad legislation from passing.

Deny the funds, and then let us repeal section 89.

Mr. ROYBAL. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi [Mr. WHITTEN], chairman of the full Appropriations Committee and a member of the subcommittee.

Mr. WHITTEN. Mr. Chairman, I rise to point out what a fine job the gentleman from California [Mr. ROYBAL], the gentleman from New Mexico [Mr. SKEEN], and the other members of this subcommittee have done. I have enjoyed working with them through the years. I also want to report to the Congress not only what they have done, but what our Appropriations Committee has done.

In all of the years I have been here and been on this committee, this is the first time the leadership has turned us loose to get rid of our bill. May I report to the House that 12 bills have

been reported by the committee; that this is the sixth bill on the floor and 7 will be on the floor next week. These accomplishments are possible because of the hard work of all committee members, with the assistance of the finest staff that I believe we could possibly have.

We have kept the total of appropriation bills below the budget level, below the President's recommendations, and within the limits of Gramm-Rudman, and we have done that while looking after all parts of our great country.

□ 1030

I want to say again that in the process of doing this we have met our obligations. The Committee on the Budget is looking in the wrong direction. Our Committee on Appropriations since 1945 has held appropriation bills \$187 billion below that recommended by the Presidents.

We have had to transfer what he asked for back through the years, to domestic programs that are so very essential. We have done it again this year.

Not only that but under the Reagan administration we were \$16 billion below his recommendations.

Periodically we have to protect the domestic programs because that is where your wealth is, where your people are, that is where you have to have support. But we stayed within the limits.

They are looking in the wrong direction when they look at our committee as being the ones that caused that debt. Our debt comes because they are not looking at the place where the problem is, and that is entitlements and backdoor spending where they enter into binding contracts and then we have to pay it.

May I point out that in this period entitlements and others have increased 470 percent since 1973. This is no attack on anybody, but I just want to serve notice here that as chairman of this committee if they interfere with our obligations to meet the needs of the American people we will ask for a waiver. Gramm-Rudman-Hollings is not a constitutional commitment, it is a statute and can be set aside.

As I say again, we have a fine committee. I am proud to be chairman of it. I am proud of this subcommittee and all the others.

We have done our job and we ask the support of the Congress.

May I commend again Ed ROYBAL and Joe SKEEN. They have done a great job here and so has our Committee on Appropriations.

This bill includes funds for the Internal Revenue Service and the Customs Services—our two major revenue-producing agencies. It includes \$459.8 million for revenue foregone for certain not-for-profit mailers and funds

to operate the personnel and house-keeping agencies of the Government.

Mr. Chairman, this is a good bill and I recommend it be adopted.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Chairman, I rise today to express my support for the Treasury/Postal appropriations bill, and urge my colleagues to support the measure.

The bill includes many important provisions, such as a much-deserved pay raise for Federal employees. There are, however, appropriations in this bill which are equally important to the Kansas City area and the efficient operations of our Federal courts.

H.R. 2989 provides site acquisition and design funding for a new Federal building and courthouse in Kansas City, KS. If there was ever a need for a new Federal courthouse, this project is it.

Originally proposed by the GSA, the Public Works and Transportation Committee authorized site acquisition, design, and construction funding for the Federal building and courthouse in June. This bill appropriates the site acquisition and design funds to get the project started.

A new Federal courthouse is urgently needed in Kansas City, KS. The current courthouse has 28,344 square feet. The courts, however, have projected a need for 80,000 square feet in 1990 and 112,000 square feet in the year 2000. This project provides a total of 164,000 occupiable square feet for the courthouse and Federal building.

While the Kansas City District Court only has 28,344 square feet, the courthouse in Topeka and Wichita have, by comparison, well over 100,000 square feet combined. Yet, these two Federal courts combined handle a caseload equal to that of the Kansas City District Court. With one-fourth the space, the Kansas City District Court handles the combined caseload of Topeka and Wichita.

The work environment of the Kansas City District Court employees can at best be described as deplorable. I have personally witnessed court employees working at tables set up in the hallways. This is certainly not the environment in which we should expect our Federal courts to dispense equal justice.

H.R. 2989 provides the initial funding needed to remedy this problem, and I urge my colleagues to support the bill.

Mr. ROYBAL. Mr. Chairman, I yield 3½ minutes to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, I thank the chairman of the subcommittee.

As a member of this committee I compliment the gentleman's work to-

gether with the leadership of the gentleman from New Mexico [Mr. SKEEN] for bringing about a good bill and one that Members of the House can support.

There was one matter that came before the committee of local interest that I believe has national implications. That is on an amendment offered by the gentleman from Maryland [Mr. HOYER] referred to in the committee report at page 71 at section 14. I will read just a part of that if I may in order to engage in a colloquy with the gentleman from Maryland.

The Committee is concerned over the cost of Federal office space in the Washington metropolitan region and in other regions and areas of the country and believes that broader competition will benefit both the taxpayer and Federal employee in terms of leased Government space. In the Washington metropolitan region, for example, prices can range from less than \$20 a square foot to nearly \$40 a square foot depending on the location, and the Government should clearly be seeking to enjoy the benefit of full competition to enjoy the best possible rate available. The Committee is aware that the authorizing committees are reviewing this issue and encourages their efforts to establish a nationwide policy, in this regard.

Would the gentleman from Maryland address this question? Is it the gentleman's understanding that a nationwide policy for competition in metropolitan areas such as Washington, DC, and the Memphis/West Memphis region of Tennessee and Arkansas are to be objects of this policy and the objects of regional competition?

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Chairman, I believe the gentleman is correct in his observation that when we speak of a nationwide policy it would certainly include the Memphis area.

I know the gentleman's great concern and that will be included in the ambit of this language.

Mr. ALEXANDER. Mr. Chairman, two examples of opportunities previously denied to both West Memphis, AR, and the American taxpayer are the Postal Service's bulk mail facility at Memphis, TN, which was constructed in the early 1970's, and the IRS regional service center in Memphis, constructed in the late 1970's. Both facilities could have been acquired at much less cost had West Memphis been allowed to compete for them. I hope we can implement a national regionwide bid and lowest cost space policy as soon as possible.

How would such a policy work? As I envision it, suppose a Federal agency informed GSA that it needed 100,000 square feet of space in the Memphis-West Memphis area. Developers, property owners and contractors in West

Memphis would then be guaranteed the opportunity to bid on the GSA contract for that space, and if the bidder in West Memphis was able to provide quality space at the lowest possible cost in the region, he or she would be awarded the contract.

I would like to bring one other matter to the attention of the committee and of the House, if I might.

Yesterday there were hearings conducted by the gentleman from Georgia, Mr. DOUG BARNARD, in the Committee on Government Operations on a matter which I brought to the attention of the committee concerning the Internal Revenue Service.

I wish to advise the committee of some difficulties that the Internal Revenue Service has been having in cooperating with law enforcement officials in drug trafficking cases, in particular one in Arkansas that originates out of a drug trafficking operation and transport operation in Mena, AR.

I have been trying to gain the cooperation of the IRS in this criminal investigation for quite some time now.

It appears we have resolved the difficulty we have had with them.

I wish to compliment the new Commissioner of the Internal Revenue Service, Mr. Fred T. Goldberg, Jr. I think we have worked out the obstruction and difficulty that we have, and I am hopeful that the Arkansas State police criminal investigation division and the other law enforcement agencies can now go forward with their investigation in the drug trafficking case in Arkansas.

Mr. ROYBAL. Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. I thank the chairman for yielding the time to me.

Mr. Chairman, I heard my friend, the gentleman from Ohio [Mr. TRAFICANT] a few minutes ago in the well speak about the IRS. Let me say this: What he says reflects the concern of everybody in this body. None of us are going to stand still for harassment of anybody by the Internal Revenue Service. The American people should not have anything to fear from the Internal Revenue Service.

When I attend hearings and hear examples of abuses, it makes me boil. We will not stand for it. But I want to say this: In the 1980's, the Reagan administration tried to take the collection mechanism apart down at the Internal Revenue Service. That made no sense for anybody.

We have nearly \$90 billion in taxes per year that are not reported and not paid at the present time. We have a \$65 billion accounts receivable down at the Internal Revenue Service.

Now some want to run off and increase taxes on people who already pay taxes.

□ 1040

I say to let Members find the freeloaders who do not pay taxes, and get them to pay up. This is a much better plan than increasing taxes on the honest taxpayers that already report and pay.

Now I will tell Members, the past 9 years of the administration's behavior with this Internal Revenue Service has effectively taken the system apart. If we ran a corporation, any one Member in this room would darn sure get our executives together if we had 15 or 20 percent of a revenue falling through the cracks and say, "Look, we have a big problem, we better do something about it. We better figure out how better to enforce our laws." As we do that, we need to understand that taxpayers have rights. The Internal Revenue Service shall not harass taxpayers, and if we have evidence of this, we are going to take steps to eliminate it quickly.

However, I want to make sure that everyone understands that we also have a responsibility to collect the taxes that are due. The report reproduced yesterday demonstrates that most of the taxes that are being evaded, most of the money that is not being reported, is coming from the upper income group. This is not nickels and dimes from mom and pop. This is underreported income or nonreported income by people with over \$200,000 a year in income to report. I say we need to find them. That means better enforcement, not harassment, but good enforcement. That is our responsibility.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding time to me.

Let me say that I believe that this committee has done an excellent job in several sections of this bill. I think the section 89 reform is a very, very important item in this bill, and I congratulate this committee for that.

I have some concerns about some of the science items that were put in the bill as individual projects. I think that that ill-serves the ability of this country to do science when what we do is begin to carve out individual little pockets where we are going to spend the money and not get it properly authorized. I have concerns of that type, but overall, I think this is an excellent job, and I want to commend the committee for one particular section which is in this bill.

Section 623 of this bill continues the drug-free workplace language that is in place for the entire Federal Government. I congratulate the committee for proceeding forward on this and now establishing a pattern, that this is going to be included in legislation for

the future. This assures that the Federal Government, under the Executive orders, continues to have the authority from the Committee on Appropriations where funds will be cut off if they do not maintain a drug-free workplace.

Now, I want to make a particular point, though, with regard to this particular language. This language covers the U.S. Congress. I have to say that we have an extremely disappointing record, if not a criminal record, on this issue of complying with the law. This law, as stated in this bill, is not new. It has now been in effect for the entire fiscal year. I have done some checking in recent weeks to find out how many offices have brought themselves into compliance with the provisions of law that were passed last year in the U.S. Congress. I find a handful of offices, well nigh none, have brought themselves into compliance. My office, we have a drug-free workplace policy. I know of several offices that have one, or are in the process of putting one into place. However, they are very few. I say to the Members that when we checked with the Committee on House Administration, the Committee on House Administration has yet to put a policy into place, and the Committee on House Administration is even advising offices at the present time, based upon information I have received, that they do not have to have a written policy, despite the fact that the law requires a written policy in the House of Representatives for a drug-free workplace.

Now I would suggest that we approve this language. This is very important language. It goes not just to the Congress but to the broad base of Federal agencies. However, I also think that it is high time that Congress does what we have required the rest of the Nation to do. Every Federal grantee, every Federal contractor, is now required to put in place written policies for a drug-free workplace. We are required, under law, to do the same thing. I think that is absolutely appalling that this Congress considers itself to be above the law.

Time and time again we have done things which are above the law. In this case, we have passed a law which now we refuse to comply with.

Mr. ROYBAL. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, today I have filed an amendment to H.R. 2989, the Treasury-Postal Service appropriations bill, to strike special interest provisions put in by the full Appropriations Committee. Who does this special interest money benefit?

The Rochester Institute of Technology, the Michigan Technological University, the University of Maryland, College Park, the University of

Hawaii, and the University of Texas, El Paso.

Colleagues, these appropriated grants are for activities and construction related to strategic materials development important to our national security. I am not here today to argue that this research, development and construction should not proceed. I am here instead to strenuously object to legislated grants for a small number of universities, totally bypassing the customary competitive grants process. The five institutions that would benefit by this bill are fine institutions, but there are many excellent research schools in this country that can establish the facilities and do the research envisioned in these special interest grants, and maybe, just maybe, some other school could do it better or cheaper. So I ask as a matter of fairness to all interested schools across this Nation, shouldn't these funds be reserved for the normal competitive grants process?

Mr. Speaker, if violating fundamental precepts of fairness and the normal competitive grants isn't bad enough, just yesterday as part of the Defense Authorization Act, H.R. 2461, in title 23, related to strategic and critical materials development, research and conservation, we stipulated that any:

Grant or contract under this section for the performance of development and research (or for the construction of a facility for the performance of such development and research) may be made or awarded only—(1) using competitive procedures and only if the President determines at the time of making such grant or awarding such contract that such grant or contract shall serve the national defense needs.

Those are the exact words of the provision adopted by the House yesterday and less than 24 hours later this House is debating a bill that violates that provision—just 1 day later. I would also like to point out to my colleagues that there is no mention of the need or justification for these grants in the report of the committee and I have yet to find any testimony or hearings held on these projects before this subcommittee.

Mr. Speaker and colleagues, there is only \$16.2 million in this appropriations measure for this program. And these five special projects get all the money. Nothing is left for the competitive grant process. The normal grants process should work its will. If these same five schools win awards in a competitive grants process, fine, but we should not be here today awarding scientific grants in an appropriations bill. It's neither the time nor the place, Mr. Speaker.

I urge that my colleagues give careful consideration to the point of my amendment.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma [Mr. EDWARDS].

Mr. EDWARDS of Oklahoma. Mr. Chairman, today we have the opportunity to do what more than 70 percent of the House has said it supports—preventing the implementation of section 89.

Section 530 of this bill, which was added to the bill by an amendment I offered in the Appropriations Committee, prohibits the use of appropriated funds to implement or enforce section 1151 of the Tax Reform Act of 1986, more commonly known as section 89. The effect of this provision would be to suspend the implementation of section 89 for a period of 1 year.

Every Member of the House is aware of the strong opposition to section 89 among our constituents. This provision will require businesses to spend considerable time and effort in collecting data and testing their benefit plans. The cost of compliance will be substantial and beyond the resources of many small businesses, many of which will have to seek outside assistance.

The negative effects of section 89 are already being felt by businesses. Many companies are canceling employee benefit plans rather than face the task of comprehending and complying with section 89. In other instances companies are offering simplified benefit plans that provide less flexibility and choice to their employees. Instead of encouraging employer sponsored health plans, section 89 is acting as a deterrent. Clearly, this was not the intent of Congress.

No one disagrees with section 89's objective of preventing discriminatory benefit plans. While there are proposals in Congress that modify section 89, it is my belief that the law is so flawed it should be repealed. Efforts to reform or simplify current law simply do not do enough to provide the degree of relief needed. While section 530 of this bill does not repeal section 89, it would remove the threat the law poses to our Nation's business community for a period of 1 year.

This would give Congress time to take a thorough look at the issue of discrimination in employee benefit plans. Congress could then determine the extent of the problem and, if corrective action is necessary, carefully consider a proper course of action that will ensure employees are not discriminated against, will treat small business fairly, and will not have the adverse effect of discouraging employer-sponsored health plans.

I urge my colleagues to support the delay in section 89 that this bill would provide and to support passage of H.R. 2989.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. COLEMAN].

Mr. COLEMAN of Missouri. Mr. Chairman, I take this opportunity

today to rise in support of language in H.R. 2989, the Treasury, Postal Service, and General Government appropriations bill for fiscal year 1990 prohibiting the expenditure of funds for the enforcement of the onerous "section 89" provisions.

Section 89 was included in the so-called Tax Reform Act of 1986, which I opposed. The new rules have proven an administrative nightmare for small businesses, a fact attested to by the hundreds of small businessmen and women who have called and written me to seek relief from the law.

Under the provisions of the law, businesses must run a series of baffling and costly tests on health and life insurance plans to prove that the highest paid workers aren't getting extra benefits while other employees get only the most basic coverage. The rules are so complicated that the Treasury Department has delayed implementation twice, and even the Internal Revenue Service has had trouble figuring them out. The new law was supposed to go into effect on January 1 of this year, but it wasn't until March that the IRS was able to make enough sense out of the law to come up with partial guidelines to help employers comply. Mr. Speaker, if the agencies of the U.S. Government charged with administering these provisions can't figure them, how in the world can small businesses be expected to meet the requirements?

I support a repeal of section 89 as currently written and administered and at the very least I encourage my colleagues to join me in seeking ways to make the provisions less burdensome. Though the language in this bill today does not go that far, it does go a step in the right direction by providing a solid year of relief for small businesses, and sends an unmistakable message to the Ways and Means Committee regarding the opposition of the full House of Representatives to the provisions.

□ 1050

Mr. SKEEN. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. LOWERY.]

Mr. LOWERY of California. Mr. Chairman, I rise to express my strong support for H.R. 2989, the Treasury, Postal Service and General Government appropriations bill for fiscal year 1990. As a member of the Treasury Postal Subcommittee, I participated in the formulation of the bill and I believe this is a good piece of legislation that deserves approval by the House. It is amazing to me to hear these kind things being said. This is the first time I can recall such nice things being said by our colleagues about the Appropriations Committee.

H.R. 2989 will enable the Customs Service, the Internal Revenue Service, and the Bureau of Alcohol, Tobacco

and Firearms to carry out their vital law enforcement and revenue collecting duties.

In addition, these appropriations support GSA's efforts to construct, modernize, and maintain vital U.S. Government buildings and facilities. H.R. 2989 also funds the operations of the Executive Office of the President, the Executive Residence at the White House, and a number of important independent agencies such as the Office of Personnel Management, the Federal Elections Commission, and the National Archives. While the work of these agencies is not often publicized, their duties are important to the Government and the Nation.

The committee carefully evaluated the responsibilities and problems facing the agencies under our jurisdiction, as well as the budget levels recommended by the President. There were controversial issues and some tough decisions had to be made to meet the spending limitations dictated by this year's budget summit agreement.

I want to express my thanks to Chairman ROYBAL and Mr. SKEEN, the ranking minority member, for their leadership and hard work on the bill.

This is a responsible funding measure that conforms with the House budget resolution and is generally in line with the President's budget goals. While we disagreed with the administration on certain issues, this bill will give strong support to all the agencies under its purview. The committee gave special priority to the Customs Service, the Internal Revenue Service, and the Bureau of Alcohol, Tobacco and Firearms because of their revenue collection duties and vital roles in the war on drugs. These agencies received funding increases over last year.

Mr. Chairman, as a representative from San Diego, CA, I am acutely aware of the constantly increasing flow of trade, people and, unfortunately, illegal drugs, across our border with Mexico. The interaction between the United States and our neighbor to the south is vital to both nations and will continue to grow. The U.S. Customs Service is the agency that must manage this process. The legislation before us today attempts to provide the Customs Service with the resources needed to meet its complex mission of interdicting drugs while monitoring and processing passenger and commercial traffic into the United States.

Also included in this bill is a provision that will prohibit the Department of the Treasury from expending funds to implement section 89 of the Tax Reform Act of 1986. Section 89 was intended to eliminate discrimination in health insurance benefits. Unfortunately, it has become a nightmare of burdensome tax regulations for our Nation's small businesses. A large ma-

ajority of the House supports repeal of section 89 and this provision is a good first step toward this goal. I support this provision.

The Treasury/Postal appropriations bill provides funding for essential duties of the Federal Government. The Appropriations Committee has set adequate funding levels for these fundamental Federal duties and these levels meet the deficit reduction requirements set by the budget resolution. I urge the passage of this legislation.

Mr. SKEEN. Mr. Chairman, I have no further requests for time.

Mr. ROYBAL. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I know that the committee opposes my modest amendment, but I think this speaks for the fairness of this subcommittee chairman.

A little while ago one of the best Members of the House, the gentleman from North Dakota [Mr. DORGAN], came up and he alluded to a couple of concerns that I think everybody has about raising revenue, but there was an issue brought up about taxpayer's rights. I just want to make one point. Under tax law, a taxpayer is guilty and must prove himself innocent. I say, No. 1, that that is unconstitutional on its face, and Congress should have done something with that sometime over the last 200 years. The Founding Fathers never expected to see this type of damaged, deviated and misrepresentation of our constitutional principles.

If we are looking at all this income and we are worried about getting income, maybe we should not have an income tax; maybe we should have a spending tax.

Let us tell it like it is. Today in Los Angeles, CA, there is an investigation going on about the former head of the Criminal Division of the IRS Ron Saranow. Let me tell the Members of Congress something that will make them think about this. They say that IRS agents cannot be questioned because they will not answer questions. They said they were "afraid." What is going on here? If agents are afraid to talk, because they say, and I quote, "they don't want the IRS to retaliate and come after them," what about the rest of us? They work for the IRS. What about Mom and Dad here?

My amendment is similar to the request of President Bush. It cuts \$3 million. The significance is that Congress can only give a message to the IRS in one way, and that is in their pocketbook. This is a modest cut, and Congress today will, I hope, say that they should straighten out their act. We should say, "We represent the American people, and you are out of control."

I do not want to bring this to a vote on a Friday. I would like to see the committee accept the amendment, and then if they throw it out in conference and the Senate says, "Look, we will do something else with it," I will accept that. But I am not going to let Congress sit idly by and do nothing while they run up in testimony reams and reams of evidence, and yet we have done nothing, really.

Mr. Chairman, I am going to vote for this bill. I do not like being on the floor today confronting what I consider to be one of the best chairmen in the House and in this Congress, but I feel that strongly about this. No one in our country should be afraid of the Government, and nobody should be considered guilty until they have proven themselves innocent.

Mr. Chairman, I ask, "What is going on folks?"

Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. ROYBAL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it appears that in general debate the committee covered every one of the issues that have been discussed. That also includes the issue brought up by the gentleman from Ohio [Mr. TRAFICANT]. I am sure that when the amendment is presented, there will be further debate and further discussion. So I will not comment until that particular time.

Mr. HARRIS. Mr. Chairman, I come before you today to express my support of the provision to suspend for 1 year enforcement by the Internal Revenue Service of section 89 of the Internal Revenue Code.

The Congress has long sought to promote health and certain other benefit plans through tax policy. Employer contributions are generally not included in employee income. This exclusion for medical premiums alone amounts to a tax preference of about \$30 billion a year. This policy has enjoyed broad public and congressional support. At the same time, it is appropriate for Congress to be concerned that this investment in health care is widely dispersed through the work force, and not concentrated among highly compensated employees. The nondiscrimination requirement has been part and parcel of pension law for some time, but in 1986 it was first extended to other health and welfare plans with the adoption of section 89.

I was not a Member of Congress at the time of the passage of the Tax Reform Act of 1986. However, from my studies of this provision and the related regulations, it appears to me that the compliance burden section 89 now imposes is greater than the benefits it seeks to promote. Therefore, during the 100th and 101st Congresses, I have supported efforts to greatly simplify, or in the alternative, repeal section 89. Members of the business community are vital to the economy of this Nation and especially to Alabama and the Seventh District. Creating a workable set of nondiscrimination rules for health and welfare plans is not an easy task. It is my hope that actions such as today's suspension of en-

forcement will keep this debate alive and give all constituencies an opportunity to express their concerns on this extremely complex area of tax law.

Mr. FRENZEL. Mr. Chairman, this bill H.R. 2989 covers some of the most vital of Federal services. But, many of these services are pretty routine. Eighteen billion dollars is a steep price to pay for them.

H.R. 2989 is within the budget agreement. The subcommittee has done an especially good job on funding the IRS to the level specified in the agreement.

Despite those good qualifications, \$18 billion seems to me to be too high for this bill. While it fits the budget resolution, it falls far short of the spending restraint needed to make responsible deficit reductions. I shall therefore vote against it.

Mr. DORGAN of North Dakota. Mr. Chairman, the Treasury Postal appropriations bill before us today increases spending by \$2.4 billion over last year's level. That should give all Members concern in a time of high budget deficits.

Some increases make good sense. A \$7.4 million boost in for investigations, collections, and taxpayer service at the Internal Revenue Service will produce revenue increases that far outweigh the costs of additional personnel.

On the other hand, I am disturbed about another hefty rise in the retirement benefits of former Presidents, including an increase of almost \$400,000 for more staff, office space, and pension benefits for former President Reagan. We should provide former Presidents with the resources to carry out continued obligations to the public. But my concern is that we fund these activities too generously.

May I also point out that this bill supplements the operations of the U.S. Postal Service, even though it is an independent agency with its own Board of Governors. Because Congress still has an oversight role in postal affairs, I want my colleagues to know that I cannot understand why the Postal Service persists in its plan to build brand new post offices across the country, when it could lease perfectly usable facilities from their present owners.

During the past few years, the Postal Service has sought to construct several new buildings in such towns as Beach, Jamestown, Linton, and Wilton, ND. I point this out to my colleagues, because in each case the service could have rented an existing building to handle its requirements.

I want to state for the record my view that the Postal Service ought to review its current facilities policy, which favors constructing new post offices. Wherever possible, the agency should lease existing facilities and not build new ones. This is one sure way to help keep postal rates competitive and to reduce vacancy rates in commercial buildings.

Mr. McDADE. Mr. Chairman, I rise in strong opposition to section 89 and in support of the effort to defer implementation of this onerous provision.

As the vice chairman of the Small Business Committee, I have heard from numerous small business owners, many of whom are in my own district, who are faced with the problem of trying to comply with the complex

and bewildering regulations handed down by the Internal Revenue Service. The fact that implementation of the final regulations has been delayed not once, but twice, I believe, is proof enough that these guidelines are barely decipherable.

It should be clear to everyone why section 89 is such a serious threat to small firms. The IRS has estimated that the Nation's employers will have to spend an additional 9 million hours on their annual paperwork burden as a result of section 89. My committee heard testimony earlier this year that the IRS estimate is ridiculously low, perhaps only a quarter of the actual time required. Businesses, particularly small businesses, across this country will thus be the loser under section 89 in that the quality work time of their employees will be spent, not on the work of the firm, but rather on the work of the Federal Government. Small businesses should not be required to determine whether they are in compliance with section 89. Enforcement of section 89 should be the responsibility of the Federal Government. Section 89 single-handedly reverses the progress made over the course of the last 8 years by the Paperwork Reduction Act.

Small business owners are least able to cope with section 89 regulations and to pay for the costs of compliance with this law, but they are the ones who will be hardest hit by it. Large companies have the financial resources to hire lawyers and accountants so they can weave their way, as painlessly as possible, through this web of burdensome regulations. Small firms don't enjoy this luxury. Every small business owner who is tied down trying to interpret the IRS definition of "discriminatory" means a loss of productivity. It was once estimated that by implementing these so-called antidiscrimination rules, the Federal Government would net a sum of roughly \$72 million from taxes on excessive benefits. Now, as almost everyone concedes, section 89 is going to cost the Government money and this amount may exceed a quarter of a billion dollars annually. This is because the cost of compliance with section 89 is deductible as a business expense. Section 89 will, therefore, not be the revenue raiser it was originally thought to be, but rather a net revenue loser.

Finally, the workers of this Nation are going to be severely affected by section 89. Employers will quickly learn that rather than have their staffs waste precious time sorting out the regulations, they will simply cease to offer health benefits to their employees, thus saving time, money, and frustration. Therefore, I believe that rather than reducing the number of Americans who are currently without

basic health coverage, section 89 will very likely cause this number to rise.

For all these reasons, Mr. Chairman, I strongly support the delay of the implementation of section 89 and would urge my colleagues to oppose any motion to strike this provision.

Mrs. LLOYD. Mr. Chairman, I rise in strong support of the language included in H.R. 2989 which calls for the IRS to suspend for 1 year enforcement of section 89 of the Internal Revenue Code. Clearly the momentum is growing for full repeal of section 89 and I believe that this measure is a step in the right direction.

While I do support the intent of section 89, to ensure that employer-sponsored benefit plans are broadly based and do not favor highly paid employees, the law as written is extremely complex and has become an administrative nightmare for American businesses. It is illogical and unfair to ask employers to go to the time and expense of attempting to comply with section 89. The compliance burden is so onerous, that I am concerned that small business owners will be further discouraged from offering health insurance benefits or will reduce or even terminate the benefits they now provide. Full repeal is necessary and warranted and I will continue to work toward that end.

Earlier this year, I voted for a motion to the dire emergency supplemental appropriations bills which would have allowed for consideration of an amendment to repeal section 89. Although this effort was not successful, today we have another opportunity to show the American business men and women that we have heard their outcry for relief and that we are ready and willing to act on their behalf. It is imperative that we adopt the language before us to delay enforcement so that we can continue our efforts to repeal section 89 altogether.

Mr. RAHALL. Mr. Chairman, I am in strong support of H.R. 2989, the fiscal year 1990 appropriations bill for Treasury, Postal Service, and General Government.

While there are many provisions contained in this measure which directly and indirectly affect my constituents in this measure which directly and indirectly affect my constituents in West Virginia's Fourth District, as indeed they do for the whole State, I would like to briefly touch on a few.

Under the appropriations, amounting to \$1.04 billion, for Customs Service, I appreciate knowing that the Service is funded to carry out tactical interdiction to combat drug smuggling activity along our national borders, and will accomplish this by keeping mobile forces involved in certain air tactical enforcement operations, as well as on land and by sea. If we are to fight a drug war, this is of critical importance to our ability finally to have an impact on the dangerous drugs that are destroying our children, families, and entire communities. This activity by the Customs Service, coupled with the funds available to retrofit and modify surveillance aircraft with airborne early warning configurations, combined with other efforts being made through Federal assistance to States and localities, including drug-free schools and communities, might eventually make a meaningful stand against the monstrous drug crisis in the United States.

The appropriations for fiscal year 1990 for the Postal Service of \$459.7 million, reflects an increase of \$23.3 million to assist it in carrying out its basic duties, such as providing window services, processing, delivery and transportation of mail; research and development; administration of postal field activities; and associated expenses of providing facilities and financing.

Mr. Chairman, we have the finest and most reliable postal service in the world when you compare it with any other country. I have the greatest respect for and care about the men and women who provide these services, from the smallest hamlet to the biggest cities; they may not be perfect, but they are professionals who care deeply about the service they are called upon to provide, and I frankly commend each and every one of them.

Perhaps one of the most important provisions in this bill for postal services is known as "revenue forgone" appropriations for all preferred rate categories. I know that our libraries, schools, universities, and charitable organizations rely heavily on preferred rate mailing to serve the causes of information sharing, educating our citizenry, and research. Such mailings serve the homebound and the handicapped; children in schools, scholars in university settings, and college students in general. The elderly, who cannot travel to a library due to infirmities, or lack of transportation, particularly those in remote areas, can receive books, including talking books and large-print books for the sight-impaired, by mail. The appropriation necessary to cover the revenue that is lost to the postal service because of reduced-rate mailings, \$459.7 million, is made available under H.R. 2989.

It is anticipated that the administration will resubmit a previous legislative proposal to eliminate revenue forgone appropriations for all preferred rate categories, except mail for the blind and overseas voter mail. I regret that this administration is following the same path of the previous administration. I am very much afraid that this is just the continuation of an ideology that would lead, if allowed by Congress, to the privatization of the Postal Service, to the point where information cannot be exchanged or disseminated among individual Americans, or internationally, except at exorbitant costs and difficulty of access to such information by individuals who need and rely on the ability to obtain whatever is available on an as-needed basis.

The Federal Government's ability to keep the people of this country informed and aware of services available to them, normally made possible by the publication and dissemination of information on all manner of services for which Americans may be eligible or from which knowledge they stand to benefit, began to erode during the Reagan administration. I will do all that I can as a Member of Congress to see to it that the erosion of access to information stops, and to reverse the trend wherever possible.

There is also an appropriation of \$36.942 million which will be transferred to the Department of Labor to cover Workers' Compensation costs for injuries to some 2,700 surviving former postal workers—injured before postal reorganization—that is prior to July 1971. The Postal Service now, of course, pays compen-

sation costs for its own employees, but by law the United States remains responsible for those injuries incurred prior to 1971.

This bill includes an additional \$12 million, reflecting an increase of \$8 million over last year's funding, for the Office of National Drug Control Policy. These new funds will again, in combination with Federal assistance elsewhere in this measure and under other laws, go far in assisting this country in overcoming the crisis of drug abuse. The Drug Control Policy Office is charged with developing policies, objectives, and priorities for our national drug control strategy, including assisting States and local governments regarding control matters.

Mr. Chairman, of utmost importance is the inclusion in this legislation of a 3.6-percent increase in pay for all Federal civilian employees, effective January 1, 1990. This is in addition to funds made available for Federal retirees' health benefits and civil service retirement and disability funds.

I wish to make it clear, lest someone misinterprets the provisions in this bill, or my statement in reference to them, that the pay increase of 3.6 percent for Federal civilian employees does not apply to Members of Congress, Federal judges, or high officials in the executive branch.

Mr. Chairman, H.R. 2989 contains appropriations for such entities as the Federal Election Commission, the Advisory Committee on Federal Pay, the General Services Administration, National Archives and Records Administration, the Martin Luther King, Jr. Federal Holiday Commission, the Office of Government Ethics, the Federal Labor Relations Authority, OPM, OMB, and others—all of which play significant and often critical roles in making our Government work.

In conclusion, Mr. Chairman, I am more than pleased to note that there is included in H.R. 2989 a provision prohibiting the use of funds to implement or enforce section 89, a provision of the Tax Reform Act of 1986 that establishes uniform rules prohibiting discrimination in favor of owners and executives in health and certain other employee benefit plans if those plans are to receive favorable tax treatment.

As a cosponsor of legislation to delay implementation of section 89 which received my support early in this session of Congress, after having become aware of the problems it created for businesses, and particularly small businesses, I am more than pleased to be able to vote for this delay in implementation and enforcement of the offending section. I, like Chairman ROSTENKOWSKI and others, do not believe it is a good idea to rush to judgment and repeal legislation enacted by the Congress with good reason and intent. I support the chairman in his efforts to modify the section 89 provisions so that they are acceptable and less burdensome while, at the same time, preserving the original intent to prohibit discrimination against certain classes and levels of employees.

There are \$18.4 billion contained in H.R. 2989, spread between Treasury and the Postal Service, and including general government needs. It is well known that this new obligation of funds will have the impact of in-

creasing budget expenditures, in a time of budget restraint. But as is true of other appropriations measures already passed, and those pending action by the body, the funds are necessary for the orderly operation of government entities which provide services, both directly and indirectly, that affect the lives of my constituents. I intend to support its enactment and hope that my colleagues will support it also.

Mrs. BOXER. Mr. Chairman, I rise in support of this legislation and, in particular, section 619 on Employee Disclosure Agreements, which places a moratorium on the executive branch's use of certain nondisclosure agreements, standard forms 312 and 4355.

The provision will prevent the administration from collecting new signatures on these contracts or enforce certain aspects of them in the coming fiscal year.

This moratorium is meant to allow time for continuing discussion between the executive branch and the Congress with regard to these contracts. This issue has been under review and negotiation and more time is needed for a successful resolution. The moratorium would provide that.

This issue has been the subject of litigation regarding a prior, similar moratorium on employee disclosure agreements, in which my colleagues in this lawsuit, and I, argued that the executive branch was not in compliance with the law. The case went to the Supreme Court. The Court sent the case back to the district court suggesting that the case may be moot.

This new moratorium addresses new contracts promulgated by the administration while our case was pending. Litigation before the Court pertains to the old contracts, therefore there is no longer a basis for the suit. The lawsuit, therefore, is moot. The two branches will then be able to work toward a resolution of their differences regarding nondisclosure agreements.

Mr. UPTON. Mr. Chairman, I rise today in support of H.R. 2989, the Treasury, Postal Service, and General Government Appropriations bill.

I want to congratulate the Appropriations and Rules Committees for zeroing out funding for the enforcement of section 89. Although this action is not a substitute for complete repeal of this burdensome law, it is a step in the right direction. Denial of funding would ensure that businesses need not spend excessive amounts of money and time complying with rules universally recognized as unworkable.

I urge my colleagues to support the bill and, in doing so, support fairness for small businesses.

Mr. LAGOMARSINO. Mr. Chairman, the provisions in section 89 of the Internal Revenue Code are overly complicated and an onerous burden that has been placed on the shoulders of American businesses. I applaud the Appropriations Committee's actions today in prohibiting the Treasury Department from enforcing penalties on businesses who fail to comply with the section 89 rules. Their action reaffirms Treasury Secretary Brady's statement that section 89 "imposes unreasonable compliance burdens on business," and that "the law needs to be changed."

Although I believe that the delay in implementing the section 89 regulations is a step in the right direction, I also believe that the ultimate solution lies in a repeal of the entire provision. By the fact that over 300 of our colleagues are cosponsors of Congressman LAFALCE's bill to repeal section 89, it is clear that the overwhelming majority of our colleagues share in that belief. In light of this, I would ask that Mr. LAFALCE's bill be brought to the floor for a vote by the full House.

I believe that no amount of change is going to prevent compliance with section 89 from being an undue burden on business, especially small business. In an effort to insure better benefits for workers, section 89 may be ensuring that fewer companies offer any benefits at all for fear of noncompliance or that the cost and bother aren't worth it. That sounds like a law that won't work, and I encourage my colleagues to support its repeal.

Mr. PENNY. Mr. Chairman, I rise in opposition to H.R. 2989, the Treasury, Postal Service, and General Government Appropriations for fiscal 1990. This measure appropriates a total of \$18.4 billion for the Treasury Department, U.S. Postal Service, various offices of the Executive Office of the President, and for certain independent agencies.

The bill's total is \$2.4 billion—15 percent—more than the fiscal 1989 appropriation and, in many categories and programs, represents increases over the request of the administration. This level of increase is too great and should be reduced.

Mr. Chairman, this is the appropriations measure for most general services of the Federal Government and as such is a reflection of our willingness to reduce the size and scope of the Federal bureaucracy at a time of large budget deficits. By increasing the funds for the general services of Government over 15 percent, as this bill does, we are sending a signal that we cannot hold down the very costs of operating Government, while at the same time we are reducing and even cutting important programs like education and the environment. Is this the signal we wish to send here today? I hope not and I will oppose this measure on final passage.

Some in this body will argue that we will not eliminate the deficit and balance the budget by eliminating the Federal infrastructure itself. This statement is entirely correct and I concede the point. However, this appropriations measure contains a number of questionable expenditures.

For example, next fiscal year, this measure appropriates \$1.8 million for the expenses and pensions of former Presidents of the United States. I strongly object to this appropriation, which is \$392,000 more than was appropriated for fiscal 1989. I had planned to offer an amendment to reduce the appropriation for allowances of former Presidents but I will not offer that amendment today. I want Members to know, however, that I may offer amendments in the future to reduce spending in this area.

Mr. Chairman, in examining spending in this area of the budget, I was disturbed to discover that our former Presidents will receive any future pay increases awarded to Cabinet Secretaries. Should we later consider legislation to increase compensation for Cabinet mem-

bers and Members of Congress, I intend to offer amendments to prohibit any adjustments to the salaries of former Presidents of the United States as well as former Members of Congress.

Former Presidents today receive a pension of \$99,500 per year. It is well documented that our former Presidents have substantial outside incomes and have little need for significant adjustments to their pensions. I do not begrudge our former Presidents a pension; I do object to significant adjustments to those pensions that come as a result of adjustments in salaries of current officials of the executive branch.

Mr. Chairman, we should vote this bill down as excessive, but we should also closely examine specific programs like Presidential pensions.

Mr. McEWEN. Mr. Chairman, I rise today to support the provision of the Treasury/Postal Service appropriations measure which prohibits the use of these funds to enforce the complex and burdensome regulations in section 89. Let me applaud the subcommittee for its understanding and creativity. Many business owners in Ohio have expressed their concerns for this provision, which will cause them to terminate their health benefit plans. Certainly the history of these rules indicates the inappropriateness of this provision. Last year Congress found it necessary to include a simplification of this section in the technical corrections bill, before the section went into effect. Even with this action, the Treasury Department found the section so complex that it was months late in issuing the proposed regulations. The Commissioner of IRS has found it necessary to continually move the effective dates because few people could understand, much less implement these rules. This law places small business employers between the rock of the long, arduous, expensive testing, and the hard place of terminating the health plans which would become prohibitively expensive for their enterprises, benefits which the supporters of section 89 mistakenly thought they were promoting. The prevention of spending funds to enforce this provision is a step in the right direction, and one which I hope will lead to its complete repeal. I urge my colleagues to support this ban.

Mr. BROOKS. Mr. Chairman, section 619 of H.R. 2989, a bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President and certain independent agencies for the fiscal year ending September 30, 1990, would place a moratorium on certain nondisclosure agreements.

Similar provisions have been part of appropriations bills in the past several Congresses. As a consequence, the administration's nondisclosure program has been improved. However, there are still several areas of controversy that need to be resolved.

Mr. Chairman, since 1983 I have been working to provide relief to employees of the executive branch from excessively burdensome nondisclosure contracts. Riders passed in previous Congresses have placed moratoriums on the use of particular nondisclosure contracts that have subsequently been withdrawn. Litigation regarding the administration's com-

pliance with those riders has been before the courts. The Supreme Court recently remanded one of the cases back to the district court for further consideration of whether the suit is still viable. The lawsuits concern old contracts which are no longer in use. Consequently the adoption of the new moratorium should effectively moot the current lawsuit.

The moratorium in H.R. 2989 addresses the new contracts—standard forms 312 and 4355—which have been promulgated while these lawsuits have been pending. The purpose of this new moratorium is to facilitate the continuing discussions between the executive and legislative branches about problems in the new contracts. This provision will provide time for the Congress and executive branch to iron out their differences regarding these non-disclosure agreements. Maintaining this moratorium in law is essential to assure that these discussions are productive.

Mr. ROYBAL. Mr. Chairman, I yield back the balance of my time.

Mr. SKEEN. Mr. Chairman, I, too, yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 2989

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1990, and for other purposes, namely:

TITLE I

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; not to exceed \$22,000 for official reception and representation expenses; not to exceed \$200,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; not to exceed \$1,649,000, to remain available until expended, for systems modernization requirements; not to exceed \$573,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex; \$58,081,000.

INTERNATIONAL AFFAIRS

For necessary expenses of the international affairs function of the Office of the Secretary; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed \$2,000,000 for official travel expenses; and not to exceed \$73,000 for official reception and representation expenses; \$25,010,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$13,605,000.

FEDERAL LAW ENFORCEMENT TRAINING CENTER SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including purchase (not to exceed thirty for police-type use) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed \$5,000 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109: *Provided*, That the Center is authorized to accept gifts: *Provided further*, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further*, That funds appropriated in this account shall be available for State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation; training of private sector security officials on a space available basis with reimbursement of actual costs to this appropriation; travel expenses of non-Federal personnel to attend State and local course development meetings at the Center: *Provided further*, That the Director of the Federal Law Enforcement Training Center shall annually present an award to be accompanied by a gift of intrinsic value to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, to be funded by donations received through the Center's gift authority: *Provided further*, That the Federal Law Enforcement Training Center shall hire up to and maintain an average of not less than 425 direct full-time equivalent positions for fiscal year 1990; \$34,664,000: *Provided further*, That none of the funds appropriated under this heading shall be used to reduce the level of advanced training or other training activities of the Federal Law Enforcement Training Center at Marana, Arizona.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center and for on-going maintenance, facility improvements, and related expenses, \$9,880,000, to remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, \$289,695,000, of which not to exceed \$14,864,000, shall remain available until expended for systems modernization initiatives.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed five hundred vehicles for police-type use for replacement only and hire of passenger motor vehicles; hire of aircraft; and services of expert wit-

nesses at such rates as may be determined by the Director; not to exceed \$5,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement; provision of laboratory assistance to State and local agencies, with or without reimbursement; \$245,933,000, of which \$15,000,000 shall be available solely for the enforcement of the Federal Alcohol Administration Act during fiscal year 1990, and of which not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2): *Provided*, That no funds appropriated herein shall be available for administrative expenses in connection with consolidating or centralizing within the Department of the Treasury the records of receipts and disposition of firearms maintained by Federal firearms licensees or for issuing or carrying out any provisions of the proposed rules of the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, on Firearms Regulations, as published in the Federal Register, volume 43, number 55, of March 21, 1978: *Provided further*, That none of the funds appropriated herein shall be available for explosive identification or detection tagging research, development, or implementation: *Provided further*, That not to exceed \$300,000 shall be available for research and development of an explosive identification and detection device: *Provided further*, That funds made available under this Act shall be used to maintain a base level of 3,701 full-time equivalent positions for fiscal year 1990, of which no fewer than 543 full-time equivalent positions shall be allocated for the Armed Career Criminal Apprehension Program.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase of up to one thousand motor vehicles for replacement only, including nine hundred and ninety for police-type use and commercial operations; hire of passenger motor vehicles; not to exceed \$10,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service; \$1,041,490,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations, and not to exceed \$4,000,000, to remain available until expended, for research: *Provided*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That none of the funds made available by this Act shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of \$25,000: *Provided further*, That the Commissioner or his designee may waive this limitation in individual cases in order to prevent excessive costs or to meet emergency requirements of the Service: *Provided further*, That none of the funds made available by this Act may be used for administrative expenses in connection with the proposed redirection of the Equal Employment Opportunity Program: *Provided further*, That none of the funds made available by this Act shall be available

for administrative expenses to reduce the number of Customs Service regions below seven during fiscal year 1990: *Provided further*, That the United States Customs Service shall hire and maintain an average of not less than 16,600 full-time equivalent positions in fiscal year 1990: *Provided further*, That none of the funds made available in this or any other Act may be used to fund more than nine hundred positions in the Headquarters staff of the United States Customs Service in the fiscal year ending September 30, 1990: *Provided further*, That no funds appropriated by this Act may be used to reduce to single eight hour shifts at airports and that all current services as provided by the Customs Service shall continue through September 30, 1990: *Provided further*, That not less than \$500,000 shall be expended for additional part-time and temporary positions in the Honolulu Customs District.

OPERATION AND MAINTENANCE, AIR INTERDICTION PROGRAM

For expenses, not otherwise provided for, necessary for the hire, lease, acquisition (transfer or acquisition from any other agency), operation and maintenance of aircraft, and other related equipment of the Air Interdiction Program; \$125,128,000, to remain available until expended: *Provided*, That, of this amount, \$7,020,000 shall be available for the machine-readable document border security program.

CUSTOMS FORFEITURE FUND

(LIMITATION ON AVAILABILITY OF DEPOSITS)

For necessary expenses of the Customs Forfeiture Fund, not to exceed \$10,000,000, as authorized by Public Law 100-690; to be derived from deposits in the Fund.

CUSTOMS SERVICES AT SMALL AIRPORTS

(TO BE DERIVED FROM FEES COLLECTED)

Such sums as may be necessary, not to exceed \$1,588,000, for expenses for the provision of Customs services at certain small airports designated by the Secretary of the Treasury, including expenditures for the salaries and expenses of individuals employed to provide such services, to be derived from fees collected by the Secretary of the Treasury pursuant to section 236 of Public Law 98-573 for each of these airports, and to remain available until expended.

UNITED STATES MINT

SALARIES AND EXPENSES

For necessary expenses of the United States Mint; \$50,735,000, including amounts for purchase and maintenance of uniforms not to exceed \$275 multiplied by the number of employees of the agency who are required by regulation or statute to wear a prescribed uniform in the performance of official duties.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States; \$219,430,000.

INTERNAL REVENUE SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Internal Revenue Service, not otherwise provided; for executive direction and management services, and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; \$72,382,000, of which not to exceed \$25,000 for official reception and representation ex-

penses and of which not to exceed \$500,000 shall remain available until expended, for research.

PROCESSING TAX RETURNS

For necessary expenses of the Internal Revenue Service not otherwise provided for; including processing tax returns; revenue accounting; computer services; and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; \$1,953,446,000 of which not to exceed \$80,000,000 shall remain available until expended for systems modernization initiatives.

EXAMINATION AND APPEALS

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; employee plans and exempt organizations; tax litigation; hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; \$1,911,301,000.

INVESTIGATION, COLLECTION, AND TAXPAYER SERVICE

For necessary expenses of the Internal Revenue Service for investigation and enforcement activities; including purchase (not to exceed four hundred and fifty-one for replacement only, for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); securing unfiled tax returns; collecting unpaid accounts; examining selected employment and excise tax returns; technical rulings; enforcement litigation; providing assistance to taxpayers; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner: *Provided*, That notwithstanding any other provision of the Act, none of the funds made available by this Act shall be used to reduce the number of positions allocated to taxpayer service activities below fiscal year 1984 levels, or to reduce the number of positions allocated to any other direct taxpayer assistance functions below fiscal year 1984 levels, including, but not limited to Internal Revenue Service toll-free telephone tax law assistance and walk-in assistance available at Internal Revenue Service field offices: *Provided further*, That the Internal Revenue Service shall fund the Tax Counseling for the Elderly Program at \$2,800,000. The Internal Revenue Service shall absorb within existing funds the administrative costs of the program in order that the full \$2,800,000 can be devoted to program requirements; \$1,620,252,000.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SECTION 1. Not to exceed 4 per centum of any appropriation made available to the Internal Revenue Service for the current fiscal year by this Act may be transferred to any other Internal Revenue Service appropriation.

Sec. 2. Not to exceed 15 per centum, or \$15,000,000, whichever is greater, of any appropriation made available to the Internal Revenue Service for document matching for the current fiscal year by this Act may be transferred to any other Internal Revenue Service appropriation for document matching.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase (not to exceed three hundred and forty-three vehicles for police-type use for re-

placement only) and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; the conducting of and participating in firearms matches and presentation of awards; and for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act: *Provided*, That approval is obtained in advance from the House and Senate Committees on Appropriations; for repairs, alterations, and minor construction at the James J. Rowley Secret Service Training Center; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed \$12,500 for official reception and representation expenses; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year; \$371,401,000, of which \$2,100,000 shall remain available until expended for construction at the Vice President's Temporary Official Residence.

DEPARTMENT OF THE TREASURY—GENERAL PROVISIONS

SECTION 101. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services as authorized by 5 U.S.C. 3109.

Sec. 102. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1954 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

Sec. 103. Not to exceed 2 per centum of any appropriations in this Act for the Department of the Treasury may be transferred between such appropriations. However, no such appropriation shall be increased or decreased by more than 2 per centum and any such proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

Sec. 104. None of the funds made available by this Act may be used to place the United States Secret Service, the United States Customs Service, or the Bureau of Alcohol, Tobacco and Firearms under the operation of the Inspector General of the Department of the Treasury. As used in this section, operation means "the authority to direct the activities and operations of such organizations other than as provided by the Inspector General Act of 1978, as amended."

This title may be cited as the "Treasury Department Appropriations Act, 1990".

□ 1110

Mr. ROYBAL (during the reading). Mr. Chairman, I ask unanimous consent that title I of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there any points of order to title I?

Are there any amendments?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: page 12, line 16, strike "\$1,620,252,000," and insert "\$1,617,252,000,".

Mr. TRAFICANT. Mr. Chairman, I agree with this chairman that because of the current dynamics in uncollected and unpaid and owed taxes, that we have no choice but to increase the number of hands and feet that must do that job for our Government.

I say here today that the need for revenue cannot be deceived nor denied, but I say here today that the need for justice is more compelling than the need for revenue. Maybe a lot of people are not listening to this, but I will tell you what, you should be, because I am talking about an issue that America now is crying and screaming about, and everybody knows what is going on but Congress.

The American people are upset. They are telling the IRS, "Hey, don't urinate on my back and tell me it's raining outside."

Now, this is a \$3 million cut. You can hardly find it on the Richter scale of spending for Congress, but it lets the IRS know that bonuses for overzealous agents are going to be looked at by Congress. It lets the IRS agents know that excessive force in collection and even violence that has been reported is being repudiated by the Congress. It lets the IRS know that we do not want them covering up their wrongdoing. It lets the IRS know that we do not want them promoting people who follow a pattern of abuse and demoting people who try to be whistle blowers and tell the American people what is going on.

Now, I do not have much chance probably to pass this thing, but I think it is a sad day now. If I were not worried about passing this minuscule, emasculated impotent amendment, I would try to go after all 1,400 jobs let me tell it like it is, because it is time to get their attention, and there is only one way and that is through their pocketbook.

Let me close this out by saying, I did not want to have a vote. I was hoping the committee would accept the amendment and put on record some

dialog and I would not, and I am telling this straight, oppose what the conference agreement would be, I would not.

But where is this dialog? Where is the CONGRESSIONAL RECORD? Where is the congressional history? Where is the debate that says we have had enough, buddy?

I am saying today on a little \$3 million amendment that cuts a hundred of these new 1,400 jobs, Congress can give a message that will be heard in all 50 States loud and clear, and it is the kind of message that Congress should be giving.

I want your vote, notwithstanding the crucial and important need for these new agents to go out and get revenue. I say the need for justice is more than the need for revenue today.

Now, I am hoping that the chairman will consider the position, rather than to have the House embroiled in that vote and take into consideration my statement, which is on target.

Mr. Chairman, I want an aye vote. President Bush said 1,299 agents are enough. JIM TRAFICANT says 1,299 are enough; 1,399 will not really make that big a difference.

I want to apologize to my chairman who has helped me in my district which has been ravaged, probably helped me more than any other chairman in the House.

I do not like being here today having to talk about a bill that he has done such a marvelous job with. I am going to vote for the bill, regardless of the up or down vote on my amendment. The chairman has done his job and the committee has, but I am hoping that Congress today will send that message. It is overdue.

Mr. ROYBAL. Mr. Chairman, I rise in opposition to the amendment.

The gentleman from Ohio seems to take the position that neither this committee nor the Congress of the United States knows what is going on with regard to the IRS.

I would like to have the gentleman from Ohio know that this subcommittee has been quite aware of this subject matter for not only this year, but for several years.

I am most sympathetic to the issue that the gentleman has raised regarding the conduct of some IRS employees. As a matter of fact, I raised those same issues at a hearing before our committee, held on March 14 of this year. That was not the first time that this matter was discussed before the committee. One can go back to the record in answer to the gentleman's question "why has not the Congress said we have had enough." He can get an answer to his questions by reading the testimony before the committee, not only this year but in years past. There are many pages of testimony regarding this issue in part 1 of the hearings.

I would like to quote from a letter that the Commissioner of the IRS, Larry Gibbs, sent to all employees of the Service, along with a taxpayer bill of rights. He wrote:

We have always strongly endorsed the need for taxpayers to know their rights for its employees to protect the taxpayers' rights.

Beginning on page 1196 of our hearing and going on through page 1200, the Commissioner and I had a long dialog about the training of IRS employees and the real need that exists for changes in the attitudes of their employees.

The gentleman from Ohio [Mr. TRAFICANT] is correct when he says that when a citizen goes before the IRS he is presumed to be guilty, so that attitude has to be changed.

We made recommendations to the IRS in this regard, and those recommendations are being implemented at the present time.

Now, this is an organization of thousands of employees, and as we can see, they are having problems now, not only in Los Angeles, but throughout the country. If we are to reduce personnel, it will not in any way help the situation at all. I believe a reduction in the IRS budget will not have the effect the gentleman desires. If anything, it could even put more pressure on the IRS, which is already understaffed. In fact, this Committee on Appropriations received letters from the authorizing committee asking us to increase the budget over the amount already recommended by \$127 million. Well, we were unable to do that. We know that personnel is needed. We know that this is a revenue-producing department.

□ 1110

We know that it should have more personnel, not less, but we also know that what the gentleman is seeking to accomplish has already been started by the committee itself.

What I wish the gentleman from Ohio would do is not assume the role of savior of the taxpayers of the United States here in the House of Representatives, but join with the committee in putting pressure on IRS so that this condition can change. This is the way to do it, not to reduce personnel. That would only result in further sacrificing the rights of the taxpayers who face taxes every year.

Mr. Chairman, I believe that this committee has done the right thing, and again ask the gentleman from Ohio to join with this committee, the other Members of Congress who agree with us that something has to be done with regard to IRS. Join with us, and let us bring about the necessary change. Reducing staff is not the answer.

Mr. SKEEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I, too, rise in opposition, and I do so with the reluctant knowledge that I am opposing a good friend and a fellow horseman, but now it is time to get down to real business.

Mr. Chairman, I understand his hyperbole. I understand his ire. I understand his fervor and feeling he has about IRS. Many Americans have the same feeling, and it is not the Nation's favorite agency by any means, but it is a new agency and it is a kinder agency, and it is a gentler agency, because in the last 4 years, to my own knowledge, they have done a vast amount of work in improving their public image.

Here is the problem I have with the gentleman's amendment: It is where he is cutting the money out of. It is not out of the agents who go into kitchens. It is agents who go into crack houses and check them out to see where they are laundering money in drug operations, and also the drug investigation service, one of the vital parts of that service, what the IRS does in this area, and I think it is a mistaken idea that just taking the money out of this particular part of the Service, revenue service investigation, collection and taxpayer service is going to give them a kinder image and that this is the way to discipline those agents who may have been rude in the past and who otherwise may have offended Americans.

I have to say this: Let us not cut the Service in personnel, because they have a lot of good agents and a lot of good personnel working, and they are doing a good job in some of the key work being done in the drug interdiction program.

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. SKEEN. I am happy to yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, the only thing I would like to say is that the IRS does not have to take those agents, cut those agents, who would be going into kitchens. It is just like when the school board passes a levy; the first thing they say is that if it does not pass, "You lose all of your sports." The IRS does not necessarily have to stop the drug investigations unit, and they do not necessarily have to stop the senior citizens counseling program. Not at all.

If President Bush says that 1,299 is enough, I think it is.

Mr. SKEEN. Mr. Chairman, reclaiming my time, I do so to tell the gentleman that this is his appraisal of his view, and I respect that. On the other hand, we have worked very hard to get the field force and agents up to a number that has made it a viable force, because they are still understaffed for the kind of work that we have to do in this country, because we still have a large amount of uncollect-

ed taxes. In these days of financial constraints in this country, I think it is essential that we have an effective force, and that is what we are trying to arrive at.

I think that cutting their personnel money is going the wrong way.

Mr. Chairman, I yield back the balance of my time.

Mr. DORGAN of North Dakota. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I understand the intent of the amendment that was offered and, frankly, I support the intent. I think Congress supports the intent.

The gentleman would have us believe that really nothing is going on around here to deal with the stories of harassment and abuse, which I think are exceptions, by the Internal Revenue Service agents.

What has happened in Congress to respond to that? Last year we passed a taxpayer protection act, which could be characterized as a taxpayer bill of rights. Why? Because of exactly what the gentleman is talking about.

Last night on television I saw IRS agents dragged before a subcommittee in this House of Representatives. I presume that the agents were probably under oath. On what subject? Harassment of taxpayers.

This Congress is taking action. That is what we are all about.

The gentleman does a service, I think, by bringing this issue to the floor. That is fine. He speaks with great passion about it and he should.

There are a couple of things that make me furious. One is to read about the harassment of an American taxpayer by somebody in a position of authority in a revenue-collection function. My blood boils when I hear about that. The second thing is somebody who makes a half-million dollars a year and does not pay taxes. I get furious when I hear about that. I recall a quote from one of the richest of the rich in the country not too long ago, when one of the workers for this rich person was testifying. He testified that this so-called rich person said, "Well, the rich folks don't pay taxes. We don't pay taxes. The little people pay taxes." That is an attitude among some who have a lot of money.

Mr. Chairman, we released a report yesterday that shows that a substantial amount of money that has fallen through the cracks, \$80 billion to \$90 billion a year, is unreported and uncollected by the Federal Government, but it is coming not from mom and pop, not from lunch money. To the contrary, it comes from the rich people, those people with greater than \$200,000 in income.

If we ran a company and we had 20 or 50 percent of the money falling through the cracks, we would darn sure call our best people in and say we

had better get a program together to resolve this. We had better do something about it.

What the gentleman says about taxpayer harassment and abuse absolutely must be addressed. We ought to be after that with an enormous furor of action here in Congress. I am saying that this is now happening. But I think that is the exception, not the rule. The rule is that what we have to do is collect the money owed this Government.

In many instances, in fact in most instances, it is upper income people who do not pay their taxes and do not report it. That is the rule.

Some people are quick to say, "Let us increase taxes." Why on earth should we increase taxes on the people who already pay their taxes when we have freeloaders out there who make over \$200,000 a year who are avoiding their taxes? Why not make a little investment here and go after the uncollected taxes and get that money?

Mr. Chairman, we did a task force report about 2 years ago, and I say to my friend from Ohio that the best minds in town were on the Dorgan task force. We worked about 8 months, and there were two former IRS Commissioners, one Republican, one Democrat, Treasury officials, and Joint Tax officials. Does anyone know what the conclusion was? With \$3.5 billion of investment we would raise \$105 billion in additional revenue in 5 years. That is \$30 billion a year.

Would it not be better to get \$30 billion a year from freeloaders, in most cases upper income freeloaders who do not now pay their share, rather than go back to the 98 percent of the honest folks who work hard for a living and have no flexibility and always pay their share? I think so.

The only point I make today is this: I share the concern of the gentleman about harassment. Nobody is more furious about those stories than I am. Yes, we are going to do something about it. We did it last year on the Taxpayer Protection Act. We are doing it now with investigative hearings. Yet, I also share a fury about collecting taxes from the freeloaders who make a couple hundred thousand dollars a year and think everybody else should pay taxes while they enjoy the full benefits of America.

Mr. Chairman, I say let us support what the chairman has done. The chairman has done a good job putting money in here for collections.

Mr. Chairman, we have accounts receivable of \$65 billion today down at the IRS. That must be the biggest accounts receivable in the history of the world, \$65 billion, but again, it is not from mom and pop.

I say that I watched on television the proceedings of some of the hearings of the gentleman from Georgia

[Mr. BARNARD], and I think he is doing exactly what this Congress needs to do and is responsible to do to get to the bottom of the abuses.

Mr. BARNARD. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I am happy to yield to the gentleman from Georgia.

Mr. BARNARD. Mr. Chairman, that is why I felt it important that at least I come and respond to this issue at this time. I want to associate myself with what the gentleman from North Dakota [Mr. DORGAN] has said, and certainly associate myself with the chairman.

I was listening on the television, and I said, "I have to come over and respond," because there is nobody who has been any more active.

The CHAIRMAN. The time of the gentleman from North Dakota [Mr. DORGAN] has expired.

(By unanimous consent, Mr. DORGAN of North Dakota was allowed to proceed for an additional 2 minutes.)

Mr. BARNARD. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I am happy to yield to the gentleman from Georgia.

Mr. BARNARD. Mr. Chairman, there has been nobody more active than I have in looking into the operations and integrity of the IRS, and the gentleman in the well knows that we have brought recommendation after recommendation about how they can improve their collections, but one thing we do not need to do, and that is to cause more discouragement, to cause more unrest within the IRS by cutting the budget.

□ 1120

The one thing that they need to do is to improve not only the morale, but the salary structure within the IRS, and I think the proposal of the committee is good. It is worthy. It ought to be supported.

Mr. DORGAN of North Dakota. Does the gentleman agree that when we get testimony that says that an IRS official told somebody not to talk to a congressional investigator, or told them something that was not true that they ought to lose their job? When we have evidence of harassment, they ought to be kicked out of the Service. That is what the gentleman from Ohio is saying, and I agree with that. That is exactly what the hearings of the gentleman from Georgia [Mr. BARNARD] are all about.

Mr. BARNARD. That is what we have tried to do, yes. We have tried to say that there is wrongdoing in the IRS, that they ought to police their ship, and we ought to stay with them as members of the committee.

But on the other hand, we have to recognize that for every dollar we spend on the IRS they collect at least

\$81, and this is no time to cut that area of operation.

Mr. DORGAN of North Dakota. I say to my friend from Ohio what he just heard is a dialog of the type he wanted. He wants allies in the House to be concerned about harassment. We are concerned about that. When we find it we are going to do something about it. We are going to make sure we understand what is there and solve the problem.

But the amendment of the gentleman from Ohio, frankly, is not going to solve any problems. I think the gentleman understands that.

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I am happy to yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, these are 1,400 new agents. Evidently someone is trying to lead us to believe that the agents we have now do not have any time to go after the big guys that are abusing the system, and they only have time to go after some mom and dad. I do not buy that, and 1,300 is enough of an increase.

Mr. DORGAN of North Dakota. Let me reclaim my time to make this point so that the gentleman understands it. Some years ago we audited 2½ percent of the taxpayers in the country. Now we audit 1 percent.

The CHAIRMAN. The time of the gentleman from North Dakota [Mr. DORGAN] has again expired.

(By unanimous consent, Mr. DORGAN of North Dakota was allowed to proceed for 30 additional seconds.)

Mr. DORGAN of North Dakota. I might observe a very recent study that showed if we audited only 2 percent of the taxpayers, not the 2½ percent the way it was done before, but just 2 percent, this Government would have collected an additional \$40 billion a year.

We are up to our neck in debt, up to our neck. This country has a shocking debt, and some say the responsibility is to go tax the people who are already paying taxes. I say it is to find the people who are not paying and make them pay up. Most of them can well afford it, and should well afford to pay because they are in the upper brackets.

That is what the debate is about. It is not about taxpayer harassment. Nobody supports that. We darn sure are going to get to the bottom of it and turn those kinds of folks out of the Internal Revenue Service.

Mr. PICKLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me address myself to the amendment that is pending first. As I understand it, the gentleman from Ohio [Mr. TRAFICANT] would delete additional IRS positions in the area of currency transaction reporting

and investigations of money laundering.

I think we would all agree that this is a worthy objective and that we ought to be certain that we do not give our collection services too much funding. I am not going to disagree with the gentleman's intent.

As chairman, though, of the Oversight Subcommittee of the Ways and Means Committee, let me make some specific points to the gentleman. We need to put additional money into those areas where we are investigating money laundering and drug trafficking and we need to look at it in the area where we may be having currency transaction abuses.

Let me give some specific examples. As the gentleman knows, the law now says that if you make a deposit in the bank in excess of \$10,000, you have to make a report of that. We have found over a period of time that those people who are engaged in money laundering, a lot of them, have abused that and never did file. Now that it is the law they have to make that report.

Within the last 5 years, the number of filings have increased 400 percent, which means, of course, that there is a lot of potential money laundering going on. Today, with the law being enforced, people are more likely trying to comply. We know that in many cases it may be related to drug trafficking—at least we have a record to go by.

If we pass the gentleman's amendment we are going to be taking away money that is needed for those kinds of possible drug operations. That is in money laundering, and that is in currency transactions.

So no matter how much we want to save and cut, we are cutting off our own hands when we take away from the Internal Revenue Service the funds that they need.

We have only put in about \$14 million or \$15 million, and the gentleman from Ohio would take \$3 million of that. Our subcommittee, studying the Internal Revenue Service as diligently as we can, has made a much larger request for funding of the Internal Revenue Service. The amount we have been given is small. To take that away would be foolish, and no matter how good the intent the gentleman may have to try to curtail these activities, this would not be the way to do it.

Let me make one other point. It is a natural tendency to want to cut the Internal Revenue Service. Nobody loves a tax collector. Everybody wants to attack them. It makes good reading; it is good headlines.

But the Internal Revenue Service has to accept the fact that that is natural, and that is reasonable, and the Internal Revenue Service is not any "sanctum sanctorum" out there that cannot be touched. There are people

who are doing things wrong and the gentleman from Georgia is looking at that aspect of it. We the Ways and Means Oversight Subcommittee, have ongoing investigations of the same thing that we will be involved in later. We must be keeping those kinds of investigations going because it is proper and natural.

But I would say to my friend, he should remember that the Internal Revenue Service, in spite of all of its faults, is composed 95 percent of people who are dedicated public servants who are trying to do the right thing, and I think they are doing the right thing.

If we want the Internal Revenue Service to be a first-class operation, we have to fund it. We cannot say to the agency that collects over 90 percent of our money that we are going to cut them back. For every dollar we appropriate to them they will raise \$6 to \$8. Do not try to cut them off at the knees when they are trying to carry out the intent of the Government.

Now that does not mean we can be soft on the Internal Revenue Service. We have to be investigating. We have to be vigilant. We have to sort out anybody who is doing any wrong dealing, and I think our committees in the Congress are going to do that.

But to make a cut of this kind would be absolutely inappropriate. The gentleman from California [Mr. ROYBAL] ought to be giving more money to these areas than this small increase that they have given. But to cut this would be wrong.

Mr. BARNARD. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Georgia.

Mr. BARNARD. I appreciate the gentleman yielding.

Mr. Chairman, while I do not want to talk about spending more money, frankly the IRS needs more money. The gentleman in the well knows that we have been seeking to get a process moving within the Internal Revenue Service to get at the big ticket taxpayers. We have tried to get the IRS to compare corporate returns when it comes to investment, which we know would bring in a lot more money.

But there again, they do not have the money to really start new processes and new techniques to bring in new money. So it is ironic and it is ridiculous at this time to cut them for what they do have when they really need more money.

Mr. PICKLE. I agree with the gentleman and thank him for his comments.

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, I would like to say we are adding 1,400

new agents. What were the agents doing before?

Is someone trying to lead us to believe that all they were doing is a little shuffling of paperwork and were not going after the big guys? I am saying that the IRS needs some oversight, and the only way to get their attention is in their pocketbook.

This is \$3 million. It is almost nothing. But it implies a sense of Congress, that Congress is going to start dealing with them and going after their funds if they do not straighten out their act.

Now I feel bad that I did not come in here and ask for more money. What is going on here? I want a yes vote for my amendment.

The CHAIRMAN. The time of the gentleman from Texas [Mr. PICKLE] has expired.

(By unanimous consent, Mr. PICKLE was allowed to proceed for 1 additional minute.)

Mr. PICKLE. Mr. Chairman, I do not know whether 1,400 additional people are going to save the Republic or not, but I do know that they are needed. I think they are doing the best they can.

They can do a better job. But to say that we are going to reduce them would be absolutely the wrong approach. I think Members of Congress recognize that.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would just like to respond. I think the points have been well made as to the magnitude of this cut and what it does when we ought to be going in the opposite direction. The 1,400 agents are still not nearly enough to collect that which is not being collected, so we do not have to add burdens to others who are paying their fair share of taxes.

But let me say on the sum to which the gentleman is referring not being big enough, \$2.8 million less than the gentleman's cut is what is included in this section of the bill which the gentleman seeks to cut from taxpayer services to the elderly.

The CHAIRMAN. The time of the gentleman from Texas [Mr. PICKLE] has again expired.

(By unanimous consent, Mr. PICKLE was allowed to proceed for 1 additional minute.)

Mr. PICKLE. I continue to yield to the gentleman from Maryland.

Mr. HOYER. So the entire program for taxpayer services to the elderly in this country is less than the gentleman seeks to cut.

Conceivably, and I do not think they cut it all there, but conceivably that whole program could have been covered by this amendment.

□ 1130

I urge a "no" vote on the amendment.

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Ohio.

Mr. TRAFICANT. I thank the gentleman for yielding.

If \$2.8 million is in this bill for the elderly, it should have been in there years ago. My amendment does not take that money. It takes \$3 million and the IRS can prioritize; I do not care who does that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The question was taken, and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. TRAFICANT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 12, noes 398, not voting 21, as follows:

[Roll No. 186]

AYES—12

Applegate	Hall (TX)	Penny
Chapman	Holloway	Sensenbrenner
Crane	Jones (NC)	Traficant
Crockett	Martinez	Walgren

NOES—398

Ackerman	Campbell (CO)	English
Akaka	Cardin	Erdreich
Alexander	Carper	Espy
Anderson	Carr	Evans
Andrews	Chandler	Fascell
Annunzio	Clarke	Fawell
Anthony	Clay	Fazio
Archer	Clement	Feighan
Armey	Clinger	Fields
Aspin	Coble	Flake
Atkins	Coleman (MO)	Flippo
AuCoin	Coleman (TX)	Foglietta
Baker	Combest	Ford (MI)
Ballenger	Conte	Ford (TN)
Barnard	Conyers	Frank
Bartlett	Cooper	Frenzel
Barton	Costello	Galleghy
Bateman	Coughlin	Gallo
Bates	Cox	Garcia
Beilenson	Coyne	Gaydos
Bennett	Craig	Gedjenson
Bentley	Darden	Gekas
Bereuter	Davis	Gephardt
Berman	de la Garza	Gibbons
Bevill	DeFazio	Gillmor
Bilbray	DeLay	Gilman
Bilirakis	Dellums	Gingrich
Billey	Derrick	Glickman
Boehlert	DeWine	Gonzalez
Boggs	Dickinson	Goodling
Bonior	Dicks	Gordon
Borski	Dingell	Goss
Bosco	Dixon	Gradison
Boucher	Donnelly	Grandy
Boxer	Dorgan (ND)	Grant
Brennan	Dornan (CA)	Gray
Brooks	Douglas	Green
Broomfield	Downey	Guarini
Browder	Dreier	Gunderson
Brown (CA)	Duncan	Hall (OH)
Brown (CO)	Durbin	Hamilton
Bruce	Dwyer	Hammerschmidt
Buechner	Dymally	Hancock
Bunning	Dyson	Harris
Burton	Eckart	Hastert
Bustamante	Edwards (CA)	Hatcher
Byron	Edwards (OK)	Hawkins
Callahan	Emerson	Hayes (IL)
Campbell (CA)	Engel	Hayes (LA)

Hefley	Miller (OH)	Schuetz
Hefner	Miller (WA)	Schulze
Henry	Mineta	Schumer
Herger	Moakley	Sharp
Hertel	Mollohan	Shaw
Hiler	Montgomery	Shays
Hogland	Moody	Shumway
Hochbrueckner	Moorhead	Shuster
Hopkins	Morella	Sikorski
Horton	Morrison (CT)	Sisisky
Houghton	Morrison (WA)	Skaggs
Hoyer	Mrazek	Skeen
Hubbard	Murphy	Skelton
Hughes	Murtha	Slattery
Hunter	Myers	Slaughter (NY)
Hutto	Nagle	Slaughter (VA)
Inhofe	Natcher	Smith (FL)
Ireland	Neal (MA)	Smith (IA)
Jacobs	Neal (NC)	Smith (MS)
James	Nelson	Smith (NE)
Jenkins	Nielson	Smith (NJ)
Johnson (CT)	Nowak	Smith (VT)
Johnson (SD)	Oakar	Smith, Denny
Johnston	Oberstar	(OR)
Jones (GA)	Obey	Smith, Robert
Jontz	Ortiz	(NH)
Kanjorski	Owens (NY)	Smith, Robert
Kaptur	Owens (UT)	(OR)
Kasich	Oxley	Snowe
Kastenmeier	Packard	Solomon
Kennedy	Pallone	Spence
Kennelly	Panetta	Spratt
Kildee	Parker	Staggers
Klaczka	Parris	Stallings
Kolbe	Pashayan	Stangeland
Kolter	Patterson	Stark
Kostmayer	Paxon	Stearns
Kyl	Payne (NJ)	Stenholm
LaFalce	Payne (VA)	Studds
Lagomarsino	Pease	Stump
Lancaster	Pelosi	Sundquist
Lantos	Perkins	Swift
Laughlin	Petri	Synar
Leach (IA)	Pickett	Tallon
Leath (TX)	Pickle	Tanner
Lehman (CA)	Poshard	Tauke
Lehman (FL)	Price	Tauzin
Leland	Pursell	Thomas (CA)
Lent	Quillen	Thomas (GA)
Levin (MI)	Rahall	Thomas (WY)
Levine (CA)	Rangel	Torres
Lewis (CA)	Ravenel	Torricelli
Lewis (FL)	Ray	Towns
Lewis (GA)	Regula	Traxler
Lightfoot	Rhodes	Udall
Lloyd	Richardson	Unsoeld
Long	Ridge	Upton
Lowery (CA)	Rinaldo	Valentine
Lowe (NY)	Ritter	Vander Jagt
Lukens, Thomas	Roberts	Vento
Lukens, Donald	Robinson	Visclosky
Machtley	Roe	Volkmer
Madigan	Rogers	Vucanovich
Manton	Rohrabacher	Walker
Markey	Rose	Walsh
Marlenee	Rostenkowski	Watkins
Martin (IL)	Roth	Waxman
Matsui	Roukema	Weber
Mavroules	Rowland (CT)	Weiss
Mazzoli	Rowland (GA)	Weldon
McCandless	Roybal	Wheat
McCloskey	Russo	Whittaker
McCrery	Sabo	Whitten
McCurdy	Saiki	Williams
McDade	Sangmeister	Wilson
McDermott	Sarpallus	Wise
McEwen	Savage	Wolf
McGrath	Sawyer	Wolpe
McHugh	Saxton	Wyden
McMillan (NC)	Schaefer	Wyllie
McMillen (MD)	Scheuer	Yates
McNulty	Schiff	Yatron
Meyers	Schneider	Young (AK)
Mfume	Schroeder	Young (FL)
Michel		

NOT VOTING—21

Bryant	Frost	McCollum
Collins	Hansen	Miller (CA)
Courter	Huckaby	Molinar
Dannemeyer	Hyde	Porter
Early	Lipinski	Smith (TX)
Fish	Livingston	Solarz
Florio	Martin (NY)	Stokes

□ 1151

Messrs. COBLE, DICKS, ROTH, SMITH of New Hampshire, McHUGH, HUNTER, FRENZEL, HERGER, and DUNCAN changed their vote from "aye" to "no."

Mr. SENSENBRENNER and Mr. HALL of Texas changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will read.

The Clerk read as follows:

TITLE II

POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsection (c) of section 2401 of title 39, United States Code; \$459,755,000: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That six-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1990.

PAYMENT TO THE POSTAL SERVICE FUND FOR NONFUNDED LIABILITIES

For payment to the Postal Service Fund for meeting the liabilities of the former Post Office Department to the Employees' Compensation Fund pursuant to 39 U.S.C. 2004, \$36,942,000.

UNITED STATES POSTAL SERVICE—ADMINISTRATIVE PROVISIONS

SECTION 1. That none of the funds in this Act or made available by 39 U.S.C. 2401(a) may be used to enter into any new contracts relating to the Westchester County, New York, General Mail Facility or construction thereof for a period of ninety days. During this ninety-day period, the Postal Service shall pursue alternative site locations for the Westchester GMF and at the end of that period shall report back to the Appropriations Committee with recommended alternatives.

SEC. 2. Funds made available to the United States Postal Service pursuant to section 2401(a) of title 39, United States Code, shall be used hereafter to continue full postal service to the people of Holly Springs proper, including upgrading, remodeling, and improving the United States Post Office building located at 110 North Memphis Street, Holly Springs, Mississippi.

This title may be cited as the "Postal Service Appropriations Act, 1990".

Mr. ROYBAL (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read,

printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there points of order to title II?

Are there amendments to title II?

Mr. DORNAN of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would have had an amendment at this point that I am sure would have been approved by the Rules Committee last night. However, I learned a hard lesson that under the new stewardship, the Rules Committee moves much more swiftly than in the past. I stepped out in the hall to confer with some constituents who were taking their summer tour of these beautiful grounds and this hill, and when I came back to testify the committee had shot through 5 or 6 witnesses testifying, and my moment had passed.

What I was going to submit was an amendment to the postal section of this bill under title II so that the Post Office would not be tempted to again violate its own regulations on what can be put on a stamp or what can be used in the canceling device for a stamp.

There was an issue last month which caused me to call the Postmaster General, and at first assured me that he would take care of it. He called back the next day and apologized that his lawyers said there was no way he could overrule a stamp-canceling that was previously approved. In this case by a special desk in a certain area of New York City to commemorate a riot, the Stonewall riot in a section of New York.

This cancellation device said, "Celebrating 20 years of Gay and Lesbian Pride."

I will bet the Members dollars to doughnuts, Mr. Chairman, that most Members are not aware of how strict the regulations are about what goes on a stamp cancellation. For example, the Republican leader on this side wanted a stamp to commemorate a great American of farming and industry, John Deere. It could not be done because there is still a corporation that bears the name of that long-deceased and great gentleman.

You cannot have the Democratic donkey logo put on a stamp cancellation.

Mr. Chairman, I want to pay the Postal Service a compliment. There is not a Member of this House who would stand up in a town hall meeting or on this floor and discuss one of the most loathsome things in modern American life, something called child pornography. It is actually down to an acronym; "CP" they call it at the Post

Office. And guess who the lead agency is in this country working against child pornography? The U.S. Postal Service. They are doing an utterly fantastic job. I really admire what they have done.

I have never had a lost letter in 44 years of sending letters since I was 12 years of age. I love the Postal Service. I trust this "Gay and Lesbian Pride" cancellation is a temporary aberration, and I would like to give them some avuncular advice until I get my amendment through next year. And it will probably pass with near unanimity. It will pass in that area. So I will get it through, and for the next year I tell my friend, the excellent Postmaster General not to "push your own rules and come up with canceling devices that celebrate a riot or celebrate gay and lesbian pride. Let me describe the cancellation. It had these little interlocking gender symbols where the two lesbian heads are interlocked through the brain in the little symbol, and the same for the man. This was then surrounded by all these vibration lines. This one day event was done strictly with economy of effort. They set up card tables and stamped letters with this strange brand new Stonewall district cancellation. These marks, no doubt, will probably be worth hundreds of dollars in the marketplace because it "ain't never going to happen again."

Mr. Chairman, I will close by reading the Postal regulations. I say to the Members, "You folks just try to get something for some cause you like through these regulations." This is what it says:

"All cancellations must carry the name of the exhibition or event, followed by the word 'Station' or 'Sta.', the city, State, ZIP Code, and the month, day, and year."

This is what will not be allowed:

"Pictorial cancellations which endorse the ideals, policies, programs,"—Is that a program? Gay and Lesbian pride and celebrating certain sodomite ideals? I think it is "programs, products, campaigns, or candidates of religious anti-religious, commercial, political, fraternal, trade, labor, public-interest, or special interest organizations will not be approved."

Have you found a loophole for your nonprofit cause yet?

"However, cancellations may be approved which recognize events"—Riots? No, it says, "events such as meetings or conventions sponsored or involving such organizations, providing their designs do not include words, symbols, or illustrations referring to ideals, policies, programs, products, campaigns, or candidates."

□ 1200

Interlocking gender symbols to symbol lesbianism? Interlocking symbols to symbolize male sodomy?

Never again, Mr. Postmaster.

The CHAIRMAN. Are there further amendments to title II?

If not, the Clerk will read.

The Clerk read as follows:

TITLE III

COMPENSATION OF THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of \$50,000 per annum as authorized by 3 U.S.C. 102; \$250,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31 of the United States Code: *Provided further*, That none of the funds made available for official expenses shall be considered as taxable to the President.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration; \$18,325,000, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed \$3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed \$100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed \$20,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; \$30,639,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, furnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President; \$6,773,000, of which \$800,000 for the replacement of exterior windows of the Executive Residence shall remain available until expended, to be expended and accounted for as provided by 3 U.S.C. 105, 109-110, 112-114.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

For the care, maintenance, repair and alteration, furnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, the hire of passenger motor vehicles, and not to exceed \$75,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate; \$578,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; \$2,335,000.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021); \$2,906,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107; \$3,079,000.

NATIONAL CRITICAL MATERIALS COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Critical Materials Council, including activities as authorized by Public Law 98-373; \$225,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109; \$5,409,000.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109; \$44,894,000 of which not to exceed \$4,500,000 shall be available to carry out the provisions of 44 U.S.C., chapter 35: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the review of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committee on Appropriations or the Committee on Veterans' Affairs or their subcommittees: *Provided further*, That this proviso shall not apply to printed hearings released by the Committee on Appropriations or the Committee on Veterans' Affairs: *Provided further*, That none of the funds made available by this Act or any other Act shall be used to reduce the scope or publication frequency of statistical data relative to the operations and production of the alcoholic beverage and tobacco industries below fiscal year 1985 levels: *Provided further*, That none of the funds appropriated by this Act shall be available to the Office of Management and

Budget for revising, curtailing or otherwise amending the administrative and/or regulatory methodology employed by the Bureau of Alcohol, Tobacco and Firearms to assure compliance with section 205, title 27 of the United States Code (Federal Alcohol Administration Act) or with regulations, rulings or forms promulgated thereunder: *Provided further*, That none of the funds made available by this Act shall be available to fund the Office of Information and Regulatory Affairs until authorized by law.

INVESTMENT IN MANAGEMENT IMPROVEMENT

For expenses necessary to improve the management and productivity of Executive agencies, such as the development of systems to integrate budget, accounting, administrative, and program management information, and pilot projects to use credit card technology to disburse benefit payments, \$1,000,000, to remain available until expended.

OFFICE OF FEDERAL PROCUREMENT POLICY

SALARIES AND EXPENSES

For expenses of the Office of Federal Procurement Policy, including services as authorized by 5 U.S.C. 3109; \$2,660,000.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy, \$12,000,000.

SPECIAL FORFEITURE FUND

For expenses authorized by section 6073 of the Anti-Drug Abuse Act of 1988, not to exceed \$136,000,000, to be derived from the Department of Justice Assets Forfeiture Fund and to remain available until expended.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year; \$1,000,000.

This title may be cited as the "Executive Office Appropriations Act, 1990".

Mr. ROYBAL. Mr. Chairman, I ask unanimous consent that title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there points of order to title III?

If not, are there amendments to title III?

If there are no amendments, the Clerk will read.

The Clerk read as follows:

TITLE IV

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, established by the Administrative Conference Act, as amended (5 U.S.C. 571 et seq.), including not to exceed \$1,000 for official reception and representation expenses; \$1,865,000.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Advisory Commission on Intergovernmental Relations Act of 1959, as amended (42 U.S.C. 4271-79); \$1,300,000, and additional amounts not to exceed \$200,000, collected from the sale of publications shall be credited to and used for the purposes of this appropriation.

ADVISORY COMMITTEE ON FEDERAL PAY

SALARIES AND EXPENSES

For necessary expenses of the Advisory Committee on Federal Pay, established by 5 U.S.C. 5306; \$205,000: *Provided*, That the annual report of the Advisory Committee on Federal Pay shall be submitted to the Appropriations Committees of the House and Senate and other appropriate Committees of the Congress at the same time the report is submitted to the President.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From the Blind and Other Severely Handicapped established by the Act of June 23, 1971, Public Law 92-28, \$1,062,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended; \$14,257,000.

GENERAL SERVICES

ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

For additional expenses necessary to carry out the purposes of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), \$3,000,000 to be deposited into said fund. The revenues and collections deposited into said fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving Governmental agencies (including space adjustments) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings and moving; repair and alteration of federally owned buildings, including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by purchase contract, in the aggregate amount of \$3,308,585,000, of which (1) not to exceed \$123,253,000 shall remain available until expended for construction of additional projects at locations and at maximum construction improvement

costs (including funds for sites and expenses) as follows:

New Construction:

Alaska:

Skagway, Border Station, \$4,110,000

California:

Long Beach, Grant to County of Los Angeles, additional deck to a parking facility, \$3,000,000

Colorado:

Boulder, NOAA, \$31,814,000

Kansas:

Kansas City, Federal Building, Courthouse, Site, \$200,000

Maryland:

Prince George's County Federal Courthouse, Site and Design, \$4,700,000

Massachusetts:

Boston, Federal Building, Claim, \$2,930,000

Minnesota:

International Falls, Border Station, \$1,472,000

New Jersey:

Paterson, Federal Building, \$1,200,000

New Mexico:

Alamogordo, Grant to the New Mexico State University, Primate Research Institute, Site and Facilities, to be constructed on a site leased from the United States Air Force at Holloman Air Force Base, \$5,000,000

North Carolina:

Asheville, Federal Building, Site and Design, \$4,000,000

Pennsylvania:

Philadelphia, Veterans Administration, \$54,000,000

Virgin Islands:

St. Croix, Federal Building, Courthouse, \$8,827,000

Construction Projects, less than \$1,500,000, \$2,000,000:

Provided, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but by not to exceed 10 percentum: *Provided further*, That all funds for direct construction projects shall expire on September 30, 1991, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That claims against the Government of less than \$100,000 arising from direct construction projects, acquisitions of buildings and purchase contract projects pursuant to Public Law 92-313, be liquidated with prior notification to the Committees on Appropriations of the House and Senate to the extent savings are effected in other such projects; (2) not to exceed \$541,505,000 which shall remain available until expended, for repairs and alterations: *Provided further*, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropriations of the House and Senate for a greater amount:

Repairs and Alterations:

Alabama:

Mobile, Federal Building, \$1,581,000

Alaska:

Juneau, Federal Building, Courthouse, Post Office, \$12,258,000

California:

Los Angeles, Federal Building, Post Office, 11000 Wilshire Blvd., \$7,700,000

Los Angeles, Courthouse, 312 Spring Street, \$5,302,000
San Francisco, Federal Building, Courthouse, 450 Golden Gate Avenue, \$55,851,000
Colorado:
Denver, Rogers Federal Building, Courthouse, \$8,614,000
Lakewood, Denver Federal Center, Building 810, \$7,841,000
District of Columbia:
GSA Headquarters, \$19,000,000
Hoover Federal Building, \$9,800,000
Housing and Urban Development, \$9,500,000
Old Executive Office Building, \$18,000,000
Florida:
St. Petersburg, Federal Building, \$3,637,000
Georgia:
Macon, Federal Building, Courthouse, \$1,765,000
Illinois:
Chicago, Customhouse, \$9,596,000
Chicago, Dirksen Federal Building, Courthouse, \$2,833,000
Chicago, Federal Building, 536 S. Clark Street, \$35,328,000
Danville, Federal Building, Courthouse, \$2,627,000
Massachusetts:
Boston, John F. Kennedy Federal Building, \$9,700,000
Michigan:
Detroit, Federal Building, Courthouse, \$2,580,000
Minnesota:
Fort Snelling, Whipple Federal Building, \$4,728,000
Missouri:
Overland, Adjutant General Personnel Center, \$1,940,000
Overland, Federal Records Center, \$7,691,000
New York:
Brooklyn, Cellar Federal Building, \$5,100,000
Pennsylvania:
Philadelphia, James A. Byrne Courthouse, \$7,801,000
Philadelphia, William J. Greene, Jr., Federal Building, \$6,774,000
Philadelphia, Nix Federal Building, \$19,268,000
Pittsburgh, Moorhead Federal Building, \$7,850,000
Tennessee:
Chattanooga, Joel W. Solomon Federal Building, Courthouse, \$3,033,000
Jackson, Post Office, Courthouse, \$2,433,000
Texas:
Fort Worth, Fritz G. Lanham Federal Building, \$4,834,000
Virginia:
Charlottesville, Federal Executive Institute, \$2,100,000
Wisconsin:
Milwaukee, Federal Building, Courthouse, \$3,548,000
Capital Improvements of United States-Mexico Border Facilities, \$39,624,000 as follows:
Arizona:
Nogales, Mariposa Border Station, \$4,289,000
Nogales, Grand Ave/Morley Gate Border Station, \$12,427,000
California:
Calxico, Border Station, \$3,095,000
Otay Mesa, Border Station, \$4,302,000
San Ysidro, Border Station, \$3,366,000
San Ysidro, Otay Mesa, New facility, \$2,000,000
Texas:

Brownsville, Los Indios Border Station, \$1,535,000
Eagle Pass, Border Station, \$1,402,000
El Paso, Bridge of the Americas, Border Station, \$7,208,000.
Minor Repairs and Alterations, \$201,268,000, including funds for the reconstruction of the first U.S. Customs House west of the Rockies in Astoria, Oregon, on a site to be donated: *Provided*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 1991, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (3) not to exceed \$126,752,000 for payment on purchase contracts entered into prior to July 1, 1975; (4) not to exceed \$1,351,500,000 for rental of space; (5) not to exceed \$951,253,000 for real property operations; (6) not to exceed \$68,020,000 for program direction and centralized services; and (7) not to exceed \$146,302,000 for design and construction services which shall remain available until expended: *Provided further*, That for the purposes of this authorization, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: *Provided further*, That the Administrator of General Services is hereby directed to enter into a lease to ownership agreement, pursuant to a competitive selection process, for the lease purchase of a building of approximately 541,000 occupiable square feet, in Chamblee, Georgia. The contract shall provide, by lease or installment payments over a period of not to exceed thirty years, for the payment of the purchase price and reasonable interest thereon, and shall provide for title to the building to vest in the United States on or before the expiration of the contract term upon fulfillment of the terms and conditions of the agreement. Obligations of funds for the lease or installment payments shall be limited to the current fiscal year for which payments are due without regard to section 1341(a)(1)(B) of title 31, United States Code: *Provided further*, That the Administrator of General Services is hereby directed to enter into a lease to ownership agreement, pursuant to a competitive selection process, for the lease purchase of a building of approximately 664,100 occupiable square feet, on a site to be donated or otherwise acquired, in the City of Baltimore, Maryland, or the City of Woodlawn, Maryland. The contract shall provide, by lease or installment payments over a period of not to exceed thirty years, for the payment of the purchase price and reasonable interest thereon, and shall provide for title to the building to vest in the United States on or before the expiration of the contract term upon fulfillment of the terms and conditions of the agreement. Obligations of funds for the lease or installment payments shall be limited to the current fiscal year for which payments are due without regard

to section 1341(a)(1)(B) of title 31, United States Code: *Provided further*, That none of the funds available to the General Services Administration with the exception of those for the Prince George's County, Maryland, Federal Courthouse shall be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 1990 excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of \$3,308,585,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriation Acts.

Mr. ROYBAL (during the reading). Mr. Chairman, I ask unanimous consent that title IV through the Federal Buildings Fund section be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

PARLIAMENTARY INQUIRIES

Mr. WALKER. Mr. Chairman, reserving the right to object, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALKER. Mr. Chairman, did we open all of title IV or just this section?

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. ROYBAL. Mr. Chairman, my reference was just to the General Buildings Fund.

The CHAIRMAN. The Chair would like to announce that all of title IV is not open.

Is there objection to the request of the gentleman from California?

Mr. WALKER. Mr. Chairman, further reserving the right to object I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALKER. Mr. Chairman, I do not believe that is what the request is.

The CHAIRMAN. Does the gentleman from California [Mr. ROYBAL] ask unanimous consent that title IV be open for amendment?

Mr. ROYBAL. No, I do not, Mr. Chairman.

Mr. Chairman, what I am requesting is that title IV through page 36 up to line 19 be considered as read.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there points of order against this portion of the bill?

If not, are there amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

FEDERAL SUPPLY SERVICE

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for property management activities, utilization of excess and disposal of surplus personal property, rehabilitation of personal property, transportation management activities, transportation audits by in-house personnel, procurement, and other related supply management activities, including services as authorized by 5 U.S.C. 3109; \$47,644,000.

FEDERAL PROPERTY RESOURCES SERVICE

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for carrying out the functions of the Administrator with respect to utilization of excess real property; the disposal of surplus real property, the utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property, including services as authorized by 5 U.S.C. 3109; \$12,174,000, to be derived from proceeds from transfers of excess real property and disposal of surplus real property and related personal property, subject to the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-5).

REAL PROPERTY RELOCATION

For expenses not otherwise provided for, \$8,000,000 to remain available until expended, necessary for carrying out the functions of the Administrator with respect to relocation of Federal agencies from property which has been determined by the Administrator to be other than optimally utilized under the provisions of section 210(e) of the Federal Property and Administrative Services Act of 1949, as amended: *Provided*, That such relocations shall only be undertaken when the estimated proceeds from the disposition of the original facilities approximate the appraised fair market value of such new facilities and exceed the estimated costs of relocation. Relocation costs include expenses for and associated with acquisition of sites and facilities, and expenses of moving or repurchasing equipment and personal property. These funds may be used for payments to other Federal entities to accomplish the relocation functions: *Provided further*, That nothing in this paragraph shall be construed as relieving the Adminis-

trator of General Services or the head of any other Federal agency from any obligation or restriction under the Public Buildings Act of 1959 (including any obligation concerning submission and approval of a prospectus), the Federal Property and Administrative Services Act of 1949, as amended, or any other Federal law, or as authorizing the Administrator of General Services or the head of any other Federal agency to take actions inconsistent with statutory obligations or restrictions placed upon the Administrator of General Services or such agency head with respect to authority to acquire or dispose of real property.

GENERAL MANAGEMENT AND ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses of agency management of activities under the control of the General Services Administration, and general administrative and staff support services not otherwise provided for; for providing accounting, records management, and other support incident to adjudication of Indian Tribal Claims by the United States Court of Claims, and services authorized by 5 U.S.C. 3109; \$124,297,000, of which \$800,000 shall be available only for, and is hereby specifically earmarked for personnel and associated costs in support of Congressional District and Senate State offices: *Provided*, That this appropriation shall be available, subject to reimbursement by the applicable agency, for services performed for other agencies pursuant to subsections (a) and (b) of section 1535 of title 31, United States Code: *Provided further*, That not to exceed \$5,000 shall be available for official reception and representation expenses: *Provided further*, That for the fiscal year ending September 30, 1990, in addition to funds previously appropriated to General Management and Administration, there is hereby appropriated \$16,152,000 to remain available until expended, to be allocated as grants for the following projects:

- a. Rochester Institute of Technology, Rochester, New York, to establish a strategic materials research center, \$3,000,000;
- b. Michigan Technological University, Houghton, Michigan, for construction of a center for applied metallurgical, minerals, and materials research, \$5,000,000;
- c. University of Maryland, College Park, Maryland, to establish a center for strategic man-made materials, \$3,000,000;
- d. University of Hawaii, Manoa, Hawaii, for a strategic materials research facility, \$1,000,000; and
- e. University of Texas, El Paso, Texas, for a grant to study and facilitate the development and transfer and installation of strategic materials technologies among American industries, \$4,152,000.

The CHAIRMAN. Are there any points of order to this portion of the title?

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: Page 39, line 23, strike "the following projects" and all that follows through page 40, line 16, and insert "materials research projects authorized by law at institutions of higher education."

Mr. WALKER. Mr. Chairman, I come at this amendment as the ranking Republican on the Committee on Science, Space, and Technology, and

while I recognize that these particular projects are not specifically under the jurisdiction of our committee, I come at this from the perspective that something has gone tragically wrong in the business of allocating moneys for science, whether it is science money being allocated through our committee or through the military Committee on Armed Services. We are beginning a process of saying that we know best where good science is done, that we in the Congress should choose, without peer review and without authorization, whether science projects should be carried out. I think that that is a very tragic kind of place for us to end up.

Mr. Chairman, it seems to me that we have an obligation with the limited resources that we have been devoting to science to get the very best science, to get science that has been adequately peer reviewed, to get science that at least has gone through the authorization process and has been properly authorized.

All this amendment does is cuts out five projects which have been certified in this bill as science projects and requires that the money be spent, does not cut the money, just requires that the money be spent at institutions that are authorized by law, institutions of higher education.

Mr. Chairman, it seems to me that that is the appropriate way in which to approach these kinds of projects. The science community is becoming increasingly concerned about the pattern that has been developing. There have been a number of articles in the general press recently about this practice.

For example, the Wall Street Journal carried an article about this very bill in which it pointed out, and I quote:

The scramble for funds reflects the increasing role of science projects in the politics of spending bills. Tucked away in a pending \$18.4 billion Treasury and U.S. Postal Service bill are more than \$16 million for five university grants for research facilities related to "strategic materials."

It goes on to say, and I quote:

Maryland and Texas appropriators secured money as well for universities in their states, and in an effort to sidestep pressure from authorizing committees; the construction funds would be channeled through a general management account within the General Services Administration.

In other words, the Wall Street Journal article makes clear that this whole process and this money was designed in a way to sidestep the authorizing committees of the Congress. I think that that is something that we need to be very concerned about as we proceed ahead with projects.

I also have an article that was in the Washington Post under the title "Power in the Purse," and the title of it was, "Lobby Firm Prospers as Feder-

al Funds Tighten," and let me quote from a lobbyist in that article who said, "Self-interest is the name of the game. It is a difficult way to establish national policy."

I could not agree more because on down in the article it points out that the Association of American Universities said that lobbyists and members of the Appropriations Committees are not the best judges of the Nation's academic and scientific needs.

Amen, amen. We need to judge scientific needs of the country based upon whether or not it is the best science available. I think that what we need to do in this bill is just assure, not that the money gets cut, but that the money goes to those places that offer the best science.

Mr. Chairman, all my amendment would do is assure that we take out the specified projects, the porkbarrel projects, if my colleagues will, and instead say that we are going to make this money available to those institutions that have projects authorized by law and have survived the competitive process.

I would urge support of the amendment.

□ 1210

Mr. ROYBAL. Mr. Chairman, I rise in opposition to the amendment.

I think, Mr. Chairman, that the gentleman makes a convincing argument, but I do not believe that he is correct in what he is actually trying to accomplish.

For example, what the gentleman says of his amendment is that he will strike the projects and then he will insert materials research projects at eligible institutions of higher education.

This seems to me to imply that the universities that come under this particular section are not eligible institutions of higher education.

Mr. WALKER. Mr. Chairman, if the gentleman will yield, the gentleman is not citing the amendment that was offered.

Mr. ROYBAL. I am sorry, will the gentleman repeat that?

Mr. WALKER. I want to be sure the gentleman understands, the language that he just read is not the language that was offered.

Mr. ROYBAL. If it is not the language that was offered, Mr. Chairman, then the truth of the matter is that the gentleman seeks then to strike out five projects. Is that correct?

Mr. WALKER. Mr. Chairman, if the gentleman will yield further, I do not want the gentleman to be misled by what I did, and if he would allow me to just correct it.

The language that I have strikes the money and then says, "Materials research projects authorized by law at institutions of higher education."

It takes out that eligible language in there, and it says, "Materials research projects authorized by law at institutions of higher education."

So what it would require is an authorization for it to go forward.

I just wanted to correct the gentleman, because we did revise the language a little bit, and I apologize to the gentleman.

Mr. ROYBAL. Well, Mr. Chairman, reclaiming my time, the truth of the matter is that the projects herein authorized are authorized by law. The committee did not put in the projects simply because they wanted to. These are materials research projects that were included by the committee, but after carefully reviewing for the past several months the significance of their inclusion.

Now, this was not idly done by the committee. These are important projects, five of them in total, that actually went through the test of time. The committee actually reviewed them. At least two of those projects have been already started.

Now, if an amendment were to be made to refer this to the authorizing committee so that they could come out with strict regulations, then I would support the gentleman's amendment, but this is a situation, I believe, in which the Committee on Appropriations has actually been asked to take a position contrary to the position recommended by the committee.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I am a little confused, Mr. Chairman. I thought that the committee had sought a waiver for these provisions because they are not authorized. Is that not true?

Mr. ROYBAL. No. The committee did not seek a waiver. It did not seek a waiver simply because it makes so much sense that I did not think anyone would call a point of order of any kind.

Mr. WALKER. Well, then, let me ask the gentleman, these five projects are all authorized by the authorizing committees?

Mr. ROYBAL. Not all of them, no.

Mr. WALKER. So in fact the gentleman is adding a condition with my amendment that would require an authorization.

Mr. ROYBAL. Let me say this. They are authorized by the House committees in most instances, but not by the Senate.

Mr. WALKER. Well, Mr. Chairman, if the gentleman will yield further, as the gentleman knows, unless it has passed through an entire authorization process, they are not authorized by law. They may be authorized by a House committee, but that is not adequate.

My amendment requires that they be authorized by law, that they have in fact passed through the entire procedure and are in fact authorized projects.

I think the gentleman is telling me that that is not the case.

Mr. ROYBAL. Well, the truth of the matter is that the gentleman is correct. Some of those are not authorized by law. In other words, they do not have the authorization of the House committee, nor do they have the authorization of the Senate committee, but there are some that are.

Now, is the gentleman going to propose something different to be applied to those that are authorized versus those that are not? If that is the case, perhaps we can look into this matter further.

Mr. WALKER. Mr. Chairman, if the gentleman will yield further, let me say to the gentleman, all I am saying is that if they are authorized by law, they would then be established as competitive kinds of grants, and these institutions would be eligible for the \$16 million if the \$16 million is available.

Mr. ROYBAL. Let me say to the gentleman that I agree when you are talking about being authorized by law, it means authorization by the House and authorization by the Senate. That completes the cycle.

Mr. SKEEN. Mr. Chairman, I move to strike the last word, and I rise to oppose the amendment.

I understand the point of the gentleman from Pennsylvania. It is well-taken, but here is the problem. When we change the way that certain funds have been reallocated to other functions, you sometimes lose this kind of funding to grants that go to science-based projects.

This was the case in the strategic materials section of this bill, that used to be under the authority of the Subcommittee on Treasury, Postal Service, and General Government, and is now handled by the Armed Services Committee.

As a matter of fact, most of these projects are ongoing projects, those that have been commenced and should be carried out because they do make a contribution to basic science.

I think the problem is with the allocation system, and I have no argument with that. That is what the gentleman is trying to do. He is saying, well, there ought to be a better way of allocating these kinds of grants. Well, maybe there should be. I will not argue that, but we have not had that kind of a system.

What we have tried to do is the best we possibly could as a committee to give those that are worthwhile projects under this thing at least the kind of funding to get them through their construction period or whatever

it is that is going in that particular Department.

Mr. AKAKA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment is ill-conceived and shortsighted.

The gentleman's amendment seeks to strike funds from a number of initiatives designed to improve this Nation's disastrous shortage of strategic and critical materials. As anyone who takes time to learn about this situation will quickly recognize, our country is precariously dependent upon unstable foreign supplies of strategic materials. In the event of war or national emergency, these supplies will simply dry up.

The Soviet block and South Africa control over 70 percent of world production of the four highest priority strategic minerals. These are chromium, cobalt, manganese, and platinum. Without these four minerals, our military/industrial complex would come to a standstill.

It is ironic that less than 24 hours after we passed a National Defense Authorization Act providing for the security and defense of the country, we are asked to consider an amendment to deprive our Armed Forces of the strategic minerals which are essential to producing the sophisticated fighting equipment for our modern Army.

The minerals I speak of are essential to the production of high-grade steel and superalloys. They are also used extensively by the electronics and medical industries. Our country simply cannot afford any interruption in the development of future supplies of these metals. Unfortunately, the gentleman's amendment would do just that.

For the past decade, my State has been focusing on ways to reduce our dependence upon uncertain foreign supplies of critical and strategic materials. Few people realize it but the world's greatest untapped mineral deposits lie beneath the ocean. And the richest of these deposits are in the waters around Hawaii.

One of the agencies within our subcommittee's jurisdiction is the National Critical Materials Council. It's a small agency, but it serves a very important function.

According to the National Critical Materials Council, there are over \$40 billion—that's billion, not million—worth of strategic and critical minerals in Hawaii's 200-mile exclusive economic zone. These deposits are but a small part of the worldwide seabed minerals resource.

For years, scientists have known that the sea holds vast mineral deposits, known as seabed modules and sea mount crusts to those in the trade. Their existence, and the potential they hold as a minerals resource, have been known for decades. All that is missing is the technology to harvest these resources.

That is why the University of Hawaii, with the support of the Federal Government, has been exploring ways of harvesting these resources and putting them to productive use for American industry. This is not the first year that funds have been included in our bill for this purpose. In each of the past 4 fiscal years, Congress has supported funds for strategic minerals development. The funds in our fiscal year 1990 bill will complete the project

in my State. The other projects in this bill are designed to achieve the same result, but some of them use different methods such as the development of synthetics that can be substituted for minerals now in short supply.

During general debate, I heard the proponent of the amendment state that perhaps this research could be carried out more cheaply or more efficiently by other universities. Speaking for Hawaii, I can tell you that Hawaii is located in the heart of the richest ocean mineral resource known in the world. In effect, we are sitting on top of the mother lode. There is not another State within 2,400 miles of Hawaii and I can't imagine anyone doing a better job of investigating this resource than Hawaii.

Mr. Chairman, the modest investment we make to develop these minerals will yield a handsome return for our Nation. This is an investment in America's future.

I urge Members to defeat the amendment.

Ms. SLAUGHTER of New York. Mr. Chairman, I rise today in opposition to this amendment which would allay plans currently underway at the Rochester Institute of Technology to develop a Center for Integrated Manufacturing Studies. This CIMS project proposes critical materials research which is essential to the construction and maintenance of buildings throughout the United States. The Appropriations Committee, after extensive hearings, has affirmed the importance of the CIMS project by providing for its funding through the General Services Administration. I urge my colleagues to make this same affirmation by voting "no" on the amendment.

The GSA, as primary builder, landlord, wholesaler, retailer, and largest procurer of materials, equipment, and services, sets quality standards for the materials and equipment used in the construction of buildings used for Federal or federally related purposes. Vested with this responsibility, the GSA has a direct interest in promoting research and development of new materials and innovative technologies which will provide the Federal Government access to state-of-the-art building and manufacturing technologies. The technological advancements we anticipate will be equally as beneficial to the private sector. The manufacturing systems which CIMS seeks to develop can be readily adapted by industry.

The Rochester Institute of Technology is uniquely suited to meet the challenge of developing these state-of-the-art technologies which will not only ensure the sound construction of Federal buildings, but also improve competitiveness of U.S. industries in the global marketplace. RIT has a long tradition of innovation and success in its problem solving and practical approaches to complex technological problems. The most recent example of this is the completion of the Nation's only accredited undergraduate degree program in microelectronic engineering. Like the CIMS project, this engineering center serves a national constituency and is closely linked with the strategic needs of manufacturing and product development. RIT is also building a research and business park on its campus which will provide opportunities for joint research by business, industry, and academia.

Mr. Chairman, the CIMS project at the Rochester Institute of Technology show great promise for giving U.S. technology research

the boost it needs to compete effectively in world markets. The Federal funds which the committee has appropriated for the CIMS project will leverage funding provided by State government, local industries, and other private sources. These sources are expected to provide nearly \$22 million of the CIMS total budget of \$33 million. We must not shutdown funding for this important project. I urge my colleagues to oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 114, noes 293, not voting 24, as follows:

[Roll No. 187]

AYES—114

Applegate	Grandy	Pease
Archer	Gunderson	Penny
Armey	Hamilton	Petri
Baker	Hammerschmidt	Rhodes
Bartlett	Hansen	Ridge
Barton	Hefley	Ritter
Bates	Herger	Rohrabacher
Bennett	Hiler	Rowland (CT)
Billakis	Holloway	Schaefer
Billiey	Hopkins	Schneider
Bosco	Hubbard	Schulze
Buechner	Hunter	Sensenbrenner
Bunning	Ireland	Sharp
Burton	Kanjorski	Shumway
Callahan	Kasich	Shuster
Campbell (CA)	Kolter	Sikorski
Carper	Kyl	Smith (VT)
Chandler	Lagomarsino	Smith, Denny
Clinger	Lancaster	(OR)
Coble	Leach (IA)	Smith, Robert
Cox	Lewis (FL)	(NH)
Craig	Lightfoot	Smith, Robert
Crane	Machtley	(OR)
DeWine	Martin (IL)	Snowe
Dornan (CA)	McCandless	Spence
Dreier	McCrery	Stangeland
Duncan	McEwen	Stenholm
Fawell	McMillan (NC)	Stump
Fields	Michel	Sundquist
Frank	Miller (WA)	Synar
Frenzel	Moorhead	Tauke
Galleghy	Morrison (CT)	Thomas (WY)
Gaydos	Morrison (WA)	Vento
Gekas	Murphy	Walker
Gibbons	Neal (NC)	Weldon
Gingrich	Nielson	Williams
Goodling	Oxley	Yatron
Goss	Packard	Young (FL)
Gradison	Patterson	

NOES—293

Ackerman	Bonior	Coleman (TX)
Akaka	Borski	Combest
Alexander	Boucher	Conte
Anderson	Boxer	Conyers
Andrews	Brennan	Cooper
Annunzio	Brooks	Costello
Anthony	Broomfield	Coughlin
Aspin	Browder	Coyne
Atkins	Brown (CA)	Crockett
AuColin	Brown (CO)	Darden
Ballenger	Bruce	Davis
Barnard	Bustamante	de la Garza
Bateman	Byron	DeFazio
Bellenson	Campbell (CO)	DeLay
Bentley	Cardin	Dellums
Bereuter	Carr	Derrick
Berman	Chapman	Dickinson
Bevill	Clarke	Dicks
Bilbray	Clay	Dingell
Boehlert	Clement	Dixon
Boggs	Coleman (MO)	Donnelly

Dorgan (ND)	Lehman (CA)	Rinaldo
Downey	Lehman (FL)	Roberts
Durbin	Leland	Rogers
Dwyer	Lent	Rose
Dymally	Levin (MI)	Rostenkowski
Dyson	Levine (CA)	Roukema
Eckart	Lewis (CA)	Rowland (GA)
Edwards (CA)	Lewis (GA)	Roybal
Edwards (OK)	Livingston	Russo
Emerson	Lloyd	Sabo
Engel	Long	Salki
English	Lowery (CA)	Sangmeister
Erdreich	Lowey (NY)	Sarpalius
Espy	Lukens, Thomas	Savage
Evans	Lukens, Donald	Sawyer
Fascell	Madigan	Saxton
Fazio	Manton	Scheuer
Feighan	Markey	Schiff
Flake	Martinez	Schroeder
Filippo	Matsui	Schuetz
Foglietta	Mavroules	Schumer
Ford (MI)	Mazzoli	Shaw
Ford (TN)	McCloskey	Shays
Gallo	McCollum	Sisisky
Garcia	McCurdy	Skaggs
Gedensson	McDade	Skeen
Gephardt	McDermott	Skelton
Gillmor	McGrath	Slatery
Gilman	McHugh	Slaughter (NY)
Glickman	McMillen (MD)	Slaughter (VA)
Gonzalez	McNulty	Smith (FL)
Gordon	Meyers	Smith (IA)
Grant	Mfume	Smith (MS)
Gray	Miller (OH)	Smith (NE)
Green	Mineta	Smith (NJ)
Guarini	Moakley	Smith (TX)
Hall (OH)	Mollohan	Solomon
Hall (TX)	Montgomery	Spratt
Hancock	Moody	Staggers
Harris	Morella	Stallings
Hastert	Mrazek	Stearns
Hatcher	Murtha	Swift
Hawkins	Myers	Tallon
Hayes (IL)	Nagle	Tanner
Hayes (LA)	Natcher	Thomas (CA)
Hefner	Neal (MA)	Thomas (GA)
Henry	Nelson	Torres
Hertel	Nowak	Torricelli
Hoagland	Oakar	Towns
Hochbrueckner	Oberstar	Traffant
Horton	Obey	Traxler
Houghton	Olin	Udall
Hoyer	Ortiz	Unsoeld
Hughes	Owens (NY)	Upton
Hutto	Owens (UT)	Valentine
Inhofe	Pallone	Vander Jagt
Jacobs	Panetta	Visclosky
James	Parker	Volkmer
Jenkins	Parris	Vucanovich
Johnson (CT)	Pashayan	Walgren
Johnson (SD)	Paxon	Walsh
Johnston	Payne (NJ)	Watkins
Jones (GA)	Payne (VA)	Waxman
Jones (NC)	Pelosi	Weber
Jontz	Perkins	Weiss
Kaptur	Pickett	Wheat
Kastenmeier	Pickle	Whittaker
Kennedy	Poshard	Whitten
Kennelly	Price	Wilson
Kildee	Pursell	Wise
Kleczka	Quillen	Wolf
Kolbe	Rahall	Wolpe
Kostmayer	Rangel	Wyden
LaFalce	Ravenel	Wyllie
Lantos	Ray	Yates
Laughlin	Regula	Young (AK)
Leath (TX)	Richardson	

NOT VOTING—24

Bryant	Frost	Porter
Collins	Huckaby	Robinson
Courter	Hyde	Roe
Dannemeyer	Lipinski	Solarz
Douglas	Marlenee	Stark
Early	Martin (NY)	Stokes
Fish	Miller (CA)	Studds
Florio	Molinar	Tauzin

□ 1236

Messrs. SHAYS, McCOLLUM, BEIL-
ENSON, HOAGLAND, and CARDIN
changed their vote from "aye" to "no."

Messrs. RITTER, PACKARD,
STANGELAND, and NEAL of North
Carolina changed their vote from "no"
to "aye."

So the amendment was rejected
The result of the vote was an-
nounced as above recorded.

The CHAIRMAN. Are there further
amendments?

If not, the Clerk will read.

The Clerk read as follows:

INFORMATION RESOURCES MANAGEMENT SERVICE

OPERATING EXPENSES

For expenses authorized by law, not oth-
erwise provided for, necessary for carrying
out Government-wide and internal responsi-
bilities relating to automated data manage-
ment, telecommunications, information re-
sources management, and related activities,
including services as authorized by 5 U.S.C.
3109; and for the Information Security
Oversight Office established pursuant to
Executive Order 12356; \$32,480,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of
Inspector General; \$26,500,000 of which
\$1,000,000 is available until expended for
procurement and installment of an automa-
tion program in support of audits and inves-
tigations: *Provided*, That not to exceed
\$10,000 shall be available for payment for
information and detection of fraud against
the Government, including payment for re-
covery of stolen Government property: *Pro-
vided further*, That not to exceed \$2,500
shall be available for awards to employees
of other Federal agencies and private citi-
zens in recognition of efforts and initiatives
resulting in enhanced Office of Inspector
General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act
of August 25, 1958, as amended (3 U.S.C. 102
note), and Public Law 95-138; \$1,823,000:
Provided, That the Administrator of Gen-
eral Services shall transfer to the Secretary of
the Treasury such sums as may be neces-
sary to carry out the provisions of such
Acts.

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer
an amendment.

The Clerk read as follows:

Amendment offered by Mr. JACOBS: Page
41, line 18, strike out "\$1,823,000" and insert
in lieu thereof "\$418,000."

Mr. JACOBS. Mr. Chairman, I
should explain first of all what this
amendment does not do. It does not
affect the Secret Service protection of
former Presidents. It does not affect
the pensions of former Presidents or
of Mrs. Johnson, the widow of Presi-
dent Johnson.

It does affect, in fact it deletes the
slush fund for former Presidents;
namely, what is commonly called by
the committee I think office expenses,
which can include all sorts of exotic
accouterments and freebies for former
Presidents.

□ 1240

My argument is simply this: Our
former Presidents are beginning to

pile up on us now. We have got four of
them.

The expense for the care and feed-
ing of the President who is actually in
office is going up; the enormous in-
creases in the cost of maintaining the
current President.

Now suddenly we have four former
Presidents. With these miracle drugs
you never know what it will be a few
years from now. We may get to the
point where we literally have more
chiefs than we have Indians and the
Indians are not going to be able to
afford all this luxury for former Presi-
dents.

Now everybody knows that the ex-
Presidency has become a big business,
it is a moneymaker. And everybody
knows that these offices and staffs
and travel expenses that are provided
for ex-Presidents have a lot to do with
their getting around and getting these
\$25,000 speaker fees; not because they
are particularly wonderful speakers
but because they are ornaments at
somebody's convention.

So I think that the time has come.
We will let them go ahead and have
the Secret Service. The pensions that
the American people pay to each of
the former Presidents amounts to
more than 98 percent of the American
citizens who are still working earn per
year. They get \$100,000 per year. That
puts them ahead of 98 percent of their
countrymen.

Mr. SAVAGE. Mr. Chairman, will
the gentleman yield?

Mr. JACOBS. I yield to the gentle-
man from Illinois.

Mr. SAVAGE. I thank the gentle-
man for yielding.

Let me ask this: Let me make sure I
did not misunderstand the gentleman.

Did the gentleman make reference
to new medicines and so forth that can
sustain life for a longer period and was
making that as one of the arguments?

Mr. JACOBS. They are wonderful.

Mr. SAVAGE. Was the gentleman
implying then that if the Presidents
would die sooner we would not need
his measure and that maybe science
had gone too far and the gentleman is
asking the American people to get on
that side?

Mr. JACOBS. The gentleman is re-
citing a truism as evidenced by histo-
ry.

Mr. ROYBAL. Mr. Chairman, I
move to strike the last word, and I rise
in opposition to the amendment.

Mr. Chairman, this is an amendment
that is presented every year. It is
looked upon by many as the economy
vote amendment.

What actually happens in this rec-
ommendation is that the gentleman is
seeking to cut out everything except
pensions. He cannot possibly cut pen-
sions because the law protects that.
They will continue to receive their
pensions under this amendment.

But everything else will be cut out.

Now we have debated this issue, as I have said, for many years. It is true that we have four former Presidents, but they receive a small office staff allowance. This small staff answers letters and performs other office functions, of course, related to our former Presidents' work.

You know I have a great deal of sympathy with what the gentleman is seeking to do. But this is not the place to do it.

The gentleman is advised every year to go to the authorizing committee and change the law. Once that law is changed, it is permanent. And it would not be necessary to come year after year and propose the same amendment to the House.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from Indiana.

Mr. JACOBS. I thank the gentleman for yielding.

Mr. Chairman, I think the chairman misspoke when he said that it leaves the pensions and cuts out everything else. I am sure the chairman will agree with me it does not affect the Secret Service protection.

Mr. ROYBAL. Yes, of course. But the Secret Service is not part of the section of the bill that the gentleman makes reference to. Secret Service is something that they are entitled to under another section of the bill.

But, Mr. Chairman, this amendment, I think, while it may be meritorious and while it may result in an economy vote for someone, I still believe that this is not the place to do it.

I think that the gentleman should go to the authorizing committee and prevail upon that committee to reexamine the situation. If the facts that have been presented by the gentleman are true, then perhaps the committee would consider changing the law.

That would be permanent.

Mr. Chairman, I continue to oppose the amendment on the basis that this is not the place to accomplish that subject matter.

Mr. CONTE. Mr. Chairman, I move to strike the penultimate word, and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment. The past several years my good friend, the gentleman from Indiana, has religiously challenged the justification for the allowances of former Presidents. Each year, we've debated the merits of the program. The arguments pro and con are well known to many Members of the House, but since the issue was raised again this year, and since many new Members are not familiar with this issue, the history and justification for the program deserves repeating.

Twenty-nine years ago when this program was authorized, the leaders of both parties recognized the special

burdens placed upon those who have served as President of the United States. For just a moment, and before we vote, let's examine the circumstances surrounding the establishment of this "allowance for former Presidents."

Two unmet needs motivated the creation of this program and, today, justify its continued existence. First, many people in this country continue to place demands on our President after their term has expired. They receive thousands of letters and invitations, make hundreds of public appearances for charities and occasionally perform official duties.

Most recently, former Presidents Carter and Ford risked their lives and went to Central America as observers of the so-called elections in Panama.

In 1958, when this program was under consideration by the Congress, for Speaker John McCormack said at the time:

The interest of the American people in the President does not cease when his term of office has ended. The public demands . . . the speeches, the conferences, advice, correspondence, and otherwise, . . . after his service as President is over, continues.

Speaker McCormack recognized that public demands on our former Presidents must be met with public support.

Another justification for this allowance can be found in the way our former Presidents were treated as compared to public servants. Before this allowance was authorized, former Presidents were the only major office holders or public servants not receiving a pension or other benefits from the Government. At the time, Supreme Court Justices could retire at full salary, at any point, no matter how long they served. Former Speakers of the House receive a pension and a generous allowance for office staff and expenses.

An even better comparison was our treatment of five-star generals. These retired military leaders, technically on active duty, not only received full salaries for pension, but they were allowed a full military staff, a chauffeur, and a secretary. The question at the time was rightfully asked: Should the Commander in Chief of our Armed Forces be treated less than his subordinates?

This program corrects this inequity and provides our former President's with a modest allowance to assist them as they continue to serve this country after their term has expired.

The gentleman from Indiana has been persistent over the years in his commitment to offer this amendment. I believe the gentleman is sincere about this commitment, but I would suggest that we consider this program in the proper forum.

I am willing to take a close look at this allowance in the proper context and setting. If there is waste and

abuse, it should be stopped. If there is excessive spending, it must be curtailed. However, the reality is that this is a modest recommendation. The increase over last year is almost entirely due to expenses related to our newest former President. On January 20, President Reagan was entitled to the pension and allowances provided by law. There is no programmatic increase over the amount provided in fiscal year 1989. It is a bare bones recommendation.

In fact, the former Presidents have made significant reductions in costs for office space, equipment, and staff. Former President Nixon, for example, has assumed the cost of his protection and many other expenses associated with maintaining his office.

For 29 years, there has been a Federal commitment to former Presidents of the United States. If changes are required, let us do it right and not disavow the program.

I urge Members to maintain this commitment and vote against the amendment.

□ 1250

Mr. TRAXLER. Mr. Chairman, I move to strike the last word.

Two minds of the gentleman's amendment, I think, within the account that in his amendment, goes after in my judgment, the wrong account. However, I am going to support it, hoping we can get the authorizer's attention.

Let me say what I think, for a moment, if I can change hats. It is a new experience not being an appropriator, being an authorizer, and very heady, I have to say that. I think the problem, as I see it, the former Presidents have become big commercial enterprisers, not all of them, but a couple of them.

The issue here is, do we as taxpayers in the Federal Government support their commercial enterprise? One of the former Presidents will be going to Japan, according to the newspapers, in the very near future, in which he will be paid millions of dollars for his appearances over there. He will take a very substantial entourage of Federal employees with him who will, to my knowledge, I could be wrong, I hope I am, the Secret Service, et cetera, will be paid for him by the taxpayer, to my information.

A former President went around the world on a commercial free trip, speaking trip, and a little subterfuge there. The seating President designated him as a world ambassador and got the Secret Service and Federal employees that accompanied him, paid for, out of the Federal Treasury.

I think that the statute must recognize that these people have converted the ex-Presidency into a Walt Disney kind of enterprise. What we need to do

is say, "Well, maybe we do not approve of that, so we should either raise your retirement benefit and give them the option of taking the retirement and Secret Service coverage, or be freebooters that they are, taking everything that they can get," but they have to pay for their own protection and their own expenses out of the millions that they make.

Mr. Chairman, I am happy to yield to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I appreciate the gentleman yielding to me.

There is something else the House might consider doing this session or next, and that is a sense-of-the-House resolution, in which we encourage former Presidents not to use their position for the type of commercialization that we now see at least two former Presidents involved in. The American people are troubled when former Presidents use that position in retirement to make enormous sums of money, and it would seem to me that this House may want to consider a sense-of-the-House resolution, discouraging that in the future.

Mr. TRAXLER. Mr. Chairman, I thank the gentleman for his contribution.

My hope would be that the authorizers would look at the existing law within the light of the existing practices by several of the former Presidents. It is total commercialization and privatization of the ex-Presidency. If they want to do that, then we ought to, in my judgment, say, "You pay for Secret Service, you pay for the scheduling of your private commercial ventures." The taxpayer has no obligation to do that.

I sincerely hope that the authorizers would take that stand and amend the law accordingly.

Mr. DORGAN of North Dakota. Mr. Chairman, I move to strike the last word, and I am going to support the gentleman's amendment, as I have in years past.

When Harry Truman left town, I understand he left without a pension and without any help to answer letters he received. He took a train back to Independence, MO, where he and his wife tried to figure out how, on his meager income, he would meet his responsibilities as the ex-President.

That was wrong. Congress did something to try and correct that. They established a pension program to provide assistance to ex-Presidents. I understand and support the rationale behind that action. So, I think, does the gentleman from Indiana.

There is a big difference, however, between being generous and being opulent. This is not a monarchy. We do not have kings. Louis XIV, who ruled France for 72 years, was accustomed to an opulent lifestyle. Louis XVI liked it

so well he lost his head. Presidents are not royalty. These are citizens coming from the common people and returning to the common people. We say yes, let taxpayers provide them a pension, security, and treat him the way they should be treated. However, Mr. Chairman, this has gotten out of hand. This is more than just being generous. This is treating ex-Presidents like royalty. Frankly, we cannot afford it anymore. Unlike Harry Truman, recent ex-Presidents can and do make a great deal of money. They receive millions of dollars for writing books and giving speeches.

I am told that one ex-President schedules three speeches a weekend, one weekend a month. Three speeches for \$20,000 a speech is \$60,000 a weekend. It seems to me that this is ample compensation for ex-Presidents, above and beyond their pensions, above and beyond the protection of the Secret Service.

I think the gentleman from Indiana has propounded a reasonable amendment. We ought to do something about this.

I have supported his legislation for a number of years, I support this amendment. I think we will take an aggressive step forward in doing the right thing if we pass the gentleman's amendment.

Mr. WISE. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. Mr. Chairman, I wanted to make this point, that the argument is made frequently that former Presidents have a great burden of mail answering. I took notice of that argument a few years ago, and a few friends and I wrote to the former Presidents to see what kind of answer we got. In two instances we got no answer at all. Another instance we got a form letter saying we would hear from the President later. We never did hear from him.

I was speaking to a constituent of mine about this this morning, and she said how in the world can he afford it, we do not have enough money for the WIC program, we do not have the money to pay the national debt, how can we do it? I said, "Don't forget the old philosopher, Abe Martin, in Indiana who said there is always plenty of money for everything but the necessities."

The income these former Presidents have is so enormous, it is strange to the ordinary person. It is like the guy who was conducting his friend on a tour of his new house and he said, "That is the living room, the dining room, this is the den," and in the den there was a sofa and a man and a woman were sitting on the sofa, they were kissing, and the host said, "That is my wife," and then they went to the kitchen, and the host poured a cup of

coffee for his friend, poured a cup of coffee for himself, and the guests could not stand it any more, and they said, "What about the guy in the den?" He said, "Let him get his own coffee." That is the way I feel about this: Let them get their own secretaries, they can afford it.

Mr. WISE. Mr. Chairman, I would like to add that I have always thought the one benefit that we ought to offer a former President to avert this problem of the press chasing him, and that is elective plastic surgery, so that they can go in, get their face changed just like a person does in the protective witness program, and guarantees they will not have all this turmoil.

Finally, I would like to note, Mr. Chairman, Cincinnatus, a thousand years ago, established a tradition of serving his country and returning to the plow. I think today, Cincinnatus went back to the plow, acquired the investment banker, financial counselor, and probably will not touch that plow without at least a decent honorarium.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. JACOBS].

The amendment was rejected.

The CHAIRMAN. Are there further amendments to this point of title IV?

If not, the Clerk will read.

The Clerk read as follows:

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SECTION 1. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 2. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 3. Not to exceed 1 per centum of funds made available in appropriations for operating expenses and salaries and expenses, during the current fiscal year, may be transferred between such appropriations for mandatory program requirements. Any transfers proposed shall be submitted promptly to the Committees on Appropriations of the House and Senate for approval.

SEC. 4. Funds in the Federal Buildings Fund made available for fiscal year 1990 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary for mandatory program requirements. Any transfers proposed shall be submitted promptly to the Committees on Appropriations of the House and Senate for approval.

SEC. 5. Funds hereafter made available to the General Services Administration for the payment of rent shall be available for the purpose of leasing, for periods not to exceed thirty years, space in buildings erected on land owned by the United States.

SEC. 6. Notwithstanding any provisions of this Act or any other Act in any fiscal year, the Administrator of General Services is authorized and directed to charge the Department of the Interior for design and alterations to the Avondale, Maryland, property at rates so as to recover the approximate ap-

plicable cost incurred by General Services Administration in providing such alterations, and the Department of the Interior is authorized to repay such charges out of any appropriation available to the department and the payments shall be deposited in the fund established by 40 U.S.C. 490(f).

SEC. 7. Notwithstanding any other provision of law, the Administrator of General Services is hereafter authorized to transfer from the resources of the Federal Buildings Fund, in accordance with such rules and procedures as may be established by the Office of Management and Budget and the Department of the Treasury, such amounts as are necessary to repay the principal amount of General Services Administration borrowings from the Federal Financing Bank when such borrowings are legal obligations of the Fund.

SEC. 8. The General Services Administration shall take immediate action to secure corrections to health and safety problems at the IRS Manhattan District Office and is directed, if unable to correct such problems within ninety days of enactment of this Act, to terminate the lease and relocate the employees to quality working space.

SEC. 9. OBLIGATIONS FOR MULTIYEAR AGREEMENTS FOR LEASE OR OTHER ACQUISITION OF MOTOR VEHICLES ENTERED INTO BY ADMINISTRATOR OF GENERAL SERVICES.—(a) IN GENERAL.—Subject to subsection (b), obligations of funds for multiyear agreements for the lease or other acquisition of motor vehicles entered into by the Administrator of General Services for the purposes of section 211 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 491) shall be limited to the current fiscal year for which payments are due, without regard to any termination or cancellation costs, and without regard to section 1341(a)(1)(B) of title 31, United States Code.

(b) AFFECTED AGREEMENTS.—This section shall apply to multiyear agreements which—

(1) are entered into by the Administrator during the 4-year period beginning on the date of the enactment of this Act; and

(2) provide for the lease of motor vehicles for a period of not more than four years.

SEC. 10. The general provision (section 8) in Public Law 100-440 is amended as follows: In subsection (b)(1) delete "600,000" and insert "900,000". Delete subsection (b)(2).

SEC. 11. (a) Notwithstanding any other provisions of law, the Administrator of General Services, with the concurrence of the Director of the U.S. Fish and Wildlife Service, is authorized and directed to acquire, by means of a lease of up to twenty years duration, a new facility to house the offices of Region Five of the U.S. Fish and Wildlife Service in Hampshire County or Holyoke, Massachusetts.

(b) There is hereby made available until expended, out of the Federal Buildings Fund, not to exceed \$100,000 for telecommunication system expenses associated with the relocation of Region Five of the U.S. Fish and Wildlife Service to the facility authorized to be leased by this Act.

SEC. 12. The Administrator of GSA is directed to lease approximately one hundred thousand occupiable square feet of office and special purpose space to provide for relocation and consolidation of the outpatient clinic functions in Boston, Massachusetts, currently located in an outdated Federal building at 17 Court Street.

SEC. 13. Notwithstanding any other provision of law, the Secretary of Commerce shall transfer to the General Services Ad-

ministration at no cost approximately fifteen acres of the site at 325 Broadway in Boulder, Colorado, for the construction of a new Federal Building to house the National Oceanic and Atmospheric Administration. In selecting the land to be transferred, the Secretary shall give due consideration to access from Broadway and the availability of utilities.

SEC. 14. Before acquiring any space over one hundred thousand square feet in the Washington Metropolitan Region, the Administrator of General Services shall solicit bids for such space through a region-wide advertisement in the National Capital Region, including Maryland, Virginia, and the District of Columbia. The Administrator, subject to authorization, shall competitively acquire such space and select quality space at the lowest possible cost in such Metropolitan Region. This shall occur in all cases except where an agency has an authorized expansion requirement that must be contiguous to an existing location and which is not in excess of 10 percent of the agency's existing space at that location or continued occupancy must be provided at an existing location as an interim step to a competitive action if such occupancy is for a period not in excess of twelve months.

SEC. 15. Notwithstanding any other provision of law, the General Services Administration is hereby authorized to sell to the city of Asheville or political subdivision at fair market value, the Grove Arcade Federal Building and site, in whole or in part, in Asheville, North Carolina, and to deposit such proceeds into the Federal Buildings Fund.

SEC. 16. Notwithstanding any other provision of law, the County of Los Angeles in the State of California shall provide to the General Services Administration, without cost, 250 parking spaces for a period of ninety-nine years, in the Parking Facility at Long Beach, California, for which a Grant is provided from revenues and collections deposited into the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)).

MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Martin Luther King, Jr. Federal Holiday Commission, as authorized by Public Law 98-399, as amended, \$300,000.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with National Archives and Records Administration and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, \$126,612,000 of which \$4,000,000 for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, shall remain available until expended.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended by Public Law 100-598, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed

\$1,500 for official reception and representation expenses: \$3,414,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, medical examinations performed for veterans by private physicians on a fee basis, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, not to exceed \$2,500 for official reception and representation expenses, and advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended; \$113,668,000 of which no less than \$250,000 shall be made available to establish a program to facilitate the use of job-sharing arrangements in agencies as authorized in section 3402 of title 5, United States Code; in addition to \$81,907,000 for administrative expenses, including direct procurement of health benefits printing, for the retirement and insurance programs of which \$11,800,000 shall remain available until expended for costs incurred in implementing the recordkeeping system of the Federal Employees Retirement System, to be transferred from the appropriate trust funds of the Office of Personnel Management in the amounts determined by the Office of Personnel Management without regard to other statutes: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, U.S.C.: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order 11183 of October 3, 1964, may, during the fiscal year ending September 30, 1990, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles: \$2,918,000; and in addition, not to exceed \$2,193,000 for administrative expenses to audit the Office of Personnel Management's insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management in amounts sufficient to cover such administrative expenses, as determined by the Inspector General without regard to other statutes.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, \$3,780,169,000, to remain available until expended.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, \$2,700,000, to remain available until expended.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, \$5,211,732,000: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended (22 U.S.C. 3682(e)), August 19, 1950, as amended (33 U.S.C. 771-75), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

REVOLVING FUND

Pursuant to section 4109(d)(1) of title 5, United States Code, costs for entertainment expenses of the President's Commission on Executive Exchange shall not exceed \$12,000.

MERIT SYSTEMS PROTECTION BOARD SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles; \$20,987,000, together with not to exceed \$1,450,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of the Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978 (Public Law 95-454), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; \$5,142,000.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere; \$17,500,000: *Provided*, That public members of the Federal Service Impasses

Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109; \$28,120,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 1990".

TITLE V—GENERAL PROVISIONS

THIS ACT

SECTION 501. Where appropriations in this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amount set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Veterans' Administration; to travel of the Office of Personnel Management in carrying out its observation responsibilities of the Voting Rights Act; or to payments to inter-agency motor pools where separately set forth in the budget schedules.

SEC. 502. No part of any appropriation contained in this Act shall be available to pay the salary of any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 503. No part of any appropriation made available in this Act shall be used for the purchase or sale of real estate or for the purpose of establishing new offices inside or outside the District of Columbia: *Provided*, That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

SEC. 504. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 505. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 506. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Ad-

ministrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions, or except in accordance with procedures prescribed by section 6-104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970: *Provided*, That a factor of 75 per centum in lieu of 50 per centum shall be used for evaluating foreign source end products against a domestic source end product. This section shall be applicable to all solicitations for bids opened after its enactment.

SEC. 507. None of the funds made available to the General Services Administration pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949 shall be obligated or expended after the date of enactment of this Act for the procurement by contract of any service which, before such date, was performed by individuals in their capacity as employees of the General Services Administration in any position of guards, elevator operators, messengers, and custodians, except that such funds may be obligated or expended for the procurement by contract of the covered services with sheltered workshops employing the severely handicapped under Public Law 92-28.

SEC. 508. No funds appropriated in this Act shall be available for administrative expenses in connection with implementing or enforcing any provisions of the rule TD ATF-66 issued June 13, 1980, by the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms on labeling and advertising of wine, distilled spirits and malt beverages, except if the expenditure of such funds, is necessary to comply with a final order of the Federal court system.

SEC. 509. None of the funds appropriated or made available by this Act shall be used to competitively procure electric utility service, except where such procurement is expressly authorized by the Federal Power Act or by State law or regulation.

SEC. 510. None of the funds appropriated in this Act may be used for administrative expenses to close the Federal Information Center of the General Services Administration located in Sacramento, California.

SEC. 511. None of the funds made available by this Act for the Department of the Treasury may be used for the purpose of eliminating any existing requirement for sureties on customs bonds.

SEC. 512. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the 1930 Tariff Act.

SEC. 513. None of the funds made available by this Act shall be available for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, Marana, Arizona, and Artesia, New Mexico, out of the Treasury Department.

SEC. 514. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 515. No part of any appropriation contained in this Act shall be available for

the payment of the salary of any officer or employee of the United States Postal Service, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection.

Sec. 516. Except for vehicles provided to the President, Vice President and their families, or to the United States Secret Service, none of the funds provided in this Act to any Department or Agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than twenty-two miles per gallon. The requirements of this section may be waived by the Administrator of the General Services Administration for special purposes or special mission automobiles.

Sec. 517. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

Sec. 518. The provision of section 517 shall not apply where the life of the mother would be endangered if the fetus were carried to term.

Sec. 519. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of stainless steel flatware not produced in the United States or its possessions, except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of stainless steel flatware produced in the United States or its possessions, cannot be procured as and when needed from sources in the United States or its possessions or except in accordance with procedures provided by section 6-104.4(b) of Armed Services Procurement Regulations, dated January 1, 1969. This section shall be applicable to all solicitations for bids issued after its enactment.

Sec. 520. None of the funds appropriated by this Act may be used to solicit bids, lease space, or enter into any contract to close or consolidate executive seminar centers for the Office of Personnel Management.

Sec. 521. The Administrator of General Services, under section 210(h) of the Federal Property and Administrative Services Act

of 1949, as amended, may acquire, by means of a lease of up to thirty years duration, space for the United States Courts in Tacoma, Washington, at the site of Union Station, Tacoma, Washington.

Sec. 522. Funds under this Act shall be available as authorized by sections 4501-4506 of title 5, United States Code, when the achievement involved is certified, or when an award for such achievement is otherwise payable, in accordance with such sections. Such funds may not be used for any purpose with respect to which the preceding sentence relates beyond fiscal year 1990.

Sec. 523. (a) Notwithstanding any other provision of law, during fiscal year 1990, the authority to establish higher rates of pay under section 5303 of title 5, United States Code, may—

(1) in addition to positions paid under any of the pay systems referred to in subsection (a) of section 5303 of title 5, United States Code, be exercised with respect to positions paid under any other pay system established by or under Federal statute for positions within the executive branch of the Government; and

(2) in addition to the circumstance described in the first sentence of subsection (a) of section 5303 of title 5, United States Code, be exercised based on—

(A) pay rates for the positions involved being generally less than the rates payable for similar positions held—

(i) by individuals outside the Government; or

(ii) by other individuals within the executive branch of the Government;

(B) the remoteness of the area or location involved;

(C) the undesirability of the working conditions or the nature of the work involved, including exposure to toxic substances or other occupational hazards; or

(D) any other circumstances which the President (or an agency duly authorized or designated by the President in accordance with the last sentence of section 5303(a) of title 5, United States Code, for purposes of this subparagraph) may identify.

Nothing in paragraph (2) shall be considered to permit the exercise of any authority based on any of the circumstances under such paragraph without an appropriate finding that such circumstances are significantly handicapping the Government's recruitment or retention efforts.

(b)(1) A rate of pay established during fiscal year 1990 through the exercise of any additional authority under subsection (a) of section 5303 of title 5, United States Code—

(A) shall be subject to revision or adjustment,

(B) shall be subject to reduction or termination (including pay retention), and

(C) shall otherwise be treated, in the manner as generally applies with respect to any rate otherwise established under section 5303 of title 5, United States Code.

(2) The President (or an agency duly authorized or designated by the President in accordance with the last sentence of section 5303(a) of title 5, United States Code, for purposes of this subsection) may prescribe any regulations necessary to carry out this subsection.

(C) Any additional authority under this section may, during fiscal year 1990, be exercised only to the extent that amounts otherwise appropriated under this Act for purposes of section 5303 of title 5, United States Code, are available.

Sec. 524. None of the funds available in this Act may be used to contract out positions or downgrade the position classification of the Bureau of Engraving and Printing Police Force.

Sec. 525. The Office of Personnel Management may, during the fiscal year ending September 30, 1990, accept donations of supplies and equipment for the Federal Executive Institute for the enhancement of the morale and educational experience of attendees at the Institute.

Sec. 526. None of the funds in this Act may be used to abolish, close or relocate the Office of Fiscal Operations and the Resources Systems Development Division of the Detroit Data Center.

Sec. 527. For the purposes of subchapter IV of chapter 53 of title 5, United States Code, prevailing rate employees employed in Broome and Tioga counties, New York, shall be considered to be employed in the Syracuse/Utica/Rome New York wage area.

Sec. 528. The Director of the Office of Management and Budget shall take appropriate action to provide that the official title of the metropolitan statistical area which includes Allentown, Bethlehem, and Easton, Pennsylvania, shall be the "Allentown-Bethlehem-Easton Metropolitan Statistical Area".

Sec. 529. Section 631 of the "Treasury, Postal Service and General Government Appropriations Act, 1989" (Public Law 100-440) is amended by striking "December 22, 1987" and inserting in lieu thereof "October 1, 1983". The amendment made by this section shall be effective as if it had been included in Public Law 100-440.

Sec. 530. No monies appropriated by this Act may be used to implement or enforce section 1151 of the Tax Reform Act of 1986 or the amendments made by such section.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SECTION 601. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses and ambulances), is hereby fixed at \$6,600 except station wagons for which the maximum shall be \$7,600: *Provided*, That these limits may be exceeded by not to exceed \$3,700 for police-type vehicles, and by not to exceed \$4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may be exceeded by not more than five percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976.

Sec. 602. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-24.

Sec. 603. Unless otherwise specified during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in

the service of the United States on the date of enactment of this Act, who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, or the Baltic countries lawfully admitted to the United States for permanent residence, or (5) South Vietnamese, Cambodian, and Laotian refugees paroled in the United States after January 1, 1975: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than \$4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

Sec. 604. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

Sec. 605. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

Sec. 606. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

Sec. 607. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of

Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided*, That such credits received as exchanged allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

Sec. 608. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards, commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

Sec. 609. Funds made available by this or any other Act to (1) the General Services Administration, including the fund created by the Public Building Amendments of 1972 (86 Stat. 216), and (2) the "Postal Service Fund" (39 U.S.C. 2003), shall be available for employment of guards for all buildings and areas owned or occupied by the United States or the Postal Service and under the charge and control of the General Services Administration or the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318), but shall not be restricted to certain Federal property as otherwise required by the proviso contained in said section and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318a, 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318c): *Provided*, That when the Administrator of General Services delegates responsibility to protect property under this charge and control to the head of another Federal agency, that agency may employ guards to protect the property who shall have the same powers of special policemen in same manner as the foregoing.

Sec. 610. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

Sec. 611. No part of any appropriation contained in, or funds made available by, this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the fiscal year for which appropriations were granted.

Sec. 612. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for the fiscal years ending September 30, 1990, or September 30, 1991, by this Act or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5,

United States Code, or any employee covered by section 5348 of that title—

(1) during the period from the date of expiration of the limitation imposed by section 612 of the Treasury, Postal Service, and General Government Appropriations Act, 1989, until the first day of the first applicable pay period that begins not less than ninety days after that date, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 612; and

(2) during the period consisting of the remainder, if any, of fiscal year 1990, and that portion of fiscal year 1991, that precedes the normal effective date of the applicable wage survey adjustment that is to be effective in fiscal year 1991, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) of this subsection by more than the overall average percentage adjustment in the General Schedule during fiscal year 1990.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, may be paid during the periods for which subsection (a) of this section is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purpose of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule that was not in existence on September 30, 1989, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1989, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) The provisions of this section shall apply with respect to pay for services performed by any affected employee on or after October 1, 1989.

(f) For the purpose of administering any provision of law, including section 8431 of title 5, United States Code, or any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit, that requires any deduction or contribution, or that imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate or salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section may be construed to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

Sec. 613. None of the funds made available in this Act may be used to plan, implement, or administer (1) any reduction in the number of regions, districts or entry processing locations of the United States Customs Service; or (2) any consolidation or centralization of duty assessment or appraisal functions of any offices in the United States Customs Service.

Sec. 614. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of \$5,000 to renovate, remodel, furnish, or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such renovation, remodeling, furnishing, or redecoration is expressly approved by the Committees on Appropriations of the House and Senate.

Sec. 615. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

Sec. 616. (a) Notwithstanding the provisions of sections 112 and 113 of title 3, United States Code, each Executive agency detailing any personnel shall submit a report on an annual basis in each fiscal year to the Senate and House Committees on Appropriations on all employees or members of the armed services detailed to Executive agencies, listing the grade, position, and offices of each person detailed and the agency to which each such person is detailed.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

- (1) the Central Intelligence Agency;
- (2) the National Security Agency;
- (3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

(c) The exemptions in part (b) of this section are not intended to apply to information on the use of personnel detailed to or from the intelligence agencies which is currently being supplied to the Senate and House Intelligence and Appropriations Committees by the executive branch through budget justification materials and other reports.

(d) For the purposes of this section, the term "Executive agency" has the same meaning as defined under section 105 of title 5, United States Code (except that the provisions of section 104(2) of title 5, United States Code shall not apply) and includes the White House Office, the Executive Residence, and any office, council, or organizational unit of the Executive Office of the President.

Sec. 617. (a) None of the funds made available by this or any other Act with respect to any fiscal year may be used to make a contract for the manufacture of distinctive paper for United States currency and securities pursuant to section 5114 of title 31, United States Code, with any corporation or other entity owned or controlled by persons not citizens of the United States, or for the manufacture of such distinctive paper outside of the United States or its possessions. This subsection shall not apply if the Secre-

tary of the Treasury determines that no domestic manufacturer of distinctive paper for United States currency or securities exists with which to make a contract and if the Secretary of the Treasury publishes in the Federal Register a written finding stating the basis for the determination.

(b) None of the funds made available by this or any other Act with respect to any fiscal year may be used to procure paper for passports granted or issued pursuant to the first section of the Act entitled "An Act to regulate the issue and validity of passports, and for other purposes", approved July 3, 1926 (22 U.S.C. 211a), if such paper is manufactured outside of the United States or its possessions or is procured from any corporation or other entity owned or controlled by persons not citizens of the United States. This subsection shall not apply if no domestic manufacturer for passport paper exists.

Sec. 618. TEMPORARY AUTHORITY TO TRANSFER LEAVE.—In order to ensure that the experimental use of voluntary leave transfers established under Public Laws 99-500, 99-591, and 100-202 may continue and may cover additional employees in fiscal year 1990, the Office of Personnel Management may continue to operate by regulation, notwithstanding chapter 63 of title 5, United States Code, a program under which the unused accrued annual leave of officers or employees of the Federal Government may be transferred for use by other officers or employees who need such leave due to a personal emergency as defined in the regulations. The Office may provide by regulation for such exceptions from the provisions of section 7351 of title 5 as the Office may determine appropriate for the transfer of leave under this section. The Veterans' Administration may operate a similar program for employees subject to section 4108 of title 38, United States Code. The programs operated under this section shall expire at the end of fiscal year 1990, but any leave that has been transferred to an officer or employee under the programs shall remain available for use until the personal emergency has ended, and any remaining unused transferred leave shall, to the extent administratively feasible, be restored to the leave accounts of the officers or employees from whose accounts it was originally transferred.

Sec. 619. No funds appropriated in this or any other Act for fiscal year 1990 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form or agreement if such policy, form or agreement:

- (1) concerns information other than that specifically marked as classified; or, unmarked but known by the employee to be classified; or, unclassified but known by the employee to be in the process of a classification determination;
- (2) contains the term classifiable;
- (3) directly or indirectly obstructs, by requirement of prior written authorization, limitation of authorized disclosure, or otherwise, the right of any individual to petition or communicate with Members of Congress in a secure manner as provided by the rules and procedures of the Congress;
- (4) interferes with the right of the Congress to obtain executive branch information in a secure manner as provided by the rules and procedures of the Congress;
- (5) imposes any obligations or invokes any remedies inconsistent with statutory law.

Provided, That nothing in this section shall affect the enforcement of those aspects of

such nondisclosure policy, form or agreement that do not fall within subsection (1)-(5) of this section.

Sec. 620. (a)(1) Notwithstanding any other provision of law, in the case of fiscal year 1990, the overall average percentage of the adjustment under section 5305 of title 5, United States Code, in the rates of pay under the General Schedule, and in the rates of pay under the other statutory pay systems (as defined by section 5301(c) of such title), shall be an increase of 3.6 percent.

(2) Each increase in a pay rate or schedule which takes effect pursuant to paragraph (1) shall, to the maximum extent practicable, be of the same percentage, and shall take effect as of the first day of the first applicable pay period commencing on or after January 1, 1990.

(b)(1) Notwithstanding any other provision of this Act or any other law, no adjustment in rates of pay under section 5305 of title 5, United States Code, which becomes effective on or after October 1, 1989, and before October 1, 1990, shall have the effect of increasing the rate of salary or basic pay for any office or position in the legislative, executive, or judicial branch or in the government of the District of Columbia—

(A) if the rate of salary or basic pay payable for that office or position as of September 30, 1989, was equal to or greater than the rate of basic pay described in paragraph (3); or

(B) to a rate exceeding the rate of basic pay described in paragraph (3) if, as of September 30, 1989, the rate of salary or basic pay payable for that office or position was less than the rate described in such paragraph.

(2) For purposes of paragraph (1), the rate of salary or basic pay payable as of September 30, 1989, for any office or position which was not in existence on such date shall be deemed to be the rate of salary or basic pay payable to individuals in comparable offices or positions on such date, as determined under regulations prescribed—

(A) by the President, in the case of any office or position within the executive branch or in the government of the District of Columbia;

(B) jointly by the Speaker of the House of Representatives and the President pro tempore of the Senate, in the case of any office or position within the legislative branch; or

(C) by the Chief Justice of the United States, in the case of any office or position within the judicial branch.

(3) The rate of basic pay described in this paragraph is the rate equal to the rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, as of September 30, 1989, increased by 3.6 percent.

(c) It is the sense of the Congress that funding for any pay increase under this section should not be provided in a way that would be disruptive to the Federal workforce (such as if it would result in any involuntary separations or other adverse personnel actions) or compromise the quality or diminish the range of services provided by the Government.

Sec. 621. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations to be used for the purpose of conducting Federal law enforcement training without the advance approval of the House and Senate Committees on Appropriations.

Sec. 622. None of the funds appropriated by this or any other Act may be expended by any Federal agency to procure any product or service that is subject to the provisions of Public Law 89-306 and that will be available under the procurement by the Administrator of General Services known as "FTS2000" unless—

(1) such product or service is procured by the Administrator of General Services as part of the procurement known as "FTS2000"; or

(2) that agency establishes to the satisfaction of the Administrator of General Services that—

(A) the agency's requirements for such procurement are unique and cannot be satisfied by property and service procured by the Administrator of General Services as part of the procurement known as "FTS2000"; and

(B) the agency procurement, pursuant to such delegation, would be cost-effective and would not adversely affect the cost-effectiveness of the FTS2000 procurement.

Sec. 623. (a) No department, agency, or instrumentality of the United States receiving appropriated funds under this Act for fiscal year 1990, or under any other Act appropriating funds for fiscal year 1990, shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

(b) No funds so appropriated to any such department, agency, or instrumentality shall be available for payment in connection with any grant, contract, or other agreement, unless the recipient of such grant, contract or party to such agreement, as the case may be, has in place and will continue to administer in good faith a written policy, adopted by such recipient, contractor, or party's board of directors or other governing authority, satisfactory to the head of the department, agency, or instrumentality making such payments, designed to ensure that all of the workplaces of such recipient, contractor, or party are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such recipient, contractor, or party.

This Act may be cited as the "Treasury, Postal Service and General Government Appropriations Act, 1990".

Mr. ROYBAL (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there any points of order against the remainder of the bill?

□ 1300

POINT OF ORDER

Mr. GIBBONS. Mr. Chairman, I have three points of order, and I will proceed to present the first point of order.

The CHAIRMAN. The Chair will hear the gentleman's points of order.

Mr. GIBBONS. Mr. Chairman, my first point of order is against section 506. I raise this point of order in that it violates rule XXI, clause 2, of the rules of the House of Representatives, since it is legislation in an appropriation bill. Section 506 specifically imposes an additional duty upon a Federal official to make determinations not presently required by law and establishes a procurement requirement not existing in law.

Similar language in previous Treasury appropriation bills has been stricken on points of order.

Mr. ROYBAL. Mr. Chairman, the committee concedes the point of order.

The CHAIRMAN (Mr. FLIPPO). The point of order is conceded. The point of order is sustained, and the paragraph is stricken.

Mr. CONTE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am disappointed that the gentleman from Florida [Mr. GIBBONS] insisted on his point of order against section 506.

For many years now, I have sponsored this provision in the Treasury bill, and it's designed to maintain a viable and stable domestic industry for hand and measuring tools. In addition the Buy American amendment prevents abuses from foreign countries who insist on unfair trade practices.

Mr. Chairman, I hope the Senate will retain this language and that the conference will continue to support this important provision.

POINTS OF ORDER

Mr. GIBBONS. Mr. Chairman, my second point of order is with relation to section 519. The point of order is raised on the ground that this is legislation on an appropriation bill.

Mr. ROYBAL. Mr. Chairman, the committee concedes the point of order.

The CHAIRMAN (Mr. FLIPPO). The point of order is conceded and sustained. The paragraph is stricken.

Mr. GIBBONS. Mr. Chairman, I make a point of order also on section 617, in that it is legislation on an appropriation bill and violates clause 2 of rule XXI.

Mr. ROYBAL. Mr. Chairman, the committee concedes the point of order on section 617.

The CHAIRMAN. The point of order is conceded. The point of order is sustained, and the paragraph is stricken.

Mr. DYSON. Mr. Chairman, in 1883, President Chester Arthur signed into law the Civil Service Act which is now acknowledged as one of the most influential pieces of legislation passed by our Government.

The act provided for a civil service, not of political patronage, but of talented employees dedicated to improving the quality of life of every American. The act made permanent the idea of the career public servant, hired on qualifications and promoted on merit. Over 100 years later, we see a civil

service corps that is such an intrinsic part of our society that its work touches almost every facet of our lives as Americans.

That the job of the public servant is crucially important is undebatable. The operation of our entire Federal Government depends upon their service. The protection of our national security depends upon their integrity. Indeed, the very day-to-day function of our Nation depends upon these individuals.

It is one thing to pass myriad laws and programs, it is another to carry them out. We charge our Federal employees with the task of seeing our greatest efforts for our society through to fruition. It is they who implement these crucial programs and administer them with expertise and efficiency.

It has been said that the laws are only as good as the people assigned to carry them out. I believe this country is blessed with having the finest corps of Federal employees in the world. Many of the good things we have done in this country are because of their efforts.

As much as they have supported us, we must support them. For this reason, I heartily endorse H.R. 2989, the Treasury-Postal Service appropriations bill. For 8 long years our Federal employees have languished under a hostile administration. With this measure, we step away from those dark days into, what I hope will be, an era of greater appreciation for the dedication of our Government workers.

In science and technology, foreign affairs, national defense, and a host of other fields, the men and women in the Federal service face unprecedented problems of unprecedented importance and perplexity. We are all of us dependant upon their sense of loyalty and responsibility as well as their competence and energy.

Mr. Chairman, if our civil servants are to fulfill with skill and devotion their obligations to the Nation, the Nation must fulfill its obligations to them. The success of Government, indeed the success of our Nation, greatly depends upon the quality of our civil service. I urge my colleagues to support this bill and I urge this Congress to rededicate itself to supporting the vitally important role of career public service.

Mr. ROYBAL. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. DE LA GARZA) having assumed the chair, Mr. FLIPPO, Chairman of the Committee of the Whole House on the State

of the Union, reported that that Committee having had under consideration the bill (H.R. 2989) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1990, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SKEEN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 376, noes 26, not voting 29, as follows:

[Roll No. 188]

AYES—376

Ackerman	Chapman	Flake
Akaka	Clarke	Flipflo
Alexander	Clay	Foglietta
Anderson	Clement	Ford (MI)
Annunzio	Clinger	Ford (TN)
Anthony	Coble	Frank
Applegate	Coleman (MO)	Galleghy
Archer	Coleman (TX)	Gallo
Army	Combust	Garcia
Aspin	Conte	Gaydos
Atkins	Conyers	Gejdenson
AuCoin	Cooper	Gekas
Ballenger	Costello	Gephardt
Barnard	Coughlin	Gillmor
Bartlett	Cox	Gilman
Barton	Coyne	Gingrich
Bateman	Craig	Glickman
Bates	Crockett	Gonzalez
Bellenson	Darden	Goodling
Bennett	Davis	Gordon
Bentley	de la Garza	Goss
Bereuter	DeFazio	Grandy
Berman	DeLay	Grant
Bevill	Dellums	Gray
Billbray	Derrick	Green
Billrakis	DeWine	Guarini
Bliley	Dickinson	Gunderson
Boehrlert	Dicks	Hall (OH)
Boggs	Dingell	Hall (TX)
Bonior	Dixon	Hamilton
Borski	Dorgan (ND)	Hancock
Bosco	Dornan (CA)	Hansen
Boucher	Downey	Harris
Brennan	Dreier	Hastert
Brooks	Durbin	Hatcher
Broomfield	Dwyer	Hawkins
Browder	Dymally	Hayes (IL)
Brown (CA)	Dyson	Hefley
Brown (CO)	Eckart	Hefner
Bruce	Edwards (CA)	Henry
Bunning	Edwards (OK)	Herger
Burton	Emerson	Hertel
Bustamante	Engel	Hiller
Byron	English	Hoagland
Callahan	Erdreich	Hochbrueckner
Campbell (CA)	Espy	Holloway
Campbell (CO)	Evans	Hopkins
Cardin	Fascell	Horton
Carper	Fazio	Houghton
Carr	Feighan	Hoyer
Chandler	Fields	Hubbard

Hughes	Montgomery	Schumer
Hutto	Moody	Sharp
Inhofe	Moorhead	Shaw
Ireland	Morella	Shuster
James	Morrison (CT)	Sikorski
Johnson (CT)	Morrison (WA)	Siskisky
Johnson (SD)	Mrazek	Skaggs
Johnston	Murtha	Skeen
Jones (GA)	Myers	Skelton
Jones (NC)	Nagle	Slattery
Jontz	Natcher	Slaughter (NY)
Kanjorski	Neal (MA)	Slaughter (VA)
Kaptur	Neal (NC)	Smith (FL)
Kasich	Nelson	Smith (IA)
Kastenmeier	Nielson	Smith (MS)
Kennedy	Nowak	Smith (NE)
Kennelly	Oakar	Smith (NJ)
Kildee	Oberstar	Smith (TX)
Klecza	Ober	Smith (VT)
Kolbe	Olin	Smith, Denny
Kolter	Ortiz	(OR)
Kostmayer	Owens (NY)	Smith, Robert
Kyl	Owens (UT)	(OR)
LaFalce	Oxley	Snowe
Lagomarsino	Packard	Solarz
Lancaster	Pallone	Solomon
Lantos	Panetta	Spence
Laughlin	Parker	Spratt
Leath (TX)	Parris	Staggers
Lehman (CA)	Pashayan	Stallings
Lehman (FL)	Patterson	Stangeland
Leland	Paxon	Stearns
Levin (MI)	Payne (NJ)	Stenholm
Levine (CA)	Payne (VA)	Swift
Lewis (CA)	Pease	Synar
Lewis (FL)	Pelosi	Tallon
Lewis (GA)	Perkins	Tanner
Lightfoot	Pickett	Tauke
Livingston	Poshard	Tauzin
Lloyd	Price	Thomas (GA)
Long	Pursell	Thomas (WY)
Lowery (CA)	Quillen	Torres
Lowey (NY)	Rahall	Torricelli
Lukens, Thomas	Rangel	Towns
Lukens, Donald	Ravenel	Traficant
Machtley	Ray	Traxler
Madigan	Regula	Udall
Manton	Rhodes	Unsoeld
Markey	Richardson	Upton
Marlenee	Ridge	Valentine
Martin (IL)	Rinaldo	Vento
Martinez	Ritter	Visclosky
Mavroules	Roberts	Volkmer
Mazzoli	Roe	Vucanovich
McCluskey	Rogers	Walgren
McCollum	Rohrabacher	Walker
McCrery	Roukema	Walsh
McCurdy	Rowland (CT)	Watkins
McDade	Rowland (GA)	Waxman
McDermott	Roybal	Weber
McEwen	Russo	Weiss
McGrath	Sabo	Weldon
McHugh	Saiki	Wheat
McMillan (NC)	Sangmeister	Whittaker
McMillen (MD)	Sarpalius	Whitten
McNulty	Savage	Williams
Meyers	Sawyer	Wise
Mfume	Saxton	Wolf
Michel	Schaefer	Wolpe
Miller (CA)	Scheuer	Wyden
Miller (OH)	Schiff	Wylie
Miller (WA)	Schneider	Yates
Mineta	Schroeder	Yatron
Moakley	Schuetz	Young (AK)
Mollohan	Schulze	Young (FL)

NOES—26

Andrews	Jacobs	Roth
Buechner	Jenkins	Sensenbrenner
Crane	Leach (IA)	Shays
Douglas	McCandless	Shumway
Duncan	Murphy	Smith, Robert
Fawell	Penny	(NH)
Frenzel	Petri	Stark
Gibbons	Pickle	Stump
Gradison	Rostenkowski	Thomas (CA)
Baker	Frost	Molinari
Boxer	Hammerschmidt	Porter
Bryant	Hayes (LA)	Robinson
Collins	Huckaby	Rose
Courter	Hunter	Stokes
Dannemeyer	Hyde	Studds
Donnelly	Lent	Sundquist
Early	Lipinski	Vander Jagt
Fish	Martin (NY)	Wilson
Florio	Matsui	

NOT VOTING—29

□ 1322

Mr. PICKLE changed his vote from "aye" to "no."

Mr. HANCOCK changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROYBAL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 2989, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked for this time in order that I might inquire of the distinguished majority leader the program for next week.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the distinguished majority leader, the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, the House will next meet on Monday, July 31, at noon. We have 15 suspension bills which are on our schedule. I will not take the time of the House to read all the names, but they will be listed here:

H.R. 2486, Veterans' Recruitment Authority Act of 1989;

H.R. 2727, Court of Veterans' Appeals Judges Retirement Act;

H. Res. , to concur in the Senate amendment No. 8 to H.R. 1426, technical amendment to the omnibus drug bill;

H.R. 1630, to amend title III of the INA to provide for administrative naturalization;

H.R. 2712, Emergency Chinese Adjustments of Status Facilitation Act;

H.R. 1391, Television Violence Act of 1989;

S.J. Res. 150, designating August 1, 1989, as "Helsinki Human Rights Day";

H. Con. Res. 154, condemning the treatment of the Turkish minority by the Government of Bulgaria;

H. Res. 128, expressing the sense of the House regarding the situation in Lebanon;

H.R. 2151, Civil Aircraft Collision Avoidance System Act;

H.R. 2783, Minnesota Public Lands Improvement Act of 1989;

H.R. 1472, to establish Grand Island National Recreation Area;

H.R. 2847, to extend the Executive Exchange Program of the Voluntary Services Act of 1986;

H.R. 2331, Deceptive Mailing Prevention Act of 1989; and

H.R. 24, the Child Nutrition and WIC Amendments of 1989.

We will postpone votes on these suspensions until the end of the day.

At about 3:30 on Monday, we will leave those suspension bills momentarily, if we have not finished them, and go to the military construction appropriation bill, which is subject to a rule.

We will try to keep any votes from occurring on Monday until about 4:30 in the afternoon. We will then finish the military construction appropriations bill and then go to the legislative appropriations bill for fiscal year 1990. At the end of that, we will go back to any suspension bills that have not been finished and then any votes on suspension bills that are called for.

Members can expect that votes will be occurring on Monday afternoon and evening, I would say, until 7, 8, perhaps even 9 o'clock.

On Tuesday, August 1, we will meet at 9 in the morning and we will be considering H.R. 2911, the Commerce, Justice, State, and Judiciary appropriations bill for 1990; H.R. 3024, to increase statutory limit on the public debt. We have a rule that has to be passed on the public debt bill.

On Wednesday, we will meet at 11 a.m. and we will take up the Labor-HHS and Education Appropriations bill for 1990, and the District of Columbia appropriations bill.

On Thursday, we will meet at 9 a.m. again and take up the Transportation appropriations bill.

On Friday, we will again meet at 9 a.m. and take up the Defense appropriations bill for 1990.

I would warn Members that we also have to complete consideration on the conference report on the banking, or savings and loan bill, which could be on the floor as early as Wednesday or Thursday.

We also obviously have to complete consideration of the debt ceiling in an agreement with the Senate before we can leave for the August recess.

Mr. Speaker, that is the outline of the action for next week.

Mr. MICHEL. Mr. Speaker, I thank the gentleman.

Could the gentleman give us any enlightenment on the Nuclear Regulatory Commission? At one time that was scheduled for consideration and has been withdrawn. I have had several Members on my side inquire about the future of that legislation.

Mr. GEPHARDT. As the gentleman knows, we have a rule out of the committee, so it is ready to be taken up, but we have had the desire, as the gentleman knows, to try to get all these

appropriation bills done before the August recess, so it is unlikely that it can come up before then, but it will be under consideration for the fall.

Mr. MICHEL. Mr. Speaker, I thank the distinguished gentleman.

ADJOURNMENT TO MONDAY, JULY 31, 1989

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection of the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALL OF THE PRIVATE CALENDAR ON TUES- DAY, AUGUST 1, 1989

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with on Tuesday, August 1, 1989.

The SPEAKER pro tempore. Is there objection of the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, AUGUST 2, 1989

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection of the request of the gentleman from Missouri?

There was no objection.

HOURLY MEETING ON AUGUST 1, AUGUST 2, AUGUST 3, AND AUGUST 4, 1989

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, July 31, 1989, it adjourn to meet at 9 a.m. Tuesday, August 1, 1989; that when the House adjourns on Tuesday, August 1, it adjourn to meet at 11 a.m. on Wednesday, August 2; and that when the House adjourns on Wednesday, August 2, and Thursday, August 3, it adjourn to meet at 9 on Thursday, August 3, and Friday, August 4, 1989.

The SPEAKER pro tempore. Is there objection of the request of the gentleman from Missouri?

There was no objection.

REPORT ON RESOLUTION PRO- VIDING FOR CONSIDERATION OF H.R. 3024, PUBLIC DEBT STATUTORY LIMIT INCREASE

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-197) on the resolution (H. Res. 217) providing for the

consideration of the bill (H.R. 3024) to increase the statutory limit on the public debt, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1330

DROUGHT-RELIEF POSITIONS OUTRAGEOUS

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, I have been watching the debate over in the other body over the drought-relief bill that we passed here in the House of Representatives. I want to say that I think the position by the administration and the minority leader is absolutely outrageous.

The minority leader in the other body says, "If a crop burns up in my State, then the farmer will get some help, but if it burns up in your State, a farmer might get some help." The position of the Republican leader is really that "I want mine first. And if there is something left, maybe somebody else will get disaster aid."

I understand parochial politics. I have seen plenty of it here in this body, but I do not understand this game of blind man's bluff in which you pretend to ignore widespread flooding and widespread drought in areas of the country where farmers' economic lives are at stake.

I say to the President and the Senate minority leader, read your last year's campaign speeches in Iowa. Everything you now are against, you were for in Iowa while you ran for President. Do not tell me about cost when you talk about extending drought relief. Any administration that says, "Let's build star wars, let's build the Midgetman missile programs, I want billions more for foreign military aid," ought not object to just a fraction of that cost to help family farmers in this country whose crops have been destroyed.

I think their position is irresponsible, and I hope they take a lesson from this House. We passed drought relief. We passed it the way it should have been passed, to offer help to all those farmers across the country who have lost crops because of drought and flooding.

That is a lesson that the Senate and the minority leader and the President ought to understand.

The SPEAKER pro tempore (Mr. HATCHER). The gentleman from North Dakota should refrain from making personal references to Members of the other body.

U.S. AIRCRAFT WORKERS DO NOT DESERVE FSX LEGISLATION VETO

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, the President is expected either today or Monday to veto congressional legislation limiting the FSX deal with Japan. I pray, and I hope, that the President will not in fact do that, because that deal, make no mistake about it, will give the Japanese aircraft industry a leg up over almost everybody else's in the world, and it will provide a great disadvantage to our American aircraft industry.

The Japanese have had a long-deferred goal of developing their commercial aviation industry, and aircraft development and production is the last major industry where we in the United States enjoy an overwhelming trade surplus.

Mr. Speaker, in 1987 we exported 19.47 billion dollars' worth of aircraft and imported \$5 billion. With the United States-Japan trade deficit of \$50 billion a year, it is hard to pretend that the loss of the commercial aircraft industry would have no serious consequences in the United States.

The Japanese want to be competitors. They want to take our jobs in the aircraft industry.

I will say to the President, let us hope that he recognizes that he does not veto the legislation we passed limiting the FSX deal. My aircraft workers in Kansas, those in Washington State, those around the country deserve no less.

VETO OF FSX LEGISLATION WOULD BE A TERRIBLE DECISION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota [Mr. DORGAN] is recognized for 5 minutes.

Mr. DORGAN of North Dakota. Mr. Speaker, as a previous speaker from Kansas indicated, the President is expected to veto the FSX legislation sent to him by the Congress either today or Monday or sometime soon. I would like to comment on that expected veto and indicate why I think that is such a terrible decision for this country.

A lot of people do not understand the FSX acronym. This town is full of acronyms. FSX means, very simply, Japan wants to buy an airplane. They need additional airplanes, they say, for defense, and they have proposed to have an airplane similar to our F-16.

One would expect that if they need an airplane of the type that we build here in this country, and incidentally, we build the finest jet fighters in the world, and there is not any controversy about that, then one would expect

that Japan would buy it from the country that builds the best.

After all, we are friends with Japan, and we are allies. We are trading partners, and we certainly buy a lot of their cars. We buy 2.4 million cars and 1 million light trucks, so that is 3.4 million vehicles from Japan. They build good vehicles. We buy a lot of them. However, when the Japanese need an airplane, do they come to us because we build airplanes? No. Japan comes to us and says: "United States, we want to make a deal with you. Mr. Bush, we want to sign an agreement with you. We would like the technology you developed that cost you billions of dollars to develop and what we would like to do is use that technology, pay only one-fourteenth of what the technology cost to develop, and then build the planes later on in Japan."

Mr. Speaker, that means Japanese jobs in Japan. I understand why they want that. I would want it if I were in their shoes.

It seems to me that our position ought to be that we should want American jobs here in America. We want not only free trade, but fair trade.

Part of a trading relationship is to understand there is a quid pro quo: "If we buy from you, you ought to buy from us. When we see something you have that we need, we purchase it. When you see something we have you need, you buy from us." That ought to be the relationship between this country and Japan, but it is not. They say, "We want to take full advantage of your market." We let them.

When it comes time to buy something that we make that they need, they say, "Well, let's get the technology and the plans and we will do it over here and create the jobs here at home."

What do our negotiators say? They say, "That is OK. We will just sign a little agreement with you called the FSX."

The Congress said, "The FSX, Mr. Bush, does not fly," and we modified it dramatically. Not nearly enough for my tastes, but we did modify it. Even those modifications this President will not accept.

It is time, it seems to me, for us to have a little nerve. For every four ships coming into the New York and New Jersey ports bringing imports, goods produced outside this country, there is one ship going out.

□ 1340

The biggest imports are electronics and autos. The biggest exports from this country are used paper and scrap metal. This country is exporting its economic strength because it does not have the nerve to stand up and say to our friends and to say to our allies we expect a good, fair trade relationship

with you. When we buy from you, we expect you to turn around and buy from us. That is the issue.

Somehow this country has lost its nerve. It is worried that if it stands up and challenges some of our allies and says you have a responsibility to buy from us in these instances, then somehow they will get angry about it, and get irritated, and it might provoke them. There is nothing wrong with standing up on a trade issue, standing up for this country, standing up for the United States and standing up for our jobs.

Let us take Japan as an example. I respect that country immensely and I respect what they produce. But let us look at how Japan trades.

They send about 80 billion dollars' worth of goods into our markets. We send about 20 billion dollars' worth of goods back. That is a \$60 billion deficit. Those are rough numbers, not the exact numbers, but they are very close to what it is: a \$60 billion deficit.

So they want to buy a jet fighter airplane. Do they say, "yes, we will buy from you, America"? No. They say, "America, give us the plans. It cost you \$7 billion to develop, we want the plans for one-fourteenth of that, for \$500 million."

What do our negotiators say? They say absolutely, we welcome the deal with open arms.

What are they thinking? How do we expect to strengthen this country without jobs? How do we strengthen this country without opportunities?

It is time for us to stand up, time for us to have a little nerve, time for us to say yes, there is a national economic interest in this country for which we will stand up and support on the floor of the House of Representatives.

That is why the President is wrong. I hope that if the President vetoes the FSX legislation this Congress will rise to its feet and say Mr. President, you are wrong, and we are going to override your veto. We are going to do it quickly, because that is what the American people deserve.

FLAG LEGISLATION

The SPEAKER pro tempore (Mr. HATCHER). Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I take the floor today with some degree of sadness. I rise in sadness, but also with some degree of anger.

Mr. Speaker, just 4 weeks ago before the Iwo Jima Memorial, a memorial which represents the great sacrifice of our brave Marines in the Pacific, as well as the sacrifice of hundreds of thousands, yes millions of American young men and young women in battles for freedom here and around the

world, before that memorial, Mr. Speaker, the President of the United States said this: "Our purpose today transcends politics and partisanship." The President said that the flag is "one of our most powerful ideas. If it is not defended it is defamed."

Mr. President, you were right when you spoke before that memorial. You said about our flag, "It isn't Republican or Democratic; it isn't liberal or conservative." Mr. President, you said "It is a unique symbol of America," and of the principles for which we stand. Mr. President, you were right then.

But, Mr. President, I rise today in sadness, as I said earlier, because leaders of your party say now we have a way of dividing America. John Sununu, your Chief of Staff, a man who serves at your pleasure, says that the flag is "a wedge issue."

Mr. President, that demeans the conviction of us all to our flag.

For two centuries our flag has brought us together, soldiers and sailors and airmen have perished for our flag. All across America Gold Star mothers have flags in their homes. These flags, Mr. President, say better than anything why America is great. They represent small towns and big cities. They represent people who went to war as boys and returned as men. Most of all, Mr. President, they represent those who did not return.

Mr. President, do not let our flag divide us. As you have said so many times, what was appropriate as candidate George Bush is no longer appropriate as President George Bush. Now is the time to prove that you are a leader, a leader who can bring America and Americans together, not a man who as our President would seek to divide us.

I repeat your words, Mr. President:

Respect for the flag transcends political party—and I think what I've said here is American—it isn't Republican or Democrat; it isn't liberal or conservative.

You were right then, Mr. President. Be right now.

Now we learn from the distinguished minority leader, a gentleman who in my opinion seeks to unite and bring together and resolve through discussions and reasonableness, that your Chief of Staff, John Sununu, is urging him to move the wedge issue of the flag, the flag, the symbol of the United States, a symbol indeed of much more than that, a symbol for all of the world, for freedom, for justice, and economic opportunity. Our patriotism apparently is going to be called into question again. Mr. Sununu has urged the Republicans to perpetuate the big lie that Democrats are somehow less patriotic than others. He does this while the President insists that this is not a partisan issue.

Mr. Speaker, there are hundreds of Democratic Members in this body who

have strongly disagreed with the Supreme Court's decision in Texas versus Johnson, and in good faith members of the Judiciary Committee of both Houses are seeking to remedy this decision. We are adopting a reasoned approach. Before pursuing a constitutional amendment, let us see if we can adopt a statute to protect our flag from desecration.

Mr. Speaker, Democrats love the flag and the freedom and justice for which it stands. Our hearts swell when we sing the "Star-Spangled Banner."

But, Mr. Speaker, Democrats not only have a strong reverence for the flag, we also share a very strong reverence for the Constitution of the United States.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

[Mr. ANNUNZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE FSX AGREEMENT

(Without objection, Mr. GLICKMAN was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, I would just like to reaffirm some of the points that the gentleman from North Dakota [Mr. DORGAN] was making in connection with the FSX agreement. That is as a Member of Congress who represents a district that produces a lot of airplanes, I naturally have some concerns about giving technology away to a country who could then use that technology to achieve economic supremacy in the area of manufacturing airplanes.

□ 1350

We have basically two products in our country that no one else in the world has managed to equal in terms of economic viability. One is our food and fiber production, our agricultural power.

We still dominate the world in the production of food and fiber and we probably always will, largely because of the productivity of our farmers and ranchers, and the geographical location of the United States and our ability to produce food and fiber in our great country.

The other area besides food and fiber is the area of airplanes. When you combine airplane production with our production of food and fiber, we get a majority of our balance-of-payments surplus for the United States.

What worries me, Mr. DORGAN and others about the FSX deal is that it has the possibility of giving the Japanese the opportunity to bootstrap themselves ahead of us in the production of both commercial and military

airplanes. It does not guarantee that, but it does give them the opportunity to jointly participate with the United States in the production of a fighter airplane involving exotic composites, exotic materials, new systems technology, new systems integration and a whole assortment of other things that would allow that airplane to be the highest and most modern state of the art.

My concern is that if in fact we are going to provide that kind of technology, there ought to be a quid pro quo from Japan or any other country that wants to share that technology to assure that we in this country are given the opportunity to sell our products in their markets.

More importantly, I think we have to stop and analyze are we gratuitously and voluntarily and unproductively in terms of our workers giving American workers the shaft by handing that technology over to Japan?

What the House and Senate did was provide reasonable restrictions. I hope the President concurs with that.

OUR FLAG SHOULD NOT BE USED AS A WEDGE

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, a few moments ago the gentleman from Maryland I think outlined a position which someone from our side probably ought to respond to, and that is he indicated there are people in our party who sought to develop a wedge issue of the flag. I do not know of anyone in the Republican Party who seeks to make the flag a wedge issue.

I thoroughly agree with the gentleman from Maryland the flag is a unifying symbol for this country and the fact that it is a unifying symbol for this country means that we ought not desecrate it.

I think a question that a number of us do feel may end up being a divided issue is whether or not you take a statutory approach to protecting the flag or whether or not you take a constitutional amendment approach. The concern that is developing on our side of the aisle is the concern about the statute that has come forward from the Committee on the Judiciary.

The Committee on the Judiciary has brought forth a statute which is weaker than the current law. It takes language which is in current law out, namely defiling the flag, and then allows defiled flags to be destroyed and burned.

We would contend that there are real questions about the nature of that statute and feel very strongly that you have to take the constitutional amendment route in order to assure real protection of the flag.

If there is going to be a division about that question, I think that is a subject for argument.

It is not any question about whether or not we are going to use the flag as a wedge. It is a question of whether or not we are going to have a legitimate disagreement about how the flag is to be best protected.

I hope that that does not become a partisan battle. But it seems to me it is entirely legitimate for some of us to question whether or not that particular statute is the appropriate way to proceed.

I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. I understand the gentleman's thoughts.

Would the gentleman agree that if the Chief of Staff said we ought to use this constitutional amendment question as a wedge between Democrats and Republicans, that that might be desecrating the flag?

Mr. WALKER. It is my understanding, I would say to the gentleman, that the point being made by the Chief of Staff was exactly the point that I made, that there may well develop a wedge issue on whether or not the constitutional amendment or the statute route should be gone into, that that is the context in which the Chief of Staff was talking about.

Mr. DORGAN of North Dakota. Would the gentleman from Pennsylvania find that a delightful situation if a wedge developed?

Mr. WALKER. No. All I am saying to the gentleman is that to contend we are seeking to make a wedge issue out of the flag is not the right thing. There may well be a wedge developed between the two parties on whether or not you take a statute approach or whether you take as we contend, the stronger approach to protect the flag, and that is the constitutional amendment.

I yield to the gentleman.

Mr. DORGAN of North Dakota. One final question. Would not virtually everyone in this Chamber, Republicans, Democrats, conservatives, liberals, believe that if there is a way to fix this statutorily that would be far better than changing the first amendment to the Constitution?

Mr. WALKER. I would say to the gentleman I think there is some question on our side whether that can be done.

Mr. DORGAN of North Dakota. I understand that.

Mr. WALKER. We are particularly disturbed about the statute that has come forward because we are absolutely certain that the statute that has been brought out of the Committee on the Judiciary does not do that. It is a very, very wrong statute.

THE BUSH FSX VETO

The SPEAKER pro tempore (Mr. HATCHER). Under a previous order of the House the gentleman from California [Mr. LEVINE] will be recognized for 5 minutes.

Mr. LEVINE of California. Mr. Speaker, I would like to take the 5 minutes that I have reserved and speak for those 5 minutes about the issues of the FSX and the likelihood that the President would veto the FSX resolution that was enacted by both House and Senate and that is on his desk.

Mr. Speaker, I am deeply disappointed that the President has apparently decided to veto what turned out to be extremely modest safeguards that Congress placed on the FSX agreement with Japan.

As the people in this body and the other body full well understand there was a strong body of opinion, a bipartisan body of opinion, that the FSX agreement altogether was a poor agreement, an unwise agreement and was giving away much too much from the United States to Japan.

That resolution, that strong resolution which would have sent the FSX agreement back to the drawing boards was not enacted.

Instead a very mild resolution was enacted which simply held the administration's feet to the fire and the Japanese Government's feet to the fire with regard to safeguards which both the Bush administration and the Japanese Government had assured the American people and had assured the United States Congress were going to be obtained.

Thus the veto that the President is considering is all the more surprising in view of both the mildness of the legislation and the very strong bipartisan support that exists in both houses of the Congress for such legislation.

I would remind my colleagues and I would remind the White House that our FSX legislation that is now on the President's desk largely served only to make assurances we received from the administration and from the Japanese a matter of law. It did not kill the deal, it did not require renegotiation of any part of this agreement which I respectfully submit was badly in need of renegotiation.

Nevertheless the President has determined, it appears, that our suggestion that safeguards be placed on the transfer of extremely critical American technology is an unwarranted intrusion on his authority.

Yesterday's Washington Times reported the President has even considered taking this case to court.

Mr. Speaker, I honestly do not comprehend President Bush's vehement objection to the language in the legislation before him. Does he object to our plea that he consider the impact of future codevelopment arrangements

on U.S. trade and competitiveness before deciding to move ahead, particularly at a time when U.S. trade and competitiveness should receive greater rather than less attention and consideration in these decisions? Is he concerned that we now hinder Japan's ability to retransfer our market-sensitive American technologies developed at exorbitant costs to the United States taxpayer? Is he incensed that Congress sent him a nonbinding resolution to urge him to seek a 40-percent production share if the aircraft is eventually procured, something that the Japanese supposedly have already agreed to?

Mr. Speaker, I am most concerned that President Bush has failed to understand that the real importance of the debate over the FSX goes far beyond whether we should help Japan build an airplane. The main lesson from this debate is that the United States must begin to move decisively to restore our competitive position in world markets and to reduce our bilateral trade deficit with Japan. No less than our standard of living and our economic future is at stake.

□ 1400

The debate over the FSX was not just a question of technologies, nor was it a question of whether or not our concerns would embarrass the Japanese, as the President seems to believe.

It is Mr. Bush's inability to recognize and respond to the broader questions raised by this debate that is most disconcerting. These are questions that are of sentimental importance to the American economy, of fundamental importance to the American taxpayer, of fundamental importance to our relations with Japan and with other countries, other friends around the world.

I strongly urge my colleagues, if the President does decide to move ahead with the veto, to override the President's veto of the FSX resolution, and implore the President to rethink and broaden his thinking on this extraordinarily important general issue, and reconsider his apparent decision to veto the resolution.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DORGAN of North Dakota) to revise and extend their remarks and include extraneous material:)

Mr. DORGAN of North Dakota, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. LEVINE of California, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HASTERT) and to include extraneous matter:)

Mr. GOODLING.

Ms. SNOWE.

Mr. SMITH of New Hampshire.

Mr. EDWARDS of Oklahoma.

Mr. SOLOMON in two instances.

Mr. UPTON.

(The following Members (at the request of Mr. DORGAN of North Dakota) and to include extraneous matter:)

Mr. SAWYER.

Mr. JACOBS.

Mrs. BOXER.

Mr. ROWLAND of Georgia.

Mr. BOUCHER.

ADJOURNMENT

Mr. LEVINE of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock p.m.), under its previous order, the House adjourned until Monday, July 31, 1989, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1520. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Switzerland for defense articles (Transmittal No. 89-34), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

1521. A letter from the Secretary of Health and Human Services, transmitting the Department's annual report on the status and accomplishments of the runaway and homeless youth centers for fiscal year 1987, pursuant to 42 U.S.C. 5715(a); to the Committee on Education and Labor.

1522. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Switzerland for defense articles and services (Transmittal No. 89-34), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1523. A letter from the Comptroller General of the United States, transmitting the final audit of the National Economic Commission (GAO/AFMD-89-82), pursuant to Public Law 203, section 2105(b); to the Committee on Government Operations.

1524. A letter from the Vice President for Human Resources, Federal Home Loan Mortgage Corporation, transmitting the 1988 Federal Home Loan Mortgage Corporation's Pension Plan Annual Report, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1525. A letter from the Deputy Assistant Attorney General, transmitting a draft of proposed legislation entitled the "Minor and Technical Criminal Law Amendments Act of 1989"; to the Committee on the Judiciary.

1526. A letter from the Secretary of Health and Human Services, transmitting the interim report "COBRA Medicare Prevention Demonstration", pursuant to 42 U.S.C. 1395b-1 nt.; jointly, to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on Government Operations. Report on a citizen's guide on using the Freedom of Information Act and the Privacy Act of 1974 to request Government records (Rept. 101-193). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAWKINS: Committee on Education and Labor. H.R. 24. A bill to amend the Child Nutrition Act of 1966 and the National School Lunch Act to extend certain authorities contained in such Acts through the fiscal year 1995; with an amendment (Rept. 101-194). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 2712. A bill to facilitate the adjustment or change of status of Chinese nationals in the United States by waiving the 2-year foreign residence requirement for "J" nonimmigrants and by treating nonimmigrants, whose departure has been deferred by the Attorney General, as remaining in legal nonimmigrant status for purposes of adjustment or change of status; with amendments (Rept. 101-196). Referred to the Committee of the Whole House on the State of the Union.

Mr. BEILENSON: Committee on Rules. House Resolution 217. Resolution providing for the consideration of H.R. 3024, to increase the statutory limit on the public debt, and for other purposes (Rept. 101-197). Referred to the House Calendar.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1208. A bill to amend the Federal Railroad Safety Act of 1970 to provide for drug and alcohol testing for railroad employees; with an amendment (Rept. 101-198). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on the Judiciary. H.R. 1177. A bill for the relief of Cathy Anne Hughes; with amendments (Rept. 101-195). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DONNELLY:

H.R. 3043. A bill to make the eligibility standards for award of the Purple Heart consistent for all prisoners of war regardless of date of capture; to the Committee on Armed Services.

By Mr. GOODLING:

H.R. 3044. A bill to transfer the Colonial Court House in York, PA, to the control of the National Park Service; to the Committee on Interior and Insular Affairs.

By Mr. KASTENMEIER (for himself,

Mr. MOORHEAD, Mr. CROCKETT, Mr. BERMAN, Mr. BRYANT, Mr. CARDIN, Mr. BOUCHER, Mr. SANGMEISTER, Mr. HUGHES, Mr. SYNAR, Mr. HYDE, and Mr. FISH):

H.R. 3045. A bill to amend chapters 5 and 9 of title 17, United States Code, to clarify that States, instrumentalities of States, and officers and employees of States acting in their official capacity, are subject to suit in Federal court by any person for infringement of copyright and infringement of exclusive rights in mask works, and that all the remedies can be obtained in such suit that can be obtained in a suit against a private person or against other public entities; to the Committee on the Judiciary.

By Mr. KASTENMEIER (for himself,

Mr. MOORHEAD, Mr. CROCKETT, Mr. BERMAN, Mr. BRYANT, Mr. CARDIN, Mr. BOUCHER, Mr. SANGMEISTER, Mr. HUGHES, and Mr. SYNAR):

H.R. 3046. A bill to reduce the number of commissioners on the Copyright Royalty Tribunal, to change the salary classification rates for members of the Copyright Tribunal and the U.S. Parole Commission and for the Deputy and Assistant Commissioners of Patents and Trademarks, and for other purposes; to the Committee on the Judiciary.

By Mr. RINALDO:

H.R. 3047. A bill to repeal certain provisions of the Medicare Catastrophic Coverage Act of 1988, to amend the Internal Revenue Code of 1986 with respect to the tax treatment of long-term care insurance, and to provide for a Federal National Long-Term Care Reinsurance Corporation; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. ROBERTS (for himself, Mr.

MADIGAN, Mr. MARLENEE, Mr. EMERSON, Mr. COMBEST, Mr. GRANDY, Mr. GLICKMAN, Mr. STENHOLM, Mr. BROWN of Colorado, Mr. BEREUTER, Mr. DORGAN of North Dakota, Mr. MYERS of Indiana, Mr. SKEEN, Mr. WEBER, Mr. NATCHER, Mr. BROWN of California, Mr. JONES of North Carolina, Mr. ROSE, Mr. ENGLISH, Mr. PANETTA, Mr. HUCKABY, Mr. VOLKMER, Mr. HATCHER, Mr. TALLON, Mr. STAGGERS, Mr. OLIN, Mr. PENNY, Mr. STALLINGS, Mr. NAGLE, Mr. JONTZ, Mr. HARRIS, Mr. CAMPBELL of Colorado, Mr. ESPY, Mr. SARPALIUS, Ms. LONG, Mr. DYSON, Mr. LANCASTER, Mr. COLEMAN of Missouri, Mr. HOPKINS, Mr. STANGELAND, Mr. MORRISON of Washington, Mr. GUNDERSON, Mr. LEWIS of Florida, Mr. ROBERT F. SMITH, Mr. SCHUETTE, Mr. HERGER, Mr. HOLLOWAY, Mr. WALSH, Mr. GRANT, Mrs. MEYERS of Kansas, Mrs.

ROUKEMA, Mr. WHITTEN, Mr. CONTE, Mr. DURBIN, and Mr. HOAGLAND):

H.R. 3048. A bill to designate the Agricultural Research Service, U.S. Department of Agriculture, animal health research building in Clay Center, NE, as the "Virginia D. Smith Animal Health Research Laboratory"; to the Committee on Agriculture.

By Ms. SNOWE (for herself and Mr. BRENNAN):

H.R. 3049. A bill to settle all claims of the Aroostook Band of Micmacs resulting from the band's omission from the Maine Indian Claims Settlement Act of 1980, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MILLER of California (for himself and Mr. GUNDERSON):

H.R. 3050. A bill to amend the Job Training Partnership Act to encourage a broader range of training and job placement for women, and for other purposes; to the Committee on Education and Labor.

By Mr. SOLOMON:

H.R. 3051. A bill to amend title 23, United States Code, relating to suspension of drivers' licenses of persons convicted of drug offenses; to the Committee on Public Works and Transportation.

By Mr. STUDDS:

H.R. 3052. A bill to provide for the restoration of natural resources damaged by oil spills and hazardous substances; jointly, to the Committees on Merchant Marine and Fisheries; Ways and Means; Energy and Commerce; and Public Works and Transportation.

By Mr. DONNELLY (for himself, Mr. STUDDS, Mr. MAVROULES, Mr. CONTE, Mr. MOAKLEY, Mr. MARKEY, Mr. NEAL of Massachusetts, Mr. FRANK, Mr. EARLY, Mr. ATKINS, and Mr. KENNEDY):

H. Con. Res. 178. Concurrent resolution expressing the sense of the Congress that the Secretary of the Army should investigate whether James L. Cadigan should be awarded the Medal of Honor for heroism in combat during World War II; to the Committee on Armed Services.

By Mr. BEILENSEN:

H. Res. 217. Resolution providing for the consideration of bill (H.R. 3024) to increase the statutory limit on the public debt, and for other purposes; House Calendar No. 44, House Report 101-197.

By Mr. BROWN of Colorado (for himself and Mr. JACOBS):

H. Res. 218. Resolution expressing the sense of the House that August 14, 1989, be observed as "Social Security Administration Employee Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. PANETTA:

H. Res. 219. Resolution expressing the sense of the House of Representatives regarding the extension of time for cleanup efforts by the Exxon Co. of Prince William Sound and Alaska lands and waters damaged by the Exxon Valdez oil spill; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

219. By the SPEAKER: Memorial of the Legislature of the State of Alaska, relative to urging adoption of a national energy strategy; to the Committee on Energy and Commerce.

220. Also, memorial of the Legislature of the State of Alaska, relative to the support for the Federal Saltonstall-Kennedy Grants Program and the role of industry-directed private foundations in the program; to the Committee on Merchant Marine and Fisheries.

221. Also, memorial of the Legislature of the State of Alaska, relative to the increase in Federal motor fuel taxes and the use of fuel taxes to reduce the Federal budget deficit; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 6: Mrs. BYRON.
H.R. 24: Mr. McDERMOTT.
H.R. 56: Mr. FAWELL, Ms. KAPTUR, and Ms. PELOSI.

H.R. 83: Mr. PETRI and Mr. KANJORSKI.
H.R. 84: Mr. AKAKA.
H.R. 485: Mr. KOLTER.
H.R. 496: Mr. SMITH of Florida, Mr. FORD of Michigan, Mr. JONTZ, Mrs. COLLINS, Mr. WILSON, Mr. PAXON, Mr. RINALDO, and Mrs. UNSOELD.

H.R. 509: Mrs. BENTLEY.
H.R. 546: Mr. McDERMOTT.
H.R. 614: Mr. JONTZ, Mr. WALSH, and Mr. FAWELL.

H.R. 694: Mr. SHARP, Mr. McEWEN, Ms. SLAUGHTER of New York, and Mr. DREIER of California.

H.R. 1118: Mrs. COLLINS.
H.R. 1169: Mr. ROE.
H.R. 1416: Mr. LEWIS of California, Mr. JONTZ, Mr. TORRICELLI, Mr. NELSON of Florida, Mr. SHAYS, Mr. HOPKINS, and Mr. ALEXANDER.

H.R. 1602: Mr. LaFALCE.
H.R. 1875: Mr. COBLE.
H.R. 2015: Mrs. LLOYD.
H.R. 2041: Mr. RAHALL, Mrs. SCHROEDER, Mr. MOLLOHAN, and Mr. TAUZIN.

H.R. 2095: Mr. McDERMOTT.
H.R. 2098: Mr. KLECZKA, Mr. SMITH of Mississippi, Mr. McHUGH, Mr. ATKINS, Mr. LIPINSKI, Mr. BLILEY, Mr. WISE, Mr. HAWKINS, Mr. SMITH of New Hampshire, Mr. CLEMENT, Mr. BAKER, Mr. SKAGGS, and Mr. BENNETT.

H.R. 2172: Mr. EVANS, Mr. MINETA, Mr. LEVIN of Michigan, Mr. DORGAN of North Dakota, Mr. VOLKMER, Mr. KENNEDY, Mrs. MORELLA, Mr. HAYES of Illinois, Mr. STARK, Mr. KLECZKA, Mrs. BOXER, Mr. ECKART, Mr. PALLONE, Mr. MILLER of California, Mr. McEWEN, Mr. TRAXLER, Mr. MATSUI, Mr. HARRIS, Mr. SHAYS, Mr. JENKINS, Mr. NIELSON of Utah, Mr. MOLLOHAN, Mr. AuCOIN, Mr. FISH, Mr. WOLFE, Mr. SMITH of Florida, Mr. SYNAR, Mr. SCHAEFER, Mr. HAWKINS, and Mr. HEFLEY.

H.R. 2209: Mr. BUECHNER and Mr. DONALD E. LUKENS.

H.R. 2246: Mr. McDERMOTT.
H.R. 2319: Mr. CRAIG, Mr. KANJORSKI, Mr. DARDEN, Mr. EDWARDS of California, Mr. COURTER, and Mr. GILLMAN.

H.R. 2462: Mr. PEASE.
H.R. 2575: Mr. HANCOCK, Mr. FROST, Mr. McCREERY, Mr. BARNARD, Mr. HERTEL, Mr. HARRIS, Mr. JENKINS, Ms. KAPTUR, and Mr. AKAKA.

H.R. 2699: Mr. NEAL of Massachusetts.
H.R. 2707: Mr. CROCKETT, Mr. WELDON, Mr. CLARKE, Mr. NATCHER, Mr. STAGGERS, Mr. VALENTINE, and Mr. JAMES.

H.R. 2754: Mr. FAZIO, Mr. HUGHES, Mr. KANJORSKI, Mrs. LOWEY of New York, Mrs. MORELLA, and Mr. McEWEN.

H.R. 2881: Mr. FROST, Mr. WALSH, and Mr. FOGLETTA.

H.R. 2912: Mr. ACKERMAN, Mr. DYMALLY, Mr. ENGEL, Mr. PALLONE, Mr. LANTOS, Mr. PORTER, Mr. MANTON, Mr. SCHEUER, Mr. FROST, Mr. McHUGH, Mr. DOWNEY, Mr. ROHRABACHER, Mr. LELAND, Mr. MCCANDLESS, Mr. ESPY, Mr. PACKARD, Mr. MOAKLEY, Mr. JONES of Georgia, Mr. HOCHBRUECKNER, Mr. COSTELLO, Mr. WALSH, Mr. GILMAN, Mr. DE LUGO, Mr. FALOMAVAEGA, Mr. DELLUMS, Mrs. SCHROEDER, Mrs. BOXER, Mr. DENNY SMITH, Mr. OWENS of New York, Mr. LANCASTER, Mr. FUSTER, Mr. BILBRAY, Mr. MORRISON of Connecticut, and Mrs. VUCANOVICH.

H.R. 2934: Mr. STUMP.

H.R. 2957: Mr. GRAY, Mr. TORRICELLI, Mr. WHEAT, Mr. BUECHNER, Mr. KOLTER, Mr. ROSE, Mr. ANNUNZIO, Mr. HAWKINS, Mr. MURPHY, Mr. KOSTMAYER, Ms. OAKAR, Mr. BROWN of California, Mr. ROE, Mr. GLICKMAN, Mr. HOCHBRUECKNER, Mr. FOGLETTA, Mr. ORTIZ, Mr. UDALL, Mr. MFUME, Mr. FASCELL, Mr. HARRIS, Mr. HAYES of Louisiana, Mr. MONTGOMERY, Mr. GRANDY, Mr. PEASE, Mr. FEIGHAN, Mr. DYMALLY, Mr. BONIOR, Mr. OWENS of New York, Mr. BRUCE, Mr. CROCKETT, Mr. McGRATH, Mr. DICKS, Mr. AuCOIN, Mr. MURTHA, Mr. HEFNER, Mr. PALLONE, Mr. HALL of Texas, Mr. CLEMENT, Mr. EVANS, Mr. McHUGH, Mr. VALENTINE, Mr. HALL of Ohio, and Mr. SAVAGE.

H.R. 2958: Mr. MANTON, Mr. AKAKA, Mrs. BOXER, Mr. ATKINS, Mr. DURBIN, Mr. McDERMOTT, Mr. BENNETT, Mr. AuCOIN, Mr. ANNUNZIO, Mr. WALSH, and Mr. SWIFT.

H.R. 2996: Mr. OBEY, Mr. POSHARD, and Mr. LEWIS of Georgia.

H.R. 3000: Mr. BROWDER, Mr. CAMPBELL of California, Mr. SLAUGHTER of Virginia, and Mr. SMITH of New Hampshire.

H.R. 3028: Mr. SMITH of Iowa.

H.J. Res. 54: Mr. MORRISON of Connecticut, Mr. FEIGHAN, and Mr. JONTZ.

H.J. Res. 127: Mr. WILSON, Mr. LEWIS of Georgia, and Ms. SNOWE.

H.J. Res. 147: Mr. CLAY and Mr. WEBER.
H.J. Res. 163: Mr. McCLOSKEY, Mr. SHAYS, Mr. GEJDENSON, and Mr. MINETA.

H.J. Res. 248: Mr. FAUNTROY, Mr. FORD of Michigan, Mr. GEJDENSON, Mr. JONES of North Carolina, Mr. KLECZKA, Mr. MOAKLEY, Mr. NATCHER, Mr. RICHARDSON, Mr. SABO, Mr. STARK, Mr. THOMAS of Georgia, and Mr. UDALL.

H.J. Res. 284: Mr. GONZALEZ, Mr. CHANDLER, Mr. SPENCE, Mr. HEFNER, Mr. FROST, Mrs. BENTLEY, and Mr. STEARNS.

H. Con. Res. 85: Mr. HAWKINS, Mr. MOAKLEY, Mr. STAGGERS, Mr. WYDEN, Ms. PELOSI, and Mr. SIKORSKI.

H. Con. Res. 87: Mr. RANGEL, Mr. FEIGHAN, Mr. CLINGER, Mr. ROHRABACHER, Mr. GALLEGLY, Mr. McCOLLUM, Mr. ACKERMAN, Mr. BATEMAN, Mr. STARK, Mr. DE LUGO, Mr. MURPHY, Mr. CLARKE, Mr. FUSTER, Mr. MOAKLEY, Mr. BORSKI, Mr. BOSCO, and Mr. HENRY.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

73. By the SPEAKER: Petition of the 43d Annual Reunion of the 30th Infantry Division Association, Delray Beach, FL, relative to the reciting of the Pledge of Allegiance at the daily opening sessions of Congress; to the Committee on the Judiciary.

74. Also, petition of the county council of Anne Arundel County, MD, relative to a constitutional amendment prohibiting the

desecration of the American flag; to the Committee on the Judiciary.

75. Also, petition of the Order Sons of Italy in America, San Francisco, CA, relative to the desecration of the American flag; to the Committee on the Judiciary.

76. Also, petition of the Sam Dixon Lodge, Centre, AL, relative to the desecration of the American flag; to the Committee on the Judiciary.

77. Also, petition of the municipal council of the city of Bayonne, NJ, relative to the desecration of the American flag; to the Committee on the Judiciary.

78. Also, petition of the city of Alliance OH, relative to the desecration of the American flag; to the Committee on the Judiciary.

79. Also, petition of the city council of Sweetwater, FL, relative to legislation to help alleviate the Central American refugee crisis; to the Committee on the Judiciary.

80. Also, petition of the city council of Sweetwater, FL, relative to the desecration

of the American flag; to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3012

By Mr. SAXTON:

—Add the following new section at the end of the bill:

SEC. 127. None of the funds appropriated or made available in this Act or any other Act shall be obligated or expended to close or realign a military installation that is being currently studied by the General Accounting Office and will be put into semi-active status as a result of the implementation of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) unless the General Accounting Office has determined

under their current study that potential total cost savings over a six-year period beginning with the date of the completion of the closure or realignment of the installation, exceed the total amount estimated to be expended to close or realign such military installation.

—Add the following new section at the end of the bill:

SEC. 127. None of the funds appropriated or made available in this Act or any other Act shall be obligated or expended to close or realign a military installation under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) that is being currently studied by the General Accounting Office unless the General Accounting Office had determined under their current study that potential total cost savings over a six-year period beginning with the date of the completion of the closure or realignment of the installation, exceed the total amount estimated to be expended to close or realign such military installation.

EXTENSIONS OF REMARKS

IN SUPPORT OF ACID RAIN
CONTROLS

HON. ROBERT C. SMITH

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1989

Mr. SMITH of New Hampshire. Mr. Speaker, as the 101st Congress begins to shape a new strong, Clean Air Act, a scientific understanding of the causes and effects of acid rain will continue to be essential.

To shed some light on this issue, I submit for the RECORD today the following article by Dr. Nelson Lawry, a science and history writer from Rollinsford, NH. Dr. Lawry has a Ph.D. in microbiology and electron microscopy from the City University of New York, and was a National Science Foundation postdoctoral fellow at the University of Rochester.

In his article, which was published recently in New Hampshire profiles, Dr. Lawry suggests that just as sulfuric acid comprises only one element of acid rain, so acid rain ultimately comprises just one harmful aspect of industrial pollution. As chairman of the Republican Task Force on Acid Rain, I commend his article to my colleagues' attention:

A QUESTION OF RAIN

(By Nelson H. Lawry)

The panorama from the ledges of Mount Whiteface intoxicated the senses. Immediately below lay the immensity of The Bowl, and just beyond, the granite upthrustings of Hibbard Mountain and Mount Wonalancet. To the northeast, more distant and loftier still, rose formidable Mount Passaconaway. My cousin Don and I had hiked up to 1,200 meters—a relentlessly steep undertaking once we had crossed Wonalancet Brook—to behold this early morning spectacle. Surely, we felt, the Hindu Kush could not compare to the White Mountains of New Hampshire! But amidst all this rugged beauty was a troubling reality: Down in The Bowl and on the adjacent slopes conifer trees, hardy red spruce in particular, were dying.

The mortality was more pronounced on the western slopes, where the trees are most exposed to the mechanical stresses of the winds—and to the pollutants the winds carry. Stripped of foliage, the branches had become brittle and misshapen and the bark scaly. Snags—trees whose trunks have broken off—abandoned here. Although red spruce regenerates throughout the higher elevations, on the western slopes young spruce were scarce.

The problem of New Hampshire's red spruce decline and the problem of the state's acid rainfall are intertwined. Due to the unusual level of difficulty in obtaining cause-and-effect proof, many researchers have backed away from the bold declarations of a few years ago about acid rain damage.

"We thought we'd have a smoking gun, but that doesn't seem to be the case. Now everyone is a lot more cautious," reflects Dr. James Hornig, an atmospheric chemist who

chairs the environmental studies program at Dartmouth College. Controversy and disagreement confound the mere definition of the problems, not to mention their solutions.

FLAGGING MIDWESTERN INDUSTRIAL STACKS

There is a bright side to the issue, however. At the federal level, NAPAP—the National Acid Precipitation Assessment Program—designed to last a decade, is in its eighth year, involves 12 federal agencies with input from the private sector, and currently commands an annual budget of \$85 million. And within New Hampshire itself, many people are studying the effects of atmospheric pollution from many angles.

More than a century ago, chemist R. Angus Smith coined the term "acid rain" to describe the rain that fell on the coal-burning industrial cities of Great Britain. In the last decade, environmental scientists made the possible connection between that precipitation and the evermore acidic lakes and ponds of the industrialized nations, as well as the decline of their forests.

The original term gave way to "acid precipitation," to encompass acid rain, acid snow, acid cloud, acid fog and acid mist. That, in turn, was replaced by "acid deposition," to include all forms of precipitation, as well as the aerosols suspended in the air. Finally, ozone, hydrogen peroxide and other byproducts in the atmosphere are now recognized as environmental hazards. Acid rain, as originally defined, is but one part of a larger and more serious question, that of atmospheric pollution.

Cloud water is naturally acidic because it absorbs massive quantities of carbon dioxide to form carbonic acid. This carbonic acid in clouds is weak—between pH 6 and pH 5 (see inset). So, while normal rain is indeed acidic, it is only mildly so.

The acid rain causing so much concern for the environment, on the other hand, is made up of byproducts of fossil fuel combustion—such as burned coal—and containing the strong mineral acids sulfuric and nitric. These emissions increase substantially the acid intensity in cloud water.

Dr. Byard Mosher of the Institute for the Study of Earth, Oceans and Space (EOS), located at the University of New Hampshire in Durham, records cloud pH atop Mount Washington. He finds the values routinely range between pH 5.2 and pH 3.7. On one occasion the cloud registered as low as pH 2.9—acid indeed!

This acid pollution arises from two major sources: industrial and automotive emissions. Coal burned in electric power plants and factories produces sulfur dioxide, which is eventually oxidized in the atmosphere to sulfate, and, after combining with cloud water, to sulfuric acid. Gasoline combustion engines emit nitrous oxide, which is oxidized to various other nitrogen oxides. The nitrogen acids produced in cloud water include the very strong nitric acid. To make matters worse, atmospheric nitrogen oxides take part in complex reactions that produce harmful oxidants, such as ozone and hydrogen peroxide. Ground level ozone is estimated to cause more than \$1 billion per year in damage to American agricultural crops. The

nitrogen oxide and ozone problems are aggravated in the Northeast because of the high-volatility gasoline used during the winter months to offset low temperatures.

Nitrous oxide rapidly oxidizes, so the effects of its products are felt, at most, a few hundred miles from its urban sources, where motor vehicle activity is intense. Oxidation of sulfur dioxide is significantly slower, and its products' effects are registered at much greater distances, up to several thousand miles. Tall exhaust stacks, whose construction began in the late 1950s, enhance long-range transport of the sulfur compounds. Although Public Service of New Hampshire's Bow plant is a notorious source of sulfur dioxide, itself a serious pollutant, most of the resulting acid effect takes place over the Atlantic Ocean. The sources of most of New Hampshire's sulfuric acid cloud and rain are found in the Ohio Valley and other industrial centers in the Midwest.

METAL CLOGS THE GILLS OF FISH

Moisture-laden clouds may dissipate and reform a number of times before precipitation falls, and the pollutants they contain recycle continuously. This period of reformation is often long-lasting, so New Hampshire and its mountains in particular are bathed in cloud and rain of substantial acidity for extended periods.

The precipitation affects both soil and water. New Hampshire remains vastly proud of its solid-granite underpinning, but that bedrock is a poor buffer. The state's thin soils, lakes and brooks, already acidic, are especially susceptible to acid deposits.

As a pond becomes more acidic, and correspondingly less alkaline, true acid chemistry begins to occur within its waters. Plankton die off, and certain fish lose their ability to reproduce. One particularly serious result is the "mobilization" of aluminum and other heavy metals. In alkaline, neutral and mildly acidic bodies of water, aluminum is a harmless chemical. But in more acidic ponds, of at least pH 4.7 to 4.5, the aluminum is completely soluble and dangerously available. The metal clogs the gills of fish, especially the highly prized and oxygen-sensitive game such as trout, hindering their breathing and causing death. More and more aquatic life will suffer the same fate if the trend continues unhindered. Eventually the water assumes a deceptively lovely transparency that heralds the absence of most life forms in that pond.

Dr. James Haney, aquatic zoologist, has established a laboratory adjacent to the Oyster River on the University of New Hampshire campus. Some of his experiments simulate, by the addition of varying amounts of acid and aluminum, pH decline on an aquatic system and its insect population. Most disturbingly, the first measurable effects on the insects of such decline can occur at a mildly acidic pH 6.

Extensive and intensive investigations on watershed ecology are being carried out at the Hubbard Brook Experimental Forest in West Thornton, just south of Franconia Notch. The forest is administered by the U.S. Forest Service, in cooperation with Yale and Cornell Universities. Dartmouth

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

College, UNH and the New York Botanical Garden (NYBG). Dr. Robert Pierce, Forest Service, has had more than a 30-year association with the Hubbard Brook station. His particular research expertise lies in nutrient, water and energy exchanges in the forest ecosystem. Pierce is pleased that for 25 of those years, a precipitation monitoring program has been in place at the station, the longest continuous record of precipitation chemistry in North America.

In the mid-1980s, a Hubbard Brook team studied six small ponds in the region that were carefully selected to provide a wide range of acid intensities. The least acidic was Black Pond, pH 6.5 to 6. The most acidic was Cone Pond, pH 4.7 to 4.5. Twenty years ago, the state attempted to stock Cone Pond with trout after killing off the indigenous yellow perch with the poison rotenone. The effort failed, however, probably because of the acid chemistry occurring in the pond.

ON NEW HAMPSHIRE'S MOST ACIDIC POND

When a companion and I began our hike into Cone Pond we knew only that it was remote and small. Had we known at the outset how remote and small, we probably would not have dared undertake the trek. The Forest Service's regional station in Plymouth was unable to tell us precisely how to reach Cone Pond, but it did provide a topo map.

We went in from the northeast on an old logging road, but soon we had to strike off into thick woods. From there, relying on a compass and blind luck, and after an hour-and-a-half of rough going, we blundered into Cone Pond. It is a pretty little thing with no visible signs of its high acidity. All of which makes one wonder, how is it this tiny pond in the middle of nowhere came to bear such an acid load? Just where is all that sulfate coming from?

According to Donald Buso of the Institute for Ecosystem Studies, NYBG, a member of the team that studied the six New Hampshire ponds, the strong acid intensity of Cone Pond is due to sulfuric acid, but the mineral source of the sulfate has not yet been identified. "All the watersheds contain appreciable amounts of sulfate," says Buso, also an avid fisherman, "so acid is getting into the environment." However, he adds, "We cannot prove conclusively that any ponds have become more acidic during the last 30 years."

This view is supported by another member of the research team, Dr. James Hornbeck of the U.S. Forest Service's Northeastern Forest Experiment Station, located on the UNH campus. Hornbeck stresses that Cone Pond has a long acid history from the great numbers of acid-tolerant algae present in its sediment. He finds especially puzzling the paradox that acid output exceeds input in the Cone Pond watershed. He and Buso agree that sulfuric acid deposits are an important, if not the sole, contributor to the pond's strong acidity.

Although acid level varies with the time of year, depth of water and other factors, acidification of water from precipitation is by and large an accepted reality for most researchers. A more arcane question is what, if any, atmospheric pollution is damaging our forests. All scientists interviewed concur on this: Mortality in high-elevation red spruce populations has substantially increased during the last three decades.

Those most affected are older trees in the higher-elevation red spruce stands, that is, trees growing between 800 and 1,250 meters above sea level. Forest scientists in Vermont

discovered that the annual rings within the tree trunks, heretofore increasing in width at a constant rate, narrowed abruptly beginning around 1960. Hand in glove with this indicator of slowed growth, long-term data pointed to increases in standing dead trees, normally 10 to 15 percent in healthy forests, but as much as 50 to 60 percent in high-mortality stands. Eventually, some investigators suggested the connection to acid pollution in the atmosphere.

DECLINING BALSAM FIR

Alarming evidence began to arrive from other areas, such as the Adirondacks in New York, lakes and forests in Sweden and the Soviet Union, and, most terrible of all, massive tree pathology in the German Federal Republic's beautiful Black Forest. That evidence, from both home and abroad, led NAPAP to establish in 1985 the Forest Response Program, with the objective of studying four types of American forests, including that of spruce-fir in the Northeast and Southeast.

The intensity of forest damage in New York and New England extends from west to east, that is, from the Adirondack Mountains through the Green Mountains to the White Mountains, in the same direction as the prevailing winds. Dartmouth's James Hornig reports a 40 percent spruce-fir mortality on Mount Moosilauke, his field site not far from the Hubbard Brook reservation. That figure compares favorably with the 55 percent mortality of New York's Whiteface Mountain (not to be confused with New Hampshire's mountain of similar name).

However, recent data from satellite-based sensing devices measuring visible and infrared light reflectance lead Dr. Barrett Rock, of UNH's Earth, Oceans and Space group, to conclude that there is greater forest damage on Mount Moosilauke than previously detected. The damage, he believes, is caused by increased moisture stress and decreased numbers of needles.

Other New Hampshire trees are suffering from rising mortality, notably balsam fir. Balsam fir periodically dies in great windrows called "fir waves," a natural phenomenon and clearly an effect of wind buffeting. Dr. C. Anthony Federer, soil scientist at the Northeastern Forest Experiment Station, declares, "Red spruce is the only species for which there is evidence of a decline that might be related to air pollution."

A QUESTION OF SURVIVAL?

On the other hand, Dr. Thomas Harrington, a tree pathologist at UNH, points to the dramatic mortality in older, taller trees at high-elevation sites and identifies the causes as constant wind exposure and other weather factors. Because the red spruce thrives in acid soil, around pH 4.5, and has a high resistance to ozone (unlike white pine, for example, which is ozone-sensitive), he downplays the putative effects of air pollution. Harrington discerns no real difference between red spruce and balsam fir mortality, other than degree, and feels that periods of high mortality are a natural part of both species' growth cycles. Another researcher estimates that at least 50 percent of the recent decline in red spruce's trunk area can be accounted for by climatic changes alone. Drought and winter damage produce injury that, although periodic, is cumulative and irreversible.

Many environmental scientists, however, believe that atmospheric pollution works together with severe climate to aggravate and hasten forest decline. Dr. Kenneth Kimball,

plant ecologist at the Appalachian Mountain Club's research facility in Gorham, emphasizes that red spruce prefer a cool, damp habitat. He suggests that warm, stagnant air masses may be the critical factor, subjecting red spruce to a constant background stress of strong acids and strong oxidants. On such a long-term basis, red spruce may lose their tolerance to acidity and ozone.

Toward this end, Dr. Robert Eckert, forest geneticist at UNH, is carrying out various studies on red spruce, some of them on the trees' relations to ozone. One of the suspected effects of the ozone burden is the abbreviation of winter hardening, with the result the trees are unable to withstand the low temperatures and frigid winds normally encountered at these elevations. Toward this end, red spruce seedlings from New Hampshire are currently being tested for their responses to varying levels of ozone by Eckert's collaborators at the Boyce Thompson Institute for Plant Research at Cornell University in Ithaca, N.Y., as part of the NAPAP program.

"NAPAP is the first attempt to do Big Biology," explains Dr. Walter Shortle, plant pathologist at the Northeastern Forest Experiment Station, "but there are no Big Answers yet."

There are, however, plenty of outstanding questions. Is the current regeneration of red spruce at high elevations adequate? Will the decline now restricted to the high-elevation stands eventually appear in red spruce growing in the commercially important, low-elevation forests? Is the incident over? Or is the red spruce as a high-elevation species passing from the picture? What factor or factors are responsible for the decline?

"The question," Kimball emphasizes, "is not what quality coal we burn, but rather if we should continue to burn fossil fuels at all." Although the levels of sulfur pollutants have been markedly reduced by flue gas desulfurizers or "scrubbers," nitrogen oxides and their byproducts (ozone, for example, which originates from automobile emissions) continue to build up in the atmosphere. Their removal will be expensive. It seems likely that maybe sooner than later, we must take some unpalatable measures—such as reduced auto use or the use of gasoline substitutes—to stave off other, worse consequences, if we want our wilderness to survive in its present state.

IN MEMORY OF DR. JOHN BARCLAY

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1989

Mr. PICKLE. Mr. Speaker, it is with profound sadness that I rise today to mourn the passing of a good man and great friend, Dr. John Barclay, the retired pastor of Central Christian Church in Austin, TX, who died earlier this month at the age of 96.

Dr. Barclay was much more than a preacher. He was a counselor, a friend, and a true civic leader. Not only was he the pastor and close friend of President Lyndon Johnson, he was also his close confidant. Dr. Barclay delivered a prayer at President Johnson's inaugu-

ration and gave the invocation at the President's inaugural luncheon. He had audiences with the Pope in Rome, spoke with royalty in England, and met dignitaries throughout the world as he visited 36 nations.

In the Founders Lions Club of Austin, John Barclay was a devoted member and a great source of inspiration and strength for its members. Nearly every meeting for 50 years was opened with an invocation from Dr. Barclay.

His civic leadership and numerous contributions to the city of Austin won him recognition by the board of realtors in 1972 as the city's "Most Worthy Citizen," and then Mayor Roy Butler declared a day in Dr. Barclay's honor.

Mr. Speaker, it was my privilege and good fortune to know John Barclay personally as a friend and a neighbor. Dr. Barclay not only taught from the "Good Book," he lived from the "Good Book." His energy and commitment inspired everyone who knew him, and he will be sorely missed. But he has left a legacy of good works and a wealth of wonderful memories which will not be forgotten by the people of Austin.

WITH RIGHTS COME RESPONSIBILITIES

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1989

Mr. SOLOMON. Mr. Speaker, today I am introducing legislation designed to address the problem of drug demand in this country.

The bill I am introducing would reduce Federal highway funds by 2 percent annually beginning in fiscal year 1992 to States which fail to suspend drivers' licenses for a period of not less than 6 months to persons convicted of drug offenses. When the drug offender is less than the age permitted for a license, the offender would be required to wait an additional 6 months beyond the legal age for obtaining a license.

Currently several States have enacted legislation identical to what I am introducing today and the results have proven this law to be successful in discouraging drug use. We should encourage passage and implementation of these laws nationwide as they will have a significant impact.

I have attempted to draft the bill in a manner to gain bipartisan support. Obtaining a driver's license is the rite of passage to adulthood for young people in our country. But with rights come responsibilities, such as obeying our laws and staying drug free. This legislation would help keep thousands of young Americans off drugs.

I would like to ask that all my colleagues join with me in cosponsoring this important drug deterrent legislation.

BATF ACTION WOULD NULLIFY A 21-YEAR-OLD, INTERPRETA- TION OF THE GUN CONTROL ACT OF 1968

HON. ALAN B. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1989

Mr. MOLLOHAN. Mr. Speaker, law-abiding owners of firearms across America are watching with great interest as their leaders debate and consider issues directly affecting their long-held rights to bear arms. One issue of particular interest is the threat posed to the Firearms Owners' Protection Act by recent action of the Bureau of Alcohol Tobacco and Firearms [BATF]. To put it bluntly, BATF action would nullify a 21-year-old interpretation of the Gun Control Act of 1968. I'll be happy to elaborate.

The report and recommendation of the ATF Working Group on the Importability of Certain Semiautomatic Rifles seeks to justify BATF's decision to suspend permanently the importation of rifles the agency has deemed to be sporting since passage of the Gun Control Act of 1968. Not only has the agency suddenly discovered that its view for the last 21 years was a big mistake, but it also seeks to nullify—indeed, fails even to mention—the Firearms Owners' Protection Act of 1968.

As amended by the Firearms Owners' Protection Act, Section 925(d)(3) states that:

The Secretary shall authorize a firearm . . . to be imported if the firearm . . . is generally recognized as particularly suitable or readily adaptable to sporting purposes". The Act deleted the underlined words, "the Secretary may authorize a firearm . . . to be imported . . . if the person importing . . . the firearm . . . establishes to the satisfaction of the Secretary its sporting use—clearly removing any discretion by the Secretary.

The above amendment to the import provision was explained in the Senate reports as follows:

Under that Section [925(d)], the Secretary may authorize importation of specified firearms or ammunition. . . . The Committee amendment requires the Secretary to authorize the importation of firearms in the listed categories. . . . It is anticipated that in the vast majority of cases, this will not result in any change in current practices. Federal Firearms Owners' Protection Act: Report of the Senate Judiciary Committee, 98th Cong., 2d Sess., 27 (1984) (emphasis added).

In the above language, Congress clearly approved of the importation of all or virtually all of the rifles which BATF now claims are not sporting. In short, BATF is seeking to nullify not only the Firearms Owner's Protection Act, but also Congress' specific approval of the firearms being imported as of 1984.

Similarly, the House Judiciary Committee explained the import provision of the Firearms Owners Protection Act as follows:

LIBERALIZING THE IMPORTATION OF FIREARMS

Opens up the importation of firearms by mandating the Secretary to authorize importation of a firearm if there is a sporting purpose and eliminating the requirement that the importer has the burden of satisfy-

ing the Secretary of the sporting purpose. . . . —House Rept. 99-495, Judiciary Committee, 99th Cong., 2d Sess., at 14, 43 (1986).

Removing discretion over import permits was done purposely and with intent to mandate clear duties. As noted in the Findings to the Protection Act:

The rights of citizens . . . require additional legislation to correct existing firearms statutes and enforcement policies; and additional legislation is required to reaffirm the intent of the Congress . . . that it is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition . . . of firearms. . . . —P.L. 99-308, 100 Stat. 449, Section 1.

Besides ignoring FOPA, BATF now discovers that its treatment of rifles since 1968 was all a big mistake. Its review consigns important portions of the 1968 Act's legislative history to the Orwellian memory hole. The general criteria for shotguns and rifles was stated by Treasury Commissioner Sheldon Cohen as follows: "Essentially the long guns would be distributable with a minimum of restrictions." Federal Firearms Act: Hearings Before the Subcommittee to Investigate Juvenile Delinquency, Senate Judiciary Committee, 90th Cong., 1st Sess., at 86 (1967).

As Congress insisted, after the Act passed, Treasury established the Firearms Advisory Panel. The 1968 Panel minutes reflect:

It was generally agreed that firearms designed and intended for hunting and all types of organized competitive target shooting would fall within the sporting purposes category.

The panel approved the importation of semiautomatic rifles with the outward appearance of automatic military rifles because "these rifles do have a particular use in target shooting and hunting." The rifles were the BM59 Beretta, the SIG-AMT, and the Cetme 7.62mm NATO rifles, which feature pistol grips and 20 round box magazines.

After following the above criteria for 21 years, 1989 BATF report now believes that the opinion of the 1968 panel was superficial. Yet the interpretation adopted just after passage of the 1968 act and consistently applied thereafter has far more weight than the hidden intent suddenly discovered in 1989. See *Rice v. Rehner*, 463 U.S. 713, 730 n.13 (1983). That early position . . . is surely more indicative of congressional intent in 1953 than a 1971 opinion to the contrary. "Once an agency's statutory construction has been fully brought to the attention of the public and the Congress, and the latter has not sought to alter that interpretation although it has amended the statute in other respects, then presumably the legislative intent has been correctly discerned." *United States v. Rutherford*, 442 U.S. 544, 544 n.10 (1979).

Finally, the 1989 report mistakenly claims that the agency never adopted any formal criteria for rifles. Yet from 1968 through 1986, Treasury regulations provided for the following criteria:

The Director may compile an Importation List of firearms and ammunition which he determines to be generally recognized as particularly suitable for or readily adaptable to sporting purposes. . . . No firearm

shall be placed on the Importation List unless it is found that:

(1) the caliber or gauge of the firearm is suitable for use in a recognized shooting sport,

(2) the type of firearm is generally recognized as particularly suitable for or readily adaptable to such use, and

(3) the use of the firearm in a recognized shooting sport will not endanger the person using it due to deterioration through such use or because of inferior workmanship, materials or design.

The above was published as 27 C.F.R. section 178.112(c) in 1968 until October 29, 1986, when it was deleted. 51 F.R. 39622. The now-banned rifles meet this criteria. They all shoot cartridges of a caliber that is "suitable for use in a recognized shooting sport." ATF itself found that these rifles are suitable and adaptable to such use. Finally, the above criteria recognized that sporting use requires a safe, quality product. The rifles in question have all of these features described in the only criteria ATF has published to date as regulations.

In sum, BATF is seeking to nullify not only the Firearms Owners' Protection Act of 1986, but also the intent of the Gun Control Act of 1968 before being amended. The rifles in question are generally recognized as particularly suitable for and readily adaptable to sporting purposes, and have been so recognized by the agency for the last 21 years.

TERRY ASHE—AN AMERICAN HERO

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1989

Mr. CLEMENT. Mr. Speaker, I rise today to pay tribute to an outstanding police officer, a heroic veteran and a friend.

In a few days colleagues and acquaintances of Sheriff Terry Ashe of Wilson County, TN, will gather to honor this outstanding individual. Today I'd like to pay tribute to Sheriff Ashe here in the U.S. House of Representatives.

Terry Ashe served gallantly in the U.S. Army from 1966 to 1969 as a member of the 101st Airborne Division, including service in Vietnam in 1967 and 1968.

A true American hero, Terry Ashe earned a Purple Heart, the Bronze Star, the Army Commendation Medal, the Air Medal, Vietnam Cross for Gallantry, Vietnam Service Medal, the Combat Infantry Badge and numerous other medals, awards, and citations.

In May 1968 Terry Ashe was named "Soldier of the Month" for the 101st Airborne Division.

A month later, in June 1968, Terry and his squadron were escorting a truck convoy when they were ambushed in Phubai City. Terry was the only soldier in this squadron to survive the ambush.

In 1974, Terry Ashe joined the Wilson County Sheriff's Department as a criminal investigator. Eight years later he would head the same department and later be responsible for pioneering law enforcement programs in his home county that have truly made a differ-

ence in the quality of life of the residents he serves.

While serving the Wilson County Sheriff's Department, and later as a member of the Lebanon Police Department, Terry Ashe graduated in 1977 from the Tennessee Law Enforcement Academy's criminal investigator division and from Middle Tennessee State University with a degree in criminal justice law enforcement.

The fact that Terry took the initiative to better himself through obtaining a higher education, while at the same time holding a full-time job, reveals much about his character.

While attending MTSU Terry married his wife Barbara.

Terry Ashe continued to advance in his career, becoming chief detective of the Lebanon Police Department in 1980 and being elected Wilson County Sheriff in 1982.

Shortly after his election, Sheriff Terry Ashe began to compile a record so impressive, I dare call it incredible.

In his very first year in office Terry Ashe established a highly successful neighborhood watch program in Wilson County, organized a criminal investigation division for the sheriff's department, instituted a reserve deputies program, placed the first sheriff's department substation in Wilson County, gained State certification for the county jail and for the first time ever managed to balance the sheriff's department budget.

During his second year in office Sheriff Ashe was the first Tennessee sheriff appointed to the Tennessee Juvenile Justice Commission.

In 1984 he was elected vice-president of the Tennessee Sheriff's Association.

In 1985 he was appointed to the Tennessee Schools and Jails Appeals Board, and elected president of the Tennessee Sheriff's Association.

In 1986 Sheriff Ashe was reelected and named the outstanding sheriff in the State of Tennessee.

In 1987 he was appointed by Gov. Ned McWherter to the Tennessee Peace Officer's Standard and Training Commission and was elected commission chairman.

In 1988 Governor McWherter asked Terry to assist in restudying training of peace officers in Tennessee.

Also in 1988 Sheriff Ashe helped form a drug task force for the five-county 15th judicial circuit.

Terry Ashe has continued to exhibit bravery and heroism in his role as a police officer in much the same way he did in Vietnam.

Examples of this man's courage include the time he was involved in a shootout with armed robbery suspects whom he apprehended by shooting out the tires of their getaway vehicle, the time he managed to talk another man who was armed into freeing his hostage and times when he has saved the lives of several people in the line of duty * * * always taking the most dangerous position * * * never asking anyone to put themselves in more danger than himself.

A community and civic leader, Terry Ashe has also achieved what may be the highest commendation a sheriff can receive—the respect and admiration of his peers throughout the Volunteer State.

Today, Mr. Speaker, I would like to join Sheriff Ashe's peers in offering my personal respect and admiration for this outstanding professional and individual.

Terry Ashe exemplifies professionalism, dedication to duty, heroism and courage that truly make him one of the most outstanding law enforcement professionals in his State and in this Nation.

Perhaps the highest compliment I can pay Sheriff Ashe, is to say that if my own life were ever in danger, I would hope Sheriff Terry Ashe would be nearby.

I ask my colleagues to join me today in saluting and recognizing this great American.

PRESERVING THE INTEGRITY OF MSA STANDARDS

HON. TOM SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1989

Mr. SAWYER. Mr. Speaker, it is with some apprehension that I must express my concern about the inclusion of section 528 in the bill making fiscal year 1990 appropriations for the Treasury, Postal Service, and General Government, which is being considered by the House today. Section 528 requires the Director of the Office of Management and Budget to include Easton, PA, in the title of the Allentown-Bethlehem Metropolitan Statistical Area, of which it is a part.

The designation of MSA's and their titles is determined by the Office of Management and Budget in accordance with specific statistical criteria which define areas with certain urban characteristics. These criteria are reviewed every 10 years, prior to each decennial census, to determine whether the criteria should be modified.

The MSA criteria include a requirement that up to three central cities in an MSA may be named in the title of that MSA, provided that the second or third city have at least one-third the population of the largest central city in the MSA. Prior to the 1980 census, Easton met this requirement. However, following the 1980 census, Easton's population had dropped below the one-third threshold in comparison to Allentown, the largest central city in the MSA, and Easton was dropped from the title.

As chairman of the Subcommittee on Census and Population, which has jurisdiction over the criteria for metropolitan statistical areas and the collection of Government statistics generally, I believe that the requirement contained in section 528 represents the wrong approach to solving the problem faced by the city of Easton, particularly in light of the subcommittee's recent efforts to encourage changes in the MSA titling requirements through the administrative process.

On June 27, the subcommittee held a hearing on H.R. 1211, a bill to include Easton in the title of the Allentown-Bethlehem MSA. The hearing gave us an opportunity to focus more broadly on whether the OMB criteria for inclusion in the title of an MSA adequately anti-

pate situations where the population of cities within the MSA may fluctuate by a relatively insignificant degree from decade to decade, causing the city to move in and out of the MSA title frequently.

The subcommittee received excellent testimony from city officials and community leaders of Easton who favored more flexibility in this OMB criterion, as well as a forceful presentation from the Office of Information and Regulatory Affairs, of the OMB, as to the need to maintain consistent statistical standards for MSA's.

During the hearing, I encouraged OMB to study the criteria for MSA titles as part of its 10-year review of the MSA criteria, currently in progress. In fact, the city of Easton and Congressman DON RITTER, the sponsor of H.R. 1211, had not been aware of the public comment period, but immediately expressed their intention to prepare comments about the MSA titling requirement. OMB agreed not only to consider these comments as part of its review, but to work with the subcommittee on ways to resolve the problem faced by cities such as Easton.

I want to stress that any problems with the MSA criteria affect not only Easton, but any cities which experience relatively minor fluctuations in their population, causing them to remain at the margin of the one-third rule contained in current titling requirements. The statistical standards for MSA designations and titles may not, in fact, adequately reflect current geographic realities of urban areas, as they were designed to do. The subcommittee heard convincing testimony from Easton officials about the historical, cultural, economic, and social ties that bind Allentown, Bethlehem, and Easton in the Lehigh Valley region of Pennsylvania. Perhaps the MSA title of "Allentown-Bethlehem-Easton" more accurately reflects the integrated nature of the area than the title of "Allentown-Bethlehem."

However, the critical point to consider is that the purpose of the MSA standards is to provide a level of consistency which enables comparisons to be made between areas with specified characteristics. Legislative attempts to circumvent these standards case by case will, in my judgment, not only jeopardize the integrity of the statistical criteria, but will foil our efforts to devise a universally applicable solution to any problems in the standards.

During and following our recent subcommittee hearing, I pledged my continued assistance to the city of Easton in its efforts to restore its name to the title of the Allentown-Bethlehem MSA. In doing so, I had hoped to create a statistical rule which takes into account exceptional situations, like Easton, across the country. Instead, section 528 of the appropriations bill regrettably creates an exception to the existing rule. When one exception is made, it is hard to draw the line when additional exceptions are requested. And as we all know, too many exceptions to a rule render that rule unnecessary and unworkable. I hope this does not happen to the important criteria for establishment of metropolitan statistical areas.

DAVIS-BACON DEBATE CORRECTION

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1989

Mr. MURPHY. Mr. Speaker, I rise today to rectify a mistake made in yesterday's RECORD of the debate on the Davis-Bacon amendment to the Department of Defense authorization bill—H.R. 2461. Through an inadvertent error, that appears on page H4413 as my closing remarks are in fact my opening remarks of the debate which begins on page H4407 of yesterday's RECORD. I would like to submit for today's RECORD a copy of my actual closing statement which was delivered on the House floor during debate on the Department of Defense authorization bill on Thursday, July 27, 1989, and should have appeared as my final remarks of the debate.

THOUGHTS FOR AN EAGLE SCOUT

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1989

Mr. PICKLE. Mr. Speaker, one of the most respected Federal judges in Texas recently spoke to the Boy Scout court of honor in San Augustine, TX, when 11 young men were made Eagle Scouts, an honor which I was privileged to receive myself as a young scout. Judge Joe J. Fisher, a highly regarded judge, pointed out that it is the nature of young men to march forward into the world but that at some point, having reached the fullness of his years, mature men will start to look over their shoulder at the path they have traveled and what they have achieved with their lives. The story illustrates the lesson that "the twain truly does meet" and that the experiences of our life bring us full circle in the end.

Mr. Speaker, I insert excerpts of Judge Fisher's remarks to the San Augustine Eagle Scouts in the RECORD following my comments. I hope my colleagues will find them as illuminating as I have.

SPEECH OF JOE J. FISHER TO THE SAN AUGUSTINE BOY SCOUT COURT OF HONOR, FIRST UNITED METHODIST CHURCH, JUNE 24, 1989

I once heard a speech by Chief Justice J. E. Hickman of the Supreme Court which I considered excellent, and which I would like to draw on as advice to each of you, with the hope that you will receive the words as a personal message, coming to you out of observations and experience covering a period of almost 80 years.

It is a law of human nature that youth looks to the future, and that age inevitably looks to the past. As the young man journeys out into the vast unknown, one of these days he is going to meet the old man returning to the scenes of his youth. The picture is not fantastic. It is real; the meeting is inevitable. The young man may be ashamed of the old man and would like nothing more than to avoid the meeting, but he cannot do so. The two must meet, and in all life there will be no two persons

who will meet with more interest than will this young man and the old man.

To you that day seems to be far off, but it will arrive much sooner than you think.

I ask you this serious question: What kind of man do you want to meet out yonder when you meet yourself coming back? I could well close my remarks here and leave you to supply the answer, but I feel it appropriate to make a few suggestions. The old man cannot determine the kind of young man whom he will meet, but you, the young man, can determine with certainty the kind of man you will meet. The matter is entirely in your hands.

Each of you this evening is called upon to paint in your imagination a portrait of the man you are to meet. There are certain features which I am sure all of you will desire to have portrayed in that picture.

You will want to meet a man of culture. One who has blended into his life knowledge of world affairs, of literature, of history, of economics and other social graces and feeling of strong spirituality.

Necessarily, you will want to meet a man of solid character. Character can be developed only by constant vigilance. A temporary letting down of one's high standards may permanently weaken one's character. Character includes, of course, culture, breadth of view, sympathy, clean living, vital interest in the welfare of others, as well as strict integrity and a serenity which is the product of a sustaining faith. Character cannot be built in a year or a decade; it is the product of a lifetime of high thinking and purposeful living.

Returning to the picture of the young Eagle Scout, looking out into the vast unknown. To complete the picture we must bring into it other characters. Looking over the shoulders of that young man there should be painted the faces of anxious but proud parents who have sacrificed for him, and dreamed of the day when he would become an Eagle Scout.

If these words seem solemn to you on this glad occasion, may I remind you that it is a solemn thing to live, but it is also a joyous thing to live if one lives a purposeful, clean life, free of dissipation and corruption, yet possessed of high moral purpose, so whatever may be your future, it is our hope that your meeting with yourself out yonder as an old man may be a joyous one, and that you may be proud of the old man, as he will surely be proud of you.

In conclusion, I have a story about the King and his three sons. The King was growing old and he realized that he must soon turn his kingdom over to one of his three sons. Of course, he wanted his smartest son to be his successor. He decided on a test which was to send his sons up the mountain and they were to bring him some object which would indicate to him how well they understood the world, the evolution of change, and in general, would bespeak their capabilities.

In due time, the first son returned with a flower which he had gathered on the mountainside. The King was not unhappy because the flower denoted that his son was kind and good and possessed a sensitive and artistic nature. Then, the second son returned with a beautiful rock. The King knew that the second son was more ambitious than the first because the rock came from above the timber line and he had, therefore, climbed higher. It also denoted firmness of character and for all reason, the King was convinced that his second son would make the better ruler. Now three

days had passed since the third son went up the mountain and no word from him had been heard. The King became worried about his safety and sent a searching party to look for him. They went to the mountain, but did not find the son. The King rebuked himself for causing his son's disappearance, and then one member of the searching party noticed the form of a man lying on the side of the mountain. They rushed to the third son and asked what had happened. The son replied that when he got to the top of the mountain he was so overcome with excitement with what he could see that he lost his balance, fell and broke his leg. He said, "Father, I felt that I could see the whole world and it was beautiful." The King said, "Son, you are truly the wisest of my sons and you shall succeed to my throne."

Yes, if you can see the world with all its good and bad, and all of its changes and not become embittered, but rather, with enthusiasm, accept your responsibility to do your best, you will be doing no less than is expected of anyone, and no more than the greatest among us have done. In doing so, you will have made a commitment to an orderly way of life, and you will be taking a big step for success in this world.—Good luck, and may the Lord bless each of you.

BETTER TRADE AND TECHNOLOGY AGREEMENTS NEEDED

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1989

Mr. SOLOMON. Mr. Speaker, the agreement with Japan to develop a new Japanese fighter using American technology—the FSX—is going to go ahead despite the serious reservations of myself and many, many others in this Congress.

I want to take this opportunity to once again point out—and it bears repeating many more times—that it would just be more simple and more fair if Japan had purchased American-built fighters off-the-shelf. After all, they're the very best in the world today, and it sure would've helped our trade balance with that nation. And we shouldn't forget that such a direct purchase would've meant that urgently needed allied aircraft would've been available for the defense of the Pacific basin that much sooner.

I think the debate over the FSX showed us all in the Congress and in the executive branch that these kinds of agreements have to be more carefully negotiated by our Government. I also think it showed that Japan and our other allies abroad must do more to meet the immediate defense needs of our alliance. In cases like this, commercial advantages should more often be put in the back seat.

For the sake of our democratic alliance, I strongly urge that we all do our best, here and abroad, to ensure far better trade and technology agreements in the future.

RESOLUTION EXPRESSING THE CONCERN OF THE CONGRESS ON EXXON'S CLEANUP EFFORTS IN ALASKA

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1989

Mr. PANETTA. Mr. Speaker, I rise today to introduce a resolution expressing the sense of the House of Representatives that the Exxon Co. should return to Valdez, AK, next spring and renew their cleanup efforts of the Alaskan lands and waters damaged by the Exxon Valdez oilspill.

A few moments of negligent behavior on the part of one irresponsible Exxon tanker pilot has turned the people of Alaska's entire world upside down. It is time the Exxon Co. stops dodging its responsibility and lives up to the debt the company owes to the Alaskan people.

As I am sure my colleagues are aware, Exxon announced on Tuesday plans to cease their cleanup efforts on September 15 because of possible bad weather and would only commit to returning to Alaska to study the damaged shoreline next spring.

First, I would like to point out to my colleagues that, contrary to what the Exxon Co. may believe, the entire State of Alaska does not automatically shut down on the date of September 15. The town of Valdez has a population of 3,000 people who live and work in Valdez year round. Granted, it would not be safe or feasible for Exxon to continue some of the cleanup measures currently being used, during the coming winter months. However, as was suggested by the State of Alaska's Department of Environmental Conservation, Exxon could, and should, maintain a contingency force in Alaska during the winter months to continue surveying the damaged shoreline, monitor the movement of the spill, and provide emergency response if oil begins to move toward sensitive areas that demand immediate attention.

Of course Exxon's decision to pull their cleanup force out of Alaska on September 15 is a mere sideline to the corporation's outrageous refusal in a company memo to commit to renewing cleanup efforts in the spring. In the shoreline restoration plan Exxon submitted to the State of Alaska and the Coast Guard April 15, Exxon promised to have the oilspill cleaned up by September 15.

However, the Coast Guard estimates that Exxon has treated only one-third of the damaged shoreline of Prince William Sound and is running 40 percent behind the schedule outlined in their own restoration plan. It is clear that Exxon will not complete cleanup of the oilspill by its targeted date of September 15.

From the very day Exxon submitted its shoreline restoration plan, the plan has been continually criticized by the State of Alaska and the Coast Guard as being unrealistic and inadequate. Time has confirmed their criticisms.

Now Exxon believes that by merely fulfilling the inadequate obligations outlined in its shoreline restoration plan, the company, as can declare victory and go home. But of

course, how can Exxon lose in a game where it has its own rules?

Obviously, the Exxon Co. cannot be trusted to conduct the cleanup of this oilspill in the responsible manner that a disaster of this magnitude dictates. Exxon has exhibited a total lack of regard for the authority of the State of Alaska and the U.S. Coast Guard. In a recent company memo, it was stated that Exxon's "discussions with Federal or State agencies is for the purpose of keeping them informed, and is not requesting approval." The Exxon memo went on to say that in discussions with these agencies, "We (the Exxon Company) are willing to discuss the factors. We are not willing to discuss the decisions."

Mr. Speaker, when you are responsible for the destruction of hundreds of miles of a State's coastline, not to mention the deaths of thousands of fish and wildlife, you had most certainly better be ready to discuss decisions with the State and Federal agencies involved.

Today I am introducing a resolution to express that it is the sense of the House of Representatives that the Exxon Co. should return to Alaska in the spring and complete cleanup of the Alaskan lands and waters damaged by the oilspill to the satisfaction and approval of the U.S. Coast Guard and the State of Alaska. Mr. Speaker, the Exxon Co. is counting on us, the American people, to allow them to walk away from their responsibility. They are counting on us to forget the destruction and irreparable damage their negligence caused to the once pristine Prince William Sound and Gulf of Alaska, so that in the spring no one will hold them to their promise to complete the cleanup of the disaster they caused.

I, for one, will not forget. Nor will I allow Exxon to forget the debt that they owe the State of Alaska and the American people. I strongly urge my colleagues to join me in this effort by supporting this resolution.

A copy of the resolution follows:

H. RES. 219

(Submitted by Mr. Panetta)

Whereas the Exxon Valdez oilspill of more than 260,000 barrels on March 24, 1989, was the largest in United States history;

Whereas Alaska owned lands and federal and public lands have been impacted and the traditional Alaska reliance on the fish and wildlife resources of the coastal areas devastated;

Whereas the commercial fishing industry and regional economy have suffered greatly, causing serious, long-term economic harm for many Alaskans;

Whereas some of the most scenic wilderness, productive habitats, and important sport fishing and recreation areas of Alaska have been despoiled;

Whereas the oilspill has caused the death of thousands of sea otters, migratory birds, and other fish and wildlife;

Whereas the oilspill has spread more than 500 miles from the spill site, and has damaged more than eight hundred miles of previously pristine Alaska coastline;

Whereas in the Shoreline Restoration Plan submitted to the State of Alaska and the United States Coast Guard Exxon promised that the company would clean-up all of the oilspill from March 24, 1989.

Whereas the United States Coast Guard has determined that Exxon has completed only a fraction of the cleanup of the oilspill.

Whereas Exxon has announced the demobilization of cleanup efforts on September 15, 1989 with a commitment only to survey the shorelines next spring and;

Whereas Exxon has exhibited a total lack of regard for the authority of the State of Alaska and the United States Coast Guard by stating that discussions between Exxon and federal and state agencies were only for informational purposes, not for approval purposes: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) Exxon Company, United States of America, should dedicate whatever resources are necessary and pay all expenses required in order to compensate affected parties expeditiously, mitigate impacts, and complete cleanup of Prince William Sound and other Alaska lands and waters damaged by the Exxon Valdez oilspill; and,

(2) The scope and thoroughness of the cleanup should not be defined by Exxon Company, United States of America, but should be determined by the United States Coast Guard, in consultation with the State of Alaska, and appropriate Federal agencies, and affected parties, to achieve maximum benefit of fish and wildlife habitat and the Alaska environment.

(3) If the cleanup has not been completed to the satisfaction of the United States Coast Guard by September 15, 1989, Exxon Company, United States of America, should renew cleanup again in the spring, until the United States Coast Guard has determined that the cleanup is complete.

(4) Exxon Company, United States of America, should maintain a contingency force in affected Alaskan communities, from September 15, 1989, until full-scale cleanup efforts renew in the spring, for the purpose of monitoring the movement of the oilspill, surveying and mapping affected areas, and providing emergency response to the clean-up of oil which has moved towards sensitive areas.

MURPHY SUBSTITUTE SAVES DAVIS-BACON ACT FROM MA- RAUDERS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1989

Mr. OWENS of New York. Mr. Speaker, I voted to support the Murphy substitute to the Stenholm amendment which passed the House yesterday. The Stenholm amendment was an attempt to use the need for reform of the Davis-Bacon Act to rob it of its power to help our workers. The Murphy substitute represented true reform of the Davis-Bacon Act. It represented reform which keeps in mind the intent of the original act, which was to protect our Nation's workers and their earning power when working on Federal projects.

The Stenholm amendment would have exempted 70 percent of defense construction projects from the Davis-Bacon Act by increasing the threshold to \$250,000. The Murphy substitute fairly increases the threshold to \$50,000 for new construction and \$15,000 for repair or rehabilitation. The Murphy substitute

goes even further by incorporating many other comprehensive reform measures.

It provides protections against agencies splitting contracts to avoid application of the act by falling under the new threshold.

It compels the Department of Labor to issue more timely wage determinations and restores the scope of prevailing wage surveys to include all similar construction work.

It provides alternatives to the much criticized compliance system of exclusive relief through the Department of Labor.

It cuts in half employer payroll reporting requirements under the Copeland Act, responding to industry pleas for reduced paperwork.

It codified the authority of the Secretary to issue decisions concerning interpretation and application of the act that are final and binding on all executive branch agencies.

It strengthens current law applying prevailing wages on lease-construction projects.

It restricts the amount of fringe benefits an employer may include as part of the prevailing wage payment to the aggregate level of fringe benefits determined to be prevailing.

This substitute represents needed, comprehensive reform of the Davis-Bacon Act which promises to modernize and improve the application, administration and enforcement of the act, while simplifying Federal construction procurement and providing a real small contract exemption.

In this Congress we have already hurt the Nation's workers by failing to put into effect a higher, fairer minimum wage. The Murphy substitute offers this Congress a chance to redeem itself in part by enacting legislation that will continue to protect thousands of workers employed on military construction projects, and save them from a bold attempt to eliminate their wage protections in the name of reform.

Mr. Speaker, the Stenholm amendment would not have reformed the Davis-Bacon Act. It would have effectually revoked it. I am pleased that we did not allow this assault on the workers of our Nation.

A TRIBUTE TO DR. EDWARD J. SHEA

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1989

Mr. POSHARD. Mr. Speaker, I rise today to congratulate Dr. Edward J. Shea for receiving the Luther Halsey Gulick Medal at the 104th anniversary of the National Convention and Exposition of American Alliance for Health, Physical Education, Recreation, and Dance. This is the highest honor awarded by this organization.

With a distinguished career spanning over four and a half decades, Dr. Shea continues to teach, write and serve mankind in the tradition of the namesake of this award. Dr. Shea has inspired and provided leadership for students and colleagues throughout his career. Through his example and personal dedication, he has demonstrated values consistent with democratic ideals.

Dr. Shea has been an integral part of Southern Illinois University at Carbondale, IL

for 31 years with the physical education department. During his tenure, he served as chairman of that department. Dr. Shea has been an active citizen in my district, the 22d Congressional District in Illinois. The Southern Illinois University Board of Trustees awarded Dr. Shea the Lindell W. Sturgis Memorial Public Service Award for service to the community, area, State, and Nation.

A gifted speaker and writer, Dr. Shea has contributed extensively to the promotion of physical education and sport. His writing and research spans his career from his first article in 1943 to his most recent publication, "Swimming for Seniors" published in 1986. His early contributions centered primarily on assisting the practitioner while his later writings were based on philosophical inquiry and scientific concepts.

Dr. Shea has been an active and valued member of the American Academy of Physical Education since 1971 and served as president in 1982. Five years later he received the Clark W. Hetherington Award. Through his positions in other organizations as president, director, commissioner, advisor, vice-president, board of directors member, and executive committee chair, he has left an indelible mark on thousands of individuals throughout the country. Dr. Shea has had a profound effect on the President's Council on Physical Fitness and Sports, the Illinois Association for HPER, the Illinois Governor's Council on Health and Fitness, and the Governor's Committee on Aging. At the local level, he has made a significant contribution to the promotion of activities for all children.

Dr. Shea continues to maintain his fitness through swimming competition. He is the world record holder in five backstroke events and continues to hold U.S. records in masters swimming events.

Dr. Shea, through his continued activities and his long and distinguished career, exemplifies the qualities which I admire. My friend, Edward Shea, deserves the recognition of the U.S. Congress for his latest accomplishment of receiving the Luther Halsey Gulick Medal.

IN PRAISE OF CONGRESSIONAL INTERNS

HON. CHARLES A. HAYES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1989

Mr. HAYES of Illinois. Mr. Speaker, as Members of Congress, we have been entrusted with the awesome responsibility of helping to guide and lead a great and diverse nation. As we go about our congressional business each day—attending hearings, voting on bills, meeting with constituents, and trying to be in two, three, or four places at the same time—we should not forget that a fundamental part of being a leader is inspiring and grooming others to fill our footprints and to carry out our mission.

Mr. Speaker, I hope I speak on behalf of all our colleagues when I recognize and give thanks to the many congressional interns who have worked, and continue to work, so hard in our offices this summer. Not only have they

brought a fresh perspective to addressing the needs of our offices, they have also helped increase the productivity of our permanent staff in the process. In return, I hope that we all have given them a worthwhile experience that will in some way provide them with the tools to lay the foundation for their own involvement in public service in the future. Their future is our future for they are the leaders of tomorrow.

Personally, I feel good when I meet positive young people with high goals and aspirations who want to make a difference in our society. Too often adults get a poor image of youth today because, unfortunately, so many are addicted to drugs, overindulge in alcohol, and become parents prematurely. Then we ask ourselves, "Where did we go wrong? How did they get so mixed up?"

Some Members of Congress advocate increasing funds for education in order to decrease the number of juvenile delinquents. Evidence of that was shown in the overwhelming support my dropout prevention bill received, which seeks to help teens stay in school. Hopefully, one day we will not need these types of programs. Until then, however, we must do all we can to nurture and encourage today's youth. Encouragement does not always have a price tag. So to all interns, I say thank you. We are proud of you, and wish you much success as you continue your struggle to make your mark on the world.

A TRIBUTE TO PAUL A.
JOHNSON OF GRAND HAVEN, MI

HON. FREDERICK S. UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1989

Mr. UPTON. Mr. Speaker, as you may know, Congress has officially designated Grand Haven, MI, as "Coast Guard City, USA." The Coast Guard's commitment to serving the community of Grand Haven as well as other nearby Lake Michigan coastal areas is well-known and deeply appreciated. Throughout its over 100-year history in Grand Haven, the Coast Guard lived up to its motto, *Semper Paratus*, or "Always Prepared."

Today, Mr. Speaker, I rise in tribute to a man who has similarly contributed to the well-being of the Grand Haven community, Mr. Paul Johnson. Paul Johnson has always been prepared to work for the benefit of the city of Grand Haven. Whether in his role as a businessman, or in his work with local foundations, or with local educational institutions, Paul Johnson has displayed a lifelong commitment toward improving the quality of life in Grand Haven.

Indeed, Paul's personal achievements have been numerous. It is hard to believe that one man can accomplish so much. He has been president or director or member of so many organizations benefitting the Grand Haven area that it is hard to do him justice. But I will try to summarize just some of the highlights of Paul's contributions.

Starting out his career at the University of Michigan studying engineering, World War II deterred Paul Johnson from returning to work

at Dake Engine Co., a small company his father and a partner had bought a few years earlier. He showed early promise in service to his country as he rose to the rank of lieutenant commander in the U.S. Navy on the western sea frontier.

Paul returned to Dake in 1945, and guided this company with his partner until 1979. And just as the Grand Haven Coast Guard has blossomed from its early stages as a volunteer corps in the late 1800's to the current Group Grand Haven facility, Paul transformed Dake from a small engine outfit with less than 20 employees to a powerhouse with an all-time high of 185 in 1979.

Dake is now 1 of the 14 divisions of JSJ Corp. of Grand Haven, a diversified manufacturer of durable goods. Paul Johnson, recently retired, served ably as the chairman of the board of JSJ. During his tenure at JSJ and Dake, he helped the companies grow and helped the employees grow as well. His interest in his employees extended beyond just the workplace; he encouraged employees to become involved and participate in community affairs. He also encouraged them to expand their horizons through additional education. But not only did he foster others, he himself inspired them through his own example.

Paul has always been enthusiastic about educational advancement. He served on the Grand Haven Board of Education and was a primary force behind the creation of Grand Valley State College when it was formed in 1968 from humble beginnings in a countryside cornfield. From that inauspicious start, Paul has remained active on the board of Grand Valley—now a State university—and has proved invaluable to the school. He was co-chairman of the successful campaign to build a stadium track and is currently president of the Grand Valley Foundation.

Paul's work with the community does not stop with economic development or education, he is also affiliated with many other Grand Haven civic organizations. He has served as drive chairman of the Tri-Cities Area United Fund, and has been president of the Loutit Foundation for the past 30 years. The Loutit Foundation's objective is to promote programs and projects related to the welfare of Grand Haven and the citizens of Michigan. In this capacity, Paul had the vision and foresight to effectively administer a number of gifts to the community which will have a lasting impact on the Grand Haven community. Much of the credit for the development and construction of a new library, community center, and waterfront park as well as improvements to the Grand Haven YMCA and local hospitals goes to Paul Johnson.

While I have not touched upon all the facets of Paul Johnson's career, I think his outstanding example to the Grand Haven community is clear. I personally applaud Paul Johnson for his lifetime achievements and commend him for his devotion to his community and family. He has dared to make a difference and his home community will benefit from his work for generations. His spirited and active approach to voluntarism is an inspiration to each and every citizen of Grand Haven and the United States.

EQUITY FOR THE AROOSTOOK
BAND OF MICMACS

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1989

Ms. SNOWE. Mr. Speaker, in 1980 Congress adopted the Maine Indian Claims Settlement Act [MICA], Public Law 96-420. The act provided a settlement for Indian claims to land in the State of Maine for three tribes: the Penobscot Nation, the Passamaquoddy Tribe and the Houlton Band of Maliseets. One Maine tribe, the Aroostook Band of Micmacs, was not included in the final settlement.

For 8 years, from 1972 to 1980, the Penobscot and Passamaquoddy Tribes worked to obtain compensation for their land claims. In the final days of negotiations, the two tribes agreed to include the Houlton Band of Maliseets. Both the Maliseets and the Micmacs belonged to the Aroostook Association of Indians at this time. Members of the Micmacs cite a lack of organization, finances and their belief that the association would take care of them, as reasons for their omission from the settlement. However, it is important to note that, during congressional hearings on this issue, there was no mention of the Micmacs.

Along with the rest of the Maine delegation, I am introducing legislation to provide the Aroostook Band of Micmacs with the opportunity to prove to the Congress that, had they presented their claim in 1980, they would have been included in Public Law 96-420. I believe it is important—a matter of equity—to allow the band their day in court.

If the House and Senate agree that the Micmacs would have been included in the settlement, had the band been involved in the process, this bill would authorize \$900,000 for their loss of property rights.

The band, which numbers approximately 400, has been working to rectify their omission since 1982. They have hired an anthropologist to put together a complete history of the band, they have reorganized their tribal structure, and they have begun putting together a tribal roll. This has been a time-consuming process, since members of the band are spread throughout Aroostook County in northern Maine.

The State of Maine acknowledged the existence of the Micmacs as early as 1925, with formal recognition coming in the 1970's through a series of State bills which provided free hunting and fishing licenses, scholarships and other benefits from the State Department of Indian Affairs. When Public Law 96-420 took effect, however, the department was abolished, leaving the band without any State or Federal assistance. They have an unemployment rate of 75 percent, with most of the members making their living doing seasonal farm work. A 1983 survey found that 60 percent of the families survive on less than \$5,000 a year.

The band has the support of the State, as evidenced by the 114th Maine State Legislature's passage of legislation establishing a Micmac Implementation Act. This legislation, which was signed by the Governor on May

18, 1989, sets up State guidelines for accepting Federal funds for the purchase of tribal trust lands, and puts in place the framework for the purchase of such lands, should Federal legislation be enacted.

The Maine Indian Claims Settlement Act resolved the question of Indian land claims in the State of Maine. I do believe, however, that the Aroostook Band of Micmacs deserves the chance to explain their case to Congress. The bill I am introducing today provides them this long sought after opportunity.

INTRODUCTION OF THE NON-TRADITIONAL EMPLOYMENT FOR WOMEN [NEW] ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1989

Mr. MILLER of California. Mr. Speaker, today I, along with Mr. GUNDERSON, am introducing the Non-Traditional Employment of Women [NEW] Act. The purpose of the NEW Act is to encourage greater efforts to train and place women in nontraditional employment through the Job Training Partnership Act [JTPA], and requires coordination, at the State level, with the Perkins Vocational Education Act.

Equal opportunity in employment may be the law of the land, but it is not yet a reality in the workplace. Women in this country still earn less than 70 percent of what men earn. One of the reasons for this persistent wage gap is that men and women work at different types of jobs. Occupational segregation of the sexes is a fact of American life.

Regrettably, Federal job training programs have contributed to the problem. In far too many instances, our Federal job training programs, however unintentionally, are steering women into lower paying female jobs. Studies conducted at the State and local level have shown that those seeking assistance under JTPA end up in traditionally male and female fields of work. The limited national figures that are available support these findings.

Studies show that there is a dramatic difference in future earning potential between what JTPA programs seem to regard as men's work and women's work. In Chicago in 1985, 91 percent of the participants in word-processing courses under JTPA were female; 87 percent of the participants in electronics courses were male. The median hourly wage for word processing operators in the Chicago area is \$9.40 per hour, while the corresponding wage for electronics technicians is almost \$6 higher, \$15.30 per hour. Likewise, 89 percent of the enrollees in clerk-typist courses were female; 86 percent of the participants in truck driving courses were male. The median hourly wage for typists in Chicago is \$7.01, but truck drivers earn more than double, \$15.08 per hour.

Women who enter Federal job training programs need to be told that no work is women's work, that all jobs are open to them. Despite the fact that women comprise over half of JTPA program participants, it is clear that women have not received their fair share

of the training available under JTPA for the jobs that offer the best wages, benefits, and long-term earning potential. This is a shortcoming in JTPA which Congress can and should do something about.

The NEW Act will provide for greater opportunities for women to receive training and placement in construction, electronics, and other nontraditional fields of work, where the rates of pay are substantially higher. The bill will accomplish this objective in two ways.

First, the NEW Act requires service delivery areas and States to include goals in their annual job training plans for training and placing women in nontraditional employment. Second, the NEW Act creates a 4-year demonstration program at a cost of \$1.5 million annually, to foster the development of programs to train women for nontraditional employment.

This is modest legislation, but it is much needed legislation. The NEW Act has received bipartisan support in the Senate, and is supported by the National Governors' Association, the AFL-CIO, Wider Opportunities For Women, the National Women's Law Center, the Women Construction Owners and Executives, and the New York and Ohio State Employment Bureaus.

SUPPORT FOR PRESIDENT BUSH'S CLEAN AIR ACT PROPOSAL WITH RESERVATIONS

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1989

Mr. ROWLAND of Georgia. Mr. Speaker, I rise at this time to state my support for President Bush's Clean Air Act proposal but with strong reservations. I am sure that many of my colleagues have wrestled with the same questions and complexities of the issues that have troubled me in the days since the President made public the legislative specifics of his previously outlined goals.

The President should be commended for his leadership in moving the debate forward for the first time in a decade.

However, I am deeply concerned about the weaknesses and omissions I see in his proposals. Over the last several days I have spoken at length with industry representatives, State government officials and environmental groups about the problems each interest perceives. We all share the desire and the strong motivation to achieve real reductions of the pollutants which threaten our environment, our health and the future of the next generations. But there is, sometimes, wide disagreement as to what specific actions will get us to our destination.

For instance, Georgia is one of the fastest growing States in the country. Population increases demand more jobs. Both residential and industrial growth will require greater energy needs. Additionally, Georgia is also trying to overcome the poverty and lower than average standard of living conditions of the past. This, too, requires more energy. More cars and other transportation modes usually result from growth and improved life-styles.

The caps implicit in the President's proposal will not allow continued progress in Georgia's economy.

In another area, the President's bill does not seem to take into account some very important regional differences. For example, Atlanta and the rest of the State have to contend with an unusually high release of hydrocarbons from vegetation and our pine forests, which are very important to our economy. We will need to control the other ozone precursors, nitrogen oxides emissions, more to offset the naturally occurring releases. The Bush plan stresses reductions in volatile organic compounds [VOC's] and should be more flexible in this area.

Many States, such as Georgia, have already made and paid for serious clean air programs, while others, for varying reasons, have not made much progress. I feel whatever bill ultimately passes should give credit to States which have achieved real reductions. Otherwise, we will be penalizing them for getting a head start on the problem, while rewarding other States for having delayed facing the issue.

In spite of all these and other criticisms, I have decided in my own mind, after much reflection, that the President's plan is the best vehicle at hand by which we can move forward. It needs significant modification. But it has drawn on the several bills already pending in the Congress as well as other ideas advanced by the experts. Therein lies its greatest strength in my opinion. It seems to have the greatest potential for real compromise and consensus. In cosponsoring the bill, I hope to be part of the strong team we will need to be successful in enacting a good, workable Clean Air Act this year.

TRIBUTE TO FRIEDRICH LIST

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1989

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to Friedrich List, on the occasion of the 200th anniversary of his birth. Friedrich List, a West German economist who resided in Reading, PA, for 5 years in the early 1800's, made many contributions to the Reading area and to our Nation. The history of his life is a long a storied one, but worthy of brief explanation at this time.

Friedrich List was born in Reutlingen, West Germany and immigrated to America in 1825. He settled in Pennsylvania and eventually to Reading where he worked as an editor for the Reading Adler newspaper—the forerunner of our present Reading Eagle. In addition to being an important columnist, he was also important in the political world and is claimed to be responsible for Andrew Jackson winning Pennsylvania during the 1828 election. He was a personal friend of Lafayette as well. As an economist, Mr. List was considered one of the most prominent of the 19th century, in the same category as Adam Smith and Karl Marx. His experience and observations in America are said to have had a substantial impact on his economic theories. Mr. List eventually re-

turned to Germany, but that which he encountered in the United States carried with him for the rest of his life.

To help in paying proper tribute to Friedrich List on this special anniversary, the citizens of Reading have planned many activities. One of these activities includes a trip to Reutlingen. During this visit, the citizens of Reutlingen will be presented with commemorative gifts, including an original copy of the Reading Adler. Preceding this voyage, a church service will be held at Reading's Trinity Lutheran Church—Mr. List's church—where the gifts will be blessed. A plaque will also be dedicated to Friedrich List at that time. Further, an exhibit detailing Mr. List's life will be set up in Reading (including materials borrowed from Reutlingen) then travel to Washington and finally to New York. Friedrich List will also be an honoree during the celebration of German-American Day in October. These and other activities will comprise the celebration of Friedrich List and I wish to commend all those—in Reading, Reutlingen, Washington and elsewhere—who have helped to make these events possible. To the people of Reutlingen, particularly, with whom we in Reading share a special bond, I want to applaud their efforts. Also Ms. Paula Flippin, Reading Eagle/Times correspondent, deserves praise for her role in organizing these events.

Mr. Speaker, I am honored to have this opportunity to recognize the accomplishments of Friedrich List. I am certain that all of those partaking in this anniversary celebration will find it most rewarding—both in terms of the cultural exchange and in being able to learn more about the history of our area. I know that my colleagues will want to join me in wishing the citizens of Reading and Reutlingen much success in this venture and very best wishes for the future.

POSITIVE CHANGES TAKING PLACE IN TAIWAN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1989

Mr. ACKERMAN. Mr. Speaker, I am very concerned about the continuing violence in the People's Republic of China, but I fear that it has obscured positive development in other Asian nations. Neighboring countries, such as Taiwan, have not only expressed outrage at the Tiananmen Square massacre but have also proceeded with economic and political liberalization. I want to call my colleagues attention to these positive changes taking place in Taiwan.

A few days after the Beijing massacre, Taiwan's President Lee Teng-hui said that the terrible violence and killings "has moved us to incomparable grief, indignation, and shock." The Taiwanese people should know—they experienced the wrath of Mainland China in a grueling civil war in 1949. President Lee has called for international action to "sternly condemn the Chinese Communists; to demand them to put an immediate stop to this bloody massacre; and to demand relief to the wounded and families of the dead."

Taiwan, however, has done more than simply make statements on the Tiananmen tragedy. President Lee's government has begun slow but steady progress towards political and economic liberalization. The ruling Nationalist Party is expanding its leadership base, having elected a woman, a labor representative and a majority of Taiwanese-born members to its policymaking central committee. Perhaps the biggest change will come in December when Taiwan will hold its first national elections with a legalized opposition party. I hope the elections will provoke a spirited debate on future relations with China, as well as other important issues.

In another recent move, Prime Minister Yu Kuo-hwa resigned in early June, paving the way for a new generation of politicians to take his place. Yu was the last remaining top-level official with direct ties to Taiwan's founding father, the late Chiang Kai-shek. I am hopeful that these and other changes will allow younger, Taiwanese born legislators to move into positions of power.

Along with these political changes, Taiwan is experiencing tremendous economic expansion. Taiwan's economy grew 11 percent in 1987 and 7 percent in 1988, making it one of the fastest growing economies in the world. Taiwan is now the 13th largest trading nation in the world and the fifth largest trading partner of the United States. Taipei's internal growth is equally impressive. Per capita GNP grew from \$5,000 in 1987 to \$6,000 in 1988, and it may reach as high as \$15,000 in the year 2000. These are very encouraging figures that demonstrate Taiwan's vibrant, free market economy.

Mr. Speaker, Taiwan has a distance to travel before economic and political reforms are fully realized. But I applaud the efforts made by President Lee's government—they are important steps in the right direction.

TRIBUTE TO BERTA GRAHAM

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1989

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Mrs. Berta Graham of my 17th Congressional District of Ohio on the occasion of her 95th birthday.

Berta Graham has lived in Warren, OH, for the past 66 years. Over the years, she has contributed great amounts of time and service to her community. She is a chartered member of the Scope Senior Citizens Center, and has participated in numerous activities associated with the center. She serves on the board of directors and is vice president of the senior council, a subcommittee of Scope. She is director of the West Side Senior Citizen Group, which is a satellite of Scope. She has also contributed her time to the Warren-Trumbull Branch of the Urban League and NAACP.

Berta Graham has remained very active in her church, the Second Baptist Church. A former Sunday school teacher, Berta is still a member of the choir, the missionary union, and the mother's board.

Mr. Speaker, Berta Graham was awarded the Senior Citizen of the Year Award in May

of this year by the Warren City Council. I cannot imagine anyone more worthy or deserving of this award. I am honored to represent this outstanding individual.

A TRIBUTE TO J.J. SANSOM, JR.

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1989

Mr. PRICE. Mr. Speaker, I regret to inform my colleagues of the death of one of North Carolina's most distinguished business and community leaders, James Joseph Sansom, Jr.

J.J. Sansom dedicated his life to improving the lives of others. He was, in the best sense, "his brother's keeper," striving constantly to promote opportunities for positive growth and development for those in need. His memory serves as an inspiration to us all, reminding us that one man can make his community a better place to live.

Mr. Sansom was a man who strove for excellence throughout his 72 years, placing a high priority on achievement in education, business, and civic activities. Born in Atlanta, GA, he spent his youth shining shoes, selling newspapers, and working as a hotel page. He went on to earn undergraduate and graduate degrees from Morehouse College and Atlanta University and a law degree from North Carolina Central University, where he later served as associate professor.

The retired president and chairman of Mechanics and Farmers Bank, Mr. Sansom carved out a successful business career while boosting minority businesses across the State. He began his banking career in 1939 at Mechanics and Farmers Bank, returning as vice president in 1958 and becoming president in 1978. Under his leadership, Mechanics and Farmers Bank emerged as one of the largest minority-owned and managed banks in the country.

But J.J. Sansom was more than a highly educated, highly successful businessman. He was also a highly respected civic leader, active in every aspect of his community. He worked tirelessly for the black community, bringing the first major shopping center to southeast Raleigh; leading the effort in registering black citizens to vote in Wake County some 25 years ago; and working to improve housing and business opportunities for the black community across North Carolina.

J.J. Sansom's death is a great loss to North Carolina. We will mourn the loss of our friend for many years to come.

FORMER PRISONERS OF WAR DESERVE THE PURPLE HEART

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1989

Mr. DONNELLY. Mr. Speaker, today I am introducing legislation which would make all U.S. service personnel who were held as

prisoners of war eligible to receive the Purple Heart.

As POW's, U.S. personnel were often subjected to inhumane treatment by their captors. POW's were routinely beaten and tortured, or deprived of essential medical care or food while in captivity. Many were severely injured or died as a result of this treatment, while still others were executed outright.

In 1962 President Kennedy officially acknowledged the sufferings endured by prisoners of war. Executive Order 11016 authorized the awarding of the Purple Heart to POW's subjected to deprivation or mistreatment in any future conflicts. However, the status of POW's from conflicts which occurred prior to that date, including World War I, World War II, and the Korean war, remained unchanged. Only those persons killed or injured as a result of combat actions were eligible to receive the Purple Heart.

Mr. Speaker, my bill would extend this change in policy to prisoners of war from earlier conflicts. POW's from these wars endured the same deprivations and hardships as their comrades in later conflicts. They should be entitled to the same recognition of their suffering and bravery. I urge my colleagues to support this legislation.

A SPECIAL SALUTE

HON. MICKEY EDWARDS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1989

Mr. EDWARDS of Oklahoma. Mr. Speaker, yesterday, as we debated issues of immense importance for the future, as we debated how much of our resources we would apply to building the awful machines that we need to keep the peace and protect our freedoms, there was a marvelous reminder, 2,000 miles away, that the lives we protect with these weapons go on, routinely, day after day, and that there is great joy in a peaceful and free world.

Perhaps that sounds a bit philosophical, Mr. Speaker, but there are wonderful moments that do cause us to reflect a little on what is truly important in life, and one of those moments came yesterday, in the little town of Breckenridge, CO, where little Patrick Daniel Reagan Edwards, age 7½, experienced the true joy of catching a beautiful rainbow trout—the first time he had ever actually caught a fish—and of knowing that this was his own achievement—baiting the line, casting, fighting the fish, hauling it in.

Yes, Mr. Speaker, what we did here yesterday and all this week, working to provide a strong defense, is important work in and of itself, but the reason it is so important is that it provides the shield for the really important things—things like a small, redheaded, freckle-faced boy landing his first rainbow trout. On days like that, Mr. Speaker, even a father whose work keeps him 2,000 miles away, can say: yes, now I know what this is all about.

So, Mr. Speaker, here's a small salute to freedom, to peace, to small rivers and big fish and little boys, and especially to the world's No. 1 junior fisherman, Patrick Edwards.

PRIVATIZING THE FBI'S FILES

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1989

Mr. JACOBS. Mr. Speaker, sooner or later life will imitate art.

A long time ago when I served in the Indiana Legislature, an Alice-in-Wonderland proposal called the liberty amendment was kicking around more audibly than it is these days.

The proposal included repeal of the Federal income tax (sigh) and "getting Government out of competition with private enterprise."

As an exercise in satire, I suggested my own Mad Hatter liberty amendment. It included free weapons from military contractors as an expression of grassroots patriotism and getting the FBI out of competition with private enterprise eyes.

Dear OMB: Take it easy. It was only a joke. [From the Washington Post, July 24, 1989]

"PRIVATIZING" THE FBI'S FILES

(By Michael Isikoff)

With more than 20 million records culled from police reports around the country, the FBI's crime computers contain one of the most sensitive databases in law enforcement. But access to those records, along with other FBI files, could soon increase substantially if the Office of Management and Budget has its way.

As a result of a little-noticed OMB edict scheduled to take effect Oct. 1, the Federal Bureau of Investigation must begin eliminating up to 640 jobs—including computer programmers, fingerprinters, data transcribers, file clerks and photographers—and turn those tasks over to private contractors.

The order, which the Justice Department is resisting, is the latest beachhead in OMB's campaign to privatize large portions of the federal work force—a battle fought agency by agency for decades.

But critics argue that the idea of "privatizing" the nation's top crime-fighting agency is taking the concept too far.

FBI officials and some members of Congress say bringing outside contractors into the bureau could compromise foreign counterintelligence investigations, background security checks, electronic wiretaps and other sensitive tasks. Privacy advocates warn that it could lead to abuses of the FBI's computer systems and files.

"Common sense tells me it's just not a good idea to turn over FBI fingerprint identification and recordkeeping to the lowest bidder," said Sen. David Pryor (D-Ark.), chairman of the Senate Governmental Affairs federal services, post office and civil service subcommittee. "We aren't talking about the possibility of a bad paint job. These are sensitive law enforcement responsibilities."

In the eyes of some civil libertarians, the concerns are especially acute when it comes to the handling of the FBI's National Crime Information Center computer system—a vast database filled with arrest records, police reports, names of persons considered dangerous to the president and other information.

FBI agents, local police officers and other law enforcement officials can gain access to an NCIC computer, enter a name and, within minutes, determine if the individual has ever been arrested. Access is tightly

guarded, but the prospect of private contractors helping operate the FBI's computers raises new fears of potential abuse, critics say.

"There are lots of private investigators . . . who would love to pay \$25 a pop to see if somebody has a criminal record," said one congressional staff member.

But OMB officials say that they have heard such complaints before and that in most cases, the complaints are groundless. For example, the Pentagon has been privatizing for years, turning over many of its most sensitive national security tasks—such as operation of the Distant Early Warning system (DEW Line)—to outside contractors.

"That's the specter they [critics] always raise—that contract employees are more dishonest and less trustworthy than government employees," said Frank Clark, OMB's acting associate director for privatization.

"And we say, not by virtue of who pays their salary. If contractors can run the DEW Line, then there's no reason we can't trust contractors to fingerprint people."

The battle over privatizing the FBI began earlier this year when OMB began imposing a sweeping November 1987 executive order on the Justice Department. The executive order, signed by President Ronald Reagan, was designed to put "teeth" into OMB Circular A-76—a legendary document dating to the Eisenhower administration and requiring federal departments to consider turning over some functions to the private sector.

Under the Reagan order, each department was required to conduct "competitive cost" studies of 3 percent of their civilian work force each year. OMB then could eliminate funding for some portion of those jobs, under the theory that such studies will invariably produce savings for the taxpayers.

As described by Clark, this order has produced several privatization success stories.

The Coast Guard has saved large sums by contracting out such functions as manicuring of lawns and flower gardens, she said. The Army Corps of Engineers has saved millions of dollars contracting out such activities as food service and custodial functions.

"We've found that when you study [contracting out] 100 jobs, 62 of them will be eliminated or will result in savings from management improvements," Clark said.

Earlier this year, OMB determined that Justice should lose 2,304 positions over the next two years, saving the government \$19.5 million. OMB says it never singled out which Justice Department agencies should lose how much. But Justice planners apparently designated the FBI to take a particularly heavy hit: 393 positions the first year and 247 in the following year.

Justice Department officials have disputed the validity of OMB's numbers and refused to conduct the required cost studies. About 90 percent of the jobs OMB ordered to be contracted are "inherently governmental" and exempt from privatization, the department argued.

"We've had detailed discussions and internal appeals to OMB about this," said Milt Ahlerich, FBI chief of public affairs, who acknowledged that the department had "concerns" about the privatization plan. "We're hopeful we can work this out."

OMB contends that Justice and the FBI have not provided their case. Unless they do by Aug. 16, or unless OMB is overruled by higher officials, the agency intends to proceed with the planned reductions.

"We're not backing off," one OMB official said.

**PRESERVE OUR NATION'S FIRST
CAPITOL, THE HISTORIC COLONIAL
COURTHOUSE IN YORK,
PA**

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1989

Mr. GOODLING. Mr. Speaker, this year we are commemorating the 200th anniversary of our Constitution. The Constitution, for which we as a nation are most proud, was not our first framework of government. We should not forget the first Constitution that governed this independent Nation, the Articles of Confederation.

The Articles of Confederation did not last very long as a framework for government. However, this document embodied the ideals of an independent people and was our first step toward forming a lasting government.

The city of York, PA, played a significant role in our country's fight for freedom and its quest to form an independent government. Regiments departed from the original courthouse in York to New England to fight in the early battles of our Revolution. The Continental Congress, forced to leave Philadelphia, met in the courthouse in York. The Founding Fathers convened here for 9 months during the winter of 1777 through the spring of 1778. During this time, the Congress debated the form and structure of government that should be established for the new nation. On November 15, 1777, at this courthouse in York, PA, the Continental Congress adopted the Articles of Confederation. For the next several months, all important matters of state were carried on in our country's first Capital, York.

Today, I am introducing a bill to transfer ownership of the Historic York County Courthouse to the National Park Service. This would ensure the courthouse a fitting place in history. At the present time, there are no other monuments to this specific era in our history. It would be a grave misfortune for us to lose ties to this formative time in the life of our young country.

Establishment of the courthouse as a National Park Service site would heighten awareness of this often forgotten time in our history. Management by the Park Service would ensure the historical integrity of this period would remain for future generations. We would have a living monument to this important era for all to enjoy.

**CONFERENCE REPORT ON SAVINGS
AND LOAN BAILOUT
BILLS**

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1989

Ms. KAPTUR. Mr. Speaker, soon the House will vote on a conference report to reconcile the differences between the House and Senate versions of the savings and loan bailout bills. So that there are no illusions about the enormous burden this legislation will place

on the American taxpayer, I requested a General Accounting Office analysis of the cost of the bailout. The results of this study are deeply disturbing.

Using highly optimistic administration assumptions, the GAO found that over the next 33 years the bailout will cost a minimum of \$306 billion. The taxpayer will pay a staggering \$157 billion—51 percent of this total. GAO also points out that if the administration's assumptions are wrong, the taxpayer must pick up the shortfall. For example, if interest rates exceed the administration's prediction by 1 percent per year, the taxpayer will pay an additional \$12.2 billion. If thrift deposit growth is 1 percent less than anticipated, the taxpayer must pay \$1.5 billion during each of the first 11 years of the plan.

Mr. Speaker, I would like to enter this GAO analysis into the RECORD to enable our colleagues to further consider the unprecedented burden which the American taxpayer will be forced to shoulder. I believe it to be a national disgrace that the American taxpayer must pay for this debacle caused by fraud and greed. To minimize its cost, the bailout should be paid for up front without issuing debt. Those who caused the problem and benefited from it should, in turn, pay for it—not the American taxpayer.

WASHINGTON, DC,
June 28, 1989.

HON. MARCY KAPTUR,
House of Representatives,
Washington, DC.

DEAR MS. KAPTUR: During our May 19, 1989, testimony before the House Budget Committee Task Force on Urgent Fiscal Issues, you asked us to provide for the record an analysis of the sources and uses of funds in the administration's proposal to resolve the thrift industry crisis. You also requested that we consider whether any "hidden" costs exist which were not recognized in the administration's estimates. The summary tables of our analysis as included in the enclosure to this letter were provided to your staff on June 15, 1989. The purpose of this letter is to formally provide you the results of our analysis.

Based on our analysis of the administration's original proposal, we believe that it will require about \$306 billion over the next 33 years. The administration recognizes funding needs of \$297.2 billion. We have added \$8.7 billion to recognize forgone tax revenues attributable to 1988 Federal Savings and Loan Insurance Corporation assistance transactions. (See Table 1 of the enclosure.) Under the proposal, approximately \$149 billion, or 49 percent, would come from thrift industry premiums, Federal Home Loan Bank (FHLBank) contributions, and other private sources, while the Treasury would contribute the remaining \$157 billion, or 51 percent. (See Table 2 of the enclosure.)

It should be noted that the administration's estimates are based on various assumptions regarding rapidly declining interest rates and fairly high insured deposit growth rates. As we have stated on numerous occasions, we believe that these and others of the administration's assumptions are optimistic. To the extent conditions are worse than anticipated, the cost of the plan to the Treasury will be higher than currently estimated. For example, if interest rates exceed the administration's projected rates by 1 percent per year, the cost, as well as

Treasury's contribution, increases by \$12.2 billion. Also, if deposit growth through 1999 is 1 percent less than the administration anticipates, Treasury's contribution needs to increase by \$1.5 billion during the first 11 years of the plan to cover the shortfall in insurance premiums. The above estimates do not include any general budgetary interest costs that the Treasury would incur on funds it may have to borrow to make expenditures under the bill. Also, the estimate does not include any financing costs which the proposed Resolution Trust Corporation (RTC) may incur as a result of having to use notes or guarantees to meet liquidity needs, especially during the early part of the program.

The Congressional Budget Office and the Office of Management and Budget consider general Treasury interest costs to be secondary program costs and they account for them at the aggregate level for all Treasury borrowing. They do not attribute Treasury's interest costs to a particular program. Also, the extent to which RTC will use notes or other obligations that bear interest costs is difficult to predict as their use will depend on a number of factors.

We hope that this information will be useful during the deliberations on the Financial Institutions Reform, Recovery and Enforcement Act of 1989. If we can be of any further assistance, please do not hesitate to contact me at 275-9450 or Mr. Robert W. Gramling, Director, Corporate Financial Audits, at 275-9406.

Sincerely yours,

CHARLES A. BOWSER,
Comptroller General
of the United States.

Enclosure.

**ESTIMATED FUNDING REQUIREMENTS TO IM-
PLEMENT THE FINANCIAL INSTITUTIONS
REFORM, RECOVERY AND ENFORCEMENT ACT
OF 1989**

(Based Upon the Administration's Estimates
and Assumptions)

OMB'S 11-YEAR ESTIMATE OF BUDGET OUTLAYS

Shortly after announcing its plan to resolve the thrift industry crisis, the administration released budget funding summaries for its proposal. Based on these summaries, the Office of Management and Budget (OMB) stated that the cost of the administration's plan would be about \$157 billion, as follows:

\$61.6 billion to pay for obligations which the Federal Savings and Loan Insurance Corporation (FSLIC) incurred before fiscal year 1989 and to pay administrative costs during the first 11 year period.

\$50.0 billion to resolve failed thrifts during the first 3 years through the Resolution Trust Corporation (RTC).

\$24.0 billion to resolve failed thrifts during the fourth through eleventh years of the plan through the Savings Association Insurance Fund (SAIF).

\$22.0 billion in Treasury funds to pay for a portion of the interest on bonds issued by the Resolution Funding Corporation (REFCORP).

However, this estimate only represents the budget outlays already incurred or expected over the next 11 years, even though (1) funds which do not count as budget outlays will be needed and (2) interest charges on the REFCORP debt will continue for 22 more years.

ADDITIONAL FUNDING NEEDS IN THE ADMINISTRATION'S PROPOSAL

In addition to the \$157 billion in budget outlays, the administration funding summaries recognize the need for an additional \$41 billion over the next 11 years that will not count as budget outlays. These items include:

\$10.7 billion to pay interest on Financing Corporation (FICO) bond offerings. This amount will be offset from future premium revenues and indirectly affect budget outlays.

\$14.4 billion for REFCORP bond interest to be paid by proceeds from receiverships and annual net income diverted from the 12 Federal Home Loan Banks (FHLBanks).

\$6.0 billion to purchase zero coupon securities which will defuse the principal amount of the REFCORP bonds. These funds will come from FHLBanks retained earnings and a portion of the thrift industry's deposit insurance premiums during the first 3 years of the plan.

\$0.7 billion to repay thrifts for contributions they made to FSLIC during the early-1980s, these funds were advance premium payments that FSLIC put into a capital account (Secondary Reserve).

\$8.8 billion in Treasury funds to initially establish the new thrift insurance fund. These funds do not count as budget outlays because they are a transfer from one government agency to another.

Thus, the administration recognizes the need for approximately \$198 billion in funds over the next 11 years.

The administration's projections also recognize cash and budgetary obligations beyond the first 11 years. Specifically, these summaries identified \$78.7 billion in REFCORP interest expense over the final 22 years of the plan to be paid from \$6.6 billion of future FHLBank earnings and \$72.1 billion in Treasury contributions. In addition, the administration recognizes the need for about \$20.3 billion (in the form of reduced premium revenue to SAIF) to pay interest on FICO bonds during the final 22 years of the plan.¹ Accordingly, it appears that the administration recognizes funding needs to implement its proposal of \$297.2 billion over the next 33 years. Of this amount, \$148.6 billion will be provided by the thrift industry and other private sources, while \$148.6 billion will be provided by the Treasury.

FUNDING NEEDS WHICH SHOULD BE ADDED TO THE ADMINISTRATION'S ESTIMATE

Our analysis of the funding needs of the administration's proposal indicated that one other item should be added to the total funding needs of the administration's proposal. Specifically, we believe that forgone tax revenues attributed to 1988 FSLIC resolution actions should be added to the total.

OMB's funding summaries do not recognize the forgone tax revenues attributed to FSLIC's 1988 assistance actions. FSLIC estimated that tax benefits attributed to its 1988 assistance transactions will be approximately \$8.7 billion over the course of the agreements. While it can be argued that this cost does not relate directly to the proposed legislation, we believe that the amount should be recognized as part of the total cost of resolving the thrift crisis, since

it is tantamount to having been used as a taxpayer contribution to the effort.

After compiling all of these funding needs, we estimate that about \$306 billion will be needed to fund the administration's proposal over the next 33 years and replace forgone tax revenues. (See Table 1.) Adding forgone tax revenues to the \$148.6 billion direct Treasury cost, brings the total funding needs to be provided by the Treasury to \$157.3 billion, or about 51 percent of the total funds needed. (See Table 2.)

OTHER POTENTIAL COSTS NOT INCLUDED IN ESTIMATE

In addition to the items we have included in our estimate of the funding needs of the administration's proposal, there are two other items which are worth nothing, but which are not included in our estimate. Specifically, our estimate does not include (1) any general budgetary interest cost the Treasury may incur as a result of having to borrow funds to make expenditures under the bill, or (2) any financing costs RTC may incur as a result of having to use notes or guarantees to meet its liquidity needs, particularly during the early part of the program.

With current tax and other revenue sources falling far short of the government's expenditures, the Treasury must resort to borrowing funds to make many of its expenditures, including those that will be made under the proposed legislation. However, Treasury does not earmark its borrowings for a particular expenditure because it normally borrows to meet aggregate shortfalls in needed cash rather than the needs of a particular program. Therefore, to attribute Treasury's general interest costs to any particular government program is not feasible. OMB and the Congressional Budget Office consider such borrowing costs to be secondary program costs and they account for them at the aggregate level for all Treasury borrowing. Accordingly, we have not included in our estimate of the funding needs for the bill any interest costs the Treasury may incur as a result of its expenditures.

The administration's proposal provides \$50 billion for RTC to resolve the problems of more than 500 currently insolvent or soon to be insolvent thrifts; and \$24 billion to resolve thrifts which may become problems during the fourth through eleventh years of the plan. Considering the information presently available, these amounts appear to be reasonable estimates of resolution costs. However, there is no fixed relationship between the cost and the cash that will be needed to resolve cases. For example, liquidations generally require an up-front commitment of cash (or cash equivalent) that exceeds the ultimate cost. To the extent that RTC uses notes or other obligations rather than cash, it will incur interest costs. Because RTC's use of notes and other obligations, as well as the related costs, is dependent on a number of factors, it is difficult to predict how much the costs might be. Therefore, we have not included any estimate of RTC interest costs in our estimate of the total funding needs of the administration's proposal.

ACTUAL CONDITIONS MAY INCREASE TREASURY OBLIGATIONS UNDER THE PLAN

Under the administration's proposal, the thrift industry and FHLBanks have very finite funding responsibilities. On the other hand, in addition to having requirements to fund specific items, the Treasury is responsible for providing funds to pay any REF-

CORP interest expense and any prior FSLIC obligations not covered by industry and FHLBank funds. Accordingly, if the REFCORP interest expense or the cash needs of prior FSLIC obligations are higher than anticipated, the amount that the Treasury must contribute increases by an equal amount. Moreover, if thrift industry deposits do not increase as assumed and result in premiums being lower than anticipated during the first 11 years, the Treasury must make up the shortfall. We believe that the administration is assuming an interest rate scenario and deposit growth rate that may prove optimistic. Accordingly, the ultimate cost may exceed our \$206 billion estimate.

Under the administration's interest rate scenario, interest rates fall from 8.6 percent in 1989 to 6.2 percent in 1991. Under these circumstances, the Treasury must contribute \$78.7 billion for REFCORP bond interest over the next 33 years. However, if interest rates exceed those the administration assumed, REFCORP's interest costs will increase, and Treasury's contribution will have to increase. For example, if actual rates still decline but exceed the administration's projected rates by 1 percent per year during the period REFCORP bonds are issued, the Treasury contribution increases by \$12.2 billion. If rates remain stable at 8.6 percent, the Treasury contribution increases by \$13.9 billion.

In developing its cost estimates for assistance agreements, FSLIC made various assumptions regarding future economic conditions and acquirer actions to forecast expected net cash outlays. Our ongoing analysis of the assistance agreements and of FSLIC's support for its assumptions leads us to believe that the amounts projected in the OMB funding summaries are reasonable based upon information currently available. However, given the subjective nature of many of the assumptions, we do have concerns that the actual cash payouts may turn out to be higher than expected. If they are higher, the Treasury's funding obligations would likewise increase.

Potential Treasury obligations are also directly related to the anticipated thrift deposit growth rate, which affects the amount of premiums that will be received. Over the next 11 years, the Treasury assumes that insured deposits will increase 7.2 percent per year. Historically, this rate would be considered reasonable, but with the uncertainty currently surrounding the thrift industry and the record deposit outflows in recent months, we believe this growth rate is optimistic. Any reduction in the amount of premiums collected will increase the amount the Treasury must contribute. For example, if deposit growth through 1999 is 1 percent less than anticipated, \$1.5 billion more in Treasury funds would be needed to cover costs during the first 11 years of the plan.

We also note that the bill recently passed by the Senate (S. 774) modifies the premium rate structure proposed by the administration. Under the Senate version of the bill, premiums would be set at 15 basis points per year beginning in 1998, rather than 18 basis points as set forth in the administration's proposal. Under the administration's deposit growth assumptions, this 3 basis point reduction in the premium rate translates to \$1.2 billion in additional cost to the Treasury during 1998 and 1999.

We note, however, that the Treasury is not explicitly responsible for covering any additional costs beyond fiscal year 1999, except the interest on REFCORP bonds.

¹ The administration assumed the SAIF would be modestly profitable during the twelfth through thirtieth years of the plan. Because of the subjective nature of estimates that far into the future, we have not included any SAIF cost estimates beyond the first 11 years.

Therefore, to the extent premiums fall short of the administration's estimates after fiscal year 1999, the shortfall will affect SAIF's profitability, but not necessarily the amount of Treasury contributions.

TABLE 1.—Funding needs of thrift legislation based upon the administration's analysis and assumptions

[In billions of dollars]	
OMB estimate—based on fiscal year 1989-99 budget outlays	
Old cases and administrative costs	61.6
RTC cases	50.0
Post-RTC cases	24.0
REFCORP interest expense	22.0
Subtotal	157.6
Fiscal year 1989-99 items not counting as budget outlays	
Establish new fund	8.8
Defease REFCORP bonds	6.0
Industry/FHLBanks contribution for REFCORP interest	14.4
FICO interest ¹	10.7
Secondary reserve credit ¹	0.7
Subtotal, Fiscal year 1989-99 funding needs	198.2
Fiscal year 2000-21 interest on REFCORP debt	78.7
Fiscal year 2000-21 FICO interest expense ¹	20.3
Subtotal, direct funding requirements	297.2

Lost Tax Revenue from 1988 Deals² 8.7

Total, 33-year estimated funding needs³ 305.9

¹ Deducted from insurance premiums payable to FSLIC/SAIF.

² Not recognized as a funding need by the administration.

³ This estimate is based solely upon the administration's assumptions. As GAO has stated on numerous occasions, we believe many of the administration's assumptions, including those related to interest rates and deposit growth, are optimistic. To the extent the assumptions prove optimistic, the funding needs could increase. For example, if interest rates are 1 percent higher than the administration assumed, the REFCORP interest costs would increase by \$12.2 billion.

Source: OMB funding summaries and FSLIC projection of tax benefits attributed to its 1988 assistance actions.

TABLE 2.—Funding requirements and sources of funds based upon administration's analysis and assumptions¹

[In billions of dollars]	
Funding requirements:	
Pre-1989 assistance actions and administrative costs:	
Yield maintenance payments	29.7
Interest on notes issued	9.2
Note retirement	19.6
Administrative costs	3.1
Subtotal pre-1989 funding needs and administration	61.6
Fiscal year 1989-92 (RTC cases)	50.0
Fiscal year 1993-99 (post-RTC cases)	24.0
Subtotal, funding for resolutions and administration	132.6
REFCORP interest	115.1
FICO interest	31.0
SAIF fund	8.8
REFCORP bond defeasement	6.0
Secondary reserve credit	0.7
Subtotal, direct funding requirements	297.2

Forgone tax revenues..... 8.7

Total funding requirements..... 305.9

Private funding sources:

REFCORP bond proceeds	50.0
FICO bond proceeds	7.1
Insurance premiums ²	52.0
Receivership proceeds and corporate held assets	21.8
FHLBank contributions	11.7
Other	6.0

Total private funds..... 148.6

Government resources needed:

Direct funds needed	148.6
Tax revenue forgone	8.7

Total Governmental resources³..... 157.3

¹ These estimates are based solely upon the administration's assumptions. As GAO has stated on numerous occasions, we believe many of the administration's assumptions, including those related to interest rates and deposit growth, are optimistic. To the extent the assumptions prove optimistic, the amount of governmental resources needed will increase. For example, if interest rates are 1 percent higher than the administration assumed, the REFCORP interest costs and the amount of governmental resources needed would increase by \$12.2 billion. Also, if insured deposit growth is 1 percent less than assumed, the governmental contribution must increase by \$1.5 billion to make up the shortfall in premium revenue.

² Includes \$20.3 billion in premiums during FY 2000-21 to pay for FICO interest expenses during that period. No other insurance premiums or SAIF costs are included for that period because it is difficult to predict what costs will be that far into the future.

³ Does not include any interest costs that the Treasury may incur as a result of having to borrow the funds to pay the governmental contributions since CBO and OMB do not include such costs as program costs. Instead, they deal with these costs at the aggregate level for all of the government's borrowing.

Source: OMB funding summaries and FSLIC projection of tax benefits attributed to its 1988 assistance actions.

SENATE—Monday, July 31, 1989

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Hast thou not known? hast thou not heard, that the everlasting God, the Lord, the Creator of the ends of the earth, fainteth not, neither is weary? there is no searching of his understanding. He giveth power to the faint; and to them that have no might he increaseth strength. Even the youths shall faint and be weary, and the young men shall utterly fall: But they that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run, and not be weary, and they shall walk, and not faint.—Isaiah 40:28-31.

Eternal Father, help us to understand that waiting on God is no more a waste of time than waiting for fruit to ripen on the tree or grain to harvest. Teach us the wisdom of waiting. Save us from immature impatience that wants everything right now. Save us from the haste which makes waste—from the tyranny of the urgent. Enable us to allow the maturation process to lead us to mature judgment in personal, family, and professional lives. Grant us the grace to wait upon the Lord.

In the name of Jesus who endured suffering and humiliation patiently. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. Under the standing order, the acting Democratic leader will be recognized.

THE JOURNAL

Mr. FOWLER. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. FOWLER. Mr. President, following the time reserved for the two leaders, there will be a period for morning business until 11 a.m., with Senators permitted to speak up to 5 minutes

each. At 11 a.m., under the order, the Senate will resume consideration of S. 1352, the Department of Defense authorization bill. As the President pro tempore knows, the majority leader indicated on last Thursday that there will be no votes until 5 p.m. today.

RESERVATION OF THE MAJORITY LEADER'S TIME

Mr. FOWLER. Mr. President, I ask unanimous consent that the time of the majority leader be reserved.

The PRESIDENT pro tempore. Without objection, the time for the majority leader will be reserved.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDENT pro tempore. Under the order, the Republican leader is recognized.

RESERVATION OF THE REPUBLICAN LEADER'S TIME

Mr. DOLE. Mr. President, at this time, I reserve my time.

The PRESIDENT pro tempore. Without objection, the time will be reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business not to extend beyond the hour of 11 o'clock for statements by Senators who will be permitted to speak for not to exceed 5 minutes each.

The Senator from North Carolina [Mr. SANFORD.] is recognized for not to exceed 5 minutes.

Mr. SANFORD. Mr. President, I ask unanimous consent that I be permitted to speak 10 minutes. I have a matter of considerable importance to make.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from North Carolina will be recognized for not to exceed 10 minutes.

CONVICTION MUST OVERPOWER ANGER

Mr. SANFORD. Mr. President, there comes a time, perhaps a historic event, when a person is tugged by emotional anger on one side and emotional conviction on the other. Do we want to condone insults to our flag? No. Do we

want to tinker with the Bill of Rights? No. In this case, conviction must overpower anger. It will stand better the test of time. Legislation will do the job. Amending the Bill of Rights is yet another thing.

I come to the issue with a personal emotion born of many experiences. I had not spent much time thinking about flag burners. It was outrageous when we saw the Iranians burning our flag, but we did not like them anyway. It is extremely offensive when some protester in this country is given undue public attention because he or she is burning a flag.

I had assigned to obscurity the fellow who burned a flag in Dallas when President Reagan was renominated. I had done the same thing, more or less, to the demonstrators who destroyed property protesting a war, and those who poured blood on records. We absorb that kind of protest in the United States. We always have. If damage done is illegal, there is court action. If protest is made we notice and move on.

One morning recently we awoke to the news that the Supreme Court ruled that burning an American flag is not against the law. For the fifth time since 1931, the Court found that abuse of the flag is a form of expression that is protected by the Constitution. Our reaction was quick anger. We demanded: Why is it not illegal to burn a flag?

It is against the law in China to burn their flag. It is against the law in Iran to burn their flag. It is against the law in Bulgaria to burn their flag.

It is not against the law in the United States of America because of the Bill of Rights. I might say, it is not against the law because of North Carolina. We can rightfully claim that place in history.

In 1788, the voters of North Carolina, as authorized by the State legislature, elected delegates to a convention to be held in Hillsborough to consider the ratification of the U.S. Constitution which had been newly constructed in Philadelphia. There had been deep concerns by North Carolinians that this new document would give great powers to a distant government that could "crush the liberties of the people."

Most North Carolinians recognized the need for a central government, but they were deeply disturbed that Senators were to be elected by the legislatures, the President by electors, and

the people left unprotected from possible tyranny.

The Constitution, generally referred to as the "plan of Government," for that is what it was, failed, in the eyes of many North Carolinians, to take into account the reasons for the Revolutionary War and the new Nation. The rights of individuals and personal freedom were largely left out. It was more a contract of organization, they thought, than a document of free people.

In Hillsborough, NC, the convention to vote on the U.S. Constitution met on July 21, 1778. After 11 days the convention voted against ratification by a margin of 184 to 83.

But it was not a flat rejection. They resolved that "previous to the ratification of the Constitution by North Carolina, a bill of rights asserting and securing from encroachment the great principles of civil and religious liberty, and the unalienable rights of the people" ought to be laid before the Congress as amendments. Then the North Carolina convention proposed 26 amendments.

James Madison, influenced by pressure from North Carolina and other sources, took the lead in obtaining the passage by Congress of our Bill of Rights.

Other good reasons also propelled North Carolina, and at Fayetteville, on November 21, 1789, North Carolina ratified the U.S. Constitution, having made certain that it contain a great statement of the freedoms for which the Revolutionary War was fought.

The Bill of Rights has special meaning for North Carolina. We take proper pride that this great statement of faith in liberty has stood the test of time. For more than 200 years it has been the greatest statement of freedom the world has ever known.

For more than two centuries the citizens of the United States have resisted all suggestions that the Bill of Rights be altered, weakened, or changed.

My wife and I celebrated our 47th wedding anniversary on July 4 of this year. We talked of many memories, including the decision we made when we were newly married and I had a challenging and prestigious job as a special agent of the FBI. World War II was underway. Several of our good friends had been killed at Pearl Harbor. My brother was there. He escaped being hit, and managed to get his ship underway and in pursuit of the enemy. Fortunately, he did not catch them right then, but in time he and the rest of the U.S. Navy did catch them. My friends from home and college were going into the Air Force, the Marines, the Navy, and the Army. As an FBI agent, I did not have to go.

That was our first big decision: I did have to go. We knew that I had to be where my generation was, that I could not escape risking my life as my

friends were risking their lives. President Franklin Roosevelt had reminded us that our generation had "a rendezvous with destiny." Our destiny was to defend freedom as the American patriots had defended it in the 18th century.

I could not shirk that duty. I was rejected as a commissioned officer in the Marines, the Navy, and the Air Force because of 20/30 vision. The last laugh is that I still do not need glasses.

Very well, I would go as a private, but I was going for the purpose of combat. So we studied the recruiting pamphlet and decided I would volunteer as a paratrooper. They promised no KP duty, steak every day, and \$50 a month extra pay. They only delivered on the pay.

We reminisced about this and many other pleasant experiences we had shared for a half century, and talked about the Supreme Court and the burning of the flag. That was the big issue as we had left Washington.

I had fought under the flag. I had seen the flag cut down by enemy fire. We knew what the flag meant. My fellow soldiers and I wore it on our shoulders into combat. Even when our uniforms were camouflaged, our flags were not.

We also knew why we were fighting. We did not need any slogans. We were fighting against tyranny, against dictatorships, and for freedom of the world.

I doubt if we had many conversations about freedom, or the Bill of Rights, or the flag. We had more urgent, and sometimes more trivial, things to talk about.

I never had any second thoughts about where I was or what I was doing.

On our anniversary my wife and I talked about those days, and we talked about President Bush's demand that we amend the Bill of Rights because some fool had burned a flag at Mr. Reagan's nomination.

Wait a minute, Mr. President, we said. We defend the flag, we honor the flag, we salute the flag. It is not the President's to wrap himself in. It is ours.

Those who insult the flag, those who set fire to it, earn the wrath and condemnation they get from the rest of us but the flag flies on—splendidly and easily prevailing over insult and injury.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SANFORD. Mr. President, may I have 30 seconds?

The PRESIDENT pro tempore. Without objection, the Senator will be recognized for 1 additional minute.

Mr. SANFORD. The flag is the symbol of freedom, and it glorifies the Bill of Rights, the full text of freedom. We do not mutilate the flag. Misguided people do. We must not mutilate

late the Bill of Rights. That would violate the very soul of liberty.

The President has said we must amend the Bill of Rights. The flag, he says, is in danger. We must do something the people of this Nation have been unwilling to do for more than 200 years. These are the times that try men's souls, says the President. We must alter that great document of freedom, those bold words of freedom in which most of the rest of the people of the world invest their deepest hopes: American's Bill of Rights.

No, Mr. President, you can come out from behind the Stars and Stripes. That is where the Bill of Rights belongs. The flag is flying high and proud because it represents the Bill of Rights. We cannot protect the flag by diminishing the Bill of Rights. That would diminish the flag.

But the warnings come from all around: To vote against the President's flag amendment is to commit political suicide.

Mr. FOWLER. Mr. President, I ask unanimous consent that the Senator from North Carolina have 2 additional minutes.

The PRESIDENT pro tempore. Without objection, the Senator from North Carolina will be recognized for 2 additional minutes.

Mr. SANFORD. "Well," my wife and I decided, on that 1989 July 4 anniversary earlier this month almost a half century after we had helped put Adolf Hitler to rest: "Well, the risk of political suicide is not to big a price to pay to defend America's Bill of Rights." We have risked our lives before for the Bill of Rights.

I will not vote—not ever—to alter the Bill of Rights.

Mr. FOWLER addressed the Chair.

The PRESIDENT pro tempore. The Senator from Georgia.

Mr. FOWLER. Mr. President, I want to rise to thank the distinguished Senator from North Carolina for his extraordinary statement of accurate constitutional history, and for the lifetime of patriotism and public service that his words reflect.

Congress, I think I can say with authority, will not rest until our flag and the Bill of Rights are protected. Whether it be by statute or amendment is for this body to determine. But I am confident that we can craft a constitutionally sufficient form of legislation that will stand all tests and reflect the will of the American people that our Constitution stands strong as does our flag.

I want to say as a young man who was schooled in the Senator's State that North Carolina and North Carolinians have been leaders in the protection of our Constitution and the enhancement of the Bill of Rights. In the end, the flag, of course, is a symbol of our country. But its author-

ity comes from the kind of country that it represents.

And the Senator from North Carolina [Mr. SANFORD], in the quality of his public service as a leader in educating our children, as a leader in making sure that we have a country that stands for the highest ideals of liberty and justice, makes a contribution every day in developing the kind of country that those in the world, when they see the flag, know it stands for a country where liberty and justice for all continues to be the hallmark and the essence of our patriotism.

I thank him for his leadership in the Senate, and I thank him for his inspiration to me.

I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDENT pro tempore. The Republican leader is recognized. Does he claim his time under the original order?

Mr. DOLE. Yes.

The PRESIDENT pro tempore. The Republican leader is recognized for 10 minutes.

REPORTED MURDER OF COLONEL HIGGINS

Mr. DOLE. Mr. President, there are reports from Lebanon this morning that Col. Richard Higgins has been murdered by his captors, a radical Muslim group that kidnaped him in February 1988.

Our first thoughts and our prayers this morning are of Colonel Higgins' family, especially his wife, Robin, who is also an active duty member of the U.S. Marine Corps. They have suffered so much, for so long. And now they face this terrible moment of anguish.

In recent months, my office—in coordination with the office of the distinguished majority leader—has been in touch with Robin Higgins and her representatives, quietly trying to find ways to win Colonel Higgins' release. We had some reason to hope that we might at least confirm that Colonel Higgins was alive, and to obtain some information on his condition and whereabouts, in the course of this week.

But events beyond our control intervened.

Mr. President, as far as I am concerned, there can be no safe haven for murderers of innocent Americans. There can be no safe haven for those who respond to what they see as the offenses of others, by killing Americans—simply because they see us as the most attractive targets, or the targets that can win them the most political attention or leverage.

Mr. President, if we can find out who did this, and locate and isolate them, we ought to make them pay. We ought to make sure they are never

again in a position to harm another American.

Mr. President, this morning's Washington Times, like every morning paper, carried a picture of Colonel Higgins. There are also stories about the ultimatum issued by his captors.

The Shi'ite Moslem captors of a U.S. Marine held hostage in Lebanon said they would hang him today unless Israel released an Islamic clergyman kidnapped by Israeli commandos.

The Organization of the Oppressed on Earth threatened to kill Lt. Col. William R. Higgins at exactly 3 p.m., Monday, if Sheik Abdul Karim Obeid had not been released by then.

There are now dispatches carried by Reuters that the sentence has been carried out. It has not been confirmed by the White House or State Department, but the report is that Colonel Higgins has been hanged.

First of all, I am certain we all hope and pray that it is not an accurate report. But if it is an accurate report, then I hope the administration will have an appropriate response. They indicated yesterday, through the Secretary of State, there would be an appropriate response. I am not certain what an appropriate response would be. But I am certain there should be a response. If in fact this dastardly deed has been done, it is another indication of the fanaticism of the Hezbollah and others who may hold other Americans captive.

Colonel Higgins was part of the U.N. peacekeeping group—not a spy, a 44-year-old colonel from Danville, KY. If the Reuters report is true—and I have just checked, and the State Department and White House have no comment—then I hope the Israelis will take another look at some of their actions, which they must know in advance will endanger American lives. We cannot apologize for Israeli actions in this country, when it endangers the lives of Americans in some far-off country, and perhaps a little more responsibility on the part of the Israelis one of these days would be refreshing.

Now, having said that, as I said at the outset, these are only reports. But if it turns out to be factual, then I believe that this administration, President Bush, and others responsible for our policy, in addition to the response, better have some understanding with the Israelis about future conduct, as I have indicated, that would endanger the lives of Americans.

I know the Israelis have, perhaps, good motives—they were trying to free three Israeli soldiers—but certainly they know where the leverage is. The leverage is on the United States. When these fanatics want a response, they are going to attack an American, threaten an American, or kill an American. So I guess we will wait and see what the final official report will be. I believe that all of my colleagues will share their revulsion, if the Reu-

ters' report is accurate. But as I have indicated, events that are beyond our control intervened.

There can be no safe haven for those who murder innocent Americans. There can be no safe haven for those who respond to what they see as the offense of others by killing Americans, simply because they see us as the most attractive target or target of the most political attention or media attention or leverage.

So, we will wait, as the distinguished acting majority leader has indicated, hoping that the reports are inaccurate.

Mr. President, I reserve the remainder of my time.

The PRESIDENT pro tempore. Without objection, the remaining time, under the order, of the Republican leader will be reserved.

Mr. FOWLER addressed the Chair.

The PRESIDENT pro tempore. The Senator from Georgia, Mr. FOWLER.

Mr. FOWLER. Mr. President, we all hope the reports concerning the death of Colonel Higgins are not true.

If they are, on behalf of the majority, we want to extend our condolences to the family in Kentucky, and also, of course, a pledge to work with our President, with the minority and other leaders of Congress to determine what an appropriate response under the circumstances should be.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FOWLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

DAVID H. MCDOLE

Mr. SASSER. Mr. President, I rise today to pay tribute to David H. McDole, of Westmoreland, TN, who is leaving my staff after 11 years of loyal and dedicated service.

When Dave McDole came to my staff in 1978, he brought with him excellent administrative abilities and a vast knowledge of State and Federal Governments. Because of these attributes, I named him as my State coordinator and he has served very capably in that capacity.

Dave McDole is known for his ability to cut through redtape and resolve problems and, over the years, he has been an effective liaison for many of my constituents who have had problems with Federal and State agencies. Additionally, he has coordinated activities in my six State offices and acted as my representative on a daily basis.

Dave McDole has devoted his entire life to public service. Before joining my staff, he served for 12 years in Tennessee State government. He was an assistant commissioner in the department of insurance, and a regional manager for the Tennessee Public Service Commission.

Mr. President, Dave McDole is one of those rare individuals who understands the true meaning of public service. His dedication and hard work for the benefit of others exemplify the type of commitment respected and admired by all of us in public life.

Dave has been a trusted employee, a confidante, and a longtime friend to me and my family. As he returns to State government, I wish him the very best in the days and years ahead.

THE HIGH COST OF PRESCRIPTION DRUGS

Mr. PRYOR. Mr. President, there is a great debate going on today relative to catastrophic health insurance. People are questioning what we should do with the prescription drug program, whether we should kill the new law, whether we should change it, and whether we should repeal parts of it. Today, I am not addressing that issue, nor the solution. What I would like to address for a few moments is the reasons behind the rise in prescription drug costs—an issue that definitely relates to the financing of the catastrophic health care law.

First, Mr. President, the elderly of America and the taxpayers of America have become the victims, not the cause, of rising drug costs. The Congressional Budget Office found that total per capita spending for drugs by the elderly rose by an astonishing 14 percent each year between 1980 and 1987. Less than one fifth of this increase is attributable to the elderly buying more drugs. The rest, or 80 percent of the increase in spending for prescription drugs, is due to manufacturer price increases and the cost of new, more expensive drugs replacing older drugs.

Now, I know that none of us today want to be open to the accusation that we know the price of everything but the price of nothing, specially when we are talking, Mr. President, about life sustaining health care for older Americans. I was mindful of this only 13 days ago when I committed the Special Committee on Aging, which I chair, to a series of hearings on the high cost of prescription drugs.

Accordingly, I instructed the committee's investigators to look beyond the simple arithmetic of how much we are paying to examine the question of the value of what we are producing.

Two weeks ago, the first of these hearings examined two issues: one, what are the benefits of these drugs as compared to their costs; and, two,

what can we do to make certain that government is paying a fair price to buy prescription drugs for the oldest, the most vulnerable, and the poorest Americans.

First, I must say, Mr. President, I was sorely disappointed that the Aging Committee did not have the benefit of the president of a major drug manufacturer of America to testify. We invited them and they refused to come. We were, therefore, unable to adequately pose and answer these questions because those companies that manufacture these drugs chose not to come to the Aging Committee hearing. They chose not to testify even though we changed the timing of our hearing to accommodate the schedules of company spokespersons. I believe they, like every other health care industry group has always done, should make themselves available to be a part of this critical dialog.

It seems when it comes to boasting of profits to Wall Street, Mr. President, the drug companies can be heard loud and clear but they are awfully quiet when it comes to discussing the prices they charge on Main Street. Why then do the drug companies fear this public forum? The companies are strong, the profits are phenomenal.

Let me read to you what Wall Street is saying about these manufacturers. The Wall Street analysts Hambrecht and Quist say:

The [profitability] for the pharmaceutical industry has been consistently above that of the [Standard & Poor's] 400, the main industrial sector of the market. If anything, this gap has widened over the past 10 years.

Mr. President, an analysis of industry profit data shows that the top manufacturers earned steadily increasing profits from 1986 through 1988 while their taxes actually went down during the same 3 years. This data shows that 11 of the top U.S. drug makers in America had an average stock earning record better than 78 percent of American manufacturers. The Rothchild, Unterberg, and Towbin, Wall Street investment analysts, said in 1986:

Since the late 1970's—but most noticeably in the last 3 years—pricing has become the major force in generating revenue growth [for drug companies].

Mr. President, why are these companies relying on price increases when they could be generating new sales with breakthrough drug products that actually heal the sick? Here is what the London Economist said as recently as 1987, 2 years ago, and I quote:

Most recent drug product launches have been "me too" [drugs], which do not find new markets, but simply provide substitutes for older products. They are viewed with increasing impatience by regulatory authorities who see "me toos" as unnecessarily fancy versions of adequate drugs.

The London Economist, Mr. President, summarizes the drug companies' problem in this way:

"Me too" [drug] products are evidence of the drug companies' poverty of inspiration. While "me toos" may keep the companies' new product roster looking healthy, their value to the consumer is open to question.

Mr. President, this is not to say that these new drugs are not cheap. Research and development for new drugs is very expensive. Most of us have heard the pharmaceutical manufacturers lobbyists come to Capitol Hill and they tell us that it takes \$125 million to bring to market what they call a "new drug."

We have seen also ads in the Washington Post and many of the major publications of America from the pharmaceutical manufacturers claiming that it takes \$125 million to bring a new drug to the market.

Their point is to remind us that the high prices we pay for many prescription drugs are our investment in expensive research and development—or "R&D" as our tax laws label it. The drug companies want us to believe that it takes \$125 million to invent the next penicillin, or a cure for AIDS, or treatment for Alzheimer's disease. All of us would consider a cure for these diseases a bargain at \$125 million. And I would like to take this opportunity to recognize and praise the long hours and hard work put in by researchers, scientists, and technicians who daily fight the battle against such dreaded diseases.

I think it is time for honesty. Most new drugs are not breakthrough drugs. In fact, for every breakthrough product that the manufacturer produces or invents, American drug companies bring 24 drugs to market that in the words of the Food and Drug Administration "provide little or no therapeutic gain" when compared to already existing drug therapies.

Information we have obtained shows without equivocation that of the 348 new drugs brought to market by the top 25 American drug companies between 1981 and 1988, 292 were "me-too" drugs without any therapeutic gain.

Mr. PRYOR. Mr. President, these companies produced a total of only 12 "important" new drugs and 44 other products that make what FDA calls a "modest" contribution to existing therapies. This means 84 percent of new drugs fall into FDA "C" category, making, "little or no" contribution to anything but the bottom line of a profit-and-loss statement. It is the same story if you consider the value of the subcategory of new drugs referred to by PMA in their ads: 60 percent are rated by FDA as "me too" drugs offering little or no new benefits in the past several years.

But it gets worse, because the prices established by drug companies for these "modest" and "insignificant" new drugs are anything but "modest" and "insignificant."

Between 1981 and 1988, the prescription drug inflation rate of 88 percent dwarfed the general inflation rate of 28 percent. This information speaks for itself.

The Wall Street investment analysis I mentioned before, Hambrecht & Quist, said last year:

New drugs are priced higher, in most cases substantially higher, than older medications.

The Aging Committee confirmed this in a study of prices set by manufacturers of three "me too" antiulcer drugs introduced during the 1980's: Every one of them was priced higher than the original pioneering drug, even though they offered no significant therapeutic improvement over the innovator product.

Mr. President, drug manufacturers claim they need to charge exorbitant prices in order to pay for their research and development expenses. The truth is, though, that the American public is footing much of the bill for companies' R&D costs.

Fact: Through use of R&D tax credits, special expensing and allocation rules and the possession tax credit, drug companies annually receive tax breaks well over \$1 billion.

Fact: Between 1984 and 1987, the pharmaceutical industry's effective tax rate decreased by more than 27 percent.

Fact: The 1986 tax law provides even more liberal incentives for drug companies.

Fact: Since 1981, R&D tax credits for just six drug companies added up to over \$150 million.

A survey done by the Leonard Davis Institute of Health Economics at the

University of Pennsylvania found that American consumers do not realize that new drugs cost more than the drugs they are already buying. In fact, I am told that the costs of these new and largely duplicative drugs contributed significantly to CBO's recent increase in cost estimates for the Medicare drug benefit of the catastrophic insurance bill. We have a lot to learn about drug companies in this country.

What do people pay for the same drugs in other countries?

The information the committee gathered stands on its own. We found that we pay in the United States as much as five times more than European citizens pay for the same prescription drug. These drugs are manufactured in the United States of America. We give them a tax break in R&D, we give them a tax break in allocation of their taxes, and we give them protection by the Food and Drug Administration. We give them a multiyear patent to protect themselves from competition, and once they receive all of this to manufacture many of these drugs they move off to Puerto Rico and establish the plants and hire the people, thus taking away American jobs.

Mr. PRYOR. Mr. President, here in the United States, the price you pay for a prescription drug depends on who you are and what kind of a deal you can strike with the manufacturer. Hospitals and the Veterans' Administration get the best prices, and Medicaid, Medicare, and the public buying at pharmacies get the worst prices, because the pharmacies have to pay high prices.

Let me say that the local pharmacist is not the fault. He is being ratcheted down because of Medicare and Medicaid. He is being squeezed because of the profits and the price increases of the drug manufacturer. The poor

pharmacist is standing out there daily trying to explain to us why our drugs are going up so much, and those explanations are almost beyond comprehension for the general public.

After all the charts and all the graphs and all the words, it comes down to this: for the same bottle of prescription drugs, different buyers pay dramatically different prices. For example, if we look at the price of the brand-name painkiller "Motrin," the published list price is \$32. If the new Medicare prescription drug benefit were currently in place, Medicare would pay \$29.

Mr. President, the Veterans' Administration has been smart. They have gone and dealt with drug manufacturers. They say, "We want a better price." The bottom line is that the Veterans' Administration pays a price of \$5 for a bottle of capsules of Motrin. Medicare pays \$29 for the same bottle.

I brought for the RECORD a table of similar comparison for 10 brand named products still under patent and still protected. With the Aging Committee's investigation, we are now beginning to answer the question of whether we as a nation are getting our money's worth from prescription drugs. I look forward to holding additional hearings on this matter, on this subject, to help Congress evaluate options for efficiently providing the oldest, the poorest Americans, with protection from the high cost of prescription drugs.

Mr. President, I am in much appreciation for the Chair recognizing me and also for the distinguished manager's temporarily allowing me to speak on this matter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APPENDIX I.—RANGE OF MARKET PRICES PAID FOR BRAND NAME PRESCRIPTION DRUGS, SPRING 1989

[10 products representing approximately 8 percent of prescriptions for the elderly]

Drug	Strength, package size	Indication	Published manufacturer's average wholesale price	Estimated price paid by pharmacy	Price paid by hospitals	Hospital savings below pharmacy (percent)	Projected price paid by Medicare if in effect	Price paid by Department of Veterans Affairs (DVA)	DVA savings below Medicare (percent)
Cardizem (diltiazem)	60 mg, 100 tabs	Chest pain, high blood pressure	\$47	41	NA	NA	\$42	\$33	21
Lopressor (metoprolol)	50 mg, 100 tabs	do	36	32	\$28.00	13	33	24	27
Procardia (nifedipine)	10 mg, 300 caps	do	115	100	NA	NA	103	76	26
Tenormin (atenolol)	50 mg, 100 tabs	do	59	51	45.00	12	(¹)	39	26
Transderm-nitro (nitroglycerin)	5 mg, 30 patches	Chest pain	36	32	.01	99	33	4	8
Capoten (captopril)	25 mg, 100 tabs	High blood pressure	42	37	NA	NA	39	32	10
Pepcid (famotidine)	40 mg, 30 tabs	Antulcer	63	55	NA	NA	57	50	12
Tagamet (cimetidine)	300 mg, 100 tabs	do	55	48	39.00	19	49	NA	NA
Zantac (ranitidine)	300 mg, 30 tabs	do	63	55	53.00	4	57	41	28
Feldene (piroxicam)	20 mg, 100 tabs	Arthritis	170	148	NA	NA	153	113	26

¹ 53 percent.

Mr. WARNER addressed the Chair.

The PRESIDENT pro tempore. The Senator from Virginia, Mr. WARNER.

Mr. WARNER. I thank the Chair. Mr. President, I wonder if we can continue as in morning business just for a few minutes while I have an opportu-

nity to have a colloquy with my distinguished colleague from Arkansas.

The PRESIDENT pro tempore. Without objection, the colloquy may proceed out of order.

Mr. WARNER. I am privileged to serve on the Committee on Aging to-

gether with the chairman, Mr. PRYOR, and attended much of the hearings.

First, I wish to commend the distinguished chairman of the Aging Committee for doing a very indepth analysis of this problem, which is unique, and then preparing the committee and the members very well before the ex-

tensive hearing took place, which I believe was 10 days ago.

Now, the chairman has described here in a brief few minutes this morning some of the highlights of that hearing. I join with him in expressing my concern for the problem confronted by Americans—particularly those on Medicare—who are without the resources to provide themselves with this essential medical assistance, drugs and so forth. But I think, as we raise this problem—I ask of the chairman one of the areas of solutions that we should pursue, the chairman has raised the question of taxation, the 17-year protection through our patent and copyright laws. I think before we close this morning we ought to indicate what the chairman and perhaps I and others think are appropriate avenues to address this problem.

The chairman mentioned he is going to have additional hearings, but we have an audience out here generated by the hearing, added to this morning by the revelations of the chairman, and indeed we have an industry. Now, in my questions to the industry on the day of the hearing I detected a willingness on their part to work with Congress, most particularly the Committee on Aging, to see what could be done to resolve this problem. So I ask of my distinguished chairman what courses of action would he hope to pursue here in the near future.

Mr. PRYOR. Mr. President, I would be glad to respond to my distinguished friend from Virginia who is a very valued member of the Committee on Aging and attended the hearing that we held some 13 days ago.

Mr. President, I respond first by saying that the first thing that we have to accomplish is we have to get the drug manufacturers—the people that are making all of these drugs that we are today buying in multibillion-dollar quantities—to the table. They must justify why their costs or the price they are charging has gone up 88 percent while the general inflation rate since 1981 has gone up 28 percent.

In the testimony of last Tuesday, a week ago, the pharmaceutical manufacturers' representative, Mr. Mossinghoff, a very capable, able spokesman for the industry, could not adequately address this particularly dramatic 88-percent price increase that they charged to the consumer.

First, however, in response to the Senator from Virginia, we must get them to the table, whether formally or informally, but we must get them to discuss these matters with the Congress.

Mr. WARNER. Mr. President, on that point, the Senator is aware that I specifically asked of their willingness to do so. I have since received a communication. I ask unanimous consent that I may have printed in the RECORD some supplemental material.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PHARMACEUTICAL
MANUFACTURERS ASSOCIATION,
Washington, DC, July 18, 1989.

Hon. JOHN W. WARNER,
Special Committee on Aging,
U.S. Senate, Washington, DC.

DEAR SENATOR WARNER: I deeply appreciate your help during today's hearing on prescription drugs.

Our companies have a very good story to tell, and I look forward to working with you in arranging for them to tell that story to you and your colleagues.

Again, thanks for your support.

Sincerely,

GERALD J. MOSSINGHOFF.

Mr. WARNER. I presume the chairman has likewise received communications of the willingness of the industry to come forward and share with the committee some of their proprietary information that bears on the critical issues raised by the chairman.

Mr. PRYOR. Mr. President, once again, I respond to my friend from Virginia, and I want to express my gratitude, not only for the questions he asked in our hearing, but for the information that not only he, but other members of the committee are now beginning to gather and to put into the record before we have to go to the second hearing or the third hearing. But I think it is time now to address this issue, especially as it relates to the critical situation we find with catastrophic health insurance.

We are looking at this and many other critical health policy issues today in the Pepper Commission, of which I am a member. This Commission is chaired by the very distinguished Senator from West Virginia, Senator ROCKEFELLER. The third thing I think that we must review is the possession tax credit. I will certainly yield the floor after this, Mr. President, as I see the managers of the armed services bill are ready to continue debate on the DOD authorization bill.

I do not believe the Federal Government is getting its money's worth out of the drug companies' use of the possession tax credit. In Puerto Rico, for example, the tax benefit for the textile industry, when we allow the textile people to locate there and not pay the income tax, amounts to about \$2,720 for each employee hired in Puerto Rico. For the apparel industry the tax benefit is about \$3,295 per employee. For the high-tech industry the tax benefit is worth \$9,072 per employee.

However, Mr. President, and this is alarming, for the pharmaceutical industry when we allow them to locate manufacturing facilities in Puerto Rico, the tax benefit per employee is a grand total of \$57,761, meaning that the American taxpayer is subsidizing the drug companies \$57,761 for each

employee they hire, not here, but in Puerto Rico.

We are debating the Defense Department bill today. In that context, we often worry about getting the most bang for the buck. Well, Mr. President, I do not think the Federal Government is receiving the best bang for the buck when it comes to the possession tax credit and the pharmaceutical industry. We have to reexamine this policy because as I have pointed out, we not only have greater prices but also higher profits for the drug manufacturers and higher costs for the Medicare and Medicaid programs and for the general consumer.

Mr. President, I am about to yield the floor. The staff of the Aging Committee, I say to my friend from Virginia, has done a tremendously fine, short summary of what we are talking about here today, what some of the facts are, what the percentages of the increases are, and the different prices that we are paying for the same identical drug.

Mr. President, I ask unanimous consent that this short majority staff briefing paper be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[U.S. Senate Special Committee on Aging,
Majority Staff Briefing Paper]

PRESCRIPTION DRUG PRICES: ARE WE GETTING
OUR MONEY'S WORTH?

EXECUTIVE SUMMARY

Introduction

Spending for prescription drugs in the United States accounts for about 7 cents of every health care dollar. Prices charged by prescription drug manufacturers have become important to the public, and the elderly in particular, for the following reasons:

(1) While the public is using about the same amount of drugs today as in 1980, price increases for prescription drugs have increased by 88% from 1981-1988, a period during which the Consumer Price Index increased only 28%.

(2) Though comprising only 12% of the population, older Americans consume approximately 30% of prescription drugs sold in the United States, with over 15% of the elderly who use prescription drugs reporting they are unable to pay for their medications;

(3) The public of all ages pays for sharply higher drug prices directly out of pocket at pharmacies, through taxes to support Medicare and Medicaid, and through rising insurance premiums;

(4) Rising drug prices, particularly the high prices of new drugs, are driving State Medicaid program costs and projected Medicare drug benefit expenditures to unsustainable levels, causing the Congress to consider reducing benefits to the elderly and poor, and forcing State legislatures to choose between funding drug benefits or other health care needs of the elderly and poor;

(5) Small retail pharmacies are being squeezed out of business, caught between rising drug prices and reimbursement limits imposed by public and private payors who

won't pay pharmacies fully for the increased cost of drugs they sell.

In response to these problems, the Chairman of the U.S. Senate Special Committee on Aging directed Committee staff to evaluate the appropriateness of prescription drug pricing levels. When making this assignment, Chairman Pryor sought to approach the problem as consumers generally would in evaluating the price of any product, by taking into account both the value of the product and market prices. Specifically, staff were asked to investigate (a) the therapeutic value of the drug products being brought to market, and (b) prices actually paid for these products by price-conscious buyers in the marketplace.

The Committee's investigation consisted of analysis of the federal Food and Drug Administration's published assessments of the "therapeutic potential" of hundreds of new drug products introduced to the U.S. market between 1981 and 1988. Committee staff focused on new products made by the 25 largest U.S. prescription drug manufacturers, who account for 45% of new drug introductions and approximately two-thirds of prescription drug sales in the domestic market.

In addition, scores of interviews were conducted with, and pricing data were accumulated from, buyers in the United States domestic market, academic and industry research reports, Wall Street investment analysts, and governmental officials and private agencies overseas, predominantly in the European Economic Community, Canada, and Japan. Data and descriptive material on pricing practices was also obtained from several prescription drug manufacturers themselves.

FINDINGS WITH RESPECT TO THE VALUE OF PRESCRIPTION DRUG PRODUCTS

Finding 1: The bulk of research and development by prescription drug manufacturers produces insignificant new compounds that add little or nothing to drug therapies already marketed (See attached tables in Appendix A).

Finding 2: Prescription drug manufacturers charge the public high prices for new drugs that duplicate existing, and generally less expensive, drug therapies.

Finding 3: Present governmental incentives to spur true innovation by pharmaceutical manufacturers appear to have failed.

FINDINGS WITH RESPECT TO PRICING LEVELS IN THE MARKETPLACE

Finding 4: Prescription drug price increases more than tripled the rate of inflation in the economy from 1981 to 1988, as conservatively measured by the Consumer Price Index (CPI).

Finding 5: Prescription drug manufacturers have opted to expand their market by charging penthouse prices to compensate for the poverty of their innovation over the past decade.

Finding 6: Citizens of most countries of the world pay less than U.S. consumers for their prescription drugs.

Finding 7: There are two domestic markets in the U.S. for most big-selling prescription drugs: a price competitive market characterized by deep discounts off the published list price, and a high-priced market where retail customers, Medicare and Medicaid purchase their prescription drugs.

Finding 8: Actions by insurers and Medicaid programs to reduce drug costs by cutting pharmacy reimbursement have hurt pharmacies but have had little effect on prescription drug prices.

Finding 9: Congress has previously granted the Executive Branch authority which may be useful in obtaining fair drug prices from manufacturers that refuse to negotiate single source drug prices or engage in competitive bidding.

QUESTIONS FOR FURTHER RESEARCH

1. How can government at all levels facilitate meaningful innovation by pharmaceutical manufacturers?

2. How can the Medicaid and Medicare programs achieve the efficiencies in purchasing pharmaceuticals that the Department of Veterans' Affairs has already realized?

3. What, if anything, are foreign governments doing to hold down pharmaceutical prices for their citizenries?

4. Why will some manufacturers negotiate drug prices with some or all buyers, while others maintain a "policy" of not bidding in response to solicitations?

Mr. PRYOR. Mr. President, I yield the floor and thank the Chair very much and the distinguished managers.

Mr. WARNER addressed the Chair.

The PRESIDENT pro tempore. The Senator from Virginia [Mr. WARNER].

Mr. WARNER. I thank the Chair.

I will take but a few minutes to conclude our colloquy.

On the question of the moving offshore to Puerto Rico, these companies are acting within a framework of law that this very body passed to encourage firms to take such steps as these drug companies are taking.

So I do not want to leave the impression, and I have the attention, I hope, of the distinguished chairman, that any wrongdoing is taking place in manufacturing in Puerto Rico.

The Senator is a member of the Finance Committee and he is familiar with that body of law which enables these companies to do that.

So they are acting within the framework of the law.

The unique problem here is that the marketplace, both domestically and internationally, simply does not exercise the normal controls over this industry for a variety of reasons. It is going to take us some time to work through this situation.

I have a letter here written just 3 days following the hearings, July 18, 1989, addressed to me, by the local representative of the various pharmaceutical manufacturers. It is the Pharmaceutical Manufacturers Association.

DEAR SENATOR WARNER: I deeply appreciate your help during today's hearing on prescription drugs.

Our companies have a very good story to tell, and I look forward to working with you in arranging for them to tell that story to you and your colleagues.

So the industry is forthcoming and let us work to try and address this problem and, hopefully, bring down the cost of the consumers, particularly those consumers under Medicare and Medicaid and otherwise who cannot afford it.

I thank the Chair and the indulgence of other Senators here this morning for this important colloquy.

Mr. PRYOR. Mr. President, I have yielded the floor, but while we are in morning business, I will ask unanimous consent to place in the RECORD an annual statement, dated 1988, published by the Warner Lambert drug company, one of the major pharmaceutical manufacturers. I do not have it here; I will have it over in a moment. The purpose of an annual statement is to encourage people to buy their stock. I can almost quote it, I say to my friend from Virginia.

It says, "We will have a strategy and our strategy will be to develop these products, to seek patent, to obtain the protection of 17 years of no competition, to have it approved by the Federal Drug Administration, and then to find and I quote 'a tax haven' to manufacture these drugs in."

That expresses to me an attitude and that attitude is what I think we must change and come to grips with and as we say I think it is going to take some very strong persuasion to the major drug manufacturers that this Congress and the American people are going to get very serious in looking at exorbitant prices, high profits, tax breaks, and tax havens, and I will ask unanimous consent at the proper time to place this prospectus into the CONGRESSIONAL RECORD.

Mr. WARNER. Mr. President, in brief, my reply, again, in addressing the Senator's support on the Finance Committee, which has the direct jurisdiction over issues of taxes, so far as I know, all those companies are acting within the framework of laws as provided by the Congress of the United States.

Mr. PRYOR. There is no question about it, I will say, Mr. President, that they are all acting in a legal way, but how moral that path is I am not certain. But I think that we should look carefully into the policy behind these special tax breaks to protect the American taxpayers, as well as the consumers of prescription drugs.

Mr. WARNER. It needs attention. I am not sure we will be able to legislate on morals. That has been tried and true.

I thank the Chair.

Mr. PRYOR. I yield the floor, Mr. President.

The PRESIDENT pro tempore. Does the Senator from Arkansas wish to make his request with regard to inclusion in the RECORD of certain materials?

Mr. PRYOR. Mr. President, I ask unanimous consent that a selected page of the Warner Lambert Drug Co.'s annual report be printed in the RECORD at this point, only a selected page.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FROM THE ANNUAL STATEMENT OF LITITZ, A
SUBSIDIARY OF WARNER LAMBERT

It is my hope that the future brings many new products for the Lititz facility. In fact 1990 looks very good in this regard. But our job here will be, as stated in the manufacturing strategy; to take these new products, participate in their growth, and transfer them to a tax haven. Our long term growth as a company and as a CHPG manufacturing facility depends upon this. Our reputation in the past has made us a logical choice for this new role. I know I can count on you for your support as we enter this challenging new time for our site.

Mr. PRYOR. I thank the Chair.

RESOLUTIONS SUBMITTED BY
CITIZENS THROUGHOUT THE
STATE OF ILLINOIS CONCERN-
ING THE FLAG OF THE
UNITED STATES OF AMERICA

Mr. DIXON. Mr. President, I wish to submit for insertion into the RECORD a number of resolutions submitted by various organizations in my state of Illinois. These organizations are the LaSalle County Board, the Illinois American Veterans of World War II, Korea, and Vietnam [AMVETS] and its auxiliary, and the Bureau County Board.

All of the organizations expressed the need for a constitutional amendment to protect the flag of the United States of America from burning and other desecration.

In addition, these organizations have described the flag as a symbol that represents the valor of the young men and women throughout history who have fought and died for their country.

I am pleased to submit these resolutions in the RECORD for my colleagues' perusal.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION OF SUPPORT FOR CONSTITUTIONAL
AMENDMENT TO PREVENT DESECRATION OF
THE AMERICAN FLAG

Whereas, the right of political dissent and right to speak freely are valuable rights of individuals; and

Whereas, the exercise of those rights can be accomplished by means and methods other than desecration or burning of the American Flag; and

Whereas, the County Board in recognition of the symbolic powers of the American Flag to inspire loyalty and devotion, and to honor and remember the valor and heroic sacrifice of many citizens of the County by service in the Armed Forces of this Country, both in peace and in war, and in further recognition that without such honor or protection the power and glory symbolized by the American Flag will fade.

Be it then resolved by the County of Bureau, a body politic and corporate, acting by and through its County Board in regular meeting assembled;

ARTICLE ONE

The acts of desecration or burning of the American Flags as forms of expression are to be condemned as unnecessary and unwarranted.

ARTICLE TWO

The efforts of the President of the United States to protect the American Flag against desecration and burning are to be further encouraged.

ARTICLE THREE

The County of Bureau pledges its support, aid and encouragement to further such efforts.

ARTICLE FOUR

This Board further endorses the need for an amendment of the Constitution of the United States for protection of the American Flag and pledges its support to secure adoption and ratification of such amendment.

ARTICLE FIVE

The County Clerk is hereby directed to set forth this Resolution at length in the records of this County and send copies thereof to the President of the United States of America, the United States Senators from the State of Illinois, and all the members of the United States House of Representatives from the State of Illinois.

RESOLUTION

Whereas, the United States Supreme Court on June 21, 1989, handed down a decision permitting the desecration of our American Flag; and

Whereas, this decision has horrified the vast majority of American citizens who strongly feel that our American Flag truly represents hope for the oppressed of the world, security from totalitarian forms of government, and freedom to those who live in areas where she waves freely in the air; and

Whereas, this great symbol has been carried by our young men and women who throughout history have fought and died in order to guarantee that our nation remains free; and

Whereas, our American Flag in all its glory and dignity is respectfully present when our American Veterans pay their final respect to their deceased comrades; and

Whereas, the vast majority of American citizens do not consider our nation's flag to be just a piece of cloth that various revolutionaries and subversive activists can destroy or otherwise mutilate under the guise of protests as a means of expression of their political differences; and

Whereas, our LaSalle Board feels strongly that in order to guarantee that our nation remain free that there should be a Constitutional Amendment passed to prevent in the future any further desecration of the United States of America Flag so these anti-American subversives will be punished for the irresponsible and immature behaviors. Therefore, be it

Resolved, That we request our Congressional Representatives to initiate the action needed to amend the First Amendment of the Constitution of the United States so that desecration of our nation's flag will never again be interpreted as a mode of freedom of speech or expression.

CERTIFICATE OF COPY

I, Tom P. Walsh, County Clerk and Ex Officio Clerk of the LaSalle County Board within and for said County and State aforesaid, Do Hereby Certify the foregoing to be

a true and complete copy of a Resolution approved by the LaSalle County Board of LaSalle County at the Second Day of the June Session held on the 10th day of July, A.D., 1989.

The original of which has been recorded at the Official Proceedings of the LaSalle County Board of LaSalle County and that I am the legal custodian of the same.

AMVETS

The Department of Illinois American Veterans of World War II, Korea and Viet Nam (AMVETS) and the Department of Illinois AMVETS Auxiliary assembled at their Department Convention in Peoria, Illinois, on June 23-25, 1989 endorsed the following resolution:

Whereas, The American Flag is the symbol of Freedom and Democracy throughout the World; and

Whereas, The Veterans of American's Wars, former and current military personnel and to all Patriotic Americans, the American Flag is more than a symbol for which it stands, the American Flag is the tangible form of Freedom and Democracy; and

Whereas, Certain individuals, most announced members of various revolutionary or communist parties, have historically destroyed or otherwise mutilated the American Flag as a form of protest and, by their actions, have invoked outrage and assault upon the hearts and minds of a Patriotic America; and

Whereas, On June 21, 1989 the United States Supreme Court ruled that no person may be punished for burning or destroying our beloved symbol of freedom thus creating another day in our history besides December 7, 1941, which will ever live in infamy; and

Whereas, The Court decided that the American Flag is just another symbol about which not only opinions pro and con can be tolerated, but for which the most minimal public respect may not be enjoined; and

Whereas, The government may conscript men into the Armed Forces when they must fight and perhaps die for the Flag but the government may not prohibit the public burning of the banner under which they fight; and

Whereas, the creation of Federal Right to post bulletin boards and graffiti on the Washington monument or extinguish the flame on President Kennedy's grave; and

Whereas, The case involves disagreeable conduct that diminishes the value of an important National asset; and

Whereas, now therefore be it resolved that AMVETS and AMVETS Auxiliary at its 44th Annual State Convention at Peoria, Illinois respectfully urge the Congress of the United States to prepare and submit to the States of this Nation a constitutional amendment that would make any conduct that would destroy or otherwise mutilate our American Flag, the symbol of freedom; and be it further Resolved, That this resolution be forwarded to the AMVETS National Convention for further action.

Forwarded to AMVETS National Headquarters on June 26, 1989, for appropriate action at the AMVETS National Convention.

ROBERT HETTINGER,
Commander, Department of Illinois
AMVETS.

NORMAN D. BESS,
Adjutant, Department of Illinois
AMVETS.

HOUSE DENIAL OF THE F-18 MULTIYEAR PROCUREMENT IGNORES ECONOMIC AND EFFEC- TIVE THREAT MANAGE- MENT

Mr. HATCH. Mr. President, it was with concern approaching dismay that I watched the House Armed Services Committee deny a multiyear procurement plan for the F/A-18 (Hornet) aircraft. While \$1.85 billion was approved for the procurement of 66 airplanes in fiscal year 1990, the advanced procurement request for fiscal year 1991 was reduced by \$170 million or 68 percent. Such action reflects neither foresight nor wisdom. We face great uncertainty as to the precise nature of the future threat, and, through this action, we compound military planning problems by adding still more uncertainty. I emphasize this last point; the multimission nature of the ever-evolving Hornet aircraft places it squarely at the core of a workable threat management program based on the best available estimates, forecasts, and assessments of the nature of future threats.

Happily, Mr. President, the Senate Armed Services Committee has retained the MYP status for the F/A-18; but the battle is not yet over, which is why I can address the issue here.

FUTURE THREATS CAN BE FORECAST

In making future procurement cuts, the HASC argued that "ever-changing carrier airwing composition, combined with plans for a reduced number of deployable aircraft carriers and the prospects of conventional arms control agreements, may bring into question and perhaps reduce the total requirements" (emphasis added) for the Hornet. In other words, the HASC fears that an MYP program could lead to the procurement of more aircraft than the Navy and Marine Corps will need in the future. Let me address the HASC's line of reasoning.

First, as an experienced trial lawyer before coming to the Senate 13 years ago, I always looked forward to cross-examining opponents' arguments which were couched in subjunctive language. When the HASC conditions its criteria for making changes in the Hornet program with language like "may bring into question," and "perhaps reduce requirements," I sense that the panel looked more at economies than at the predictability of future threats. But I don't begrudge the HASC's reservations; I commend them and urge this Chamber to assure that our conferees are instructed to raise precisely those questions.

My second problem with the HASC's reasoning is its confusion of cause and effect. More directly, the configura-

tion and numbers of aircraft in a strike unit are the effect of threat assessments. The conventional arms control discussions now underway address threats that are only partially related, and in some cases even unrelated to the strategy and force requirements of the essential power projection missions of aircraft carriers. There is little doubt why our INF negotiators kept tactical aircraft outside of the framework of those discussions; and the Soviets basically concurred, although after some "persuasive" badgering. We are no less eager to exclude carrier aviation assets from the conventional arms talks. Ironically, the HASC is struggling with an intellectual rebuttal to its long-standing pragmatic demands for multimission tactical fighter and attack aircraft. Reduction of the Hornet program will simply not cause a diminution of the many threats outside of the NATO-Warsaw Pact theaters.

Finally, the MYP program is unlikely to lead to an excess of Hornets in a threat environment which is little changed, and for which the airplane was developed. But, even if an excess of domestic production did occur, it would still provide tremendous advantage to our highly profitable international sales program. After all, overseas delivery times are wisely and necessarily conditioned by assurances that our own military contractual schedules are met first.

And what is the future threat environment that underscores the rebuttals that I have offered to the HASC decision? First, and foremost, they include the so-called low-intensity conflicts against which carrier-based power projection forces are best applied—Libyan aggression; passage in the Persian Gulf and often international waters; and the containment of actual or potential conflicts which could escalate to the detriment of U.S. interests, such as the array of brushfires continually sparking in the Middle East. The future threat environment will be accentuated by a possible loss of land bases, most prominently those in the Philippines. Also threatened, however, are rights in Greece, Spain, and even in NATO under some circumstances—as we found in our Israel rescue and resupply missions in 1967 and 1973.

Giving rise to the future threat forecast is the influence of terrorism and arms proliferation among countries, such as Iran, with the ever-present will to disrupt regional stability. The ready availability of the latest Soviet avionics and other aircraft technologies to Syria, Libya, and possibly Iran (at least discussions between the two countries on this issue are already underway), does not lessen our own threat and strategy needs.

HORNET'S MULTIMISSION CAPABILITIES MEET FUTURE THREATS

Incredibly, 70 percent of the entire Navy and Marine Corps mission spectrum can be served by the F/A-18. The airplane can perform some of the F-14 fleet defense mission and complement the all-weather attack functions of the A-6. Significantly, the F/A-18 dominates the spectrum for such missions as air combat, fighter escort, close air support and day/night attack. The fundamental value of the F/A-18 lies in this flexibility. This characteristic minimizes the commitment of ever-scare battle assets while reducing the support costs associated with multiple types of aircraft.

The greatest cost-savings increment, however, is derived from the F/A-18's reliability and maintainability. Let me state these advantages this way: with 70 percent of the total fleet and land mission capability, the F/A-18 is three times more reliable than the A-7E, A-6, and F-14A in terms of the mean number of flying hours before a failure occurs. This is a standard measure of aircraft reliability.

In terms of maintainability, the Hornet requires half the maintenance manhours of the A-6E, 41 percent the maintenance devoted to the A-7E, and 38 percent that for the F-14A. The Hornet is also the safest tactical carrier aircraft in naval aviation history, with about 60 percent fewer accidents or incidents than its next competitor, the F-14. F/A-18 losses were 4.3 per 100,000 flight hours. In fewer words still, more mission is performed with more certainty for longer periods by fewer aircraft.

F/A-18: STILL EVOLVING

As we all know, military threat projections are subjected to a sophisticated process beginning with an intelligence-related long-range assessment stretching out 10 and 20 years. This estimate forms the basis for the more technical analysis performed by the military services. They examine deficiencies in doctrine requiring materiel improvements. This has set in place the evolution toward the "Hornet 2000" concept.

Significant performance-related changes, dependent upon a robust RDTE program, underwrite the way the aircraft adapts to its future anti-threat mission requirements. Among the most prominent improvements is the Hornet's night attack performance, which will double its overall capability. But certain avionics changes must be developed and fielded. It is no small disappointment to me that we denied important radar improvements in the APG-65 program in fiscal year 1988. This has compelled us to codevelop this capability through a Nunn amendment initiative with Canada. However, I am confident that the Senate will see the wisdom in contin-

ued support for the Hornet's improved reconnaissance capability, which is still a further step toward greater multi-mission flexibility, and continued engine upgrades, toward a thrust objective of about 180 pounds per second, a 27-percent increase in power over the 1985 General Electric F404 engine. Other improvements include an air-to-air forward looking, infrared system, to be integrated into the Hornet platform by fiscal year 1994, and a new electric warfare suite that could become an indispensable component of success in the threat environment expected by the middle of the next decade.

By the end of the century, Hornet 2000 will join the Navy's advanced tactical fighter and the A-12 as the backbone of naval aviation. However, it will be the F/A-18 that will continue to carry 70 percent of mission needs within the threat framework of that period.

In summary, short-term savings by the HASC threaten long-term economics and security. I urge that the Senate conferees resolve this difference in conference, bringing to the floor an F/A-18 program that is realistic, necessary, and affordable.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,598th day that Terry Anderson has been held in captivity in Beirut.

On March 16, 1988, the third anniversary of Terry Anderson's captivity, a ceremony was held in commemoration in Georgetown.

I ask unanimous consent that a Washington Post article on this subject be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 17, 1988]

THE MARKING OF PAIN

(By Paul Hendrickson)

Three years ago yesterday, in West Beirut sunshine, an American who loved poker and Linda Ronstadt records had just finished a tennis game and dropped his partner off, when a green Mercedes rolled up to the curb and three bearded gunmen stepped out. On a day that had seemed oddly quiet in Lebanon—no shelling, no fighting, no routine scream of sirens—one of the three gunmen leveled a 9 mm pistol point-blank at the forehead of the just-dropped-off tennis partner, while the other two pushed and shoved and jammed with the heels of their hands at the throat of Terry Anderson, until they had him in the back of their car.

In the back of the Mercedes, Anderson's glasses got knocked off. The tennis partner stood frozen, rooted to the sidewalk, like a man in the middle of the strangest sped-up movie. But it wasn't a mind-movie at all. It was the last glimpse that any U.S. citizen has had of an ex-Marine who was then chief Middle East correspondent for the Associated Press. Except, of course, for those other

kinds of glimpses one gets in a gray grainy photograph or a bad videotape—hostage photographs, hostage videotapes—that have come now to seem a normal part of the way a terrorist world works.

America last saw Terry Anderson in one of those this past Christmas Day. "To my government, I don't know what to say. I know that you are trying to get us out but I don't know exactly what you can do. I only know that it has not been enough or the right thing," the blurred figure on the tape said that day.

Yesterday afternoon, in sun-gorgeous Georgetown, inside a bone-white Catholic church that dates itself back to 1790, the man who had been playing tennis with Anderson on March 16, 1985—same sun, different world—stood up in front of several hundred people, one of them being Jesse Jackson, another Nicholas Daniloff, still another the sister of Anderson, and said this in a very quiet voice:

"I wanted to rescue Terry—but I couldn't. And I wanted to run—but I couldn't do that either. Terry's eyes said, 'Don, do something.' Mine said, 'Terry, I can't.'"

As he said this, Don Mell's ruddy young face got ruddier, his voice darker. Then Mell, who is now on the photo desk of AP in New York, and who is still only in his twenties, and who is far from over what he witnessed that day, said: "You know, I think the whole thing took less than a minute. Thank you."

He sat down. There was more singing, lighting of thin white tapers. Olive twigs were passed out by children carrying wicker baskets. The silence seemed to be screaming down onto 36th and O. A minute earlier, a choir had taken the audience through an Anglo-Saxon hymn: "Peace flowing like a river/Flowing out of you and me/Flowing out into the desert/Setting all the captives free." It seemed a congregation then far more than an audience, a religious service far more than a Washington media event.

They called it the "Candlelight Ceremony of Hope," and hope is what it was rooted in, built on. Religion, like hope, is always rooted in the ability to believe—to believe that someday, on the other side of here or Jordan or somewhere else, redemption will come and suffering will be released.

Maybe, but in respect to 20 people being held against their will in unfathomable unfashionable Lebanon, it has to be said that these are the mostly ignored days, the forgotten days, and therefore the cruelest days. Terry Anderson, who is 41, is said to be blindfolded and shackled most of the time now to an unknown wall. He has a young son he has never seen. Some would say—and have—that Anderson deserves his fate. He didn't take precautions. He didn't get out in time. He was too swaggy.

Maybe he was too committed.

These are also the most ignored, forgotten and therefore cruelest days for people named Thomas Sutherland and Alec Collett and Brian Keenan. The media carnival has moved on from Lebanon. Attention gets grafted on to other stories, other hemispheres, other terrors—General Noriega, A TWA hijack, Nick Daniloff in Moscow. Call it the nightmare of the week. Somehow, the Lebanon hostage story isn't *au courant* just now.

Except to their families, who were there at Holy Trinity hiding their tears yesterday.

Yesterday, while a congregation of several hundred family and friends and others were bowing their heads in prayer, Oliver North, John Poindexter, Richard Secord and

Albert Hakim were being named in a 23-count indictment on charges that they conspired to divert Iranian arms sales profits to the Nicaraguan contras. The sales had come about in the first place as an effort to free the Middle East hostages. So hasn't the story come right back around?

Nearly a decade ago, when the five dozen or so American Embassy hostages were taken in Tehran, America was galvanized by the drama. Walter Cronkite signed off each night's news broadcast telling us how many days it had been since Day 1. Ted Koppel's "Nightline" got made into the household product it is now by that hostage story.

Maybe this hostage story came too late. Maybe we're inured. We have lived so long with the terror that we can even bear it, like the news of the latest atom bomb. We assimilate and we go on.

Associated Press, Nov. 27, 1986: "President Reagan told Peggy Say yesterday that administration officials will continue 'to do everything they can' to free her brother, journalist Terry A. Anderson, and other American hostages in Lebanon. Say said the President telephoned her at her home in Batavia, N.Y., about 12:15. Reagan was aboard Air Force One, en route to California for a Thanksgiving vacation. Say said Reagan told her he 'would not rest until Terry was home.'"

And yesterday, in the pulpit at Holy Trinity, Peggy Say—who is a red-haired middle-aged woman with a pair of red sockets for eyes—intoned this into a microphone: "I have agonized for three days over what kind of remarks to make. It wasn't until I woke up this morning that I knew I wasn't going to make a speech, I wasn't going to make a political statement. This is a church, and in a church we pray."

And so she prayed. "Strengthen and comfort them, Lord," she prayed. "Hold them closely in the palm of Your hand."

After the ceremony, holding a tissue, her eyes partially concealed by tinted yellow glasses, she said to a reporter who had come up to ask her awkwardly if she knew what her government was doing right now, if anything, for her brother, "The truth is, I don't know. I talked to the State Department yesterday, and they told me there was nothing they could tell me, there was no real reason for a great optimism, but that they were pursuing quiet diplomacy."

She looked down. She jerked at the jacket of her white suit, which had dark piping. "It's pretty hard to accept that after three years. You know, those words, 'pursuing quiet diplomacy.'"

She paused again, "I think the American people are being very kind to President Reagan and Vice President Bush, in view of the president's criticism of Jimmy Carter and the hostages in Iran eight years ago."

The edge to the words were all the finer for how softly she said them.

Not all of those being held hostage in Lebanon are American. There is a West German, an Italian, an Irishman. It would have been hard yesterday not to think about any of them. As the litany of various occupations and titles and nationalities were read off, a kind of unbearable lightness of grief seemed to settle in.

Frank Herbert Reed, director of the Lebanon International School in Beirut: kidnapped Sept. 9, 1986.

Terry Walte, British envoy of the Anglican Church: kidnapped Jan. 29, 1987.

Marcel Fontaine, vice consul at the French Embassy in Beirut: kidnapped March 22, 1985.

Alberto Molinari, businessman; kidnapped Sept. 11, 1985.

Behind each name the congregation intoned: "Merciful God, hear us and grant him freedom."

The ceremony was cosponsored by No Greater Love, a Washington-based, nonprofit, nonpolitical humanitarian organization; and by the Journalists' Committee to Free Terry Anderson. The Chevy Chase Handbell Ringers came. The Jon Bowen Chorale came. Charlie Rose of CBS came. The Rev. Lawrence Martin Jenco, a Benedictine priest and former hostage in Lebanon, came. Tom Brokaw of NBC couldn't make it at the last minute but sent something to be read. So did Pat Robertson and George Bush. A formal invitation had been sent to the president, but there were regrets on this.

There were Christian children in snowy-white surplices, and there were Jewish children wearing shawls with Hebrew letters on them. Georgetown University students entered bearing 8-by-10 photographs of the hostages.

There were round-faced nuns in retro-grade nun gear. There was a homeless man in a back pew wearing a stocking cap and lugging a canvas bag. The Secret Service checked out the contents.

Former Soviet detainee Nick Daniloff, who had come with his wife, said before the ceremony, "They are incarcerated for cynical political purposes outside any standard of acceptable human behavior. Pawns, bargaining chips. I've always been concerned for the hostages in Lebanon because of what happened to me. The U.S. government and the American people gave tremendous support to me during my little, uh, problem when I was detained in a Moscow cell. How can I not respond to something like this? I see this ceremony not focused just on American hostages, but on all hostages anywhere."

At one minute before 1 o'clock, which was the hour the ceremony began, a candidate for president of the United States pulled up with the usual Secret Service retinue and flashing police cars and a huge press bus full of mostly yawning corpsmen. The profane seemed suddenly trying to wedge itself in amid the sacred. The great red and silver Jesse Bus was something of a sight trying to get down the narrow Georgetown street.

"Jesse! Jesse!" yelled school kids from Holy Trinity Elementary. They had Instamatics and even binoculars and were being held at a certain distance. Jackson got out of his limo, buttoned his blue suit coat, waved at the kids and made a "shhh" gesture, finger at his lips. There was a red silk hanky waving from his vest pocket. He went in and took his place in a pew. Just another supplicant.

At a press conference afterward in a building next door, he said, the old preacher's rhetoric beginning to roll, like Jordan: "For as long as they are captured, we are captured. We all die daily. And none of us will be free until they are free." It had cadence, it had hope.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business?

If not, morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1990 AND 1991

The PRESIDENT pro tempore. Under the order, the Senate will resume consideration of S. 1352, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1352) to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDENT pro tempore. The Senator from Illinois [Mr. DIXON] is recognized.

Mr. DIXON. Mr. President, I announce to my colleagues that we are prepared to begin further work on amendments to S. 1352.

The distinguished Senator from Minnesota, Senator BOSCHWITZ, is here.

As soon as we have supporting staff and others on the floor we are prepared to deal with an amendment by Senator BOSCHWITZ which is acceptable to both sides, and I am further advised by staff that so far as the jurisdiction of my Subcommittee on Readiness, Sustainability and Support is concerned, we now have developed I think three amendments that are satisfactory to both sides in connection with that.

I am informed, Mr. President, by staff that there are probably about 15 amendments that have been developed by the two sides that are acceptable and will substantially reduce the amount of work before the Senate.

I remind the Senate that hopefully this is our last week before the August work break. I encourage Senators to come over here as quickly as possible.

Later I might make it known what those amendments are so that Members can be aware of the fact that their amendments have been approved, but I would hope that all Senators and staff will be advised that we are beginning to dispose of these amendments.

May I inquire of my colleague from Minnesota whether he would want to proceed or shall we wait?

Mr. BOSCHWITZ. No. We are ready to proceed with my amendment. It is a small amendment as the Senator indicated. It has to do with some land transfers at Fort Snelling in Minnesota, and we are willing to proceed on this side, I would say to the Senator.

Mr. DIXON. Mr. President, I am delighted to have that indication from the distinguished Senator from Minnesota. This side is ready as well. The amendment has been examined and if my friend from Minnesota will offer it at this time, we will accept it.

The PRESIDENT pro tempore. The Senator from Minnesota is recognized.

AMENDMENT NO. 514

Mr. BOSCHWITZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the amendment. The legislative clerk read as follows:

The Senator from Minnesota [Mr. BOSCHWITZ] proposes an amendment numbered 514.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SECTION .

(a) RELEASE.—(i) Subject to clauses (ii) through (iv), the Secretary of the Army shall release to the State of Minnesota the reversionary interest of the United States over approximately 35.38 acres of land, known as "Area J," conveyed from the United States to the State of Minnesota in the quitclaim deed dated August 17, 1971. The Secretary of the Army shall also release the State of Minnesota from all covenants and agreements contained in the said quitclaim deed, covering the approximately 35.38 acres of land.

(ii) CONDITION OF RELEASE.—The releases directed by clause (i) are conditioned on the State of Minnesota donating approximately 35.38 acres of land to the United States for use by the Department of the Army.

(iii) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the land over which the reversionary interest is to be released shall be determined by surveys which are satisfactory to the Secretary of the Army and the State of Minnesota.

(iv) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions as he considers appropriate to protect the interests of the United States. The Secretary of the Army may agree to allow the State of Minnesota to retain a reversionary interest in the land described in clause (i) conditioned upon the Secretary's use of the land for Army purposes and preservation of the historic structures lying thereon in conformity with Department of Interior standards for properties on the National Register of Historic Places.

(b) DEED AMENDMENT.—The Secretary of the Army is authorized to execute and file the appropriate documents to reflect the provisions of this section.

The PRESIDENT pro tempore. The Senator from Minnesota, Mr. BOSCHWITZ.

Mr. BOSCHWITZ. I thank the Chair.

Mr. President, this amendment would allow the Secretary of Army to regain ownership of 35 acres of land in Hennepin County, MN, for Army Reserve training purposes.

The transfer of area J to the Army will entail no cost to the Army. According to the Army, the redevelopment of area J will permit cancellation of other anticipated projects for a cost savings of \$10 million.

The land in question is part of a larger property of 141 acres, known as Fort Snelling, which was conveyed from the United States to the State of Minnesota on August 17, 1971. Since the transfer to Minnesota, the Army has continued to use area J under a clause in the original deed of transfer, and anticipates a continuing need to use the property for the foreseeable future.

The State of Minnesota has agreed to donate the property to the United States for use by the Army—but there are some minor legal obstacles to such a transfer. The so-called reversionary interest of the United States over the land in question must be removed, and the State of Minnesota must be freed from the covenants and agreements of the deed.

The proposed amendment would remove these impediments, allowing the State of Minnesota and the Secretary of the Army to negotiate over the exact terms of transfer. The amendment would also allow the Secretary of the Army to provide the State of Minnesota with a reversionary interest in area J, should the Army ever decide the land is no longer needed.

The proposed amendment has been approved by the Department of the Army and the State of Minnesota, and I understand that it has been cleared by both sides here in the Senate. I urge adoption of the amendment.

Mr. DIXON. Mr. President, may I say that the amendment that the Senator is offering would modify a deed held by the State of Minnesota regarding property constituting the portion of the former Fort Snelling. The modification would permit the donation of 35 acres of the former post to the Department of the Army for long-term use in development by the Army Reserve.

Because of the particular conditions of the deed by which the State received the fort from the Army in 1971 this donation cannot be accomplished without this legislation.

The Army realizes a modest savings and secures a long-term interest in an important training site which could be further developed should the need arise.

Mr. President, this side is delighted to support the amendment offered by the distinguished Senator from Minnesota.

The PRESIDENT pro tempore. Is there further debate?

The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment (No. 514) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BOSCHWITZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIXON. I thank the Senator from Minnesota.

Mr. President, there are amendments by Senator DeCONCINI specifically and by Senators NICKLES and BOREN as well that are acceptable and have been cleared on both sides, so that if the Senator from Oklahoma or the Senator from Arizona could come over here at an appropriate time in the short near future I think we are prepared to deal with those amendments.

I will make known other amendments that are acceptable in short order.

The PRESIDENT pro tempore. What is the will of the Senate?

Mr. DIXON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll, the absence of a quorum having been suggested.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DIXON. Mr. President, for the benefit of Senators who may be following what is taking place here, the situation, as we begin this Monday morning, is as follows:

There are 99 amendments to S. 1352 that have been filed. Three are duplications, so, in fact, there are 96 amendments that are pending. We have just disposed of one amendment by the distinguished Senator from Minnesota [Mr. BOSCHWITZ]. We have 95 remaining.

We have in our possession here a list of 10 amendments that are agreeable, which would reduce the number of pending amendments to 85. Those 10 amendments are acceptable, if Senators would come over here. One, by Senator BIDEN, a report on Fort Meade recreation area, would be acceptable. The DeConcini-McCain amendment, I understand now from staff, we can go ahead with those Senators coming over. So that will be done here. But Senator BIDEN or someone should let us know about that amendment by him, which is acceptable.

Senator DOMENICI has an amendment on a report on the number of DOD dependents eligible for SSI benefits that is acceptable. So if he or someone would let us know what to do on that.

Senator HARKIN has an amendment requiring U.S. beef be sold in U.S. commissaries in Europe. That is acceptable, if he would let us know what to do about that.

Senator HEFLIN has a sense-of-the-Congress amendment on accidental launch protection that is acceptable, if

he would let us know what to do on that.

Senator McCLURE has an amendment to delete authority to dispose of silver from the stockpile. He, I understand, has authorized us to go ahead with that and we will do that momentarily.

Senator MURKOWSKI has an amendment on independent price determination and anticollusive bidding on U.S. contracts. That is acceptable if he would let us know what to do on that.

There is another amendment by Senators NICKLES and BOREN on Tinker Air Force Base. We accepted one Thursday. This is another one that is acceptable if they would inform us and come over on that.

Senator ROTH has an amendment to facilitate acquisition and cross-servicing agreements with NATO. That is acceptable, if he would let us know what to do.

And Senator SIMON has one to notify local educational agencies of scheduled base closings.

So there are 10 that can be disposed of. I am authorized, shortly, Mr. President, to dispose of two of them, but there are eight others who need to let us know what to do.

Then we have six amendments that sponsors have indicated they want to proceed with and have debate on and vote on.

We would like to do that today, Mr. President, so we can have those rollcalls after 5 o'clock this evening. Here are those six amendments.

Senators BOND and GORTON have an ALPS amendment. Senator BUMPERS has an amendment to delete funds for the 19th Trident. Senator KENNEDY has an SIS plant amendment. Senators KERRY and JEFFORDS have an Asat amendment. Senator LEVIN has an amendment to reduce MX rail garrison and increase conventional programs. And Senator WILSON has an amendment we dealt with last year and had a rollover on last year concerning fee assessment on military family housing construction for local school agencies.

That is six amendments, Mr. President, where Senators have indicated what the amendments are and they want to have rollcalls. That is fine. On at least one, we visited this before, last year. That will require some extended debate. We can have votes stacked in accordance with the unanimous consent understanding the other day, Mr. President, at 5 o'clock this afternoon.

So that would be 16 we can dispose of easily and readily today without this Senator knowing of others. I hope Senators would cooperate, Mr. President.

There are 95 remaining. If we dispose of all 16, arithmetically we still have 79, I believe. So I would urge Senators to undertake to come over

here and to begin the process of getting rid of these amendments.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DIXON. Mr. President, may I say to my distinguished colleague, the manager on the other side, that I am informed that both sides have approved an amendment by Senator DeCONCINI regarding a Milcon matter, and Senator DeCONCINI has authorized us to go ahead with this amendment.

I ask my distinguished colleague if he is prepared for us to proceed on the amendment by Senators DeCONCINI and McCain regarding National Guard military construction at Show Low, AZ?

Mr. WARNER. Mr. President, this side has examined the amendment. It is a good amendment, and we are prepared to accept it.

AMENDMENT NO. 448

(Purpose: To provide \$500,000 for the Army National Guard for the construction of an Organizational Maintenance Sub-Shop for the 1404 Transportation Company in Show Low, Arizona.)

Mr. DIXON. I send to the desk an amendment by the distinguished Senators from Arizona, Senators DeCONCINI and McCain, and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Illinois [Mr. Dixon], for Mr. DeCONCINI (for himself and Mr. McCain) proposes an amendment numbered 448.

Mr. DIXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 362, line 15 strike out "174,609,000" and insert in lieu thereof "175,109,000".

Mr. DeCONCINI. Mr. President, the amendment I am offering would provide an additional \$500,000 for the Army National Guard military construction authorization in the Department of Defense authorization bill, for the purpose of constructing an organizational maintenance subshop in Show Low, AZ.

Currently the 1404 Transportation Co. Sub-Shop in Show Low is working in temporary facilities. Those temporary facilities consist of canvas tents for maintenance work and other non-permanent facilities. While my colleagues may think all of Arizona has a

hot desert climate, Show Low is located in the White Mountains at over 6,000 feet of altitude. During the winter months there is substantial snow, sleet, and subfreezing temperatures. This severely hampers the work of the 1404 Transportation Co. Working on 2½- and 5-ton trucks in a tent in the freezing cold is not conducive to an efficient work environment.

It is my understanding that the National Guard currently has this project slated for fiscal year 1992. My amendment moves that up to fiscal year 1990. It is my understanding that the project is 100 percent designed and adequately meets National Guard standards.

Therefore, I urge the chairman and ranking member to accept this amendment by increasing funding for the Army National Guard from \$174,609,000 to \$175,109,000.

Mr. DIXON. Senator DeCONCINI, with Senator McCain, as cosponsor, offers an amendment that would add \$500,000 to the Army National Guard military construction authorization for the construction of an organizational maintenance subshop at Show Low, AZ. Mr. President, this side supports that amendment.

The PRESIDENT pro tempore. The Chair will suggest the Senate has not acted on the previous amendment as yet.

Mr. DIXON. Mr. President, we have acted on the Boschwitz amendment.

The PRESIDENT pro tempore. The Chair begs the Senator's pardon.

Mr. DIXON. I thank the Chair.

Mr. WARNER. Mr. President, if there is no further debate, I urge the adoption of the amendment.

The PRESIDENT pro tempore. The question is on the agreeing to the amendment.

The amendment (No. 448) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIXON. May I say to my distinguished friend, the manager on the other side, we are informed on this side that the amendment by the Senators from Oklahoma [Mr. Nickles and Mr. Boren] is acceptable concerning administration facility at Tinker Air Force Base. I respectfully inquire as to whether we may proceed with that amendment.

Mr. WARNER. Mr. President, the Senator is correct. It is a good amendment, and this side accepts it.

AMENDMENT NO. 515

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Illinois [Mr. Dixon] for Mr. Nickles (for himself and Mr. Boren) proposes an amendment numbered 515.

Mr. DIXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(a) PURCHASE AUTHORIZED.—Notwithstanding any other provision of law, the Secretary of the Air Force is authorized to acquire a Depot Operations Logistics Facility at Tinker Air Force Base for the sum of \$248,900.00. No charge to appropriations shall be required for sums previously expended for site preparation, leasing, installation or other construction.

(b) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

Mr. Nickles. Mr. President, the amendment I am offering is of a technical nature and would allow the Air Force to purchase an existing office building at Tinker Air Force Base, a move that would actually save money.

The building in question, building 3333, is currently being leased by the Air Force at an annual cost of \$545,000, and has been leased at that rate for the last 3 years. Under the lease, which expires in October 1989, the Government has the option of purchasing the building for \$248,900, or extending the lease at the current rate.

It seems obvious that the preferable option would be to purchase the building because that option would save the Government a quarter of a million dollars over extending the lease for another year. The reason for the amendment is that in order to purchase the building, Congress must authorize the purchase. I believe that it is wise for us to allow the Air Force to save the money by purchasing the building and urge the adoption of the amendment.

Mr. Boren. Mr. President, I want to thank my colleagues for providing language in this bill to allow the purchase of a building at Tinker Air Force Base. The building has 50,000 square feet and is providing office space for nearly 400 employees.

This building had been leased to provide temporary space until the military construction program for a consolidated headquarters came along. The decision to retract this construction was just made by the Air Force and the base will either have to negotiate a new, expensive lease or pay to have the building removed.

Leasing costs the American taxpayers \$45,416.67 per month and would probably increase with a new contract. The owner will accept \$248,900 for this building to be paid over 5.48 months at

the present rental charge of \$45,416.67.

It makes good fiscal sense to provide this authorization, and I thank my friends on the committee.

Mr. DIXON. The amendment by the Senators from Oklahoma [Mr. NICKLES and Mr. BOREN] would authorize the Air Force to purchase a contractor-owned building on Tinker Air Force Base for \$250,000, and the majority has no objection to that amendment and supports it.

Mr. WARNER. The statements made by the distinguished Senator from Illinois are correct. We are prepared to take up the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 515) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIXON. Mr. President, the distinguished senior Senator from Idaho is here and has an amendment.

AMENDMENT NO. 455

(Purpose: To delete silver from the materials that may be disposed of out of the National Defense Stockpile)

Mr. McCLURE. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Idaho [Mr. McCLURE] proposes an amendment numbered 455.

On page 454, in the table above line 1, strike out the item relating to silver.

The PRESIDENT pro tempore. The Senator from Idaho [Mr. McCLURE].

Mr. McCLURE. Mr. President, this amendment has been cleared on both sides of the aisle and conforms to a request from the Department of Defense relating to this stockpile. I urge the adoption of the amendment.

Mr. DIXON. Mr. President, the amendment by the distinguished Senator from Idaho, and I see both Senators on the floor now, would delete the disposal authority of 15 million troy ounces of silver from two defense stockpiles contained in the committee bill. We have no objection to that amendment and support it on the majority side.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 455) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIXON. Mr. President, may I inquire of the clerk as to whether there is an amendment, amendment No. 478, by the distinguished senior Senator from New Mexico [Mr. DOMENICI] reported on the number of DOD dependents eligible for SSI benefits?

The PRESIDENT pro tempore. There is such an amendment.

Mr. DIXON. May I say, Mr. President, that I am advised, subject to what I hear from my friend, the manager on the other side, that the distinguished Senator from New Mexico would urge us to proceed on his behalf with respect to amendment No. 478, and this side has no objection to that amendment.

Mr. WARNER. Mr. President, the Senator is correct.

AMENDMENT NO. 478

(Purpose: To require a report by the Secretary of Defense on the number of dependents of members of the Armed Forces eligible to receive SSI benefits)

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows: The Senator from Illinois [Mr. DIXON], for Mr. DOMENICI, proposes an amendment numbered 478.

Mr. DIXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 295, after line 25, insert the following new section:

SEC. . REPORT ON LOSS OF SSI BENEFITS.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on the number of members of the Armed Forces who have dependents who are eligible for supplemental security income (SSI) benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.). The Secretary shall include in such report the following:

(1) A statement of the number of dependents of members of the Armed Forces who, as a consequence of members of the Armed Forces being assigned to duty outside the United States, lose their eligibility for supplemental security income (SSI) benefits.

(2) A statement of the total cost of providing SSI benefits to dependents of members of the Armed Forces

(3) Information indicating whether the Department of Defense provides any benefit for members of the Armed Forces, based upon the blindness or disability of a dependent, similar to SSI benefits provided under title XVI of the Social Security Act.

(4) A discussion of possible programs of assistance that could be established to assist members of the Armed Forces in cases in which dependents lose SSI benefits as a result of accompanying members of the Armed Forces to duty stations outside the United States.

(b) DEADLINE FOR REPORT.—The report required by subsection (a) shall be submitted not later than 180 days after the date of the enactment of this Act.

Mr. DIXON. Mr. President, the amendment by Senator DOMENICI would require the Secretary of Defense to submit a report to the Congress on the number of members of the Armed Forces who have dependents who are eligible for supplemental security income benefits under Social Security.

The majority has no objection to the amendment.

Mr. WARNER. Mr. President, the amendment is agreed to on this side.

Mr. DOMENICI. Mr. President, I rise on behalf of an amendment I am offering today. The amendment is considered noncontroversial and has the support of the Armed Services Committee.

My amendment would require from the Department of Defense a report on the number of recipients of supplemental security income benefits. SSI benefits are made available to families with blind or disabled dependents. These benefits are used to subsidize the costs of therapy and medical equipment that might be needed for the dependent's care.

Unfortunately, the provision in the Social Security Act that concerns SSI benefits is stated in a way, however, that excludes military families overseas. Such benefits are for families residing in the 50 United States. This is unfortunate, because a family that has been dependent on these benefits will lose them when they accompany a spouse who is redeployed overseas. This loss of benefits causes hardship for the family as they are left with two equally undesirable choices. The first choice is to move overseas with the military spouse and lose the benefit. The family is together but not facing financial hardship. The second choice is dividing the family. The military spouse deploys overseas, often for 2 years, while the nonmilitary spouse stays in the United States in order to retain the SSI benefit. Here we have more hardship with a divided family.

My amendment would require a report from the DOD asking for: First, data on the number of families receiving such benefits; second, the number of families who are sent overseas and thus lose these benefits; third, the costs to the Government of picking up the tab for these families if the benefits were to be granted to those who are deployed overseas; and fourth, what program, if any, does the DOD have for compensating these families.

Mr. President, I believe that this report will provide us with the information we need to determine the magnitude of the military families' needs for this important benefit. I believe that the actual number of families that will fall into this category will range in the hundreds. If so, then for a relatively low amount of money, we can provide a much needed benefit

and boost morale for all the affected families. I urge the Senate's support for this amendment and look forward to the report from the Department of Defense.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 478) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIXON. I thank the Chair.

Mr. President, we have several others here that are approved amendments, again one by Senator BIDEN, one by Senator MURKOWSKI, one by Senator HEFLIN, one by Senator ROTH, and one by Senator SIMON. We encourage Senators who have amendments that are acceptable to us to come over.

The PRESIDENT pro tempore. The Senator from Illinois [Mr. DIXON].

Mr. DIXON. Mr. President, may I respectfully inquire of the Chair as to the present pending order of business in the Senate?

The PRESIDENT pro tempore. The pending business is S. 1352.

Mr. DIXON. I thank the Chair.

Mr. President, we have on the floor two distinguished Senators prepared to offer amendments agreeable to both sides and in order of the time they arrived the distinguished Senator from Illinois has an amendment which is acceptable.

I yield to the majority leader.

The PRESIDENT pro tempore. The majority leader is recognized.

VETO MESSAGE—AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate receives the President's veto message on the FSX resolution, it be considered read, spread upon the Journal and laid aside until called up by the majority leader after consultation with the minority leader.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. I thank the Chair.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1990 AND 1991

The Senate continued with the consideration of the bill.

The PRESIDENT pro tempore. The Senator from Illinois, Mr. SIMON, is recognized.

AMENDMENT NO. 451

(Purpose: To require the Secretary of Defense to notify local educational agencies of the schedule for base closures and realignments resulting in substantial increases or decreases in the number of students enrolled in the schools of such agencies)

Mr. SIMON. Mr. President, I send to the desk an amendment on behalf of myself, Senator DIXON, and Senator DOMENICI and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON], for himself, Mr. DIXON, and Mr. DOMENICI, proposes an amendment numbered 451.

Mr. SIMON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 73, below line 22, insert the following:

SEC. 333. NOTICE TO LOCAL AND STATE EDUCATIONAL AGENCIES OF ENROLLMENT CHANGES DUE TO BASE CLOSURES AND REALIGNMENT.

(a) NOTICE REQUIRED.—Not later than January 1 of each year in which any activities necessary to close or realign a military installation under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2627) are conducted, the Secretary, in consultation with the Secretary of Education, shall—

(1) to the extent practicable, identify each local educational agency that will experience at least a 5 percent increase or at least a 10 percent reduction in the number of minor dependents of members of the Armed Forces and minor dependents of civilian employees of the Department of Defense enrolled in schools under the jurisdiction of such agency during the next academic year (compared with the number of such dependents enrolled in such schools during the preceding year) as a result of the closure or realignment of a military installation under that Act; and

(2) not later than 30 days after identifying such local educational agency, transmit a written notice of the schedule for the closure or realignment of that military installation to such local educational agency and to the State government education agency responsible for administering State government education programs involving that local educational agency.

Mr. SIMON. Mr. President, this amendment, my colleague has said, has been agreed to by both sides. It is an amendment that does not do much but simply asks that the school districts that are affected by base closings where those exceed a certain percentage be notified in advance of this.

I think it is a simple protection that we owe those school districts. I know of no opposition, and I ask that it be considered at this point.

Mr. DOMENICI. Mr. President, today I join with my colleague from Illinois [Mr. SIMON], in introducing an

amendment to help our public schools meet the challenges they must face as a result of the base closures and realignments.

Last year, when we passed the Base Closure and Realignment Act, we recognized that the local communities affected by the base closure and realignment law would need assistance—assistance to help the local communities adjust to the sudden losses or gains occurring as a result of the act.

Closing or sharp changes in the missions at 86 military installations over the next 5 years will affect communities throughout the country.

Among the community services most effected will be our schools. Frankly, they deserve every assistance in preparing for the changes in enrollment, changes that will have a significant impact on their day-to-day ability to prepare our children for the future.

Our schools, whether they are gaining or losing personnel, will need to adjust. They need our assistance. They must have notification of anticipated enrollment changes due to base closures and realignments.

This amendment would provide that the Department of Defense, in consultation with the Secretary of Education, identify by January 1 of each year, or as soon as possible thereafter, those local educational agencies that can expect at least a 10-percent decrease or at least a 5-percent increase in enrollment during the next academic year as a result of realignment or closure of a local military installation.

Thirty days after identification, the Secretary of Defense must notify the local educational agencies, as well as the State educational agencies, of these anticipated enrollment changes.

Mr. President, the budget process for our school districts can be difficult. The process becomes even more of a challenge if the districts must speculate on changes in enrollment due to base closures and realignments.

Notification is absolutely essential for schools as they plan their curriculum, employment targets, room allocations, and other operating activities.

In the State of New Mexico, notification is critical for educational funding planning, since virtually all public schools funds are appropriated by the New Mexico State Legislature, then distributed equally throughout the State.

Changes in projected enrollment in one district can affect all districts. An unexpected increase of, say, 600 to 700 students could deplete the State's emergency reserve funds, leaving the State educational system in disarray.

No one can dispute the role our schools play in the futures of our children. Nor can anyone dispute the disruptive impact of a sudden and substantial reduction or increase in enrollment on one school district.

We must help out when possible. This amendment would provide one aspect of assistance, offering stability to our schools.

Mr. President, this is a sound amendment, and I urge my colleagues to support its adoption.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 451) was agreed to.

Mr. SIMON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROTH addressed the Chair.

The PRESIDENT pro tempore. The senior Senator from Delaware.

AMENDMENT NO. 516

(Purpose: To amend section 2344 of title 10, United States Code in order to facilitate acquisition and cross-serving agreements with NATO allies and other countries)

Mr. ROTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 516.

Mr. ROTH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At an appropriate place in the bill, add the following new section:

SEC. . (a) METHODS OF PAYMENT FOR ACQUISITIONS AND TRANSFERS BY THE UNITED STATES.—Section 2344(a) of title 10, United States Code, is amended by striking out "or substantially identical nature" and inserting in lieu thereof "value".

(b) LIMITATIONS ON EXCHANGES.—(1) Section 2344 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) The following transfers in exchange for supplies or services are prohibited:

"(1) Transfers in exchange for property the acquisition of which is prohibited by law.

"(2) Transfers of nuclear warheads.

"(3) Transfers of chemical munitions."

The PRESIDENT pro tempore. The senior Senator from Delaware, Mr. ROTH, is recognized.

Mr. ROTH. Mr. President, the purpose of this amendment is quite humble and I am happy that it will be accepted by both sides. Simply put, it amends existing law to facilitate certain mutual support and barter arrangements now in effect between the United States and its allies, particularly those allies in the NATO European theater.

Under current law, the Department of Defense can obtain logistics support, supplies, and services from an

allied government on a replacement-in-kind basis or exchange of supplies or services of an identical or substantially identical nature. My amendment substitutes the concept of identical nature for one of identical value. In other words, if my amendment is accepted, the Department of Defense would be able, on a small scale, to exchange with NATO Allies, services and supplies for other services and supplies of similar value.

For example, if the Norwegian defense forces are suffering from a shortage of artillery ammunition, they cannot really barter for that ammunition with the United States armed forces because those forces, in exchange, would be obliged to demand other artillery shells. By contrast, my amendment would allow our armed forces to trade those artillery shells for other supplies or for services such as Norwegian maintenance and servicing of United States Pomcous sites in that country. Frankly, I believe that the benefits of this added flexibility are clear—this country obtains needed goods and services in exchange for goods which it already possesses in surplus and, simultaneously, those allies with whom we share the responsibility of defending Europe are militarily strengthened.

Should any member fear that this amendment might give license to DOD to produce too freely abroad, let me point out some restrictions both in existing law and in my amendment. Section 2342 of title 10, United States Code already states that the Secretary of Defense may not use this authority to procure from a foreign government goods and services routinely available in the United States. Furthermore, the Secretary may enter into barter arrangements only with those governments which have a defensive alliance with the United States, permits the stationing of U.S. forces on its soil, or pre-positions U.S. defense material.

Furthermore, existing law restricts the total annual value of all such exchange agreements to no more than half a billion dollars in any fiscal year. In fact, I am sure that this figure will always be much lower. Moreover, my amendment specifically exempts from this exchange process: All transfers in exchange for property the acquisition of which is prohibited by law, transfers of chemical munitions and transfer of chemical weaponry. The Congress has already demonstrated its deep concern over these issues and it is fitting that it exercise close, direct surveillance over all military activities relating to these weapon systems.

Mr. President, this amendment is not a panacea for our burden sharing problems. Rather, I see it as one more step toward easing those problems through small, but constructive initiatives. All too often, our burden-sharing problems are the focus of political

rhetoric but not substantive action. I thank the Armed Services Committee for accepting this amendment in the constructive spirit in which it is offered.

Mr. NUNN. Mr. President, I strongly recommend the Senate agree to this amendment. Senator ROTH has been a real leader in trying to improve the cooperation and coordination and rationalization with the NATO alliance. He has been a leader in this respect for years. This amendment is another example of that leadership.

The amendment would allow the supplies or services that are exchanged between the United States and its allies to be of an identical value rather than identical nature. It would greatly facilitate the exchange of supplies and logistics, which makes sense, from both countries. I think it would be a real improvement in the efficiency of the operation of our military forces in NATO, as well as an assistance to overall coordination between allies.

So I commend him for the amendment and I urge that it be accepted.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Delaware, [Mr. ROTH.]

The amendment (No. 516) was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROTH. Mr. President, I express my appreciation to the senior Senator from Georgia for his generous remarks. I particularly appreciate the fact that he and the ranking minority member on the Republican side have agreed to this amendment.

I yield the floor.

Mr. DIXON. Mr. President, Senator MURKOWSKI has an agreed amendment here on independent price determination and anticollusive bidding on U.S. contracts that has been agreed to on both sides. He indicated he was on his way over here, so momentarily I believe we will be ready to do that amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Illinois [Mr. Dixon] is recognized.

Mr. DIXON. Mr. President, we now have the distinguished Senator from

Alaska [Mr. MURKOWSKI], here. As soon as my colleague can join me from the Cloakroom, where he is trying to get some time-limiting agreements with certain Senators, we are prepared to accept the amendment of the Senator from Alaska [Mr. MURKOWSKI]. Also, Mr. President, we are prepared to offer another amendment which is, in effect, an amendment I will offer for the Armed Services Committee. So we will have two agreed amendments, Mr. President, that we can, momentarily, dispose of.

Perhaps my colleague, if he would like to, could take up the amendment, begin his explanation of the amendment while we are waiting for my distinguished comanager to come to the floor.

The PRESIDENT pro tempore. The junior Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I wonder if my colleague from Illinois would care, in addition, to have three other amendments which I have submitted, that are on the preclearance list but I think are still under evaluation by various agencies, introduced at this time?

I do not know what he is doing with the controversial amendments. I happen not to think these are too controversial, but that is one point of view. I have one on military purchases of South African produce by our bases overseas. It has been submitted to the staffs, and we are still awaiting clearance from the Armed Services Committee, although that may have been received.

I also have one on Taiwan's fishing, which would address the implication of the circumstances surrounding the realities that the Taiwanese still have not signed the driftnet agreement and would initiate certain provisions of action by our President if that driftnet agreement is not signed.

And lastly, an amendment to trigger a security energy planning process. If, indeed, 50 percent of our oil usage has to come from imports, it would trigger the necessity of the President to initiate an energy planning process.

And that also has been submitted.

My purpose in bringing this to the attention of my good friend from Illinois is to indicate that I am ready to go on all my amendments, and knowing the crunch of time and the fact that some of these which we cannot seem to get cleared, usually bottle up in the late hours, I wonder if my good friend can elaborate on what his intentions are with the other amendments that we are ready to go on but, obviously, have not received clearance yet.

Mr. WARNER. Mr. President, I say to my distinguished colleague from Alaska, we are not yet prepared to accept those amendments. We are working on those, and I would hope he

would indulge us with some additional time.

Mr. MURKOWSKI. I will be happy to indulge additional time if it would be expeditious in any way to offer them and have them set aside.

Mr. WARNER. I suggest to my colleague that that not be done. The Chair is endeavoring to assist the managers in moving along with the amendments today. I think it would be a more efficient procedure if they were not the pending business. If the Senator wishes to offer them and have them printed and available tomorrow—

Mr. MURKOWSKI. I am sorry?

Mr. WARNER. If the Senator wishes to have them printed and lay over until tomorrow, but I do not think that is necessary.

Mr. DIXON. May I ask my distinguished friend from Alaska if he would accommodate my colleague, the distinguished manager on his side, by not offering them now? We are aware of the fact they are on file. We are examining them. We are willing to discuss thoroughly with the distinguished Senator all of these amendments. We have cleared at this point in time the one on independent price determination and anticollusive bidding on U.S. contracts. We would like to accommodate the Senator by taking that one now and continuing our discussion with the other amendments. They are listed on our list of amendments.

The Senator shows four amendments presently, and we are aware of that. We will work with the Senator. I assure him we will accommodate him in every way we can.

Mr. MURKOWSKI. I thank my friend from Illinois. Of course, be assured of my interest in working in a speedy and expeditious manner to clear the calendar this week. The record will note that I am ready at the call of either the floor manager or the ranking floor manager.

Mr. DIXON. I assure the Senator he will be called as each is cleared. Or if we cannot clear them, we will accommodate the Senator on debate and rollcall.

AMENDMENT NO. 497

(Purpose: To require certificates of independent price determination in connection with the award of certain Department of Defense contracts for work to be performed by foreign suppliers outside the United States, its possessions, and Puerto Rico)

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 497.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 247, below line 24, insert the following:

SEC. 836. REQUIREMENT FOR CERTIFICATE OF INDEPENDENT PRICE DETERMINATION IN CERTAIN DEPARTMENT OF DEFENSE CONTRACT SOLICITATIONS.

The Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to provide that—

(1) the exception provided in Federal Acquisition Regulation 3.103-1 for work performed by foreign suppliers outside the United States, its possessions, and Puerto Rico shall not apply in the case of any firm-fixed-price contract awarded by the Department of Defense and any fixed-price contract with economic price adjustment awarded by the Department of Defense; and

(2) the provision set out in Federal Acquisition Regulation 52.203-2 (relating to a certificate of independent price determination) shall be inserted in the contract solicitation for each such contract unless another exception provided in Federal Acquisition Regulation 3.103-1 applies in the case of such contract.

Mr. MURKOWSKI. The amendment I have just offered Mr. President, has been cleared by both managers. It is straightforward. It is simply to ensure the Department of Defense procurement policy treats foreign and U.S. suppliers with consistency. The amendment does this by requiring foreign suppliers to the Department of Defense outside the United States and its territories to abide by the same anticollusive bidding standards that we place on U.S. suppliers.

It is rather interesting to note that in one area, the Akuska Naval Base in Japan, that despite concrete evidence supplied by the Department of the Navy Fair Trade Commission which detailed bid-rigging activities of over 140 Japanese firms working on Navy projects over a 4-year period, the Navy's efforts to debar or initiate other sanctions against the guilty parties has been cumbersome because there is no anticollusive bidding clause required in DOD contracts with foreign suppliers outside the United States.

This amendment would rectify that situation. I think it is badly needed in order to make U.S. contractors competitive in bidding overseas on U.S. Government projects.

Mr. President, I believe that my friend from Illinois has accepted the amendment. Perhaps he cares to comment on it.

Mr. DIXON. Mr. President, I thank the distinguished Senator from Alaska.

The amendment requires in certain DOD contracts performed overseas that contractors certify that they have not engaged in anticollusive bidding

practices. The Department of Defense agrees that U.S. policy regarding overseas contracting should be changed as proved for in the amendment.

Frankly, DOD believes that this change should be effected in a regulatory amendment and not by law, but the committee feels that the amendment of the Senator accurately reflects the problem and addresses the problem in a way that provides a solution. The majority is prepared to accept the amendment.

Mr. MURKOWSKI. Mr. President, I urge the adoption of the amendment.

The PRESIDENT pro tempore. Is there further debate on the amendment?

If not, the question is agreeing to the amendment.

The amendment (No. 497) was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MURKOWSKI. Mr. President, just for the sake of the information of the floor managers, my other three amendments have been printed. So they are all ready to go whenever the time is appropriate.

I thank my colleagues, and I thank the Chair.

AMENDMENT NO. 517

Mr. DIXON. Mr. President, I send an amendment to the desk on behalf of the committee and ask for its immediate consideration. I can be shown as the sponsor.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. Dixon] proposes an amendment numbered 517.

Mr. DIXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate point in the bill, add the following new section:

SEC. . SERVICE CONTRACT TO TRAIN UNDERGRADUATE NAVAL FLIGHT OFFICERS.

The Secretary of the Navy may enter into a contract for services to train Undergraduate Naval Flight Officers during fiscal year 1992 in accordance with section 2401 of title 10, United States Code, after conducting a competition for such contract for services.

Mr. DIXON. Mr. President, the Secretary of the Navy has written the Armed Services Committee asking authorization to enter into a lease for services for trainer aircraft. Specific authorization is required by 10 U.S.C. 240. The Navy had planned to request this authorization earlier but, frankly, the letter, dated July 27, has been received by us now. This amendment ac-

curately represents the request of the Secretary of the Navy, and we have offered the amendment at his request.

Mr. WARNER. Mr. President, I concur in that and urge the adoption of the amendment.

The PRESIDENT pro tempore. The question is an agreeing to the amendment.

The amendment (No. 517) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECTER addressed the Chair. The PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, last week this Senator had proposed, sent to the desk, an amendment relating to the offense of espionage in an effort to have the death penalty apply to espionage because there has been no effective Federal statute on the books for espionage carrying the death penalty since 1972 when the Supreme Court of the United States in *Furman* versus *Georgia* invalidated the application of a death penalty in the absence of appropriate procedures with aggravating and mitigating circumstances.

At that time, Mr. President, the amendment was not offered but just sent to the desk, and a question arose as to whether an amendment was precluded by a unanimous-consent agreement which had been entered into on the Department of State authorization bill. At the time that the discussion was undertaken, I represented my understanding that the unanimous-consent agreement did not bar a submission of such an amendment because it was the intent of those who were a party to the unanimous-consent agreement to have it apply only for amendments introduced in the Judiciary Committee. I said at that time that I would confer with the chairman of the Judiciary Committee, Senator BIDEN, who was a party to the unanimous-consent agreement and also with Senator THURMOND, who was a party to the unanimous-consent agreement.

I have since conferred with Senator BIDEN who advised me that it was his intent that the unanimous-consent agreement would preclude amendments on the floor of the Senate on the death penalty until the Judiciary Committee had reported out a bill on the death penalty generally.

I have since consulted with Senator THURMOND on the issue as to whether Senator THURMOND or others would precluded from offering the President's crime package as a substitute, for example, in the event the gun legislation was offered on the floor as passed by the Judiciary Committee on the DeConcini bill.

Senator THURMOND advised me that it was not his understanding that the unanimous-consent agreement would preclude the offering of the President's crime package, which does have the death penalty bill in it. I think it appropriate to report this to my colleagues and to say that in light of Senator BIDEN's understanding related to me that he felt all legislation on the death penalty would be barred until the Judiciary Committee had reported, I do not intend to press my amendment on espionage on the Department of Defense authorization bill.

I do believe, Mr. President, that it is very important the death penalty ought to apply to espionage because it is such a serious offense, especially in light of the fact there has been such a tremendous increase in the number of espionage cases in the decade from 1975 to 1985. The statistics have not been given, but I discussed this matter at some length before, and with the facts having been found that whereas in the 1930's and 1940's ideology may have accounted for the espionage cases, since 1975 it has been a matter of money, with very substantial sums of money having been passed.

It had been my hope that this provision for the death penalty for espionage might be offered on this bill and might become law at the earliest possible date, with the direct connection between an expenditure of the Federal Government in the range of \$300 billion and the importance of keeping our secrets in fact secret so that the deterrent of the death penalty might be available.

But because the issue has arisen on the applicability of the unanimous-consent agreement, as I say, I do not intend to pursue the matter, and I will not offer the espionage death penalty amendment at this time and will refrain from doing so until the Judiciary Committee has reported the measures on the death penalty to the floor.

But I want to put my colleagues on notice that at the earliest time thereafter I do intend to pursue the death penalty for espionage because I think it is very important, and I intend to pursue the issue of the death penalty generally on the very many important Federal statutes which had the death penalty prior to the case of *Furman* versus *Georgia*, so at the moment the only valid death penalty provision applies on the drug bill passed last year in addition to the Uniform Code of Military Justice, which was enacted in 1955.

But I have an agreement with the majority leader on putting in the death penalty bill for terrorists, and will so proceed on espionage and other matters when the Judiciary Committee has reported.

I might say, Mr. President, there has been structured within the unani-

mous-consent agreement the commitment of the majority leader to bring up the death penalty bill on terrorists sometimes between Labor Day and October 31, but after the Judiciary Committee reports, then there will be no bar under anybody's interpretation of pursuing the other matters, so that the terrorist issue will be heard under the agreement before October 31, and when the Judiciary Committee reports, those of us will be free to pursue the death penalty for espionage or other matters.

I thank the Chair.

Mr. WARNER. Mr. President, I commend our distinguished colleague from Pennsylvania. I have joined with him thus far in his efforts to see that this crime is appropriately punished. I would like to also observe that the Presiding Officer, the senior Senator from West Virginia, likewise has invested a great deal of time during the course of his distinguished career on this subject.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll to establish the presence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS

Mr. WARNER. Mr. President, my understanding is that the chairman of the Armed Services Committee and myself are anticipating that the Senate will focus on amendments perhaps around 2 o'clock or a little before, and possibly within the period of time that remains the Chair would entertain the possibility of going into recess for a brief period.

The PRESIDENT pro tempore. Without objection, the Chair, having been authorized by the majority leader to put the request, asks unanimous consent that the Senate will stand in recess until the hour of 1:30 p.m. today.

Mr. WARNER. I thank the Chair.

There being no objection, the Senate, at 1:04 p.m., recessed until 1:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. GORE].

The PRESIDENT pro tempore. What is the will of the Senate?

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Oregon is recognized.

(The remarks of Mr. PACKWOOD pertaining to the introduction of S. 1436 are located in today RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NUNN. Mr. President, later this afternoon, on behalf of Senator WARNER, myself, Senators LEVIN, MCCAIN, EXON, BINGAMAN, DIXON, GLENN, WIRTH, SHELBY, THURMOND, COHEN, WILSON, WALLOP, GORTON, LOTT, and COATS, I will be sending an amendment to the desk. This amendment would be an amendment to the armed services bill we are now considering.

The background on this amendment is that it was considered by the Armed Services Committee on several different occasions, and at meetings on July 21 and 24, and then approved by a vote of 18 to zero.

This amendment will be the first of a package of four committee amendments dealing with the issue of burden sharing. This package includes, first, the amendment which I am discussing at the moment, which establishes a ceiling on the ratio, expressed as a percentage, of U.S. active duty forces stationed in Europe to non-U.S. NATO active duty forces deployed in Europe.

This amendment is intended to shore up our negotiating position in the negotiations in Vienna on conventional armed forces in Europe, so-called CFE talks as well as to help the administration dissuade some of our allies from making unilateral reductions before these negotiations are concluded. That is the first amendment.

The second amendment would call on Japan to strengthen its security and foreign aid programs and direct the President to enter into negotiations with Japan to conclude an agreement providing for a complete offset by Japan of the direct costs of the forces we deploy in defense of that country.

No. 3 would be an amendment directing the President to prepare a 5-year plan for the United States military presence in South Korea, including options for partial gradual reductions in United States military personnel stationed in that country.

And No. 4 would be an amendment directing a study of options for reducing the costs worldwide associated

with U.S. deployments overseas. That is on U.S. dependents.

Mr. President, before I direct my remarks to the first amendment, the NATO burden-sharing amendment, let me say a few words about the overall context of this initiative by the Armed Services Committee.

Despite shifts in relative economic power from the United States to some of our major allies, the cost of mutual defense continues to be borne disproportionately on American shoulders. Adjustments in burden sharing are long overdue. The question is really not whether we need to make adjustments; the question is how rapidly and how do we do it in a way that does not in any way diminish our collective security.

Such adjustments should not be made in an ad hoc manner. Rather, changes in U.S. roles, missions and force deployments in support of our allied security commitments should be guided by a realistic, forward-looking strategy. History has clearly demonstrated that an effective strategy must be based on a calculated relationship between means and end.

In the current context of expanding commitments and increasingly limited resources, a sound United States strategy for its alliances in Europe and East Asia has never been more important.

Last year, Congress took several important steps toward bringing the United States role in its European and East Asian alliances in line with recent changes in relative economic power in these regions. In section 1008 of the National Defense Authorization Act for fiscal year 1989, Congress underscored the importance it attaches to reaching an agreement with our allies providing for a more equitable distribution of the burden of financial support for these alliances. In section 8125(a) of the Department of Defense Appropriations Act for fiscal year 1989, Congress directed the Secretary of Defense to report to Congress on the prospects for achieving a more effective assignment of military missions among the member nations of NATO. That is the way I think we should proceed.

I frankly was disappointed in the Department of Defense report on that subject. The way we should proceed is to decide which country is going to perform which missions and how we are going to reallocate existing missions in keeping with our overall alliance strategy. Obviously, the Department of Defense is not very anxious to undertake that change. We gave them every opportunity with this report and they came back basically saying that the status quo is wonderful.

I did get a cover letter from Secretary Cheney which indicated to me, reading between the lines, not trying

to quote him, that he, himself, was not satisfied with the DOD report and that it perhaps at least could be an open subject in his mind.

In section 8125(b) of the same Act, Congress instructed the Secretaries of Defense and State to conduct a review of the long-term strategic interests of the United States overseas and the future requirements for the assignment of Members of the U.S. military forces outside the United States.

The Senator from Virginia, who has been a vital part of this series of amendments, has for several years been the leader in the Congress in asking for a strategy review. That is what we, in effect, were asking for as far as NATO was concerned last year when we said, let us look at the missions. Does it really make sense for the United States to continue to have a major important role in forward defense that involves heavy tank forces when we have to transport those tanks overseas during a time of war, which is very, very difficult for airlift and sea-lift? Or is there another role we could better play? We keep asking the Department of Defense to take this kind of long-term look and, of course, we keep finding that their reports come up very short of the kind of vision that we believe is necessary.

Despite our initiatives, no significant progress is in sight on the burden-sharing front. Indeed, there are indications that the situation may grow worse in the future months and years. In recent months, I have been disappointed to receive some very disquieting reports about significant unilateral reductions in active duty manpower being considered by some of our allies in NATO.

According to my information, these cuts would be taken irrespective of developments in the CFE negotiations, which are designed to get very substantial cuts in Soviet forces in exchange for cuts in NATO forces for the United States withdrawing some 35,000 troops. In effect, when President Bush went over to NATO and said to the Soviets we will withdraw approximately 35,000 troops if you withdraw several hundred thousand, that we will do that up front, that was not only an invitation for a mutual reduction, but it also was implicitly saying to our allies that we are not going to make those reductions until we get CFE results.

We abided by that here in this bill. We are not making unilateral reductions, but we do believe that during the period of time when the United States is implicitly saying we are not going to make cuts, and certainly taking into account the amount of our GNP and defense budget we allocate to NATO, the last thing we need is for some of our key allies to be making cuts themselves independent of the arms control negotiations. Besides the

military effect of that, it could have very severe political effects. Both the military effect and the political effect in this country could be very serious and could disrupt our whole CFE negotiating stance.

I have been advised by some very senior leaders—and I will not even say where—that one of our major NATO allies is planning very large troop cuts in the next 2 or 3 years. In fact, these cuts that I have heard discussed may exceed the total number of troops the United States will be pulling out of Europe if the Warsaw Pact accepts the new NATO proposal for a 275,000 ceiling on U.S. and Soviet forces deployed on foreign soil in Europe. That would be the last thing we need as an alliance—to see one of our allies cut more forces while arms control talks are still pending than America is going to take out even if we succeed in arms control.

(Mr. WIRTH assumed the chair.)

Mr. NUNN. I emphasize that we are not talking about just one country and maybe my information on that one country is erroneous. I hope it is. But we are talking about several other allies who are considering significant cuts in the next year or 2 on a unilateral basis.

We all know what the effect of such unilateral cuts would be. NATO's negotiating position in CFE will be eroded. NATO's efforts to improve its conventional defense posture and decrease its reliance on the threat of an early use of nuclear weapons to deter aggression will be undercut. There would be a public uproar in the United States which could resonate in Congress and further exacerbate burden-sharing tensions.

I believe, therefore, that it is incumbent on the Congress to take an initiative which just might head off such an adverse development. I think this initiative would put an arrow in President Bush's quiver that he can use when he meets with allied leaders to try to dissuade them from making unilateral cuts independent of CFE.

The message this amendment is intended to send to our allies is simple: "if you cut, we are not going to be left holding the bag. We are prepared to preserve the status quo in terms of maintaining our current share of NATO's deployed forces in Europe—but no more than our share. If you come down, then we will come down proportionately."

Some might say in rebuttal to this amendment that the United States must show leadership and that just because our allies cut, we should not cut. To those objections, I would respond that if our allies begin to make significant unilateral cuts in their deployed active duty forces in Europe without waiting for CFE talks results, then it tells me they are not very serious about conventional defense or about the CFE talks themselves. It tells me

that they are content to rely on the increasingly incredible threat of an early NATO first use of nuclear weapons in the event of a large-scale Warsaw Pact attack on Western Europe.

Mr. President, If our allies in NATO are not serious about conventional defense, then we do not need 325,000 American servicemen and servicewomen deployed there. If all our Armed Forces in Europe are going to do is provide a tripwire for a NATO nuclear response, then we can make do with substantially lower U.S. troop levels. That was the rationale which motivated my 1984 amendment, which received a large number of votes but did not pass, and that is the rationale which is motivating this amendment today by almost every member of our Armed Services Committee.

Let me now explain the amendment in some detail.

The amendment requires the Secretary of Defense to ensure that the ratio, which is expressed as a percentage, of (1) the end strength level of members of U.S. active duty Armed Forces assigned to permanent duty ashore in Europe to (2) the end strength level of non-U.S. NATO active duty forces deployed in Europe does not exceed a baseline ceiling for the next 3 years by more than 1 percentage point. The 1 percentage point margin is provided to compensate for temporary fluctuations in allied troop strength.

The baseline ceiling will be established by data submitted by the Secretary of Defense in a report within 60 days of enactment of this act. The baseline ceiling will be based on U.S. and allied active duty force levels in Europe as of the end of fiscal year 1989. Reserve or paramilitary forces are not included. Based on preliminary data, the baseline ceiling, expressed as a percentage, should be on the order of 10 percent.

In other words, we are saying to the Secretary of Defense you calculate what percentage of the forces America now comprises in NATO and we want that percentage to stay roughly where it is until we conclude these arms control talks. We do not want our forces to go from 10 percent over there to 12 percent or 13 or 14 percent because our allies start making unilateral reductions.

The amendment requires submission annually, beginning in April 1991 and continuing for 2 years thereafter, of data on U.S. and allied end-strength levels for Armed Forces assigned to permanent duty ashore in Europe in the previous fiscal year. This data should be submitted as part of the report due April 1 each year on "Improvements to NATO Conventional Capabilities" required by section 1002(d) of the Department of Defense

Authorization Act for Fiscal Year 1985. This data will be accompanied by a discussion of U.S. efforts during the previous year to persuade our allies to avoid reductions in the size of their Armed Forces inconsistent with defense needs or disproportionate to the level of U.S. Forces in Europe.

In the event any of the annual reports submitted, respectively, in fiscal years 1991, 1992, or 1993 shows that the percentage of U.S. to allied troops in Europe during the previous fiscal year exceeded the ceiling established in the baseline report by more than 1 percentage point—we want some leeway here—the President must take actions to correct this imbalance by the end of the fiscal year which begins the year that report was submitted. This can be accomplished more than one way. It does not necessarily mean we will withdraw forces from Europe. It can be accomplished by (a) diplomatic initiatives to persuade allies to increase the size of their Armed Forces; or, if such efforts are unsuccessful, (b) offsetting reductions in the U.S. troop presence in Europe sufficient to bring the United States back under the ceiling.

If one of our allies reduces, the President can try to persuade other allies to increase. Our first preference would be that there would not be an overall reduction but if that takes place beyond this 1-percent leeway the President has to take action in regard to our own forces.

Under the amendment, no funds may be obligated or expended to support an end strength level of U.S. forces in Europe which would exceed the baseline ceiling for the following fiscal year by more than 1 percentage point if the Secretary of Defense informs the Congress in any annual report that the ceiling was exceeded during the previous year.

The amendment would complement, and not supersede, the existing European troop strength ceiling established in the Department of Defense Authorization Act for Fiscal Year 1985. In the event a comprehensive arms reduction agreement is signed in CFE during the next 3 years, this restriction will automatically terminate. In other words, this is not a perpetual amendment. If the international arms control talks succeed, the amendment is terminated. The amendment also provides that this restriction shall not apply in the event of a declaration of war, or an armed attack on any NATO member. The restriction may be waived if the President declares that such action is critical to the national security of the United States and immediately notifies Congress of his action and the reasons therefor.

Mr. President, today, as has been the case for the last four decades, NATO must pull together. There can be no free lunches; no free rides. The

member states of NATO are all in this together, and we must all hold the line for a strong conventional defense posture if we are to hope to attain our mutual arms control and security objectives.

With CFE showing such encouraging and unexpected progress, it would be particularly unfortunate if some of our allies jumped the gun with unilateral cuts that had the effect of reversing the positive trends in these negotiations. The time for NATO members to make reductions is when CFE is in hand and we can rationally and objectively allocate the required cuts between alliance partners. I believe this amendment will move us closer toward achieving that result.

Mr. President, I have other amendments to explain but I know the Senator from Virginia would like to comment on this one and then I will go to the others.

Mr. WARNER. Mr. President, first I wish to acknowledge that our distinguished chairman, the senior Senator from Georgia, has throughout the 11 years I have been privileged to serve with him on the Senate Armed Services Committee initiated strong measures in these areas. He seems to exercise some restraint but he has foresight and spends a great deal of his time on this subject, not only here in Washington but travels to the extent that he can abroad to obtain firsthand knowledge which enables him to work on these questions of burdensharing.

I am pleased to join Chairman NUNN, Senator LEVIN, Senator McCAIN, and others in cosponsoring this package of the four burdensharing amendments which express the concerns of the majority members of our committee on the vital issue of burdensharing both in Europe and in the Pacific Rim region.

Although this burdensharing package contains separate amendments for Europe, Japan and the Republic of Korea—and we purposely determined that it would be best to have a separate amendment for each of these basic geographic areas—the underlying concern is the same for all of the amendments. Despite the growing economic wealth of our European and Pacific allies, the United States continues to bear too large a share of the burden for the common defense.

To give just one example, although the combined gross national product of our NATO alliance is larger than that of the United States, we spend almost twice as much on defense as our NATO allies. Corrections in this situation, indeed, Mr. President, Members of the Senate, are long overdue. Although our allies have talked a good deal about increasing their burdensharing effort, very little concrete progress has been made in reducing the U.S. defense share. It is time for the Congress to require results but to

do so in a responsible way to result in a strengthened common defense and avoid harmful friction with our allies. I believe these burdensharing amendments meet that important standard.

We have emphasized a negotiated and consultative approach to the burdensharing problems, not a U.S. dictated solution.

First, the NATO amendment. The NATO burdensharing amendment is an attempt to maintain the status quo in Europe as we negotiate a CFE agreement. I want to stress that. The entire formula is predicated on eventually reaching a CFE agreement, but once that agreement is reached, then the purpose of this amendment really is no longer a guideline.

The amendment establishes a ceiling on the ratio of U.S. Active Duty Forces stationed in Europe to allied active duty forces deployed in Europe, and to discourage our allies from making unilateral reductions in manpower levels prior to the conclusion of this CFE agreement. The net effect of the amendment is to require proportional U.S. troop reductions from Europe to match allied reductions.

Unfortunately, it appears that such an amendment is necessary despite the fact that the member nations in NATO have unanimously supported President Bush's comprehensive CFE arms control proposal. Several of our allies are considering making substantial reductions in the size of their armed forces over the next few years.

Such unilateral reductions would undermine NATO's negotiating positions in the CFE talks and undercut NATO's efforts to improve its conventional defense posture. As was the case with INF, negotiating from a position of strength in the CFE talks is the only way to achieve a successful arms control agreement in the conventional system. We will not be successful if our allies begin at this time to make the reductions that they are anticipating will come under a CFE agreement.

Therefore, I think this amendment sends a very necessary and important message to our NATO allies that we must all maintain our current defense capabilities until successful conclusion of the CFE negotiating process.

I will await further comments by the chairman on other amendments.

Mr. NUNN. I thank the Senator from Virginia for his kind comments, and for his leadership.

I want to stress that this amendment is a joint amendment. All of these amendments are joint amendments. Senator McCAIN took a lead. He had certain ideas about Japanese burdensharing as well as Korea, and Senator LEVIN made a special trip to South Korea, had extensive discussions there, and came back with a report. He has been very involved in the South Korea amendment.

The Senator from Virginia and I worked jointly on these two amendments with Senators LEVIN and McCAIN, and we also put together jointly the burdensharing amendments.

So this is a package that at least four members of our committee were in the drafting, and all the members were very involved in the deliberating. We had several amendments that were put on this package. Senator COHEN from Maine, I know, had at least two or three amendments.

Mr. WARNER. Mr. President, Senator BINGAMAN had several.

Mr. NUNN. The Chair, Senator WIRTH from Colorado, was much involved. So this is a package that all of our members participated in.

Mr. WARNER. Mr. President, we should also mention Senator WILSON.

Mr. NUNN. Senator WILSON was also very active.

Mr. President, a little later this afternoon I will send another amendment—and the Senate will be voting on all of these amendments either today or tomorrow or at some point—to the desk.

This is an amendment that relates to overseas dependent costs. It includes NATO, but also it includes dependent costs in other countries in the world, and requires a report from the Secretary of Defense on options for reducing costs associated with these personnel.

Every time Congress comes up with any kind of proposal on dependent costs it gets vigorous opposition from over on the other side of the river. So we are asking the Department of Defense to take a look at a whole number of areas, giving them a whole shopping list of ways they can reduce dependent costs, and asking them to come back to tell us which ones they prefer, and which ones will have the least effect. We all know we spend a huge amount of money on dependents overseas. We have to begin to look at that very seriously.

During the debate last year on the fiscal year 1989 defense appropriations bill the Senate rejected by a wide margin a proposal by the Defense Appropriations Subcommittee to reduce overseas dependents by 10 percent. The Senate did agree, however, to require a Department of Defense report on the costs required to support overseas dependents. That report was submitted to Congress in May, and it reveals for the fiscal year 1989 the United States will spend \$3.3 billion to support 472,334 overseas dependents of U.S. military and civilian personnel.

By fiscal year 1991 that cost is projected to rise to \$3.9 billion. This is just dependents. It does not include the military personnel, the civilians. It includes the dependents.

Mr. President, this amendment is intended to provide the Congress with

information it needs to begin to make some informed decisions on options for reducing these costs.

The amendment directs the Secretary of Defense to conduct a study of practical options for achieving this objective and outlines a number of questions which the study shall address. The report is to be submitted not later than February 1 of next year.

Mr. President, I will explain the committee amendment on Japan, and then I will defer to my colleague from Virginia.

Mr. President, in addition to the defense authorization bill that we are now considering we are of course considering all sorts of different approaches to our allies abroad. We have a number of amendments. This one is relating to Japanese security contributions.

We will be offering an amendment later this week, hopefully today, on this subject. I am going to wait another hour or two to put the amendment in, making sure all Members have a chance to be here when it is put in. This amendment that we will introduce later this afternoon concerning our Japanese friends and colleagues, and allies, recognizes the extraordinary political, economic, and social development of Japan since World War II, and we recognize that tremendous progress enables the Japanese to assume increased responsibility for their own security. I use that word "security" in a very broad context which means not only military security but security in terms of its relationship with allies and security, and concern with Third World countries that are struggling—that are part of our overall framework, struggling with huge Third World debt.

There is no doubt that Japan is financially able to spend more on its defense. There is just no doubt about that. The challenge to both Japan and the United States is to cooperate and channel Japan's tremendous resources into effective as well as politically acceptable security contributions. When I said "politically acceptable," I mean politically acceptable in Japan. They are a sovereign country. They have just had elections. Their voters spoke. We know that they will make their own decisions but as friends and allies we have, I think, every obligation to tell them what we think about these issues. I also mean "politically acceptable" to their neighbors. They have a long history here.

So the Japanese defense efforts have to be certainly, first of all, approved in their own country, and also they have to be politically acceptable to their neighbors in the region.

For several years many people have tried to encourage Japanese burdensharing by focusing on numerous measures of its defense spending. For example, a longstanding concern has

been that Japan spends only about 1 percent of its gross national product on its defense. In contrast, the United States and the NATO allies—we devote, the United States, about 6 percent, and the allies devote about 3.4 or 5 percent of their GNP to defense spending.

Although I believe Japan could effectively spend more of its GNP on defense, I do not think that we should concentrate our burden-sharing efforts on making these defense sharings of GNP the exact same or even more similar.

Instead, I recommend that we urge Japan to undertake the security responsibilities and costs that would make additional Government spending effective, and also acceptable in Japan. In other words, if Japan were to triple the percentage of its GNP devoted to defense spending, so that it was comparable with that of our NATO allies, the \$90 billion it would then be spending would be far more than enough to carry out its defensive goals. However, that level of defense spending would be unacceptable to many people in Japan and also very alarming to other Asian countries. I believe that that level of spending for defense alone would be destabilizing.

The amendment that Senator WARNER and other members of the Armed Services Committee and I have offered describes responsibilities and costs that Japan can and should assume. First, Japan is urged to enhance the size and quality of its foreign aid program. In particular, the amendment calls on Japan to target more of its foreign assistance to countries and areas of strategic importance, such as the Philippines, Latin America, Caribbean, and the Mediterranean. Furthermore, more of Japan's foreign aid should be in the form of grants that are not required to be spent on only Japanese goods and services. Too many times the Japanese aid program has been with very substantial strings attached that relate to trade. Japan can clearly afford to disconnect its commercial exports from its foreign aid program.

One thing I think we can all agree on is that Japan does not need to use foreign aid to enhance its trade position. They do pretty well with their trade position independent of their foreign trade. We think they ought to disconnect those two completely.

Finally, the amendment urges Japan to devote more resources to multilateral lending agencies. Mr. President, I believe that economic assistance represents an important contribution that Japan could make to western security. In contrast with the United States, Japan's foreign aid spending is less constrained than its defense spending. Although both types of spending are under a great deal of pressure in this

country, defense spending is relatively less constrained in this country than foreign assistance. Therefore, Japan should be encouraged, as an ally and a partner in the world, to use its comparative advantage in foreign aid for the benefit of western security.

The amendment that we have offered describes a second broad security effort that Japan, we hope, will undertake. In May 1980, Prime Minister Suzuki pledged that Japan would provide for the defense of its own territory and the air space and sea lanes to a distance of 1,000 miles. For the last 9 years, this goal has guided Japan's defense procurement and its military cooperation with the United States. Progress has been made toward fulfilling this demanding commitment.

However, Japan will have to continue to increase its defense spending by substantial annual rates of real growth in order to field the necessary forces to carry out their own goal declared by their own Prime Minister. The amendment that we offered encourages Japan to sustain this effort, especially by acquiring off the shelf military equipment from the United States.

Of course, we have had a lot to say about that during the FSX debate, but we produce military equipment well. We have had a huge trade imbalance with our Japanese friends. When they do need to buy military equipment for their own security goals, it only makes sense that they should, if at all possible, buy off the shelf in this country.

The third area in which Japan can make an acceptable and effective contribution is in offsetting the costs incurred by the United States in deploying military forces in the defense of Japan. The United States maintains a substantial military presence in Japan itself, including the Island of Okinawa. A total of almost 50,000 military personnel are stationed throughout the country. In addition, however, a large number of United States naval vessels operate throughout the waters surrounding Japan.

These significant military forces are obviously not deployed to East Asia and the Pacific only to defend Japan against attack. We recognize that there is a much broader consideration here. They operate far from the United States because it is in our national interest to protect our security as far forward as possible, because we have other very important allies in that part of the world. Nonetheless, in the course of serving our interest overseas, our military forces certainly operate in defense of allies like Japan, as well as South Korea.

Mr. President, as long as Japan is constrained from substantially changing its current security roles and missions, I believe it is appropriate for Japan to apply more of its resources toward offsetting U.S. costs. At this

time, Japan does contribute about \$2 billion in actual government outlays to the costs of maintaining United States Forces there. This level of host nation support represents about 40 percent of total U.S. Costs. Therefore, Japan could make a much larger contribution in this area.

To encourage Japan to undertake this burden-sharing effort, the amendment directs the President to enter into negotiations with Japan. The purpose of these negotiations would be to achieve an agreement under which Japan would offset completely the direct costs of deploying U.S. forces for the defense of Japan.

It is intended that the total amount to be offset would consist of the costs incurred by all U.S. forces operating in the defense of Japan, whether they are located ashore in Japan or afloat in the Pacific. The amendment leaves it up to the President to calculate the cost goal of these overall forces and, therefore, the goal of these negotiations, in terms of the actual arithmetic, is left to the President. But we have described it in a way that gives him the direction to come up with the overall number in terms of the number of dollars we spend in the direct defense of Japan.

In order for Congress to determine whether further action is appropriate, the President is required to report to the Congress on the status and the results of these negotiations by April 1, 1990, and then again within 1 year after enactment of this bill.

Mr. President, I believe this amendment is consistent with the spirit and practice of cooperation and consultation that have characterized our security relationship with Japan. It is the product of a great deal of work by the members of the Armed Services Committee, which approved it by an 18-to-0 vote.

I would like to again recognize the efforts of Senators WARNER, LEVIN, and McCAIN. They are to be congratulated for their deep and longstanding interest in our alliance with Japan, and this legislation reflects many of their ideas, including the ideas of other members of our committee.

Mr. President, there is one other amendment in this series on South Korea. First, we will call on and defer to my friend from Virginia and any comments he would like to make about this amendment on United States-Japanese relations.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Before I start a few remarks, I want to direct the distinguished chairman's attention to page 4 of the amendment where we have put in here, "sufficient in value to meet the direct cost of deploying U.S. forces for the defense of Japan."

I will dwell a moment on the interpretation of that phrase. Perhaps we will have a colloquy to clarify any question about the definition. It is the word "deploying." Now, supposing forces in Hawaii were there with the—certainly they have some missions, but would it be the purpose of this legislation to defer part of that cost?

Mr. NUNN. I believe that when the President takes a look at this, he will find that we have some forces in Hawaii, some forces in the Philippines, some forces in Japan, some forces afloat, some forces between the sea lanes of the Persian Gulf that could be defined as going to the direct defense of Japan.

Mr. WARNER. That would include South Korea and Okinawa?

Mr. NUNN. Yes. But part of those costs are associated with other missions and roles. That is the reason we did not try to define it precisely. We want to give the President some leeway and flexibility here.

We are asking for the President and Secretary of Defense to make a good faith, honest effort to determine what is the proportion of each one of those force deployments that go to the direct benefit and defense of Japan. It is not going to be something that is absolutely precise. It is going to be a best effort.

Mr. WARNER. I thank the chairman, and I join him in the approach that he has just enunciated, because this amendment will have the benefit of requiring the President and leaders of Japan to sit down and work out a definition which, subsequently, Congress can utilize, should we have further legislation.

I think that is the most important part of this legislation.

Mr. NUNN. I would say to my friend from Virginia I agree with him, and I also think there will be some value in the Japanese and United States sitting down and having that discussion, because I am not sure that either our country or the Japanese understand fully the views of the other. It may be that we have a different perception of the threat and, if so, we need to have a dialog on that. It may be that the Japanese feel that they themselves are doing more than we credit them for doing.

Therefore, this exercise will be, I believe, beneficial to both countries.

Mr. WARNER. Mr. President, I also at this time wish to express appreciation to the chairman.

During the course of the committee's deliberations of the bill now pending before the Senate there was some consideration given to raising these amendments, and I asked the chairman at that time in view of the fact that the President was overseas whether we could not defer consideration of the amendment until after

such time as he and his principal advisers returned to the United States, and the chairman very graciously acceded to that request on my behalf and recognized the importance of having the President back before first knowledge of these amendments became known.

At various times I had an informal, and I stress informal consultative relationship with the President and his key advisers on these amendments. In no way do they reflect direct consideration either for or against by the administration, but the administration has been advised of the content of these amendments shortly after the President's return.

Did the chairman wish to say anything?

Mr. NUNN. No. I thank the Senator, and I think the Senator has been very gracious in his remarks. I appreciate his cooperation on this.

We never did ask the White House directly whether they favored the amendments. I am sure that they would have their own views on the amendments, but at least they had a chance to be informed.

**BURDENSARING AND STRATEGIC STABILITY:
MAKING SECURITY AFFORDABLE**

Mr. McCAIN. Mr. President, I am proud to have worked with our chairman, Senator NUNN; our ranking member, Senator WARNER; Senator LEVIN; and my other colleagues in the committee in drafting this legislation. It is a major step forward in recognizing the shifting strategic and burdensaring issues that will shape the 1990's.

The United States has been exceptionally successful in shaping its strategic commitments. Every day makes it clearer that the U.S. posture in NATO has not only succeeded in deterring Warsaw Pact aggression, but is leading toward successful arms reductions. At the same time, the United States posture in northeast Asia has helped stabilize one of the world's most volatile and economically important areas in spite of the continuing build up of North Korean forces, tensions between the U.S.S.R. and People's Republic of China, and the expansion of the Soviet Pacific fleet.

At the same time, it is clear that the United States faces a major crisis in maintaining its strategic posture unless its allies take up the proper share of the overall burden, and unless it cannot readjust its force posture and defense spending to reflect Europe and Japan's reemergence as major economic powers. The American people has made it clear for more than half a century that they are willing to bear their fair share of the cost of maintaining Western security.

The American people are not, however, willing to continue to pay more than that fair share. They are not willing to maintain United States

Forces in Europe until we can reach an arms reduction agreement if nations like Belgium, France, and West Germany cut their forces and spending. They are not willing to pay most of the cost of defending northeast Asia while Japan pays only 1 percent of its GNP for defense and falls to either make an adequate contribution to foreign aid or offset the cost of deploying United States forces for Japan's defense. They are not willing to simply maintain the existing United States force posture in Korea while South Korea expands its economy far more quickly than its efforts in its own defense.

The United States has no reason to rush toward reductions in its overseas commitments and every reason not to. Major cuts in our forces in NATO could weaken the forces that are driving the Soviet Union toward glasnost, and which may put an end to the arms race. Reductions in United States forces in Japan and Korea could lead Kim Il Sung to act on his relentless arms race, trigger a new competition for regional power between the People's Republic of China and U.S.S.R., or lead Japan to distance itself from the West. The practical problem, however, is that our allies must recognize their responsibilities and that a new series of bargains must be struck to ensure that the United States can continue to maintain its strategic presence in their defense.

The family of burdensaring legislation developed by the Senate Armed Services Committee, and which we are discussing this afternoon, defines this bargain. It is not a recipe for force cuts. It is rather a program that will ensure strategic stability in a way where America's NATO, Japanese, and South Korean allies take up their fair share of the burden.

In the case of NATO, the legislation we are proposing strikes a new transatlantic bargain. It effectively says that if our allies keep up their total active uniformed military strength in Europe, we will maintain our strength until we can mutually reduce our forces as part of a conventional force reduction agreement with the Warsaw Pact. It recognizes the fact that the key burden we all face is to maintain our unity and our forces until we can reduce them as part of a mutual effort with the Warsaw Pact. It recognizes the fact that the long-run savings from reducing our forces in an arms control agreement to the United States and all its NATO allies will be infinitely greater than any short-term savings that can be achieved from unilateral force cuts, and that no economy could be more foolish than one that comes at the cost of an enduring peace.

The legislation focuses on uniformed active manpower for several reasons. Our European allies have maintained

constant or rising strength in this area for more than 10 years. It is a symbol of overall military strength and readiness, it is easy to define, and it is also the area where several European nations have recently begun to falter in keeping up their military strength. We believe that by tying the size of the United States Forces in Europe to the ratio of United States active uniformed military manpower to that of our European allies we will create a power incentive for every European nation to keep its side of the new transatlantic bargain we all must keep to negotiate the arms control treaties we need.

In the case of Asia, we are proposing separate legislation which recognize the fact that the problem of burden-sharing in Asia is very different from that in Europe. The problem in Europe is to maintain Western forces until the West can negotiate mutual reductions with the Warsaw Pact. The problem in Asia is one of adapting United States Forces to changing circumstance in a region where there is no way of predicting when existing tensions will end, and of making suitable reductions in the cost of United States deployments which recognize the fact that Japan is becoming an economic superpower and South Korea is now far more able to pay the cost of its own defense.

The legislation we are proposing does not call for any kind of immediate U.S. Force reductions. It recognizes the fact that our military presence in East Asia is vital to our own defense and strategic interests, and that asking Japan to expand its forces from national defense to a major regional force could trigger a process of regional competition and instability. At the same time, it recognizes that the time has come to ask Japan to fully offset the cost of deploying United States Forces for its defense and to reevaluate the roles, missions, and size of United States Forces in South Korea and the rest of East Asia.

The legislation directs the Bush administration to negotiate with Japan to raise Japan's offset of the direct costs of deploying United States Forces for its defense to 100 percent. Experts disagree whether Japan now offsets 40 or 60 percent of these costs, but the sums involved total roughly \$5 billion, and are only a small fraction of Japan's GNP. The legislation also calls upon the administration to negotiate with Japan to increase its foreign economic assistance to a level suitable to its new economic strength and to target this assistance where it will do most to help strategically important friendly democratic states. Finally, it calls upon the United States to negotiate with Japan to ensure that Japan fully funds its share of the forces

needed to defend Japan and its home waters.

More broadly, a third amendment calls upon the Bush administration to seek a major increase in South Korean efforts to offset the cost of deploying United States Forces for the defense of South Korea while making a comprehensive review of the United States military presence in East Asia. This review will include an examination of the regional military balance and U.S. strategic interests. It will include a comprehensive reexamination of the size of the U.S. Forces required, their roles and missions, and ways their cost can be reduced. It will also include options for reducing the United States Forces deployed in Korea, and a reexamination of the forces we have in the Philippines and Okinawa.

By early next spring, the end result will be to give the Congress the first comprehensive look it has ever received from any administration at the true nature of our commitments in East Asia, at the level of offset we receive from our allies, at the options for cutting United States Forces or costs, and at the risks we would incur in changing our present forces.

The two amendments dealing with our presence in Asia also put Japan and South Korea on notice that they must make real efforts to increase their offset of United States costs, and their regional security efforts, or face the prospect of United States Forces cuts in the years to come. Further, Japan and South Korea will realize that any failure to act swiftly and decisively will have a powerful impact on future trade issues. No Japanese or Korean policymaker can be blind to the fact that the security of East Asia cannot be a one-way street. Trade is inevitably linked to security.

In summary, the goal behind this burdensharing legislation is to establish strategic stability at a cost that is fair to the American taxpayer. The message to Western Europe, Japan, and South Korea is that the United States is willing to do its fair share, but no more. It is that no European leader can have any credibility who calls for arms control or the United States to maintain its forces, and then calls for reductions in his or her own forces. It is that Japan and South Korea will endanger both their military and economic security if they do not take advantage of the current initiative to both increase their offset of United States military costs and spend more on their own security.

Mr. WARNER. Mr. President, I wonder at this time if I might yield the floor—another Senator is seeking recognition—to ask that he be given just 2 or 3 minutes to address a subject that is of interest to all of us and a subject on which he has some particular knowledge.

So at this moment, I yield the floor.

Mr. NUNN. Mr. President, I would be glad to yield also to the Senator from Kentucky, but may I inquire of the Senator from Kentucky, because we had the Senator from Massachusetts, Senator KENNEDY, come over for a specific amendment on which we will seek a time agreement, does the Senator intend to introduce an amendment at this moment?

Mr. McCONNELL. I would say to the Senator from Georgia I was just going to seek permission to proceed for 3 minutes as if in morning business.

Mr. NUNN. Fine. I have no objection.

I am sure the Senator from Massachusetts will be glad to yield.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I ask unanimous consent I be allowed to proceed for 3 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized for 3 minutes.

U.S. MARINE LT. COL. RICH HIGGINS

Mr. McCONNELL. Mr. President, this morning there have been unconfirmed reports that U.S. Marine Lt. Col. Rich Higgins has been executed by his captors identified as a group calling itself the Oppressed of the Earth. This news is deeply disturbing. I know my colleagues share my shock, anger, and revulsion at this report.

It is an insult to all free nations that Rich has been held for 529 days. It is an outrage to our sense of human decency that he was kidnapped while serving as a member of a peacekeeping force, the U.N. Truce Supervisory Organization. Mr. President, there is no excuse for this heinous crime.

My prayers and heart go out to the Higgins family. As some of you may know, Colonel Higgins is a Kentuckian—in fact, we worshipped in the same church in Louisville many years ago. Maj. Robin Higgins, Rich's wife, has displayed courage, strength, and determination throughout this ordeal. She is a woman of quiet authority and extraordinary spirit as all who have met her can attest.

Mr. President, there is an enormous frustration which accompanies the anger we all feel at Colonel Higgins kidnapping. Many of us have asked questions and pressed his case with his sponsors at the United Nations. I want to translate that frustration into something meaningful which gives measure to our respect and pride in Colonel Higgins and is encouragement to his family. I intend to recommend to that President Bush issue Colonel Higgins the U.S. Medal of Honor. This tribute is customarily issued to a sol-

dier who has proven valor in battle, or, in peacetime, demonstrated exceptional bravery. I think Rich's record is clear. His selfless efforts to secure peace in a nation consumed by bloodshed and battle should be recognized and honored. I urge my colleagues to join me in asking the President to so honor Rich Higgins.

Mr. President, in the mid-1950's I went to church in South Louisville with another teenager by the name of Rich Higgins. He was a fine young man and as we all know grew up to be an outstanding officer in the Marine Corps.

We have all seen on television and many Americans will see before the day is out a gruesome sight, what appears to be Colonel Higgins having been hanged by a pro-Iranian terrorist group in the Middle East.

This is the ultimate outrage, Mr. President. We have been experiencing these to one degree or another over the last 7 or 8 years. But it seems to me this is the ultimate outrage.

The President has cut short his trip out into the country and has come home to consult with his senior advisers about what our reaction should be.

Obviously, Mr. President, the President of the United States is the person best able to make that determination.

My observations this afternoon go simply to Rich Higgins. For 529 days his wife and the rest of America have been sitting here wondering what happened to him.

As we speak this afternoon, the film has not been verified but regardless of whether it is, Rich Higgins has demonstrated great courage. He was in the Middle East to promote peace. He was assigned to the United Nations. He was not there in any other capacity.

So, Mr. President, regardless of the outcome of what appears to be Colonel Higgins' fate, it seems to me the only appropriate way to recognize his valor is for the President to give him the Medal of Honor, and I am going to circulate a letter among my colleagues to the President requesting that this be bestowed upon Colonel Higgins in recognition of his outstanding service over the years to our country.

Mr. President, this kind of activity is extremely difficult to react to. We have heard a number of our colleagues today suggest different courses of action. I think quite possibly that should be left to the President of the United States. But one thing we can do is honor and recognize Col. Rich Higgins, and I hope that many of my colleagues will join in signing this letter to the President asking that he be extended the Medal of Honor.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, before the distinguished Senator yields, we wish to express our appreciation to his coming over and informing the Senate

in a timely manner of these developments.

I think the record should also reflect that his wife is a regular officer of the U.S. Marine Corps holding the rank of major. She has visited the Senator from Virginia on a number of occasions and I am certain other Members of the Senate, and this woman has shown throughout remarkable fortitude in the best traditions of an officer of the U.S. Marine Corps.

Mr. McCONNELL. I say to my friend from Virginia he is absolutely correct. I met with Robin on a number of occasions.

Colonel Higgins was a Kentuckian. We were all interested in him, but I had a particular interest in him for two reasons. One, he was a Kentuckian and, two, I knew him.

So this development today, if it appears to be as it appears to be, is certainly a sad development.

Mr. NUNN. Mr. President, if the Senator will yield for a question, does the Senator have confirmation that this has occurred? I had read earlier reports.

Mr. McCONNELL. No. I say to my friend from Georgia all I have seen is the same tape on television that has been broadcast that a lot of others have seen.

It seems to me regardless of the verification of the tape, what Colonel Higgins has done deserves the Medal of Honor, and I am suggesting that we make that request to the President regardless of the ultimate outcome of this episode.

Mr. NUNN. Mr. President, I hope and pray that this has not really happened. But based on our experience in that part of the world and with the kind of terrorists that we have had to deal with there, it very well could have happened.

I hope we get news later today that it had not happened, but that is not based on experience but rather based on hope. If it has happened, it is an outrageous act, and I, for one, feel that the perpetrators must be held accountable.

I also feel that the Senator from Kentucky has made a very strong statement. I did not know of the acquaintance with Colonel Higgins, but our hearts go out to his family and to all of those who are friends of his and indeed to all the men and women in the military who have served in similar positions and faced similar dangers and those who continue today in the service of our Nation.

So I thank the Senator.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1990 AND 1991

The Senate continued with consideration of the bill.

Mr. WARNER. Mr. President, I know momentarily we are about to receive the amendment from the distinguished Senator from Massachusetts.

Mr. NUNN. Mr. President, after this debate is concluded, I will be proposing or at least discussing the South Korean amendment here on the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 471

(Purpose: To prohibit the use of funds authorized to be appropriated for preparation of the construction site of the Special Isotope Separation Plant, Idaho Falls, ID.)

Mr. KENNEDY. Mr. President, I have an amendment numbered 471 at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] for himself, Mr. GLENN, and Mr. WIRTH proposes an amendment numbered 471.

On page 414, line 11, insert ", including site preparation," after "construction".

Mr. KENNEDY. Mr. President, I understand there has been agreement or a time limitation on this amendment. Am I correct?

Mr. WARNER. Mr. President, my understanding is we have not as yet reached that agreement. Momentarily I anticipate both Senators from the State of Idaho to appear on the floor and at that time they will address the issue of a time agreement.

I am wondering if the Senator from Massachusetts would be able to defer giving his opening remarks until such time as the Senator from Virginia can ascertain where those two Senators might be.

Mr. NUNN. Mr. President, may I suggest that we go ahead with the debate because we told the Senator from Massachusetts, and I think all the parties, that we would begin about 2:15 p.m. and I am sure that the Senator from Massachusetts will be glad to repeat his argument if necessary, but I would hope we could go ahead and move along on this amendment.

Mr. KENNEDY. Mr. President, I thank both floor managers. I had indicated to the leadership I was quite prepared to enter into a 1 hour time limit, one-half hour each side, in behalf of Senator GLENN and Senator WIRTH, and the Senators from Idaho know the arguments very well.

The Senator from Idaho [Mr. SYMMS] has heard them frequently in the Armed Services Committee.

So I would be glad to proceed and hopefully when they are here we could enter into a time limitation.

Let me at the outset also commend the Senator from Kentucky for his statement on Colonel Higgins. I join in the sincere hope and prayer of all Sen-

ators that the report will not be found to be true and that, hopefully and prayerfully, he will be released and returned to his family.

All of us who have followed this case closely have enormous admiration for the colonel's courage and his extraordinary service to our country. We have also seen that quality of courage in Mrs. Higgins and the Higgins family during this difficult time. They know that the prayers of Congress and the country are with them in their ordeal.

If Colonel Higgins has been killed, it is a deplorable, uncivilized act of cold-blooded murder that should be condemned by all humanity. Colonel Higgins was on a peacekeeping mission under the auspices of the United Nations, and it would be particularly tragic if he has been killed by the violence he sought to end. We must do all in our power to end the terrorism that may have claimed Colonel Higgins' life and that threatens the lives of many others.

I am joined in offering this amendment by the senior Senator from Ohio and the junior Senator from Colorado.

Our amendment would prohibit the Department of Energy from using fiscal year 1990 funds to begin site preparations in Idaho for construction of the special isotope separation plant.

The SIS plant is a controversial \$1.2 billion facility that would produce weapon-grade plutonium from plutonium contained in spent nuclear fuel owned by the Department of Energy.

A similar amendment passed the Senate last year, and an identical prohibition is already contained in this year's House bill. The Strategic Subcommittee's recommendations to the full committee included the ban on SIS site preparation.

The chairman stated at the time that he fully expected this issue to be revisited on the floor.

I believe that deferring a commitment to construction is the right signal to send at this time about the SIS plant.

Serious questions persist about the need for the additional weapon-grade plutonium that would be produced by this plant in an era of potential deep nuclear reductions.

And serious questions persist about the feasibility and eventual cost of the production-scale laser isotope separation technology still under development at Livermore National Laboratory.

Proponents of the SIS plant claim that site preparation is not really a commitment to construction, and that no decision to actually build the plant will be made until the production technology is proven.

This amounts to the same "camel's nose under the tent" approach that has served DOE very poorly in the past, producing a long and costly

string of high-technology projects that have ended in failure.

Make no mistake—site preparation is simply another word for construction.

DOE would use the funds to grade the site for the production plant, install security fences, build a parking lot for construction workers, bring in utilities, and excavate the foundations.

Let me briefly review the evidence which has prompted my colleagues and me to offer this amendment.

The committee states in its report on this bill that it is "not convinced that construction of the SIS plant merits the urgent priority" that has been assigned to it by the DOE.

DOE itself has testified that short-term supplies of plutonium are adequate and that "it is impossible to predict accurately at this time whether additional plutonium will or will not be required beyond the year 2000."

This priority of the SIS project must be considered in light of the increased environmental, safety, and health needs throughout the nuclear weapons complex, as well as the need to replace much aging plant and equipment at existing facilities. Our top priority in the next several years must be the safe restart of the Savannah River reactors and the repair of the Rocky Flats plant.

DOE says that SIS would be used in the late 1990's to fill a plutonium reserve requirement of the Atomic Energy Act. This provision dates from the early 1950's and has never been met over the entire history of the arms race.

Why should we begin to meet this requirement now, just as we are headed for major reductions in nuclear weapons that will create a large reserve or surplus of weapons-grade plutonium.

SIS technology involves highly toxic plutonium and explosive materials such as hydrogen and ethanol.

It involves shooting laser beams through hot vaporized plutonium contained in a vacuum vessel. The vaporized plutonium would immediately ignite on contact with air if the vacuum is ruptured in an accident. Inhalation of this airborne plutonium would cause fatal cancers in very small doses.

The need for caution and extreme care in the engineering design, construction, and operation of this facility is obvious. Haste in carrying out any of these steps is a formula for disaster.

Given the lack of any urgent national security requirement for this plant, DOE's apparent desire to rush this hazardous technology into production is alarming.

Construction of an SIS pilot production plant—the so-called Engineering Demonstration System [EDS] has been carried out at Livermore National Laboratory without filing the neces-

sary environmental impact documents and discharge permits.

This facility is therefore in procedural violation of both the National Environmental Policy Act and the Clean Air Act.

According to the Code of Federal Regulations, an EIS must be prepared " * * * early enough so that it can serve practically as an important contribution to the decisionmaking process and will not be used to rationalize or justify decisions already made. * * * "

Permitting construction of the plant to begin in Idaho when the demonstration facility has yet to comply with basic environmental requirements would be an even greater mockery of the environmental impact process.

The lifetime mission of the SIS plant is unknown, both to the public and to the Congress. It is no wonder then that the adequacy of the EIS prepared for the Idaho production plant site is being challenged in court, on grounds that it analyzed the mission of the plant for only 7 years of its anticipated 25- to 30-year life. This deceptive practice is known as segmentation of the environmental impact analysis, and it is prohibited by law.

The limitation of 7 years, corresponds to the amount of feed material that will be available for the plant and there has been no real declaration of how that plant would be utilized beyond the 7-year period. And that, obviously, should be a matter of very considerable concern, as well.

I am concerned by the fact that SIS research and development funding remains high even as the DOE requests large sums for construction. The recent funding profile of this project does not instill confidence that the technology is ready to be deployed any time soon.

In each of the last 2 years, the DOE has come to Congress seeking a reprogramming of plant construction funds, in order to provide additional funding for the Technology Demonstration Program at Livermore.

Research and development spending remains disturbingly high—about \$90 million per year—even as the DOE claims that the project is sufficiently advanced to warrant proceeding with construction.

I am also concerned that DOE has concealed important information from Congress that has a direct bearing on the feasibility and cost of the SIS Program, and that this withholding of information may have marred the committee's deliberations on this program.

At the urging of the Secretary of Energy, the full committee adopted some restrictive language on the SIS project but omitted a prohibition on site preparation that had been recommended by the Strategic Forces Subcommittee.

However, throughout the committee's consideration of the fiscal year 1990 bill, the Department of Energy concealed the fact that a spent fuel reprocessing facility that is key to the operation of the SIS plant had developed technical problems, forcing a shutdown 7 months ago.

The problems at the Hanford Purex plant are so serious that a firm date for reopening the facility has not been set. Since Purex has no mission for the next few years other than processing fuel-grade plutonium as feed for the SIS plant, fixing or replacing Purex will add dramatically to the already soaring costs of the SIS project.

The Purex facility generates high-level mixed waste and remains out of compliance with applicable State and Federal environmental laws.

There is no approved site for the long-term storage of plutonium waste that will be generated by the SIS plant. Existing plutonium wastes in Idaho have leaked from storage facilities and are migrating toward the Snake River Aquifer, a vital underground water source for the Northwestern United States.

Finally, there is the matter of the proliferation risks and verification obstacles posed by the SIS technology.

This technology poses frightening vertical and horizontal proliferation risks, since it is designed to extract high-grade nuclear warhead material from the hundreds of tons of plutonium contained in the world's spent nuclear reactor fuel.

I learned about the ostensible difficulty in detecting such laser separation plants in a recent letter from Mr. Ronald Lehman, the Director of the Arms Control and Disarmament Agency.

He was objecting strenuously to the concept of a negotiated ban on the production of plutonium and highly enriched uranium for weapons that Senator WIRTH and I and a number of other Senators have been advocating.

It is ironic that the administration is citing the detection problem posed by a hypothetical Soviet SIS plant even as it vigorously promotes early deployment of an SIS plant in this country, well in advance of any comparable Soviet capability.

In summary, Mr. President, we should not move forward with preparations for construction of the SIS plant in fiscal year 1990. The national security requirement for such a plant is not yet firmly in view, the economics and safety of the production-scale technology have not been demonstrated, the long-term mission of the plant is unclear, there is no approved site for SIS waste storage, the program is burdened with environmental problems, and the SIS technology poses additional uncertainties for both our nonproliferation efforts and arms con-

trol. This is a system that we can afford to defer for a year or two while we direct attention—and funding—to far more urgent needs that have to be met in the DOE production complex.

Mr. President, I point out we take no position with regard to whether this plant ought to be put on stream a year or 2 years from now, if there is going to be a requirement to fill that particular need. What we find, Mr. President, to be unacceptable is that the DOE is moving ahead with what they call the preparation of the site, which is basically the beginnings of construction, and it signals a commitment that we will move ahead.

All we have to do, Mr. President, is look at the past, to see of how DOE has worked in similar kinds of situations which eventually have turned into white elephants. We can see now, if this amendment is not accepted, that we would be starting down that particular road again.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I have listened with interest to the proposal made by the Senator from Massachusetts. The Strategic Subcommittee and the full Committee on Armed Services did spend some time on this matter. I believe the Senator from Massachusetts is making some good points, and I think the Senate should consider those good points.

Let me say, Mr. President, the Strategic Subcommittee and the Armed Services Committee saw fit to put some restraints on this proposal that convinces me it is not going to move ahead with any degree of speed. We, indeed, cut \$75 million as requested out of the program, and we put in language that prohibits contracts and the procurement of other long-lead material and equipment.

We also recognize the demonstration that is going on at Livermore at the present time has not been completed. I believe, and in fact the Secretary of Energy has assured me, that he is not going to go ahead with full production for plutonium at this facility in Idaho until the technology is more proven than it has been thus far at the Livermore laboratory.

To emphasize that point, the Secretary of Energy himself indicated to us that he felt that an environmental impact statement is necessary for the demonstration project at Livermore before we move ahead with this facility in Idaho.

To facts of the matter are, then, that the Secretary of Energy has his hands full at the present time with regard to providing the elements that are necessary to maintain our nuclear deterrent. The Secretary of Energy, I think, is as shocked as most of us are by the fact that we seem to have further delays at restarting our facility at

Savannah River, which produces both plutonium and tritium for our nuclear deterrence.

The material that we are talking about here, of course, let us have an understanding on it, is plutonium and plutonium only. I suspect from the standpoint of the argument made by Mr. KENNEDY that since tritium is the critical need that we are all primarily focusing on right now, and the plutonium shortage, if it ever occurs, is somewhat further on down the road, that from that standpoint the amendment offered by the Senator from Massachusetts would be in order.

I say to the Senator from Massachusetts, the Secretary of Energy has many difficulties today in this whole nuclear field. What we are going to do in the future to meet our needs for both plutonium and tritium and, simultaneously, how is he going to finance and how are we and the administration going to finance the necessary cleanup of our Department of Defense facilities all over the Nation that are in disarray? That is a major problem.

What the Secretary has advised us on this particular proposition is that he will not be going aggressively forward. He simply asks us to give him the flexibility that he thinks is necessary.

We all have a great deal of trust and confidence in the Secretary of Energy because he is an expert on nuclear production matters and all that goes along with that. It was our feeling, I would advise the Senator from Massachusetts, that, essentially, the Strategic Subcommittee and the full Committee on Armed Services were merely trying to give as much leeway as we could to the Secretary of Energy, having full confidence in what his eventual decision will be, pro or con, on this particular project.

Having said that, I want to say the Senator from Massachusetts makes some good points. I would emphasize to the other Members of the Senate on both sides of the aisle that there can be legitimate, honest differences in approach and style on this matter. Basically, the only reason the Senator went along, and the Strategic Subcommittee went along and the full Armed Services Committee went along with the Secretary's request, was to give him some flexibility.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, our Nation is approaching a critical situation with regard to nuclear materials. At the present time the Department of Energy does not have a single reactor producing plutonium or tritium for nuclear weapons. Unless we get on with building new production reactors and the special isotope separation project, our supply of plutonium will

be frozen and our supply of tritium will decay. While there are adequate supplies for the moment, there is no hope, I repeat, no hope, of satisfying our nuclear material requirements for the long term unless we take positive action now.

Restarting the K-reactor at the Savannah River plant will be an interim fix for tritium until the new production reactors are operational. To resolve the plutonium problem, which will become critical in the mid-1990's, the Department of Energy has very prudently developed the Special Isotope Separation Program. The SIS Program will modernize, recycle, and refine already existing plutonium, it will not add to our plutonium stockpile. The President's report to Congress calls the SIS Program "time critical and essential." SIS has been given top priority in the DOE defense modernization plan; it has widespread support from the Department of Defense, the National Security Council, and the Joint Chiefs of Staff, as well as the President of the United States.

Mr. President, this amendment will do significant damage to our national nuclear weapons program.

If that is what those who authored it want to do, they certainly will accomplish their purpose. I urge my colleagues to vote against this and again remind them that the Department of Energy needs this program, the Department of Defense needs this program, the National Security Council wants this program, the Joint Chiefs of Staff want this program and the President of the United States wants this program. I yield the floor, Mr. President.

The PRESIDING OFFICER (Mr. SHELBY). The senior Senator from Idaho.

Mr. MCCLURE. Mr. President, I rise in opposition to the amendment. I want to underscore what both the distinguished Senator from Nebraska has said and the distinguished Senator from South Carolina [Mr. THURMOND] has said.

I have to preface my remarks each time I talk about SIS to make certain that people understand that although the siting of the plant is in Idaho, that is not the reason that I am speaking. I am speaking because the need for a plutonium processing facility is essential to the Nation's security. I want to underscore that. From my standpoint, whether SIS is built in Idaho or elsewhere, it is essential to the Nation's security.

I do not know whether it has been noted—and perhaps it should be—but the defense of this country is predicated on a number of different weapons systems, and for 40 years, we have put a great deal of faith in the nuclear deterrent in order that the defense strategy of this country be followed. We

must continue to have nuclear weapons, even as we negotiate with the Soviet Union to limit the growth of that stockpile to reduce the number of weapons systems and toward the possible elimination of further weapons systems, as was done in the INF Treaty.

But until we reach such negotiated solutions, the Nation's defense depends upon nuclear weapons in major part, together with the conventional weapons, that we also have in our defense inventory.

In order to have nuclear weapons, there must be production of the nuclear materials that go into those weapons. We, a number of years ago—and I participated in it making certain that we had an accurate forecast of the need for nuclear materials for the weapons program—created the Nuclear Weapons Council to make certain that all of the estimates by DOD were scrubbed and examined. All of the policy judgments made by the Department of Energy should be examined openly, as far as national security will permit us, to discuss these things openly and on the record.

There have been numerous hearings in the Armed Services Committee, in classified briefings and discussions and in the Defense Subcommittee of the Appropriations Committee on which I serve, dealing with the very question of the need for materials. So the baseline of the discussion has to be what is necessary for the Nation's defense, and is this plant necessary to carry that mission forward?

Mr. President, we have delayed too long in modernizing weapons production facilities. It has led to what the Senator from Nebraska has referred to a number of times about a need for modernization of the weapons facilities and the absolute imperative need for cleanup of the environmental problems that exist at each of the Nation's weapons complexes because, indeed, we do have an accumulation of problems that we are now dealing with and that Secretary Watkins must address as he attempts to wrestle with the problem that is presented to him in providing new facilities for the production of those materials which are essential to the national defense.

I noted in the arguments of the Senator from Massachusetts proposing this amendment that there is a strong undercurrent of dissatisfaction with having any nuclear weapons and that we really ought not to build a new weapons production facility. I do not perceive that to be the argument with respect to this amendment.

This amendment has to do with what can you do to make certain that the Nation has a plutonium production capability to meet our needs in this country. The amendment has to do with the pace at which that is done and preserving for yet another year

the option of whether to go forward or stop.

I submit to you the committee has already accomplished the delay that many have sought to have accomplished. I think the very fact that the Secretary of the Department of Energy ordered an EIS on the Lawrence Livermore Laboratory activities is in itself a modest delay in this program that does, indeed, give us some time in the future to take a look at this program and determine whether it should go forward. The question is how much delay should be mandated; how much delay can we tolerate?

Let me get into that just briefly, and I do not intend to prolong this discussion unduly. But every report of the Nuclear Weapons Council has told us that we need production facilities for plutonium availability starting in 1995. Every analysis that has been presented by this administration and the last administration has reaffirmed that stockpile goal. There are those certainly who disagree with that conclusion. But that has been the opinion of the Nuclear Weapons Council and it has been the opinion of committees on both sides of the Congress that, indeed, the materials requirements are the accepted judgment of the majority of those who have the responsibility to make those judgments.

SIS, as has already been described, would be built to refine some plutonium which we already have on hand and make it suitable for use in the weapons program. There is no one that I know of who really believes that we can do otherwise and build some new plutonium facilities at some point in the future unless we have arrived at agreements with the Soviet Union that make nuclear weapons unnecessary.

The weapons stockpile report and the Presidential memorandum with respect to stockpile goals are still the law and the policy of this country. There is not any question of the need for plutonium in the future until we have a completely different defense strategy. We had in this Nation a number of plutonium-producing facilities, all of which are currently shut down.

I want to repeat that because I want everybody to understand that. We did have more than one. We had more than two facilities available in this country for this particular need and they are all, as we speak, shut down. As a matter of fact, there is no prospect, in my mind, that the N-reactor in the State of Washington is going to be reopened. It was the primary producer of plutonium and has been shut down since 1987 with no prospect that it will be reopened.

We had plutonium production at Savannah River in one and sometimes two of the four reactors at that plant. One of those four reactors has been

closed down and I believe closed down permanently. The other three have been closed down pending environmental reviews and corrections in their operation, and they will at some time in the future reopen. But as they reopen, they will be primarily, if not exclusively, devoted to the production of tritium until the Nation can replace those old reactors with new production facilities to meet the Nation's tritium production needs.

So at the current time, we have absolutely no production facilities for plutonium that are in operation today, and that is, if I may use the term, playing Russian roulette with the Nation's security.

Now, to the question about how long it will operate and what will it be doing after its assigned mission, let me just respond by saying that every analysis that has been made by those who have the responsibility for production have identified SIS as the most cost-efficient way of meeting the needs of this Nation between the years 1995 and beyond the year 2000. I want to again emphasize the fact we have no plutonium production facilities in this country today. The Soviet Union has at least a dozen and probably more, and the structure of their nuclear industry in their country is so different from ours that it is hard to make direct comparisons, but they certainly have not shut off their capacity to produce plutonium, and yet our Nation at the present time is in the unhappy position of having no plutonium production facilities operating.

Again, the SIS is the technology and plant of choice to meet that need starting in 1995 and hence the need for moving forward on the design and the preliminary research work.

When SIS was first brought up, when it was first decided as the means of meeting that production need in 1995, it was acknowledged that it was going to take longer than that to get the plant on line, to do all the proof of concept and all the research work that was necessary, and there was a conscience decision on the part of the administration and of the Congress to overlap some of the work, to move without having everything done before the next step was undertaken because we did not have the time to do it in that manner.

So there was a certain amount of telescoping of the process that was consciously decided upon by the Congress and the administration, recognizing that there are some risks to the program inherent in that, not risks to the public but risks to the program inherent in the telescoping of the schedule, but that was the only way in which this country could be assured of a production facility to meet our needs starting in 1995. But I think we have already slipped beyond that to 1996.

This amendment, if adopted, would at least slip another year on top of that to 1997, and that is why I rise in opposition to the amendment and that is why I am sure the subcommittee chaired by the distinguished Senator from Nebraska arrived at the same conclusion. With the EIS ordered at Lawrence Livermore Laboratory, certain things could be delayed a little longer because they could not be done until after that EIS is completed. But you still must do the preparation work so that as soon as that proof of technology has been completed and the runs are completed at Lawrence Livermore Laboratory, then construction could go forward without having committed the hundreds of millions of dollars to construction that otherwise would have been the case.

So I understand what the subcommittee has done in terms of the case and the pacing of the construction activity. All we are asking is the opportunity for the Department of Energy to do those preliminary things which might include some very modest site preparation so that when, as we confidently expect, the other steps have been taken upon which construction could actually be based, we could start the construction.

Let me give you just one very brief example. In the construction of this plant, it is necessary to have a continuous concrete pour. The current plans for construction would say that that concrete pour takes 7 months. Once you start it, you do not stop it. For the next 7 months you go ahead doing that work. In order to start at the time when the weather will permit its completion in that 7-month period, we must be able to do that site preparation work which would make it possible, following the other steps that must precede it, to start that concrete pour upon the schedule now envisioned by those responsible for the program definition.

So this amendment, in my judgment, is not only not needed but it is counterproductive to the effort being made to make certain we move forward as rapidly as we prudently can, recognizing that the EIS at Lawrence Livermore is a condition precedent to the actual construction, but there are also other things that can be done in the meantime in the expenditure of the money which has been made available in this authorization bill.

I might indicate, too, and I think I should in deference to the members of the Armed Services Committee, that we in the Appropriations Committee have been willing to provide \$55 million for this purpose. The authorizing committees in this body and the other limited that money to \$40 million rather than \$55 million, and after discussions, thorough discussions with the Secretary of the Department of Energy, that is a figure we can live

with, but a figure lower than that, or a constrained program will absolutely delay the completion of this project, no matter what else happens, by an additional 2 years beyond the initial construction goals.

I want again to step back for a moment and recite just one little bit of history which I think has some relevance to this. Last year when the distinguished Senator from Massachusetts was fighting this project, we struck a compromise on delaying site preparation until March 1, 1989. I am sure the Senator would remember the arguments which were made at that time because it was stated we ought to delay into the next administration so that another President will have a look at it before we go forward. We accepted that amendment last year because I understood the rationale that was behind it: There may be a different President, a different administration might come up with a different conclusion as to the need for this facility.

Well, that amendment was adopted. There was no site preparation prior to March 1 of this year. We are not expecting that site preparation will start tomorrow, although we do think site preparation, a modest site preparation in the nature of building security fences and running power lines to the site that will be necessary need to be in place when the construction season, following completion of the EIS at Livermore, is available to us and that we could then move forward. This amendment would make that impossible.

I hope the Senate will reject the amendment, that we will give the Department of Energy as much room as they need and can use in a responsible sequencing of events, including the proof of technology, the site preparation, moving forward to a construction start, which this is not. This carefully says there will be no construction started, and I agree with that; we can accept that amount of delay—it is inevitable in view of the EIS requirement at Lawrence Livermore Laboratory—but we should not further delay the start on what has to be an absolutely essential facility for the security of this country.

I hope the Senate will reject the amendment and allow us to move forward with the defense of this country.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I indeed hope we will heed the wise wisdom of the chairman of the subcommittee, Mr. Exon, the distinguished ranking member, Mr. THURMOND, and indeed we have been joined by our colleagues from Idaho here today.

With no disrespect to my good friend from Massachusetts, this was

an issue that was carefully considered in the Senate Armed Services Committee. The Presiding Officer is a member of that committee and recalls well the rather extensive and lengthy debate, and it was a bipartisan consideration, a bipartisan result and conclusion. I hope the Senate will accept the recommendation of the full committee as reflected by the actions of the subcommittee.

Mr. KENNEDY addressed the Chair. The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I appreciate very much the genuine concerns of our colleagues who have spoken. A very important issue has to be resolved, and that is whether, by accepting this amendment we are going to endanger the amount of plutonium which will be available for planned weapon production, and whether, by accepting this amendment, we are somehow going to undermine the reliance of U.S. security on nuclear weapons.

Let me just read what the Armed Services Committee of the Senate said in its report on the bill about this kind of information. This is the Armed Services Committee. This is the bipartisan committee:

The committee is not convinced that construction of the SIS plant merits the urgent priority it was assigned by the DOE. According to testimony provided by the Department of Energy, short-term supplies of plutonium are adequate, and "it is impossible to predict accurately at this time whether additional plutonium will or will not be required beyond the year 2000." The priority of the SIS project must be considered in light of the severity of environmental, safety, and health needs throughout the nuclear weapons complex as well as the need to replace much aging plant and equipment.

So, Mr. President, this suggestion or argument that somehow with this amendment we are going to endanger the amount of plutonium which will be available for planned weapons production does not hold. I believe the studies that the Senator from Idaho was referring to, in terms of the various reports that he mentioned, really refer to the reserve requirements but not to planned weapon production. That is extremely important.

I listened with interest to the point that was made by the Senator from Idaho talking about telescoping schedules and overlapping technologies. As this body has learned, that is another phrase for basically shortcutting. As we have had very important debates and discussions here in this body. We hear lipservice to the concept that we ought to fly before we buy, and that we ought to make sure that a system is tested before we are going to commit American taxpayers' money to it. I think that is a pretty good precaution, except those who are opposing our amendment are quite prepared evi-

dently to move ahead with construction, and spend millions of dollars, on preparation of the site, bringing in the utilities, putting up the fences, and doing other work when we have seen, that this is a new technology that has not been utilized and utilized effectively.

Second, we should look at the cost of this particular plant that, according to the Department of Energy, has gone from \$355 million in 1981 to \$600 million in 1985, to \$907 million in 1987, to \$1.232 billion in 1989. If that should not gather the attention of the Members here, we can look at the cost of continuing support over the life of the plant, which is 30 years, and it will come to in excess of \$3 billion.

It seems to me, Mr. President, that the argument that is made about restoring tritium capability is absolutely wise, absolutely essential, and I think I can speak for my colleagues and say that we are all for that.

The important Savannah River project, has a much higher priority than the SIS Program, and what is happening at Rocky Flats, also ought to be getting the priority.

So, Mr. President, what has changed from a year ago, as my friend from Idaho has pointed out? A couple of things have changed. First of all, the research and development has lagged. We have testimony to that. And the Purex plant at Hanford, which is an essential ingredient for the success of this program, has been closed down with no date established for when it is going to reopen.

Those who support this amendment are making no judgment about whether this plant is going to be necessary or essential in a year, 2 years or 3 years. All we are saying is that the technology which we utilize in that plant ought to be carried through to a more thorough evaluation to demonstrate its effectiveness.

Second, we are going to know not only about the nature of the technology, and whether the Purex plant will come back on stream within that period of time, but also we are going to have a full range of potential and real costs in terms of the environment.

Mr. President, I would just urge at a time of scarce resources, we know there are much higher priorities in this whole area—there is no necessity for us to move ahead now with this kind of construction project until, first, we have much greater information with regard to the technology; second, with regard to need; and third, that we know what the costs will be in terms of the environment.

Mr. President, it just seems that we can expend the scarce resources in this part of the defense function in a more effective way to protect our national security, to the extent that this can be accomplished with nuclear weapons.

Mr. President, I hope the amendment will be accepted.

Mr. WIRTH addressed the Chair.
The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. Thank you, Mr. President.

Mr. President, has there been any time agreement on this amendment?

The PRESIDING OFFICER. There is no time agreement.

Mr. WIRTH. There had been an attempt to propound a unanimous-consent request earlier. I wonder if that might be possible since the two Senators from Idaho are here.

Mr. NUNN. Mr. President, could I inquire since all parties are here if we could get a time limit on this, we will not be voting before 5 o'clock in any event, but we do have other amendments we would like to debate before then if there is a willingness to get a time agreement.

Mr. KENNEDY. Mr. President, I would be more than glad to do that. The Senator from Colorado has not spoken on this. I do not know whether the Senator from Ohio will. I would only take maybe 3 or 4 minutes just in summation at the end.

I do not know what time the Senator from Colorado needs. I think we can deal with our remaining time in probably 15 minutes in the hope we could yield back some of that time.

I think probably 15 minutes on our side. That would give time to the Senator from Colorado. If the Senator from Ohio does not come over here, I would yield the time and maybe take 3 minutes to wrap up.

Mr. THURMOND. Mr. President, we are willing to agree to 15 minutes on each side to finish up.

Mr. KENNEDY. I ask unanimous consent there be a half-hour time limit on the Kennedy-Wirth-Glenn amendment, the time one-half hour evenly divided with no secondary amendments.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. Would there be no amendment to the amendment of the Senator?

Mr. KENNEDY. I have included that.

Mr. EXON. Let me see if I can resolve this. I propose that we start immediately a one-half-hour time agreement equally divided between the two sides, with half of the time controlled by the Senator from Massachusetts and the other half controlled by the Senator from Idaho; that no amendments be in order; and that the vote be set at an appropriate time, agreed to by both sides as per the previous instructions to the Senate by the majority leader.

The time would be equally controlled by the Senator from South Carolina on that side of the aisle and the time on this side of the aisle con-

trolled by the Senator from Massachusetts.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. KENNEDY. I yield such time as the Senator from Colorado uses.

Mr. WIRTH. Mr. President, once again let me say that Senator KENNEDY, Senator GLENN, and I believe that there is simply no need for the United States to proceed with construction of the SIS plant at this time. What we are doing in this amendment is precluding the use of fiscal 1990 funds for site preparation. Why is this? First of all, we are simply reinstating the original recommendation of the report by the Armed Services Committee Strategic Subcommittee. Before this recommendation there was no compelling reason for the plant. The evidence is very clear on this point.

The argument that is made here today is that somehow there is a great gap in our plutonium supply. That argument has been made by the opponents of this amendment, and yet, the facts of the matter are that we are currently, and for the foreseeable future, awash in plutonium. I make that statement, the other proponents of the amendment make that statement, but we are not alone.

I will give you a few examples of who else is talking about the fact that we are awash in plutonium. John Herrington, the Secretary of Energy, said, "The language of the amendments adopted in the House Armed Services authorization bill"—which is identical to ours—"will not adversely impact the schedule of the SIS project." John Herrington, Secretary of Energy in the previous administration said, "Plutonium; we are awash in plutonium. We have more plutonium than we need."

Troy Wade, Assistant Secretary of Energy for Defense Program, a very respected individual, at hearings held in Idaho Falls said, "Our opponents argue that we do not need SIS to provide nuclear material in the near terms. That is a fact, and we do not dispute it."

Don Ofte, manager of the Department of Energy's Idaho operations office said, "The SIS is not designed to meet a well-identified need."

Mr. President, there are a great number of examples of quotes, made by high Department of Energy officials that this facility is not needed. I ask unanimous consent to have a number of these printed in the RECORD at this point.

There being no objection, the quotes were ordered to be printed in the RECORD, as follows:

"[T]he language of the amendments adopted in the House Armed Services Authorization Bill . . . will not adversely impact the schedule of the SIS project." (The Kennedy Amendment is identical to

the House provision.)—John Herrington, Secretary of Energy Letter to Rep. Richard Stallings (D-ID) May 6, 1988.

"Plutonium. We're awash in plutonium. We have more plutonium than we need."—John Herrington, Secretary of Energy, House Appropriations Subcommittee, on Interior and Related Agencies, February 23, 1988.

"Our opponents argue that we do not need SIS to provide nuclear material in the near term. That is a fact and we do not dispute it."—Troy Wade, Assistant Secretary of Energy for Defense Programs, Hearings on the Draft Environmental Impact Statement for the SIS, Idaho Falls, ID, March 25, 1988.

"The SIS is not designed to meet a well-identified need."—Don Ofte, Manager, Department of Energy, Idaho Operations Office, *Idaho Falls Post-Register*, February 17, 1988.

"It (SIS) is an economic development project."—Carl Gertz, Former SIS Project Manager SIS Project, *Idaho Falls Post-Register*, April 10, 1987.

"DOE Undersecretary Joseph F. Salgado conceded that a two year moratorium on plutonium production 'would not have a negative impact' on national defense."—*The Washington Post*, February 28, 1988.

"As in the past, most of the nuclear materials needed for new weapons systems are obtained from retired weapons."—Department of Energy Budget Request, Volume 1, FY 1989, February 1988.

Mr. WIRTH. There is no plutonium crisis. So why the rush to begin construction? The reason, I believe, is to help lock in this program. This is what the British call the thin wedge of the wedge. In this case that thin wedge is a modest \$1.2 billion.

Not only is site preparation unnecessary; it would be imprudent given the environmental problems and uncertainties surrounding the SIS plant. An SIS pilot plant was constructed at Lawrence Livermore, as has been clearly stated before, in violation of environmental laws and to go ahead with SIS now would again make a complete mockery of this set of laws.

Let me say that this is, unfortunately, a syndrome in the history of the Department of Energy. Over the last 2 decades the Department has wasted several billion dollars on nuclear projects which failed because of technical problems, lack of need, or cost. Congress can and must act to prevent more waste on the proposed SIS plutonium plant.

Among this whole catalog of unhappy—and embarrassing—failed DOE projects are the following: The gas centrifuge enrichment plant in Portsmouth, Ohio—\$3.5 billion was spent, not used. Clinch River Breeder reactor at Oak Ridge, Tennessee—\$1.5 billion spent. The Mirror Fusion Test Facility at Lawrence Livermore—\$372 million. The Scrap Recovery Facility, building 371, in my own back yard, Rocky Flats, CO. This came to our attention, Mr. President, at a time when we were debating coffee pots and allen wrenches. This was the greatest coffee pot ever, a multihundreds of millions of

dollars coffee pot, percolating away and using up taxpayer money.

The Intersecting Storage Accelerator, Isabelle, at the Brookhaven National Laboratory—\$172 million.

Mr. J. Dexter Peach, the Assistant Comptroller General of the General Accounting Office, stated in regard to this string of DOE's failed projects, "The shortcomings we have seen raise questions about the technical capabilities of the DOE."

Now, we know that. Fortunately, down there we have a new Secretary who recognizes these problems. Let us not add further to his already very significant set of problems that he faces. Let us give him a break.

The Department of Energy has enough serious problems to deal with now. Construction of the SIS plant in Idaho in fiscal year 1990 is neither necessary nor appropriate at this time. I hope my colleagues will support this commonsense amendment.

We all act as a kind of a board, Mr. President. We all act as board for the Department of Energy. The Department of Energy comes in, and presumably, they bring experts in to make recommendations to us. Let us hear what the experts might say to us as a board of directors, given this particular project. We would ask them to come in and we would assemble the experts and say, "Come and make the case." Each one of our experts would make the case on this. We would ask the marketing director to come in and what would the marketing people tell us? The marketing people would tell us there is no demand for the product for the next decade, and the long-term outlook is hazy. Why do we not ask the international director. He would say, "Our office is Geneva advises us that pending international agreements could wipe out any future market for our product."

Arms control. We say let us go to the R&D people and ask them what they think. They would tell us that our scientists and engineers say that production technology is not ready yet. In fact, it has yet to be demonstrated. So do not go in and build it.

Plant safety people would come in and tell us that at this time the plant cannot be operated safely. The legal department would tell us that our plant demonstration is in violation of two Federal environmental laws and further legal suits are expected. The finance people are worried, the escalation of cost is very clear, and the track record is pretty grim.

Expert after expert, area after area would come in and tell us not to proceed with this plant. It simply does not make any sense to do so at this point.

In light of all of the above, the evidence is very clear what we ought to do is support this amendment and say no site preparation at this point. Let

us keep the camel's nose out from under the tent. Once it gets going—and we all know what happens once these items get going—that little sliver fits in there and has a way of getting bigger and bigger and bigger. Let us give Secretary Watkins a break. There is no great plutonium need. I hope my colleagues recognize the virtues of this amendment and will agree with us to support this amendment, not go ahead with the site preparation for the SIS facility.

Mr. President, I ask unanimous consent to have the full list of Department of Energy projects and analyses to be included in the RECORD at the end of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SIS: ANOTHER DOE WHITE ELEPHANT?

Over the last two decades the Department of Energy (DOE) has wasted several billion dollars on nuclear projects which failed because of technical problems, lack of need, or cost. Congress can and must act now to prevent more waste on the proposed SIS plutonium plant. Among the myriad of failed projects are the following:

1. Gas Centrifuge Enrichment Plant (GCEP) at Portsmouth, Ohio: \$3.5 billion spent.

This uranium enrichment plant was cancelled by DOE in 1985 with 20 percent of construction completed because of escalating costs and the unreliability of the technology.

2. Clinch River Breeder Reactor at Oak Ridge, Tennessee: \$1.5 billion spent.

The breeder reactor was designed to create "an essentially inexhaustible domestic energy source." In 1984 Congress decided to terminate the project after convincing concerns arose over its economics, need, and the danger of nuclear weapons proliferation.

3. Mirror Fusion Test Facility (MFTF-B) at the Lawrence Livermore National Laboratory, California: \$372 million spent.

The MFTF-B was designed to prove that a commercial fusion reactor could be created using magnetic mirrors. The project was terminated by DOE in 1986 after nine years of design and construction due to a failure of the mirror technology and federal budget restrictions.

4. Scrap Recovery Facility (Building 371) at the Rocky Flats Plant, Colorado: \$225 million spent.

This project was intended to replace an old plutonium processing building. Upon completion, however, DOE decided not to operate due to "severe design, materials, and mechanical problems." The cost of fixing these flaws is estimated to be about \$375 million.

5. Intersecting Storage Accelerator ("Isabelle") at the Brookhaven National Laboratory, New York: \$172 million spent.

Isabelle was intended to study the form and interaction of subnuclear particles. DOE cancelled it in 1983 due, in part, to a failure to develop the necessary superconducting magnets. A wetland habitat serving as the headwaters of the Peconic River (a proposed wild and scenic river) was unneces-

sarily destroyed as a result of the construction of the facility.

J. Dexter Peach, Assistant Comptroller General of the General Accounting Office, stated in regard to DOE's string of failed projects: "The shortcomings we've seen raise questions about the technical capabilities of the Department of Energy."¹

The failed projects noted above are evidence of the folly of DOE's "concurrent development" strategy for SIS—attempts to build a project while the necessary research and planning are still underway. In 1984, DOE admitted: "The [SIS] program has the highest cost (in total dollars and in dollars per gram of additional plutonium) of the various methods of increasing productivity. The SIS also requires the most lead time, and is the most technologically uncertain."² Five years later, SIS technology has yet to be demonstrated on a production scale and the design of the SIS facility is little more than 30 percent complete.³ Yet, DOE is presently moving forward with site preparation activities in Idaho and is seeking to begin major construction and procurement efforts in FY 90.

In order to avoid yet another white elephant, we urge Congress to reject any funds for construction of SIS in FY 90.

Mr. WIRTH. Mr. President, I yield the floor.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I ask unanimous consent to yield myself 10 minutes of Senator THURMOND's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I thank the distinguished Presiding Officer. I have listened to this debate with great interest. I think that if we want to really summarize what the issue is before us today, the issue is a matter of commitment.

The special isotope separation project is an important component of the Department of Defense authorization legislation.

Last year when I had the privilege of being a member of the Armed Services Committee the distinguished senior Senator from Massachusetts and I worked on this issue and, as I recall, part of the agreement was that we delayed it. This decision was made against this Senator's opposition. But the delay was put in and the Senator from Massachusetts agreed that when we get a new President we will let a new President make this decision, let him weigh all the facts, let him weigh where he is with respect to dealing with our primary adversary, the Soviet Union, and then make the decision.

Now we have a new President and we have a new administration. We have the Chairman of the Joint Chiefs of

Staff, the Secretary of Energy, the Secretary of Defense, the President of the United States, and the National Security Council analyzing this information and telling us that we need this new special isotope separation [SIS] process and that the new production reactors will not be built by the late 1990's. They will not be completed but the SIS can be built to process, not to produce, but to process fuel-grade plutonium up to weapons-grade qualifications. By doing this, the SIS will fill a vital need for these strategic materials.

Mr. President, I want to just make this point once again. This is not just a question of national security. It is a question of national commitment, at this time in history, to whether or not we are going to maintain a credible nuclear deterrent which has helped us preserve peace and freedom for the past 40 years.

We do not know what might happen with respect to worldwide instability, what might happen if the United States would lose our ability to counter the Soviet Union's conventional military superiority and we do not know what would happen. That is why this program is essential. If we are not able to defend ourselves and help to defend our allies, then we will find that the world will be a less safe and sane place in which to live than it already is.

I also want to respond to the comments of my good friend from Colorado about Secretary Herrington. Secretary Herrington made the statement about plutonium, which he later said was an unfortunate statement, at the time that he was making the decision to close down the N-reactor and put it in cold standby because of safety precautions. He said we can get by right now, with our current plutonium stockpile. But, what Secretary Herrington also said was, "SIS to me is a program that needs to take place for several reasons. I see an empty spot in our long-term planning."

Secretary Herrington had made that earlier statement in a different context, and so he has repudiated that statement many times since then.

I invite my colleagues to note this chart that I hold before me. It is too small, of course, for good television today. But historically we had all of these plants, over a dozen nuclear weapons material production plants. In 1987 we had four plants that would produce weapons-grade material. By 1988 we were down to 1½ plants. In 1989 we have no plants actually operating today producing the weapons-grade material. In 1985, the Congress and the President agreed that there would be a need for the SIS by the mid-1990's. At that time, there were five production reactors making weapons-grade tritium and plutonium.

This is why we still do need the SIS.

The historic reason for the SIS is that there has been a need here. The Department of Energy, the Department of Defense, and the National Security Council have been planning to construct it. If we do not move forward, if we accept this amendment, the distinguished senior Senator from Idaho made it very clear what it means with respect to the construction season. If they can prepare the site, then if they decide to go forward next year, they can have a steady pour of concrete and they can have a much sounder, better facility than if we forced this issue and rolled over into the next season. I think it is very critical that Members realize that what this is, is an attempt to delay the SIS facility for 1 more year and then next year there will be another reason why to delay it and then next year another reason.

I say to my colleagues this program has already, in this Senator's opinion, been cut far too much. Originally the Department of Energy asked for \$115 million. We now have only a \$40 million program and now they are trying to prohibit how that \$40 million may be spent so as to delay it over 1 more year.

HISTORY

The need for the SIS has been recognized since the mid-1980's by the Department of Energy, the Department of Defense, and the National Security Council. Planning to construct the facility began in 1985 with letters of support from the Secretary of Defense, the Administrator of the National Security Council to the Secretary of Energy.

At that time, there were five production reactors in full operation. Even then it was acknowledged there would be a need for this facility in the mid-1990's to provide the Nation with a reliable source of materials for our nuclear deterrent.

Since 1985, that need has grown more critical. The United States has no production reactor operating. In 1986, one production reactor was shut down because of a crack that could not be repaired. In 1987, another production reactor was shut down because of numerous safety issues that came to light as a result of the Chernobyl reactor accident in the Soviet Union. Also in 1987, the three remaining reactors reduced power to less than 50 percent because of safety concerns. Last year these three aging reactors were shut down for repairs and the restart schedule has slipped several times. It looks now as if it will be the middle of next year before they begin operating again.

When these reactors are restarted, they will have to respond to our critical need for tritium. There will be no new source of plutonium—until the new production reactors are on line—

¹ Keith Schneider, "U.S. Spent Billions on Atom Projects That Have Failed," New York Times, December 12, 1988, p. 1.

² U.S. House of Representatives, DOE FY 1985 Budget Justification, Part 6, p. 431.

³ DOE, "U.S. Department of Energy FY 1990 Congressional Budget Request, Construction Project Datasheets," (DOE/MA-0365), January 1989, p. 310.

10 years from now. How can anyone claim there is no obvious need for this facility?

SIS FACTS

This country must have a dependable, noninterruptible supply of nuclear materials for our national security. The SIS is an integral part of America's deterrent.

The importance of the facility is demonstrated by its position in the President's Report on the Department of Energy's Nuclear Weapons Complex Modernization Study, December 1988, that designated the SIS as "priority one, time critical and essential."

The Modernization Report was developed with the assistance of the Department of Defense, the National Security Council, and the Joint Chiefs of Staff. Without the flexibility the SIS will provide, the United States ability to maintain current force levels and to respond to Soviet advancements in weapons development will remain in jeopardy.

The SIS facility will be the first new nuclear weapons materials facility built in over 30 years.

The SIS will use a laser process to purify fuel-grade plutonium from a defense reactor, converting it to weapons-grade material. The amount of material available for the initial mission is equal to 15 years' reactor production. The material the SIS will clean up is unusable in its present form, but purified, it will be worth three times the cost to build the plant. Furthermore, the SIS will be the only source of new weapons-grade plutonium for almost 10 years.

At this time, our only sources for plutonium are a few aging scrap plutonium facilities scattered around the defense complex—with the accompanying concerns about health and safety associated with the other old DOE facilities. The SIS will be used to modernize and recycle the weapons stockpile, for as new warheads are being produced, old ones are being retired and dismantled. The facility will be available during the period of greatest vulnerability of the plutonium supply. The SIS-processed material will not add to our weapons stockpile.

Neither the prospect of a strategic defense system nor the prospect of arms reduction cancel the need to maintain an adequate nuclear deterrent force. Even though there are chances of political reform in the Soviet Union, as well as indications from the Soviet leadership that it will direct funding away from defense, we haven't seen any significant reduction in those weapons that are targeted against the United States. Until that happens, surely we have no choice but to base decisions regarding our national security on actions and present knowledge of the forces directed

against us, rather than the words that indicate good intentions.

As arms control talks continue, the SIS contributes a sense of balance in the talks. The SIS is only the first of many steps that must be taken for effective negotiations with the Soviet Union.

The Senate Armed Services Committee approved a bare bones funding level for the SIS. The \$123 million for operating and construction is \$75 million below the President's budget.

The \$40 million approved by the committee in a Exon-Thurmond-Wallop amendment will be used to further design the SIS production facility—building and equipment—necessary to support the project schedule and completion of the Preliminary Safety Analysis Report (PSAR) which documents project safety prior to construction of the SIS facility in Idaho. The committee also allowed site preparation activities such as the construction of a parking lot and security fences and other appropriate activities that would enhance the schedule.

Project support totaling \$19.2 million provides for the participation of the operating contractor in technology transfer activities—from Lawrence Livermore Laboratory to the Idaho National Engineering Laboratory—and in design reviews. It also includes performance of essential safety work, preparation of the PSAR, and the obtaining of permits. Performing the Environmental Impact Statement (EIS) for the plutonium experiments at the Lawrence Livermore National Laboratory will also be included in this work.

The \$63 million provided by the committee will fund the performance of all testing of the laser technology at Livermore Laboratory and elsewhere. This level of funding cannot be greatly reduced because of the EIS work at Livermore Lab. The engineering demonstration system that will demonstrate the plant scale technology will continue to operate using nonradioactive materials. This will allow the plutonium tests to begin promptly upon a decision to proceed and will shorten the time required to do the plutonium testing once that begins.

SUMMARY

The special isotope separation project is an important component to this Department of Defense authorization legislation. As we modernize our defenses, many of the advanced weapons we are learning about will require more and more plutonium in the 1990's. New production reactors will not be built by then. The SIS can be built by then to fill this vital need for strategic materials.

This is not just a question of national security. In my opinion, it is a question of our commitment, at this time in history, to the nuclear deterrent that has prevented world war for over 40 years.

I am very worried about the worldwide instability that might occur if the United States loses our ability to counter the Soviet Union's conventional military superiority with a significant nuclear deterrent, as we have in the past. If we are not able to defend ourselves and help defend our allies, the Soviet Union will not hesitate to continue to promote revolution and chaos throughout the world.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WIRTH. Mr. President, how much time remains?

The PRESIDING OFFICER. Six minutes and 43 seconds the Senator from Massachusetts has.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes.

Mr. President, just in summary, we make no ultimate judgment on whether this plant should go forward or not go forward. All we are saying now is, no construction until we know, one, whether this new technology can be effective and, two, whether there is going to be a necessity for weapon-grade plutonium for planned weapons system after the year 2000. We have not heard that case made, Mr. President.

We know that this plant is being developed to fill a plutonium reserve, not for immediate use in weapons. That is an extremely important point.

Second, the SIS technology is not finished. We are effectively committing ourselves to a multibillion dollar program with the hope perhaps that this new technology might work, and there is no guarantee that it will work, and we should have in this body understood by now that it makes no sense to spend billions of taxpayers' money on technology that we do not know, as a matter of fact, is going to be effective.

Third, the lifetime mission of the plant is not known. All we know, from those who support it, is that when it comes onstream, there is only 7 years of feed. It can only be used for 7 years, a 30-year plant used for 7 years of feed. That ought to give at least some pause to whether we want to embark with scarce resources on that kind of an investment.

Finally, Mr. President, there is no approved site for the SIS waste storage. Serious issues and questions with regard to the environment have been raised. There is leaching of dangerous material now into the Snake River aquifer, and serious concerns about those types of issues around the site of this plant.

All we are saying is if this plant is going to be necessary for our national security, we will know more on that in a year from now or 2 years from now, and still be able to insure that if it is

necessary, that we will be able to come onstream at an appropriate time that will protect our security interests.

I refer back to the general statements in the Armed Services Committee report that indicated that the requirement for SIS is not the kind of urgent priority which the two Senators from that State have mentioned in their review. Considering not only the testimony but also the classified material in terms of the capacity of the United States and our stockpile of nuclear weapons, that urgent priority is not the kind of priority that is indicated.

So, Mr. President, I hope that this amendment will be accepted.

I withhold the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCURE. Mr. President, will the Senator from South Carolina yield 4 minutes to the Senator from Idaho?

Mr. THURMOND. Mr. President, I so yield.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCURE. Thank you very much, Mr. President, and I thank the distinguished Senator from South Carolina.

I reiterate what has already been said, and I do it for emphasis only. This project has been approved by the President of the United States, by the Secretary of Defense, by the Secretary of the Department of Energy, by the National Security Council, by the Joint Chiefs of Staff, and others, but there is no question that those who know what our materials requirements and our defense requirements are, everyone, without exception, says we ought not to adopt this amendment, that we ought to be preparing to go forward with construction and the Senator from Massachusetts said we do not want any construction to start.

I tell the Senate that is precisely what the committee has said in the language adopted in the committee report. We are not talking about starting construction. We are talking about what may be more loosely described as site preparation and, as I said before, some security fences, the running of power lines to the site that would support construction once construction is authorized and the money is appropriated for it.

This is not for construction. And we are not asking to lift that prohibition on construction.

The distinguished Senator from Colorado quoted former Assistant Secretary of Energy for Defense Systems Troy Wade. The only problem with the quotation that he used is, as we all do, it is a selective quotation of a part of a statement. What he did not say that Troy Wade had said just immediately following the quotation he used:

Our projection of material needs in the midnineties tells us we need an assured source of weapons-grade plutonium. Neither the 30-year-old reactor at the Savannah River nor the proposed new production reactor can provide that assurance. The SIS plant can.

That was what Troy Wade said in a partial quotation that the Senator from Colorado quoted a moment ago in his statement at the EIS hearing on March 25, 1988, in Idaho Falls, ID. It is important for us to understand exactly what he said and that was that, indeed, the SIS should go forward to meet a need which is now foreseen and is a current assessment of our needs.

There have been a number of people who have suggested we do not really need the weapons materials that are certified in the stockpile memorandum and in the President's decision. And I will be the first to say that if indeed the Defense establishment identifies the fact that the SIS is not needed, I will join with people in saying, "Well, let's don't build it," because I do not build it just for the sake of building a building. I support its construction at the appropriate time, which will be in next year's appropriation bill, I hope, and that will fit with the timing of the research activities at Lawrence Livermore activity. If at any time between this time and the time of construction we have identified that indeed because of other changes we no longer need the construction of this plant, I will be joining others in saying, "Let's don't build it then."

With respect to the contamination of the ground water in Idaho, the Snake River aquifer, let me make very sure that people understand exactly what we are talking about.

The PRESIDING OFFICER. The 4 minutes of the Senator from Idaho have expired.

Mr. McCURE. Will the Senator yield me 1 additional minute?

Mr. THURMOND. Mr. President, I so yield.

Mr. McCURE. I thank the Senator. Years ago, we injected cooling water back into the ground from the chemical processing plant that had very, very small quantities of tritium in it. That practice has stopped. The tritium bloom is getting smaller. And other than that one instance and that one activity, no radioactive materials have ever reached the aquifer. Now that is a fact.

This idea that there is somehow a massive pollution of that underground water supply in southern Idaho, which would be a matter of grave concern to me, is simply not factual. It is only arguments made by those people who desire to disarm this country.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SYMMS. Mr. President, will the distinguished Senator yield me some time?

Mr. THURMOND. Mr. President, how much time does each side have?

The PRESIDING OFFICER. The Senator from South Carolina has 4 minutes 31 seconds and the Senator from Massachusetts has 3 minutes 44 seconds remaining.

Mr. THURMOND. Mr. President, I yield 2 minutes to the distinguished Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 2 minutes.

Mr. SYMMS. I thank the distinguished Senator from South Carolina.

Mr. President, I just would call attention to my colleagues that today on their desk in the Senate is a "Dear Colleague" letter from Senator McCURE and myself that somewhat summarizes what we have been discussing here.

But there is one other point I think that my colleagues should take under consideration. The SIS is cost effective. The material the SIS will clean up is unusable in its present form. Purified, it will be worth three times the cost of the plant. The Department of Energy currently has 15 years' reactor production of fuel grade plutonium available for this purification processing now in storage. So there is an adequate supply of plutonium that we will be processing.

This is not a plutonium production plant but a plutonium processing plant which will in fact upgrade and improve the value of that plutonium and at the same time will be a cost effective method of doing it. And a timely method, Mr. President—and I reemphasize to my colleagues, the SIS project is very time-sensitive.

It will be operating long before the advanced heavy water reactor and long before the high temperature gas reactor come on line.

So I think this is critical. The SIS will use a laser process to purify the fuel grade plutonium. It is a new process. It is new technology. It moves this country one step forward in the entire technology field.

But I think more than that, Mr. President, is that we have had a good run of things that have been going in the right direction. And I think for us to alter that course at the present time would be a sad mistake in terms of preserving peace and freedom and a strong America. And that is really what the SIS is all about.

Mr. President, I yield back any remaining time of my 2 minutes that I might have.

The PRESIDING OFFICER. The Senator from South Carolina has 2 minutes and 10 seconds remaining.

Mr. THURMOND. Mr. President, the President's National Security Directive responsible for nuclear materials specifically states that:

It has long been U.S. policy that National Security needs and not the availability of special nuclear materials shall govern the nuclear stockpile.

The SIS program has been strongly supported by the Congress over the past 8 years because it represents an important, non-reactor, cost-effective contingency source of weapons grade plutonium for this country. This mission has become more important in recent years as other sources of plutonium supply have become increasingly burdened with the environmental, safety, and health issues related to old facilities.

The Senate report for the Defense Authorization Act for fiscal years 1988 and 1989 stated:

In addition to supporting the earliest availability of a new production reactor, the committee believes that technologies that contribute to the availability of plutonium should be pursued aggressively. Accordingly the committee fully supports the Department's request for the Special Isotope Separator (SIS).

Mr. President, the bottom line is if the United States desires a capability for providing new weapons grade plutonium in the 1995-2005 timeframe, the SIS project must be supported now. Eliminating a ready plutonium supply capability weakens the United States' stance in disarmament talks, and would allow a Soviet "break-out" as has happened in the past.

Mr. President, I repeat: The Department of Energy supports this program, the Department of Defense supports this program, the National Security Council supports this program, the Joint Chiefs of Staff supports this program, and the President's report has recommended this program. It seems that a sensible thing to do is to kill this amendment.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. SANFORD). The Senator from Massachusetts had 3 minutes and 44 seconds remaining.

Mr. KENNEDY. I yield myself 3 minutes.

Mr. President, we are not questioning existence of the program, or the eventual disposition of the program, at this time. What we are objecting to now is beginning to spend millions and millions of taxpayers' funds until we make a final and ultimate judgment and determination that the technology works.

Now, we hear reported out here on the floor of the U.S. Senate that the Department of Energy and all of these bodies within the Government support this program.

Well, just look at the kind of failed programs that they have supported in the past:

The gas centrifuge enrichment plant at Portsmouth, OH, \$3.5 billion of taxpayers' funds wasted; the Clinch River breeder reactor, \$1.5 billion spent; the mirror fusion test facility at the Law-

rence Livermore plant, \$372 million; the scrap recovery facility at Rocky Flats, \$225 million spent; and the intersecting storage accelerator at Brookhaven National Laboratory, \$172 million.

Certainly we have learned something. We should have learned something. The Department of Energy has the worst track record of any agency of Government for management and we are being asked, before we have the final technology, to start paying millions of dollars in terms of construction. That just does not make sense, particularly at a time of scarce resources.

The Armed Services Committee itself, in its report, said it very clearly: the committee is not convinced the construction of the SIS plant merits the urgent priority it was assigned by DOE. That is a bipartisan group that received testimony that was classified as well as unclassified.

Mr. President, that should certainly give us pause before we start down the road of the camel's nose under the tent, bringing that construction on, and then we will hear later: "Look, we have already spent this amount of money. Let us go and spend a few more million dollars."

We have learned that lesson, Mr. President. Let us not repeat it again here on the floor of the Senate.

Mr. President, I am prepared to yield back my time.

Mr. WARNER. Mr. President, on behalf of Mr. THURMOND, I yield myself such time as I may require.

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired.

Mr. WARNER. Then I ask unanimous consent that I may proceed for 1½ minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. If there is no further debate—and I yield on that question to the manager of the bill—I would ask unanimous consent that the Senator from Virginia be recognized at the hour of 5:45 for the purpose of making a motion to table the pending amendment and that between now and that time the Senate lay this aside and return to its business.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. Reserving the right to object, but I will not object, I am just trying to clarify and lay the matter to rest at this time.

I inquire of the Chair, has all time expired of both parties on the amendment before us?

The PRESIDING OFFICER. Remaining is 1 minute and 31 seconds.

Mr. EXON. Under whose control?

The PRESIDING OFFICER. Senator KENNEDY.

Mr. KENNEDY. Mr. President, I am prepared to yield back the remainder of my time.

I was going to ask for the yeas and nays. Maybe I can ask for the yeas and nays on the amendment and then I would support the request of the Senator from Virginia with regard to his proposal.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. EXON. Mr. President, with that we have disposed of the debate on the amendment offered by the Senator from Massachusetts. I endorse the request made by the Senator from Virginia.

I therefore ask unanimous consent at this time that the amendment be laid aside and that the vote on or in relation to the amendment occur at 5:45 p.m. today. When that time of 5:45 p.m. occurs it would be agreed to that the Senator from Virginia would be authorized for the first minute and a half after 5:45 to make any motion, including a tabling motion that he has indicated that he wished to make. The vote would follow thereafter.

The PRESIDING OFFICER. There is a pending motion, a unanimous-consent request made by the Senator from Virginia.

Mr. KENNEDY. Mr. President, reserving the right to object.

Mr. WARNER. Mr. President, I am happy to yield whatever priority I have to the Senator from Massachusetts to speak.

Mr. KENNEDY. Reserving the right to object, and I will not object, as I understand it the Senator just wanted to be recognized to make the motion. If the Senator was going to ask for time to speak on the merits then I would ask for an equal time, whatever that time may be.

If it is just recognition to make a motion to table then that is perfectly satisfactory.

The PRESIDING OFFICER. Will the Senator from Nebraska restate his motion?

Mr. EXON. I will restate it in a moment. I will make a request through the Chair, though, so we could possibly resolve this matter. I think it is just a matter of resolving what we wish to do. It might be proper, in order to solve the problem, if the Senator from Virginia would make his tabling motion now. Then we could just move to the vote at 5:45. Would that be agreeable?

Mr. KENNEDY. Perfectly.

Mr. EXON. Would the Senator from Virginia object to that?

Mr. WARNER. Mr. President, in my judgment that is a very wise solution. It is one recommended by the senior Senator from Idaho. If that is agreeable to the Senator from Massachu-

sets, I now move to table the pending amendment and ask for the yeas and nays on the tabling motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I understand now for all intents and purposes, we will be resolving that amendment at 5:45, with a tabling motion on which the yeas and nays have been ordered.

I understand now the floor is open for further amendment?

The PRESIDING OFFICER. The question is on the motion to table. The unanimous-consent agreement has not yet been agreed to.

The Senator from Nebraska.

Mr. EXON. Mr. President, now that the tabling motion has been made and the seconds have been ascertained by the Chair, I ask unanimous consent that the amendment be temporarily laid aside for other amendments and that the vote on the tabling motion occur at 5:45 p.m. today.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Massachusetts.

AMENDMENT NO. 518

(Purpose: To provide for a military child care program)

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. GLENN, Mr. WARNER, and Mr. MCCAIN, proposes an amendment numbered 518.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 295, after line 25, insert the following new title:

TITLE XI—MILITARY CHILD CARE

SEC. 1101. DEFINITIONS.

For purposes of this title—

(1) The term "military child development center" means a facility on a military installation (or on property under the jurisdiction of a military installation) at which child care services are provided for members of the Armed Forces.

(2) The term "family home day care" means child care services provided on a military installation (or on property under the jurisdiction of a military installation) on a regular basis for compensation for members of the Armed Forces.

(3) The term "child care employee" means a civilian employee of the Department of Defense who is employed to work in a military child development center (regardless of whether the employee is paid from appropriated or nonappropriated funds).

SEC. 1102. FUNDING FOR MILITARY CHILD CARE.

(a) IN GENERAL.—(1) Of the amounts authorized to be appropriated by this Act for fiscal year 1990, the Secretary of Defense shall make available for military child development centers in fiscal year 1990 funds equal to 75 percent of the estimated nonappropriated funds of the Department of Defense that are used for the purpose of providing child care for members of the Armed Forces in fiscal year 1990.

(2) The Secretary shall make available for military child development centers in each fiscal year after fiscal year 1990 appropriated funds equal to 100 percent of the estimated nonappropriated funds of the Department of Defense that are used for the purpose of providing child care to members of the Armed Forces in the fiscal year concerned.

(3) The Secretary shall give priority to increasing the number of child care employees who are directly involved in providing child care for members of the Armed Forces and to expanding the availability of child care for such members.

(4) Nonappropriated funds referred to in paragraphs (1) and (2) are those funds that are derived from fees paid by the users of military child care services.

(b) REPORTING REQUIREMENT.—Not later than December 31, 1989, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on how the Secretary intends to use the funds referred to in subsection (a)(1), including how the Secretary intends to achieve the priority specified in subsection (a)(3).

SEC. 1103. CHILD CARE EMPLOYEES.

(a) TRAINING.—(1) The Secretary of Defense shall establish, and prescribe regulations to implement, a uniform training program for child care employees as a condition of employment.

(2) Under those regulations, the Secretary shall require that each child care employee shall complete the training program not later than six months after the date on which the employee begins to work as a child care employee (except that, in the case of a child care employee hired before the date on which the training program is established, the Secretary shall require that the employee complete the program not later than six months after such date).

(3) The training program established under this subsection shall cover, at a minimum, training in the following:

- (A) Early childhood development.
- (B) Activities and disciplinary techniques appropriate to children of different ages.
- (C) Child abuse prevention and detection.
- (D) Cardiopulmonary resuscitation and other emergency medical procedures.

(b) PAY.—(1) The Secretary of Defense shall increase the compensation of child care employees of the Department of Defense who are directly involved in providing child care in accordance with paragraph (2).

(2) For the purpose of enabling child care development centers to compete favorably for a qualified and stable civilian workforce, child care employees who are directly involved in providing child care shall be paid compensation competitive with the compensation paid to other employees at the same installation who are drawn from the same labor pool (whether such employees are paid from appropriated or nonappropriated funds). Payment of compensation under this paragraph shall be carried out as a pilot project for a 2-year period. The payment of child care providers shall be paid at com-

petitive levels not later than 6 months after the date of the enactment of this Act.

(c) TRAINING AND CURRICULUM CHILD CARE EMPLOYEES.—(1) The Secretary of Defense shall require that at each military child development center at least one employee shall be a training and curriculum child care employee. In the case of a military child development center that does not have such a position, such position shall be in addition to existing civil service positions at that center as of the date of the enactment of this Act.

(2) The Secretary shall require appropriate credentials and experience for such employees. The duties of such employees shall include the following:

(A) Special teaching activities at the center.

(B) Daily oversight and instruction of other child care employees at the center.

(C) Daily assistance in the preparation of lesson plans.

(D) Assistance in the center's child abuse prevention and detection program.

(E) Advising the director of the center on the performance of other child care employees.

(3) Each training and curriculum child care employee shall be an employee in a competitive service position.

(d) EMPLOYMENT PREFERENCE FOR MILITARY SPOUSES.—The Secretary of Defense shall provide a preference for qualified spouses of members of the Armed Forces in hiring for, or promoting within, the position of child care employee in a position paid from nonappropriated funds if the spouse is among persons determined to be best qualified for the position. A spouse who is provided a preference under this subsection at a military child development center is not precluded from obtaining another preference in accordance with section 806 of the Military Family Act of 1985 (10 U.S.C. 113 note), in the same geographical area as the military child development center.

(e) ADDITIONAL CHILD CARE POSITIONS.—In addition to the number of child care development service positions in the Department of Defense as of September 30, 1989, the Secretary of Defense shall make available to the Department, not later than September 30, 1991, an additional 3,700 child care development competitive service positions. The Secretary of Defense shall phase such additional positions into the military child care centers consistent with the increase in funds provided for under section 1202. All such positions shall be verified in accordance with child care staffing documents. Positions for which such personnel may be used include—

(1) training and curriculum child care employees under subsection (c);

(2) child care administrators (including receptionists and operations clerks);

(3) supplemental care administrators;

(4) director of military child development centers;

(5) family day care coordinators; and

(6) supervisory program assistants to perform administrative and direct care of service functions.

(f) COMPETITIVE SERVICE POSITION DEFINED.—For purposes of this section, the term "competitive service position" means a position to which an employee is appointed and paid in accordance with chapter 51 and subchapter III of chapter 53 of title 5, United States Code.

SEC. 1104. PARENT FEES.

The Secretary of Defense shall prescribe regulations on fees to be charged parents for the attendance of children at military child development centers. Those regulations shall be uniform for the military departments and shall require that fees charged to parents for child care be based on total family income.

SEC. 1105. CHILD ABUSE PREVENTION AND SAFETY.

(a) **ABUSE TASK FORCE.**—The Secretary of Defense shall establish and maintain a special task force to respond in the case of allegations of widespread child abuse at a military child development center. The task force shall be composed of personnel (from both within the Department of Defense and outside the Department of Defense) from a variety of disciplines, including medicine, psychology, childhood development, and building safety. The task force shall provide assistance to base commanders and parents in helping them to deal with such allegations.

(b) **NATIONAL HOTLINE.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish and publicize a national telephone hotline for persons to report (anonymously if desired) suspected child abuse or safety violations at a military child development center or family day care home. The Secretary shall establish a mechanism to follow up on complaints and information received over the hotline.

(c) **ASSISTANCE FROM LOCAL AUTHORITIES.**—The Secretary of Defense shall prescribe regulations requiring that in a case of allegations of child abuse at a military child development center, the commander of the military installation or the task force established under subsection (a) shall seek the assistance of local child protective authorities if such assistance is appropriate.

(d) **SAFETY REGULATIONS.**—The Secretary of Defense shall prescribe uniform regulations on safety and operating procedures at military child development centers.

(e) **INSPECTIONS.**—The Secretary of Defense shall require that each military child development center be inspected at least four times a year. The inspections shall be unannounced. At least one inspection a year shall be carried out by a representative of the base that the center is serving, and one inspection a year shall be carried out by a representative of the major command under which the base operates.

(f) **REMEDIES FOR VIOLATIONS.**—(1) Except as provided in paragraph (2), any violation of a law or regulation (discovered at an inspection or otherwise) of a military child development center shall be remedied immediately.

(2) In the case of a violation that is not life threatening, the commander of the major command under which the base (that the military child development center is serving) operates may waive the requirement for immediate remediation of the violation for a period of up to 90 days beginning on the date of the discovery of the violation. The violation must be remedied at the end of that 90-day period. If the violation is not remedied as of the end of the period, the military child development center shall be closed until it is remedied unless the Secretary of the military department concerned authorizes the center to remain open in a case in which the violation cannot reasonably be remedied with 90 days or in which major facility reconstruction is required.

(3) In the event of a closing of a military child development center under paragraph (2), the Secretary of the military department concerned shall promptly submit to the Committees on Armed Services of the Senate and House of Representatives a report notifying those committees of the closing. The report shall include notice of the violation that caused the closing, the cost of remedying the violation, and the reasons why the violation has not been remedied as of the time of the report.

(g) **REPORT ON COOPERATION WITH DEPARTMENT OF JUSTICE.**—(1) The Secretary of Defense shall study areas of interdepartmental concern in military child care. Those areas shall include the following:

(A) Improving communication between the Department of Defense and the Department of Justice in investigations of child abuse at military child development centers and in the coordination of the conduct of such investigations.

(B) Eliminating overlapping responsibilities between those departments.

(C) Making better use of government and nongovernment experts in child abuse investigations and prosecutions.

(D) Improving communication between agencies and affected families.

(2) Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the study required by paragraph (1). The report shall include recommendations on methods for improving the areas studied.

(3) The study shall be carried out, and the report shall be prepared, in consultation with the Comptroller General.

SEC. 1106. PARENT PARTNERSHIPS WITH CHILD DEVELOPMENT CENTERS.

(a) **PARENT BOARDS.**—The Secretary of Defense shall require the establishment of a board of parents at each military child development center, to be composed of parents of children attending the center. Each such board shall meet periodically with staff at the military child development center and the commander of the base that the center is serving for the purpose of discussing problems and concerns. The board, together with the center staff, shall be responsible for coordinating the parent participation program described in subsection (b).

(b) **PARENT PARTICIPATION PROGRAMS.**—The Secretary of Defense shall require the establishment of a parent participation program at each military child development center and at each military family day care home.

SEC. 1107. REPORT ON FIVE-YEAR DEMAND FOR CHILD CARE.

(a) **REPORT REQUIRED.**—The Secretary of Defense shall submit to Congress a report on the expected demand for child care by military and civilian personnel of the Department of Defense over the five-year period beginning on the date of the submission of the report.

(b) **PLAN FOR MEETING DEMAND.**—The report shall include a plan for meeting that demand and shall set forth the cost of implementing that plan.

(c) **MONITORING OF FAMILY DAY CARE PROVIDERS.**—The report shall also include a description of methods for monitoring family day care programs of the military departments. For purposes of the preceding sentence, a family day care program is a program in which an individual certified by the Secretary of the military department con-

cerned provides child day care in the individual's home.

(d) **TIME FOR SUBMISSION.**—The report shall be submitted not later than six months after the date of the enactment of this Act.

SEC. 1108. SUBSIDIES FOR FAMILY HOME DAY CARE.

The Secretary of Defense may utilize appropriated or nonappropriated funds available for military child care purposes for the support of family home day care so that family home day care services can be provided to members of the Armed Forces at a cost comparable to the cost of services provided by child development centers.

SEC. 1109. EARLY CHILDHOOD EDUCATION DEMONSTRATION PROGRAM.

(a) **DEMONSTRATION PROGRAM.**—Not later than January 1, 1991, the Secretary of Defense shall ensure that 15 percent of all military child development centers are accredited by an appropriate national early childhood accrediting body. Such centers shall be designated as early childhood education programs and shall serve as models for child development centers and family home day care at military installations.

(b) **EVALUATION REQUIRED.**—The Secretary shall obtain an independent evaluation of the programs provided for in this section to determine the effectiveness of such programs in promoting the development of preschool children. The Secretary shall report the results of the evaluation to Congress together with such comments and recommendations as the Secretary considers appropriate.

(c) **PLAN REQUIRED.**—Not later than January 1, 1990, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan for meeting the requirements of this section.

SEC. 1110. DEADLINE FOR REGULATIONS.

Regulations required to be prescribed by this title shall be prescribed not later than 90 days after the date of the enactment of this Act.

Mr. KENNEDY. Mr. President, I offer this amendment for myself, Mr. GLENN, Mr. WARNER, and Mr. MCCAIN.

This amendment provides military families with increased opportunities for child care.

The Senate knows from our debate on the ABC bill last month, child care is essential for working families. The principles we debated for civilian workers are equally—if not more—applicable to the Armed Forces. Service men and women have more often and are frequently uprooted from relatives, neighbors, and familiar communities. The Department of Defense cannot afford to neglect these needs of military families. Child care problems can easily undermine morale, recruitment and retention, and ultimately, our national defense.

The amendment I am offering is a version of the proposal originally offered by Representative BEVERLY BYRON of Maryland and included in the House bill. I commend Representative BYRON for her leadership in recognizing the importance of child care for military families, and for putting

together a proposal that carefully responds to the most critical needs.

The Pentagon has long recognized the need for child care. In the debate on the Civilian Child Care bill passed by the Senate, the action of the War Department in providing child care in World War II for working mothers was often cited as an example of how well we can do the job when the need exists.

Changing demographics have made child care a growing necessity for today's military families, and many of us on the Armed Services Committee feel that more should be done. We have moved from a force comprised largely of single men to a force with many more opportunities for women, and where the majority of members have family responsibilities.

In the Army, for example, 60 percent of soldiers are married and 44 percent of spouses are working; 76 percent of Army children are under 12. In the last 20 years, the number of women on active duty worldwide has increased tenfold. Over 50,000 single parents—both men and women—are active duty personnel.

The foundation of a military child care system is well-established, and the Department of Defense deserves credit for this achievement. The Department operates over 600 child care centers, and sponsors 12,000 home-based child care providers—most of them military spouses who care for children in neighborhood homes.

There remains, however, a serious shortage of child care for military parents, and there are long waiting lists for the available centers. The Department of Defense currently provides 80,000 slots, but it estimates that another 80,000 slots are needed. In other words, to meet the demands of today's Armed Forces, we need to double the number of child care slots.

In the current fiscal year, the Department of Defense will spend approximately \$57 million for child care centers, and fees from military parents account for an additional \$127 million. The Pentagon alone spends about \$15 million for services related to family-based day care for military personnel.

This amendment will help the Pentagon move more quickly and efficiently to close the child care gap that now exists.

First, it will provide an additional \$35 million for military child care centers during fiscal year 1990, and approximately \$42 million more in fiscal year 1991.

Second, it will improve the quality of military child care by making training and curriculum specialists more available for each child care center and calling for uniform training requirements for staff.

Third, as an addition to Representative BYRON's package, I have included a proposal to fund approximately 100

demonstration programs in early childhood education, which I hope will become models for other programs around the country.

It is a truism that an ounce of prevention is worth a pound of cure. I know of no public program with greater long-run potential than early childhood education. Quality programs for 3- and 4-year-olds have proved their effectiveness in both social and economic terms. Dollar for dollar, no Federal dollar is better spent, and I hope the Pentagon will use this provision in ways that local communities around the country will be quick to follow in their own jurisdictions.

Fourth, the amendment responds to problems in staffing child care centers. High turnover and high vacancy rates have undermined the military programs, because workers can earn more as cashiers or janitors on a base than as child care professionals. The amendment frees up funds to upgrade salaries and hire new staff. It allows military spouses to become employed in child care centers without losing their preferred status for other jobs on the base, and makes available 3,700 additional competitive positions for child care personnel by September 30, 1991.

Finally, the amendment addresses the problem of child abuse that has plagued some military centers. It establishes a special task force to respond to allegations of abuse, and it creates a hotline to report abuses and safety violations. It makes inspections of centers more frequent, and creates parent boards for each child care center.

As in the civilian sector, investment in military child care is clearly cost effective. A Department of the Army study found that 20 percent of enlisted soldiers and 22 percent of officers lost job time over a 3-month period due to problems with child care. Assuming the average time out is half a day, we are losing almost \$30 million a year in salaries for enlisted personnel alone, not including job time lost by officers, and not including the cost of recruiting and training new personnel when a member leaves the service because of child care problems. Nor does the figure include the cost of lost productivity when a parent's mind is not on the job but on the well-being and safety of a child in unreliable day care.

Improving the quality of child care in the Armed Forces will have immediate benefits for recruiting and retaining military personnel. It will also have long-run benefits for the future strength of our Armed Forces. According to a Rand Corp. study, 75 percent of service men and women come from a military background. Making high-quality child care and child development programs available now to the children of military personnel will pay large dividends in future decades.

We spend a lot of Senate time and Federal money on Pentagon issues like star wars and the B-2 bomber. But child care is a Pentagon issue too, and it is important to begin spending more time on that as well. In these years of restrictive and declining budgets, modest additional support for child care for military families is one of the best ways I know to build a strong national defense for our country's future. I urge the Senate to approve this amendment.

Mr. WARNER addressed the Chair.

The PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, on behalf of myself and the cosponsor of the amendment, the Senator from Massachusetts, and other members of the Senate Armed Services Committee, I want to express our profound gratitude to the Senator from Massachusetts. He has been a pioneer in this area.

The military family is unusual in the sense that there are frequent moves; there are frequent family separations; they come into communities where they do not have the normal support of grandparents often because they are dislocated from their homesite, and this bill is absolutely essential. For that reason, I am happy to be a cosponsor of it.

The Senator has clearly gone into the details of the bill, but I wonder if I could get the Senator's attention for a moment on the procedure. It seems to me that a number of Members of the Senate might wish to address this legislation and that the Senator from Massachusetts might consider laying this amendment aside so that other Members can speak to it and then if it is his desire to have a rollcall vote, that could be sequenced after the one that was just agreed to on the unanimous-consent agreement. In that way, a complete discussion of this very important measure would be had by other Members of the Senate.

Mr. KENNEDY. I have no objection, Mr. President, to following that procedure. What I had hoped to try and do was to be around for further debate and discussions. I have spoken with most of the other Members who are interested in the amendment. I do not want to interfere, to inquire of the supporters of this amendment, but I did want to accord to the floor managers and offer this.

I would like to see if we could get a short 10-minute vote after the conclusion of the consideration of the Senate for the earlier amendment. If that is agreeable, I would like to ask for the yeas and nays. I understand the leadership would like a 10-minute vote on this, so hopefully we can address this issue right after the conclusion of the Senate deliberation on the earlier amendment.

Mr. WARNER. I thank the Senator from Massachusetts.

Mr. KENNEDY. If it is agreeable to the floor managers, I propound such a request. I understand that procedure is acceptable on our side. I would hope it is acceptable to the other side.

What I would ask, therefore, and I will make myself available for the next hour or so to debate or discuss it with the Members, but I would like to see if we can at least bring this to a conclusion this evening.

Mr. President, I ask unanimous consent that after Senate completion of the action on the earlier amendment, that we go to this amendment on the child care and have an up-or-down vote on it, and that the time on the vote be limited to 10 minutes in accordance with the request.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, reserving the right to object and I shall not, of course. I know of one Senator only at this time on this side who would desire to have a colloquy with the Senator from Massachusetts. So if we can have the understanding that that Senator will arrange with the Senator from Massachusetts for a mutually convenient time prior to the vote, other Senators, on the assumption they do not require colloquy with the Senator from Massachusetts, can come over and address the legislation at a time of their own convenience, and then we would have the vote, as the Senator said, subject to further modification by the leadership of the Senate in sequence after the vote that was given unanimous consent to. On that vote, there has been a request on my side that the hour of 5:45 be advanced to 5:50. Again, that is within the domain of the leadership of the Senate.

Mr. KENNEDY. I have no objection to that request. There was one part of it, though, when you say the amendment modified by the leadership of the Senate.

Mr. WARNER. Mr. President, the timing of the votes to be modified, not the amendment.

Mr. KENNEDY. As I say, I will do the best I can to make myself available to respond to questions. I will enter into dialog with Senators who do have questions on that. I hope the Senator from Virginia will help to arrange such dialogs.

Mr. WARNER. Mr. President, that will be done. It is the Senator from Indiana.

Mr. KENNEDY. I will make every effort to accommodate him.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that it be in order to add additional cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I thank the leadership.

Mr. NUNN. Mr. President, I would like to be listed as a cosponsor with the Senator from Massachusetts.

Our staff has worked closely together. The original Kennedy amendment has been modified somewhat. I believe it is a very good amendment. It will increase the appropriated fund support for child care generally consistent with proportion of appropriated fund support for on-post activities, such as youth centers, hobby shops, recreational swimming pools, and bowling centers.

It would increase the capacity for child care centers to hire qualified child care providers—and that is the key here, to get qualified people—involved in this very sensitive and important task. It would increase the operating income of child care centers and improve the management of child care centers and early childhood development programs.

As the Senator from Massachusetts has said so plainly today, the military today has a tremendous number of married individuals, individuals marrying at a much earlier age, than they did, as far as military people in years past. I believe this amendment is a crucial part of the military responsibility as an employer of so many people who have children who need assistance. I urge our colleagues to support the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senator from North Carolina [Mr. SANFORD], the Senator from Arkansas [Mr. BUMPERS], the Senator from Connecticut [Mr. DODD], and the Senator from California [Mr. CRANSTON] be added as cosponsors.

Mr. President, I ask unanimous consent that no further amendment be in order to this amendment as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I would like to commend the distinguished senior Senator from Massachusetts for his leadership in bringing this amendment to the floor. It is a pleasure to join him as a cosponsor of a measure that I feel will have a significant impact on the quality of life of the parents serving in our Armed Forces. It is also in order to commend the Department of Defense and the military services for the efforts being made to provide quality child care for our service men and women and their spouses.

Very little is said about the hardships involved for men and women in the Armed Forces. The working hours are often such that adequate private sector child care is unavailable. Also, overseas assignments can require service in countries where private child care is not only inadequate, it is often nonexistent. To meet this need, the Department of Defense and the military services have staffed more than 600 child care centers in the United States and overseas. I dare say that few, if any, private sector companies have dedicated the resources to child care that the Department of Defense has dedicated.

While little has been said about the Department of Defense efforts in recent years nearly \$100 million have been spent on construction of child care centers since 1985. That, in my opinion, is very significant progress.

Mr. President, while much has been done, much still remains to be done. Child care has become an increasingly important retention factor since the advent of the All Volunteer Force. This amendment will strengthen the system that is already in place and help meet goals established by the Secretary of Defense. More than 25,000 children of our soldiers, sailors, airmen, and marines are still on waiting lists to get adequate child care. The amendment before the Senate today is designed to help address this shortfall.

Currently, the majority of child care costs—in fact 70 percent of these costs—are borne by the parents and limited nonappropriated fund support, despite the fact that child care—as a “category B” morale, welfare, and recreation activity—qualifies for 70 percent funding through appropriated fund channels.

This amendment will shift the burden of funding from nonappropriated funds to appropriated funds. It is important to note, however, that it is not the intent of this amendment to lower user fees—the intent is to improve the quality and quantity of care that is provided.

One of the detractors involved in providing child care currently is the pay scale. It is not uncommon for an individual to be able to earn more money at a fast-food store than by providing care to the children of our service men and women.

This amendment addresses that problem by requiring the Department of Defense to pay those individuals who are directly involved in providing child care a competitive wage scale based on compensation paid to other employees on the installation who come from the same labor pool. Mr. President, I would like to briefly summarize some of the other major points in this amendment.

EMPLOYMENT PREFERENCE FOR MILITARY SPOUSES

The Secretary of Defense shall give hiring preference to qualified spouses of military members of the Armed Forces. We feel that it is important to have spouses involved when such spouse meets established employment standards.

ADDITIONAL CHILD CARE POSITIONS

The Secretary of Defense is directed to make available 3,700 child care development competitive positions and phase these positions in consistent with the increased funding support authorized by this amendment. This provision, which is tied to setting higher standards for child care providers, will improve the quality of the care received in existing child care facilities.

PARENT PARTNERSHIPS

Each child care center on a military installation must have a parents board to coordinate parent participation and to address concerns that may arise. Mr. President, parents must be involved in the care their children receive. While it is a fact of life in these times that the majority of households are either dual income or are headed by a single parent, we do not wish to deny parents the opportunity to have positive input into the type of care given their children.

FAMILY HOME DAY CARE

Finally, Mr. President, this amendment will authorize the Secretary of Defense to use appropriated or nonappropriated funds for the support of family home day care so that such care can be made available on a basis comparable to the costs at child development centers.

Mr. President, I feel that this amendment will go a long way toward improving the quality of life for our service men and women. Fully 60 percent of the force today have children, so it is incumbent upon us as legislators to ensure that adequate child care is available. Thank you, Mr. President.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I ask unanimous consent I be able to address the Senate under the leader's time earlier reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIEUTENANT COLONEL HIGGINS

Mr. MITCHELL. Mr. President, this is a time of sadness and outrage for all Americans. We prayed that Lt. Col. William Higgins would be freed to return to the United States and his wife Robin.

We do not yet know for sure whether Colonel Higgins has been murdered by his captors. We do know that Colonel Higgins was working to promote peace in the Middle East when he was

abducted on February 17, 1988, by a pro-Iranian terrorist group. We also know that his captors repeatedly have threatened to kill him and now claim that he is dead.

All Americans recognize and deplore the cruelty that already has been inflicted upon Colonel Higgins and his family.

Murder of this innocent man would be a shocking and barbarous act to be condemned by all decent Americans.

I hope that the report of his murder is not true.

I join with every American in offering my support and prayers for him, for his courageous wife, Maj. Robin Higgins, and for all hostages and their families in this difficult period of uncertainty and tragedy.

Mr. President, I yield the floor.

Mr. BUMPERS. Mr. President, I will be very brief. I just want to echo the words of the distinguished majority leader about Colonel Higgins. I hope that these reports are false.

Mr. President, it is a curious thing to me that people who have a political goal or even a military goal somehow or other, in their minds and with their convoluted reasoning, think they advance those goals by coldblooded murder.

Virtually the entire world will bring down its opinion on the opposite side of Hezbollah. We have all considered them to be something of a lunatic fringe anyway. But even giving them the very benefit of everything they think, or at least what they say they stand for, they bring world opinion down solidly against everything they stand for because nothing else really matters except now this demonstration of calculated murder, if it is indeed, that, to advance a cause that nobody really fully understands.

I have never understood that. I grew up in a household where we were taught to resolve conflicts peacefully if at all possible, and my father always taught me to defend myself against a bully. If somebody is absolutely intent on a fight and you sense that they are not going to back away from it, then you do whatever you have to do to defend yourself.

But people who conduct this kind of action I do not understand, and people in the United States who consider themselves to be civilized are at such a disadvantage in trying to deal with people who think that way and who are capable of that kind of action.

Recently, I had occasion to do a letter in my office in reply to a few letters I had received from people saying: Why can't we stop all those appellate procedures where people are charged with murder. In short, the gist of some of the letters I received—and some of the mail I still get—was that we ought to try these people and then hang them and do away with these long appeals procedures.

That has a certain appeal because sometimes it does look as if our system of justice is being made a mockery of because of the seemingly interminable delays from the time someone is charged until resolution of the case.

But I wrote back and said as deplorable as that may be, I can give you a couple of illustrations that should be firmly and indelibly ingrained in your memory, because they just happened, and that is in both China and Cuba. The 4 generals or 11 military men, I forget how many were involved in Cuba, were tried and within a week of the verdict were executed. Now, what kind of summary justice is that? And in China, they pick these youngsters up off the street because they are recognized and identified from a television shot and accused of being counterrevolutionaries, tried, and sometimes within 24 hours executed.

Our judicial system is kind of like what Winston Churchill said about the system of democracy—it is the worst system except for all the others, which is a way of saying it is not perfect but it is infinitely preferable to anything we have been able to devise so far, and so it is with our judicial system.

I am glad we are a compassionate Nation and that we give people the opportunity to defend themselves. When somebody like Hezbollah has drumhead justice, you try somebody, accuse him of being a spy after you kidnap him, and then summarily execute him to try to prove some political point, that just defies all rational reason, and my heart goes out to the family of the colonel.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

FSX VETO OVERRIDE

Mr. BYRD. Mr. President, I am disappointed in the President's decision to veto Senate Joint Resolution 113 pertaining to the FSX project with Japan. When the Senate overwhelmingly passed Senate Joint Resolution 113 in May, and the House of Representatives passed identical language a short time later, I thought the issue was closed. Both Houses engaged in a lengthy, productive, and sometimes emotional debate. The resulting legislation drew tremendous bipartisan support, and I felt the President would not veto it. I saw no reason for the President to veto it because the legislation actually strengthens the President's position for future negotiations with the Japanese. And yet the President has chosen to veto essentially our support and reinforcement of his own policy on this project.

I introduced this joint resolution as a positive, constructive contribution to the FSX project. Senator DANFORTH and other Senators joined in the introduction of the resolution and supported it effectively. Senator DANFORTH and I have tried to make our case to the President. Together we went to the White House. We who had worked together in introducing the resolution and who had been instrumental in shaping its language went to explain our position. While the President listened courteously, apparently our visit was to no avail.

We told him that it was our intention to put the Congress on record in order to give his negotiators added leverage. We could appreciate from the President's reaction to our comments that he was probably leaning toward vetoing the bill.

I think that those around him had convinced him that he should veto the bill. Senator DANFORTH and I told him that Congress was not attempting to interfere with his authority to conduct negotiations, rather we were performing our constitutional duty to regulate foreign commerce.

The rationale for this legislation has not diminished since its passage in early June. In light of the current political situation in Japan, this resolution becomes more critical than ever. The leadership crisis among the Liberal Democratic Party, the recent LDP election defeat, and the public outcry for political reform, all preclude the Japanese from taking any step toward economic reform or market opening. Analysts predict the current crisis will continue until at least the middle of 1990 when the next general election is scheduled.

After the general election the picture remains just as murky. The Japanese Socialists could take power for the first time. Many of their recent statements indicate a moderation of their strong protectionist stand, but they remain a basically unknown quantity. Even if the LDP holds on to a majority, economic reform may remain an illusion. Given all these circumstances, the United States can look forward to facing tough Japanese negotiators, who have little room to maneuver and will be forced by domestic considerations to get as much as they can for Japan.

So it was that in this environment Senator DANFORTH and I felt—and we still feel—that a strong statement by the Congress would support our negotiators as they hang tough and demand a fair deal for the United States.

By calling for the United States to receive at least 40 percent of the workshare in the production phase, and by urging the inclusion of spare parts in the negotiation, this resolution provides a strong statement and send a clear signal to the Japanese.

Beyond the need to make congressional concerns known there is a great deal more which this legislation will accomplish. By prohibiting the transfer of certain extremely sensitive jet engine technologies this resolution seeks to safeguard United States industrial competitiveness in the aerospace industry. We are all aware of the Japanese desire to build a world class aerospace industry. I am not suggesting that United States policy try to prevent them from reaching that goal, but I hope actions taken by the United States Government do not assist them in achieving that goal to the detriment of our own aerospace industry. The Defense Department assures us it will never allow the Japanese to have these items. This resolution makes sure that promise is carried out.

So we were doing just what the administration said its goals were, that it had no intention of transferring the engine technology, that it had no intention of transferring the FSX or any of its components to third parties, and Secretary Baker sought to get an agreement in the codevelopment phase that at least 40 percent of the production would fall to the United States.

So our legislation provided for the same. We were supporting the points that the administration went to bat for. So we thought that we would be buttressing the administration as it looks down the road toward the coproduction agreement of getting at least 40 percent, including spare parts, prohibiting the transfer of engine technology, and prohibiting the transfer of the FSX or any of its components to other parties.

There is also a requirement for periodic GAO reports on the progress of the development project. This is particularly important given the unique nature of this arrangement. The United States has engaged in numerous coproduction arrangements over the years with various allies, including the F-15 with Japan, but this is the first time we have codeveloped a major weapon system. Monitoring the progress of this arrangement will be extremely important. Even if this resolution ultimately fails, I would certainly insist on continued GAO reporting.

The final section of this resolution sets up an institutional way to make sure U.S. economic security is considered in the future negotiations for the coproduction agreement. Senator DANFORTH, I, and other Senators, Senator DIXON, have worked together in constructing this provision to bring the Commerce Department into the loop. The commercial considerations of technology transfer arrangements can have a deleterious effect on our competitive base. Many Senators believe this to be the case with FSX, partly because the original deal was negotiated without the participation of the

Commerce Department. This section will bring commerce into the game where they can raise a red flag if U.S. commercial considerations are ignored.

Since this legislation was passed several articles have appeared in the press which highlight the need for more in-depth analysis of technology transfer issues. An article from the Washington Post, "High-Tech Firms Rethinking Foreign Ties: U.S. Companies Worry That Partners May Become Competitors Later," July 9, 1989, discusses several examples of U.S. firms entering into cooperative arrangements with foreign firms, only to have the foreign firms drop out of the agreements after they had siphoned off enough technology to become competitive on their own. An alarming number of the examples cited were deals with the Japanese and Koreans, both are countries which have declared their intention to develop world class aerospace industries, and both are pursuing arrangements to coproduce U.S. fighter aircraft. The article points out that very astute American businessmen have been caught in this situation. The U.S. Government must prevent repetition of this alarming problem in government to government agreements. To accomplish this we need to use all of our resources, including the considerable expertise in the Commerce Department.

The administration's most violent objection to this legislation arises from fears of congressional infringement on the President's authority to negotiate with foreign powers. This argument is baseless. Article I, section 8, clause 3 of the Constitution provides Congress with the authority to regulate foreign commerce. The courts have held that the power to regulate commerce includes the power to ban foreign commerce in specified articles, or with respect to specified nations.

The provisions of this resolution which prohibit the transfer of certain engine technologies and the sale or retransfer of the FSX to third parties will strengthen, as I have already said, the President's negotiating position as they look down the road some years away to the coproduction agreement, the memorandum of understanding.

These provisions in no way infringe upon the President's constitutional prerogatives. We have to understand that the legislative branch has certain constitutional powers and prerogatives as well. And I am sorry that this whole matter is apparently being vetoed because of a concern over turf.

That was the impression that I got when I was at the White House with Senator DANFORTH, that it deteriorated into a discussion of turf. The President, the administration, is concerned about its turf, concerned that the Congress may be infringing upon the executive branch's turf. My response there

was that the Constitution lays out pretty clear where the turf is, and in the Constitution there is that power of Congress to regulate commerce, and the courts have upheld that power in many instances.

I ask my colleagues in the Senate to vote to override the veto, not because it is a partisan issue where Democrats feel we must draw a line, but precisely because this is not a partisan issue. Senator DANFORTH and I and Senators D'AMATO, RUDMAN, and HELMS, joined with Senators DIXON, BINGAMAN, PELL, BENTSEN, and Senator DANFORTH and myself in a letter urging our colleagues to overturn the veto. This group is just an example of the breadth of bipartisan support for this measure.

When Senate Joint Resolution 113 came before us in May, 72 Senators voted for it, Democrats and Republicans. I hope that each and every Democrat and Republican Senator, among those 72 Senators, will stick by their convictions and vote to override this veto. It is not a partisan matter, Mr. President. It is a matter that is vital to the economic security and the national security of this country, to the industries of this country, and to the working men and women of this country.

The Japanese have long since learned that economic security is national security and, apparently, we have not learned that. I think it has come down to that, and I do not have any more to say, as we approach the veto. But I simply say at this time that I am sure Senators are going to be hearing from the White House, those who voted for the joint resolution, and I hope they will stand by the convictions that compelled them to vote for the joint resolution when it passed the Senate some time ago.

I yield the floor.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, momentarily, I think my friend, the distinguished Senator from Arkansas, will be prepared to offer an amendment to S. 1352, but before I yield for that purpose, may I simply compliment by friend, the distinguished President pro tempore and former distinguished majority leader of the U.S. Senate for his very fine remarks just now in connection with the FSX joint resolution that we passed.

I think it is regrettable that the President has chosen to suggest an argument about turf on this question. I think the distinguished President pro tempore is entirely correct that the resolution is a very reasonable and very tempered resolution. The President and others will recall that I had offered a resolution of disapproval that was only narrowly defeated. We clearly had the right, under existing

statutes, to disapprove what the President contemplated doing. He now suggests that we cannot, by separate resolutions, put certain constraints upon what he will do, and clearly, under the commerce clause, Congress has that power.

We will probably decide tomorrow when we will go to the question of overriding the President's veto, but I support what the distinguished Senator from West Virginia said. There were 72 votes for this resolution, Democrats and Republicans, and I urge all 72 to support their original position, which I am confident was a thoughtful and carefully thought through decision that they made on that occasion, and that each of those 72 will vote to override on this occasion when we visit that question.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1990 AND 1991

The Senate continued consideration of the bill.

Mr. DIXON. Now, Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. Two amendments have been laid aside for a vote to occur after 5:45, and the present order of business is S. 1352.

Mr. DIXON. I thank the Presiding Officer.

Mr. BUMPERS addressed the Chair. The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 519

Mr. BUMPERS. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 519.

Mr. BUMPERS. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

"(a) No funds may be obligated or expended for any procurement related to the construction of more than eighteen Trident submarines until July 31, 1990 unless the President has submitted to the Congress: a comprehensive report, on the Trident program and START. The report shall address, inter alia, the following issues:

"(1) the fleet size objective for the Trident submarine program both with and without a START agreement;

"(2) the implications for U.S. strategic force posture in a START environment of a fleet of 21 or more Trident submarines, each with 192 warheads on 24 ballistic missiles, under two different assumptions:

"(i) all such warheads are accountable under START limits;

"(ii) the warheads on 1-3 Trident submarines are not accountable under START limits;

"(3) a net assessment of the implications for U.S. security of a START agreement that allowed the Soviets as well as the U.S. to have an equivalent number of warheads on submarines that would not be accountable under START limits;

"(4) the technical feasibility and cost implications of various options for reducing the number of warheads on Trident submarines, including those already built, those under construction, and those yet to be built.

"(5) the verification challenges to the United States posed by such options if the Soviet Union were to adopt them in its ballistic missile submarine forces.

"(b) FORM OF REPORT.—The President shall submit the report under subsection (a) in both classified and unclassified versions."

"(c) WAIVER.—The requirements of subsection (a) may be waived by the President if he has signed a Strategic Arms Reduction Treaty (START) or other agreement with the Soviet Union for the reduction of strategic arms."

Mr. BUMPERS. Mr. President, this amendment, I guess, is a little bit complicated for Senators who do not spend very much time on strategic weaponry and the arms control talks and so on.

I think it is an extremely important amendment. I am not sure I am going to push it to a vote, but I think it is extremely important that we have a record made here on the Senate floor as to where we are headed with the kind of mix of strategic weapons we want pursuant to an agreement with the Soviet Union on strategic weapons, a START agreement.

Now, Mr. President, let me say, first of all, that the Trident submarine, as far as I am concerned, is one of the very best strategic systems we have come up with in this country. It is a submarine that has 24 tubes in it, as we call them, that hold 24 missiles. We have maybe 10 of those operational now. I really think it is nine, and one is at sea trials.

In any event, for purposes of argument here, say we have 10 Trident submarines in our fleet. Now, each submarine, as I said, has 24 tubes, 24 missiles, and each missile carries 8 warheads. So each Trident submarine has 192 warheads.

Now, I made the point the other day just to show how lethal this system is, that if the Soviet Union launched a preemptive attack against the United States and we did nothing, and they caught everyone of our bombers on the ground, they knocked out every one of our Minuteman III's, and Minuteman II's, and our 50 MX missiles, knocked out every single land-based ICBM we had, and of all of our submarines that carry ballistic missiles, let us assume they struck all of them, can you imagine the scenario where the Soviet Union launched a preemptive strike and hit every single system we

had, except one lonely Trident submarine somewhere out in the Atlantic Ocean, and we got word to them? I am not saying that that submarine would be capable of doing this simply because of the programming of its missiles, but it theoretically has enough warheads, enough firepower left in one lone submarine to obliterate the Soviet Union, to destroy every single city in the Soviet Union that has over 100,000 people. So we are not talking about beanbag. We are talking about a weapon system that is really something.

The cost of the Trident submarine is going down, so I want to say again, I am one of the people around here who has always believed firmly that the Trident submarine was the best money we spent on strategic weapons, and I have been a stout sponsor of it and remain a stout proponent of it.

But there is more to the story. This is as to our START talks with the Soviet Union in Geneva. I had the opportunity just 3 weeks ago to spend a week over there talking to both the Soviet negotiators and our negotiators about where we are headed. None of this is classified. I am not breaching any state secrets. You can read all of this in the New York Times. In our START talks with the Soviets in Geneva, we have tentatively agreed with the Soviet Union that we will reduce on both sides our strategic arsenals to 6,000 warheads. We have agreed with the Soviet Union that both sides will reduce their arsenals to 6,000 warheads.

Mr. President, that is a cut of over 50 percent of our strategic nuclear arsenal and it is a cut of over 50 percent of the Soviet Union's arsenal.

If we get this START treaty and we cut our arsenals in half as we now plan, I promise you the people of this planet will sleep a lot better.

Now, the problem that gives rise to my amendment is this: Out of the 6,000 warheads that both sides have tentatively agreed that we will go to, we have also agreed that no more than 4,900 of those 6,000 RV's may be on what we call ballistic missiles. That would not include bombers. It would not include the B-52's, the B-1's, or the B-2's.

So we have room for 1,100 nonballistic missile warheads: 4,900 ballistic, 1,100 nonballistic. So far, so good.

Now the question is this: What is going to be our mix within the 4,900 ballistic missile warheads?

Here are our options, Mr. President. We have 500 warheads on our MX's. They are deployed in silos out West. We have 1,500 warheads on 500 Minuteman III's. If you are following me, we are up to 2,000. We have 450 warheads on our Minuteman II's. So right now we have 2,450 ballistic RV's that are land based.

Now listen to this: These numbers get complicated. I am a schoolteacher at heart. I wish I had a blackboard so I could put these numbers up here. We should have had a chart up here showing all these numbers so people could see what they are. But bear in mind that out of the 4,900 ballistic RV's that we are going to be entitled to, I have just listed 2,450 of them for you, and none of those are on submarines.

So here is what we have today on submarines. We have 28 Poseidons, and those 28 Poseidons carry 4,480 warheads.

We have eight Tridents that carry the Trident I missile and they have 1,536 warheads on them, and then we have two Tridents that carry the Trident II or D5 missile that have 384.

I hate to bore you with all those numbers, but what I have just listed for you, Mr. President, is a total of 6,400 ballistic missile warheads on submarines.

Now bear in mind for our entire land-based ICBM's and our entire submarine fleet under what we have already agreed to in Geneva we could only have 4,900, and I have just given you a list of a total of 8,850.

Now, if we signed this agreement today and had to live with it today we would have to cut almost 4,000 warheads today. But we are not going to sign the agreement today.

My problem is this: We have already funded either long-lead items or full construction for 18 Trident submarines, and there is in this bill \$101 million for the long-lead items we will need to build the 19th Trident submarine.

Mr. President, let me give you another scenario. If we build 18 Trident submarines, which is where we are headed over the next 6 or 7 years, those Trident submarines are going to carry 3,456 warheads. So that only leaves you 1,500 warheads, a little less than 1,500 warheads for all the other land-based systems, the MX, the Midgetman, the Minuteman III, the Minuteman II.

Today, 72 percent of all our ballistic RV's are on submarines, and maybe that is where we want to stay. I do not know. But if we build 18 Trident submarines and we are limited to 4,900 RV's, we will still have 72 percent of all our RV's on submarines and that is just fine, but every time you add submarines, for the 19th, the 20th, and 21st, you are putting more of our eggs into the submarine basket. I confess to you, Mr. President, I do not know whether that is good or bad, but you cannot have it all. You cannot just keep building submarines willy-nilly, putting 500 warheads in here for the MX rail mobile, 300 more warheads for the Midgetman, keep our Minuteman III and Minute II forces. You cannot do all of that.

(Ms. MIKULSKI assumed the chair.)

Mr. BUMPERS. I have asked the Defense Department time and again to tell us what kind of a mix are we looking for. This Congress is being asked to appropriate billions of dollars for more weapons, and there is not one single person here, and I do not mean any disrespect to the chairman of the Armed Services Committee or the ranking member, but they cannot tell the U.S. Senate what kind of mix we are going to have. Not one living soul in this body can tell you when we sign a START agreement limiting us to 4,900 ballistic missile RV's and 1,100 nonballistic missile RV's; I defy anybody in this body to tell me what kind of a mix are we going to have. They said, well, we are just going to keep buying submarines. We have the 19th one programmed here. We have \$101 million in here for a 19th Trident. We are going to build the MX rail mobile and presumably we are going to take those 50 MX's we have in silos out west and put them in these railroad stations.

I do not know whether we are prepared to dismantle all of our Minuteman III's and Minuteman II's. I do not know what we are prepared to do.

But I can tell you this: Let us look at the other side of the equation: There is room under the agreement for 1,100 warheads that are nonballistic. What is that? Well, let us take a B-2 bomber if that sucker ever gets going. The B-2 bomber, so far the Soviets have agreed as long as it carries gravity bombs, will only count as one warhead. You talk about a deal. I do not know how many nuclear bombs you can put on a B-2. I would assume quite a few.

Say you have 10 bombs on it. The Soviet Union says, "We will allow you to count that just one warhead toward your 1,100 nonballistic warheads." What a deal.

Now we are planning to build 132 B-2 bombers. Let us put it this way, the Pentagon is planning to build 132, I am not sure Congress is.

But we have the B-1, which I always opposed. I have never been prouder of my vote against the B-1 than I am today. We built 100 of them. We got 97 left. One went down with a pelican in one of its engines. And the people who build it say if we can just give them \$2 or \$3 billion more money they think they can make it fly and do what it was supposed to do.

But take the B-1 right now, we are planning on using the B-1 bomber as a standoff bomber we will say equipped with 20 air-launched cruise missiles, nuclear tipped.

Now, the Soviet Union says that a cruise missile with a nuclear warhead ought to be counted as one RV. So if you have 97 B-1's and each one of them 20 cruise missiles in their belly

and under their wings, that comes to a total of 1,940 warheads. Now bear in mind you have only got room for 1,100 and you have 100 B-1's that alone are going to be carrying 1,940 cruise missiles.

So we went back to the Soviet Union, and we said: "Well, let's make you this deal now." I read this in the New York Times; nothing secret revealed here. We went back and said, "How about just counting 10 cruise missiles on each B-1 regardless of how many it may be carrying."

Now, the Soviets may be dumb, but they are not stupid. They are not going to say, "Yes, you go right ahead and put 20 cruise missiles on each one of those or put more than 20 if you want to, but we will act like there are only 10, so we will only count it as 10."

But let us assume that the Soviet Union suddenly agreed to that and they said, "OK, we will just count each B-1 as carrying cruise missiles and therefore in the 1,100 nonballistic RV category you got 970 RV's still." That leaves you room for 130. So we say that is the B-2. Now, maybe that is the mix we want.

Now, bear in mind that our B-52's are going to be flying for many more years. Right now they are carrying about 2,000 RV's.

Now, Madam President, here is my concern. What we have here is weapons-buying driving policy. And it ought to be the other way around.

The craziest thing I believe I have seen in my 14½ years in the Senate is for our official position at Geneva to be with the Soviets, we say: "You have got to give up all mobile missiles. Why, you got that big old SS-24 out there and you deployed about 125 of them with 10 warheads each. It is on railcars. And you have got the SS-25 with one warhead. We don't want any mobile missile. We think mobile missiles are destabilizing."

That is at this very moment our official policy at the START talks. And what is Congress doing? Why, the President has asked us to give him money for two mobile missiles—the MX rail mobile and the Midgetman.

I said the other night, sometimes I feel like I am in a loony bin around here. He is saying in Geneva, "No more mobiles" and he comes to the Congress and says, "We want two mobiles." And at the sake of repeating myself, I made this point last week, I said, "Why don't we say to the Soviet Union in Geneva, 'You give up the SS-24 and we will not build the rail mobile?'"

Now, I must confess, that is asking a lot of the Soviet Union, to ask them to give up a missile they have spent billions developing and we come along and say, "Well, if you just give that up, we will not spend billions in the future to match it."

One of the arms negotiators told me that was way too much; you could not possibly expect the Soviet Union to fall for that. But Marshal Akhromayev testified over in the House—he did not say this in his testimony, but later on the press asked him. They said, "What do you think about Senator NUNN's proposal or suggestion that you all do away with the rail-based SS-24's in exchange for us not building the MX rail mobile?"

Akhromayev did not dismiss this out of hand. He said, "I think that is a very distinct possibility."

Well, Marshal Akhromayev did not just fall off a turnip truck. He knows what he is talking about. He has, until just recently, been the top military man in the Soviet Union. He ought to have some knowledge of these things.

So is it the military/industrial complex that says we have got to go ahead building it, or is it just the President because he wants more? Why is the President not instructing our negotiators to at least explore this and see if it is possible to avoid the roughly \$12 billion we are going to spend on MX rail mobile, rather than sitting around assuming if the Soviets are willing to count the B-2 loaded with nuclear bombs as only one RV?

They have shocked everybody in the past. In Vienna, where we were talking about conventional forces in Europe, we said to the Soviet Union, I believe in January or February, "Why don't you destroy about 35,000 tanks and come down to 20,000 so we will be on a par with you in Europe? Why don't you agree with us that about 20,000 armored personnel carriers are enough? Why don't you agree with us that about 20,000 pieces of artillery are enough?"

And on March 9, the Soviet Union came back and said, "We think this is a dynamite idea, except we do think there ought to be 28,000 pieces of artillery rather than 20,000. But we are prepared to go the 20,000 tanks and destroy 35,000 of our tanks."

Our negotiators sent word back over here: "What do we do now?" So how do you know what the Soviet Union will or will not accept unless you ask?

Madam President, if the President wants, if our defense planners want, if our SIOP target planners want, and if our strategic warfare experts want 21 submarines, that is fine with me. I am not here to argue that. There might be some parts of this so-called mix of how you achieve 4,900 ballistic RV's that I would object to. But I do not want to just keep building submarines at a cost of about \$1.4 billion each when we may very well find that we are going to have to destroy some of them.

There is one other point I want to make on this so nobody will think that I am trying to deceive them. We have 28 Poseidon submarines right now.

The last one will be 30 years old in 1997. We assume that Poseidon submarines have roughly a 30-year life. The last one was built in 1967, so in 1997 it presumably will be mothballed.

In about 1994 we will mothball 13 Poseidon submarines. Believe it or not, we built 13 Poseidon submarines in 1964. So in 1990 all 13 of them will be 30 years old and we will be mothballing them.

My point is this. Any START agreement we sign with the Soviet Union is not likely to be fully implemented and the systems that have to be destroyed, actually destroyed, before 1997. So what we are talking about is purely how does the Trident submarine fit in the mix.

One other point. This is not agreed to, but it is the U.S. position. We are proposing that three submarines' worth of warheads be exempted from the START totals because we assume that three submarines will be in overhaul at any given time. So if we have 21 submarines we would only be charged with 18. If we have 18 Tridents we would only be charged with 15.

It is not at all clear whether if we have only one Trident in overhaul, whether we still get credit for the three or whether all three have to be actually in overhaul at the time.

But my point is this. If we have 21 Trident submarines we would get 3 free ones so we would only have 18 that would be charged against us in the 4,900 RV total. And if we only had 18 that are going to be charged against us, that is 3,456 warheads or 71 percent of our total ballistic missile RV's.

That is fine with me. I want to repeat: That is fine with me. If that is what our planners want. But we have to understand there are some Midgetman rail mobile folks, maybe some Minuteman III and Minuteman II folks, who do not think that is such a hot idea to put that much of our force in submarines.

The seas are becoming increasingly transparent. Maybe submarines 10 years from now are not going to be as invulnerable as they are right now. But maybe we won't get what we're seeking in Geneva, and so the 19th Trident would pose big problems for us.

The B-1 was sold to this august body as a penetrating bomber. I did not vote for the B-1, because I knew the B-2 was on the drawing board and if I knew anything I knew we would wind up building both of them. But the second reason I did not vote for the B-1 is because I never believed it would be a penetrating bomber. And today there is a very serious question about its ability to penetrate. On the contrary, our planners tell us that they plan to use it as a standoff bomber to launch cruise missiles from outside the

Soviet Union, because they do not think it will penetrate.

So, Madam President, my amendment is very simple. It says, Madam President, this \$101 million you want as long-lead money for the 19th Trident submarine, you may not spend that money until you tell the Congress, in classified and unclassified versions, what do you have in mind. Do not force us to start building another \$1.4 billion submarine that we may have to destroy within 5 or 6 years.

And we are saying: When you send the report, we will let the money loose. The amendment does not specifically say that but it is implicit, and I will make the record right now. It says: Mr. President, tell us you want that 19th Trident submarine and it is going to fit in the mix that you plan under a START treaty; or, second, Mr. President, tell us where we are on the START agreement; or, third we will already have a START agreement and we will know about where we are. In any event I am simply saying, let us not start on this unless we know where we are headed.

I want to repeat, we so often allow weapons around here to be bought when they are not needed, when they are not a part of the plan. Somehow or other we change the plans then to accommodate the weapon rather than the other way around. That is what David Jones squawked about when he was chairman of the Joint Chiefs of Staff. He said, "How on earth am I expected to be the top military planner for this country? All I do is referee interservice rivalries and deal with weapons that they want that may or may not fit anywhere."

The Senator from Georgia feels strongly that the House is making some serious mistakes over there. I disagree with some actions the House has taken. I am certainly not at all sure I support adding some of these weapons back.

I told my colleagues last Thursday I was one of the chief cosponsors of cutting SDI. But I did not want to add the money we were cutting back into other systems. I want to save it.

Everybody here has forgotten the deficit. Every weapon systems we are buying, almost, is being bought with red ink and hot checks. Nobody ever thinks about that.

I sometimes think the greater threat to this country is from within, from the lack of fiscal discipline in the Congress in dealing with what ultimately has to be a catastrophe more than it is the Soviet Union coming up the Potomac and getting us. But I feel strongly about both of them.

I think we can accommodate a sensible defense posture with less money if we will just plan ahead a little bit instead of just building weapons systems and saying somehow or other we will work it in.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Madam President, will the Senator from Arkansas answer a question before he leaves the floor? We have an order for a vote at 5:45, by unanimous consent.

Mr. BUMPERS. We should not have any problem with that.

Mr. NUNN. Another vote is scheduled at 6 o'clock.

Does the Senator want a vote on his amendment tonight? Because if he does, there is a White House meeting going on a little later, and I think we need to plan now as to when that vote would occur.

Mr. BUMPERS. Before I say what I would like done, I really want to hear what the distinguished floor managers have to say in regard to this. I am genuinely perplexed and slightly confused on why we are going ahead with this when it is not necessary. We might put the long-lead item in next year after a START agreement or after the President says, "I want 21 Trident submarines."

Incidentally, it seems to me, I say to the Senator, that 18, or maybe 21, either one makes sense. But neither one of them makes sense unless we know where we are headed with this whole ballistic missile RV system under the START agreement.

Will the Senator agree with me on that?

Mr. NUNN. I think we have to know where we are headed in general. But there are two countries at the negotiating table, and we are not sure where we are going to wind up until we get a treaty.

I think it is a fundamental error to anticipate a treaty to the extent we start gearing our force structure to a treaty before we know when or whether we are going to come to an agreement.

I would also say to my friend from Arkansas that he makes some powerful arguments, as he usually does. But, frankly, based on the action of the House of Representatives last week, I am not sure whether we are going to have any problem with the number of Trident submarines. We may not have a land-based missile modernization program. They have all-but terminated the MX rail mobile ICBM and the Midgetman missile.

If those actions hold in conference—I hope they do not and I hope we go to conference with a strong position—there will not be any problem counting Tridents. We will need all the Tridents we can buy if we do not get some consensus on land-based missiles.

Also, as we well know, the B-2 program is under assault on the House side. We are perhaps going to have some more amendments on this side of the Capitol. Maybe one or two of these amendments I would agree with. The

Senator from Michigan has an amendment, for example, that would try to hold the contractor to a higher degree of responsibility for its performance. I am in favor of that kind of action.

So, we do not know where the overall strategic modernization program is going. But what we do know is that the Trident submarine is our most survivable system and we know that that survivability is key, whether we have an arms control agreement or not. A key to arms control is having systems that are survivable and therefore stabilizing, keeping both sides from feeling it is to their advantage to strike first in a crisis. That is what we mean by stability. We would hope the Soviets would move to more survivable systems as well.

So I say to the Senator that he may end up being right on this amendment, but at this point in time it is impossible to judge.

When Admiral Crowe testified before our committee not long ago, we asked him about progress on START. He said that efforts on the START Treaty are similar to chewing horse-meat. The more you chew, the bigger it gets.

I do not think we have reached the point where we can fully project what we should or will end up with in terms of the mix of various forces.

I believe that the Trident submarine program is one of our most important. I certainly would agree with the part of the Senator's amendment that calls on the administration to think through these problems and to give us a report on where they are going. But I frankly would oppose that part of the amendment that fences the money on the Trident submarine because by the time we get this report, we might have already held up the 19th submarine for a year. I do not subscribe to that part of the amendment, and I would therefore have to oppose the amendment as a whole.

May I add one other point? There is another option we call for in our committee. As the Senator well knows, it is not simply the number of boats that is at stake here. The more important counting rule is related to the number of warheads and missiles on the boat. What if we keep floundering with this land-based mobile missile problem that we have been debating without resolution now for how many years? Ten?

We keep going around and around on it. We may very well decide a year from now that we have to rely more on the Trident, have more boats, but have less RV's per missile or fewer missiles per boat to meet the counting rule challenge under a START agreement. It may very well be that is the way we will decide to go.

That approach would have two advantages: one, it would meet the

counting rules, if we have START. It would reduce the number of accountable warheads per submarine, allowing us to keep a larger force. The second advantage it might have is to give us more range to each missile; therefore, you would have more ocean area for the boat to patrol in because it could launch from a greater distance from its targets. When you have more ocean for the boats to patrol in, you have a more survivable system because anti-submarine warfare capabilities on the Soviet side would be stretched thinner.

So there is more than one way to meet this counting rule problem that the Senator has pointed out. I do not believe the time is now to limit our options in any way, with the problems that are evident in terms of the debate on the B-2, with the actions the House has taken on the Midgetman, and with the actions the House has taken on the MX-basing mode.

It seems to me that if the report were to come out tomorrow that the Senate has stopped production or stopped long-lead procurement on the 19th Trident boat, we will have succeeded, between the House and Senate in hitting virtually every major program in each leg of the triad. I know that is not the Senator's intent. So I hope the Senator will consider the possibility of offering only his report language, which I would not mind at all making mandatory and requiring by a date certain.

I believe the administration does need to think through this. They may not be able to answer all the questions, but they need to start thinking it through. If the Senator would remove the fence from the amendment, then I would recommend the amendment be accepted.

Mr. WARNER. Madam President, I join with the distinguished Senator. Also I would like to draw the Senator's attention to the report to Congress on the analysis of alternative strategic nuclear force postures for the United States under a potential START treaty. This was delivered to the Senate not more than 48 hours ago. If you look at force structure 3 and force structure 4, you will note that force structure 3 requires a minimum of 20 boats and force structure 4 requires a minimum of 22 boats. I will see that the Senator gets that document.

Mr. BUMPERS. If I may, I have the report in my hand. This report was sent to Congress pursuant to a requirement on last year's authorization bill. I think Senator BYRD, Senator DOLE, and others, perhaps the Senator from Georgia was on that, where we request this. I suppose, I must say, I did not think much of the report.

Mr. NUNN. I have to say I agree with the Senator on that. I did not think much of that report either.

Mr. BUMPERS. I could have spent half an afternoon sometime and pre-

pared this same report without very much trouble with a pad and pencil.

Let me say to the Senator from Georgia two things.

Mr. NUNN. I am not sure whether I previously said "reduce the number of missiles per boat" or "reduce the number of warheads per missile." What the committee has proposed for consideration is reducing the number of warheads per missile on the Trident boats.

Mr. BUMPERS. I say to the Senator, we had, I think it was, the CNO testify before the Defense Appropriations Committee on this business of, No. 1, possibly putting concrete in some of the existing launchers on existing submarines or somehow filling up those tubes. In other words, instead of the Trident carrying 24 launchers, maybe they fill 4 to 8 tubes with concrete. I must say that does not titillate me very much.

But I will also say that the Senator makes a very good point that if we are going to continue to build Tridents—and I am not sure we should not because I still believe they are the most invulnerable part of our system and I am not at all sure we do not need more. We are accustomed to having 35 to 40 SSBN's out there. Maybe that gives us a little more coverage.

But if we decide, for example, to go with, say, 25 Trident submarines, that means we are going to have to cut down, if we are still on that 4,900 ballistic missile warheads, we are going to have to cut the remainder of our submarines down to somewhere in the neighborhood of 12 launchers, or reduce the number of warheads on the D-5 or any number of combinations to that.

I am not opposed to that. At this point, I am unalterably opposed to the suggestion that we fill the launch tubes of existing Tridents. I do not think the Soviets find they would be very rhapsodic about that either.

Mr. NUNN. That would take some onsite inspection, I am sure, a very pervasive nature to determine what is in those tubes.

Mr. BUMPERS. The New York Times editorial board and the Tass editorial board needs to be witnessing the filling of these tubes with concrete before anyone would believe it. Be that as it may, this report was due last year. That is how on top of the situation the administration is. It was due last year, and we just got it.

Having said all that, I want to say to the Senator that I will modify my amendment to provide as follows, Mr. President: Strike all the language from 2 down to "President" on line 4 and insert therein "on or before July 31, 1990, the President will submit to the Congress." That is the way it would read, and then it just becomes a reporting requirement.

Mr. NUNN. Madam President, could I say to the Senator what date would he have in the amendment for that report?

Mr. BUMPERS. July 31.

Mr. NUNN. May I suggest to the Senator that we make it a little earlier?

Mr. BUMPERS. I must confess the earlier the better, and I would like to do it, certainly, before this bill is back on the floor again next year.

Mr. NUNN. I would suggest perhaps May 1 or something of that nature. That would give us time in the normal cycle to seriously consider it, maybe even April 1.

Mr. BUMPERS. Well, let us make it April 1.

Mr. NUNN. I believe the administration has a real challenge to think through its arms control position. I do not think it has thought through its arms control position on START to the extent necessary. I think there is a long way to go, and I think this kind of report would help the administration and the Congress to think through the implications of some of these decisions. I would say April 1 if the Senator would so modify his amendment.

AMENDMENT NO. 519, AS MODIFIED

Mr. BUMPERS. Madam President, I so modify my amendment, and send the modification to the desk.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment, as modified, is as follows:

At the appropriate place in the bill insert the following:

On or before April 1, 1990, the President will submit to the Congress: a comprehensive report, in both classified and unclassified versions, on the Trident program and START. The report shall address, inter alia, the following issues:

"(1) the fleet size objective for the Trident submarine program both with and without a START agreement;

"(2) the implications for United States strategic force posture in a START environment of a fleet of 21 or more Trident submarines, each with 192 warheads on 24 ballistics missiles, under two different assumptions:

"(i) all such warheads are accountable under START limits;

"(ii) the warheads on 1-3 Trident submarines are not accountable under START limits;

"(3) a net assessment of the implications for United States security of a START agreement that allowed the Soviets as well as the United States to have an equivalent number of warheads on submarines that would not be accountable under START limits;

"(4) the technical feasibility and cost implications of various options for reducing the number of warheads on Trident submarines, including those already built, those under construction, and those yet to be built.

"(5) the verification challenges to the United States posed by such options if the

Soviet Union were to adopt them in its ballistic missile submarine forces.

"(b) FORM OF REPORT.—The President shall submit the report under subsection (a) in both classified and unclassified versions.

"(c) WAIVER.—The requirements of subsection (a) may be waived by the President if he has signed a Strategic Arms Reduction Treaty (START) or other agreement with the Soviet Union for the reduction of strategic arms."

Mr. BUMPERS. Madam President, so the Senator from Georgia knows I am not acting in bad faith, as soon as the conference between the House and the Senate occurs, when that bill comes back over here, and we know about how those differences between the House and Senate on strategic weapons—and they are major and they are very important—how those have been resolved, if they have been resolved in a way that I think adds force to my proposal, then I certainly want him to know that I might very well offer this or a similar amendment on the Defense appropriations bill when it comes through.

Mr. NUNN. I understand the Senator's position very well on that. I appreciate his candor. That is his right. I accept that.

Mr. WARNER. Madam President, I likewise join in that, and we know the Senator is acting in good faith. We have been here many years together, and I know precisely how he feels on these issues.

Mr. BUMPERS. Madam President, I thank the distinguished floor managers both from Georgia and Virginia for willing to take this report language. I think that is satisfactory at this point.

The PRESIDING OFFICER. Does the Senator from Connecticut seek recognition?

Mr. LIEBERMAN. I do.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Thank you, Madam President.

May I say that I rushed to the floor to oppose the original amendment of the Senator from Arkansas. I am pleased to offer my support of this report language.

The Trident program is of real and substantial interest to the people of Connecticut because many of the Tridents are built in Connecticut. I support the Trident not because it is good for Connecticut, but because I sincerely believe it is good for America and good for world peace.

Madam President, I had planned originally to rise in opposition to the Senator from Arkansas with some sense of humility because I respect the leadership role he has taken in pursuit of arms control over the years. I particularly applaud him for raising the serious questions that ought to be raised about the implications for our arms control policy and the changes in leadership and direction of the Soviet Union.

But, Madam President, it seems to me if there is one program we ought not to be touching, we ought not to be even delaying, it is the Trident program because that, as has been agreed to by the Senator from Arkansas and others who have spoken here today, is the most invulnerable leg of the triad.

May I say that even for those Members of the Senate who have questions about one or another of the land-based missile programs, you do an injustice to the cause of American security to also oppose the Trident program because in a world in which the Soviet Union is so well-armed still, in spite of all the promises that have been made, is so well prepared with nuclear capacity, if we are talking about altering or eliminating one or another land-based missile system, where do we turn for a sense of certain security? It is in my opinion, Madam President, to the Trident program, the invulnerability of that program, and the sure effectiveness of that program.

I understand the mathematics that the Senator from Arkansas has talked about. I understand the tentative limitations on warheads that are part of the proposed START agreement. I understand that they may, according to existing numbers of missiles and warheads on Tridents today, lead to the conclusion that 18 Tridents may be enough.

Mr. WARNER. Mr. President, will the Senator yield? We have a vote due in a matter of a very few minutes, and there are two Senators seeking recognition to speak on the subject of those votes. We are going to be in, subject to the concurrence of the leadership, until 8 or 9 o'clock tonight. We would like very much to receive the balance of the Senator's comments.

Mr. LIEBERMAN. I will be glad to yield. I thank the Senator.

Mr. President, I begin by commending Senator BUMPERS on raising an important issue: the future of the U.S. strategic force structure, particularly in light of new circumstances. Since the coming to power of Mikhail Gorbachev, the chances for progress in arms control negotiations have improved considerably. We must not let this opportunity pass. I agree with Senator BUMPERS that all military programs, including those that have enjoyed nearly universal support, such as the Trident submarine, should come under scrutiny. I am pleased we have come to a resolution of this issue and that the President will be requested to submit a report on our future strategic force structure by next spring.

Let me state at the outset that my interest in the Trident submarine program stems in part from its importance to the economy of the State of Connecticut. But the continuation of the Trident program at the present pace is good not only for Connecticut,

it's good for the Nation as well. Slowing down Trident construction could have negative repercussions on the survivability of the U.S. submarine fleet and the program's financial stability. It might also be unwise given the uncertainties of any START agreement and the future of the present Soviet leadership.

As Senator BUMPERS has pointed out, the United States and the U.S.S.R. have agreed that START will permit 4,900 ballistic missile warheads to be distributed between submarines [SLBM's] and land-based missiles [ICBM's]. The United States currently has 5,312 SLBM warheads and 2,450 ICBM warheads. This means that about 68 percent of our warheads are on submarines. If this ratio is applied to 4,900 warheads, we would be allowed 3,354 SLBM warheads. That number of warheads would require only 18 Tridents if each Trident continued to have 24 missile tubes with each missile carrying 8 warheads.

Regardless of the tentative START guidelines, do we really want only 18 Tridents at sea? Nearly all observers agree that the development of survivable ballistic missile submarines has made nuclear war virtually unthinkable. Both superpowers know that, however successful an attack against the land-based missiles and bombers of the other side, submarines would remain to deliver a retaliatory blow with overwhelming firepower.

Although it is highly unlikely that the Soviets could find our submarines at the present time, it is always possible that they will improve their ability in the future to trail our submarines which now comprise 28 Poseidons and 9 Tridents. This may become a more troubling prospect once we phase out our older Poseidons by the late 1990's. At that point, the Soviets will be able to concentrate on trailing a relatively small number of Tridents as they leave the only two Trident ports, in Bangor, WA, and in King's Bay, GA. Since Tridents spend one-third of their service lives in port, a fleet of 18 submarines would mean that only 12 would usually be deployed. Given the vulnerability of our land-based missiles and bombers to a Soviet attack by increasingly accurate missiles, it makes for bad policy to depend on such a small number of platforms. When in doubt, there are safety in numbers.

But arms control experts believe that it would be possible to build more than 18 Tridents without violating the tentative START agreement. The way is simple. The Navy could build Tridents with fewer than 24 tubes or remove or disable existing tubes. This could be verified by national technical means.

The Navy could also permit inspection of the numbers of warheads per

missile. At the two submarine bases, a missile would be pulled out of a Trident and brought to a land facility where Soviet inspectors could count its warheads. Soviet inspectors would not have to go on Tridents or see the actual warheads in such a manner as to gain important design knowledge. Nor would tampering with the missiles at sea be a viable option given the technical difficulty of adding more warheads.

Fencing off funds could also create another problem: significantly increased production costs. If fencing off funds led to skipping a year of production for the 19th submarine, some of the laid-off skilled workers probably would find new jobs because of the tight labor market in Connecticut and Rhode Island. Retraining new workers would be extremely time consuming because of the highly skilled nature of the jobs. Even experienced workers who return to their jobs would have to undergo some retraining. Nuclear welders, for example, would have to be recertified because they are required to do regular work to maintain their credentials, according to the Navy's nuclear welding standards.

Moreover, if the Trident program is delayed, the amount of fixed overhead costs that would have to be allocated to other aspects of the program would increase. This would apply to radiological services, the maintenance of dry docks, tooling machines to make hulls, and calibration equipment.

The Navy, in fact, testified earlier this year before the House Armed Services Committee that delaying the Trident program for a year would cost between \$150 to \$175 million. In contrast, fencing off the long-lead funds would save \$106 million. Thus, it makes just as good sense to continue with the present program even if we eventually decide not to fund the 19th Trident.

A final reason to continue with the Trident at its present pace is the uncertainty of the START agreement and our relations with the Soviet Union. The limitations agreed under the START treaty are only tentative. They are not set in stone. There have already been discussions, for example, about not counting ballistic missile submarines that are in overhaul against the treaty limits. This would allow us more than 18 submarines even if the present configuration of missiles and warheads is maintained.

Nor is the Soviet leadership set in stone. We all wish Mikhail Gorbachev well in his attempts to reform the Soviet political and economic system, but his success and, therefore, the stability of his position are not certain. Because of these uncertainties, it is best to keep the Trident program on an even keel.

The Trident program, in fact, has been one of the least controversial

major strategic systems in recent decades. Earlier this year, for example, the House of Representatives unanimously passed the Solarz amendment that called on the administration not to reduce the number of submarines to less than 20 regardless of any START limitations. Similarly, the Senate Armed Services Committee has given strong support for the program this year and in past years. In an era of intense controversy over major weapons systems such as SDI, stealth, the Midgetman, and the rail MX, this is unusual and indicative of the Trident's value.

The distinguished Senator from Arkansas is right to say that we should closely reexamine all weapons systems in light of new budget realities and changing political circumstances. And there may come a day when we will stop a program like the Trident because of the world situation and strategic security. But the time for that has surely not arrived.

Mr. DODD. Mr. President, I rise in strong opposition to this amendment that could gravely damage one of the most successful, most reliable strategic deterrent systems our country ever deployed.

If I understand the logic of my colleague from Arkansas correctly, he is applying here a sort of preemptive arms control. He envisions the outlines of a future comprehensive strategic arms control agreement with the Soviet Union and in anticipation of such agreement he wants to start compliance before the agreement itself has been written.

Mr. President, to pass this amendment would be a terrible mistake. We will never get an agreement with the Soviets if we start to reduce our forces before an agreement to this effect is concluded. But there is one more reason why this amendment is dangerously defective.

The Trident comprises one leg of the strategic triad. We have major problems with both of the other two legs. Among our airbased systems the B-52 is obsolete, the B-1 is not fully tested and, as a penetrating bomber, will probably be obsolete by the mid 1990's. The B-2 just made its maiden flight and we may not deploy it because of its pricetag.

As for the land-based leg, for 6 years now we have been unable to arrive to a national decision as for how we are going to modernize that leg between the MX and the Midgetman missiles. We have only one leg of the strategic triad that is totally reliable, healthy, and effective, and that is the Trident ballistic missile submarine force. It is one of the most successful programs ever in the history of our military.

Mr. President, to start to tinker with the Trident program, when we have major problems and uncertainties with all our other present and prospective

strategic systems would be irresponsible indeed. I urge my colleagues to defeat this amendment.

The PRESIDING OFFICER. If there is no further debate on this amendment, the question is on agreeing to amendment No. 519, as modified, by the Senator from Arkansas.

The amendment (No. 519), as modified, was agreed to.

Mr. BUMPERS. Madam President, I move to reconsider the vote by which the amendment as modified, was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Madam President, we have, as I understand, a vote scheduled at 5:45?

The PRESIDING OFFICER. The Senator is correct.

Mr. NUNN. That is on the so-called SIS amendment, and following that, if I am not incorrect, we have another vote at 6 o'clock, which is a 10-minute vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. NUNN. And that is on the Kennedy child care amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. NUNN. Madam President, there are two people who want to speak on the child care amendment. I ask the Senator from Ohio to leave enough time at the end of his remarks so the Senator from Indiana can make a few remarks on the same subject.

AMENDMENT NO. 518

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Madam President, I join Senator KENNEDY in sponsoring this amendment.

Child care services are very important to military families. Today, over 60 percent of our military personnel are married and have children. The demand for child care far outstrips supply. According to DOD figures there are over 25,000 children of military personnel on waiting lists for child care in the United States alone. So there is a real need for support in this area.

Madam President, that is not to say that the Congress has been idle in providing support. In fact, Congress has done a great deal over the past few years to provide for better child care for military families, especially those overseas. For example, since 1985, appropriated funds subsidizing the operating costs of child care centers have grown by 40 percent from \$31 million annually to \$44 million annually. Over the same period, the Congress invested about \$91 million for construction. So the Congress has been sensitive to the child care needs of military families—but more can and needs to be done.

That is why I am joining Senator KENNEDY in offering this amendment. While it does not solve the demand problem immediately, it does move in that direction. Moreover, it establishes certain staffing guidelines and funding levels that I believe will substantially improve the supply of qualified child care providers and improve the administration and management of child care and early childhood development programs.

A key provision in this amendment requires the Department of Defense to increase its appropriated fund support to help cover the increasing operating cost of child care centers. Currently, the Department of Defense provides about 45 cents in appropriated funds for every dollar collected in child care fees to cover the cost of operating child care centers. The provision in our amendment would require the DOD to increase the appropriated fund subsidy to 75 cents for every dollar collected in child care fees in fiscal year 1990, and to go to full matching—dollar for dollar in fiscal year 1991 and thereafter.

This sharing formula would provide appropriated fund support to child care centers consistent with the proportion of appropriated funds allocated to support other military quality of life activities, such as youth centers, hobby shops, recreational swimming pools, and bowling centers that the military operates with a mix of appropriated and nonappropriated fund support.

The amendment would also require the Department of Defense to increase by 3,700 the number of child care providers funded from appropriated funds and to establish a pay structure for these child care providers that is competitive with compensation paid in the local area. This provision is linked to the provision that calls for greater appropriated funds support for operating child care centers.

Madam President, these are the two major provisions of this amendment.

I think they will help to increase the availability and quality of child care to military families which I believe is necessary and deserved.

We call on our men and women to perform a duty to their country that is unique from civilian work. A military service member is subject to moving frequently, to serving overseas, and to serving in isolated or remote areas. This feature of military life makes it difficult for military families to sink down roots and to develop some of the support systems that normally exist in the civilian community. Not only that, our soldiers, sailors, marines, and airmen are frequently called on to work odd hours and to deploy for sometimes months at a time to sea or to the field. This turbulence and separation from family places unusual strains on families with young chil-

dren. In many cases, mothers whose husbands are away cannot cope without the support of child care. This amendment recognizes this and moves toward providing greater accessibility to that support.

Madam President, I want to commend Senator KENNEDY for taking the lead on this amendment. He is a valued member of the Subcommittee on Manpower and Personnel of the Committee on Armed Services, which I chair. He has always been a strong supporter, as I have been, of providing for the health and welfare of our military personnel and their families.

Madam President, I urge my colleagues to support our military families by voting for this amendment.

Mr. COATS addressed the Chair. The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Madam President, I will only take 30 seconds or so to enter something into the RECORD that I think is important. The vote will occur shortly on the Kennedy child care amendment. The Department of Defense has an exemplary record in this regard. I commend Senator KENNEDY, Senator GLENN, and others for addressing this important issue. However, there are some questions and concerns that have been raised by the Department of Defense that I have raised.

I simply want to ask unanimous consent to enter at this time into the RECORD a letter that I received from Barbara Pope, Deputy Assistant Secretary of Defense, Family Support, Education and Safety, which outlines some of these concerns. Hopefully we can get together between now and conference and iron these out. It is important to provide adequate, good child care for military families. I hope we will have the opportunity to address some of these questions.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE OFFICE OF THE ASSISTANT
SECRETARY OF DEFENSE,
Washington, DC.

HON. DAN COATS:
U.S. Senate, Washington, DC.

DEAR SENATOR COATS: Enclosed is the proposed amendment and our comments on the amendment to the Military Child Care Act currently being considered for introduction by Senator Kennedy. Our main concern continues to be the requirement to divert a major amount of appropriated funds to this program in a short period of time. Frankly, the language under consideration is confusing and would be difficult to execute within the Department of Defense (DoD).

We seek to execute a gradual, well-conceived plan of expansion within the DoD. Your support of this endeavor is appreciated.

Sincerely,

BARBARA SPYRIDON POPE,
Deputy Assistant Secretary of Defense
(Family Support, Education and
Safety).

Enclosures: As Stated:

The Department of Defense (DOD) shares the congressional commitment to assure the availability of professional, well-coordinated, and safe child development services.

The Department's record in providing child development services is outstanding:

We currently operate about 640 child development centers and approximately 12,000 family day care homes.

About 129,000 children receive care: 81,000 children attend DOD child development centers and 48,000 attend family day care homes throughout the world.

The proposed funding formula would penalize DOD for its leadership in providing child development services and would micromanage the Secretary's administration of DOD by limiting his ability and that of field commanders to recognize and adapt to the special and unique needs of DOD communities and commands throughout the world.

In requiring DOD to match parent fees with appropriated DOD dollars, the legislation would put DOD to a Hobson's choice: the Department would either have to slash child development services in order to reduce the burden on appropriated funds, or would have to sacrifice other important programs that are essential to national security, merely to preserve the excellent level of child development services. This is an unacceptable situation in the present era of constrained Defense resources.

The proposal would also denigrate the efforts and contributions of single soldiers, sailors, airmen, and marines, and those of married Service members who do not require child development services.

DOD strongly urges that it be permitted to continue to pursue its innovative and effective child development programs, as well as its other efforts, such as the Family Advocacy Command Assistance Team, that promote the integrity of military families.

In view of the above, the Department strongly opposes the provisions of section 1102.

SECTION 1103 CHILD CARE EMPLOYEES

Section 1103(b) Pay.—(1) The Department of Defense has established a task force on caregiver wages to study the increase in compensation for DOD child care employees. The results of this study shall provide guidance on the issue. The Department will have the task force results by December 1989.

(d) Employment Preference for Military Spouses.—The Department does not concur with this section which would allow spouses, who receive jobs in the child development center through spouse preference, to exercise that preference again. The Department believes that the goal of spouse preference is to facilitate the hiring of military spouses to assist in the relocation of members by providing opportunities for the continuation of careers by military spouses and reduce the financial trauma of relocation. This provision would delay hiring for spouses newly arrived in the area. Furthermore, this change would increase staff turnover and could defeat the other provisions of the legislation intended to limit turnover.

(d) Additional Child Care Positions.—While the Department would require a minimum of 3 years to establish the 3,700 additional positions, DOD is ready to do its best to meet this requirement within a minimum of 2 years. However, the Department objects to the requirement to divert additional dollars of the funds budgeted for readiness support in operation and maintenance to fi-

nance this increase, particularly under the current fiscal restraints.

SECTION 1105 CHILD ABUSE PREVENTION AND SAFETY

The Department published an Instruction on the Family Advocacy Command Assistance Team in February 1989. The aim of this instruction is quite similar to the task force proposed by this section. The Department has successfully utilized the task force on five occasions to respond to allegations of widespread abuse on military installations. The role of the task force envisioned by this section would be limited to child development centers; the Department would rather include any activities where the perpetrator may have access to a number of children. We do not concur with the requirement to include individuals from outside the DOD. The DOD team can be mobilized and deployed within a short period of time. To include individuals from the outside would hamper the Department's quick response to a potential child abuse crisis.

Section (f) 2—Remedies for Violations.—The Department would like the waiver authority to be expanded to include the Secretary of the Military Departments' high level designee.

Section (f) 2—Report on Cooperation With the Department of Justice.—The Department finds the reporting requirements of this section to be unrealistic and unnecessary.

Section (g) 3.—The Department finds this provision vague and is unsure of the role the Comptroller General is expected to play.

(a) Demonstration Programs.—The Department does not concur with this section. There are approximately 65,000 childcare centers nationwide. Of these, only 934 are accredited by the well-known National Association for the Education of Young Children. The average time for a center to be accredited is 6 months. The Department has 640 child development centers. It is unrealistic to expect 15 percent, or 96 of these centers, to be accredited by January 1991.

ARMY BURN CENTER

Mr. INOUE. Madam President, may I have the attention of the senior Senator from Illinois? I would like to express my deep concern about a matter of importance, not only to me but also to the Nation.

One of the flagships of the military medical system has been the Army's Institute of Surgical Research—more popularly known as the "Army Burn Center"—located at Brooke Army Medical Center in San Antonio, TX. The burn center has trained not only American military physicians in burn treatment but also civilian and foreign doctors. In this country, at least 50 doctors trained at the Army Burn Center are now serving in civilian burn units, and 33 of them are now directors of burn centers. I mention this in order to point out the importance of the Brooke Army Burn Center to the civilian medical community, as well as to the military community.

As my colleague knows, the Army is constructing a new facility for Brooke Army Medical Center. Within this facility, approximately 40 beds will be dedicated to the treatment of burns, along with an associated outpatient

clinic, therapy and x-ray areas, and an operating room. However, the research laboratory associated with the burn center, originally to be constructed in a separate building, will not be built because of a bureaucratic error made in the budget process.

Madam President, the research laboratory is the heart of the burn center. The accomplishments of this laboratory in increasing knowledge of the appropriate treatment of burns are without parallel. Just to mention two of them, the laboratory developed a formula—the so-called Brooke formula—to estimate fluid needs of burn patients. Use of this formula eliminates shock and acute renal failure. In addition, the laboratory developed a totally synthetic skin substitute—a critical advance in the treatment of severely burned patients.

The Army estimates that construction of the research laboratory would require approximately \$15.2 million, surely a small sum for such an impressive return. I wonder if I might ask my good friend, the senior Senator from Illinois, if the Senate Armed Services Committee has provided any funding in the fiscal year 1990 authorization for construction of the Army Burn Center's research laboratory.

Mr. DIXON. I would say to my friend from Hawaii that there are no funds in the bill now before us for construction of the research facility. As he has noted, an error in the budget process prevented the Army from including a request for these funds in its budget submission.

Mr. INOUE. Does the Senator share my concern that this vital component of the Army Burn Center will fall by the wayside, when it is clearly important to this Nation as a whole?

Mr. DIXON. I am well aware of the importance of the research laboratory associated with the burn center. Only recently, a burn team from the laboratory went to the Soviet Union to assist in treating people critically injured when a gasoline explosion caused a fire that engulfed two trains. Clearly, in this instance, they performed not only humanitarian assistance but were also ambassadors from the people of the United States to the people of the Soviet Union. It is unfortunate that funding for this facility was not included in the Army's request.

Mr. INOUE. I wonder if the Senator would be willing to join me in urging the Army to complete design of the research laboratory and to include funding in the fiscal year 1991 budget for construction of the facility?

Mr. DIXON. As you undoubtedly know, the House Armed Services Committee report directs the Secretary of the Army to complete design and to include funds for this project in the 1991 budget. On our part, the Committee on Armed Services will be glad to look with some favor on requests for

funding of the burn center laboratory which are included in the fiscal year 1991 budget.

Mr. INOUE. I thank the Senator.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The distinguished majority leader.

Mr. MITCHELL. Madam President, under the unanimous-consent order now in force, the vote is scheduled to occur at 5:45, to be a 15-minute vote followed by a second vote at 6 p.m. for 10 minutes.

I ask unanimous consent that an amendment which I am about to offer on behalf of myself and Senator DOLE be considered by the Senate until 5:50 p.m., at which time the vote occur on this amendment to be followed by two 10-minute votes on the two which are now scheduled.

The PRESIDING OFFICER. Is there objection to the majority leader's request? Without objection, it is so ordered.

AMENDMENT NO. 524

Mr. MITCHELL. Madam President, I now send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Maine [Mr. MITCHELL], for himself, Mr. DOLE, Mr. FORD, and Mr. BOREN proposes an amendment numbered 524.

Mr. MITCHELL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, in view of the very short time for this amendment, I believe that the Senate will be best informed by a reading of the amendment by the clerk and very brief remarks thereafter by myself and Senator DOLE.

So I withdraw my request that the clerk dispense with reading of the amendment.

The PRESIDING OFFICER. Without objection, the clerk will now proceed to read the amendment.

The legislative clerk resumed reading of the amendment, as follows:

At the Appropriate Place add the following:

SEC. . The radical, Lebanese-based terrorist organization which calls itself the "Organization of the Oppressed of the Earth" announced 31 July 1989 that it had executed Lieutenant Colonel William R. Higgins, a Marine seconded to UNTSO, the United Nations Truce Supervision Organization, and kidnaped in South Lebanon on 17 February 1988;

That Organization claimed to have executed Colonel Higgins in response to the recent capture by Israeli commandos of a radical Muslim Shiite leader, Sheikh Abdul Karim Obeid, believed to be associated with that Organization;

That Organization released to certain news agencies a video tape purporting to show Lieutenant Colonel Higgins executed by hanging;

It has not been confirmed that the execution of Lieutenant Colonel Higgins has taken place, nor have any details been provided about the alleged execution;

The kidnapping of Lieutenant Colonel Higgins, who was engaged only in carrying out the legitimate U.N. peacekeeping activities he had been assigned, was wholly unjustified;

It is absolutely clear that the kidnapping of Lieutenant Colonel Higgins and his execution, if it indeed has occurred, are outrageous acts of terrorism which deserve the condemnation of all civilized people;

There is strong evidence that the Government of Iran has supported the Organization responsible for Lieutenant Colonel Higgins's kidnapping and alleged execution, as well as other terrorist and extremist forces inside Lebanon and throughout the Middle East;

It is the sense of the Senate that:

1. The Senate is outraged by the kidnapping and the reports of Colonel Higgins's execution, and condemns such actions as barbaric, cowardly, and utterly incompatible with the standards of conduct upheld by civilized people.

2. The President should utilize all available resources of the United States Government, including all available diplomatic and intelligence channels, to determine the identity of those responsible and the details regarding such terrorist acts.

3. The President should determine whether it would be possible to isolate and bring to justice or retaliate against those responsible in a manner that would reduce the risk to Americans from terrorism.

4. The President should retaliate as would be appropriate and feasible.

5. The United States should make clear to the new leadership in Iran that we will not tolerate a continuation of past policies of support of groups which undertake terrorist actions against American citizens or direct assaults on American vital interests in the Middle East or elsewhere, and should such support continue, the United States will hold the authorities in Iran accountable for that support and act accordingly.

6. The United Nations Secretary General should take all necessary steps to help ensure that Lieutenant Colonel Higgins, if still alive, is safely returned to the United States, and, if dead, that his body is returned to his country and family, and that those responsible for his death be immediately brought to justice.

7. The President should engage in urgent and continuing diplomatic contacts with the Government of Israel and other governments concerning their policies and actions which might have relevance to the interests of the United States Government or increase the vulnerability of United States citizens to attacks by terrorists.

8. The President should consult with other nations to ensure international cooperation and coordination to end terrorist attacks.

Mr. MITCHELL. Madam President, the United States must take the lead in putting an end to what has become an international scourge. All nations dedicated to the preservation of international stability, all nations who profit from the safe conduct of international trade and travel, all nations

must act. If an end is to be put to terrorism, these nations must increase their consultations, cooperation, and coordination with one another. Faint-hearted efforts and half steps only embolden terrorists. The United States must not shrink from pursuing every effort to ensure that the American people once again are free from what is now the palpable danger of attack when overseas.

Our hearts go out to the family of Lieutenant Colonel Higgins. We pray that, whatever the fate of Colonel Higgins, they take comfort and courage in the bravery of this marine, in his devotion to his country, and in his willingness to serve the cause of international peace in a troubled part of our world.

Madam President, I yield to the distinguished Republican leader.

Mr. DOLE. Madam President, I want to thank the majority leader and members of his staff and my staff. This is an important resolution, and we will be able to give a copy of it to the President when some of us meet with the President at 6:30.

The text just read speaks for itself. There is no need to add much more.

We are outraged—every Senator, every American—we are all outraged. We are sick and tired of innocent Americans being kidnapped and murdered by fanatics posing as religious leaders; by terrorists posing as political leaders.

But we want to do something more than just vent our anger. We want to send strong, clear, constructive messages—messages that will help in at least a small way to ensure that we never have to go through this again.

We want to send a message to the President, that we back a policy of making those responsible for these outrages pay.

We want to send a message to the terrorist groups that perpetrate those outrages that they will pay.

We want to send a message to nations like Iran, which have made themselves renegade nations through their resort to terrorism, and backing of groups which conduct terrorism.

We want to send a message to our friends that this is serious, a very serious matter, and that we believe in any future efforts there should be some notification, some coordination and maybe more responsibility assumed by our friends.

Madam President, I am very pleased to join the majority leader in this amendment.

ORDER OF PROCEDURE

Mr. MITCHELL. Madam President, I ask unanimous consent that Senator NUNN be permitted to address the Senate for not to exceed 1 minute prior to the vote so that he can lay out the schedule for handling this bill for the remainder of the evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia.

Mr. NUNN. Madam President, I will take less than a minute.

We will have a couple of rollcall votes after the Higgins vote. One will be on the day care amendment of Senator KENNEDY, and another on the SIS amendment of Senator KENNEDY.

After we get through those votes, we will take up eight or nine noncontroversial amendments, assuming the authors of those amendments appear on the floor, and assuming that they will appear and present their amendments, and we can notify them.

Then we will have 11 amendments on the B-2 bomber that we will debate around 7:15 or 7:20, and we will have a rollcall vote on that one later on this evening.

AMENDMENT NO. 524

Mr. MITCHELL. Madam President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will now call the roll on this amendment.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Michigan [Mr. RIEGLE] is absent due to illness in the family.

I further announce that if present and voting, the Senator from Michigan [Mr. RIEGLE] would vote "Yea."

The PRESIDING OFFICER (Mr. SIMON). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—99

Adams	Fowler	McCain
Armstrong	Garn	McClure
Baucus	Glenn	McConnell
Bentsen	Gore	Metzenbaum
Biden	Gorton	Mikulski
Bingaman	Graham	Mitchell
Bond	Gramm	Moynihan
Boren	Grassley	Murkowski
Boschwitz	Harkin	Nickles
Bradley	Hatch	Nunn
Breaux	Hatfield	Packwood
Bryan	Heflin	Pell
Bumpers	Heinz	Pressler
Burdick	Helms	Pryor
Burns	Hollings	Reid
Byrd	Humphrey	Robb
Chafee	Inouye	Rockefeller
Coats	Jeffords	Roth
Cochran	Johnston	Rudman
Cohen	Kassebaum	Sanford
Conrad	Kasten	Sarbanes
Cranston	Kennedy	Sasser
D'Amato	Kerry	Shelby
Danforth	Kerry	Simon
Daschle	Kohl	Simpson
DeConcini	Lautenberg	Specter
Dixon	Leahy	Stevens
Dodd	Levin	Symms
Dole	Lieberman	Thurmond
Domenci	Lott	Wallop
Durenberger	Lugar	Warner
Exon	Mack	Wilson
Ford	Matsunaga	Wirth

NAYS—0
NOT VOTING—1

Riegle

So the amendment (No. 524) was agreed to.

VOTE ON MOTION TO TABLE AMENDMENT NO. 471

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nebraska to lay on the table the amendment No. 471 of the Senator from Massachusetts. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Michigan [Mr. RIEGLE] is absent due to an illness in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas, 50, nays 49, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—50

Armstrong	Garn	McConnell
Baucus	Gorton	Murkowski
Bond	Gramm	Nickles
Boren	Grassley	Packwood
Boschwitz	Hatch	Pressler
Breaux	Hefflin	Roth
Burns	Heinz	Rudman
Chafee	Helms	Shelby
Coats	Humphrey	Simpson
Cochran	Johnston	Specter
D'Amato	Kassebaum	Stevens
Danforth	Kasten	Symms
Dole	Lott	Thurmond
Domenici	Lugar	Wallop
Durenberger	Mack	Warner
Exon	McCain	Wilson
Ford	McClure	

NAYS—49

Adams	Glenn	Metzenbaum
Bentsen	Gore	Mikulski
Biden	Graham	Mitchell
Bingaman	Harkin	Moynihan
Bradley	Hatfield	Nunn
Bryan	Hollings	Pell
Bumpers	Inouye	Pryor
Burdick	Jeffords	Reid
Byrd	Kennedy	Robb
Cohen	Kerry	Rockefeller
Conrad	Kohl	Sanford
Cranston	Kohl	Sanbanes
Daschle	Lautenberg	Sasser
DeConcini	Leahy	Simon
Dixon	Levin	Wirth
Dodd	Lieberman	
Fowler	Matsunaga	

NOT VOTING—1

Riegle

So the motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 518

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the amendment of the Senator from Massachusetts. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Michigan [Mr. RIEGLE] is absent due to an illness in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 5, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—94

Adams	Glenn	McClure
Baucus	Gore	McConnell
Bentsen	Gorton	Metzenbaum
Biden	Graham	Mikulski
Bingaman	Gramm	Mitchell
Bond	Grassley	Moynihan
Boren	Harkin	Murkowski
Boschwitz	Hatch	Nickles
Bradley	Hatfield	Nunn
Breaux	Hefflin	Packwood
Bryan	Heinz	Pell
Bumpers	Helms	Pressler
Burdick	Hollings	Pryor
Burns	Humphrey	Reid
Byrd	Inouye	Robb
Chafee	Jeffords	Rockefeller
Cochran	Johnston	Roth
Cohen	Kassebaum	Rudman
Conrad	Kasten	Sanford
Cranston	Kennedy	Sanbanes
D'Amato	Kerry	Sasser
Danforth	Kerry	Shelby
Daschle	Kohl	Simon
DeConcini	Lautenberg	Simpson
Dixon	Leahy	Specter
Dodd	Levin	Stevens
Dole	Lieberman	Thurmond
Domenici	Lott	Warner
Durenberger	Lugar	Wilson
Exon	Mack	Wirth
Ford	Matsunaga	
Fowler	McCain	

NAYS—5

Armstrong	Garn	Wallop
Coats	Symms	

NOT VOTING—1

Riegle

So the amendment (No. 518) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, if I may say to my colleagues, we are now prepared to accept what I think will amount in total to seven amendments from various Senators who are on the floor. We have indicated that we will proceed with Senator GLENN's amendment, and then Senator BINGAMAN's amendment, then Senator HEFLIN's amendment. There will be others on the other side, and we will make arrangements right now.

I was asked by the manager to announce it will be probably about an hour before we get back to contested amendments. We will then consider an amendment by Senator LEVIN on the B-2, and there probably will not be another rollcall for well in excess of an hour or more, and probably only one more rollcall is anticipated tonight. But we are prepared to begin now to take care of seven amendments that

Senators have who are on the floor right now.

Mr. FORD. Will the acting leader give me 30 seconds to make a short statement?

Mr. DIXON. I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

DO NOT FORGET OTHER
AMERICANS IN CAPTIVITY

Mr. FORD. Mr. President, we have heard a lot about the atrocity and dastardly act as related to Colonel Higgins today. I hope in all our discussions, deliberations, and our thoughts, particularly with those who are going to the White House, we not forget that we have several other Americans in captivity. Somehow or another, this will bring it to a focal point, but I am very hopeful we will not forget those other Americans who have been in captivity for many, many years and are important in the decisionmaking process as it relates to what the position of the United States will be.

A diplomatic message objecting to the atrocity is not enough. Now is the time with the biggest country, supposedly the biggest intelligence, to ferret out and move with haste and with dispatch. I thank the Chair.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I certainly associate myself with the remarks of my distinguished colleague from Kentucky.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL
YEARS 1990 AND 1991

The Senate continued with the consideration of the bill.

AMENDMENT NO. 525

(Purpose: To require the submission of reports on the missile technology control regime and on controlling the transfer of certain weapons)

Mr. GLENN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Ohio [Mr. GLENN], for himself, Mr. GORE, Mr. BINGAMAN, and Mr. MCCAIN, proposes amendment numbered 525.

Mr. GLENN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title IX of the bill, add the following new section:

SEC. 917. REPORTS ON THE MANPOWER REQUIRED TO CONTROL THE TRANSFER OF MISSILE TECHNOLOGY AND CERTAIN WEAPONS.

(a) AMENDMENT TO NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989.—Section 901(c) of the National Defense Authorization Act for Fiscal Years 1988 and 1989, is amended by striking out "February 1, 1988," and inserting in lieu thereof "60 days after the date of enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991."

(b) REPORT ON MANPOWER REQUIRED TO IMPLEMENT EXPORT CONTROLS ON CERTAIN WEAPONS TRANSFERS.—(1) Not later than February 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report—

(A) identifying the role of the Department of Defense in implementing export controls on nuclear, chemical, and biological weapons;

(B) describing the number and skills of personnel currently available in the Department of Defense to perform this role; and

(C) assessing the adequacy of these resources for the effective performance of this role.

(2) The report required by paragraph (1) shall identify the total number of current Department of Defense full-time employees or military personnel and the grades of such personnel and the special knowledge, experience, and expertise of such personnel, required to carry out each of the following activities of the Department in implementing export controls on nuclear, chemical, and biological weapons:

(A) Review of private-sector export license applications and government-to-government cooperative activities.

(B) Intelligence analysis and activities.

(C) Policy coordination.

(D) International liaison activity.

(E) Technology security operations.

(F) Technical review.

(3) The report shall include the Secretary's assessment of the adequacy of staffing in each of the categories specified in subparagraphs (A) through (F) of paragraph (2) and shall make recommendations concerning measures, including legislation if necessary, to eliminate any identified staffing deficiencies and to improve interagency coordination with respect to implementing export controls on nuclear, chemical, and biological weapons.

Mr. GLENN. Mr. President, I rise to offer this amendment to renew an unfulfilled congressional requirement for a report from the Secretary of Defense on the personnel resources in the Defense Department to implement missile technology export controls.

On April 16, 1987, over 2 years ago, the White House proudly announced the creation of a seven-nation MTCR, missile technology control regime, to regulate exports of sensitive missile technology and components. Questions immediately arose as to how well the Government is able to implement these missile controls, especially in the Defense Department.

On September 25, 1987, then Senator QUAYLE proposed an amendment to the fiscal 1988 defense authorization bill requiring the Secretary of Defense to submit a report to Congress by February 1, 1988, identifying and

assessing the adequacy of DOD's resources for implementing the MTCR controls, the missile technology control regime.

On May 13, 1988, after DOD failed to meet the February 1 deadline, then Senator QUAYLE proposed a sense-of-the-Senate amendment to the fiscal 1989 Defense authorization bill which noted DOD's failure to submit the report and extended the deadline to not later than July 30, 1988. That amendment was agreed to by unanimous consent.

On June 24, 1988, then Senator QUAYLE sent a "Dear Colleague" noting that DOD has "only two officials experienced in missile technology matters working full time on these issues—the same number as were working them a full year ago."

Mr. President, as of today, DOD still has not submitted its report, and I cannot understand why the Defense Department cannot seem to meet a simple, one-time reporting requirement on such a fundamental issue as DOD's resources for implementing export controls over nuclear-capable missile technology.

Since the Defense Department also has important contributions in the implementation of export controls over equipment and technology related to nuclear chemical and biological weapons, I have extended this reporting period to include DOD's resources for implementing export controls over such technology as well.

In short, Mr. President, my amendment merely requires the Secretary of Defense to submit his missile report finally 60 days after enactment of this provision, and to submit another report by February 1, 1990, assessing the adequacy of his resources for implementing export controls over nuclear chemical and biological weapons.

Mr. President, I believe this amendment has been discussed by both sides and accepted. I urge its adoption.

The PRESIDING OFFICER. Is there further discussion? If not, the question is on agreeing to the amendment.

The amendment (No. 525) was agreed to.

Mr. GLENN. I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO 526

(Purpose: To amend the Atomic Energy Act of 1954 to create a new mission for the Department of Energy's defense programs complex)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] (for himself, Mr. DOMENICI, and Mr. WALLON, proposes an amendment numbered 526.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is as follows:

On page 450 of the bill, after line 13, add the following:

SEC. . NATIONAL COMPETITIVENESS MISSION.

Section 91(a) of the Atomic Energy Act of 1954 (68 Stat. 936; 42 U.S.C 2121(a)) is amended—

(1) by striking out "and" at the end of clause (1);

(2) by striking out the period at the end of clause (2) and inserting in lieu thereof "and"; and

(3) by adding at the end the following new clause:

"(3) enhance the economic competitiveness of the United States, to the extent consistent with the national security missions of the Department of Energy, by ensuring that investment in research and development in the military application of atomic energy results, to the extent practicable, in the development of civilian applications for and commercialization of advanced technology (including, but not limited to, advanced technology relating to the safe and efficient handling and disposal of industrial wastes), through appropriate transfers of federally owned or federally originated technology to state or local governments, private industry, and universities or other nonprofit institutions.

Mr. BINGAMAN. Mr. President, I rise today to offer an amendment to the Atomic Energy Act, which would for the first time make technology transfer a mission of national laboratories working on the atomic energy defense activities of the Department of Energy.

I am a strong believer that America's economic future depends on America's technology future. And the truth is that our technology lead is slipping. Of the 22 critical defense technologies identified by the Secretary of Defense and Secretary of Energy in March, Japan leads the United States in 6 and is gaining in more, even though Japan spends next to nothing of its defense budget on technology research and development. Japan's strength is in dual-use technologies which their government and industry fund for civilian applications. The key to regaining our lead in such dual-use technologies may lie in our Federal laboratories like Sandia National Laboratory and Los Alamos National Laboratory in my own State of New Mexico.

These laboratories are on the cutting edge of several of these critical technologies: Microelectronic circuitry, gallium arsenide, compound semiconductors, parallel computing, new materials, and superconductivity, to

name a few. The question is: Will their work in these technologies ever be transformed into American products of American companies to be sold in foreign markets?

The amendment I offer today would take us one step closer to answering that question with a resounding "Yes." By making technology transfer a stated mission of the Assistant Secretary of Energy for Defense Programs, we transform the goals and objectives of our DOE defense research and development resources. When we once asked only about our development of nuclear weapons and materials, we will now also ask how well new technologies have been transferred to private industry. When we once asked only, "What new nuclear products have been produced?" We will now also ask, "What new commercial products have resulted from defense program research?" When we once asked only, "Have we budgeted enough for nuclear weapon development," we will now also ask, "Have we budgeted enough for cooperative research with private industry?" When we once evaluated our defense programs managers only on their efficient production of nuclear materials, we will now also evaluate them on their record of encouraging commercialization of new technologies.

Few would argue that technological advancement is a key component in the growth of the U.S. industrial economy. But a strong industrial base is also an essential element of U.S. national security. Studies sponsored by government industry and academia report convincing evidence of declining U.S. competitiveness in both domestic and international markets, despite America's lead in scientific innovation and basic research. Yet our national laboratories which are primarily devoted to atomic energy defense activities—the defense program laboratories of the Department of Energy—constitute a multidisciplinary capability in general science, energy science, and defense related technology development, with incomparable research and computer facilities with research and support staffs of demonstrated international expertise.

An opportunity exists to use those resources residing in the DOE defense programs laboratories to promote technology commercialization while, at the same time, enhancing their primary national security mission. Today we see as much technology flowing from the commercial sector to the defense sector as we see flowing in the opposite direction. The labs need to stay in touch with the private sector more than ever before in their history. We need to improve commercial sector utilization of Federal research and development resources to increase our appreciation of industry's technology requirements and to forge new link-

ages so that technology flows in two directions: From the labs to industry and from industry to the labs. This cross-fertilization will increase the laboratories' exposure to external technology which can actually accelerate innovation and increase efficiencies within the defense program laboratories themselves.

Certainly, the defense program laboratories have demonstrated successes in technology transfer into the private sector. I know personally of several outstanding examples in which the Los Alamos National Laboratory and Sandia National Laboratory in my own State of New Mexico have played leading roles. But officials at Los Alamos and Sandia would agree that the effectiveness of this effort can be significantly enhanced if commercialization of technologies developed in connection with the defense program laboratories' research and development activities, through technology transfer, is established as a significant element of the mission of the defense program laboratories.

Combined with the language of this amendment, implementing this mission through comprehensive statutory provisions regarding the policies and procedures of technology transfer, which my office, Senator DOMENICI, the Armed Services Committee, the Energy Committee, and representatives of the Department of Energy have been working on, would also have several salutary effects, industry would be made more aware of the defense program laboratory research and development capabilities and activities. The defense program laboratories would be made more aware of industry market requirements. Industry would become more involved with the activities of defense program laboratories at an early enough time in the research and development process to provide guidance on the development of commercially viable products. And all of this can be accomplished while nuclear weapons design, development, production, and maintenance still remain the primary mission of the Department of Energy nuclear weapons complex. In fact, this amendment, and further implementing legislation, would be only complementary to and supportive of the laboratories' national security mission.

Mr. President, I am very pleased that my colleague from New Mexico, Senator DOMENICI, who has worked long and hard on this set of issues, is cosponsoring this amendment this evening, and the ranking member of our Subcommittee on Defense, Industry, and Technology, Senator WALLOP, is also joining as a cosponsor of the amendment.

I urge my colleagues to support the amendment. I think it is good legislation. It is something which the Department of Energy supports, and I

believe it is something on which we should move forward on.

Mr. DOMENICI. Mr. President, I compliment my colleague, Senator BINGAMAN, for offering this amendment. I hope the managers on the floor will accept it. I understand that they are apt to do that. I just want to take a minute or two to explain why I think it is very important.

My colleague, Senator BINGAMAN, has indicated that our National Laboratories are on the cutting edge of some of the most sophisticated science and technology in the world. As a matter of fact, the three weapons laboratories: Lawrence Livermore, and the two in our State of New Mexico, Los Alamos and Sandia, clearly house some of the most significant scientific talent and research equipment in all of the world.

Even though President Reagan and President Bush have standing executive orders mandating that the Department of Energy, the prime manager of those facilities, utilize them to the maximum extent possible to help the private sector and the universities by enhancing technology transfer from the DOE's labs. There is always some inhibition to this within the bowels of a department or within some rules or regulation that makes this most difficult.

This amendment will not cure everything. Hopefully before we are finished with this bill, we will offer a comprehensive amendment to improve upon the technology transfer statutes of this country. We have three basic ones on the books of this land right now. But essentially we will no longer hear opposition from the Department of Energy, which I understand supports this amendment—am I not correct?

Mr. BINGAMAN. That is correct.

Mr. DOMENICI. We will not hear from them what we have heard many times in the past, that they are not sure technology transfer is the mission of these laboratories doing work under the auspices of the Atomic Energy Act. This will clearly indicate that their mission may be primarily in defense, but so long as it is not inconsistent, nor will it violate their principal mission, technology transfer will also become a mission there. We do not know how much America will benefit from this but many of us think over the long run it is incumbent upon our country to see that talent, to make those laboratories more friendly to the private sector and universities so that the combined talent within them will have a synergistic effect that will work to the advantage of American industry and American jobs and American competitors. I am pleased to be a cosponsor. I yield the floor.

Mr. DIXON. Mr. President, the Department of Energy laboratories and

potential collaborative parties to technology transfer arrangements will be further encouraged to enter such arrangements if technology transfer is established as a mission of the nuclear weapons complex. The Secretary of Energy and others support this amendment and the majority side supports it.

The PRESIDING OFFICER. Is there further discussion of this amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 526) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Chairman recognizes the Senator from Arizona.

Mr. McCAIN. Mr. President, I move to reconsider rollcall vote No. 150.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 465

(Purpose: To express the sense of Congress with respect to accidental launch protection)

Mr. HEFLIN. Mr. President, I call up an amendment No. 465, which is at the desk. This amendment has been cleared by both sides.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. HEFLIN], for himself and Mr. SHELBY, proposed an amendment numbered 465.

Mr. HEFLIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following sections:

SEC. . SENSE OF THE CONGRESS WITH RESPECT TO ACCIDENTAL LAUNCH PROTECTION.

The Strategic Defense Initiative (SDI) has made substantial progress in developing technologies to defend the United States from a possible ballistic missile attack, be it deliberate or accidental;

Technological advances in interceptors, sensors, and command, control and communications have been achieved and key elements of the SDI program have recently been combined to form the basic architecture for a possible Phase I defense system to defend the United States against ballistic missile attack;

The Soviet Union maintains the world's only operational ballistic missile defense system and has deployed such a system in the Moscow area;

There exists significant asymmetries in United States and Soviet anti-ballistic missile (ABM) production and capabilities and the ability of the United States to counter a Soviet deployment of a nationwide or more limited ABM system;

Ground-base elements and their associated adjuncts and technologies represent the most mature technologies within the SDI program and should therefore receive priority by the Strategic Defense Initiative Organization;

The United States is a signatory to the 1972 Anti-Ballistic Missile Treaty;

There have been several accidents involving ballistic missiles, including the loss of a submarine of the Soviet Union due to inadvertent missile ignition and the inadvertent landing in China of a test missile of the Soviet Union;

The continued proliferation of offensive ballistic missile forces by non-superpower countries hostile to the United States and our allies raises the possibility of future nuclear threats;

It is the sense of Congress—

(1) that the Secretary of Defense should direct the Strategic Defense Initiative Organization to give priority to the development of technologies and systems for a system capable of protecting the United States from the accidental launch of a strategic ballistic missile against the continental United States;

(2) that such development of an accidental launch protection system should be carried out with an objective of ensuring that such system is in compliance with the 1972 Anti-Ballistic Missile Treaty; and

(3) that the Secretary of Defense should submit to Congress forthwith the report on the status of planning for development of a deployment option for such an accidental launch protection system as required by section 224(c) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1943).

Mr. HEFLIN. Mr. President, I take this opportunity to thank my distinguished colleagues who serve on the Armed Services Committee for allowing my amendment to come up at this time. This amendment has been cleared on both sides and I am grateful to the managers of the bill for their support and assistance in this matter of an accidental launch protection system which I believe is very important.

Mr. President, this amendment simply restates and reinforces current law. Section 224 of last year's defense authorization bill stated that the threat of an accidental launch of a ballistic nuclear missile is a real and growing one, and that the SDI Program should give priority to the near-term systems which could possibly be used to protect the United States from an accidental launch or an attack launched by a terrorist nation or organization.

Last year's Defense authorization bill will sunset at the end of this fiscal year. In that case, I believe it is important that we include a provision in this year's defense authorization bill which would restate our position with respect to an accidental launch protection system.

The concept of an accidental launch protection system or ALPS, as it has been called, was proposed a little more than 1 year ago by the chairman of the Senate Armed Services Committee, Senator NUNN. In my judgment, this idea came like a breath of fresh air. I have long been concerned with respect to the ever-growing proliferation of ballistic missiles by nonsuperpower countries, and the ever-growing threat of an accidental launch of a nuclear missile or the launch by some terrorist government. I have also been concerned for many years that the United States is defenseless against a ballistic missile attack and have, since its inception, encouraged the SDIO to place a greater emphasis on near-term mature technologies.

Let me just take a moment to explain to the Senate exactly what this amendment does. The amendment simply states that the strategic defense initiative has made substantial progress in developing technologies to defend the United States from possible ballistic missile attack, whether that attack be deliberate or accidental. The amendment goes on to express that technological advances in interceptors, sensors, and command, control and communications have been achieved, and that key elements of the SDI Program have recently been combined to form the basic architecture for a possible phase I defense system to defend the United States against a ballistic missile attack. It says that the Soviet Union maintains the world's only operational ballistic missile defense system and has deployed such a system in the Moscow area. It also says that there exists significant asymmetries in United States and Soviet antiballistic missile [ABM] production and capabilities, and the ability of the United States to counter a Soviet deployment of a nationwide or more limited ABM system.

The amendment further states, and I believe this to be one of the most important lines in the amendment, that ground-based elements and their associated adjuncts and technologies represent the most mature technologies within the SDI Program and should therefore receive priority by the Strategic Defense Initiative Organization.

The amendment declares that there have been several accidents involving ballistic missiles, including the loss of a submarine of the Soviet Union due to inadvertent missile ignition, and the inadvertent landing in China of a test missile of the Soviet Union. Then, Mr. President, the amendment indicates that continued proliferation of offensive ballistic forces by nonsuperpower countries hostile to the United States and our allies raise the possibility of further nuclear threats.

Then Mr. President, the amendment simply restates what is currently in

law by saying that it is the sense of the Congress that the Secretary of Defense should direct the Strategic Defense Initiative Organization to give priority to the development of technologies and systems for a system capable of protecting the United States from the accidental launch of a strategic ballistic missile against the United States. The amendment further says that it is the sense of the Congress that such development of an accidental launch protection system should be carried out with an objective of ensuring that such system is in compliance with the 1972 Anti-Ballistic Missile Treaty. Then, Mr. President, the amendment goes on to state that it is the sense of the Congress that the Secretary of Defense should submit to Congress forthwith the report on the status of planning for development of a development option for such an accidental launch protection system as required by section 224(c) of last year's defense authorization bill.

Mr. President, I believe this amendment is very important with regard to ballistic missile defense. We are saying to the Defense Department that we recognize the asymmetries in United States and Soviet ballistic missile production; and we recognize that the United States and the Soviet Union are not the only countries in the world which have ballistic missile technology and that accidents do happen. In this regard, Mr. President, we are simply saying that the Secretary of Defense should give priority to the development of technologies that can protect the country against an accidental launch. The only way to accomplish this is to put priority on the most mature technologies which we currently have. This would be the ground-based elements of the SDI system.

Make no mistake about it, Mr. President; I am not opposed to the more far-term elements of SDI. As a matter of fact, I am a very strong supporter of laser systems. I believe that laser systems have a tremendous amount of potential with regard to defensive systems. Lasers also have a tremendous amount of potential in many civilian and commercial areas as well. I hope that the strategic defense initiative will also put a high priority on these systems. I am also not opposed to the other elements of the SDI Program. It is simply my judgment that SDIO should put a higher priority on the ground-based elements of a strategic defense system than they are currently doing.

I believe that one of the lightning rods in the Strategic Defense Initiative Program has been the space-based interceptor. Senators can go back and look at all of the debates on funding of the SDI Program since its inception and you will find that the most criticized element of the SDI program is the space-based interceptor. I am not

necessarily opposed to the space-based interceptor. I simply feel that it should receive less priority than the ground-based elements which are very much more mature and are our only hope of achieving defense systems which are capable of protecting this country in any reasonable time frame.

Regrettably, Congress has seen fit to make deep cuts in the President's SDI budget request every year since its inception. This year looks particularly bleak since the request of \$4.6 billion was cut to begin with. The Defense Department cut the original request by \$1 billion before it ever came to the Congress as part of President Bush's budget. Mr. President, while I would have preferred that the Armed Services Committee provide a level of funding closer to that requested by the administration, the level of funding agreed to by the committee is, in my judgment, the minimum acceptable funding level for the SDI Program if we are to continue the intensive research already begun in many defense technologies. As all of my colleagues know, the House of Representatives has severely cut the SDI Program, making it highly unlikely that the program will come out with much more funding, if any at all, than it got last year.

Funding cuts such as these give me great concern with regard to individual elements of the SDI Program. In particular, I am concerned that some of the ground-based elements of the SDI Program, which provide us with high confidence and survivable hedge options for our future security, will be endangered by severe budget reductions. These elements can be based securely on our own soil should the need arise, and can preferentially defend high valued targets to preserve deterrence. In my judgment, SDIO should place a greater emphasis on research on near-term ground-based defense systems. These are the most mature and should be given the highest priority by the Strategic Defense Initiative Organization. This amendment is simply stating the sense of the Congress that the strategic defense initiative should place a higher priority on the ground-based elements.

Some of the ground-based elements that I am concerned about are the ERIS and HEDI, two important near-term systems.

This amendment says that the threat of accidental launch is a real one and that SDI technology should be directed toward protecting our Nation against this threat. This will lay the groundwork for a larger scale SDI system in the future.

It is my hope that the SDI Organization will take this matter seriously. Last year's defense authorization bill, which was enacted into law, required that a report be submitted to Congress in order to advise Congress on the

status of planning for the development of a deployment option for such an accidental launch protection system. To date, this report has not been submitted to Congress. This amendment would simply state that the Secretary of Defense should submit forthwith the report as he is required to do by the law.

Mr. President, again, I thank the managers of this bill for allowing me to bring this amendment up and for stressing the need for a higher priority within the SDIO to be placed upon the ground-based technologies which are the most mature and the most realistic for providing for the protection of this country against a possible launch of ballistic missiles, whether it be deliberate or accidental.

I believe the Senator from Illinois is agreeable to this sense-of-the-Congress amendment.

Mr. DIXON. Mr. President, the majority side supports this amendment. I thank the Senator from Alabama for an amendment that is important to our national security interests.

Mr. SHELBY. Mr. President, I am pleased to join my colleague, the senior Senator from Alabama, in offering this amendment. This a sense-of-the-Congress amendment that requires the Secretary of Defense to direct the Strategic Defense Initiative Organization to give priority to the development of technologies and systems for a system capable of protecting the United States from accidental launch of a strategic ballistic missile against the continental United States. The amendment also requires that the development of such a system would be carried out within the framework of the ABM Treaty.

Mr. President, I have been a supporter of the strategic defense initiative since its inception. I have fought long and hard for high funding levels for this program. I have spoken repeatedly on this floor on behalf of the entire SDI Program.

However, I believe that emphasis should be given by the SDIO to programs within the SDI framework that are the most mature. I am speaking of systems such as the exoatmospheric reentry interceptor [ERIS], the high endoatmospheric defense interceptor [HEDI], ground-based radars and a ground-based tracking system. These are the systems that would be necessary for any strategic defense, as well as to combat an accidental launch of a ballistic missile.

My greatest fear regarding the possibility of a nuclear disaster is not, at this time, in terms of an all out nuclear war. Instead, I fear that a nuclear disaster may come from an accidental or unauthorized launch of a nuclear weapon. This fear has become greater because of the increasing proliferation of ballistic weapons throughout the

world. Weapons that could be used by a terrorist group or a deranged national leader.

Mr. President, the United States has no protection from any sort of ballistic missile attack. Our only deterrent is the threat of massive retaliation. Therefore, I believe that now is the time for Congress and the Department of Defense to give priority to the programs that would provide or a strategic defense system capable of protecting the United States from an accidental launch.

This amendment, expressing the sense of Congress with respect to accidental launch protection, is a step in that direction. I urge my colleagues to support this measure and ask for its adoption.

The PRESIDING OFFICER. Is there further discussion? If not, the question is on agreeing to the amendment.

The amendment (No. 465) was agreed to.

Mr. HEFLIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 530

(Purpose: To fight waste, fraud and abuse by providing for the employment of 400 additional auditors at the Defense Contract Audit Agency)

The PRESIDING OFFICER. For what purpose does the Senator from Ohio seek recognition?

Mr. METZENBAUM. To submit an amendment.

Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 530.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of Title 3, add the following new section:

"SEC. . DEFENSE CONTRACT AUDITORS.

"The Secretary of Defense, not later than September 30, 1990, shall increase the number of full-time personnel employed by the Defense Contract Audit Agency to 7,457, of which not less than 6,488 shall be auditors."

Mr. METZENBAUM. Mr. President, who checks to see if the billions of dollars we are authorizing in this bill are being well spent?

Who makes sure that defense contractors do not gouge the taxpayers

with outrageously inflated overhead costs?

Who checks to make sure contracts are written to give the taxpayers their full money's worth in the area of military procurement?

In short, the question is, who within the Pentagon bureaucracy is checking for waste, fraud, and abuse in defense contracting?

The Defense Contract Audit Agency—the DCAA.

Under the policy guidance of the Defense inspector general, approximately 6,000 DCAA auditors perform all contract audit and financial advisory services for the Department of Defense in connection with the administration of procurement and contracts.

Mr. President, according to the Defense inspector general, the DCAA is understaffed.

Judging from what I read in the paper every day about fraud and abuse in defense contracting, I would concur with the IG.

This amendment increases the number of auditors in the Defense Contract Audit Agency by 400 auditors. Those auditors will cost about \$10 million in the first year.

Based on historical experience those additional auditors will save the taxpayers \$300 million.

According to DCAA Director William Reed, the Agency recovered \$9.5 billion in contractor overcharges from defective pricing and inflated costs in fiscal 1988—a ratio of \$34 for each \$1 of the Agency's budget.

That is the beauty of this amendment. Waste and abuse is so pervasive in defense contracting that every additional dollar we spend on auditors is guaranteed to recover \$30.

It is like shooting fish in a barrel.

During the last 3 years, DCAA auditors have alerted investigators to almost 800 potential cases of fraud in defense contracting.

Mr. President, if there was ever a need for additional scrutiny of Pentagon contracting it is now.

The entire defense acquisition process has been severely shaken by allegations of major fraud in the weapons procurement process.

One need only look at some of the headlines:

"B-1 Bomber Funds Also Paid for Yacht, Ski Lodge, Drinks," from the February 13, 1988, Philadelphia Inquirer.

"22 Counts (Against Northrop) added in Federal Defense Fraud Case," from the June 28, 1989 AP wire.

"Singer charged with Defense Fraud," from the March 14, 1989 AP wire.

"Teledyne and Hazeltine Suspended Over Contract Fraud Case," from the January 12, 1989 AP wire.

"Thousands of U.S. Missiles (AMRAAM, HARM, Harpoon, Maverick, etc.) Contain Untested Switches

and May Be Duds," from the July 21, 1989 Philadelphia Inquirer.

The list goes on and on.

The day after this body voted to spend over \$3 billion on the Stealth bomber last week, the Washington Post reported:

"U.S. Probes Possible B-2 Fraud."

The article went on to describe four other Northrop Corp. programs under investigation: The air-launched cruise missile, the MX missile, the Tacit Rainbow Antiradar missile, and other radar-jamming gear.

These are not isolated incidents of a few contractors billing unallowable costs to the Government. These cases are discovered in audit after audit. It is chronic. It is pervasive. It is a national disgrace.

Most of these examples of waste, fraud, and abuse were uncovered by the DCAA.

DCAA's job is to audit all contracts before they are awarded, after they are awarded, and before they are closed out.

But the greatest potential for finding waste and for deterring abusive contractor practices is the so-called defective pricing audit—a selective audit that takes place after a contract is awarded.

The DOD inspector general has identified the defective pricing audit as the most effective means of recovering overpayments on contracts and of deterring fraudulent actions.

Under the Truth-in-Negotiations Act, the Department of Defense must recover Government payments awarded to a contracting company if a defective pricing audit shows that the contracting company failed to provide accurate and current financial data at the time of price negotiation.

Last year, the Department of Defense deputy inspector general reported to the House Government Operations Committee:

During the 2-year period ending June 30, 1988, the DCAA completed 2,630 defective pricing reviews. The DCAA reported defective pricing on nearly one out of every two contracts reviewed [1,212], with total recommendations for recoveries exceeding \$1.1 billion.

I repeat—one out of every two contracts reviewed had defective pricing. The defense contractors were ripping off the Government on every second contract.

The DCAA is catching them. Yet the ripoffs continue.

Why?

Because the DCAA has only enough staff to review 3 percent of the contracts subject to defective pricing review under the Truth-in-Negotiations Act.

Three percent. We spend \$300 billion a year on defense. Yet we can't afford to audit more than 3 percent of

the procurement contracts for defective pricing.

It is ludicrous.

That is not all. Because of staff limitations, DCAA simply stopped doing defective pricing audits for contracts under \$10 million. In its Western Regional Office, DCAA was so short staffed that it could not even handle all the contracts over \$10 million.

In testimony before the House Government Operations Committee last year, the Defense Deputy Inspector General said:

The DCAA is still not, in our opinion, providing adequate defective pricing audit coverage . . . the major impediment to the DCAA's ability to provide adequate audit coverage of defective pricing, as well as other important areas, such as estimating systems and incurred costs, is insufficient resources.

I believe that an organization, such as the DCAA, which returns to the taxpayers \$19 [sic: should be \$30] in savings for each dollar invested in defective pricing audits deserves to be provided with additional resources. I think you will agree that this represents a phenomenal return on each tax dollar.

I will say it is phenomenal. Where else are we guaranteed a 1,900-percent return on investment?

Here is another problem that the auditors at DCAA are facing. Before a defense contract can be closed out, after all the goods are delivered, but before the contractor receives 0 his final payment, DCAA must perform an incurred cost audit—to ensure that all costs billed to the Government were reasonable and accurate.

By 1988, because of the Reagan defense bonanza, DCAA was facing a \$163 billion incurred cost audit backlog. Some contracts that should have been closed out 9 years ago are still open pending the audit.

This \$163 billion backlog contains billions of dollars in untapped taxpayer savings. According to the DOD inspector general, every DCAA dollar invested in incurred cost audits results in a \$20 taxpayer saving.

Last year, the congressional Defense authorization conferees directed DCAA to hire 600 additional auditors to deal with the backlog.

What happened? Even though most of the auditors have been hired, the backlog continued to increase to \$170 billion.

Why? Because the auditors are so overburdened with so-called demand work—audits that must be performed before contracts are even let—that they cannot cope with the incurred cost audit backlog—or even begin to do all the defective pricing audits that they should be doing.

Mr. President, there is nothing magic about fighting waste, fraud, and abuse in defense procurement. It is

simply a matter of committing the resources to oversee the contractors.

Hiring auditors does not sound like a sexy thing to do, but it works. We have the demonstrated proof.

This amendment directs the Secretary of Defense to hire an additional 400 auditors for the Defense Contract Audit Agency by the end of the 1990 fiscal year.

The inspector general supports the amendment. Clearly they can use the people.

These auditors should be put to work performing defective pricing audits and incurred cost audits.

I urge my colleagues to support the amendment. If we are serious about getting to the source of waste, fraud, and abuse in defense contracting, this is the way to do it.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, we thank the Senator from Ohio for his eloquent explanation. It is a very fine amendment, and we accept on the majority side the amendment he has offered.

Mr. McCAIN. Mr. President, on the minority side we also accept the amendment.

I would like to commend and certainly applaud the goals of an additional 400 auditors in addition to the, I understand, 6,000 that are already there. There are some of us who are not convinced that the continuing adding of auditors is going to seriously address some fundamental problems that exist there. However, if the 400 more auditors will increase the efficiency, we certainly would not oppose it. I hope my friend from Ohio will join us in some other efforts to get more accountability without the hiring of additional auditors since 6,400 I think now should probably be sufficient to do the job.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Ohio.

The amendment (No. 530) was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. METZENBAUM. Mr. President, I appreciate the cooperation of the managers.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Thank you, Mr. President.

AMENDMENT NO. 509

Mr. BIDEN. Mr. President, I call up amendment No. 509, which is at the

desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 509.

Mr. BIDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 394, below line 23, insert the following:

SEC. 2830. REPORT REGARDING FORT MEADE RECREATION AREA.

Not later than 30 days after the enactment of this Act, the Secretary of the Army shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility of conveying to the State of Delaware a parcel of property known as Fort Meade Recreation Area, formerly Fort Miles, Delaware, containing approximately 95.9 acres.

Mr. BIDEN. Mr. President, let me very briefly state for the RECORD what this amendment is about. The amendment is the result of years of frustration endured by the residents of the State of Delaware regarding the Fort Meade Recreation Area, which lies on prime beach property in the middle of Cape Henlopen State Park in southern Delaware. Most ecologists acknowledge that it is one of the finest examples of dunes on the east coast that is still in pristine condition.

This area, consisting of less than 100 acres—including 1,700 feet of beachfront—is used solely by military personnel and civilian employees of Fort George Meade, located roughly 100 miles away in the State of Maryland.

The people of Delaware are frustrated because they are denied access to a parcel of land that is among the most beautiful in that part of the State. They are denied access to this land because it is the private domain of the Army, which uses it as a recreation area, complete with cottages and trailers for overnight stays. The Army has no military use for the area; it simply uses it for sunbathing and fishing. In fact, the Fort Meade Recreation Area is only open during the summer months.

I have no objections to members of the military spending their free time at Delaware's beaches; in fact, they are always welcome. But I see no reason why prime beach property should be set aside especially for them. The very notion is ludicrous.

If my colleagues will indulge me for a few moments, I would like to briefly discuss the history of how we come to find a military vacation haven in the midst of a Delaware State park.

In 1941, the Department of War, requiring land for coastal defense, appropriated 1,010 acres of Cape Henlopen, DE, and placed it under the juris-

diction of the Department of the Army. The post, known then as Fort Miles, was active during World War II in antisubmarine warfare, capping off its service with the surrender of a U-boat at the end of the war.

In the decades following the war, most of the land was returned to the State of Delaware, with the exception of 190 acres. In 1972, the Army informed then-Senator J. Caleb Boggs of Delaware that it intended to declare the remaining property as excess and return it to the State. Unfortunately, this was just the first of many promises, most of them unfulfilled, which have been made by the Army during the last two decades.

Four years later, still holding the entire 190 acres, the Army informed me that it would declare as excess only 172 acres, and would retain title to the remaining 18 acres for recreational use. In 1977, another revision: rather than return 172 acres to Delaware, the Army decided that only 130 to 140 acres would do. This shell game proceeded for another 2 years until August 1978, when 94.24 acres of Army property was declared as excess and returned to the State of Delaware.

While of course the residents of Delaware and I were pleased that the Army returned roughly half the property, it remained, in my view, a hollow victory. The Army retained 95.9 acres, land which remains inaccessible by visitors to the State park which surrounds the Army post.

Over a decade later, this property is still owned by the Army, and is still used solely as a recreation area for military personnel. To be perfectly blunt, it is a vacation spot for the military personnel and civilian employees of Fort Meade.

Mr. President, Delawareans support our Nation's Armed Forces. They are well aware of the sacrifices made by our men and women in uniform and do not begrudge them reasonable fringe benefits. But they are distinctly unhappy about the continued presence of the Army at Cape Henlopen. And quite frankly, so am I.

The presence of the military represents an intrusion into the State park that surrounds the recreation area, and creates undue administrative and security burdens. The military personnel come and go as they please, with little interference from park officials. State officials have long expressed their concern to me about their diminished ability to monitor the vehicular traffic entering this delicate environment.

In addition, it is clear that the national defense needs which led to the confiscation of this land have elapsed. The post is not used for military training, nor is it involved in coastal defense.

Indeed, the retention of this land by the Army years after the defense re-

quirements have lapsed is simply unfair to the residents of Delaware. Nearly 50 years ago, Delawareans recognized the War Department's requirement for this land, and gladly turned it over to the Federal Government. But in doing so, it was never their intention that the deal would be indefinite. And it was certainly never their understanding that the land would ultimately serve as an exclusive playground for military personnel and their families.

The precedent for public use of Cape Henlopen was established in 1682 when the proprietor of Pennsylvania and Delaware, William Penn, granted the area to a local official to be held in trust for the common usage of the people of southern Delaware. The grant was reaffirmed in 1787 upon the ratification of the Constitution when the area was inherited by the State. Except for parcels ceded to the Federal Government for specified purposes, the State and the town of Lewes have protected and defended the integrity of the land grant for the common use of the citizens of the State.

Since coming to this body in 1973, I have continually urged the Defense Department to return the land it held at Cape Henlopen to the State of Delaware, consistent with the 300-year-old charter. With the exception of the remaining 95 acres of the Fort Meade Recreation Area, I have been successful. In 1976, at my urging, the Army Reserve ceased its training operations on Cape Henlopen, operations which were seriously destructive to the fragile environment of the site. In the early 1980's, the Department of the Navy agreed to my request to return 334 acres of land at Cape Henlopen to the State of Delaware.

Earlier this year, I decided to make another attempt at convincing the Defense Department to return the 95 acres at the old Fort Miles site. In April, I wrote the new Secretary of Defense and urged him to revisit this issue. In the 3 months since I wrote Secretary Cheney, I have received two perfunctory replies from the Department of the Army, neither of which indicated that the Army intends to make a decision on this matter any time soon.

My amendment would simply expedite this process by requiring the Secretary of the Army to report, within 30 days of enactment of this legislation, to both the House and Senate Armed Services Committees on the feasibility of conveying the Fort Meade Recreation Area to the State of Delaware.

Let me make clear that I am not placing any undue burdens upon the Army with this amendment. The Army is currently reviewing this question, as it has been—more or less—for most of the last two decades. I merely seek to prevent the Army from con-

tinuing to avoid making a final decision on this matter.

I regret that I was forced to use the legislative process to get the Army's attention on this issue, and I am hopeful that it can be resolved in the near future without additional legislation. But I felt compelled to send a strong signal to the Army that the patience of Delawareans is wearing thin. After years of broken promises, it is time to return this land to its rightful owners—the people of Delaware.

Mr. President, I believe this amendment has been accepted by both sides. I thank the chairman and ranking member of the Armed Services Committee for their cooperation, and I look forward to working with them on this issue in the future.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from Illinois [Mr. Dixon].

Mr. DIXON. We thank the distinguished Senator from Delaware for his eloquent explanation of his amendment. It has been carefully reviewed on this side. The majority is delighted to accept his amendment.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona [Mr. McCain].

Mr. McCAIN. The minority is also very pleased to accept the amendment, and we hope that the 17-year odyssey of the Senator from Delaware arrives at a conclusion within the next 10, 15 years.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. They told me when I got here at age 29 that things sometimes took a while in the Senate. Since this is 17 years in coming, I hope we are able to succeed, as the Senator suggested.

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to the amendment of the Senator from Delaware.

The amendment (No. 509) was agreed to.

Mr. BIDEN. I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico [Mr. DOMENICI].

AMENDMENT NO. 531

(Purpose: To require that research on laser weapon verification be carried out by laboratories that meet certain criteria)

Mr. DOMENICI. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration. I am joined in this amendment by my colleague, Senator BINGAMAN.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself and Mr. BINGAMAN, proposes an amendment numbered 531.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 42, between lines 19 and 20, insert the following new section:

SEC. 230A. LASER WEAPON VERIFICATION RESEARCH.

In awarding contracts for research, development, test, and evaluation in connection with laser weapon verification technology, the Secretary of a military department or the head of a Defense Agency, as the case may be, shall ensure that such contracts are awarded to contractors that have experience in one or more of the following areas:

- (1) Development of technologies for cooperative verification of laser weapons.
- (2) Expertise in matters related to the propagation of high energy laser beams through the atmosphere.
- (3) Ability to verify the testing or deployment of high energy laser beams against satellites in space.

Mr. DOMENICI. Mr. President, I understand that the managers of the bill are prepared to accept this amendment. Essentially, it broadens the scope of part of the bill that is before us. It has to do with laser weapon verification technology and proposals to our national laboratories to get involved in research on laser weapon verification.

It includes a few additional qualifications and ideas with reference to how the proposals should be offered to the various laboratories in the United States. I believe it clarifies our intent, and I believe that this is very important work for the United States. I hope that as a result of this amendment, the broadest participation possible will be achieved in trying to place this research on laser weapon verification in the hands of the most expert institutions in the country.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois, Senator DIXON.

Mr. DIXON. Mr. President, I congratulate the distinguished senior Senator from New Mexico for his amendment, and his eloquent explanation of it. I am delighted to advise him that the majority side is willing to accept the amendment.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona [Mr. McCAIN].

Mr. McCAIN. Mr. President, the minority side is very pleased to support this very important amendment. It is a very important issue and one which the senior Senator from New Mexico

has been heavily involved in, and we are glad to support the amendment.

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (No. 531) was agreed to.

Mr. DOMENICI. I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. I thank the managers of the bill for their generous acceptance of this amendment.

I yield the floor.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois, Senator DIXON.

Mr. DIXON. Mr. President, for the information of my colleagues, wherever they may be, so far as advising them about what is transpiring, we have now accepted six amendments since the last rollcall. I have saved my own amendment for last to accommodate my colleagues and will shortly offer an amendment agreed to by both sides and sponsored by this Senator. There are two other amendments we will accept by the distinguished minority leader, who is absent, being now at the White House on important matters there.

For the information of my colleagues, we will accept an amendment of mine now, if my colleague on the other side is so kind and accommodating. We will then hear from the distinguished Senator from Arizona [Mr. McCAIN] for some time on the burden sharing question. Thereafter, we will go to an amendment by Senator LEVIN on the B-2. That will probably take place in the next 30 minutes or so. There will be a rollcall, I believe, on that amendment, or at least, it is expected that there will be, on the Levin amendment. I suspect that will not come for at least an hour or so. There is a possibility that that could be the last rollcall of the night, although I do not promise that. There will also be, as I indicated later, two Dole amendments accepted in the order of things. So that is just kind of a general picture of what will transpire for the remainder of this evening.

AMENDMENT NO. 532

(Purpose: To specify procedures for Department of Defense acquisitions of products offered by Federal Prison Industries)

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. McCAIN. I ask my colleague to yield for one moment.

Mr. DIXON. I am delighted to, if the clerk would withhold.

Mr. McCAIN. Mr. President, I do not know how long Senator LEVIN intends to propound his amendment or how much debate there would be on it, but I do not intend to hold up the presentation of the Levin amendment and the debate on it, so that we could have that vote and get done as quickly as possible. I say to my colleagues that I will be as brief as necessary on the burden-sharing amendment, particularly since we will be discussing the burden-sharing issue at length on tomorrow.

Mr. DIXON. I thank my distinguished colleague.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DIXON], for himself, Mr. HELMS, Mr. GORE, Mr. KOHL, and Mr. BOREN, proposes an amendment numbered 532.

Mr. DIXON. Mr. President, I ask that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 247, below line 24, insert the following:

SEC. 836. PARTICIPATION OF FEDERAL PRISON INDUSTRIES IN DEFENSE PROCUREMENT.

(a) **PROCUREMENT PROCEDURES.**—The Secretary of Defense and the Secretary of a military department may obtain products from Federal Prison Industries only in accordance with the provisions of chapter 137 of title 10, United States Code, except as provided in subsections (b), (c), and (d) of this section.

(b) **INAPPLICABILITY OF OTHER LAW.**—The provision of section 2304(c)(5) of title 10, United States Code, shall not apply to the procurement of products from Federal Prison Industries.

(c) **OFFERS SUBMITTED BY FEDERAL PRISON INDUSTRIES.**—An offer submitted to the Department of Defense by Federal Prison Industries shall be treated in the same manner as an offer submitted by an offeror that is not a small business concern.

(d) **CURRENT MARKET PRICE REQUIRED.**—The Secretary of Defense and the Secretary of a military department shall not obtain any product from Federal Prison Industries for a price that exceeds the current market price of such product.

(e) **DEFINITIONS.**—As used in this section:

(1) The term "current market price" means, with respect to any product, the fair market price of that product, within the meaning of section 15(a) of the Small Business Act (15 U.S.C. 644(a)), at the time that the contract is awarded.

(2) The term "small business concern" means a business concern that meets the applicable size standards prescribed pursuant to section 3(a) of the Small Business Act (15 U.S.C. 632(a)), and includes a small business concern owned and controlled by socially and economically disadvantaged individuals, as defined in section 8(d)(3)(C) of such Act (15 U.S.C. 637(d)(3)(C)).

Mr. DIXON. Mr. President, together with my colleagues Senators HELMS, GORE, KOHL, and BOREN, I rise today to offer an amendment to the Depart-

ment of Defense Authorization Act, S. 1352, regarding Defense Department purchases of products offered by Federal Prison Industries, Inc. [FPI or UNICOR].

This amendment reconciles current Federal procurement practices, designed to assist small and small disadvantaged business concerns, with a 1934 policy that granted FPI a procurement preference superior to all small businesses or other businesses offering products to the Federal Government. This amendment curtails the preference that FPI currently enjoys over small and small disadvantaged business concerns, and also makes certain that FPI only sell its products to the Defense Department at a "fair market price," the standard demanded of all who furnish supplies or services to the Government.

Under current practice, FPI is authorized to short circuit the Government's regular procurement practices. When FPI chooses to produce a product, all Federal agencies are required to acquire that product from FPI to the extent of FPI's production, period.

FPI is required by law to operate so that "no single private industry shall be forced to bear an undue burden of competition from the products of prison workshops." Further, FPI must "avoid capturing more than a reasonable share of the market among Federal departments, agencies, and institutions for any specific product." Many small firms complain that this is not the case today.

From 1934 to 1985, FPI participated in a modest amount of business with Federal agencies. They used their authority for the congressional purpose intended: to provide rehabilitative training opportunities for inmates, so they would be better prepared to reenter society with a skill that could lead to gainful employment. This Senator has no quarrel with this purpose and modest manufacturing activities supporting such a proper correctional purpose.

This correctional purpose seems to have become lost by 1985. FPI began to pursue the Federal procurement market with a zeal that would be admired in a small business concern. However, it could only be described as dangerous predatory behavior in a Government-owned corporation that possessed a lock on any market it chose to pursue and direct access to a captive workplace that is compensated below prevailing wages. Small business concerns and disadvantaged small business concerns have become increasingly alarmed as FPI focused its marketing lock on the Department of Defense, which accounts for 70 percent of the Government's procurement activity.

Mr. President, FPI's advantage does not stop with its ability to specify its own market share, essentially without

check. An agency must pay FPI's price, provided that the price represents "current market price." Unfortunately, this pricing standard is not defined. Worse yet, disputes relating to price, as well as the suitability of FPI's product to meet agency requirements, must be submitted for arbitration by a board consisting of the Comptroller General, the Administrator of General Services, and the President, presumably represented by the Attorney General who exercises responsibility for FPI.

This dispute resolution mechanism is hardly conducive to even the most courageous challenges on the part of Government contracting officers. Even if they are convinced as to the unacceptability of FPI's product or the reasonableness of its price, the process all but forecloses any effective check on FPI.

During the last Congress, FPI's competitive advantage became even more overwhelming when it was accorded authority to borrow from the Treasury by a provision of the Omnibus Antisubstance Abuse Act of 1988, Public Law 100-690. This expanded access to capital will enable FPI to broaden its current product line and expand into new areas, without the financing hurdle that all private firms, large as well as small, must successfully confront.

Mr. President, these market advantages make FPI such an unfair competitor that we can no longer expect small businesses and disadvantaged small businesses to successfully challenge FPI in the Federal procurement arena. My amendment would simply level the playing field. Having transformed itself into a large and aggressive corporation, with the mandate of its Government-owned status, FPI can no longer expect to be accorded a preference superior to that of small business concerns and disadvantaged small business concerns. Under my amendment, FPI will now be required to compete for Defense Department contract requirements. It will no longer be able to dictate the prices for its products. This makes good business sense, for the procuring agencies and for the taxpayers who foot the bill. If FPI wants to become the Federal Government's "vendor of choice," it will have to will the status by performance and price, like any other contractor. It should be noted that FPI's advantages regarding access to low-cost capital and artificially low labor costs are not disturbed.

My amendment is supported by: The National Federation of Independent Business; the Coalition for Government Procurement; the Business and Institutional Furniture Manufacturers Association; the Printing Industries of America; the Screen Printing Association, International; the National Center for American Indian Enter-

prise Development; the Association for Information and Image Management; the National Office Products Association; and the American Furniture Manufacturers' Association.

Without my proposed changes governing the sales by FPI, their aggressive use of FPI's array of advantages will continue to push small firms out of the Government marketplace, or worse, out of business altogether. I understand that many small firms and firms owned by disadvantaged men and women, including native Americans, have suffered major losses of Government business in a number of industries. The industries hardest hit include the following: leathers, textiles, metals, woods, electronics, plastics, optics, and graphics.

Mr. President, as I noted earlier, FPI is required to diversity so that it does not place an undue burden on individual industries. Nevertheless, over the past 5 years, small and small disadvantaged suppliers to the Federal Government have encountered unprecedented competition from FPI in certain markets.

FPI's estimated sales for 1988 are \$320 million. It forecasts a 93-percent increase by 1992, jumping to sales of \$620 million. With its current sales, FPI would be in the top 100 Federal contractors, edging out Chrysler Corp. At \$620 million, FPI would rank 33 out of the top 100. FPI is a big business and it should be treated as such in Defense Department procurements.

Another concern I have is that FPI plans its tremendous expansion in anticipation of a 15-percent increase in prisoner population, not because of any increased Federal Government demand for its products. FPI's management is more bent on market expansion, than prisoner rehabilitation, as its principal objective.

Let me give my colleagues some specific examples of the undue burden FPI's aggressive competition already has had on numerous small business companies in Illinois as well as in other States.

Take the product market for wire and cable harness systems. In 1982, a group of seven small, minority and women owned businesses in the Midwest sold a combined total of \$7.2 million worth of cable and wire harness assemblies to various military customers. The companies report that FPI entered the market in 1985, selling a modest \$185,000 to these military customers. By 1987, however, these small companies' combined total sales dropped 66 percent to \$2.4 million. At the same time FPI's sales of these same products expanded to \$11 million—82 percent of the total sales to these military customers.

One of the seven Midwest companies sought help from a Defense Logistics Agency [DLA] activity in Wisconsin.

The regional office appealed to DLA headquarters complaining that FPI's efforts were in conflict with Federal procurement policies regarding lowest overall price, and that small business concerns received a fair proportion of Federal procurements in each industry category. The Defense Department has claimed, however, that its hands are tied. Obviously, the Defense Department cannot change FPI's preferences alone. The seven small companies in Illinois, Michigan, and Wisconsin became desperate enough to sue FPI for violation of the statutory limitation not to place an undue burden of competition on an industry by capturing more than a reasonable share of the Federal market for a specific product. Amazingly, the lawsuit was dismissed because the court found that the statute chartering FPI gives private parties no right to action against FPI. If private parties can not enforce the limitations on FPI, allegedly included to protect small businesses against this giant Government manufacturer, I believe we need to alter the preference which FPI enjoys.

My Illinois constituents in the wire and cable harness industry are not the only small businesses hurt by FPI's aggressive sales efforts. Let me give you several other examples of problems small firms have experienced with FPI.

First, in June of this year, the New Cumberland Army Depot canceled a solicitation for more than \$1 million in office furniture, and awarded this business to FPI. According to vendors familiar with the procurement, FPI had reviewed the project a year earlier and rejected it. But, at the 11th hour, FPI changed its mind—something no private vendor is allowed to do once they've missed a bid deadline. FPI was able to use its preference in the procurement system to force the agency to award it the furniture requirement. A small business competitor that lost out on this procurement stated: "What is particularly disturbing about this situation are the man-hours spent in analyzing and preparing to bid the project, and then not being given an opportunity to follow through."

This amendment would prevent cases like this, where small and small disadvantaged firms spend scarce time and resources in bidding only to have the work diverted to FPI.

Second, On July 17, FPI refused to grant a well-documented request for waiver from an Army base in the Midwest to buy draperies through the General Services Administration [GSA] Federal supply schedule. FPI's denial did not address any of the points on which the Army based its request for waiver. FPI's brief letter of denial said only that "we believe UNICOR . . . can process this in an expeditious manner." FPI then offered to subcontract this measurement

and installation portion of the contract to a small business supplier on GSA schedule. However, that firm says it will lose 60 percent of the revenue it would have earned if it had been permitted to accept the complete order under the GSA schedule contract.

My amendment would put an end to FPI's unfettered power to deny agency requests for waivers in cases such as this.

Third, the same drapery supplier has seen his Federal sales drop from \$1.9 million in 1984-85 to \$737,063 in 1988-89, 63 percent over the past 4 years. He attributes 90 percent of that loss to FPI's aggressive behavior in the market. According to the firm's president, FPI is now selling to agencies that he had successfully performed for in the past, but who no longer can buy from him.

My amendment would open these contract opportunities to competition between FPI and private firms. No participant is shut out of the market through the unilateral action of another player.

Fourth, a drapery contractor in Norfolk, VA, estimates she lost \$100,000 in business in 1988 to FPI. She reports that if FPI's competition continues, she will be forced to drop out of the ship berthing curtain business altogether. Adding insult to injury, she says that FPI charges \$26 per pair for curtains, while she maintains that her firm could provide the Government the same product for only \$18 per pair.

My amendment would ensure that FPI offers competitive pricing.

Fifth, two companies in Utah experienced serious losses in their wire bundle and cable assembly business after FPI entered the market. One company, with sales of \$1.3 million in 1985, lost 40 percent of its sales after FPI notified Ogden Air Logistics Center at Hill Air Force Base of its intention to supply the item. A second company, a participant in SBA's 8(a) program, lost \$750,000 in business from Ogden Air Logistics Center for the same reason, despite the fact that they had previously furnished the required item at a lower price.

Mr. President, some may argue that these companies can make up for Federal market losses by shifting their emphasis to the commercial market. Sometimes this may be true, but many small businesses have designated their production to specialized Federal Government requirements. All too frequently, they are required to meet Government-unique military or Federal specifications, mandating the use of materials and manufacturing processes that are not viable in the commercial market.

For example, military specifications for shipboard drapes require special fabrics that won't release toxic

fumes—fabrics which are two or three times more expensive than those used in the commercial market.

Another example: Shipboard furniture is generally made of metal, to very specific design specifications. There is no comparable market for shipboard furniture in the commercial market.

Only by chance do we know about the cases just cited, Mr. President. These are the rare companies that are willing to tell their story. Most are reluctant to go on record, for fear of reprisal. And unfortunately there is no way of knowing for certain what share of the Government market FPI is capturing, or how many more companies may be suffering.

You see, agency purchases from FPI are treated as interagency agreements that do not have to be reported to the Federal procurement data system. As a result, objective data is not available from which we can judge the extent to which small and small disadvantaged firms are losing business to FPI. My amendment would cure this problem by making any contract awarded to FPI subject to Federal procurement data reporting requirements.

Many of us who are concerned about the erosion of our defense industrial base should do our best to ensure that a broad range of companies continue to participate in the Federal Government market. Sad to say, many companies in competition with FPI are on the brink of getting out of the Government market, for the simple reason that they can no longer afford to participate as the pool of available contract opportunities steadily shrinks. Further, some would question the prudence of permitting Federal prisoners to become the sole source of supply for mission critical items such as cable and wire harness assemblies? It is a sobering thought.

FPI's mission to educate and train inmates is laudable. But as FPI grows and expands into new product areas, they must live up to the second, equally important mandate: To operate in such a way that "no single private industry shall be forced to bear an undue burden of competition from the products of the prison workshops, and to reduce to a minimum competition with private industry or free labor."

I urge my colleagues to join me in supporting this amendment.

Mr. HELMS. Mr. President, I am pleased to join with my friend the senior Senator from Illinois [Mr. Dixon], in this important amendment to reform the Federal Prison Industries, also known as UNICOR. Although his amendment only affects the Department of Defense, it is a much needed first step on the road to procurement reform throughout the U.S. Government.

Mr. President, Federal Prison Industries is a very large corporation. It is engaged in the business of making chairs, tables, desks, and other office products. It uses Federal prisoners to manufacture these items. It borrows money from the Government to finance its activities then sells the products to the Federal Government.

John Sloan, the president of the National Federation of Independent Business, points out in a statement on this subject, that what had originally started as a teaching program for prisoners has now become a corporate giant. I ask unanimous consent that a copy of Mr. Sloan's statement be included in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, what we have created is a Government operated company which has a clear competitive edge over private companies. As Mr. Sloan observes, because of the preference given to it by the Congress, Prison Industries can even keep the Government from giving contracts to private manufacturers.

If that weren't enough Mr. President, prison products need not even meet the same quality standards which are required of the private sector. This is a multimillion-dollar industry making furniture that the Government must buy without adherence to the high quality expected of products purchased from the private producers.

Mr. President, prison industries legislation had a strange history during the last Congress. The bill giving prison industries authority to borrow money was defeated in the House when it was brought up on the Suspension Calendar on September 14, 1988. Yet, Mr. President, when this legislation was introduced last year, the House had a half day of limited hearings and the Senate had none.

Mr. President, let us get rid of the preference which prison industries receive in securing Government contracts. In other words, Federal Prison Industries get a special Government benefit at the expense of a lot of hard-working people across the country. That does not make sense.

When borrowing authority is extended, small businesses across the country could be destroyed. Prisons hold a clear advantage over any business they care to compete with because they receive preference on all Government contracts they choose to bid on. That is to say prisons are given a right of first refusal.

Mr. President, as I said earlier this is not a small corporation. We are talking about an industry which claims sales of \$316 million with a net worth of over \$160 million. That was in fiscal year 1988. The Bureau of Prisons con-

tinues to add factories to its already enormous industrial plant. How many corporations can boast of a capacity like that?

I am not condemning prisoner training. But this corporation goes well beyond the intent of the original training program. My State produces one quarter of the furniture in this country. Prison Industries are out there competing with North Carolina furniture and textile companies already under assault from foreign competition. Think about it, men and women in North Carolina and Illinois and South Carolina are being put out of work by an agency of their Government, the Federal Bureau of Prisons. This Senator will not sit by and let this happen.

This legislation institutes simple reforms designed to bring some fairness to our domestic industries:

It does away with the Prison Industries contract preference so that all of our businesses may compete for defense contracts on an equal footing.

It requires that the public know that its tax dollars buy only the best products.

Mr. President, I can not emphasize how important these reforms are. The industries of America understand the illogic of having the Federal Prison System get special treatment in the marketplace. We cannot continue to penalize the hard working, law abiding people of our country. I urge Senators to support this amendment. I commend the Senator from Illinois for his outstanding efforts on behalf of America's furniture and manufacturing industries.

[Exhibit 1]

MINORITY RULES, SMALL FIRMS SUFFER

(By John Sloan)

Last month, in cleaning out their closets, lawmakers swept some dirt onto the drug bill, increasing unfair government competition against private-sector companies.

Big, popular bills have always been targets for pet provisions, but this action is particularly maddening because the House defeated a similar measure, considered on its own merits, just a month earlier—by nearly 100 votes!

Undeterred by that margin, supporters inserted the same language into the drug bill, the final piece of legislation hustled through the 100th Congress. The measure allows Federal Prison Industries Inc., known as UNICOR, to borrow money from the federal treasury to expand. UNICOR uses federal prisoners to manufacture chairs, desks, parachutes, paint brushes. Then, it sells the goods to federal, state and local governments.

The original intent of the corporation was to teach prisoners marketable skills, but with \$250 million in sales in 1986, members of the House realized that UNICOR had changed from teacher to business executive.

The amendment that allows UNICOR to bank with the federal treasury, tightens the grip that this government-supported company has over federal procurement. Prison Industries built-in advantages, such as the use of government buildings and cheap labor,

give it a hefty competitive edge. The bidding process further stacks the deck.

UNICOR has the first shot at federal contracts. Its bids do not have to be the lowest, and it is exempt from the government standards that private firms must follow. The clincher, Prison Industries even can keep the government from offering contracts to private companies?

Continuing budget resolutions, the usual magnet for these dust balls, didn't surface this year, because Congress passed separate appropriations bills. Omnibus bills like the drug bill are the next best thing to a continuing resolution. Safely tucked away in a bill better measured in pounds than pages, no one discovers the mischief until it becomes law.

The National Federation of Independent Business, the nation's largest advocacy organization for small business, opposes this expansion of unfair government competition, which favors government-run industries over taxpaying small business.

Legislators let their guard down and let down their small-business constituents. But it is difficult for even the most vigilant legislator to review these gigantic bills before a vote.

The 100th Congress proved that it could kick the continuing resolution habit. Let us hope the 101st Congress pares omnibus bills to manageable pieces and cleans them up in the process.

Let us also hope that undoing the damage of UNICOR will be high on the priority list for the next Congress.

Mr. BOREN. Mr. President, I rise in support of the Dixon amendment. As a member of the Small Business Committee I have become aware of an increasing number of small businesses' concerns about the operations of the Federal Prison Industries. I understand that FPI is capturing a disproportionate share of the DOD market for individual products and that small and small disadvantaged business concerns have no effective way to protect themselves against the adverse impacts of FPI's procurement preference.

Two Oklahoma companies, both Indian-owned, have lost millions of dollars worth of contracts as a direct result of FPI's aggressive marketing practices. They have been fighting FPI's procurement practices for some time. One company, Redwing Products of Kellyville, OK, generated a substantial amount of correspondence with various Federal agencies on this issue. I believe it important to share the highlights of this correspondence with my colleagues.

Redwing Products is an Indian-owned disadvantaged small business. As such, it received certification from the Small Business Administration as a participant in the 8(a) Program, designed to assist minority businesses. As an 8(a) certified company, Redwing Products was to benefit from the congressionally mandated preference for contracting with minority concerns.

However, in 1986 Redwing Products had two Air Force contracts set aside for it under the 8(a) Program and

then taken away from FPI. Upon learning of the contracts' withdrawal, Redwing notified the Air Force of the adverse impact which FPI's actions would have upon the company. The Air Force responded that it "shared" Redwing's concern over the amount of business being directed to FPI. The Air Force believed—erroneously—that once it advised FPI of the adverse impact FPI's conduct was having on a small business, FPI would allow the small business to have the contract. Instead FPI merely granted a waiver from its procurement preference for Hill Air Force Base for all awards with a value of less than \$25,000—contracts that are for small quantities and small profits. FPI also claimed that it limited the work it took from the private sector for wiring harnesses and cable assemblies to 15 percent of the estimated dollar value of these procurements made by Hill Air Force Base each year. FPI, however, did nothing to alleviate the impact it was having on Redwing Products. The end result was that the SBA was forced to cancel Redwing's 8(a) set-aside contracts. Accordingly, the Air Force notified Redwing that, with respect to Redwing's two 8(a) contracts, "FPI would not allow purchase from commercial sources for these items. Therefore, the Air Force was required, by law, to buy the items from FPI."

FPI is, by law, supposed to guarantee that no business bear an undue burden of its procurement activity. However, in calculating what constitutes an undue burden on any small business, FPI can decide whether or not a 10-percent or 80-percent reduction in the sales of a small business represents an undue adverse impact.

Another Oklahoma company hurt by FPI's expansion into wire and cable harness assemblies is Cherokee Nation Industries, Inc. [CNI], in Stilwell. CNI is owned by the Cherokee Indian Nation. CNI estimates that it lost anywhere from \$6 to \$10 million in DOD wire harness contracts taken by FPI. Many of these contracts were awarded to FPI at prices which were not competitive at all because they were at or near the top price paid for the item throughout its procurement history. CNI's loss of these contracts to FPI has had a significant impact on CNI's employees nearly all of whom are Cherokee Indians living in labor surplus areas in Oklahoma.

These concerns are all the more timely given FPI's plans to double its sales to \$620 million by 1992, an increase of 84 percent over FPI's 1988 sales. It seems that the experiences of many companies in many industries are simply the tip of the iceberg and that many small and minority contractors will lose much or all of their government business.

Given these concerns, I would like to direct several questions to the Senator

from Illinois. As I understand the Senator's amendment, its purpose generally is to ensure that competitive procedures are used by DOD in purchasing products that may be produced by Federal Prison Industries. It would be a permanent change in the way DOD purchases products which FPI produces. As I read the amendment, it would permit DOD to make awards on the basis of: unrestricted competitions; small purchases; small business set-aside competitions; competitions among small disadvantaged businesses pursuant to section 1207 of Public Law 99-591; awards under section 8(a) of the Small Business Act; and sole source awards under the criteria provided in the Competition in Contracting Act. The amendment would supercede other older and conflicting statutory provisions that have permitted noncompetitive procurement of products from Federal Prison Industries and thereby foreclosed certain segments of the Government market to small and small disadvantaged private contractors. With the amendment's enactment, FPI would be treated the same as any other large business in the competition for contracts. FPI could continue to expand its procurement activity, but the amendment would prevent such expansion from undermining statutory policies designed to assist small businesses. Am I correct in my interpretation of the amendment's effect and purpose?

Mr. DIXON. The Senator from Oklahoma is correct. I would merely add that my amendment does not affect two other instances in which noncompetitive procedures could be utilized by DOD. First, it would be possible for the Secretary of Defense to utilize Federal Prison Industries as an alternative source when he believes it is in the interest of the national defense or when it would likely result in reduced overall costs for such procurement. However, it is my intent and expectation that this exception will be invoked only rarely. Repetitive use of this exception to competitive procedures as a means to circumvent my amendment and revert to old practices would be improper. The second exception allows for simplified procedures for purchases of property and services that amount to \$25,000 or less. This particular provision of current law expressly directs that a proposed contract for an amount exceeding \$25,000 may not be divided into several purchases in order to take advantage of this exception to the general requirement to use competitive procedures. Here again, my intent and expectation is that DOD agencies will not break up a larger requirement into smaller amounts of \$25,000 or less to circumvent my amendment.

Mr. BOREN. I thank the Senator for his clarification. Second, I would like to ask the Senator his reason for

his amendment's definition of current market price as "fair market price"?

Mr. DIXON. As the Senator from Oklahoma is aware, FPI's enabling statute mandates that Federal agencies shall not purchase products manufactured by FPI at prices that exceed the current market price. However, neither FPI's enabling statute, FPI policy, nor the Federal acquisition regulation have ever defined the term current market prices. The Comptroller General, addressing this issue in 1930's, concluded that the only true limit imposed on FPI prices is that FPI may not exceed the upper end of the current market price range. GAO reports in 1980 and 1985 criticize the lack of any other definition of current market price. As a result, FPI frequently is awarded a contract at a price equal to the most expensive price previously bid—not the lowest total cost as mandated by the Competition in Contracting Act. The irony is that FPI's prices can be higher than bid prices of its small and minority competitors—even though FPI pays its prison workers between \$.15 and \$1.10 per hour, while industry pays minimum wages or higher. By defining current market price as fair market price this amendment provides objective criteria by which FPI can be held accountable for selling overpriced commodities to the Federal Government.

Mr. BOREN. Another concern I have is that the Federal Government appears to have little recourse against FPI products that fail to meet Government specifications. How does your amendment address this concern?

Mr. DIXON. As the Senator from Oklahoma is aware, a Government agency must first ask FPI to fill an agency requirement for a product that FPI manufactures, even if the agency can purchase a lower priced, higher quality product from a small private contractor. Only if FPI grants a waiver can the agency then solicit bids from private contractors. While FPI's inability to furnish required products may justify a waiver, the agency has little or no recourse against FPI if it already has purchased products which it later discovers are deficient in quality. Small businesses, however, are—in the case of fixed price contract—required to be among the lowest priced bidders and must meet stringent quality assurance milestones before their product is accepted.

My amendment indirectly addresses the concern raised by the Senator from Oklahoma. Namely, by infusing competition into the process of procuring items from FPI, DOD contracting officers will be able to exercise their authority in evaluating offers on the basis of quality as well as price. Small business contractors frequently are the vendors which can deliver higher quality products at a lower price. By

permitting small contractors the same solicitation preference over FPI that they have over other large businesses, my amendment would have the dual benefit restoring small contractors' access to DOD contracting opportunities, and DOD contracting officers access to products which may be of higher quality.

Mr. BOREN. I understand that part of the impetus behind the Dixon amendment was industry's dissatisfaction with FPI's attempts to promulgate regulations designed to prevent it from unduly burdening any one industry. Apparently, FPI is required, by recent statutory changes, to conduct a market analysis of industries to ascertain the ability of the Federal Government market to sustain both Federal Prison Industries and private vendors in any given market. The purpose of this requirement was to ensure that FPI would maintain a reasonable share of the market for a specific product. Unfortunately, the lack of a definition of specific product, and any available empirical data, will result in rules that could provide little protection to small businesses. What, if anything, does your amendment do to address the problem of the undue burden on competition resulting from FPI's aggressive marketing?

Mr. DIXON. I took a look at the problems FPI and industry were having in agreeing on such regulations and agree with industry that FPI's proposed regulations would give it too much discretion to decide what constitutes an undue burden. Without objective criteria, small business never could hold FPI accountable for unduly burdening any particular industry.

My amendment addresses industry's concerns in two ways. First, by restoring the small and small disadvantaged business solicitation preference relative to FPI, my amendment provides such businesses the same degree of protection from FPI that they receive from other large businesses. Second, my amendment ensures that the Government will begin to receive adequate procurement data with regard to FPI's market share. As I stated previously, part of the problem with gathering such data is that agency purchases from FPI are treated as interagency agreements that do not have to be reported to the Federal Procurement Data System. As a result, there is little objective data available from which we can judge the extent to which small and small disadvantaged firms are losing business to FPI. My amendment would cure this problem by making any contract awarded to FPI subject to Federal Procurement Data System reporting requirements.

Mr. BOREN. I thank the distinguished Senator from Illinois for his clarifications on the intent of his amendment. I would simply reiterate that I fully support the Dixon amend-

ment and urge my colleagues to do likewise.

Mr. DIXON. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona [Mr. McCain].

Mr. McCain. Mr. President, we are pleased on this side to support this very important amendment by the distinguished Senator from Illinois, and I urge that the amendment be considered at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 532) was agreed to.

Mr. McCain. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIXON. Mr. President, may I say my understanding is that there are two more agreed to amendments by the distinguished minority leader that will be dealt with sometime this evening when he returns from the White House.

My distinguished colleague now will discuss burdensharing questions which I think will be important to every Member of the Senate, and we thank him for that, and then at some point in time, whenever Senator Levin gets here, I understand my colleague in his usual accommodating fashion has indicated he will yield to the distinguished Senator from Michigan. The Senator from Michigan will then discuss a B-2 amendment which may call for a roll-call vote. The word to my colleagues is there may be one more rollcall vote anticipated tonight.

May I thank my colleague for kindness in accommodating this side on the amendments we have just disposed of.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona [Mr. McCain].

Mr. McCain. Mr. President, I thank my friend from Illinois [Mr. Dixon].

It is always a great pleasure to work with him both in committee and here on the floor as I have had the opportunity of doing on several occasions. He extends courtesy to all Members, and it is a pleasure to have the opportunity of working with him.

AMENDMENT NO. 533

Mr. McCain. Mr. President, I send an amendment to the desk and ask that it be printed.

The PRESIDING OFFICER. The amendment offered by the Senator from Arizona will be printed.

Mr. McCain. Mr. President, as we await the appearance of Senator Levin for the purpose of proposing an amendment on the B-2, I would like to make a few remarks concerning the issue of burden sharing.

The amendment that I just sent to the desk to be printed on behalf of Senator NUNN, Senator WARNER, Senator LEVIN, myself and others is the fourth of a series of a package of four amendments on the issue of burden sharing. Those four amendments are the product of weeks of discussion and work on the part of all the members of the committee, some being more involved than others. There is an attempt to address what I think has become a very volatile issue with the American people, and one that could have a dangerous impact on U.S. national security.

We observed in the last election that the American people have a strong and well-founded perception that the United States of America is carrying more than its fair share of the burden of defending free world security interests, and of defending the cause of freedom, particularly in NATO and East Asia.

Mr. President, it is clear that the American people demand a more equitable sharing of this burden, and these four amendments respond to that demand. They are a powerful new effort to achieve a more equitable sharing of the burden with nations whose economies clearly equip them to do more.

At the same time, there has been, and always will be, a latent sense of isolationism in this country which we have observed throughout this Nation's history. We saw this isolationism manifested during the 1930's and I think it would be well to remember the lessons we learned from our mistakes during that period. The United States cannot divorce itself from events that take place throughout the world and if we try to do so, we do so at great peril.

Today, we face the problem that there is yet another increase in the isolationism in America which is leading to proposals for unilateral reductions in U.S. commitments throughout the world. Unless the legitimate concerns of the American people are addressed, we may see that isolationism gather momentum, force unilateral reductions, and try to withdraw U.S. forces to a "Fortress America," such actions could harm both our national interests and those of our friends and allies very severely.

These four amendments that are proposed by the committee are a message to the American people that we are willing to do the right thing in dealing with this issue. They are a message that their elected representatives realize that America has borne too much of the burden for too long. They are a message that the Congress is acting to correct that situation burden and, at the same time, they are a message that we realize we cannot abandon our strategic commitments

throughout the world. They are a message that we reject any rebirth of isolationism.

Sometimes the obvious must be repeated, and the obvious fact that must dominate our strategic thinking is that our economies are far too closely intertwined with those of our allies for us to be able to not be concerned with their fate. There is no "Fortress America," we will be dramatically affected if any of the key nations in our alliances throughout the world is threatened or subverted.

We must keep our presence in Europe until the CFE talks lead to a reasonable outcome. We must keep enough United States Forces in South Korea to respond to the massive North Korean arms race and, indeed, to a nuclear threat that North Korea may pose in the next few years.

Mr. President, when we talk about South Korea I think it is also well to remember that two historical and political considerations that should shape our actions.

One consideration is that there were proposals for United States troop withdrawals from Korea in the late 1970's. Those proposals sent a shock wave throughout Asia. They also sent exactly the wrong message. They implied that the United States was ready to abandon many of our commitments in that part of the world. This kind of message will do nothing but encourage further North Korean military build-up and provocation.

The second consideration is the nature of the regime in North Korea. North Korea is the last bastion of pure Orwellian Marxist totalitarianism left in the world. There are other unpleasant Communist regimes, but I think we all would be hard pressed to find a regime where the people are so totally controlled in all respects, and where they have a dictator who has committed himself time after time to the "reunification of Korea" before he passes away and Kim Li Sung has consistently embarked on escalatory and dangerous adventures in relations between his country and South Korea and indeed between his country and the United States of America. One has only to consider the capture of the U.S.S. *Pueblo* and all the other incidents along the demilitarized zone that separates North and South Korea.

We also cannot address the issue of the United States military presence in Korea without addressing the entire issue on a regional basis. Whatever we do in Korea is bound to affect Japan. Whatever we do in Japan is bound to affect the other Asean nations and whatever we do in the Asean nations will have an influence that extends all the way to the Persian Gulf and beyond.

Mr. President, the situation in regard to Japan is very difficult. We

must help give Japan the security it needs and we must give the overall security of East Asia the priority it deserves. I think it is abundantly clear, however, that the time has come for the Japanese to pick up 100 percent of the cost of the United States defense of Japan, their homeland, and of deploying United States Forces to defend the seas and waters surrounding the Japanese home islands.

I do not have to recount for this body the enormous economic successes enjoyed by Japan, nor the astounding statistics that demonstrate the economic health of Japan.

Let me also hasten to add it is not in the United States interests for Japan to rearm beyond the level necessary for its self-defense. A remilitarized Japan would then frighten Japan's neighbors and revive memories of the Greater Asian Co-Prosperity Sphere, and the other militaristic adventures embarked upon by the Japanese earlier in this century. Equally importantly, Japanese forces can never have the same impact in determining adventures by the U.S.S.R., People's Republic of China, or North Korea. Japanese forces can only be a limited substitute for an American strategic presence.

It is not in interest of the United States, Japan, or the world to have Japan remilitarize, it is, however, in the United States and the rest of the free world to have Japan do two things: The first is dramatically increase their economic assistance and involvement throughout the world. The second is to pick up their fair share of the economic burden of defense by fully offsetting the cost of deploying U.S. forces.

Mr. President, the United States maintains its forces in East Asia at a very heavy cost not only in the form of direct investment but in the form of the wear and tear on our equipment. The United States has invested billions of dollars in these forces in recent years, and billions more on defending the Persian Gulf. One of the major foreign policy successes of the Reagan administration was a steadfast policy in the Persian Gulf which protected the sealines of communication and the vital oil supplies that flow from the gulf to the rest of the world and which helped lead to the ceasefire that evolved between the Iranians and Iraqis.

I think it is important to point out, however, Mr. President, that a very large percentage of the oil that United States military forces, and our men and women, were protecting was oil that flows to Japan. I would also suggest, Mr. President, that the American taxpayers picked up the tab for that operation, which cost billions of dollars, and that Japan clearly got a free ride.

Mr. President, I did not want to see Japanese warships in the Persian

Gulf, nor their airplanes, nor their soldiers. But, I did want to see, and so did the vast majority of American people, the Japanese pick up their fair share of the enormous financial burden necessary to secure the flow of oil from the gulf. There is no question that they did not.

Mr. President, why would the Senate of the United States, and hopefully the entire Congress of the United States call for a 100-percent burdensharing on the part of the Japanese in a defense authorization bill? I would say that it is out of a sense of frustration with Japan that the Congress will act this way. It is a testimony to the fact that words from Japan are no longer a substitute for action. It is a testimony to the lack or the inability of both Republican and Democratic administrations to convince the Japanese that it is in their interest as well as ours to pick up a larger share of the burden.

Mr. President, we must establish a trans-Pacific bargain with Japan. This bargain is that the United States will continue to deploy the forces necessary to ensure the security of Asia if the Japanese increases its burdensharing efforts and if it steadily moves toward 100 percent offset of the cost of deploying U.S. forces. It also requires that South Korea and other Pacific allies should work with the United States to adjust the United States role in their countries and to increase both their allied military efforts and their offset of United States costs.

I think the leadership of Korea already recognizes the need for such adjustments, and does not believe that the United States should be in South Korea in its present form militarily forever. In fact, the Korean leadership has stated unequivocally that they are ready to undertake discussions to mutually reevaluate the role and presence of the United States. These discussions should not only examine numbers of United States troops but the whole command relationship in Korea. If the South Koreans are going to take over a larger share of the burden, they also should take over more of the command and control of our joint forces.

Turning back to Europe, it is equally clear that we need a new trans-Atlantic bargain. Our message to Europe regarding this bargain set forth in this burdensharing package is simple and clear. We are saying to the Europeans: You cannot cut your forces without an equal reaction on the part of the United States. We are saying to our European friends that they cannot, in an orgy of Gorbymania, expect to reduce their forces without a commensurate response on the part of the United States. At the same time, we are saying that we have the resolve to

maintain our forces if we obtain suitable European support. We are saying that the alliance can remain united until we negotiate secure mutual force reductions with the Warsaw Pact.

Mr. President, our European friends must understand that this transatlantic bargain does not mean that the United States will be more European than the Europeans. Our burdensharing package calls for reductions in U.S. forces in NATO if allies exceed a certain percentage of cuts of their own. Our European friends cannot expect the United States to be more concerned with the security of Europe than wealthy central region states like the Federal Republic of Germany, France, and others. The wealthier European nations must also increase their offset efforts. I believe that a 50-percent offset would be proper. Some Senators feel less is proper. I think all of us agree that nations like the Federal Republic of Germany can do more.

Mr. President, let me sum up by saying that I think that the time has clearly come for the United States of America and its allies to understand this whole issue of burdensharing must be dealt with, and must be dealt with on a worldwide as well as a regional basis. We cannot call for unilateral U.S. force cuts and expect anything but the worst repercussions. We cannot make unreasonable demands upon our allies, particularly since both public opinion in the United States and Europe perceives that there is a dramatic reduction in tensions and a dramatic reduction in the likelihood of a war in central Europe.

At the same time, we can expect and have every right to expect, the other nations of the free world to assume more of the burden of their own defense. I believe that this package will serve as a mature and reasonable model for what should be done to address the issue of burdensharing. I believe it will benefit the United States and its allies far more than some of the rather inflammatory rhetoric and demagoguery which has been associated with this issue from time to time.

Tomorrow, Mr. President, I believe that this body will endorse this package of amendments. I would encourage my colleagues to comment in the process. I think the package is a significant step forward, and one that I think concerns all of us. Our allies should understand just how serious we are.

Mr. President, in anticipation of Senator LEVIN's amendment, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I will be proposing an amendment in a few moments. But let me describe this amendment first.

Last year, the Congress learned the costly facts about B-1B bomber procurement. We learned that the bomber did not live up to its contractual promises that were made for it relative to its capability to penetrate enemy defenses. Basically, the key device, called electronic counter measures, or ECM, which had already been installed in 100 B-1B bombers, cannot effectively receive, identify, and jam the frequencies which are deemed necessary to keep that bomber from being detected.

The failure of the B-1B to live up to its promises and to meet its intended specifications has been a major disappointment. But there is even more bad news.

By the terms of the contract which we negotiated with the contractor on the B-1B for the ECM system, the taxpayers got socked with the costs of repairing the defect to the extent that the defect can be repaired. The latest estimate for those repairs is over \$1 billion.

I kept asking the Air Force why? Why, if it was the contractor's failure to meet the terms of the contract did we end up having to pay for the failure? I was told that by the terms of the contract, when the Air Force accepted the ECM system with known defects, the Air Force lost its right to terminate the contract for default and to require the contractor to repair those defects, as the Air Force wanted.

Now it looks like we are about to go down the same road on the B-2. We are told that, unlike the B-1B, this is the most tested airplane ever flown. I am glad to hear that. But I asked the Air Force what protection we have, if it turns out that the B-2 has defects. And I am afraid the answer is similar to what happened with the B-1B. The contractor's guarantee is very, very limited indeed.

Mr. President, many of us in Congress have been struggling over the past decade to get contractor warranties in our defense contracts. The amendment that I am offering tonight will require greater contractor responsibility for the repair of contractor-caused defects in the B-2. Our DOD procurement personnel tell us when it comes to the state-of-the-art technology we cannot get the kind of warranty we want, either because the contractor will not take the risk or if the contractor does, the price will be too high.

I can understand that position to some extent but I have two major concerns with it. First, I am convinced we give up too easily in this area. We do not commit sufficient resources and attention to the need to obtain the

best possible warranty for workmanship, materials, and performance. It is wrong for us to pay such a large share of the costs for correcting a deficiency or defect which is the fault of the contractor. It is just that simple.

Second, if an adequate warranty results in a higher price, at least we will know up front what a weapons system really costs us. Without such a warranty and with an open-ended liability on the part of the Government to pay for the cost of correcting a contractor-caused defect we are deluding ourselves as to the real costs of these programs.

The B-2 may be a perfect example. We say the cost per plane is \$530 million, and that is without a warranty for contractor-caused defects.

Mr. President, the truth of the matter is we do not know how much each B-2 is going to cost us. We hope it will be no more than \$530 million but we cannot promise that. Because the contractor is not promising that.

Interestingly enough, I happened to recently come across the contractor for the *Monitor*, the ironclad battleship that served in the Civil War. The technology for that battleship was probably viewed as being on the cutting edge, just the way the B-2 technology is viewed now. The contract date is 1861, October 4, between J. Ericsson of the city of New York, and the Secretary of the Navy.

The contract was to build an ironclad, shotproof steam battery, the lower vessel to be wholly of iron and the upper vessel of wood. The contractor promised the ship would have a speed of 8 sea miles or knots per hour, under steam, for 12 consecutive hours, and carry fuel for her engine for 8 days consumption at that speed.

The Navy agreed to pay, after trial and satisfactory tests, \$275,000.

Now, here comes the relevant part for our purposes.

And it is further agreed—

They wrote back then, in 1861—

that the said vessel should be complete in all her parts and appointments for service and any omission in these specifications shall be supplied the maker thus complete and in case the said vessel shall fail in performance of speed for sea service as before stated or in the security or successful working of the turret and guns with safety to the vessel and the men in the turret or in her buoyancy to float and carry her battery as aforesaid, then and in that case, the contractor binds himself and his heirs to refund to the United States the amount of money advanced to them on said vessel within 30 days after such failure shall have been declared by the Navy.

Well, Mr. President, we have obviously come a long way from those days in the Civil War. In contracting matters, the trip has been backwards.

Back then, we got a 100 percent ironclad, so to speak, guarantee from the contractor of the *Monitor* that the

ship would perform as promised, and this was a case involving new technology, state-of-the-art type manufacturing.

Today we are told we are lucky if we get a commitment for a contractor to pay 20 percent of the costs to correct contractor-caused deficiencies. That puts real meaning to the expression "the good old days."

Let us look at the terms of the current, initial production contract for the B-2. The Air Force currently has under a development contract six B-2's and two B-2 frames. We have taken delivery on the first B-2, and that is the one that was test flown a few days ago.

Under the terms of that contract we are paying all of the contractor's costs plus an incentive fee based on the contractor's ability to keep those costs to a target level, meet the schedule, and other similar factors.

The full-scale development contract apparently does not contain any warranty provisions by the contractor.

The Air Force also has now an initial production contract for the purchase of five B-2's. This is a type of production contract, and, because of that, it means that as these five planes are built, more will be known about the design standards and construction requirements than under the development contract. This production contract is a so-called fixed-price, incentive-fee contract and contains a warranty provision pursuant to law. Although it is a fixed-price contract, the terms of the contract operate so as to make it almost a cost-plus contract.

The contract contains an 80/20 share line for costs, which means that the Government pays 100 percent of the costs up to a target cost.

The contractor pays for 20 percent of the cost over the target cost and gets a 20-percent saving for cost under the target price.

Essentially, though, under the current B-2 contract, we are reimbursing the contractor for virtually all of its costs up to an agreed-upon limit which everyone hopes we will never reach. According to the Air Force, the target cost for the five airplanes in this contract is, after a recent \$195 million increase, a total of \$2.2 billion. That is for the five planes—\$2.2 billion.

The Air Force has also informed me that if a contractor meets that target cost, it is hoped, it is expected to realize a profit of approximately \$50 million per plane or \$250 million for the five-plane contract. Yet, as I will explain shortly, the contractor's liability to correct any defects caused by its own error could be as little as \$20 million for the five-plane contract or as little as \$4 million per plane. That is how little the contractor liability could be for its own defects caused by its own action—\$4 million, although it

is making a profit, an expected profit, of \$50 million.

So that means that even if the cost to correct contractor defects is, for instance, \$30 million per plane, the Government could be liable for \$26 million of that cost while the contractor pays but \$4 million and still walks away with a \$46 million profit per plane.

That sounds like fiction to the extent that it is comprehensible. But under the terms of the current contract, it could be fact. Under the warranty provision in the current contract, the prime contractor guarantees that the B-2's will conform to all design and manufacturing requirements; the B-2's at the time of delivery will be free from all defects in material and workmanship; the B-2's will meet all the performance requirements.

While those warranties sound excellent, the contract also contains enough exclusions and limitations to place almost all of the cost, if the plane does not meet specifications, on the Government instead of on the contractor. According to the terms of the contract, the contractor is liable for defects listed in the warranty. Again, these are defects which are acknowledged to be the fault of the contractor.

The contractor is liable for those defects listed in the warranty only up to 20 percent of the first \$100 million. That is \$20 million. Since this contract is for five planes, that comes to \$4 million per plane, as the contractor's maximum responsibility for defects in its own performance under this contract. What that could mean again is that the contractor takes home a \$50 million profit per plane while the Government is left holding the bag for all corrections of contractor-caused defects over \$4 million. That is just wrong.

Moreover, the contract provides that the contractor is liable for only those contractor-caused defects which are identified by the Air Force within 6 months after acceptance. The cost for repairing any defect caused by the contractor identified after 6 months, after acceptance, could be 100 percent the responsibility of the Air Force. You talk about a window of vulnerability; that is a true window of vulnerability, that after 6 months the Air Force could be 100 percent responsible to repair contractor-caused defects.

Acceptance, obviously, becomes a key ingredient. As I said earlier, we learned some lessons from the B-1B. Under that contract, we purchased all 100 planes under one contract. The B-2, at least, we are purchasing these planes in lots three to six at a time, so acceptance is limited to a smaller number of planes.

But the bottom line on the current contract, Mr. President, is that if the contractor hits, as intended, the target

cost of the contract, the contractor will realize a profit of some \$50 million a plane. That is just profit above and beyond the money the contractor receives to cover all the cost of working on the contract.

At the same time under the terms of the contract, the contractor will be liable to pay that maximum of \$4 million per plane to correct any deficiency that was his own fault.

I am afraid it is not good government, that kind of a contractual relationship, and I think we have to act to change it, and we can act and should act on this bill. It leaves us vulnerable, just as with the B-1B, to seeing some exorbitant amount in the next few years that the Government will have to absorb to correct contractor deficiencies in this weapons system.

We just have to learn from the past. If we cannot go back as far as the Civil War, we, at least, ought to learn our lesson from the B-1B. We have to have tough and clear provisions in our contract to purchase B-2's as to who is responsible for paying what amount of the cost to correct contractor deficiencies.

Mr. President, the amendment that I will send to the desk tries to achieve that. The amendment would require the Secretary of the Air Force to negotiate a significantly stronger warranty provision for the next group of airplanes, the next group of B-2's, and it does it in the following way: It would require the contractor to assume liability for the cost of correcting defects, at least to the extent of the contractor's profits. Put more simply: It makes the contractor liable for contractor-caused defects up to—at least up to—the amount of the contractor profits.

Second, the Secretary of the Air Force could negotiate an exclusion or limitation on this provision but only if he determines the financial benefits of such exclusions or limitations substantially—we mean substantially, not marginally—substantially outweigh the potential costs. The Secretary would have to notify the Congress of any such exclusions or limitations and report to the Armed Services Committee the specific reasons why they would negotiate.

Mr. President, some may argue that to obtain a tougher warranty for the B-2 could increase the price of the B-2. If that is true—and I hope it will not be—then at least let us know the price of the warranty now rather than find it by surprise as the defects being apparent to us after acceptance and get stuck for the bill like we did for the B-1B.

Critics of the Congress say we micromanage. Sometimes that charge is well-founded; many times it is not. We are joint players with the executive branch in ensuring that Government

funds are wisely spent. We must know the true cost of our program, and the earlier we have that information, the better. If we fool ourselves now about the true cost of this program by burying or ignoring the reliability of the Government to correct defects, we will seriously hurt ourselves in the long run.

We have already lost a great deal of our credibility with the public on cost figures and performance because of the B-1B experience. We must avoid that with the B-2. To the extent possible, that is what this amendment does, and I hope that our colleagues will support it.

AMENDMENT NO. 534

(Purpose: To ensure substantially stronger contractor guarantees for B-2 aircraft authorized for fiscal year 1989 and thereafter, and for other purposes)

Mr. LEVIN. Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 534.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 20, after line 13, insert the following:

"(d)(1) The Secretary of the Air Force shall take appropriate steps to ensure that the procurement of all B-2 aircraft authorized for fiscal years 1989 and 1990 shall be subject to a contractor guarantee pursuant to section 2403 of title 10, United States Code, and that the prime contractor for such aircraft shall be required to assume a substantially greater responsibility for the cost of corrective actions required under section 2403(b) of such title than under existing contracts for B-2 aircraft.

"(2) Notwithstanding section 2403(g) of such title, the Secretary may not negotiate exclusions or limitations on the prime contractor's financial liability for the cost of corrective action for defects under section 2403(b) of such title for the B-2 aircraft referred to in paragraph (1) that are less than the total of the contractor's actual profits on the production of such aircraft unless the Secretary determines that the specific benefits of such exclusions or limitations substantially outweigh the potential costs.

"(3) The Secretary of the Air Force shall notify the Armed Services Committees of the Senate and the House of Representatives of any determinations under paragraph (2) and shall include in such notification the specific reasons for such determination and copies of any relevant exclusions or limitations.

"(4) The Secretary of the Air Force shall describe the steps the Air Force has taken under this subsection in the reports required by subsection (c)."

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, first I should like to thank the Senator from Arizona [Mr. McCain] who together with others continued this bill in absence of the chairman and myself.

At this time, I would like to ask a question or two of the sponsor of this amendment. I have before me three handwritten pages, and I would refer to page 2 and read as follows:

Limitations on the prime contractor's financial liability with the cost of corrective action for defects under section 2403(b) of such title for the B-2 aircraft referred to in paragraph 1 that are less than the total of the contractor's actual profits.

And the question is the definition of the word "profits." Would that be the plain meaning of that term as used in ordinary commerce?

Mr. LEVIN. That word, in more technical language means fee.

Mr. WARNER. Could the Senator speak up?

Mr. LEVIN. That more technically means fee. In more lay language, it would mean the actual profit but we would not reimburse the contractor and the contractor would continue to be responsible for the unallowable costs.

Mr. WARNER. Proceeding on down:

On the production of such aircraft unless the Secretary determines that specific benefits of such exclusions or limitations substantially outweigh the potential costs.

The phrase "such aircraft," that specifically refers only to the aircraft in fiscal 1989 and 1990; is that correct?

Mr. LEVIN. The Senator is correct.

Mr. WARNER. Then the phrase "potential costs": Would the Senator elaborate on that?

Mr. LEVIN. I am not sure I understand the Senator's question as to what is meant by the words "potential costs."

Mr. WARNER. That is correct. What are some of the costs that would be an example? What are some of the potential costs?

Mr. LEVIN. The question is the Secretary must determine whether or not giving an exclusion to the contractor outweighs the cost of giving that exclusion, the cost meaning—

Mr. WARNER. It does not mean dollar costs?

Mr. LEVIN. It does. It is an estimate of the dollar cost.

Mr. WARNER. So that helps the Senator from Virginia a great deal. Potential costs are limited to the dollar costs.

Mr. President, I thank the Senator from Michigan.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia [Mr. NUNN]

Mr. NUNN. Mr. President, I would like to ask the Senator from Michigan just a couple of questions and make sure that I am absolutely clear on this.

Paragraph 2 on page 2 of the amendment, which is appropriately designated D2, sets forth the provision:

(2) Notwithstanding section 2403 (g) of such title, the Secretary may not negotiate exclusions or limitations on the prime contractor's financial liability for the cost of corrective action for defects under section 2403(b) of such title for the B-2 aircraft referred to in paragraph (1) that are less than the total of the contractor's actual profits on the production of such aircraft unless the Secretary determines that the specific benefits of such exclusions or limitations substantially outweigh the potential costs.

The Senator from Michigan, as I understand, is setting up the various stringent standards here compared to normal contracts. This is a tougher standard; is that correct?

Mr. LEVIN. The Senator is correct.

Mr. NUNN. Is the Senator basing that on the bad experience we have had with the B-1?

Mr. LEVIN. Primarily, I am. I went through that history a few minutes ago as to why at least with the next fiscal year contract on the B-2 we should know what it is that we will be responsible for and the contractors should be responsible to repair defects caused by the contractor. These are only contractor-caused defects; that the contractor should be responsible to repair and fix those defects at least up to the actual profit or the fee charged and allowed to the contractor. But it is in part the B-1 experience that has precipitated this amendment.

Mr. NUNN. May I ask the Senator a clarifying question? I believe his amendment applies to aircraft numbers 6 through 11.

Mr. LEVIN. The Senator is correct.

Mr. NUNN. In a normal contracting, the Secretary is not required by law to get in any kind of complicated weapons system and certainly the B-2 is. The Secretary is not required to get any kind of contractor to guarantee requirement until after the first 10 percent of the production. Is that right?

Mr. LEVIN. In the low-rate initial production contract there is a requirement for a warranty. It is at a lower warranty, a lower threshold than it is for full rate production. But there still is a requirement for a warranty. What we found with the B-1, and what we found with the first five planes here, is that in effect the warranty was limited to \$4 million per plane which is less than 10 percent of the profit, that the exposure to the contractor for correcting defects caused by the contractor is less than 10 percent of his profit. It is simply unacceptable that we

should be fixing contractor-caused defects when the contractor is making that large a profit and has that small a risk. But the answer to the Senator's question is there is a difference in terms between low-rate initial production and full-scale production, but a warranty is required.

Mr. NUNN. May I ask the Senator from Michigan another question? Does the Senator envision for these aircraft that are covered in this amendment—does this amendment apply to all production or just the next six or seven aircraft?

Mr. LEVIN. Six through eleven.

Mr. NUNN. On 6 through 11, does the Senator know what the profit will be on those 6 to 11 aircraft?

Mr. LEVIN. We do not know what that fee will be.

Mr. NUNN. Is that the matter for the Secretary to determine under the Senator's amendment?

Mr. LEVIN. We do not touch that negotiation whatsoever. We only say that there must be an obligation on the part of the contractor to fix defects caused by him up to the amount of the fee, whatever that amount is. We do not in any way impact or determine in any way what that fee will be. That is up to negotiation.

Mr. NUNN. Then the Secretary would also have to determine what the profit is. Is that right?

Mr. LEVIN. The fee will be negotiated. What we call actual profit in the amendment is technically the fee because it does not include nonreimbursable costs as negotiated between the Secretary and the contractor.

Mr. NUNN. Is that the Senator's intention that the profit would be a cumulative profit that would be the exposure? I am trying to get a ceiling on this exposure to get an idea what it is for the contractor. Is the exposure the total profit between aircraft 6 and 11, or is the exposure the total profit on everything that has been done on the B-2 up to that date?

Mr. LEVIN. Just 6 through 11.

Mr. NUNN. So if the profit were \$10 million hypothetically per aircraft, the 6 through 11, you would multiply the number of planes times the profit per plane, and that would be the exposure for any defect on any of those planes?

Mr. LEVIN. The Senator is correct.

Mr. NUNN. So if there is only one plane that had defects but, let us say, it cost \$40 million to correct that and the cumulative profit of all the planes in question in this amendment was \$50 million, that cumulative profit would be exposed to the defects on one aircraft?

Mr. LEVIN. The profit on that contract, and if there are planes on that contract, yes.

Mr. NUNN. So the Senator's amendment is not intended to match the profit on one aircraft to the defect on

one aircraft. He is looking at the whole thing as a cumulative group.

Mr. LEVIN. On that one contract, the Senator is correct.

Mr. NUNN. Also the Senator is providing that the Secretary could, if he chose to as I read the amendment, ignore the other provisions of paragraph 2—or at least not ignore him, but he would not have to follow him—if he determined that the specific benefits of such exclusions or limitations substantially outweighed the potential cost?

Mr. LEVIN. The Senator is correct. There is a waiver provision in here.

Mr. NUNN. So if the Secretary determined that one way or the other the Government is going to pay more to get this than they would get out of it, he would have that right?

Mr. LEVIN. He does.

Mr. NUNN. But the Senator is focusing the Secretary's attention on this in a very strong way.

Mr. LEVIN. In a very strong way indeed because there is also a reporting requirement to the Congress.

Mr. NUNN. Mr. President, I think the Senator from Michigan makes an excellent point. I have not had a chance to study all the legal ramifications of this amendment. I know they are enormously complex. In fact, it would probably take longer to study the complexity of determining what the profit is, what the fees are, how that is determined, and how overhead comes into play than we would have remaining on this bill.

But I know the Senator from Michigan is very careful in his drafting of amendments. I believe we have established fairly clear legislative history here. Back in 1985 there was a debate about contractor liability. That is when this present law was passed. But it is my understanding that debate never went into any detail on the relationship between the amount of the liability and the profit. So this is a new area of law that we are exploring.

It has been my experience in looking at contracts over the years that any time you try to get a warranty from a contractor, one way or the other, the Government pays for it.

The contractors build it in somehow to their cost. I think this has to be taken into account. Of course, if the contractor makes a very bad mistake, the contractor is usually going to suffer some if the liability is high, because there would not appear that much of a cushion in their contract, in all likelihood.

I think the Senator makes a valid point here. The contractor is making, and should make profits on this contract, and there is nothing wrong with that. But he also should be responsible—the contractor should be responsible for correcting defects that are the fault of the contractor.

If the Senator from Michigan will answer one more question. As he refers to existing law, what he is talking about here is not a contract that has conceded that all the Air Force requirements are absolutely correct, but what he is talking about is that the contractor's own contractual relationship be performed adequately, so if the Air Force makes a mistake, it is not the contractor's liability. But if the contractor does not live up to their own contractual obligations and specifications that they sign up to, that is where the liability comes in.

Mr. LEVIN. The Senator is exactly correct. We are very clear on that. These are only contractor-caused defects which violate the contractual obligations of the contractor which are covered in this amendment.

Mr. NUNN. I thank the Senator from Michigan.

Mr. President, it is my understanding that the Senator would like the yeas and nays on this amendment.

Mr. LEVIN. That is up to the leadership on this.

Mr. NUNN. I will consult with the leadership on that.

I urge, whether we have the yeas and nays, or whether it is voice vote, that this amendment be approved. We may have to work with the Senator from Michigan in conference on this amendment.

Mr. WARNER. Mr. President, I hope the Senator does not leave. I have another question on his amendment.

Mr. NUNN. I thank the Chair.

Mr. WARNER. Mr. President, my question goes back to the word "profits." As the Senator is aware, a contractor has certain allowable expenses and certain expenses which traditionally are not allowed under these contracts. One of them is the cost of money. For example, oftentimes they are allowed a profit of 10, 12, 13, 14 percent, but from that must be deducted the cost of money, and assuming the cost of money is 10 or 11 percent, they end up with about 2 or 3 percent profit.

Now, under the Senator's proposal, would certain costs, which are unallowable under the main contract, for example, the cost of money, be deducted before the profit is determined? You know, the deficiency clause here.

Mr. LEVIN. Unallowable costs are not allowed. We should not be paying them. The Government should not be paying costs which are unallowable. Under law, the progress provisions we have are intended to cover the cost of money situation. Some of the unallowable costs are advertising, lobbying costs, entertainment expenses.

The Senator is familiar, I think, with traditional unallowable costs. It is intended—and there is a system of progress payments which are intended

to cover the cost of money to the contractor.

Mr. WARNER. Well, then, would the contractor in this instance pay twice for his cost of money?

Mr. LEVIN. It depends on the situation that this particular contractor negotiates relative to progress payments.

Mr. WARNER. There is no way they could negotiate this in such a way that would be an allowable cost, the cost of money.

Mr. LEVIN. The contractor could negotiate progress payments which would take care of the cost of money. That is left up to negotiation. All we are focusing on here are the costs of apparent defects. We are not trying to negotiate the price of the planes, the profit or the fee. More technically, we are not in any way substituting, this Congress, for the negotiation of that fee. That fee is left to the negotiating table. All this amendment does is say that where the defects are caused by contractor mistakes, that we should not pay for it. At least we should not pay for them where the contractor is profiting from this plane.

Mr. WARNER. I hope we are not setting an unusual precedent here which would force the Government back into the position as it was in the B-1B, to be its own prime contractor. That is the concern that I have.

Mr. LEVIN. I do not think there is any implication or intention.

Mr. WARNER. We have sort of a take-it-or-leave-it approach here.

Mr. LEVIN. The problem in the B-1B was a contractor provision of a sub-contractor, in that case, which was not complied with. There were obligations there to meet certain specifications that were not met, and we ended up paying the tab.

Mr. WARNER. Mr. President, I have no further questions at this time on this particular amendment.

Mr. LEVIN. Mr. President, does the Senator from Colorado have an amendment he would like to bring up this evening?

Mr. ARMSTRONG. Yes. I could do it expeditiously.

Mr. NUNN. Can the Senator tell us the nature of the amendment?

Mr. ARMSTRONG. I certainly can.

Mr. President, if the Senator will yield to me.

Mr. NUNN. I yield.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. I wish to call up an amendment. In fact, I have two, and I would be glad to call up first an amendment which would condition the economic relationship between our country and the Soviet Union on an end to the use of Cuba as a headquarters for drug smuggling into this country.

My thought, if I understand our parliamentary situation, is that we are kind of at a lull for a few minutes on

the pending amendment, and I believe we can dispose of mine very quickly. With the approval of the managers, I would like to lay it aside and take this up. I do not present that as a unanimous-consent request, until I hear if that is agreeable to the managers.

Mr. NUNN. I suggest the absence of a quorum briefly, and we will get right back to you.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. NUNN. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 1352, a bill to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes.

Sam Nunn, Albert Gore, Jr., Edward M. Kennedy, Alan J. Dixon, J.J. Exon, Thad Cochran, Dan Coats, Frank H. Murkowski, Richard Shelby, Timothy E. Wirth, John Warner, John McCain, Al Simpson, Phil Gramm, Peter V. Domenici, Trent Lott, Jake Garn, Nancy Landon Kassebaum, Jeff Bingaman, John Glenn.

Mr. NUNN. Mr. President, this is filed because we have a terrific load of amendments here. This would not be voted on until Wednesday. Senators who have amendments they are concerned about being blocked out before cloture will be well advised to try to get them over here tomorrow.

We are going to be early. We are going to start on the Levin amendment at approximately 9 o'clock, and right after that, there will be a Wilson amendment and then Mr. ARMSTRONG has an amendment. We cannot arrange the schedule, but at least that is the manager's intent to take them if the Chair recognizes Senators in that order.

There is no unanimous consent now. But we will be here. I say to everyone I do not see any way to leave short of very late tomorrow night.

This means we will vote on cloture on Wednesday. The leadership has told us on both sides that we need to get through this bill by Wednesday evening. I know of no way to do it

without a cloture motion. I have never filed one before. But I do not know any other way to do it.

We have all sorts of other business this week. We have 70 or 75 amendments still pending. They seem to be coming in as rapidly as we dispose of them, which theoretically means we could be here forever.

Mr. CHAFEE. We have the staff working at night, though.

Mr. NUNN. The staffs are working at night. They bring them in in the morning. So we have to make some decision here and if people want to decide that we are going to get through this week with all the other load there is no other way to proceed than trying to finish this bill by Wednesday night and that means not only a very late night tomorrow night, it means we must be productive all day tomorrow.

I must say we have been very productive today. We have had a number of amendments. Probably about 20 or 25 amendments have been disposed of. But the problem is they keep coming in. So as long as they keep coming in we will not make much progress until we come to either a unanimous consent or cloture.

I had thought we were going to have a rollcall vote on the Levin amendment. We have worked out with him very carefully the details of his amendment and, as I have already said, I urge its passage and I am informed that the leadership at this hour will probably prefer we not have a rollcall. Senator LEVIN has not demanded one.

Mr. CHAFEE. I wonder if I could ask the distinguished floor manager to yield for a question.

Mr. NUNN. Yes.

Mr. CHAFEE. On the Levin amendment, it is an incredibly complex provision. To me it is micromanagement. I cannot quite understand why it is.

Is the distinguished chairman of the committee locked in concrete in favor of this amendment? That is the first question. The second question is, is there going to be a chance to discuss it to some degree tomorrow?

Mr. NUNN. We could always discuss it, but I would refer the Senator to page 2. There is an escape clause in case the Secretary decides that the benefits of such exclusions or limitations substantially outweigh the potential costs he can waive the amendment. Without that language in there, I would have to oppose the amendment, but that language does give an escape clause, and that has been carefully worked out with the Senator.

It does put a more stringent requirement on the contractor, if the Secretary does not have some kind of waiver, but we will be glad to discuss it tomorrow, but it is my recommenda-

tion that we go ahead and accept it this evening.

Mr. CHAFEE. Oh, the Senator is going to accept it this evening? I thought the Senator said he was going to discuss it tomorrow.

Mr. NUNN. The Senator said that. He asked the question.

Mr. CHAFEE. I must have misunderstood.

Mr. LEVIN. If the Senator will yield, this is another Levin amendment.

Mr. NUNN. I am sorry. We have a Levin amendment on the MX missile.

This amendment we had planned to go ahead and accept this evening or have a rollcall this evening.

Mr. CHAFEE. I see the distinguished majority leader is here eager to say something. I do not want to interfere. But I did have a couple questions on this Levin amendment at the proper time.

Mr. WARNER. Mr. President, now is the time.

Mr. CHAFEE. The majority leader was about to say something momentous.

Mr. MITCHELL. Mr. President, I was about to announce that having been advised that the managers were prepared to accept this amendment there would be no further rollcall votes this evening.

Mr. CHAFEE. That is fine.

Mr. MITCHELL. However, in fairness to Senator Levin if questions are going to be raised that might lead the managers not to accept the amendment, then I believe we ought to know that before I make that announcement because then it may be necessary to have a vote.

Mr. CHAFEE. I will be brief. This is complicated. But as I understand it, the Levin amendment would in theory force the contractor, if I can abbreviate it to some degree, to use whatever profit he was going to make toward the repair of the aircraft if that should become necessary to keep it repaired.

Mr. LEVIN. If the Senator will yield, only to defects that the contractor causes, which is in violation of the contractual obligation.

Mr. CHAFEE. And the theory was you were going to work it down so that would be zero profit.

Mr. LEVIN. Only if there is contractor-caused defects.

Mr. CHAFEE. That is right.

But I think under the Senator's amendment the contractor actually could come out with zero, with a minus profit, or a cost because the Senator has not figured in the cost of his money nor his capital investment with his equipment.

As I understood the Senator's answer to that was that the progress payments would take care of the cost of the money. Am I correct?

Mr. LEVIN. The capital investment is amortized. That one there is no dif-

ficulty on. The cost of money is intended to be covered by the progress payments which are negotiated as part of the contract negotiations.

We do not get into what the price of the plane is, what the fee is, or the actual profit in the amendment. We do not get into that.

It is a very simple approach which says that if there are contractor-caused defects that violate the obligations of the contract then the contractor would fix those up to at least the amount of the fee or the actual profit which has been negotiated.

But the cost of money can be negotiated through progress payments. As far as capital investment, the Air Force assures us that it is amortized and it is not a problem.

Mr. CHAFEE. I have talked with some officials from the Air Force who are not in favor of this amendment because of that particular clause. I just find that if we have so little confidence in those people who are running the Air Force, then we ought to get other people to run it. But to have two pages of intricate material dealing with negotiations and limitations on the prime contractor's financial liability I think the Senate is going too far. I just do not quite understand why the Senator is pursuing this amendment.

Mr. LEVIN. I would like the opportunity to respond to that last question. That is the critical question.

Mr. CHAFEE. That is correct.

Mr. LEVIN. In the first production contract plane, if the profit that was negotiated was \$50 million and the expected limit on the liability of the contractor to fix defects caused by the contractor in violation of the obligations in the contract were \$4 million, now I say to my good friend from Rhode Island, there is something wrong with that.

All this amendment says is negotiate responsibility for the contractor at least up to the negotiated profit, and we put in a waiver provision. So it would seem to me that it is a very reasonable amendment. It is based primarily on the B-1 experience where we had a \$1 billion repair bill for defects which were caused by the contractor.

Mr. CHAFEE. Let me just say this: I know the manager on the Republican side has a lot of experience in these areas. I think we all want to play contracting officer around here, and that is fine. But to me, I have grave reservations. I am looking at this amendment and I cannot quite see where it says that if the Secretary of the Air Force—could the chairman enlighten me?

Mr. NUNN. If the Senator would look at page 2, specifically at (d)(2).

Mr. CHAFEE. I may not have the proper amendment. I see "The Secre-

tary of Air Force shall notify the Armed Services Committees."

Mr. NUNN. I have the portion circled and we have the same text.

Mr. CHAFEE. I see where the Senator is referring.

Mr. NUNN. If the Senator would look down to paragraph (2), we negotiated this very carefully with the Senator from Michigan. After the mandate to the Secretary, we add the words "unless the Secretary determines that the specific benefits of such exclusions or limitations substantially outweigh the potential costs."

Mr. CHAFEE. Then he can disregard this provision?

Mr. NUNN. Well, he can disregard paragraph (2), yes.

Mr. LEVIN. The Senator is correct. There is an escape clause.

Mr. CHAFEE. If that is the case, I am not quite sure why we have to have the legislation.

In my State, they passed a seatbelt law, a mandatory seatbelt law, which they made optional. Now, it appears that is what we are doing here. Why we spend time passing legislation like this, I find confusing.

Mr. LEVIN. If I could answer that point. I think it is significant. This is not a mandatory seatbelt law which was made optional. This is not let's play contractor provision. It is a let's protect the Treasury provision. It is a let's protect the Treasury provision from the kind of situation we find ourselves in with the B-1 bomber where we were repairing defects that were caused by the contractor in violation of the contract.

Now, I do not think the Senator from Rhode Island can have it both ways. I do not think he can say we are micromanaging when we provide enough flexibility so the Secretary can get out from under this provision if he finds it too onerous. I would think that the Senator from Rhode Island would applaud that kind of flexibility so that we can avoid that kind of micromanagement in putting something in concrete.

But we are putting ourselves on record here, in a very significant way, that we do not find acceptable a situation where there is a profit of \$50 million on an airplane, where there are \$30 million in repairs that are caused by the contractor's violation of his obligations, but where the contractor's responsibility is limited to \$4 million. That is the situation with the first five production aircraft. It is unacceptable. This is a statement of the Congress that it is unacceptable.

Mr. WARNER. Mr. President, might I say to my friend from Rhode Island and others that we find ourselves in a bit of a procedural bind here. I shall not interpose an objection—I am not going to say I am going to accept the amendment—I shall not interpose an

objection, but I would be less than candid if I did not tell my good friend that this Senator will likely revisit this amendment during the course of the conference. Between now and then, I fully intend to get the advice of not only the Department of the Air Force and possibly others in the Defense Department, but also some indication from the constituency of the contractors as to whether or not we are setting a precedent. I am sure, as I see my good friend here in a polite way nodding, there may well be some fine tuning to reach his result and, at the same time, not set a bad precedent.

Mr. LEVIN. We indeed believe we have done that fine tuning. We have worked for quite a long period of time on this. We have notified the contractors. The information has gone back and forth with the Air Force on this for many, many days.

Mr. WARNER. I am concerned about a precedent.

At this time, I would indicate, unless there are other Senators on my side that wish to speak, we have no objection to the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Michigan [Mr. LEVIN].

The amendment (No. 534) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, may the record reflect the Senator from Virginia would have voted in the negative.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, this amendment having been worked out in a manner that permitted it to be accepted, there will be no further rollcall votes this evening.

I want to say to my colleagues that, according to the managers, there are now pending 74 amendments to the bill. It is imperative that we complete action on this bill not later than Wednesday evening. Therefore, Senators should be on notice that we will begin action on this bill at 9 o'clock tomorrow morning and we will stay for a very long evening tomorrow as we attempt to dispose of as many of those 74 amendments as possible.

We have encountered the familiar problem of dozens and dozens of Senators stating their intention to offer amendments but being unwilling to come to the Senate floor to offer those amendments until such time as it suits their convenience, their wife's convenience, their dog's convenience, their children's convenience, and their

staff's convenience. As a result, the entire Senate is inconvenienced.

So I say to my colleagues that we are going to stay here until we finish this bill, hopefully late Wednesday, which means a very long evening tomorrow and a very long day Wednesday. It is imperative that we do that because we still have left to do this week the conference report on the savings and loan legislation, the oilspill legislation, the short-term extension of the debt limit, the rural development and disaster relief legislation, all of which may require substantial amounts of time.

So Senators should be on notice and aware that beginning tomorrow morning there are going to be very long sessions with rollcalls throughout the day and into the evening and we are going to stay here until we finish all of those matters. If that means that we do not go on recess on Friday or on Saturday or on Sunday or on Monday, so be it. Senators can have the luxury of not wanting to offer their amendments on Friday or Monday, but the result of that will be a session on next Saturday or Sunday. Sooner or later, Senators are going to come to realize that the greater convenience is to be prepared to act when the legislation is before us.

I thank the managers for their diligence in this.

I now yield to the distinguished Republican leader.

Mr. DOLE. Mr. President, let me agree with the distinguished majority leader and indicate to colleagues on my side that we cannot have it both ways. If we want to have the recess and we want to have it on time, we have to have the debt ceiling and we should try to complete action on the S&L conference report. I know there is a drought bill and rural development bill that many are interested in, I know there may be oilspill legislation, plus 70-some amendments on this bill.

I am pleased the distinguished chairman has filed a cloture motion—at least, I understand a cloture motion has been filed.

I hope, just to address colleagues on this side—we have the policy luncheon tomorrow—that they might agree we could vote on that cloture motion maybe late afternoon tomorrow instead of Wednesday morning. It seems to me that would speed up the process. We will make that effort on this side. Because, otherwise, as the majority leader has said, there are amendments coming in and as fast as you take one you get two more in the back door.

I think the managers are doing a good job. I think some of these amendments, obviously, are very important. But I think, again, as the majority leader has stated, many Members who were not here today did not lose any of their rights. They can take up half the day tomorrow.

But, when it comes to Friday, I have a feeling everybody is going to want to depart for the August recess.

So I would certainly urge my colleagues, if there are amendments, some are going to be accepted, some can be worked out, but they cannot be worked out and they cannot be accepted unless the Senator is on the floor.

So I would say to my Republican colleagues who have indicated they might even like to leave a little earlier this week, that is not going to be possible unless we have total cooperation.

So, I will work with the majority leader in an effort to achieve a quick disposition of this bill and the other items mentioned.

Mr. MITCHELL. I thank the distinguished Republican leader.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, Senator McCAIN this afternoon, late, filed an amendment on behalf of myself, Senator WARNER, Senator LEVIN, and several other members of the Armed Services Committee. This amendment is one of four burdensharing measures that were reported out by our committee.

Although this amendment was approved by the committee, we offered it in our capacity as individual Senators because the amendments came up in committee after we had passed this bill and it was already on the floor. This specific amendment addresses the future of the United States military presence in East Asia and in particular South Korea.

Like the other three amendments in the committee's burdensharing package, this measure is motivated by a widespread concern that the United States still bears a disproportionate share of the burden of Western security. This imbalance exists despite shifts in relative economic power from the United States to some of our major allies. Adjustments in burdensharing are long overdue.

In the case of one of our oldest and strongest allies, the Republic of Korea, we have been gratified to witness a tremendous recovery from the devastation of the Korean war. The people of South Korea have built a prosperous economy that has experienced, in recent years, double-digit rates of growth. From 1983 to 1987, the economy grew at an average real rate of 10.1 percent each year. Moreover, just in the last year, South Korea has made progress in trans-

forming its authoritarian government into a more democratic system of checks and balances. In relatively free and fair elections, South Koreans have elected a new president and a new national assembly actually controlled by the opposition parties.

At the same time that it has rebuilt its economy and begun to reform its government, South Korea has confronted a serious threat of aggression from North Korea. To meet this threat, South Korea has developed a large, modern military that has advanced with the country's growing economy and national budget. With the assistance of the United States, South Korea has successfully maintained peace on the Korean peninsula for 45 years.

As far as the future is concerned, I believe that South Korea enjoys long-term advantages that will enable it to continue its economic progress and also deter aggression. For example, its total population is twice as large as that of North Korea, and its gross national product is about six times larger. South Korea's total trade turnover in 1987 amounted to about \$87 billion, which is almost 22 times larger than that of North Korea. The stark differences in the two countries' economies are relevant to their long-term competition in two ways. First, South Korea's growing, dynamic economy should enable it to modernize its military capability at a rate sufficient to defend itself against North Korea. Second, South Korea's exports and overseas investments have resulted in commercial and political relationships throughout the world, including with an increasing number of even Communist countries. This broad participation in global commerce and politics is in direct contrast with the continued isolation of North Korea.

In its work on the amendment that is the subject of this discussion at this point in time and the amendment that is now filed at the desk, the Armed Services Committee recognized the political, economic, and social trends on the Korean peninsula. The committee decided that these favorable trends now make it possible for the United States to reassess the future of its military presence in East Asia and in particular, South Korea. The amendment expresses the sense of Congress that this reassessment should lead to South Korea assuming increasing responsibility for its own security. Like another committee initiative on Japan, the amendment also calls upon South Korea to offset more of the direct costs incurred by the United States in deploying military forces in defense of South Korea. Then, in one of its more important parts, the amendment expresses the sense of Congress that the United States and South Korea should consult on the feasibility and desirability of partial,

gradual reductions of United States military forces in South Korea.

Mr. President, the Armed Services Committee carefully considered this last recommendation. The consultations that it calls for should be considered in the context of the worldwide adjustments in burdensharing that I mentioned at the outset of my remarks. It is only natural that this wide-ranging review of our commitments and strategy should include an assessment of the possibility of partial, gradual reductions in the 46,000 United States troops in South Korea. I personally believe that adjustments in our force structure in South Korea may be possible in the future.

Of course, another option would be to keep the force structure as it is and to make increased offsets from South Korea. So, these are things that we put forth as options in the amendment that we ask the administration to carefully review.

These changes could be coordinated with other changes in our military presence elsewhere in East Asia. However, I do believe that if a comprehensive review results in a restructuring of United States forces in South Korea, it should not lead to the total withdrawal of United States troops; it should be gradual in its implementation; and it should be in close consultation with the South Korean Government.

With these conditions in mind, I hope that President Bush will respond to this recommendation by initiating consultations with our South Korean ally. Although the Congress certainly has an important role in this matter, the willingness of the executive branch to pursue this initiative will be crucial to its success. The amendment specifies that in order for Congress to determine whether further congressional action is appropriate, the President is to report to the Congress on the results of these consultations by April 1, 1990, and, then again, within 1 year after the enactment of the Defense authorization bill.

To stimulate the reassessment that the committee believes is appropriate, the amendment directs the President to prepare a comprehensive report on the United States military presence in South Korea and East Asia. The first part of the President's report is to examine several regional factors that bear on the future structure of our military forces. Among the more important factors that are to be assessed are:

The implications of recent developments in the Soviet Union and the People's Republic of China for our security planning in East Asia;

Changes in the missions, force structure, and locations of U.S. forces in East Asia that would strengthen their capabilities and lower their costs; as well as

Ways in which U.S. defense responsibilities and costs be transferred to our East Asian allies.

After the President's report establishes this regional context, it is to go on to describe a 5-year plan for the United States military presence in South Korea. The amendment specifies that the President is to include in the plan a discussion of the feasibility and desirability of several possible changes. The changes to be discussed include:

Restructuring United States military forces in South Korea so that their leading role in deterring aggression is changed to a supporting function;

Partial, gradual reductions in the number of U.S. military personnel;

The redeployment of United States forces and facilities within South Korea that can be made to reduce friction with the local population; and

Changes in command arrangements that would facilitate a transfer of certain military missions and command to South Korea.

Mr. President, I hope that the policy guidance and review prescribed in this amendment will energize the executive branch. I believe that the measure represents a reasonable, responsible effort to stimulate a reassessment of our military presence in East Asia. As with the committee's other burdensharing initiatives, I must recognize the work of Senator WARNER, Senator LEVIN, Senator McCAIN, and Senator COHEN on this particular amendment. I appreciate their ideas and cooperation, and I urge at the appropriate time, which is not this evening but will be later in the debate, that the Senate approve this amendment.

Mr. COHEN. Will the Senator yield?

Mr. NUNN. I will be glad to yield.

Mr. COHEN. Mr. President, I want to commend Senator NUNN for his leadership on this particular issue. I know there is a great temptation on the part of individual Members, including myself, from time to time, to give specific direction to the administration on how the conduct foreign policy or, indeed, defense policy.

The Senator from Georgia and myself had an opportunity back in 1979, as I recall, when we made a very quick trip to the Far East, to China and to Japan. We ended up passing through South Korea on the return of that trip. We were concerned at that time that a campaign pledge had been made that we were going to have a unilateral withdrawal. As I recall, it was about 3,000 troops; it may have been 10,000 troops at that time.

It set a number of the foundations shaking in that region. It was not just the question of how many were going to be withdrawn, but the manner in which it was going to be carried out: Without consultation, without taking into account either the feasibility of

doing it or, indeed, the desirability of doing it, and it had ramifications well beyond our relationship with South Korea. It certainly had an impact upon Japan; it had an impact upon the ASEAN nations; it had an impact well beyond the scope of anything contemplated by certainly those who were supporting such a move.

I think there is similar pressure today, particularly in view of the cuts we have seen in our defense budget, and there may be amendments offered to try and unilaterally dictate withdrawal of troops from South Korea or elsewhere. I think it is a mistake for us to do that, and that is the reason why I am commending the Senator from Georgia for the initiative and giving some incentive to the administration to conduct this study, to do it on a comprehensive basis, to take into account negotiations, consultations with our allies, recognizing that we do have to restructure our forces in a changing world, and how we can best do that in a way that maintains stability and keeps the peace.

I think the amendment offered by the Senator from Georgia, the chairman of the committee, is the most responsible course of action, and I want to commend him for his initiative.

Mr. NUNN. I thank the Senator from Maine because he played a vital role in this. In fact, he made several suggestions I thought greatly improved the amendment in key areas of the amendment.

I also very vividly recall the trip we made to South Korea, even though it was brief. We learned a great deal there. We came away from there with a strong conviction that a unilateral move without consultations at that time would have been a very big mistake. In fact, we came back and went to the White House and directly discussed it with President Carter.

Within a month or two, the administration did come around to that point of view. The Senator from Maine was a vital part of it at that stage. I think it is time to make some reassessments, but they have to be done carefully; they have to be done in consultation with the South Koreans; they have to be done, particularly considering the context of what has happened in China, what has happened in the Soviet Union, the ability or willingness of those two superpowers in that area of the world, to exercise restraining influence on the North Koreans. All of those things have to be considered.

Mr. COHEN. To that I would add, if the Senator will yield, particularly in view of what is taking place in Japan as not only an economic power, but a growing military power.

Mr. NUNN. The Senator is exactly right. I thank the Senator for his comments and for his splendid assistance in cosponsoring this amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. NUNN. Mr. President, I ask unanimous consent that there be a period for morning business with Senators' statements permitted therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

HIGH COST OF PRESCRIPTION DRUGS

Mr. PRESSLER. Mr. President, the Special Committee on Aging on which I serve is currently investigating problems with prescription drug pricing. The Congressional Budget Office estimates that the cost of the Medicaid Catastrophic Coverage Act [MCCA] prescription drug benefit will be significantly greater than was first anticipated. This has raised serious questions about the pricing of prescription drugs. It is of special concern to the two groups it hurts the most: the elderly and small independent pharmacies.

The elderly comprise 12 percent of our population yet account for nearly 30 percent of the prescription drug market. For these senior citizens on fixed incomes, any significant increase in drug prices may prove to be too heavy a burden. Currently, nearly 15 percent forgo having their prescriptions filled because of exorbitant costs.

Drug prices have risen considerably in this decade. Between the years 1981 and 1987, drug prices rose 88 percent. During that same period, the consumer price index rose 28 percent. The elderly in South Dakota have expressed a growing concern about the steady rise in prescription drug prices. We need to thoroughly examine this issue. Our senior citizens deserve affordable health care.

Another social group hurt by the rising cost of prescription drugs are the independent retail pharmacists. Most people obtain their pharmaceuticals from their local drugstore. Yet, these small independent pharmacies are not the source of the problem. Small independent pharmacies are forced to raise their prices when the pharmaceutical manufacturers significantly raise their wholesale prices. As I said earlier, the inflation in drug prices recently has been much higher than for most other consumer items.

Despite drug price inflation, the small independent pharmacist has not

increased fees commensurately. According to the Pharmaceutical Economics Research Center at Purdue University, the wholesale cost of drug products rose from an average of \$6.13 to \$11.07 during the years 1982 to 1987. Yet, the typical pharmacist's average fee for filling a prescription only rose from \$3.04 to \$3.32 during that same period. The average total cost of the prescription to the customer rose from \$9.17 to \$14.39. This increase is due to the manufacturers' imposition of higher and higher wholesale prices on independent pharmacists.

Independent retail pharmacies are forced to pass on their higher costs to their customers. Yet, closed market groups such as nonprofit hospitals, HMO's, and mail-order services are given huge discounts when they purchase prescription drugs from pharmaceutical firms. For instance, Nitro-Dur patches are sold to nonprofit hospitals for 1 cent. Independent retail pharmacists pay approximately \$1 wholesale for the same item. This has put a severe financial strain on local independent pharmacies.

The result of this difference in cost is that customers go elsewhere, such as mail-order services, for their prescription drugs. Mail-order services provide maintenance drugs that are usually taken daily for such illnesses as high blood pressure or diabetes. What happens when an acute illness suddenly appears—such as strep throat or an infected tooth? Both require prompt delivery of medication. Mail-order services cannot meet these acute illness demands because they cannot process orders on short notice.

Small independent pharmacies rely upon maintenance drug sales as well. When customers use mail services to purchase maintenance drugs, this takes business away from local business. Local pharmacies cannot compete because they cannot obtain drugs at the low prices available to large, high-volume mail firms. Acute illness drug sales are not sufficient to keep the small pharmacies afloat. This has caused some independent pharmacies to close, especially in rural areas, further compounding the problems faced by rural communities in trying to provide adequate health care. The need for acute illness drugs cannot be met by mail-order services. Yet, communities must have ready access to these acute illness drugs.

Mail-order services, HMO's, and nonprofit hospitals all are given discounts. The small independent pharmacist does not enjoy this discount. Even independent buying groups, formed by the independent pharmacies, cannot buy prescription drugs at the same prices as the closed market buyers. What could be the cause of this large price disparity?

Several people in South Dakota have asked me this very question. I am convinced we need a congressional investigation of this problem.

The Robinson-Patman Act makes it illegal to sell products at substantially different prices to different purchasers. It allows for modest price differences as a result of volume purchasing, prompt payment, or other justifiable reasons. After this law was passed in 1936, several nonprofit institutions complained about the sudden price increases they experienced soon thereafter. Congress responded by passing the Non-profit Institutions Act which "forgave true charities for acts that would be crimes under Robinson-Patman."

According to the National Association of Retail Druggists Journal, that law encompasses "any health care institution that calls itself a nonprofit, no matter how much money it makes, how few indigent patients it serves, or how much its activities compete with taxpaying small businesses that don't enjoy charity-priced products."

The purpose behind price discounting was investigated by Consumer Reports [CR], the highly respected consumer rights organization. Consumer Reports noted that several hospitals—not just nonprofits—obtain drugs at bid prices—a tiny fraction of the retail price. Manufacturers do this to build brand prestige, "indoctrinate physicians," and "seduce patients into thinking that the brand used by the hospital is best."

The whole system is analogous to a carpenter leveling a piece of wood. On one side, the closed market groups are given huge savings. On the other side, the pharmaceutical manufacturer charges significantly higher prices to independent pharmacies to offset the low prices in the closed market. It is a system of taking from one side in order to give to the other. Who, then, is ultimately taken? The public, of course.

The advent of generic drugs was seen as the answer to drug price disparities. However, generic drugs are only nonpatented drugs. Patented drugs are the cause of the pricing problem.

Patients introduced to newly patented drugs in the hospital tend to demand the same brand at the corner drugstore, but generics of newly patented drugs are not available. Therefore, the price of a patented prescription drug is based upon whatever the market will bear. Unfortunately, a multitiered pricing system has emerged as a result of lower prices being charged to closed market groups. Most people obtain their prescription drug needs from their local pharmacy. These pharmacies pay the highest wholesale prices. More people would benefit if the wholesale prices

paid by retail pharmacies could be reduced.

This problem, Mr. President, is quite complex. However, we should be able to reach a solution. I support the investigation by the Special Committee on Aging in this matter.

THE THREAT TO DEMOCRACY IN CHINA

Mr. PRESSLER. Mr. President, as the greatest free nation in the world today, it is our duty to take a stand on the atrocities that have taken place in China. If freedom and democracy are to spread further throughout the world, we cannot let the vicious actions of the Chinese Government go unnoticed. We must act now.

This issue affects the entire world. We must show the world that the United States absolutely rejects any claim to legitimacy that is made in defense of totalitarian acts such as those that occurred in Tiananmen Square and elsewhere in China. We must demonstrate our willingness to defend individuals whose rights have been violated. The rights of those brave, young Chinese demonstrators have been trampled beyond justification.

The United States should be prepared to take further economic and political action against the Chinese Government. We must help to stop the outrageous arrests and executions of demonstration leaders that continue in China.

As did most of our colleagues here in the Senate, on July 14 I voted for the Senate resolution that condemned the persecution in China. I also joined in the Senate telegram to Chinese leader Li Peng, appealing to him not to punish the demonstrators for their attempts to expand opportunities for political freedom. But these acts may not be enough. More severe, more persuasive actions against the Chinese Government may be necessary.

This is not to say, however, that we have not already taken several important steps in our response to the dictatorial behavior of the Chinese Government. I strongly agree with the decision to terminate United States military ties with China. I also applaud our efforts to help Chinese refugees who have fled their homeland in fear of being executed for their peaceful exercise of rights we take for granted. Furthermore, I support the visa status change to protect Chinese students in the United States.

The Senate leadership's amendment, for which I voted, undoubtedly was a step in the right direction. It proved once again that the United States of America will not ignore ruthless military actions against unarmed civilian demonstrators. The amendment adopted by the Senate has paved the way for possible additional United States actions and sanctions against

the Government of the People's Republic of China. That amendment condemned the Chinese Government for carrying out massive arrests and executions; commended the President for taking measures against the Chinese Government; and urged specific additional sanctions to discourage further arrests and executions.

Whatever course of action we ultimately decide to take, it is imperative that we work closely with other countries. Chinese leaders must realize we do not stand alone in this matter. As I stated earlier, this issue affects the entire world. For sanctions to be effective, we must unite with those countries that also oppose the actions of the Chinese Government. The response of other countries has been encouraging. For example, Japan, West Germany, France, and Great Britain all have taken measures to express their disapproval.

Recently in Paris, Wuer Kaixi and Li Lu, two fugitive Chinese students, appeared in public for the first time since fleeing their country. In a letter to more than 30 heads of state, these two Chinese students called for three major actions.

First, they called for the creation of a United Nations' Investigative Commission to look into the military assault and the wave of arrests and executions that followed. Second, they asked for aid for the victims of the crackdown. And third, they appealed for pressure on the Chinese Government to halt its repression, including imposition of economic sanctions and the breaking of diplomatic relations.

In conclusion, Mr. President, we should continue to remind Chinese officials that we do not condone the evils that have taken place throughout China during the past few months. We also should continue to show the Chinese people that their push for freedom was not in vain, and that we support their cause.

COMMENDING JOHN PASTORE'S ADVICE

Mr. PELL. Mr. President, early this summer, Dr. John O. Pastore, Secretary of the International Physicians for the Prevention of Nuclear War, gave a very striking and thought-provoking commencement address at Rhode Island College.

My fellow Senators may recall that Dr. Pastore is the distinguished son of a distinguished father, former Senator John Pastore, who won our respect and admiration here in the Senate. I have followed the career of Dr. Pastore very closely and wanted you to know that he has made a fine mark, both as a physician and as one of the driving forces of the International Physicians for the Prevention of Nu-

clear War, an organization with many honors, including the Nobel Prize.

Dr. Pastore told the graduating class of Rhode Island College and their parents and friends how the twin problems of poverty and disease have been neglected. He said:

How wonderful then that we are presented with an international situation that is the cause for more optimism than we have ever had before in this century. It is not inconceivable that we can move towards a time when nations that were previously at each other's throats are trading partners, even a time when the rough edges of socialism and capitalism are made smooth. Relatively modest expenditures of money can save 40,000 children who die each day from preventable diseases for which we in medicine have treatments. And altruism begins at home. If it becomes clear to even the most skeptical among us that the Soviet Union has no reason to invade Europe and the United States, then why build instruments of genocide called nuclear weapons, the use of which would kill millions of capitalists and communists alike. And why persist with nuclear test explosions, the purpose of which is to develop more deadly generations of weapons only a madman would use.

He spoke of the importance of bringing about a better world in the next century by creating bonds that transcended international boundaries. He said:

We can create a world where our common humanity is the driving force, not differences of race or language or political ideology. A person to person diplomacy is what I am urging—an infinitely complex web of interpersonal, international association that will make irreversible the trend we can all feel and sense at last of a world beyond narrow nationalism, a world beyond war.

So, take every opportunity to travel and to interact abroad. Be better representatives of all that is American than many of those in authority officially designated to do so. In the end, war will not come if we work together as a people to prevent it. In the end, those E.L. Doctorow has called the cult keepers of the bomb will be powerless to use bombs. We may even see the day Dwight Eisenhower predicted when people would demand peace so loudly that their leaders would have to get out of their way and let them have it.

He concluded with wonderful advice for young people facing life's challenges:

But whatever you do for your life's work, be involved in the great events of our time. Democracy is a participatory and not a spectator sport. Question authority even as you respect it. Treat one another well. Accept love and wisdom graciously if you are privileged to receive them. Seek the truth for yourself, and when you find it proclaim it with confidence and courage.

Mr. President, I ask unanimous consent that the full text of Dr. Pastore's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

COMMENCEMENT ADDRESS, RHODE ISLAND COLLEGE, MAY 20, 1989

(By John O. Pastore, M.D., Secretary, International Physicians for the Prevention of Nuclear War)

Madame president, Secretary Cavazos, and other honorary degree recipients, faculty of the College, 1989 undergraduate and graduate degree recipients, our families and friends:

It is an honor and pleasure to be with you today, and I am sure that I speak for all that you have honored when I express my deep appreciation. I would also like to congratulate very sincerely all of you who have worked so hard to earn the degrees that you are being awarded today. No one can be more proud of you than your parents and friends, but we also share in the joy of your great accomplishment.

Over the past few weeks, the thought has often occurred to me that there are only two kinds of commencement addresses, those that are too long and those that are not short enough. And as one of my associates told me a few months ago, a speech need not be eternal in order to become immortal.

I have also been reflecting on my own university commencement 26 years ago. At that time, I sat along with my friends as you are now sitting, facing a somewhat older person whom I had never seen before but who was prepared to delay the conferring of our degrees—after all, the reason we were really there—with several minutes of avuncular comments and pearls of wisdom. He was the prime minister of a large country friendly to the United States and a man of some prowess in international diplomacy. For the life of me, I cannot recall the theme of his speech nor a single thing he said. But what I remember is the heat of the day, the finality of it all, and the smiles on the faces of my parents and fiancée. So I know what you are thinking! But, I have been asked to talk with you for a few minutes and I will do my best to tell you something that you may be able to use and perhaps even remember when you are my age, in the next century.

There is an automobile bumper sticker that I used to find somewhat annoying. It consists of only two words: Question Authority. You notice, it does not say "Challenge Authority" nor "Distrust Authority" nor certainly not "Disregard Authority." On reflection, I think the words were carefully chosen. "Question Authority." I suppose my initial reaction to the bumper sticker was defensive. After all, both as a parent and as a medical school faculty member, I have been in positions of authority, and none of us likes to have our authority questioned.

But I would indeed urge you to question authority, and I would like to give you a few examples of what I mean.

Only last week there was a wonderful article in one of the national weekly news magazines. It was entitled "A Surprise For Sovietologists." The gist of the article was the fact that things are changing so quickly in the Soviet Union that the so-called experts in the West have not been able to keep up with the Gorbachev revolution—his perestroika, or restructuring, and the new glasnost, or openness.

However, the most revealing aspect of the article was the description of one very famous and influential American Sovietologist, a man who has had an appreciable impact on the thinking of the past several presidents in our country. It turns out that this expert on Soviet affairs had not traveled to Russia for twelve years. The reason

he gave Newsweek was that there wasn't that much going on over there. When he finally did travel to the Soviet Union recently he was astonished at what Gorbachev had accomplished over the past four years. This Sovietologist had been a leader among the hardliners, who believed nothing could be done with the Soviets, an attitude that has prevailed until very recently.

When I read that, I recalled appearing with him on a television program in Boston a few years ago. My impression then and now was that like many Sovietologists he could not be influenced easily, if at all, by new data. In fact, there in a whole generation of specialists that has misjudged and misplayed the Gorbachev revolution. This is a result of their emotional and, it seems to me, non-intellectual approach to foreign policy. An intellectual's mind can always be changed as the world changes. The mind of an ideologue is unchangeable.

However, I am not here to criticize those who have delayed the thawing of the cold war. And it is not my intention to disparage all Sovietologists. In fact, 25 years ago I married one, and she has molded my best thoughts on this issue. Rather, I want to urge you to see the world for yourselves, to trust your own assessment of the data you collect, and to make up your own minds on the important issues of our time. You should consider it your responsibility as a citizen of this noble country to question authority, especially when an authoritarian interpretation of events does not make sense to you.

Doctors are prone to medical metaphors and I would like to use one at this point. Your might think of democracy as a muscle that becomes stronger with use, one that tones as it is flexed but that atrophies if it lies dormant. Weightlifters talk about repetitions or "reps," frequently done exercises used for the purpose of building strength and bulk in individual muscle groups. Democracy requires repetition as well. It has to be used frequently if it is to become stronger rather than weaker. Thus, we should all be deeply troubled that barely 50 percent of those Americans eligible to vote in the last presidential election chose to do so. You know this American democracy is a difficult experiment that we are attempting. I know of no other Western country, and certainly no regime in the East, where diversity is so welcomed in law and in practice. Yes, of course we still have discrimination along racial and gender lines. Nevertheless, we expect the day when ability is the only criterion used when we select our president and vice president. But only a quantum leap in individual participation in the democratic process will bring that day.

Even in this land of plenty, we are beset with assaults on our environment, on the medical care of our infants and our elderly, and on our personal safety in parks and on the streets. Solving these problems in the context of democracy is a Promethean challenge. We need your individual insights if we are to make our American experiment work. And we need your personal involvement. Do not leave the work, but also the fun, to the so-called experts. Question Authority.

This brings me to my second, and I hope related, point. You are graduating from this college at a time when enormous possibilities for the advancement of humanity are on the horizon. The resolution of the old enmities, especially those between the United States and the Soviet Union, the United States and China, China and the

Soviet Union, and between Eastern and Western Europe are like pearls of great price, dazzling us with their luminosity. It may be that we can develop, as Einstein hoped, a whole new way of thinking, so that humanity can survive or even as William Faulkner stressed in this Nobel Prize acceptance speech, "not only survive but prevail."

But I hope your generation will have a better understanding than have those before it that the path to international co-operation and to development lies through disarmament.

I would like to share with you a personal experience. Last month I traveled to South Asia to represent the International Physicians for the Prevention of Nuclear War at a conference of physicians from India, Pakistan, and Bangladesh. I got off the plane in Delhi at about four o'clock in the morning after a very long series of flights. I had a thought which I had also had before when surrounded by hundreds of disembarking passengers halfway around the world. With so many people here, I thought, there must be somebody I know. The thought was quickly shrugged off as the nonsense rambling of a jet-lagged brain as I proceeded through passport control.

However, as I was waiting for my luggage to come off the carousel, I saw three somewhat shy religious nuns. One was quite old and a bit stooped over, and did not appear Indian. The other two were much younger and attending to her as they also waited for her luggage to come off the carousel. Although I was quite far away and fatigued and had never seen her before, I knew that the older woman was Mother Theresa. She was the first person on my first trip to India whom I recognized. With some trepidation, especially since no one else was interacting with her, I went over and said hello. Fortunately, baggage handling at the Delhi airport is quite slow, so we wound up having a conversation of some 20 or 30 minutes. I showed her an advance copy of something that had been written by the Indian physicians in our movement and I would like to read you part of what she and I read together in the Delhi airport.

"Though there is no nuclear war today, yet the very preparations for it are killing many people in the world today. The 950 billion dollars which the world spends on the arms race this year imply a diversion of precious resources from the areas of health and social services into armaments. All this occurs in a world where more than 450 million children are chronically hungry and over 40,000 children die each day from malnutrition and infection. Every minute a child dies or is crippled by a preventable disease. In the same amount of time that this needless sacrifice of 40,000 children occurs, namely one day, the world spends a total of 2.8 billion dollars on arms. This is a daily human sacrifice to the arms race. The tragedy is made even more clear by the fact that even small conversions of the funds being spent on the arms race could provide enormous benefits in health terms.

"For instance:

1. The cost of 12 hours of the arms race could pay the cost of the complete immunization of all the children in the world.
2. The cost of just four days of arms race would be enough to pay for a five-year malaria eradication program, ending thereby the third world's number one public health problem.
3. The cost of six months of the arms race could pay for a 20-year program providing for basic food and health needs in all the underdeveloped countries.

"Thus, disarmament could translate into gains like better health care, drinking water, reduced mortality, and housing for every citizen.

"It is not only that money is being drained away, but also the best of the world's scientists and technocrats are today working on arms race projects rather than on projects to improve the health and quality of life.

"One out of every five of the world's scientists and engineers is working on arms. This vast amount of science and technology now wasted on armaments must be used to end poverty, hunger, and disease."

The Indian physicians' statement reminded me of President Eisenhower's great warning. Our finest American general said, "The world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children."

Mother Theresa's reaction was a somewhat emotional one. She said that she knew about this problem and agreed completely with the formulation the doctors had made. She told me that she has had many, many people, as she said, "die in my arms" for lack of basic food and other sustenance. "Why won't they give us the money to help these people. Give it to us," she said, "and I can save all these lives."

The thing I would really like you to reflect on is that the interrelation between disarmament and development is not an abstract problem nor one that affects only third world countries. When the leaders of our Physicians' group met with Gorbachev in June of 1987, he told us that he wanted to be very clear about one thing: that the Soviet Union's foreign policy shift towards disarmament was being driven by its domestic needs. He openly admitted that the Soviet Union could no longer sustain an arms race and satisfy economic needs of its people.

But it doesn't even end there. Here in the United States where we are surrounded by relative luxury, we are already beginning to feel the economic pinch. The United States, like the Soviet Union, spends about seven percent of its gross national product on arms and has about a three percent annual growth rate. Japan, which will be the economic leader in the 21st century if the present trend continues, spends one percent of its gross national product on defense and has a ten percent annual growth rate. As Ruth Sivard has pointed out, there is an inverse relationship between what is spent on arms and the economic viability of the countries spending it.

Yes, we need the best defense we can afford, and the first priority of every government must be to defend its citizens from foreign aggression. But we can no longer afford a bloated arms budget rife with waste and mismanagement. Nor can the arms budget remain a "sacred cow," immune to deep reductions, as we become the world's leading debtor nation.

We are being forced to make a choice that will affect directly our quality of life. A few weeks ago on national public radio, I heard a moving account of the hospital crisis in New York City. Because of the AIDS epidemic, nursing shortages, and generally inadequate funds for health care, patients in New York hospital emergency rooms are commonly waiting 12 to 14 hours for admission to the hospital. In a few cases, patients have died while waiting for an appropriate bed to open up. A striking thing is that those with insurance and those with the ability to pay are still subject to this inad-

equately health care delivery system. One business leader expressed concern that New York would no longer be a center of business and industry, because people would refuse to live in a city where even seriously ill patients could languish in emergency rooms for want of hospital beds.

Our economy may seem vibrant on the surface but the twin problems of poverty and disease have been given inadequate attention for too long.

How wonderful then that we are presented with an international situation that is the cause for more optimism than we have ever had before in this century. It is not inconceivable that we can move towards a time when nations that were previously at each other's throats are trading partners, even a time when the rough edges of socialism and capitalism are made smooth. Relatively modest expenditures of money can save 40,000 children who die each day from preventable diseases for which we in medicine have treatments. And altruism begins at home. If it becomes clear to even the most skeptical among us that the Soviet Union has no reason to invade Europe and the United States, then why build instruments of genocide called nuclear weapons, the use of which would kill millions of capitalists and communists alike. And why persist with nuclear test explosions, the purpose of which is to develop more deadly generations of weapons only a madman would use.

The conversion of the enormous sums the world now wastes on arms into development in the third world and in the first world; this is a difficult problem worthy of all the attention and ingenuity you can devote to it. In academia, there should be a new field of study that recognizes the importance of individual citizens in solving these problems. Call them citizen diplomats, if you will. A doctoral program in citizen diplomacy would foster the involvement of intelligent and caring people with open minds and give rise to a generation of civil leaders with the flexibility of intellect these problems demand. We have had enough of idealogues. Give us real intellectuals, free of personal prejudice, open a new data, able to change as the world changes.

What is citizen diplomacy? Let me recall an image for you. In the great days of steamship travel, and the tradition survives, departing passengers on large ocean liners, before their ships cast off, would toss long and colorful paper streamers to their loved ones on the docks as their vessel prepared to leave port for Europe or the Orient. The multi-colored lines of crepe paper would cross and intertwine with great complexity from ship to shore, then become taut as the ship pulled out, then break.

It was and is a lovely custom—a sign of closely held affection voluntarily broken off as the traveler left for a foreign port, to influence and be influenced by a new land, a new and strange people.

As our century ends, we can all be travelers and voyagers on the way to far-flung nations that are finally being drawn together by ties of mutual interest and interdependence. Only now, the ties that bind us together are palpably more durable than those paper streamers—now made of the solid cord of mutual self-interest.

It is not yet one world, but the direction is unmistakable. The Soviets and we, the Chinese and the Soviets, are increasingly bound together in a shared destiny, a mutual responsibility for the survival of the only green planet. And finally, we have leaders in

some of our most influential countries that are responsive to this call for a shared human experience, less parochial, less tied to the selfish nationalisms of the past.

But we must not depend on the leaders. Tolstoy in the last half of War and Peace argues eloquently that the flow of history depends on the inexorable current of the combined wills of ordinary people, sweeping along with them those generals and statesmen who thought they were leading.

If we create from individual to individual insoluble bonds that transcend all national boundaries, we can create a world where our common humanity is the driving force, not differences of race or language or political ideology. A person to person diplomacy is what I am urging—an infinitely complex web of interpersonal, international associations that will make irreversible the trend we can all feel and sense at last of a world beyond narrow nationalism, a world beyond war.

So, take every opportunity to travel and to interact abroad. Be better representatives of all that is American than many of those in authority officially designated to do so. In the end, war will not come if we work together as a people to prevent it. In the end, those E.L. Doctorow has called the cult keepers of the bomb will be powerless to use bombs. We may even see the day Dwight Eisenhower predicted when people would demand peace so loudly that their leaders would have to get out of their way and let them have it.

Enjoy the careers on which you are now embarked. If your mission is to educate, teach tolerance, openness, and flexibility. If your mission is science, use technology for the improvement of humanity, not for its destruction. If you love music and the humanities and this will be your career, create beautiful works for our delight and for yours.

But whatever you do for your life's work, be involved in the great events of our time. Democracy is a participatory and not a spectator sport. Question authority even as you respect it. Treat one another well. Accept love and wisdom graciously if you are privileged to receive them. Seek the truth for yourself, and when you find it proclaim it with confidence and courage.

RAOUL WALLENBERG

Mr. MOYNIHAN. Mr. President, I rise today to share with my colleagues a most informative article on Raoul Wallenberg, written by Eric Breindel and published in the New York Post on July 27, 1989.

Raoul Wallenberg, as my colleagues well know, performed heroic service as a young Swedish diplomat in Budapest during World War II. He saved many thousands of lives by issuing Swedish passports to Jews otherwise bound for Auschwitz. He was rewarded by the Soviets with arrest and disappearance into the Gulag.

Now, as Mr. Breindel details, the Soviets are beginning to reexamine this blot on their history. Moreover, in Budapest itself, there is new interest in Wallenberg's fate. I was in Hungary this past May and raised the issue with Hungarian Minister of Justice Kulcsar. Not 2 years ago such a query would have been dismissed. Not now.

The Minister of Justice stated that the fate of Raoul Wallenberg required a "profound investigation."

Mr. President, let that investigation proceed—it is long past due. I ask unanimous consent that the article by Mr. Breindel be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Post, July 27, 1989]

NEW CLUES ON WALLENBERG

(By Eric Breindel)

Raoul Wallenberg would be 77 years old next week. As a young Swedish diplomat in Budapest during the Nazi occupation of Hungary, Wallenberg—heir to one of Sweden's great industrial fortunes—devoted himself to saving Jews: as many as possible.

He begged and he bribed. He issued, on his own authority, "protective passes" and passports—some valid, some worthless, save for the fact that they proved effective.

He went to the railroad station and took Jews off the Auschwitz-bound transports, claiming this or that protected status for them, staring down the SS and sparing those he rescued the ultimate fate of nearly 400,000 Hungarian Jews: death in the Auschwitz gas chambers.

No one knows just how many lives Wallenberg saved. Estimates range from 10,000 to 40,000.

But if one takes seriously the ancient rabbinic injunction that saving one life is akin to saving an entire world, Raoul Wallenberg saved many worlds. His own life, moreover, is ample testimony to the fact that—even in the most dire circumstances—one man can make a difference.

Wallenberg, as is now well known, was arrested by the Soviet secret police shortly after the Red Army entered Budapest. Once in Moscow's clutches, he disappeared, vanishing into the netherworld controlled by the Soviet secret police.

When I wrote about Wallenberg on his birthday last year, the Soviet position on his fate—notwithstanding glasnost—was the same as it had been for 30 years.

According to the Soviets, Wallenberg had been arrested in Budapest in 1945 on suspicion of espionage and had been taken to Moscow, where he'd died of natural causes in the Lubyanka prison two years later (at the age of 35).

So said then-Deputy Foreign Minister Andrei Gromyko in 1957—after Nikita Khrushchev's "secret speech" on the crimes of Stalin—and so said Moscow in 1988.

Despite the inherent implausibility of this version of events; despite the many alleged sightings of Wallenberg in labor camps and in Soviet mental hospitals all through the 1960s and into the '70s; despite many historical revelations in other spheres, thanks to glasnost, and despite the intense interest of the Swedish and U.S. governments, the Soviets simply refused to fill out the story on Wallenberg.

But by last year, there seemed to be grounds for a degree of optimism—if not with respect to finding Wallenberg alive and securing his release, at least as to the prospect of learning just what happened to him.

And, in the last year, there has indeed been progress—"not the quantum leap we had hoped for," says Rachel O. Haspel, president of the U.S. Wallenberg Committee, but "many small steps."

For one thing, the Soviets have begun writing about Wallenberg in the popular

press. In fact, a somewhat bizarre account of the "Wallenberg Affair" appeared recently in the most widely circulated Soviet English-language publication, the magazine New Times.

The article professed sympathy and admiration for Wallenberg, even while implying—without offering a shred of evidence to support the allegation—that he'd been involved with U.S. intelligence while in Budapest during the war.

It went on to conclude that he had indeed died in prison in 1947—just as Moscow claims.

Still, the New Times piece is noteworthy, if only for its assertion that the Ministry of State Security "committed a malfeasance by holding Wallenberg in prison and arbitrarily deciding his fate."

It is also significant that the article (despite the suggestion that he was linked to the American OSS [Office of Strategic Services]) treats Wallenberg as a genuine anti-Nazi—as someone committed to collecting "all the evidence he could about the Hungarian Jews persecuted by the Nazis" and determined to rescue as many potential victims as possible.

This is a major step forward. So is the fact that, just last month, a senior Soviet legal official—even whole "confirming" Moscow's official position on Wallenberg—described "the death of this noble person" as a "dark page in our history."

Meanwhile, also last month, the chief Soviet delegate at the Paris human rights conference seemed to leave the door a bit ajar even with respect to the question of Wallenberg's ultimate fate.

Yuri Kashlev, after condemning secret police head Lavrenti Beria and the others who "destroyed Wallenberg," declared: "If by some magic some new information is obtained, we would certainly like to sanctify the memory of Wallenberg."

Remarks like these—and the mere fact that Wallenberg is no longer a taboo subject in the Soviet media—offer grounds for limited optimism.

Moreover, the death earlier this year of Andrei Gromyko, the single individual most identified with the "official position" on Wallenberg, can only serve to heighten the possibility that new information will be forthcoming.

Even now, the Soviets seem interested in explaining what prompted Stalin and Beria to act against Wallenberg. A major article in U.S. News and World Report—based, in part, on Soviet sources—says Beria, in particular, was convinced of Wallenberg's involvement in negotiations between Nazi Germany and the Western Allies, talks allegedly aimed at concluding a separate peace in Europe.

There's no question that certain Soviet officials, during the last two years of the war, were obsessed with the fear that such negotiations were taking place. Thus, there's a certain plausibility to this interpretation.

And so, as Wallenberg's 77th birthday approaches, there is more reason than ever to be hopeful—if not for Wallenberg's return from captivity, at least for a full account of his fate.

In the interim our task remains the same—to remember and honor this rare individual, a beacon of light who appeared suddenly at mankind's darkest hour.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

VETO MESSAGE ON SENATE JOINT RESOLUTION 113—MES- SAGE FROM THE PRESIDENT— PM 57

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was ordered to be held at the desk:

To the Senate of the United States

I am returning without my approval S.J. Res. 113, a joint resolution that would prohibit the export of certain technology, defense articles, and defense services in connection with the codevelopment and coproduction of the FS-X aircraft with Japan. The resolution is neither necessary to protect the interest of the United States, nor consistent with long-standing requirements of the Arms Export Control Act. Further, the resolution contains binding provisions that unconstitutionally infringe on the powers of the Executive.

I am committed to the protection of U.S. security, economic, and technological interests. Shortly after assuming this Office, I directed that a review of the FS-X program be undertaken to reassess its impact on the United States. This evaluation included active participation by the Departments of State, Defense, and Commerce, and the Office of the U.S. Trade Representative, among other agencies. Following the review, we reopened discussions with the Japanese and clarifications were made to ensure that valid U.S. concerns and requirements were met in such areas as U.S. workshare and technology flowback.

With agreement reached on these clarifications, I decided that we should proceed with the joint development of the FS-X aircraft. I determined that the program is in the strategic and commercial interests of the United States and will contribute to our security and that of a major ally. The abil-

ity of Japan to carry its share of the defense burden will be enhanced as a result of the program, at no cost to the American taxpayer. Moreover, the program will produce substantial work for the U.S. aerospace industry without jeopardizing our commitment to the continued excellence of that industry. The U.S. economy will gain some \$2.5 billion and 22,700 man years of employment over the course of the codevelopment and coproduction phases.

I remain fully convinced that proceeding with the program is in the best interests of the United States and that the additional conditions prescribed in this resolution are unnecessary. Such conditions include an unprecedented absolute prohibition on sales or retransfers of the FS-X weapon system or any of its major subcomponents codeveloped or coproduced with the United States. This prohibition is inconsistent with the current agreement with Japan and goes beyond the current requirements of the Arms Export Control Act, which permit such sales or retransfers, but only if the written approval of the United States Government is first obtained. This requirement of prior consent completely protects U.S. security and other interests.

The resolution also conflicts with the President's proper authority under the Constitution. The Constitution vests executive power in the President. Executive power includes the exclusive authority to conduct negotiations on behalf of the United States with foreign governments. S.J. Res. 113 violates this fundamental constitutional principle by purporting—in binding legislative language—to direct the United States and Japan to conduct negotiations if coproduction of the FS-X is sought, and by purporting to define in advance both the form and substance of any resulting agreement. In the conduct of negotiations with foreign governments, it is imperative that the United States speak with one voice. The Constitution provides that that one voice is the President's. While of course the Congress has authority under the Constitution to regulate commerce with foreign nations, it may not use that authority to intrude into areas entrusted by the Constitution exclusively to the Executive. And while I am eager to cooperate with Congress in shaping a sound foreign policy for our Nation, and will consult with Members of Congress at every opportunity—indeed, the ultimate shape of the agreement with Japan reflects healthy cooperation between our two branches—I cannot accept binding provisions like those in S.J. Res. 113 that would tie my hands in the exercise of my constitutional responsibilities.

The Constitution's vesting of executive power in the President requires

that the President exercise supervisory authority and control over the internal deliberations of the Executive branch. The resolution intrudes on this constitutional principle by purporting to direct a particular Executive department to solicit and consider comments or recommendations from another department and to make certain recommendations to the President. The resolution also purports to require the President to consider these recommendations. Such provisions interfere with Executive branch management and infringe on the President's authority with respect to deliberations incident to the exercise of Executive power.

The reporting requirement imposed by this resolution would inject the General Accounting Office, a legislative entity, into the execution of the FS-X program in a highly intrusive manner. It would require the GAO, for example, to track within the Japanese aerospace industry all applications of technology involved in the development of the FS-X, including technology developed solely by Japan. Such a role, tantamount to intelligence gathering, is inappropriate for a legislative entity, and poses the clear and significant risk of legislative entanglement in functions assigned under our Constitution to the Executive branch.

The FS-X program is the first major military codevelopment program between the United States and Japan. The FS-X will bolster Japan's self-defense capability, strengthen our overall alliance with Japan, and allow Japan to assume a larger share of the common defense burden. The importance of these achievements cannot be overstated, particularly given the fact that our relationship with Japan is a foundation for our political and strategic relations throughout the Pacific.

To reopen discussions now for additional and needless changes can only damage the prospects for a successful agreement. If this occurs, substantial injury to the U.S.-Japan security relationship is likely and the considerable strategic and commercial benefits to the United States will be lost. This compromising of U.S. interests is simply not acceptable.

Finally, acceptance of this resolution would constitute a setback in our objective of achieving a close working relationship and mutual respect between our two branches through the minimization of legislative micromanagement of both foreign affairs and Executive branch internal deliberations.

For all the reasons stated above, I am compelled to disapprove S.J. Res. 113.

GEORGE BUSH.

THE WHITE HOUSE, July 31, 1989.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on July 28, 1989, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 968. An act to provide for Federal reimbursement of local noise abatement funds; and

H.J. Res. 281. Joint resolution to approve the designation of the Cordell Bank National Marine Sanctuary, to disapprove a term of that designation, to prohibit the exploration for, or the development or production of, oil, gas, or minerals in any area of that sanctuary, and for other purposes.

The enrolled bill and joint resolution were signed on today, July 31, 1989, by the President pro tempore [Mr. BYRD].

MESSAGES FROM THE HOUSE

At 4:43 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 150. Joint resolution to designate August 1, 1989, as "Helsinki Human Rights Day."

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 1426) to amend the Public Health Service Act to make technical corrections relating to subtitles A and G of title II of the Anti-Drug Act of 1988, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2989. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 1990, and for other purposes.

At 8:40 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 179. Concurrent resolution waiving the requirement of the Legislative Reorganization Act of 1970 for the "August recess" by rollcall by July 31.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 2989. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year ending September

30, 1990, and for other purposes; to the Committee on Appropriations.

REPORTS OF COMMITTEES SUBMITTED DURING RECESS

Under the authority of the order of the Senate of July 27, 1989, the following reports of committees were submitted on July 28, 1989, during the recess of the Senate:

By Mr. BURDICK, from the Committee on Environment and Public Works, with an amendment:

S. 686. A bill to consolidate and improve laws providing compensation and establishing liability for oil spills (with additional views) (Rept. No. 101-94).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 110. A bill to revise and extend the programs of assistance under title X of the Public Health Service Act (Rept. No. 101-95).

By Mr. GLENN, from the Committee on Governmental Affairs, with amendments:

S. 303. A bill to establish a framework for the conduct of negotiated rulemaking by Federal agencies.

By Mr. NUNN, from the Committee on Armed Services, without amendment:

S. 1437. An original bill relating to defense burdensharing by the NATO allies of the United States.

S. 1438. An original bill relating to Japan's contributions to security.

S. 1439. An original bill relating the security relationship between the United States and the Republic of Korea.

S. 1440. An original bill relating to the reduction of costs associated with overseas dependents of members of the Armed Forces and overseas dependents of civilian employees of the Department of Defense.

S. 1445. An original bill to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes.

S. 1446. An original bill to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes.

S. 1447. An original bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1990, and for other purposes.

S. 1448. An original bill to authorize the end strengths for the Armed Forces for fiscal years 1990 and 1991, to provide for certain matters relating to personnel management, to make certain changes in the pay and allowances and other benefits of members of the uniformed services, and for other purposes.

S. 1449. An original bill to authorize certain construction at military installations for fiscal years 1990 and 1991, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Treaty Doc. 100-8. Mutual Legal Assistance Treaty Concerning the Cayman Islands (with additional views) (Exec. Rept. No. 101-8).

Treaty Doc. 100-13. Mutual Legal Assistance Cooperation Treaty with Mexico (with additional views) (Exec. Rept. No. 101-9).

Treaty Doc. 100-14. Treaty With Canada on Mutual Legal Assistance in Criminal Matters (with additional views) (Exec. Rept. No. 101-10).

Treaty Doc. 100-16. Treaty With Belgium on Mutual Legal Assistance in Criminal Matters (with additional views) (Exec. Rept. No. 101-11).

Treaty Doc. 100-17. Treaty With The Bahamas on Mutual Assistance in Criminal Matters (with additional views) (Exec. Rept. No. 101-12).

Treaty Doc. 100-18. Treaty With Thailand on Mutual Assistance in Criminal Matters (with additional views) (Exec. Rept. No. 101-13).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HARKIN (for himself, Mr. HATCH, Mr. KENNEDY, Mr. DURENBERGER, Mr. SIMON, Mr. SANFORD, Ms. MIKULSKI, and Mr. DODD):

S. 1431. A bill to amend the Education of the Handicapped Act to permit an action to be brought against a State under the Eleventh Amendment of the Constitution for a violation of such Act, and for other purposes; to the Committee on Labor and Human Resources

By Mr. SANFORD:

S. 1432. A bill to amend the Harmonized Tariff Schedule of the United States to reduce temporarily the duties on gripping narrow fabrics of man-made fibers; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 1433. A bill to extend the temporary suspension of duty on certain parts of direct process electrostatic copying machines and to include accessories in the suspension; to the Committee on Finance.

S. 1434. A bill relating to the tariff treatment of certain entries of digital processing units; to the Committee on Finance.

By Mr. ARMSTRONG:

S. 1435. A bill to amend the Internal Revenue Code of 1986 to allow the one-time exclusion on gain from sale of a principal residence to be taken before age 55 if the taxpayer or a family member suffers a catastrophic illness; to the Committee on Finance.

By Mr. PACKWOOD:

S. 1436. A bill to revise, streamline, and make more efficient the review of land and resource management plans, together with sales and other actions implementing such plans, to clarify the jurisdiction and powers of the courts with regard to review of such plans and actions pursuant thereto, and for other purposes; to the Committee on the Judiciary.

By Mr. NUNN, from the Committee on Armed Services:

S. 1437. An original bill relating to defense burdensharing by the NATO allies of the United States; placed on the calendar.

S. 1438. An original bill relating to Japan's contributions to security; placed on the calendar.

S. 1439. An original bill relating to the security relationship between the United States and the Republic of Korea; placed on the calendar.

S. 1440. An original bill relating to the reduction of costs associated with overseas dependents of members of the Armed Forces and overseas dependents of civilian employees of the Department of Defense; placed on the calendar.

By Mr. McCAIN:

S. 1441. A bill to enhance the Federal Trade Commission's ability to prevent consumer fraud; to the Committee on Commerce, Science, and Transportation.

By Mr. BENTSEN (for himself and Mrs. KASSEBAUM):

S. 1442. A bill to establish a Congressional Council on Education and Space, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. FORD:

S. 1443. A bill to designate Bowling Green, Kentucky as an urbanized area; placed on the calendar.

By Mr. WILSON:

S. 1444. A bill to amend the Public Health Service Act to establish model projects for concerning the effect of substance abuse on pregnant females, postpartum females and infants, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. NUNN, from the Committee on Armed Services:

S. 1445. An original bill to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes; placed on the calendar.

S. 1446. An original bill to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes; placed on the calendar.

S. 1447. An original bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1990, and for other purposes; placed on the calendar.

S. 1448. An original bill to authorize the end strengths for the Armed Forces for fiscal years 1990 and 1991, to provide for certain matters relating to personnel management, to make certain changes in the pay and allowances and other benefits of members of the uniformed services, and for other purposes; placed on the calendar.

S. 1449. An original bill to authorize certain construction at military installations for fiscal years 1990 and 1991, and for other purposes; placed on the calendar.

By Mr. HATCH:

S.J. Res. 184. Joint resolution to designate the periods commencing on November 26, 1989, and ending on December 2, 1989, and commencing on November 28, 1990, and ending on December 2, 1990, as "National Home Care Week"; to the Committee on the Judiciary.

By Mr. LEVIN (for himself and Mr. RIEGLE):

S.J. Res. 185. Joint resolution designating the week of October 1, 1989 through Octo-

ber 7, 1989, as "National 4-H Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THURMOND (for himself, Mr. MOYNIHAN, Mr. DIXON, Mr. PELL, Mr. CHAFFEE, Mr. RIEGLE, and Mr. SASSER):

S. Res. 159. Resolution designating August 14, 1989, as "Social Security Administration Employee Recognition Day"; to the Committee on the Judiciary.

By Mr. NUNN (for Mr. MITCHELL, for himself, and Mr. DOLE):

S. Res. 160. Resolution to direct the Senate Legal Counsel to appear as amicus curiae in the name of the Senate in United States ex rel. Taxpayers Against Fraud and James Carton v. Litton Systems, Inc. and United States ex rel. Kreindler & Kreindler v. United Technologies Corporation; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN (for himself, Mr. HATCH, Mr. KENNEDY, Mr. DURENBERGER, Mr. SIMON, Mr. SANFORD, Ms. MIKULSKI, and Mr. DODD):

S. 1431. A bill to amend the Education of the Handicapped Act to permit an action to be brought against a State under the 11th amendment of the Constitution for a violation of such act, and for other purposes; to the Committee on Labor and Human Resources.

EDUCATION OF THE HANDICAPPED ACT AMENDMENTS

● Mr. HARKIN. Mr. President, on June 15, 1989, the Supreme Court, in a 5 to 4 decision—*Dellmuth versus Muth*—held that handicapped children who are denied a free appropriate public education by a State are not entitled to be reimbursed for tuition paid by their parents for placement in an appropriate program because the Education of the Handicapped Act [EHA] does not abrogate a State's 11th amendment immunity from suit.

Prior to this ruling, handicapped children could obtain meaningful relief, including tuition reimbursement, against a school district or a State agency which failed to provide them with a free appropriate public education. As a result of this ruling, handicapped children can only obtain such relief against a school district; they can no longer obtain such relief against a State agency.

Providing handicapped children with a right but denying them a meaningful remedy is wrong, plain, and simple.

Today I am introducing, along with Senators HATCH, KENNEDY, DURENBERGER, SIMON, SANFORD, MIKULSKI, and DODD, a bill that will fix this clear misreading of congressional intent and

restore to handicapped children the right to obtain meaningful relief where a State has failed to provide them with a free appropriate public education.

This bill does not attempt to overturn the general proposition espoused by the majority of the Supreme Court that evidence of congressional intent to abrogate the State's immunity must be both unequivocal and textual and that legislative history generally will be irrelevant to a judicial inquiry into whether Congress intended to abrogate the 11th amendment. Rather, the bill simply attempts to reaffirm and clarify that the 11th amendment is abrogated by the unequivocal text of the EHA. This clarification will go into effect on the date of enactment.

The EHA imposes substantial obligations on the States as well as the local school districts. Section 612 of EHA, for example, specifies that in order to qualify for assistance, a State must demonstrate to the Secretary of Education that it has in effect a policy that assures all handicapped children the right to a free appropriate public education. All programs for handicapped children must be under the general supervision of the State educational agency. The EHA even contemplates that in a number of situations where a local educational agency cannot or will not provide appropriate educational services to handicapped children, the State will do so directly.

There is no question that the EHA confers upon handicapped children an enforceable substantive right to a free appropriate public education. *Honig v. Doe*, 484 U.S. 305, 310 (1988); *Smith v. Robinson*, 468 U.S. 992 (1984); and *Board of Education of Hendrick Hudson Central School District v. Rowley*, 458 U.S. 176 (1982). The EHA explicitly authorizes any aggrieved party to bring an action in State or Federal court, including an action for tuition reimbursement. *Burlington School Comm. v. Massachusetts Department of Education*, 471 U.S. 359 (1985).

The dissent in *Dellmuth versus Muth* concluded that:

In light of the State's pervasive role under the EHA, and the clarity with which the statute imposes both procedural and substantive obligations on the States I have no trouble in inferring from the text of the EHA that "Congress intended that the State should be named as an opposing party, if not the sole party, to [a] proceeding" brought under section 615(e)(2) [of EHA], whatever remedy is sought, and that Congress thereby abrogated 11th Amendment immunity from suit in Federal court.

This is not the first time the Supreme Court stripped persons with disabilities of their right to obtain relief against States and State agencies that have been found to have violated their civil rights. In *Atascadero State Hospital v. Scanlon*, 473 U.S. 234 (1985) the

Supreme Court held that the 11th amendment bars suits against the States for monetary relief under section 504 of the Rehabilitation Act of 1973 even though it is clear that State agencies are covered by section 504. The effect of this decision was to provide a right but no meaningful remedy for people with disabilities.

In Public Law 99-506, Congress clarified its intent and explicitly stated that States are not immune under the 11th amendment from suits brought under section 504. The amendment which made this change had the unanimous support of all members of the Committee on Labor and Human Resources and unanimously passed the Senate.

I urge my colleagues to join me and restore to handicapped children the right to obtain meaningful relief against a State that has denied them a free appropriate public education.●

By Mr. SANFORD:

S. 1432. A bill to amend the Harmonized Tariff Schedule of the United States to reduce temporarily the duties on gripping narrow fabrics of manmade fiber; to the Committee on Finance.

TEMPORARY DUTY REDUCTION ON GRIPPING
NARROW FABRICS OF MANMADE FIBER

Mr. SANFORD. Mr. President, I rise to introduce legislation to temporarily correct a problem in the conversion of the Tariff Schedules of the United States [TSUS] into the harmonized tariff nomenclature affecting the classification of gripping narrow fabrics of manmade fibers.

Mr. President, this legislation affects the imports of gripping narrow fabrics, which are commonly known by the trade name of the Swiss firm which invented this type of fabric, Velcro. Such fabrics are used and manufactured by Aplix, Inc., in Charlotte, NC, a wholly owned subsidiary of the French Company Aplix, S.A. To supplement and meet its production goals, Aplix imports the manmade fibers from France.

Due to a flaw in the conversion of the Tariff Schedules of the United States to the Harmonized Tariff Schedules of the United States [HTSUS], the import duty on the gripping narrow fabrics has been increased. Under the TSUS, Aplix was able to import from France the fabrics at a duty rate of 7 percent ad valorem. However, under the HTSUS, the fibers were reclassified, causing an increase in the duties to 9.5 percent ad valorem. The conversion has caused a duty increase of 2.5 percent and represents an increase in the amount of duties payable of approximately 25 percent.

The effects of the HTSUS were to be revenue neutral. Therefore, enacting this legislation would return the duty of the gripping narrow fabrics to its original rate of 7 percent, as was in-

tended by the TSUS. If the duty were to remain at the higher rate of 9.5 percent, it would eventually necessitate a price increase for Aplix and other importers and manufacturers of the fibers, making them less competitive not only with their U.S. competitors but also with imports made more cheaply abroad and imported under the quota.

The legislation I introduce today reduces temporarily the duties on the gripping narrow fabrics until December 31, 1992. At that time the administration will negotiate with our trading partners to insure that conversion mistakes in their versions of the harmonized system do not result in duty increase for U.S. products.

Mr. President, I urge my colleagues to support this legislation which corrects a defect in the conversion of the TSUS to the HTSUS. As the intent of the Harmonized Tariff Schedule was revenue neutrality, I believe legislation to correct this flaw is in order.

By Mr. ARMSTRONG:

S. 1435. A bill to amend the Internal Revenue Code of 1986 to allow the one-time exclusion of gain from sale of a principal residence to be taken before age 55 if the taxpayer or a family member suffers from a catastrophic illness; to the Committee on Finance.

CAPITAL GAINS EXCLUSION TO FINANCE LONG-
TERM CARE

● Mr. ARMSTRONG. Mr. President, a family's financial burden when a family member is disabled or is chronically ill and in need of long-term care can worsen an already difficult situation. If the ill family member must be placed in a long-term care facility, typically, the family has to pay out-of-pocket over \$14,500 for a 1-year stay. Even when the family member is able to stay at home and still get the professional care he or she needs, the costs can be devastating to a family's finances.

Sadly, in some cases, the high cost of long-term care can force a family to sell their home. Under current law, at this time of a family's great need, our Tax Code imposes a tax of up to 33 percent on any nominal capital gains realized on the sale of the home. Not only does the family lose its home, but the Federal Government throws salt into the wound by taxing the wealth the family hopes to rely on to pay for the long-term care.

I am introducing legislation that will help families cope with the financial demands of long-term care. Under this legislation, a taxpayer would be able to exclude from taxable income up to \$125,000 of capital gains if a parent, spouse, or child of the taxpayer is physically or mentally incapable of self-care and if that condition is expected to last for at least 6 months.

A one-time, \$125,000 capital gains exclusion is currently available to an individual 55 years of age or older. What my legislation would do is to allow a taxpayer to take advantage of the exclusion some years earlier—when he or she really needs it. However, if a taxpayer were to take advantage of the exclusion because of a family member's illness, he or she would not be able to take a second capital gains exclusion after turning age 55.

Mr. President, I believe we need to help families deal with the costs of long-term care. We should do so, however, not through massive and costly new Federal programs, nor by forcing private businesses to carry the burden, but by encouraging our Nation's citizens to save for the possibility that these costs may some day arise. And we should help them by not taxing away their savings when they are forced to sell their home and draw down their savings to pay for such care.

This legislation will not solve a family's financial problems when a family member must be given long-term care. It does, however, make a reasonable and fair change to the Nation's tax system that will make finding a complete solution much easier. I urge my colleagues to consider this legislation and to pass it as soon as possible so that families who are clearly in need of our help can get that help.●

By Mr. PACKWOOD:

S. 1436. A bill to revise, streamline, and make more efficient the review of land and resource management plans, together with sales and other actions implementing such plans, to clarify the jurisdiction and powers of the courts with regard to the review of such plans and actions pursuant thereto, and for other purposes; to the Committee on the Judiciary.

LAND MANAGEMENT REVIEW ACT

Mr. PACKWOOD. Mr. President, I rise today to introduce S. 1436 the Land Management Review Act of 1989. This act would unify and streamline the now abysmally complicated and tortuous process of judicial review of decisions relating to management of Federal timber lands.

It is a truism that the lifeblood of the Oregon economy is the timber industry. Oregon possesses some of the most beautiful and productive forests in the world. These forest lands provide clean drinking water, recreation, wilderness, wildlife habitats, and jobs.

The timber and forest products industry provides approximately 77,400 jobs in my State, far and away Oregon's largest manufacturing-based industry. Twice that many Oregonians are indirectly employed as a result of forest products manufacturing. The industry contributed more than \$3.0

billion to Oregon's gross State product in 1986. Even this figure is low, because it does not take into account the multiplier effect that the industry creates for the State's economy.

Oregon accounts for more than one-fifth of the Nation's production of softwood lumber. It can thus be stated, without exaggeration, that Oregon's timber industry is crucial not only to Oregon itself, but to the Nation as well.

Unlike other timber-producing States, especially those in the Northeast and Southeast, more than half of the timber lands in Oregon are owned by the Federal Government. Of the 28 million acres of timber lands in the State, 16 million acres (57 percent) are managed either by the U.S. Forest Service or the Bureau of Land Management. This creates a unique situation in which the bulk of Oregon's available timber supply is subject to Federal environmental and regulatory statutes, administrative planning processes, and judicial review of the entire system by which such Federal timber lands are managed.

Federal law mandates that these lands be managed for multiple use, including outdoor recreation, range land, sustained yield of timber, watershed, and conservation of fish and wildlife. The task of balancing these multiple, and often conflicting, purposes is not an easy one. By and large, however, the Forest Service and Bureau of Land Management have done a commendable job in striking such a balance. Suffice it to say that, in attempting to do so, no one point of view can claim complete victory.

Federal planning for timber land can be traced primarily back to 1976. In that year, Congress enacted the National Forest Management Act [NFMA] and the Federal Land Policy and Management Act [FLPMA]. These acts required the Forest Service and BLM, respectively, to prepare comprehensive long-range land and resource management plans for the lands within their jurisdiction. This planning process was explicitly designed to encourage public participation, in order to take account of the opinions of interested parties as the plans were being developed. These planning processes have now been underway for 10 years. Indeed, the BLM is in the process of developing its second set of plans for the 1990's.

Notwithstanding the expectation that these indepth planning procedures would result in competent, rational management, the result has been anything but encouraging. The planning process is at a virtual standstill, as are sales of timber from Federal lands, as a result of a multiplicity of lawsuits, as well as the threat of future litigation, challenging the planning process and decisions implementing the plans.

This litigation stems in part from legitimate concern over environmental issues. Individuals and organizations have had serious and honorable concerns that decisions of the Forest Service and BLM will impact adversely on the land, its resources, and its inhabitants. These individuals and organizations have challenged such agency actions in court on the basis of non-compliance with various Federal statutes.

I do not, for 1 second, begrudge these individuals and organizations the right to their opinion or the right to challenge these various decisions in the courts. I consider that to be a proper use of our judicial system, and I have no intention of seeking to limit the grounds on which decisions of the Forest Service and BLM are challenged. If these individuals and organizations can prove the validity of their claims in court, on the merits, I wish them well. They deserve to win their case, and no one should seek to prevent them from doing so.

What I am concerned with, however, is the use of delay inherent in our judicial system to win *de facto* victories without the necessity of winning the case on the merits. It has become a popular tactic of individuals and organizations seeking to stop the logging of Federal timber lands to challenge agency actions in court at every stage of the planning process. The courts have responded to this redundant litigation by issuing sweeping injunctions which effectively prevent the agencies charged with completing the planning process from carrying out their mandate to do so.

The problem of delay inherent in the judicial system is compounded in this situation by the existence of several statutes which apply in various ways to the planning process for Federal lands. Their confusing and often conflicting directives, and the uncertainty about how these statutes are to work together, have provided opportunities to stop the planning process altogether.

First, there are the statutes which establish the planning processes, NFMA—applicable to lands under management of the Forest Service—and FLPMA—applicable to the Bureau of Land Management. These statutes provide criteria according to which the respective plans must be developed and implemented.

In addition, there are a number of other, overlapping, statutes with which the agencies must comply in developing and implementing these plans. Included among these statutes are the National Environmental Policy Act of 1969 [NEPA], the Clean Air Act, the Clean Water Act, the Endangered Species Act, and the Wilderness Act. These statutes were enacted by Congress at different times, to address different goals, often with conflicting

procedures and substantive standards and requirements. Congress gave no thought whatsoever as to how an agency, charged with compliance with each of these statutes, was to do so in light of their often conflicting requirements.

These oft conflicting goals and procedures have enabled opponents of logging on Federal timber lands to bring challenges to such logging on a multitude of grounds, and at various times throughout the planning process. The tactic of delay has been as powerful a weapon as has winning on the merits. The bid and contract process by which timber on Federal land is sold necessitates that there not be undue delay in between the time the bid is made and the timber are cut. If there is delay, the economics of the transaction often change, making the sale unfeasible.

Unfortunately, the courts have contributed to the success of this delaying tactic by their willingness to issue sweeping injunctions which have resulted in an almost complete stoppage of timber sales in Oregon and elsewhere. In addition, the courts in many cases have been altogether too willing to second-guess the decisions of the Forest Service and BLM, and to substitute the judgment of the court for that of the agency, notwithstanding the agency's obvious expertise in the field.

As I stated previously, I have no quibble with anyone who can win their case on the merits. I do have strong objections, however, to use of the judicial system to obtain victory by delay. That is not what these various acts contemplate, and it is completely contrary to any notion of good, rational decisionmaking.

This planning by judicial decree must stop. It is causing severe economic hardship to citizens of my State and of other States as well. In addition, it is seriously jeopardizing the timber industry, which as I stated previously, is the lifeblood of the State.

Many sawmills in Oregon have closed down because of a shortage of logs to cut into finished wood products. In part, this shortage is caused by the export of a significant volume of unfinished logs to Pacific Rim nations. The other reason, however, is that timber companies have been prevented from harvesting timber from Federal lands.

That is the reason that I am introducing this bill, the Land Management Review Act of 1989. It would set forth the procedures by which planning and plan implementation decisions of the Forest Service and the BLM would be reviewable in court. It would bring together in one place the rules concerning when challenges could be brought, regardless of what ground the challenge is based. It would eliminate any

overlap or conflict between the statutes which may be applicable to such planning decisions.

This bill would not alter, in any way, the standards and requirements of those various statutes. I do not seek to make it impossible for challengers of agency decisions to prove their case on the merits. What I do seek to do is make sense of a hodge-podge of procedural requirements which have provided challengers with the ability to shut down agency decisionmaking, whatever the merits of their case may be.

This bill was developed only after extensive consultation with many authorities in the field. In particular, I wish to express my appreciation for the wise counsel of individuals with the Departments of Agriculture, Interior, and Justice. While these Departments have not expressed their official position on the legislation I introduce today, the technical guidance they have given me has been invaluable. In addition, I have met and talked with attorneys representing organizations with interests in this type of litigation, and private practice attorneys representing individual clients. Altogether, the people whose input has been so helpful are the people who will have to function under the rules set forth in my bill.

My bill proceeds from the premise that there may be certain agency decisions which are not appropriate to challenge in court. In particular, my concern here are the so-called regional guides of the Forest Service. Regional guides are not required by any statute. Instead, they are called for in the Forest Service regulations. They are intended to provide general guidelines for the drafting of the various forest plans. These documents are not self-executing; they only set forth goals which the various plans, which are required by statute, should accomplish.

Since regional guides are not required by statute, since they are not self-executing, and since they are only the umbrella document by under which the required plans are to be developed, there is no reason why the guides themselves ought to be challengeable in court. Nevertheless, they are, under an unreported decision of the U.S. District Court of the Western District of Washington (the Pilchuck decision).

Elimination of judicial review of regional guides will not result in prejudice to any interest. Regional guides, and the decisions called for therein, will only be meaningful if the plans that are later developed conform to the guides. Since the guides are drafted for the subsequent forest plans to follow, any objectionable decision should be reflected in the plan itself, at which point it will be challengeable in court. If the plan, for some reason, does not conform with the objectionable provision of the regional guide,

the challenge would be moot in any event. The net result will be the elimination of a layer of judicial review without any loss in the ability of a challenger to prevail on the merits.

The next premise of my bill is that challengers to agency actions should bring their challenge to the agency first, and should thereafter utilize all avenues for challenge within the agency. This is generally known as the doctrine of "exhaustion of administrative remedies." The requirement that administrative remedies be exhausted is generally a judicially-imposed prerequisite, which is often disputed by challengers.

My bill would eliminate these disputes and any uncertainty over whether the requirement of exhaustion applies. The bill would provide statutorily that exhaustion of administrative remedies is a prerequisite to judicial review. In order for a challenge to be brought in court to a decision adopting, amending, revising, implementing, or declining to adopt, amend, revise, or implement a plan, the challenger must have first participated in the agency's decision-making process, beginning at the earliest stage possible. In many cases, this would occur when the agency invites comments on its draft plans, together with its draft environmental impact statement. The challenger would be required to set forth its written objections in a timely manner and with specificity. In addition, the challenger would be further required to utilize every subsequent administrative remedy available before the agency. This will insure that the challenger participates to the fullest extent possible in the making of the decision. The Supreme Court has recognized that the administrative process can be "a game or a forum to engage in unjustified obstructionism by making cryptic reference to matters that 'ought to be considered' and then, after failing to do more to bring the matter to the agency's attention, seeking to have that agency determination vacated on the ground that the agency failed to consider matters 'forcefully presented.'" *Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, Inc.*, 435 U.S. 519, 553-54 (1978). My bill would prevent this from occurring in the context of Forest Service and BLM plans and their implementation.

After the challenger has exhausted its administrative remedies, a court challenge could be brought. The bill specifies which court is the appropriate forum for review of a particular agency decision.

In 1975, the Administrative Conference of the United States issued its recommendations for "The Choice of Forum for Judicial Review of Administrative Action," which is published at 1 CFR § 305.75-3 (1-1-88 Edition). The Administrative Conference was cre-

ated by Congress for the purpose of studying and recommending improvements to administrative procedures.

The recommendations on the forum for judicial review called for direct appeals of agency decisions to the circuit courts of appeals in cases in which the record of the agency is adequate for review, such as in the case of notice and comment rulemaking. The conference indicted that direct review in the courts of appeal is generally desirable in the interest of economy and efficiency, especially where the public interest requires prompt, authoritative determination of the validity of the [action]. The only caveat was that the cases should not be so great in number as to overburden the courts of appeal, but the cases for which direct appeal is appropriate are those that resolve issues of law and policy of major impact.

Agency decisions approving forest plans fit these criteria perfectly. The plans required by NFMA and FLPMA are subject to a comment period after publication of notice in the Federal Register. Especially if challengers are required to participate in the comment process and subsequent agency remedies as a prerequisite to challenging the agency decision in court, there is virtual assurance that the record below will be adequate for the courts of appeals to render a decision. If the record is not adequate for some reason, my bill provides that the case will be remanded to the agency for further factfinding. Direct appeal to the courts of appeal are clearly warranted in terms of efficiency and economy. Finally, because the number of forest plans will be relatively small, there should be no risk that the courts of appeal will be seriously burdened by providing for direct appeals to the courts of appeals.

With regard to actions implementing plan decisions, such as timber sales, the criteria set out by the Administrative Conference did not apply with equal force. While in many cases the record of the agency would be adequate for the courts of appeal to render a decision, such would not always be the case. If direct review in the courts of appeals were provided, it might then be necessary for the agencies to provide more formalized processes for these decisions. The net result might be greater delays, rather than speedier decisions. Therefore, my bill provides that judicial review of plan implementation decisions, such as timber sales, shall occur in the first instance in the district courts.

My bill would provide strict limits on the time within which agency decisions could be appealed. In a situation in which a challenger has participated throughout the agency review and appeals process, there is no need to provide a long period of time within

which a challenger should bring an action in court. To the contrary, there is every reason to require that the challenge be brought as quickly as possible, so that the courts can seek to resolve the case as quickly as possible. Therefore, my bill provides that challenges to plans must be brought within 120 days after final agency action on the plan, and that challenges to implementing actions, such as sales, be brought within 60 days of final agency action.

With regard to plans, if no challenge is brought in court, or if a challenge is brought and the court determines that the plan is valid, the plan will not be subject to further challenge in any court. One of the ways in which timber planning and sale process has been brought to a halt in the West has been repeated challenges to plans already in effect. In substance what has happened is that, based on the possibility that "new information" could be developed, we have evolved into a system in which there is no finality. Instead, we have "rolling challenges" to plans on the basis that they do not take account of new information. Since new information is always being developed, these plans can never be final.

It is this lack of finality which troubled the Supreme Court most in the Vermont Yankee case. There, the Court stated:

Administrative consideration of evidence . . . always creates a gap between the time the record is closed and the time the administrative decision is promulgated. . . . If upon the coming down of the order litigants might demand rehearing as a matter of law because some new circumstances has arisen, some new trend has been observed, or some new fact discovered, there would be little hope that the administrative process could ever be consummated in an order that would not be subject to reopening. (435 U.S. 519, 554-55 (1978).)

My bill seeks to eliminate this state of limbo by providing that if the plan is not challenged in court or, if challenged, is found valid, it will not be subject to further challenge—that is, it will be final. Challenges could still be brought to particular implementing decisions. In addition, agencies could always be requested to amend plans based on new information, which if not done, would be subject to judicial review under these same procedures. But at least the Forest Service and BLM, once a plan is in place and found valid, would have the ability to manage in accordance with that plan.

The grounds on which an agency decision could be challenged would be limited to those raised before the agency. This is merely a corollary to the rule that requires exhaustion of administrative remedies. It would be an exercise in absurdity to require that a challenger raise objections with specificity before the agency, if the challenger were then permitted to

raise entirely new arguments before the court. My bill would provide that the grounds for challenge before the court would be limited to those raised before the agency.

In addition, the review before the court would be on the record produced before the agency. Again, it would be absurd to require exhaustion of remedies but yet allow new evidence to be admitted in court. My bill would provide that the new court's review would be limited to the record, with two exceptions. In the case of plans, if the court of appeals determined that the record was inadequate for the court to render its decision, the court could remand the case to the agency for further factfinding, analysis, or other appropriate action. The court could not remand the case to the district courts. This will eliminate the possibility of "judicial ping-pong," where cases bounce back and forth between circuit and district courts, each time subject to the vagaries of crowded dockets and higher priorities. Remand to the agency will insure prompt attention by the agency, which is the expert in the area, and is the organization charged with the responsibility for the plan.

In the case of implementing actions, the district courts would be permitted to admit new evidence, but only if the challenger were able to show by clear and convincing evidence that it could not have produced that evidence before the agency because the evidence did not exist and that such evidence would have a significant effect on the court's decision. This is intended as a high standard for a challenger to meet. The court's consideration of, and decision in, the case should not be delayed simply because inconsequential evidence is sought to be admitted or because a challenger failed to submit evidence to the agency which was otherwise available.

The bill also makes clear that a challenger carries the burden of proof on all issues. While it is likely that this is the case under present law, it is necessary that this point be clarified, especially in light of the possible application of so many different statutes to the planning process. Similarly, the challenger would be responsible for demonstrating that the agency decision was arbitrary, capricious, or an abuse of discretion. It is wholly inappropriate for courts to be attempting to substitute their judgment for that of the agencies with expertise in the area. Agency decisions reflecting that expertise are entitled to deference by the courts. The Supreme Court recently confirmed this principle in two NEPA cases: *March v. Oregon Natural Resources Council, Inc.* 109 S. Ct. 1851 (1989) and *Robertson v. Methow Valley Citizens Council*, 109 S. Ct. 1835 (1989).

The Supreme Court in those cases held that under NEPA, the courts

must defer to "the informed discretion of the responsible Federal agencies," and must not overturn the agency's decision unless shown to be arbitrary and capricious.

I heartily concur, and my bill would apply this arbitrary and capricious standard to judicial review of all aspects of Forest Service and BLM planning and implementation decisions, not just those implicating NEPA. This will accomplish two things: First, it will eliminate any ambiguity that may exist under present law as to what standard of review may apply to grounds for challenge other than under NEPA, and, second, will assure that the courts apply a uniform standard of review for all aspects of all forest planning and implementation cases.

The final premise of my bill is that judicial remedies ought to be limited to the actions being challenged before the court. Courts have, in certain instances, shown a willingness to issue injunctions stopping all planning and implementation decisions. My bill would stop this practice. In the case of judicial review of plans, the court could enjoin new plans pending its review. However, the Secretary would then have the option of reinstating the previous plan, under which the Secretary could continue to function until the court reached its decision on the new plan. The court would have no power to enjoin the previous plan, if it had previously become final and not subject to further review in the courts. Similarly, if the court was reviewing an agency decision to amend a plan already in effect, the court could enjoin implementation of the amendment pending its review, but could not enjoin the plan to which the amendment applied. This is consistent with the notion that a plan, once final, remains final.

With regard to judicial review of sales and other implementing decisions, the court's remedy would be limited to the implementing decision being challenged. The court could not enjoin the plan which the action was intended to implement. Similarly, the court could not enjoin any other sale or action of the agency.

This legislation is intended to be effective upon date of enactment. For cases which are pending at that time, this bill would apply as follows:

First, cases challenging regional guides would be dismissed, since the courts would no longer have jurisdiction to hear them;

Second, cases in district court challenging plans would be transferred to the courts of appeals;

Third, the requirements for exhaustion of administrative remedies would not apply. These requirements would only apply to cases filed after date of enactment;

Fourth, the limitations on the court's remedies would be applied to all pending cases; and

Fifth, the provisions governing burden of proof and standard of review would apply to all pending cases.

In addition, with regard to plans already outstanding, any new challenges would have to be brought within 120 days of date of enactment, subject to all the requirements set forth in the bill.

Mr. President, it is my belief that this measure is one which will benefit all sides. No one really benefits when rational, deliberative decisions are passed over in favor of litigation. We must take steps to insure that agency decisions are made only after full participation by everyone interested in the decision, so that the agency can take into consideration all evidence available. At the same time, once that has occurred, the agency decision must be upheld unless it is clearly wrong. The courts do not have the experience or expertise that the agencies have, and should have only a limited role to play in such decisionmaking. Forest planning by the courts is not the system which will allow this country to best manage those precious resources.

Mr. President, this bill, in terms of its impact on Oregon's principal industry, which is the timber industry, is perhaps as significant a bill as could be introduced in this Congress. Oregon's timber industry today is being shut down because of judiciary review of decisions relating to management of Federal timberlands, and that management and those decisions are incredibly complicated and time-consuming.

The timber industry is the lifeblood of the State of Oregon. The industry provides about 77,000 direct jobs, together with countless jobs indirectly, and the industry contributes over \$3 billion annually to the State of Oregon's economy. Oregon contributes one-fifth of all of the Nation's production of softwood lumber which, as the Chair well knows, is the principal construction lumber used in the United States.

There are sawmills in the State of Oregon that are closing down not for the lack of customers; they are closing down for lack of logs to run through their mills to supply the customers. This shortage is caused, in part, by the inability of the Forest Service and the Bureau of Land Management to authorize sales and harvest of timber.

That is why I am introducing today a bill entitled the Land Management Review Act of 1989. This bill seeks to address the delays in the development and implementation of forest plans, including sales of timber, caused by judicial review. The bill will streamline and unify the judicial review process.

The planning process for forest land is required by two laws:

The first is the National Forest Management Act of 1976, which applies to the Forest Service; and the second is the Federal Land Policy and Management Act of 1976, which applies to the Bureau of Land Management.

Many other laws apply to the planning process as well. These laws include the National Environmental Policy Act, the Endangered Species Act, the Clean Air Act, the Clean Water Act, and the Wilderness Act.

There is, however, no set of coordinated rules concerning how decisions of the Forest Service and the Bureau of Land Management are reviewed by the courts. This has led to a confusing array of litigation, with the courts demonstrating a readiness to issue sweeping injunctions and to substitute their judgment for that of the agency.

This hodge-podge of uncoordinated statutes has given opponents of agency decisions the ability to bring the planning process and implementation of plans to a virtual standstill. This, in turn, has placed the timber industry in serious jeopardy as it struggles to find harvestable timber to substitute for the large volume of timber on Federal lands that is now, in effect, unavailable to the industry.

We must bring this "planning by court injunction" to a halt. The procedures under which agency decisions regarding timber management are reviewed by the courts must be rationalized so that:

First, challenges to agency actions are brought at the appropriate times;

Second, challenges to agency decisions must have been preceded by the challengers' full participation in the agency decision;

Third, the appropriate courts are reviewing such decisions;

Fourth, decisions, once made by the agencies and approved by the courts—and I emphasize "approved by the courts"—become final;

Fifth, the courts use an appropriate standard for reviewing agency decisions, so that the courts are not able to substitute their judgment for that of the agencies; and

Sixth, the remedies available to the courts would be limited so that the planning process is not brought to a complete standstill pending court review.

The Land Management Review Act of 1989 would accomplish these goals by providing a coordinated system of judicial review for timber management decisions.

Specifically, the act would:

First, require challengers to agency actions to have fully participated in the planning process before they could challenge agency actions in court;

Second, eliminate duplicative litigation, by specifying when decisions are

reviewable, and by providing for challenges to plans to be filed directly in the Federal courts of appeals;

Third, provide strict time deadlines for such challenges to be brought;

Fourth, limit the grounds for challenge to those raised before the agency;

Fifth, limit the court's review to the record developed by the agency;

Sixth, place the burden of proof on the challenger to demonstrate that the agency acted arbitrarily and capriciously;

Seventh, provide that if a plan was not challenged in court or, if challenged, was found valid, no further court review of the plan would be possible;

Eighth, provide that if a court enjoined a new plan, the old plan could remain in effect, so that the agency could continue to function; and

Ninth, limit the court's remedies to the agency action being challenged, rather than being able to issue sweeping injunctions which effectively shut down all timber planning and sales.

The Land Management Review Act of 1989 would not limit in any way—and I emphasize, Mr. President, "in any way"—the grounds which agency actions could be challenged.

There is no change in the substantive law of the Clean Air Act, the Clean Water Act, the National Environmental Planning Act, or any other laws. No changes to the substance of any environmental statute dealing with forest planning are being proposed. The changes deal only with the procedures which apply to judicial review. If a challenge to a plan or sale is valid, it should be upheld. However, the process of planning and sales should not be allowed to be delayed merely for the sake of delay. Decisions must be made and implemented as quickly as possible, and once implemented should not be subject to endless, repeated challenges.

To that end, Mr. President, I have introduced this bill today in the hopes that we can bring a rational basis for reviewing agency action and for appealing them to appropriate courts. When the courts have made their decisions on the agency, those plans can be implemented; and the reviews that have been made are final.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Land Management Review Act of 1989".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the ability of the Department of Agriculture and the Department of the Interior ("the Departments") to promulgate and administer plans to manage forest and timber lands under their respective jurisdictions, and to implement such plans, has been severely hampered if not completely stifled by protracted litigation;

(2) such litigation has been encouraged by the willingness of courts charged with reviewing the decisions of the Departments to entertain redundant challenges to those decisions, to issue injunctions the scope and breadth of which far exceed that necessary to prevent any harm alleged to be occurring, and to interpret various statutes in a manner that effectively prevents the Departments from fulfilling their statutory mandates to manage resources under their respective jurisdictions;

(3) the courts charged with reviewing the decisions of the Departments have failed to accord those decisions the judicial deference to which they are entitled on account of the expertise of the Departments;

(4) the effect of such litigation has been a loss of jobs to communities and industries that use commodity resources under Federal management, and the creation of a climate of uncertainty, as a result of the inability of the Departments to approve and implement such plans; and

(5) in order to prevent irreparable damage to such communities and industries, it is necessary to revise the procedures applicable to judicial review of decisions of the Departments regarding land and resource management plans and actions implementing such plans.

SECTION 3. AMENDMENT OF THE FOREST AND RANGELAND RENEWABLE RESOURCES PLANNING ACT OF 1974.

Section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) is amended by adding at the end thereof the following new subsections:

"(n)(1)(A) The courts of appeals of the United States shall have exclusive jurisdiction to review an action of the Secretary, pursuant to this Act or any other law, that approves, amends, revises, or declines to amend or revise a land and resource management plan of the Forest Service on a petition for review of the action or plan on any ground, including noncompliance with this Act or any other law.

"(B) No court other than a court of appeals of the United States acting on a petition described in subparagraph (A) has jurisdiction to review, enjoin, or take any other action respecting—

"(i) an action of the Secretary described in subparagraph (A); or

"(ii) a land and resource management plan.

"(2)(A) No person who failed to—

"(i) formally submit timely written comment on an action described in paragraph (1); and

"(ii) exhaust all administrative appeals and other administrative remedies available to object to the action,

may submit a petition for review under paragraph (1), and no person may submit a petition for review of the action or plan on a ground not raised by that person in a timely manner and with specificity before the Secretary.

"(B) Subparagraph (A) shall apply in the case of an action described in paragraph (1)—

"(i) on which the Secretary invited public comment—

"(I) by notice in the Federal Register or in the newspaper of greatest circulation in the area in which the land that would be affected by the action is situated; or

"(II) by other means reasonably calculated to bring the matter to the attention of persons likely to be interested in it; or

"(ii) of which the petitioner acquired timely knowledge by other means.

"(3)(A) A petition for review described in paragraph (1) may be submitted to a court of appeals not later than the later of—

"(i) 120 days after the date on which final action by the Secretary is taken; or

"(ii) 120 days after the date of enactment of this subsection.

"(B) Subparagraph (A) shall not be construed to bar any defense to a proceeding, such as laches, that the Secretary may have.

"(4) On expiration of the time stated in paragraph (3) for bringing a proceeding for review described in paragraph (1) or, if such a proceeding is timely brought, on the entry of a final judgment or decree upholding the action of the Secretary (including environmental analyses and other matters relating to the action) that is the subject of the proceeding, the action of the Secretary shall not be subject to review thereafter in any court.

"(5)(A) Notwithstanding any other law regarding the standard of review applicable on review of action by an administrative agency pursuant to such law, an action of the Secretary described in paragraph (1) shall be upheld unless the petitioner demonstrates that the action was arbitrary, capricious, or an abuse of discretion.

"(B) Notwithstanding any other law regarding assignment of the burden of proof on review of action by an administrative agency pursuant to such law, in a proceeding under paragraph (1) the petitioner shall have the burden of proof on all issues relevant to the grounds on which the challenge is based, including noncompliance with this Act or any other law.

"(6)(A) A proceeding under paragraph (1) shall be determined solely on the basis of the record developed by the Secretary in connection with the action that is the subject of the petition.

"(B) If the court of appeals determines that the record submitted by the Secretary is insufficient to allow the court to render a decision, the action shall be remanded to the Secretary for additional fact-finding, analysis, or other appropriate action.

"(C) An action described in paragraph (1) shall not be subject to challenge for failure of the Secretary to consider facts that were not brought to the Secretary's attention during consideration of the action, regardless whether the facts are alleged to relate to circumstances that could not have been discovered at the time of the action, have changed since the time of the action, or did not exist at the time of the action.

"(D) Subparagraph (C) shall not be construed to create a right, or affect any right that a person may have, to request the Secretary or to amend or revise a land and resource management plan in view of changed or newly-discovered circumstances.

"(7)(A) If a land and resource management plan or part of a plan is invalidated or enjoined in a proceeding brought under paragraph (1), the Secretary may reinstate a plan or part of a plan previously in force with respect to the affected land.

"(B) If a plan or part of a plan reinstated pursuant to subparagraph (A) is one that

had become final and nonreviewable pursuant to paragraph (4), its reinstatement shall not be deemed to be a new action by the Secretary so as to subject the reinstated plan to judicial review, and no court shall have jurisdiction to enjoin, invalidate, or review such a plan.

"(8) A petition brought under paragraph (1) for review of an action of the Secretary taken before January 1, 1992, shall be advanced on the docket of the court of appeals, and its disposition shall be expedited to the greatest extent possible, so that for each tract of forest land managed by the Forest Service there will be a final land and resource management plan in place as soon as possible.

"(9)(1) The district courts of the United States shall have jurisdiction to review an action of the Secretary, pursuant to this Act or any other law, that implements a land and resource management plan or otherwise authorizes or pertains to a timber sale or harvest or an activity (such as road building) in connection with or in preparation for a timber sale or harvest on a complaint that challenges or seeks to enjoin the action on any ground, including noncompliance with this Act or any other law.

"(2)(A) No person who failed to—

"(i) submit timely written comment on an action described in paragraph (1), if the action is one on which the Secretary invited comment; and

"(ii) exhaust all administrative appeals and other administrative remedies available to object to the action,

may bring an action for review under paragraph (1), and no person may bring an action challenging the action of the Secretary on a ground not raised by that person in a timely manner and with specificity before the Secretary.

"(B) Subparagraph (A) shall apply in the case of an action described in paragraph (1)—

"(i) of which the Secretary gave notice—

"(I) by publication in the Federal Register or in the newspaper of greatest circulation in the area in which the land that would be affected by the action is situated; or

"(II) by other means reasonably calculated to bring the matter to the attention of persons likely to be interested in it; or

"(ii) of which the petitioner acquired timely knowledge by other means.

"(3)(A) An action for review described in paragraph (1) may be brought in district court not later than the earlier of—

"(i) 60 days after the date on which notice of the action that is the subject of the complaint is published—

"(I) in the Federal Register or in the newspaper of greatest circulation in the area in which the land that would be affected by the action is situated; or

"(II) by other means reasonably calculated to bring the matter to the attention of persons likely to be interested in it; or

"(ii) if notice of the action was published prior to the date of enactment of this subsection, 60 days after the date of enactment of this subsection.

"(B) Subparagraph (A) shall not be construed to bar any defense to a proceeding, such as laches, that the Secretary may have.

"(4) On expiration of the time stated in paragraph (3) for bringing a proceeding for review described in paragraph (1) or, if such a proceeding is timely brought, on the entry of a final judgment or decree upholding the action of the Secretary (including environ-

mental analyses and other matters relating to the action) that is the subject of the proceeding, the action of the Secretary shall become final and shall not be subject to review thereafter in any court.

"(5)(A) Notwithstanding any other law regarding the standard of review applicable on review of action by an administrative agency pursuant to such law, an action of the Secretary described in paragraph (1) shall be upheld unless the petitioner demonstrates that the action was arbitrary, capricious, or an abuse of discretion.

"(B) Notwithstanding any other law regarding assignment of the burden of proof on review of action by an administrative agency pursuant to such law, in a proceeding under paragraph (1) the plaintiff shall have the burden of proof on all issues relevant to the grounds on which the challenge is based, including noncompliance with this Act or any other law.

"(6)(A) Except as provided in subparagraph (B), a proceeding under paragraph (1) shall be determined solely on the basis of the record developed by the Secretary in connection with the action that is the subject of the complaint.

"(B) A district court may admit into evidence information that is not part of the record described in subparagraph (A) if the plaintiff demonstrates by clear and convincing evidence that—

"(i) such information did not exist prior to the time of the Secretary's action; and

"(ii) such information would have a significant effect on the outcome of the proceeding.

"(C) An action described in paragraph (1) shall not be subject to challenge for failure of the Secretary to consider facts that were not brought to the Secretary's attention during consideration of the action, regardless whether the facts are alleged to relate to circumstances that could not have been discovered at the time of the action, have changed since the time of the action, or did not exist at the time of the action.

"(D) Subparagraph (C) shall not be construed to create a right, or affect any right that a person may have, to request the Secretary to reconsider the action complained of in view of changed or newly-discovered circumstances.

"(7)(A) If an action that is the subject of a proceeding brought under paragraph (1) implements a land and resource management plan or part of a plan that has become final pursuant to subsection (a)(4), the action may not be challenged on the ground that the plan that the action implements does not comply with this Act or any other law.

"(8) If an action of the Secretary is invalidated or enjoined in a proceeding brought under paragraph (1), the effect of any decree or order invalidating or enjoining the action shall be limited to that action and shall not have any effect on any other action, including any timber sale or harvest or other activity."

"(p)(1) The Secretary may take action, pursuant to this Act or any other law, without regard to or without there being in place a regional guide not required by this Act that is developed under regulations of the Forest Service to reflect general coordination of the National Forest System, State and private forestry, and research programs.

"(2) No court has jurisdiction to enjoin, invalidate, or review—

"(A) a regional guide not required by this Act that is developed under regulations of the Forest Service to reflect general coordi-

nation of the National Forest System, State and private forestry, and research programs;

"(B) an environmental analysis or any other document prepared in connection with such a regional guide; or

"(C) any action of the Secretary, on the ground that such a regional guide is not in place."

SECTION 4. AMENDMENT OF THE FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976.

Section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) is amended by adding at the end thereof the following new subsections:

"(g)(1)(A) The courts of appeals of the United States shall have exclusive jurisdiction to review an action of the Secretary, pursuant to this Act or any other law, that approves, amends, revises, or declines to amend or revise a land use plan of the Bureau of Land Management on a petition for review of the action or plan on any ground, including noncompliance with this Act or any other law.

"(B) No court other than a court of appeals of the United States acting on a petition described in subparagraph (A) has jurisdiction to review, enjoin, or take any other action respecting—

"(i) an action of the Secretary described in subparagraph (A); or

"(ii) a land use plan.

"(2)(A) No person who failed to—

"(i) formally submit timely written comment on an action described in paragraph (1); and

"(ii) exhaust all administrative appeals and other administrative remedies available to object to the action,

may submit a petition for review under paragraph (1), and no person may submit a petition for review of the action or plan on a ground not raised by that person in a timely manner and with specificity before the Secretary.

"(B) Subparagraph (A) shall apply in the case of an action described in paragraph (1)—

"(i) on which the Secretary invited public comment—

"(I) by notice in the Federal Register or in the newspaper of greatest circulation in the area in which the land that would be affected by the action is situated; or

"(II) by other means reasonably calculated to bring the matter to the attention of persons likely to be interested in it; or

"(ii) of which the petitioner acquired timely knowledge by other means.

"(3)(A) A petition for review described in paragraph (1) may be submitted to a court of appeals not later than the later of—

"(i) 120 days after the date on which final action by the Secretary is taken; or

"(ii) 120 days after the date of enactment of this subsection.

"(B) Subparagraph (A) shall not be construed to bar any defense to a proceeding, such as laches, that the Secretary may have.

"(4) On expiration of the time stated in paragraph (3) for bringing a proceeding for review described in paragraph (1) or, if such a proceeding is timely brought, on the entry of a final judgment or decree upholding the action of the Secretary (including environmental analyses and other matters relating to the action) that is the subject of the proceeding, the action of the Secretary shall not be subject to review thereafter in any court.

"(5)(A) Notwithstanding any other law regarding the standard of review applicable on review of action by an administrative agency pursuant to such law, an action of the Secretary described in paragraph (1) shall be upheld unless the petitioner demonstrates that the action was arbitrary, capricious, or an abuse of discretion.

"(B) Notwithstanding any other law regarding assignment of the burden of proof on review of action by an administrative agency pursuant to such law, in a proceeding under paragraph (1) the petitioner shall have the burden of proof on all issues relevant to the grounds on which the challenge is based, including noncompliance with this Act or any other law.

"(6)(A) A proceeding under paragraph (1) shall be determined solely on the basis of the record developed by the Secretary in connection with the action that is the subject of the petition.

"(B) If the court of appeals determines that the record submitted by the Secretary is insufficient to allow the court to render a decision, the action shall be remanded to the Secretary for additional fact-finding, analysis, or other appropriate action.

"(C) An action described in paragraph (1) shall not be subject to challenge for failure of the Secretary to consider facts that were not brought to the Secretary's attention during consideration of the action, regardless whether the facts are alleged to relate to circumstances that could not have been discovered at the time of the action, have changed since the time of the action, or did not exist at the time of the action.

"(D) Subparagraph (C) shall not be construed to create a right, or affect any right that a person may have, to request the Secretary to amend or revise a land use plan in view of changed or newly-discovered circumstances.

"(7)(A) If a land use plan or part of a plan is invalidated or enjoined in a proceeding brought under paragraph (1), the Secretary may reinstate a plan or part of a plan previously in force with respect to the affected land.

"(B) If a plan or part of a plan reinstated pursuant to subparagraph (A) is one that had become final and nonreviewable pursuant to paragraph (4), its reinstatement shall not be deemed to be a new action by the Secretary so as to subject the reinstated plan to judicial review, and no court shall have jurisdiction to enjoin, invalidate, or review such a plan.

"(8) A petition brought under paragraph (1) for review of an action of the Secretary taken before January 1, 1992, shall be advanced on the docket of the court of appeals, and its disposition shall be expedited to the greatest extent possible, so that for each tract of forest land managed by the Bureau of Land Management there will be a final land use plan in place as soon as possible.

"(h)(1) The district courts of the United States shall have jurisdiction to review an action of the Secretary, pursuant to this Act or any other law, that implements a land use plan or otherwise authorizes or pertains to a timber sale or harvest or an activity (such as road building) in connection with or in preparation for a timber sale or harvest on a complaint that challenges or seeks to enjoin the action on any ground, including noncompliance with this Act or any other law.

"(2)(A) No person who failed to—

"(i) submit timely written comment on an action described in paragraph (1), if the

action is one on which the Secretary invited comment; and

"(ii) exhaust all administrative appeals and other administrative remedies available to object to the action,

may bring an action for review under paragraph (1), and no person may bring an action challenging the action of the Secretary on a ground not raised by that person in a timely manner and with specificity before the Secretary.

"(B) Subparagraph (A) shall apply in the case of an action described in paragraph (1)—

"(i) of which the Secretary gave notice—
"(I) by publication in the Federal Register or in the newspaper of greatest circulation in the area in which the land that would be affected by the action is situated; or

"(II) by other means reasonably calculated to bring the matter to the attention of persons likely to be interested in it; or

"(ii) of which the petitioner acquired timely knowledge by other means.

"(3)(A) An action for review described in paragraph (1) may be brought in district court not later than the earlier of—

"(i) 60 days after the date on which notice of the action that is the subject of the complaint is published—

"(I) in the Federal Register or in the newspaper of greatest circulation in the area in which the land that would be affected by the action is situated; or

"(II) by other means reasonably calculated to bring the matter to the attention of persons likely to be interested in it; or

"(ii) if notice of the action was published prior to the date of enactment of this subsection, 60 days after the date of enactment of this subsection.

"(B) Subparagraph (A) shall not be construed to bar any defense to a proceeding, such as laches, that the Secretary may have.

"(4) On expiration of the time stated in paragraph (3) for bringing a proceeding for review described in paragraph (1) or, if such a proceeding is timely brought, on the entry of a final judgment or decree upholding the action of the Secretary (including environmental analyses and other matters relating to the action) that is the subject of the proceeding, the action of the Secretary shall become final and shall not be subject to review thereafter in any court.

"(5)(A) Notwithstanding any other law regarding the standard of review applicable on review of action by an administrative agency pursuant to such law, an action of the Secretary described in paragraph (1) shall be upheld unless the petitioner demonstrates that the action was arbitrary, capricious, or an abuse of discretion.

"(B) Notwithstanding any other law regarding assignment of the burden of proof on review of action by an administrative agency pursuant to such law, in a proceeding under paragraph (1) the plaintiff shall have the burden of proof on all issues relevant to the grounds on which the challenge is based, including noncompliance with this Act or any other law.

"(6)(A) Except as provided in subparagraph (B), a proceeding under paragraph (1) shall be determined solely on the basis of the record developed by the Secretary in connection with the action that is the subject of the complaint.

"(B) A district court may admit into evidence information that is not part of the record described in subparagraph (A) if the plaintiff demonstrates by clear and convincing evidence that—

"(i) such information did not exist prior to the time of the Secretary's action; and

"(ii) such information would have a significant effect on the outcome of the proceeding.

"(C) An action described in paragraph (1) shall not be subject to challenge for failure of the Secretary to consider facts that were not brought to the Secretary's attention during consideration of the action, regardless whether the facts are alleged to relate to circumstances that could not have been discovered at the time of the action, have changed since the time of the action, or did not exist at the time of the action.

"(D) Subparagraph (C) shall not be construed to create a right, or affect any right that a person may have, to request the Secretary to reconsider the action complained of in view of changed or newly-discovered circumstances.

"(7)(A) If an action that is the subject of a proceeding brought under paragraph (1) implements a land use plan or part of a plan that has become final pursuant to subsection (a)(4), the action may not be challenged on the ground that the plan that the action implements does not comply with this Act or any other law.

"(8) If an action of the Secretary is invalidated or enjoined in a proceeding brought under paragraph (1), the effect of any decree or order invalidating or enjoining the action shall be limited to that action and shall not have any effect on any other action, including any timber sale or harvest or other activity."

By Mr. McCAIN:

S. 1441. A bill to enhance the Federal Trade Commission's ability to prevent consumer fraud; to the Committee on Commerce, Science, and Transportation.

CONSUMER FRAUD PREVENTION ACT

● Mr. McCAIN. Mr. President, I rise to introduce legislation to combat a leading problem confronting consumers—fraud. Consumer fraud is pervasive, it is expanding, and directly or indirectly, it affects everyone. The total cost is impossible to determine, but certainly it is annually in the billions of dollars. Such dollar costs are shocking, but the human costs are at least as staggering. Mr. President, it is no overstatement to say that because of consumer fraud, people have been crippled or even died. Because of consumer fraud, personal savings have been lost. Because of consumer fraud, family vacations have been taken away. Because of consumer fraud, legitimate businesses have been irreparably harmed. Because of consumer fraud, hopes and dreams have been shattered and consumer trust in the marketplace has been undermined.

HEALTH FRAUD

To illustrate the problem, consider this example from my State, Arizona. The Toftness Detector was a device marketed to chiropractors who, in turn, used the product during treatment of their patients. According to its manufacturer, the purpose of the product was to determine appropriate amounts of radiation exposure. The sophisticated marketing campaign for

the Toftness Detector even included research papers demonstrating the value of the product. About 2,500 detectors were sold and, although the product cost very little to make, it sold for about \$2,500. Unfortunately, the product was a complete hoax and there is now an Arizonan who is paralyzed as the result of a chiropractor using the product and failing to detect a spinal tumor.

The Toftness Detector was one of the many health frauds perpetrated against Americans each year. Current projections by the National Council Against Health Fraud are that fraud involving health care products and services, often called quackery, is costing Americans close to \$25 billion per year. Health care fraud is always cruel and costly and sometimes it is crippling or even life threatening. In some cases the quack cure may be harmful. In other cases the quack cure may be harmless—in and of itself—but a victim may be led to exchange a physician-recommended course of treatment for the quack cure.

Not too long ago, an advertisement appeared in Arizona newspapers promoting a "new cancer cure." The ad read:

Cancer patients undergo a six-day therapy of daily "Tumorex" injections administered by a licensed M.D. or R.N. This is augmented by amino acid capsules taken ½ hour before each meal. Treatment is given Monday through Saturday. Any enzyme program must be continued 24 hours before the first days of treatment are sufficient; however, 12 days or more are required for some severe cases. Colon cleansing is important before treatment and imperative after treatment. \$2500 includes the 6 or 12 day treatment, and transportation (meals and lodging not included). We suggest cashier's or traveler's checks, however, Mastercard and Visa are accepted.

An analysis of Tumorex found that it was really the amino acid L-Arginine, which can be purchased at local health food stores for \$5.50 for 100 tablets. At the very least, those who underwent the Tumorex injections were swindled out of \$2,500. Those who substituted Tumorex for a physician-recommended cancer treatment program may have paid a much greater price.

The segment of Americans that are most affected by fraud involving health care products and services are older Americans. Older Americans—as a group—experience a greater number of serious illnesses and chronic health problems. In searching for ways to relieve pain and combat illness they become prey for perpetrators of health quackery.

TELEMARKETING FRAUD

Health fraud may be perpetrated in person, by mail, or by telephone. When by telephone, it is part of the very large problem of telemarketing fraud. In addition to health care prod-

ucts and services, telemarketing fraud may involve investments, contests, and a wide range of merchandise.

Although telemarketing fraud schemes often sound as if they would appeal to only a gullible few, they ensnare many otherwise cautious and prudent consumers. The following example is from Arizona, but the same fraud scheme has been used all over the country. The perpetrator of this fraud contacted victims by phone and told them they had won prizes such as cars, large sums of cash, and vacation trips. The victims were then told that they would be required to pay \$89 to \$289 in order to obtain more specific information on the prizes. It was explained that the money was needed to pay Federal and State gift taxes and other taxes. When the victims attempted to collect their prizes, they were unable to do so and found that addresses they had been supplied were simply post office boxes in a number of small Arizona towns. In the 6-month period before he was caught last year, the perpetrator of this fraud collected \$51,000 from his victims.

This example is only the tip of the iceberg. Documented cases of fraud involving telemarketing amount to \$1 billion a year, and it seems likely that the actual figure is much higher. In one case last year, the Federal Trade Commission obtained a judgment against a company that was selling "vacation certificates." These certificates supposedly entitled purchasers to substantial discounts on vacation travel expenses. However, when vacationers attempted to use the certificates they learned of additional and hidden costs that, in many cases made their vacations more expensive than if they had taken the same trip without using the certificates. In this one case, the FTC estimates that 28,000 families around the country were bilked out a total of about \$10 million.

In another recent scam uncovered by the FTC, victims were convinced to invest in supposedly valuable and rare coins. Victims believed they were buying the coins through an exchange similar to the New York Stock Exchange. The FTC estimates that by the time it stepped in, 2,000 investors had been bilked out of \$6 million.

Like health fraud, telemarketing fraud is not confined to any single segment of the population. However, it is often older Americans—especially with those who live alone, are lonely, or who recently have suffered the loss of someone close, who fall prey to such fraud.

There is no room in a free market for consumer fraud. Fraud destroys the very basis and integrity of what makes free markets effective. And as much as I am a strong believer in free markets and minimal Government intervention in those markets, there is no reason why the Federal Govern-

ment should not do whatever it can to rid our economy of consumer fraud. Unfortunately, consumer education is not enough to combat fraud. Consequently, one of the most justifiable roles of the Government in policing the economy is ensuring a marketplace that consumers can have confidence in.

FTC LAW ENFORCEMENT AUTHORITY

Combating consumer fraud is one of the jobs of the Federal Trade Commission. Unfortunately, budget restrictions and jurisdictional shortcomings have hampered the FTC's law enforcement activities. The legislation I am introducing today eliminates some of these jurisdictional shortcomings which, in this time of fiscal restraint, should permit more efficient and cost-effective law enforcement by the FTC.

Included in the bill is a section that specifically bars dissemination of any false advertisement for the purpose of inducing the purchase of services, such as health care or home repair services and a section that requires the FTC to amend its mail order rule to apply also to telemarketing. Also in the bill are provisions that would permit the FTC to join together scattered law enforcement litigation, more easily serve legal papers, and subpoena physical evidence. These new law enforcement tools are particularly targeted at fly-by-night operators and those who perpetrate health frauds such as the Toftness Detector.

Another section in the bill permits the Federal Trade Commission to appoint State attorneys general to enforce trade regulation rules of the Commission. Under this provision, the FTC could appoint attorneys general to sue individuals and businesses suspected of violating FTC rules such as the mail order rule, the used car rule, the retail food store advertising rule, the funeral industry rule, and various advertising rules. Many of these rules have a very local impact and enforcement by State officials may, at times, be appropriate. Because in some instances, it may be necessary to quickly initiate an enforcement action, the bill also specifies that if an attorney general requests authority to enforce a rule, the Commission must respond within 15 days. Finally, the wording of this section would permit the Commission to appoint attorneys general to conduct on-going enforcement of rules. With this authority, there would be no need for State attorneys general to seek specific authorization in each instance.

In addition to the sections of the bill intended to address fraud and the FTC's enforcement authority, my legislation also requires the FTC to conduct studies concerning private long-term health care insurance and life care homes. Both of these industries fill an important need and most of the member businesses are highly reputa-

ble. However, with regard to both industries, there have been allegations of deception on the part of a few businesses and individuals.

LIFE-CARE INDUSTRY STUDY

Life-care communities can be a practical solution to the problem of assuring independent and supportive living for older Americans as long as possible, and guaranteeing that 24-hour nursing care is available when necessary. This type of living arrangement, however, is often more costly than others. An entrance fee is usually required—which can range from \$20,000 to \$100,000, in addition to a monthly fee that can range from \$650 to \$1,200. In exchange for the fees, the resident is assured of housing and services for life—regardless of health.

The Congressional Research Service estimates that there are between 300 and 600 life-care communities operating today, serving approximately 90,000 residents. Regulation of the life-care industry is handled by individual State governments. To date, fewer than 20 States have adopted legislation regulating continuing care communities. Because of the lack of Federal or widespread State standards and regulation, the life-care industry has had problems with both fraud and unintentional mismanagement, including the occasional misrepresentation of financial risks; the occasional misrepresentation of the mortgage-lender's interest; the potential misuse of the entrance fee financing; and kick-back schemes and self-dealing.

In response to problems which have been reported regarding life-care homes, the bill I am introducing today calls on the FTC to conduct a study of unfair or deceptive acts or practices in the life-care industry.

LONG-TERM HEALTH CARE INSURANCE STUDY

Americans spend about \$38 billion a year on nursing home care. Seventy percent of all single people admitted to a nursing home go broke within 3 months and 50 percent of all couples are impoverished within 6 months after one spouse is admitted. Over 60 percent of American families have had some experience with the costs of long-term care.

Last year Congress approved the Medicare Catastrophic Illness Coverage Act. Under the new law, elderly couples faced with huge nursing home bills will be required to expend fewer of their resources before Medicaid takes effect. In general, however, the catastrophic illness legislation does little to assist those facing the huge costs of nursing home care.

Confronted with the demands of long-term health care and inadequate Medicare coverage, Americans have responded with a rapidly growing demand for private long-term health care policies. More than 1 million such policies are in force, and half of these

were sold in the last 3 years. Fewer than a dozen companies offered long-term care policies in 1982. Today that number has grown to almost 100.

Unfortunately, while long-term health care policies fill an important need, there is reason to be concerned about the marketing of some of the policies. Many of the policies contain significant limits on the long-term care benefits they provide—a fact which may not be clear to those who are purchasing the policies. A Consumer Reports article on long-term care policies, published last year, reported confusion by agents, and even in sales literature, as to the coverage provided by many policies. Other marketing problems may also exist. As U.S. News & World Report noted in a recent article on long-term care policies, "the fear-mongering hard sell has begun."

Included in the legislation I am introducing today is a provision requiring the Federal Trade Commission to conduct a study of unfair and deceptive acts or practices in the sale of long-term health care policies to the elderly.

Mr. President, I urge my colleagues to join me in supporting this important legislation and I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1441

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Fraud Prevention Act".

FINDINGS

SEC. 2. The Congress finds that—

(1) Consumer fraud is a pervasive and persistent problem for American businesses and consumers.

(2) Consumer fraud costs Americans billions of dollars each year, and it undermines legitimate commercial activities by businesses of all sizes and in all fields.

(3) Consumer fraud schemes commonly exceed the jurisdictional boundaries of any single court or state.

(4) The perpetrators of consumer fraud use various means to escape prosecution, including rapid flight, jurisdictional diversity, and fictitious legal entities.

(5) One of the most pervasive types of consumer fraud is health fraud, which has been estimated to cost Americans more than \$10,000,000,000 annually. In addition to being costly, such fraud can be life-threatening.

(6) Consumer fraud involving telemarketing is estimated to cost consumers billions of dollars annually. Telemarketing involving investment fraud alone is estimated to cost \$1,000,000,000 each year.

(7) The Federal Trade Commission and the attorneys general of the States have initiated a cooperative attack on telemarketing fraud. The success of this program has been hampered by jurisdictional limitations and inadequate resources.

(8) Consumer fraud is a particular burden for senior citizens, who are more frequently defrauded than other consumers.

(9) The ability of the Federal Trade Commission to attack consumer fraud has been limited due to inadequate authority, and legislation is needed to enhance the Commission's ability to protect consumers from such abuses.

FALSE ADVERTISEMENTS CONCERNING SERVICES

SEC. 3. Section 12(a) of the Federal Trade Commission Act (15 U.S.C. 52(a)) is amended by inserting "services," immediately after "devices," each place it appears.

EXPANDED ENFORCEMENT TOOLS

SEC. 4. (a) VENUE.—(1) Subsections (a) and (b) of section 13 of the Federal Trade Commission Act (15 U.S.C. 53) are each amended by adding at the end thereof the following: "Whenever it appears to the court that the interests of justice require that any other person, partnership, or corporation should be a party in such suit, the court may cause such person, partnership, or corporation to be summoned whether or not they reside or transact business in the district in which the suit is brought, and to that end process may be served in any district."

(2) Section 13 of the Federal Trade Commission Act (15 U.S.C. 53) is amended by redesignating subsection (c) as subsection (d) and inserting immediately after subsection (b) the following:

"(c) Any process of the Commission under this section may be served by anyone duly authorized by the Commission—

"(1) by delivering a copy of such process to the person to be served, to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served;

"(2) by leaving a copy of such process at the residence or the principal office or place of business of such person, partnership, or corporation; or

"(3) by mailing a copy of such process by registered mail or certified mail addressed to such person, partnership, or corporation at his or her or its residence or principal office or place of business.

The verified return by the person so serving such process setting forth the manner of such service shall be proof of the same, and the return post office receipt for such process mailed by registered mail or certified mail as provided in this subsection shall be proof of the service of the same."

(b) SUBPOENA.—(1) Section 20(a) of the Federal Trade Commission Act (15 U.S.C. 57b-1(a)) is amended by redesignating paragraph (7) as paragraph (8) and inserting after paragraph (6) the following:

"(7) The term 'physical evidence' means any object or device including any medical device, food product, drug, nutritional product, cosmetic product, or audio or video recording."

(2) Section 20(c)(1) of the Federal Trade Commission Act (15 U.S.C. 57b-1(c)(1)) is amended—

(A) by inserting "physical evidence or" immediately after "any" the second time it appears;

(B) by inserting "to produce such physical evidence for inspection," immediately before "to produce";

(C) by inserting "physical evidence," immediately after "concerning"; and

(D) by inserting "evidence," immediately before "material, answers,".

(3) Section 20(c)(3) of the Federal Trade Commission Act (15 U.S.C. 57b-1(c)(3)) is amended—

(A) by inserting "physical evidence or" immediately before "documentary material";

(B) in subparagraph (A)—

(i) by inserting "physical evidence or" immediately before "documentary"; and

(ii) by inserting "evidence or" immediately after "permit such";

(C) in subparagraph (B), by inserting "evidence or" immediately before "material"; and

(D) in subparagraph (C), by inserting "evidence or" immediately before "material".

(4) Section 20(c)(10) of the Federal Trade Commission Act (15 U.S.C. 57b-1(c)(10)) is amended by inserting "physical evidence or" immediately before "documentary material" each place it appears.

(c) POSTAL DATA.—Notwithstanding any other provision of law, the United States Postal Service shall, within 180 days after the date of enactment of this Act, amend its regulations in part 233 of title 39, Code of Federal Regulations, concerning mail covers to provide that the Federal Trade Commission may, in the course of investigating unfair or deceptive acts or practices in violation of section 5 of the Federal Trade Commission Act (15 U.S.C. 45), obtain access to mail cover reports to the same extent and in the same manner as law enforcement agencies investigating the commission or attempted commission of a crime.

(d) FINANCIAL DATA.—Section 1109(a)(3) of Public Law 95-360, approved November 10, 1978, is amended—

(1) by redesignating subparagraph (E) as subparagraph (F);

(2) in subparagraph (D), by striking "or"; and

(3) by inserting immediately after subparagraph (D) the following new subparagraph:

"(E) dissipation, removal, or destruction of assets that are subject to forfeiture, seizure, redress, or restitution under any law of the United States by reason of having been obtained in violation of law; or".

(e) ASSISTANCE OF STATE ATTORNEYS GENERAL.—(1) The Commission may appoint State attorneys general to assist Commission attorneys to enforce Commission rules when the public interest so requires. The Commission shall, within 15 days after receiving any request from a State attorney general for such an appointment, determine whether to grant the request and communicate such determination to that State attorney general.

(2) Each person appointed under this subsection is subject to removal by the Commission at its discretion.

RULEMAKING ON TELEMARKETING

SEC. 5. (a) RULEMAKING.—Within 270 days after the date of enactment of this Act, the Federal Trade Commission shall amend its rule in part 435 of title 16, Code of Federal Regulations, concerning mail order merchandise, to apply also to telemarketing. Except as specified in the remainder of this subsection, the amended rule shall apply to telemarketing to the same extent and in the same manner as it now applies to mail order sales.

(b) TELEMARKETING REQUIREMENTS.—As part of the rulemaking required by subsection (a) of this section the Commission shall consider including in the final rule a requirement that—

(1) each telemarketer shall inform the person, partnership, or corporation to whom the telemarketing is directed that such person, partnership, or corporation is entitled to a refund of any money paid for the

product or service which is the subject of the telemarketing if delivery of the product or service is not made—

(A) within the time period included in the offer of the product or service, or

(B) if no time period is included in such offer, within 30 days after the date the offer is made; and

(2) if such telemarketer—

(A) makes an unsolicited telephone call to a person, partnership, or corporation or otherwise communicates with such person, partnership, or corporation offering a free gift or prize and invites such person, partnership, or corporation to respond,

(B) a specific product or service is offered or sold in connection with such telephone call or other communication, and

(C) there is no Federal statute governing such telephone call or other communication involving such product or service,

such person, partnership, or corporation may cancel an order for such product or service not later than the expiration of three days after the date on which there is a sales agreement.

(c) **REBUTTABLE PRESUMPTION.**—Such amended rule shall include a rebuttable presumption that if a telemarketer does not keep adequate records to show compliance with the requirements described in subsection (b) of this section, such telemarketer shall be considered to be in violation of such requirement.

(d) **LIMITATION.**—For purposes of this section, a financial institution or other participant in a payment system used to pay for products or services offered or sold through telemarketing, including the credit or payment authorization aspect of such payment system, is not, by virtue of such participation, a telemarketer nor a person, partnership, or corporation which acts in concert with, or on behalf of, a telemarketer.

(e) **DEFINITIONS.**—For purposes of this section—

(1) the term "telemarketer" means a person, partnership, or corporation which engages in telemarketing; and

(2) the term "telemarketing" means the use of a telephone in the ordinary course of business to communicate with a person, partnership, or corporation an offer for sale or to complete a sale of a product or service.

LIFE CARE HOME STUDY

SEC. 6. (a) STUDY.—The Federal Trade Commission shall conduct a study of unfair or deceptive acts or practices in the life care home industry, including acts or practices engaged in by life care homes. Within 24 months of the date of enactment of this section, the Commission shall report the findings and conclusions of the study to Congress. The Commission shall indicate in its report whether it intends to initiate a trade regulation rulemaking under section 18 of the Federal Trade Commission Act respecting unfair or deceptive acts or practices in the life care home industry and the reasons for such determination.

(b) **DEFINITIONS.**—For purposes of subsection (a)—

(1) The term "life care home" includes the facility or facilities occupied, or planned to be occupied, by residents or prospective residents where a provider undertakes to provide living accommodations and services pursuant to a life care contract, regardless of whether such facilities are operated on a profit or nonprofit basis.

(2) The term "life care contract" includes a contract between a resident and a provider to provide the resident, for the duration of such resident's life, living accommodations

and related services in a life care home, including nursing care services, medical services, and other health-related services, which is conditioned upon the transfer of an entrance fee to the provider and which may be further conditioned upon the payment of periodic service fees.

LONG-TERM HEALTH CARE INSURANCE STUDY

SEC. 7. (a) STUDY.—The Federal Trade Commission shall conduct a study concerning—

(1) the use of unfair or deceptive acts or practices in the marketing and sale of long-term health care policies to the elderly;

(2) the relationship of premiums for long-term health care policies to unexpected (expected) claims paid under such policies;

(3) the effectiveness of various alternatives supported by the States to prevent unfair or deceptive acts or practices in the marketing and sale of long-term health care policies for the elderly; and

(4) the ability of consumers to compare different long-term health care policies.

(b) **REPORT.**—The Commission shall, not later than one year after the date of enactment of this Act, report the results of the study conducted under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(c) **COMPTROLLER GENERAL.**—In conducting the study under subsection (a), the Commission shall consult with the Comptroller General of the United States.

(d) **DEFINITION.**—For purposes of subsection (a), the term "long-term health care policy" includes any insurance policy which provides, among other benefits, a predetermined or fixed benefit payment for each day the policyholder stays in a nursing or care facility.●

By Mr. BENTSEN (for himself and Mrs. KASSEBAUM):

S. 1442. A bill to establish a Congressional Council on Education and Space, and for other purposes; to the Committee on Labor and Human Resources.

CONGRESSIONAL COUNCIL ON EDUCATION AND SPACE ACT OF 1989.

● Mr. BENTSEN. Mr. President, today I am introducing legislation to try to encourage our young people to learn more science and math, and to learn it better. Along with the distinguished Senator from Kansas [Mrs. KASSEBAUM], I want to tap the latent enthusiasm of our young people for space exploration and channel it into a deeper understanding of the scientific principles which make it possible.

In the 1960's, there was a direct link between U.S. space activities and our educational attainments. Our schools encouraged science and technical training as we strove to put Americans on the moon. By 1970, the number of science and engineering degrees awarded by U.S. colleges had more than doubled over the level in 1960.

In the years since the Apollo Program, however, U.S. students have lost interest in these subjects and our graduate engineering schools have been filled 40 percent by foreign students.

As a result, American young people are not acquiring the skills needed to give them high-technology jobs—and our society as a whole is falling short of the technically trained people needed to keep us ahead of foreign competition. In fact, we already have 1,500 vacancies in U.S. engineering faculties, and it has been estimated that we will face a shortage of 500,000 scientists and engineers in the next century.

We have serious problems. An international assessment of math and science by the educational testing service last year found U.S. 13-year-olds at the bottom in almost all types of math. For example, 78 percent of Korean students could solve two-step problems, nearly double the 40 percent figure for American students. In science, our kids were still in the bottom cluster, with Korean and Canadian students at the top.

Another survey, this one of U.S. 17-year-olds, found that almost half could not answer correctly a simple arithmetic problem like: is 87 percent of 10: (1) greater than 10; (2) less than ten; (3) equal to ten; or (4) don't know?

A nation whose children answer "don't know" to tough questions will find it hard to answer "can do" when faced with the technical challenges of global competition.

I have always made efforts to stay in touch with students and with our schools. Last year, I had a unique opportunity to visit schools throughout our country, from local elementary classrooms to some of our finest universities. In my view, there is nothing lacking among our students when it comes to fine minds capable of achieving great things. The reservoir of intellectual curiosity and sheer capability among our children is one of America's most valuable resources.

What I noticed, however, is that harnessing these innate talents requires more than a particular curriculum, but also a significant challenge or inspiration.

We need to find a way to spark the curiosity of American youngsters and to kindle a flame of learning that lasts throughout elementary and secondary school.

Many efforts are under way throughout our land to improve our educational system. What we suggest by this legislation is a small but potentially very helpful supplement to these major reforms.

This bill would establish a 16-member Congressional Council on Education and Space. That Council would have the task of advising the Congress and enlisting the support of other Americans to promote programs to improve the quality of mathematics and science education in our country. It would work with the heads of

NASA, NSF, and other Federal agencies to try to coordinate activities relating to education and space toward the goal of encouraging more students to enter these technical fields.

We envision a small staff and a small budget of perhaps \$1 million per year. But that sum would be multiplied by private contributions from individuals and corporations.

The Council would develop programs to increase the use of our Civil Space Program as a tool to foster stronger programs in science and math and engineering.

One particular way which we think would help promote excellence is the creation of awards. The Council would develop awards related to particular levels of achievement in math and science. One would be available to elementary and secondary school students who achieve proficiency in these fields and score at the 85th percentile on nationally administered tests. A second award would be available for students who show progress toward improved science and math and related studies, especially as any such study relates to the Civil Space Program.

We also recommend a State champion award, from each congressional delegation, for students who exhibit particularly significant achievement in these studies.

We believe that such awards could be the pride-building recognition for young people who work to learn about space and improve their understanding of math and science. This Council is modeled on the President's Council on Physical Fitness and Sports, which has been successful in stimulating young people in local programs to demonstrate their physical fitness. We think that this same technique can be used to promote young people to demonstrate their proficiency at science and math.

Mr. President, to paraphrase Neil Armstrong, creation of this Council would be a small step for the Congress which could lead to a giant leap forward for our young people.

I ask unanimous consent that the full text of our legislation be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1442

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Council on Education and Space Act of 1989".

SEC. 2. FINDINGS AND DECLARATION OF PURPOSE.

(a) FINDINGS.—The Congress finds that—
(1) there is a significant lack of knowledge of, and interest in science and mathematics among students in the United States;

(2) the United States is expected to face a serious shortage of scientists and engineers during the twenty-first century;

(3) the shortage of newly qualified scientists and engineers threatens the technological leadership and economic competitiveness of the United States;

(4) the United States civil space program traditionally has inspired students of all levels in the United States to increase their studies in science, mathematics, and engineering; and

(5) the increased use of the United States civil space program, especially the Space Station Program, as an educational and motivational tool would improve the quality of mathematics and science education among students in the United States and enhance the future competitiveness of this Nation.

(b) PURPOSE.—It is the purpose of this Act to—

(1) establish a Congressional Council on Education and Space; and

(2) authorize such Council to assist the Congress in conducting programs and activities to increase the use of the United States civil space program as a tool to foster enhanced educational programs in science, mathematics, engineering, and related fields.

SEC. 3. ESTABLISHMENT OF CONGRESSIONAL COUNCIL ON EDUCATION AND SPACE.

(a) IN GENERAL.—There is established the Congressional Council on Education and Space (hereinafter referred to as the "Council").

(b) STRUCTURE AND MEMBERSHIP OF THE COUNCIL.—(1) The Council shall be composed of 16 members, who shall be appointed to serve for a term of 4 years as follows:

(A) 5 citizens of the United States to be appointed by the President pro tempore of the Senate, upon the recommendation of the Majority Leader of the Senate;

(B) 3 citizens of the United States to be appointed by the President pro tempore of the Senate upon the recommendations of the Minority Leader of the Senate;

(C) 5 citizens of the United States to be appointed by the Speaker of the House of Representatives; and

(D) 3 citizens of the United States to be appointed by the Minority Leader of the House of Representatives.

(2) Individuals appointed under this subsection shall be selected from among private citizens who are leaders in the fields of education and space exploration, and other individuals whom Congress determines to have distinctive qualifications or experience.

(3) The Council shall elect a Chairman from among the members of the Council, and such Chairman shall request the following officials to serve as ex-officio members of the Council:

(A) the Administrator of the National Aeronautics and Space Administration;

(B) the Director of the National Science Foundation;

(C) the Director of the Office of Science and Technology in the Executive Office of the President;

(D) the Secretary of Education; and

(E) the Director of the Office of Technology Assessment.

(4) A majority of the Council shall constitute a quorum for the transaction of business.

(5) Each member of the Council shall be entitled to one vote.

(6) A vacancy on the Council shall not affect the powers of the Council, and such vacancy shall be filled in the same manner

as in which the initial appointment was made.

SEC. 4. FUNCTIONS OF THE COUNCIL.

The Council shall—

(1) advise the Congress on matters relating to the use of the United States civil space program as an educational tool to improve the quality of mathematics and science education in the United States;

(2) enlist the support and assistance of individuals, civic groups, the private sector, including the aerospace industry, and others to promote programs to improve the quality of mathematics and science education in the United States;

(3) encourage State and local governments and school systems to emphasize the importance of education in the areas of mathematics, science, space, and related fields;

(4) assist educational agencies at all levels in developing programs to encourage the study of mathematics, science, space, and related fields;

(5) establish, to the extent permissible, an informational network to increase awareness among United States citizens of the relationships among—

(A) math and science education and the United States;

(B) the civil space program;

(C) technological leadership; and

(D) economic competitiveness;

(6) maintain, with their consent, for the purposes of coordinating activities related to education and space and maximizing the availability of information, programs, and resources which may serve to encourage students to pursue education in science, mathematics, engineering and related fields a continuing liaison with the following:

(A) the Administrator of the National Aeronautics and Space Administration;

(B) the Director of the National Science Foundation;

(C) the Director of the Office of Science and Technology in the Executive Office of the President;

(D) the Secretary of Education;

(E) the Director of the Office of Technology Assessment; and

(F) other organizations in the private sector concerned with space and education, including the Challenger Center for Space Science Education.

SEC. 5. ADMINISTRATIVE PROVISIONS.

(a) COMPENSATION OF MEMBERS.—Members of the Council shall receive no additional pay, allowances, or benefits by reason of service to the Council. Members who are not full-time Federal employees may be allowed travel expenses and per diem, in lieu of subsistence, at rates authorized for persons serving intermittently in the Government service under subchapter I of chapter 57 of title 5, United States Code, to the extent funds are available for such expenses.

(b) PROGRAM ADMINISTRATOR.—The Council shall appoint a Program Administrator who shall be paid at a rate not to exceed the rate of basic pay provided for level I of the Executive Schedule pursuant to section 5312 of title 5, United States Code. To the maximum extent practicable, the salary of the Program Administrator shall be paid from donations received under section (6).

(c) ADDITIONAL PERSONNEL.—The Council is authorized to appoint and fix the compensation of such additional personnel, from funds appropriated pursuant to section (10) or donated under section (6), up to 5 persons, as the Chairman finds necessary to carry out the purposes of this Act. Such personnel shall be compensated at a rate

not to exceed a rate equal to the maximum rate of pay for GS-18 of the General Schedule under section 5332 of title 5, United States Code. To the extent practicable, the compensation of such personnel shall be made from funds received by the Council pursuant to section (6).

(d) **STATUTORY INTERPRETATION.**—(1) Except for employees detailed to the Council under subsection (f)(B), service of an individual as a member of the Council, or employment of an individual by the Council, with or without compensation, shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interests or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings or matters involving the United States.

(2) Service as a member of the Council, or as an employee of the Council shall not be considered service in an appointive or elective position in the Federal Government for purposes of section 8344 of title 5, United States Code, or other comparable provisions of Federal law.

(e) **INFORMATION EXCHANGE.**—The Council may request from the head of any Federal department or agency such information as the Council may require for the purpose of carrying out the provisions of this Act. Each such department or agency is authorized, to the extent permitted by law, and subject to the provisions of section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), furnish such information to the Council, upon request made by the Chairman of the Council.

(f) **USE OF FEDERAL FACILITIES, PERSONNEL AND MAINT.**—(1) Upon request of the Chairman of the Council, the head of any Federal department or agency is authorized, to the extent permitted by law, to—

(A) make any of the facilities and services of such agency or entity available to the Council; and

(B) detail, without reimbursement by the Council to such agency or entity, any of the personnel of such agency or entity to the Council to assist the Council in carrying out the duties assigned to the Council under this section.

(2) To the maximum extent practicable, the Council shall be located in the facilities of the Office of Technology Assessment.

(3) The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 6. DONATIONS TO THE COUNCIL.

(a) **AUTHORIZATION TO ACCEPT DONATIONS.**—The Council is authorized to accept, use, solicit, and dispose of donations of money, property, or personal services.

(b) **GUIDELINES FOR THE ACCEPTANCE OF DONATIONS.**—The Council shall establish guidelines for—

(1) the acceptance of donations of money, property, or personal services; and

(2) the determination of the value of any donation of property or personal services.

(c) **PROHIBITIONS.**—The Council shall not accept donations—

(1) of an amount or value which exceeds \$25,000 annually, in the case of donations from an individual, or

(2) of an amount or value which exceeds \$100,000 annually, in the case of donations from a corporation, partnership, or other business organization.

(d) **EXEMPTIONS FROM PROHIBITIONS.**—The limitations set forth in subsection (c)(2) shall not apply to an organization—

(1) described in section 501(c)(3) of the Internal Revenue Code of 1986; and

(2) which is exempt from taxation under section 501(a) of such Code.

SEC. 7. APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.

Except as otherwise provided in this section, the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply with respect to the Council.

SEC. 8. ADMINISTRATION OF ACHIEVEMENT AWARD PROGRAM.

The Council shall develop and administer a Congressional Space Education Achievement Award Program. Such program shall consist of the following elements—

(1) an award by the appropriate leaders of Congress to recognize—

(A) elementary and secondary school students who achieve proficiency in the fields of mathematics, science, and related studies, especially as any of such areas of study relates to the United States civil space program; and

(B) who are at the 85th percentile on nationally administered tests;

(2) a secondary award by the appropriate leaders of Congress for students who show progress toward improved science and math and related studies, especially as any of such areas of study relates to the civil space program; and

(3) a State Champion Award to be presented collectively by the congressional delegation from each State, for students from each State who exhibit particularly significant achievement in science and math and related studies, especially as any of such areas of study relates to the civil space program.

SEC. 9. REPORT.

Not later than 180 days after the date of the enactment of this Act, and on January 1 of each subsequent year, the Council shall furnish to the Committees on Education and Labor, and Science, Space, and Technology of the House of Representatives, and the Committees on Labor and Human Resources, and Commerce, Science, and Transportation of the Senate, a report that—

(1) assesses the effectiveness of programs for encouraging students to pursue educational activities in science, mathematics, engineering, and related fields; and

(2) incorporates any administrative or legislative recommendations that the Council determines to be appropriate to achieve the purposes of this Act.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the purposes of this Act \$1,000,000 for fiscal year 1990 and such sums as may be necessary for the subsequent fiscal years.

● **Mrs. KASSEBAUM.** Mr. President, I am pleased to join Senator BENTSEN in introducing legislation to establish a Congressional Council on Education and Space. The purpose of the Council is to stimulate interest among elementary and secondary students in science and mathematics, particularly as these subjects relate to space exploration.

The U.S. leadership in space is a vital national priority. Even as we celebrate the 20th anniversary of man's landing on the Moon, we realize that our leadership is being challenged on many fronts. We must respond aggressively

to the intense competition we face in high-technology fields.

Our future successes in space must begin now. Among other things, we must nurture, educate, and encourage future scientists, physicists, astronauts, and others who will make up NASA and the entire space effort of the 21st century. This effort must begin at the elementary school level with programs, classes, and materials that will draw more and more students into the vital study of science and math.

The Council we are proposing offers a start in this direction. I hope that this proposal will receive favorable consideration by the Senate.

By Mr. FORD:

S. 1443. A bill to designate Bowling Green, KY, as an urbanized area; ordered placed on the calendar.

DESIGNATING BOWLING GREEN, KY, AS AN URBANIZED AREA

Mr. FORD. Mr. President, today I am introducing legislation that directs the Bureau of the Census to designate the city of Bowling Green, KY, as an urbanized area.

As you may be aware, the Census Bureau has announced that it will temporarily suspend the conduct of reimbursable special censuses for communities requesting them to avoid conflict with decennial census activities. In 1986, the city requested just such a census, showing the potential urbanized area at that time to have a population of 45,151. An urbanized area comprises an incorporated place and adjacent densely settled surrounding area that together have a minimum population of 50,000.

Designation as an urbanized area would entitle the city to receive Department of Transportation highway planning funds and enable Greenview Hospital and Bowling Green Medical Center to receive increased funding from Medicare reimbursement. Additional community development block grant entitlement funds would be available as well, and it would enhance the opportunity for Bowling Green to compete with other urbanized areas in economic development.

Although the city was unsuccessful in securing the urbanized area designation in 1986, since then the number of occupied housing units in Bowling Green has increased by over 2,000 units. This increase has been documented by the number of active and inactive electrical meters obtained from the utility companies serving the city and surrounding area. Building permits were obtained from the city and county as to growth that has occurred since the special census. The area which potentially qualified as an urbanized area in 1986 now has an estimated population in excess of 51,000. In addition, several areas which did

not qualify as part of the urbanized area in 1986 now meet the block and density requirements necessary to be included in the area under consideration. Thus, the city presently meets the requirements to be considered an urbanized area. However, because of the Census Bureau's suspension of special census activities, Bowling Green will have to wait until 1991—after the results of the 1990 census have been tabulated—to achieve the designation that it has already earned. This legislation has been introduced to correct this inequity.

Designation as an urbanized area will not only assist the city of Bowling Green in future growth but will also complement the future planning of this rapidly expanding area, and I urge my colleagues to support this legislation.

By Mr. HATCH:

S.J. Res. 184. Joint resolution to designate the periods commencing on November 26, 1989, and ending on December 2, 1989, and commencing on November 28, 1990, and ending on December 2, 1990, as "National Home Care Week"; to the Committee on the Judiciary.

NATIONAL HOME CARE WEEK

Mr. HATCH. Mr. President, I rise today to introduce a joint resolution to designate the weeks of November 26 to December 2, 1989, and November 25 to December 1, 1990, as "National Home Care Week." This resolution commemorates the organizations and professionals who provide this extremely vital health service to millions of Americans.

It is fitting that we honor home health care during the week following Thanksgiving. This holiday is a time that brings families together to share their joys, their hopes, and their traditions. Home care keeps families together by allowing a loved one to receive needed care in the familiar surroundings of his or her own home. This Thanksgiving, countless thousands of home care recipients will be able to spend this holiday in the midst of family. Furthermore, millions of elderly citizens will live out the remainder of their lives with dignity and a sense of independence thanks to assistance provided by home care providers. Institutionalization for many ailments is no longer necessary, given today's effective home health care services.

As the 101st Congress takes up the issue of providing long-term care to the millions of seniors, chronically ill, children, and disabled citizens in America, I fervently hope that home care will be the first and most essential component of any program. Home care provides cost-effective treatment of maladies that, left untreated, often lead to more costly acute care and long-term institutionalization. Given

our continuing battle with rising health care costs and the fact that we must rein in these costs if we hope to provide our Nation with appropriate health care, we must work to identify and develop these cost-effective means of health care delivery.

Home care is much more than preventive medicine. It is the most humane form of health care. It is also the form of care preferred by the vast majority of seniors. According to a national poll conducted by Louis Harris and Associates, fully 78 percent of those polled said they preferred to receive care in their homes over care in a nursing home.

I have learned of countless Utah families who could benefit from home care services. For example, one Utah family has a child with multiple health problems. After 3 months of the child's hospitalization, the escalating costs became unbearable. The family decided to bring the child home despite the need for constant care and monitoring. So, a home care nurse came into the home and sympathetically guided the parents through the struggle of taking care of a technology-dependent child. She provided counseling, skilled nursing assessment, monitoring, teaching, and helping with necessary support services.

This joint resolution honors the numerous health professionals, like the home care nurse in Utah, who provide compassionate and much needed care for elderly and disabled individuals. The individuals and organizations who make such a very worthwhile contribution to society deserve to be honored. Moreover, I hope that by commemorating National Home Care Week, we may bring increased attention to this valuable service and the potential it holds for meeting the long-term care needs of our Nation. I urge my colleagues to cosponsor this joint resolution.

At this time I ask unanimous consent that the full text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. Res. 184

Whereas organized home care services to the elderly and disabled have existed in the United States since the last quarter of the 18th century;

Whereas home care is an effective and economical alternative to unnecessary institutionalization;

Whereas caring for the ill and disabled in their homes places emphasis on the dignity and independence of the individual receiving these services;

Whereas since the enactment of the medicare home care program, which provides coverage for skilled nursing services, physical therapy, speech therapy, social services, occupational therapy, and home health aide services, the number of home care agencies in the United States providing these services has increased from fewer than 1,275 to more than 12,000; and

Whereas many private and charitable organizations provide these and similar services to millions of individuals each year preventing, postponing, and limiting the need for them to become institutionalized to receive these services: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the periods commencing on November 26, 1989, and ending on December 2, 1989, and commencing on November 28, 1990, and ending on December 2, 1990, as "National Home Care Week" are designated as "National Home Care Week", and the President is authorized and requested to issue proclamations calling upon the people of the United States to observe such weeks with appropriate ceremonies and activities.

By Mr. LEVIN (for himself and Mr. RIEGLE):

S.J. Res. 185. Joint resolution designating the week of October 1, 1989, through October 7, 1989, as "National 4-H Awareness Week"; to the Committee on the Judiciary.

NATIONAL 4-H AWARENESS WEEK

● Mr. LEVIN. Mr. President, today Senator RIEGLE and I are introducing legislation which designates the week of October 1 through 7, 1989, as National 4-H Awareness Week. This resolution is being jointly introduced in the House of Representatives by Congressman BOB TRAXLER.

Over the past 75 years, 4-H has helped to educate the youth of our Nation through a variety of agricultural and nonagricultural projects. Although 4-H was originally conceived as an agricultural education program, its current projects range from livestock care to drug awareness.

Young people from 9 to 19 participate in these 4-H projects. As children grow older there is an increased emphasis on developing leadership skills. These projects instill a sense of individual responsibility, as well as a sense of responsibility for the community. It is, perhaps, the sense of pride in oneself through accomplishments in a variety of areas that is the most important lesson taught by 4-H. This lesson contributes to the making of good citizens.

The 4-H motto says it best, "To Make the Best Better." I have no doubt that 4-H will continue to enjoy success for the next 75 years. I urge my colleagues to join me in this appropriate recognition of the accomplishments of 4-H. I ask unanimous consent that the resolution be printed in the RECORD following this statement.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. Res. 185

Whereas in 1989, the President of the United States announced a national initiative to actively engage youth in services activities in local communities;

Whereas 1989 is the 75th anniversary of the founding of the Cooperative Extension Service and the 4-H youth program;

Whereas 4-H is one of the few federally supported programs to promote and coordinate youth and adult volunteer and community service activities on a national, State, and local level;

Whereas 4-H is funded largely by private contributions from corporations, foundations, and individuals;

Whereas one of the 4-H national initiatives is to assist young individuals who might otherwise drop out of school or become dependent on drugs;

Whereas one of the barriers that 4-H has in assisting a greater number of youth, especially in urban areas, is a lack of awareness and understanding on the part of individuals about the wide variety of youth activities and opportunities that the 4-H program offers;

Whereas the 4-H program is built on the concept of teaching youth citizenship, leadership, and achievement; and

Whereas 4-H helps young people to learn useful skills by teaching classes in health, safety, gardening, animal care, and many other subjects: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 1, 1989 through October 7, 1989, is designated as "National 4-H Awareness Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities and to support the 4-H youth program as an investment in the future of the Nation.●

ADDITIONAL COSPONSORS

S. 184

At the request of Mr. D'AMATO, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 184, a bill to amend title II of the Social Security Act to protect the benefit levels of individuals becoming eligible for benefits in or after 1979 by eliminating the disparity (resulting from changes made in 1977 in the benefit computation formula) between those levels and the benefit levels of persons who became eligible before 1979.

S. 435

At the request of Mr. REID, the name of the Senator from Colorado [Mr. ARMSTRONG] was added as a cosponsor of S. 435, a bill to amend section 118 of the Internal Revenue Code to provide for certain exceptions from certain rules determining contributions in aid of construction.

S. 478

At the request of Mr. PELL, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 478, a bill to provide Federal assistance to the National Board for Professional Teaching Standards.

S. 517

At the request of Mr. HATCH, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 517, a bill to provide Federal court authority to enforce rights secured by the Indian Civil

Rights Act of 1968, and for other purposes.

S. 769

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 769, a bill to amend the Federal Food, Drug, and Cosmetic Act to regulate the manufacture, sale, promotion, and distribution of tobacco and other products containing tar, nicotine, additives, carbon monoxide, and other potentially harmful constituents, and for other purposes.

S. 778

At the request of Mr. BRADLEY, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 778, a bill to amend the Drug Free Schools and Communities Act of 1986 to provide education on the problems associated with the use of tobacco.

S. 933

At the request of Mr. HARKIN, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 933, a bill to establish a clear and comprehensive prohibition of discrimination on the basis of disability.

S. 978

At the request of Mr. INOUE, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 978, a bill to authorize the establishment within the Smithsonian Institution of the National Museum of the American Indian to establish a memorial to the American Indian, and for other purposes.

S. 1150

At the request of Mr. CONRAD, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 1150, a bill to provide for the payment by the Secretary of the Interior of undedicated receipts into the Refuge Revenue Sharing Fund.

S. 1163

At the request of Mr. HATCH, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 1163, a bill to amend the District of Columbia Code to limit the length of time for which an individual may be incarcerated for civil contempt in a child custody case in the Superior Court of the District of Columbia and to provide for expedited appeal procedures to the District of Columbia Court of Appeals for individuals found in civil contempt in such case.

S. 1245

At the request of Mr. MITCHELL, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Connecticut [Mr. DOBBS], the Senator from North Dakota [Mr. CONRAD], the Senator from Illinois [Mr. SIMON], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 1245, a bill to amend the Federal Meat Inspec-

tion Act to expand the meat inspection programs of the United States by establishing a comprehensive inspection program to ensure the quality and wholesomeness of all fish products intended for human consumption in the United States and for other purposes.

S. 1353

At the request of Mr. BAUCUS, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1353, a bill to enhance drug interdiction in rural areas.

S. 1355

At the request of Mr. BUMPERS, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 1355, a bill to assist private industry in establishing a uniform residential energy efficiency rating system, and for other purposes.

S. 1371

At the request of Mr. SANFORD, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1371, a bill to authorize appropriations for rural housing programs, and for other purposes.

SENATE JOINT RESOLUTION 12

At the request of Mr. THURMOND, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Joint Resolution 12, a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget.

SENATE JOINT RESOLUTION 48

At the request of Mr. HOLLINGS, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of Senate Joint Resolution 48, a joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional and Presidential elections.

SENATE JOINT RESOLUTION 102

At the request of Mr. D'AMATO, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Massachusetts [Mr. KERRY], and the Senator from California [Mr. WILSON] were added as cosponsors of Senate Joint Resolution 102, a joint resolution designating September 1989 as "National Library Card Sign-Up Month."

SENATE JOINT RESOLUTION 163

At the request of Mr. EXON, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of Senate Joint Resolution 163, a joint resolution proposing an amendment to the Constitution relating to the election of the President and Vice President of the United States.

SENATE JOINT RESOLUTION 164

At the request of Mr. NICKLES, the name of the Senator from New York

[Mr. D'AMATO] was added as a cosponsor of Senate Joint Resolution 164, a joint resolution designating 1990 as the "International Year of Bible Reading."

SENATE JOINT RESOLUTION 175

At the request of Mr. D'AMATO, the names of the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Idaho [Mr. McCURE], the Senator from Oregon [Mr. PACKWOOD], the Senator from Arkansas [Mr. PRYOR], the Senator from Alabama [Mr. SHELBY], the Senator from Virginia [Mr. WARNER], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Hawaii [Mr. INOUE], the Senator from North Dakota [Mr. CONRAD], the Senator from New York [Mr. MOYNIHAN], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Joint Resolution 175, a joint resolution designating the week beginning September 17, 1989, as "Emergency Medical Services Week."

SENATE CONCURRENT RESOLUTION 18

At the request of Mr. ROTH, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of Senate Concurrent Resolution 18, a concurrent resolution expressing the sense of Congress that Federal laws regarding the taxation of State and local government bonds should not be changed in order to increase Federal revenues.

SENATE CONCURRENT RESOLUTION 36

At the request of Mr. HATCH, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Montana [Mr. BURNS], the Senator from Oklahoma [Mr. NICKLES], the Senator from Tennessee [Mr. SASSER], the Senator from Texas [Mr. GRAMM], the Senator from Arizona [Mr. MCCAIN], the Senator from Idaho [Mr. SYMMS], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Concurrent Resolution 36, a concurrent resolution expressing the sense of Congress regarding the problem of geographical variations under the current medicare physician reimbursement system.

SENATE CONCURRENT RESOLUTION 49

At the request of Mr. GRASSLEY, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of Senate Concurrent Resolution 49, a concurrent resolution to express the sense of the Congress that the States should retain authority to regulate alcohol beverages.

SENATE RESOLUTION 99

At the request of Mr. BOSCHWITZ, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of Senate Resolution 99, a resolution requiring the Architect of the Capitol to establish and implement a voluntary program for recycling paper dis-

posed of in the operation of the Senate.

AMENDMENT NO. 451

At the request of Mr. SIMON, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of amendment No. 451 proposed to S. 1352, an original bill to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes.

AMENDMENT NO. 509

At the request of Mr. ROTH, his name was added as a cosponsor of amendment No. 509 proposed to S. 1352, an original bill to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes.

SENATE RESOLUTION 159—DESIGNATING SOCIAL SECURITY ADMINISTRATION EMPLOYEE RECOGNITION DAY

Mr. THURMOND (for himself, Mr. MOYNIHAN, Mr. DIXON, Mr. PELL, Mr. CHAFEE, Mr. RIEGLE, and Mr. SASSER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 159

Whereas Social Security directly affects the lives of one of every six Americans, making it the largest and most relied upon program in the Federal Government; and

Whereas the success of the Social Security Administration (SSA) in providing benefits in a timely and accurate manner and in meeting beneficiaries' needs depends upon the skills and professionalism of the approximately 65,000 employees of SSA; and

Whereas in the face of a 20 percent staff reduction, SSA employees have produced significant improvements in productivity, reducing processing times for issuing new Social Security cards, posting earnings, processing changes and paying checks; and

Whereas the vision and imagination of SSA employees has brought the American public new, useful services, such as Personal Earnings and Benefit Estimate Statements; and

Whereas over 80 percent of SSA clients, according to surveys by the General Accounting Office, rated the service provided by the Social Security Administration as good or very good; and

Whereas the importance of the tasks performed by SSA employees and the competence with which those tasks are carried out are too often forgotten or overlooked; and

Whereas the Congress of the United States does recognize the talents, contributions and commitment that the public servants of the Social Security Administration bring to their vital jobs each and every day: Now therefore, be it

Resolved, That the day of August 14, 1989 be designated as SSA Employee Recognition Day, and that appropriate ceremonies and activities be encouraged to pay tribute to the collective dedication and skill of the

SSA workforce and the importance of the service they provide to the people of the United States.

Mr. THURMOND. Mr. President, today, I join with Senator MOYNIHAN, Senator DIXON, Senator PELL, Senator RIEGLE, Senator SASSER, and Senator CHAFEE in submitting a Senate resolution to commemorate the employees of the Social Security Administration.

For over 50 years, the dedication and resourcefulness of Social Security Administration employees have touched virtually every American. Today, SSA employees annually process over 6 million claims for Social Security and supplemental security income benefits, maintain earnings records for 130 million workers, and pay more than \$230 billion in benefits to 1 of every 6 Americans.

This sustained dedication to the fundamental objectives of the Social Security Program has been the agency's bedrock in its effort to make a transition from an antiquated, paper-dominated way of doing business to a modern office environment serving the American people with state-of-the-art technology.

At the same time that agency staff has been reduced by 20 percent, employees have achieved improvements in productivity that have yielded significant savings. Yet there can be no greater testimony to the efforts of these individuals than that given by those they serve. The appreciation of SSA clients has been documented in surveys by the General Accounting Office, which show that over 80 percent of clients rate SSA services as good or very good.

Therefore, it is only appropriate that the Nation should recognize and express its appreciation to the employees of the Social Security Administration for the public service they provide.

SENATE RESOLUTION 160—DIRECTING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. NUNN (for Mr. MITCHELL (for himself and Mr. DOLE)) submitted the following resolution; which was considered and agreed to:

S. RES. 160

Whereas, in the cases *United States ex rel. Taxpayers Against Fraud and James Carton v. Litton Systems, Inc.*, Case No. 88-02276, pending in the United States District Court for the Central District of California, and *United States ex rel. Kreindler & Kreindler v. United Technologies Corporation*, Case No. 87-CV-1626, pending in the United States District Court for the Northern District of New York, the constitutionality of the *qui tam* provisions of the False Claims Act, as amended by the False Claims Amendments Act of 1986, Pub. L. No. 99-562, 100 Stat. 3153 (1986), 31 U.S.C. §§ 3729 et seq. (1982 & Supp. V 1987), has been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(c), 288e(a), and 2881(a) (1988), the Senate may direct its counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Senate in the cases of *United States ex rel. Taxpayers Against Fraud and James Carlton v. Litton Systems, Inc.* and *United States ex rel. Kreindler & Kreindler v. United Technologies Corporation* to defend the constitutionality of the *qui tam* provisions of the False Claims Act.

AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEARS 1990 AND 1991

BOSCHWITZ AMENDMENT NO. 514

Mr. BOSCHWITZ proposed an amendment to the bill (S. 1352) to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990, 1991, and for other purposes, as follows:

NICKLES (AND BOREN) AMENDMENT NO. 515

Mr. DIXON (for Mr. NICKLES, for himself, and Mr. BOREN) proposed an amendment to the bill S. 1352, supra, as follows:

At the appropriate place, insert the following:

SECTION

(a) RELEASE.—(i) Subject to clauses (ii) through (iv), the Secretary of the Army shall release to the State of Minnesota the reversionary interest of the United States over approximately 35.38 acres of land, known as "Area J," conveyed from the United States to the State of Minnesota in the quitclaim deed dated August 17, 1971. The Secretary of the Army shall also release the State of Minnesota from all covenants and agreements contained in the said quitclaim deed, covering the approximately 35.38 acres of land.

(ii) CONDITION OF RELEASE.—The releases directed by clause (i) are conditioned on the State of Minnesota donating approximately 35.38 acres of land to the United States for use by the Department of the Army.

(iii) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the land over which the reversionary interest is to be released shall be determined by surveys which are satisfactory to the Secretary of the Army and the State of Minnesota.

(iv) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions as he considers appropriate to protect the interests of the United States. The Secretary of the Army may agree to allow the State of Minnesota to retain a reversionary interest

in the land described in clause (i) conditioned upon the Secretary's use of the land for Army purposes and preservation of the historic structures lying thereon in conformity with Department of Interior standards for properties on the National Register of Historic Places.

(b) DEED AMENDMENT.—The Secretary of the Army is authorized to execute and file the appropriate documents to reflect the provisions of this section.

At the end of part B, title 28, insert:

SEC. TINKER AIR FORCE BASE, OKLAHOMA.

(a) PURCHASE AUTHORIZED.—Notwithstanding any other provision of law, the Secretary of the Air Force is authorized to acquire a Depot Operations Logistics Facility at Tinker Air Force Base for the sum of \$248,900. No charge to appropriations shall be required for sums previously expended for site preparation, leasing, installation or other construction.

(b) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

ROTH AMENDMENT NO. 516

Mr. ROTH proposed an amendment to the bill S. 1352, supra, as follows:

At an appropriate place in the bill, add the following new section:

SEC. (a) METHODS OF PAYMENT FOR ACQUISITIONS AND TRANSFERS BY THE UNITED STATES.—Section 2344(a) of title 10, United States Code, is amended by striking out "or substantially identical nature" and inserting in lieu thereof "value".

(b) LIMITATIONS ON EXCHANGES.—(1) Section 2344 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) The following transfers in exchange for supplies or services are prohibited:

"(1) Transfers in exchange for property the acquisition of which is prohibited by law.

"(2) Transfers of nuclear warheads.

"(3) Transfers of chemical munitions.

KENNEDY (AND OTHERS) AMENDMENT NO. 518

Mr. KENNEDY (for himself, Mr. GLENN, Mr. WARNER, Mr. MCCAIN, Mr. DECONCINI, Mr. NUNN, Mr. SANFORD, Mr. BUMPERS, Mr. DODD, Mr. CRANSTON, Mr. GRAHAM, and Mr. KERREY) proposed an amendment to the bill S. 1352, supra, as follows:

On page 295, after line 25, insert the following new title:

TITLE XI—MILITARY CHILD CARE

SEC. 1101. DEFINITIONS.

For purposes of this title—

(1) The term "military child development center" means a facility on a military installation (or on property under the jurisdiction of a military installation) at which child care services are provided for members of the Armed Forces.

(2) The term "family home day care" means child care services provided on a military installation (or on property under the jurisdiction of a military installation) on a regular basis for compensation for members of the Armed Forces.

(3) The term "child care employee" means a civilian employee of the Department of

Defense who is employed to work in a military child development center (regardless of whether the employee is paid from appropriated or nonappropriated funds).

SEC. 1102. FUNDING FOR MILITARY CHILD CARE.

(a) IN GENERAL.—(1) Of the amounts authorized to be appropriated by this Act for fiscal year 1990, the Secretary of Defense shall make available for military child development centers in fiscal year 1990 funds equal to 75 percent of the estimated nonappropriated funds of the Department of Defense that are used for the purpose of providing child care for members of the Armed Forces in fiscal year 1990.

(2) The Secretary shall make available for military child development centers in each fiscal year after fiscal year 1990 appropriated funds equal to 100 percent of the estimated nonappropriated funds of the Department of Defense that are used for the purpose of providing child care to members of the Armed Forces in the fiscal year concerned.

(3) The Secretary shall give priority to increasing the number of child care employees who are directly involved in providing child care for members of the Armed Forces and to expanding the availability of child care for such members.

(4) Nonappropriated funds referred to in paragraphs (1) and (2) are those funds that are derived from fees paid by the users of military child care services.

(b) REPORTING REQUIREMENT.—Not later than December 31, 1989, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on how the Secretary intends to use the funds referred to in subsection (a)(1), including how the Secretary intends to achieve the priority specified in subsection (a)(3).

SEC. 1103. CHILD CARE EMPLOYEES.

(a) TRAINING.—(1) The Secretary of Defense shall establish, and prescribe regulations to implement, a uniform training program for child care employees as a condition of employment.

(2) Under those regulations, the Secretary shall require that each child care employee shall complete the training program not later than six months after the date on which the employee begins to work as a child care employee (except that, in the case of a child care employee hired before the date on which the training program is established, the Secretary shall require that the employee complete the program not later than six months after such date).

(3) The training program established under this subsection shall cover, at a minimum, training in the following:

(A) Early childhood development.

(B) Activities and disciplinary techniques appropriate to children of different ages.

(C) Child abuse prevention and detection.

(D) Cardiopulmonary resuscitation and other emergency medical procedures.

(b) PAY.—(1) The Secretary of Defense shall increase the compensation of child care employees of the Department of Defense who are directly involved in providing child care in accordance with paragraph (2).

(2) For the purpose of enabling child care development centers to compete favorably for a qualified and stable civilian workforce, child care employees who are directly involved in providing child care shall be paid compensation competitive with the compensation paid to other employees at the same installation who are drawn from the same labor pool (whether such employees are

paid from appropriated or nonappropriated funds). Payment of compensation under this paragraph shall be carried out as a pilot project for a 2-year period. The payment of child care providers shall be paid at competitive levels not later than 6 months after the date of the enactment of this Act.

(c) **TRAINING AND CURRICULUM CHILD CARE EMPLOYEES.**—(1) The Secretary of Defense shall require that at each military child development center at least one employee shall be a training and curriculum child care employee. In the case of a military child development center that does not have such a position, such position shall be in addition to existing civil service positions at that center as of the date of the enactment of this Act.

(2) The Secretary shall require appropriate credentials and experience for such employees. The duties of such employees shall include the following:

(A) Special teaching activities at the center.

(B) Daily oversight and instruction of other child care employees at the center.

(C) Daily assistance in the preparation of lesson plans.

(D) Assistance in the center's child abuse prevention and detection program.

(E) Advising the director of the center on the performance of other child care employees.

(3) Each training and curriculum child care employee shall be an employee in a competitive service position.

(d) **EMPLOYMENT PREFERENCE FOR MILITARY SPOUSES.**—The Secretary of Defense shall provide a preference for qualified spouses of members of the Armed Forces in hiring for, or promoting within, the position of child care employee in a position paid from nonappropriated funds if the spouse is among persons determined to be best qualified for the position. A spouse who is provided a preference under this subsection at a military child development center is not precluded from obtaining another preference in accordance with section 806 of the Military Family Act of 1985 (10 U.S.C. 113 note), in the same geographical area as the military child development center.

(e) **ADDITIONAL CHILD CARE POSITIONS.**—In addition to the number of child care development service positions in the Department of Defense as of September 30, 1989, the Secretary of Defense shall make available to the Department, not later than September 30, 1991, an additional 3,700 child care development competitive service positions. The Secretary of Defense shall phase such additional positions into the military child care centers consistent with the increase in funds provided for under section 1202. All such positions shall be verified in accordance with child care staffing documents. Positions for which such personnel may be used include—

(1) training and curriculum child care employees under subsection (c);

(2) child care administrators (including receptionists and operations clerks);

(3) supplemental care administrators;

(4) director of military child development centers;

(5) family day care coordinators; and

(6) supervisory program assistants to perform administrative and direct care of service functions.

(f) **COMPETITIVE SERVICE POSITION DEFINED.**—For purposes of this section, the term "competitive service position" means a position to which an employee is appointed and paid in accordance with chapter 51 and

subchapter III of chapter 53 of title 5, United States Code.

SEC. 1104. PARENT FEES.

The Secretary of Defense shall prescribe regulations on fees to be charged parents for the attendance of children at military child development centers. Those regulations shall be uniform for the military departments and shall require that fees charged to parents for child care be based on total family income.

SEC. 1105. CHILD ABUSE PREVENTION AND SAFETY.

(a) **ABUSE TASK FORCE.**—The Secretary of Defense shall establish and maintain a special task force to respond in the case of allegations of widespread child abuse at a military child development center. The task force shall be composed of personnel (from both within the Department of Defense and outside the Department of Defense) from a variety of disciplines, including medicine, psychology, childhood development, and building safety. The task force shall provide assistance to base commanders and parents in helping them to deal with such allegations.

(b) **NATIONAL HOTLINE.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish and publicize a national telephone hotline for persons to report (anonymously if desired) suspected child abuse or safety violations at a military child development center or family day care home. The Secretary shall establish a mechanism to follow up on complaints and information received over the hotline.

(c) **ASSISTANCE FROM LOCAL AUTHORITIES.**—The Secretary of Defense shall prescribe regulations requiring that in a case of allegations of child abuse at a military child development center, the commander of the military installation or the task force established under subsection (a) shall seek the assistance of local child protective authorities if such assistance is appropriate.

(d) **SAFETY REGULATIONS.**—The Secretary of Defense shall prescribe uniform regulations on safety and operating procedures at military child development centers.

(e) **INSPECTIONS.**—The Secretary of Defense shall require that each military child development center be inspected at least four times a year. The inspections shall be unannounced. At least one inspection a year shall be carried out by a representative of the base that the center is serving, and one inspection a year shall be carried out by a representative of the major command under which the base operates.

(f) **REMEDIES FOR VIOLATIONS.**—(1) Except as provided in paragraph (2), any violation of a law or regulation (discovered at an inspection or otherwise) of a military child development center shall be remedied immediately.

(2) In the case of a violation that is not life threatening, the commander of the major command under which the base (that the military child development center is serving) operates may waive the requirement for immediate remediation of the violation for a period of up to 90 days beginning on the date of the discovery of the violation. The violation must be remedied at the end of that 90-day period. If the violation is not remedied as of the end of the period, the military child development center shall be closed until it is remedied unless the Secretary of the military department concerned authorizes the center to remain open in a case in which the violation cannot reasonably be remedied with 90 days

or in which major facility reconstruction is required.

(3) In the event of a closing of a military child development center under paragraph (2), the Secretary of the military department concerned shall promptly submit to the Committees on Armed Services of the Senate and House of Representatives a report notifying those committees of the closing. The report shall include notice of the violation that caused the closing, the cost of remedying the violation, and the reasons why the violation has not been remedied as of the time of the report.

(g) **REPORT ON COOPERATION WITH DEPARTMENT OF JUSTICE.**—(1) The Secretary of Defense shall study areas of interdepartmental concern in military child care. Those areas shall include the following:

(A) Improving communication between the Department of Defense and the Department of Justice in investigations of child abuse at military child development centers and in the coordination of the conduct of such investigations.

(B) Eliminating overlapping responsibilities between those departments.

(C) Making better use of government and nongovernment experts in child abuse investigations and prosecutions.

(D) Improving communication between agencies and affected families.

(2) Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the study required by paragraph (1). The report shall include recommendations on methods for improving the areas studied.

(3) The study shall be carried out, and the report shall be prepared, in consultation with the Comptroller General.

SEC. 1106. PARENT PARTNERSHIPS WITH CHILD DEVELOPMENT CENTERS.

(a) **PARENT BOARDS.**—The Secretary of Defense shall require the establishment of a board of parents at each military child development center, to be composed of parents of children attending the center. Each such board shall meet periodically with staff at the military child development center and the commander of the base that the center is serving for the purpose of discussing problems and concerns. The board, together with the center staff, shall be responsible for coordinating the parent participation program described in subsection (b).

(b) **PARENT PARTICIPATION PROGRAMS.**—The Secretary of Defense shall require the establishment of a parent participation program at each military child development center and at each military family day care home.

SEC. 1107. REPORT ON FIVE-YEAR DEMAND FOR CHILD CARE.

(a) **REPORT REQUIRED.**—The Secretary of Defense shall submit to Congress a report on the expected demand for child care by military and civilian personnel of the Department of Defense over the five-year period beginning on the date of the submission of the report.

(b) **PLAN FOR MEETING DEMAND.**—The report shall include a plan for meeting that demand and shall set forth the cost of implementing that plan.

(c) **MONITORING OF FAMILY DAY CARE PROVIDERS.**—The report shall also include a description of methods for monitoring family day care programs of the military departments. For purposes of the preceding sentence, a family day care program is a pro-

gram in which an individual certified by the Secretary of the military department concerned provides child day care in the individual's home.

(d) **TIME FOR SUBMISSION.**—The report shall be submitted not later than six months after the date of the enactment of this Act.

SEC. 1108. SUBSIDIES FOR FAMILY HOME DAY CARE.

The Secretary of Defense may utilize appropriated or nonappropriated funds available for military child care purposes for the support of family home day care so that family home day care services can be provided to members of the Armed Forces at a cost comparable to the cost of services provided by child development centers.

SEC. 1109. EARLY CHILDHOOD EDUCATION DEMONSTRATION PROGRAM.

(a) **DEMONSTRATION PROGRAM.**—Not later than January 1, 1991, the Secretary of Defense shall ensure that 15 percent of all military child development centers are accredited by an appropriate national early childhood accrediting body. Such centers shall be designated as early childhood education programs and shall serve as models for child development centers and family home day care at military installations.

(b) **EVALUATION REQUIRED.**—The Secretary shall obtain an independent evaluation of the programs provided for in this section to determine the effectiveness of such programs in promoting the development of preschool children. The Secretary shall report the results of the evaluation to Congress together with such comments and recommendations as the Secretary considers appropriate.

(c) **PLAN REQUIRED.**—Not later than January 1, 1990, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan for meeting the requirements of this section.

SEC. 1110. DEADLINE FOR REGULATIONS.

Regulations required to be prescribed by this title shall be prescribed not later than 90 days after the date of the enactment of this Act.

BUMPERS AMENDMENT NO. 519

Mr. BUMPERS proposed an amendment, which was subsequently modified, to the bill S. 1352, *supra*, as follows:

At the appropriate place in the bill insert the following:

(a) On or before April 1, 1990, the President will submit to the Congress: a comprehensive report, in both classified and unclassified versions, on the Trident program and START. The report shall address, *inter alia*, the following issues:

"(1) the fleet size objective for the Trident submarine program both with and without a START agreement;

"(2) the implications for U.S. strategic force posture in a START environment of a fleet of 21 or more Trident submarines, each with 192 warheads on 24 ballistic missiles, under two different assumptions:

"(i) all such warheads are accountable under START limits;

"(ii) the warheads on 1-3 Trident submarines are not accountable under START limits;

"(3) a net assessment of the implications for U.S. security of a START agreement that allowed the Soviets as well as the U.S. to have an equivalent number of warheads

on submarines that would not be accountable under START limits;

"(4) the technical feasibility and cost implications of various options for reducing the number of warheads on Trident submarines, including those already built, those under construction, and those yet to be built.

"(5) the verification challenges to the United States posed by such options if the Soviet Union were to adopt them in its ballistic missile submarine forces.

"(b) **FORM OF REPORT.**—The President shall submit the report under subsection (a) in both classified and unclassified versions."

"(c) **WAIVER.**—The requirements of subsection (a) may be waived by the President if he has signed a Strategic Arms Reduction Treaty (START) or other agreement with the Soviet Union for the reduction of strategic arms."

DECONCINI AMENDMENT NO. 520

(Ordered to lie on the table.)

Mr. DECONCINI submitted an amendment intended to be proposed by him to the bill S. 1352, *supra*, as follows:

On page 295, below line 25, insert the following:

TITLE XI—MILITARY DRUG INTERDICTION AND LAW ENFORCEMENT SUPPORT

SEC. 1101. FINDINGS.

Congress makes the following findings:

(1) The large volume of illegal drugs entering the United States from foreign sources poses a direct and immediate threat to the national security of the United States.

(2) The Department of Defense has the responsibility to protect and defend the United States against all threats, foreign and domestic.

(3) The Department of Defense has vast air, ground, and sea reconnaissance, tracking, and intercept capabilities which can be readily adapted to the mission of drug interdiction.

(4) In light of these capabilities, title XI of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456), assigned the following three missions to the Department of Defense specifically related to preventing the transit of illegal drugs into the United States:

(A) Being the lead Federal agency responsible for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States.

(B) Having responsibility to integrate into an effective communications network the command, control, communications, and technical intelligence assets of the United States that are dedicated to drug interdiction.

(C) Having responsibility to oversee an enhanced drug interdiction and law enforcement role for the National Guard under the direction of State governors.

(5) Assignment of these missions to the Department of Defense, at no additional cost to the taxpayer, is intended—

(A) to use Department of Defense capabilities to permit law enforcement agencies to eliminate or reduce their performance of certain functions and more efficiently focus their effort on direct law enforcement; and

(B) to make additional funding available for demand reduction programs.

(6) There is a need for the Department of Defense to increase and focus its actions in

implementing the provisions of the National Defense Authorization Act, Fiscal Year 1989, related to drug interdiction and law enforcement support, as evidenced by the following:

(A) Required reports concerning the role of the Armed Forces in drug interdiction have been poorly prepared, late, and incomplete.

(B) Agreements between the Department of Defense and all Federal law enforcement agencies involved in drug interdiction have not been completed.

(C) The amended budget request of the President for fiscal year 1990 for the Department of Defense and the most recent five-year defense program submitted to Congress under section 114(g) of title 10 United States Code, do not contain any provisions for the funding of the drug interdiction effort by the Department of Defense.

(D) The Department of Defense and law enforcement agencies have not established an effective intelligence-sharing network.

(E) The Department of Defense has failed to undertake policies to eliminate duplication of effort between the Department of Defense and law enforcement agencies involved in drug interdiction.

(F) The Department of Defense has assigned few personnel to the joint task forces created for drug interdiction.

SEC. 1102. TRAINING EXERCISES IN DRUG-INTERDICTION AREAS.

(a) **EXERCISES REQUIRED.**—Subsection (b) of section 371 of title 10, United States Code, is amended to read as follows:

"(b)(1) The Secretary of Defense shall direct that the armed forces, to the maximum extent practicable, shall conduct military training exercises (including training exercises conducted by the reserve components) in drug-interdiction areas.

"(2) Not later than December 1 of each year, the Secretary shall submit to the Congress a report on the implementation of paragraph (1) during the fiscal year ending on September 30 of that year. The report shall include—

"(A) a description of the exercises conducted in drug-interdiction areas and the effectiveness of those exercises in assisting civilian law enforcement officials; and

"(B) a description of those additional actions that could be taken (and an assessment of the results of those actions) if additional funds were made available to the Department of Defense for additional military training exercises in drug-interdiction areas for the purpose of enhancing interdiction and deterrence of drug smuggling.

"(3) In this subsection, the term 'drug-interdiction areas' includes land and sea areas in which, as determined by the Secretary of Defense, the smuggling of drugs into the United States occurs or is believed by the Secretary to have occurred."

(b) **FIRST REPORT REQUIRED.**—The first report required by section 371(b)(2) of title 10, United States Code (as added by subsection (a)), shall be submitted not later than December 1, 1990.

SEC. 1103. OPERATION OF EQUIPMENT USED AT POINTS OF ENTRY OR USED TO TRANSPORT CIVILIAN LAW ENFORCEMENT PERSONNEL.

(a) **PURPOSES FOR WHICH EQUIPMENT MAY BE OPERATED.**—Section 374(b)(2) of title 10, United States Code, is amended—

(1) by striking out subparagraph (c) and inserting in lieu thereof the following new subparagraph:

"(c) Inspection of cargo, vehicles, vessels, and aircraft at points of entry into the land area of the United States."; and

(2) by striking out "and the Attorney General" and all that follows through "outside the land area of the United States" in subparagraph (E) and inserting in lieu thereof "and the Attorney General (and the Secretary of State in the case of a law enforcement operation outside of the land area of the United States)".

(b) CONFORMING AMENDMENTS.—(1) Section 374(b) of title 10, United States Code, is further amended—

(A) by striking out paragraph (3);

(B) by redesignating paragraph (4) as paragraph (3); and

(C) by striking out "paragraph (4)(A)" both places it appears and inserting in lieu thereof "paragraph (3)(A)".

(2) Section 379 of such title is amended—

(A) by striking out "section 374(b)(4)(A)" in subsection (c) and inserting in lieu thereof "section 374(b)(3)(A)"; and

(B) by striking out "section 374(b)(4)(B)" in subsection (d) and inserting in lieu thereof "section 374(b)(3)(B)".

SEC. 1104. SUPPORT NOT TO AFFECT ADVERSELY MILITARY PREPAREDNESS TO A SUBSTANTIAL DEGREE.

(a) CHANGE IN LIMITATION ON SUPPORT.—Section 376 of title 10, United States Code, is amended—

(1) by inserting "the Secretary of Defense determines that" after "under this chapter if" in the first sentence; and

(2) by inserting "to a substantial degree" before the period in both sentences.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 376. Support not to affect adversely military preparedness to a substantial degree".

(2) The item relating to such section in the table of sections preceding section 371 of such title is amended to read as follows:

"376. Support not to affect adversely military preparedness to a substantial degree".

SEC. 1105. REIMBURSEMENT.

(a) IN GENERAL.—Section 377 of title 10, United States Code, is amended to read as follows:

"§ 377. Reimbursement

"Notwithstanding section 1535 of title 31 or any other provision of law, a civilian law enforcement agency to which support is provided under this chapter is not required to reimburse the Department of Defense for that support."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to support provided by the Department of Defense after the date of enactment of this Act.

SEC. 1106. ENHANCED DRUG INTERDICTION AND LAW ENFORCEMENT SUPPORT BY THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—(1) Subtitle A of title 10, United States Code, is amended by inserting after section 380 the following new sections:

"§ 381. Detection and monitoring of aerial and maritime transit of illegal drugs: Department of Defense to be lead agency

"(a) The Department of Defense shall serve as the single lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs into the land area of the United States.

"(b)(1) To carry out subsection (a), Department of Defense personnel may operate

equipment of the Department to intercept a vessel or an aircraft detected outside the land area of the United States for the purposes of—

"(A) identifying and communicating with that vessel or aircraft; and

"(B) directing that vessel or aircraft to go to a location designated by appropriated civilian officials.

"(2) In cases in which a vessel or an aircraft is detected outside the land area of the United States, Department of Defense personnel may begin or continue pursuit of that vessel or aircraft over the land area of the United States.

"(c) The limitation on providing support to civilian law enforcement officials specified in section 376 of this title shall not apply to the activities of the Department of Defense under this section.

"§ 382. Drug interdiction and law enforcement support: budget proposals

"The Secretary of Defense shall include in the annual budget of the Department of Defense submitted to Congress a separate budget proposal for the activities of the Department of Defense related to drug interdiction and support for civilian law enforcement agencies.

"§ 383. National Guard: enhanced drug interdiction and enforcement role

"(a) If the Governor of a State or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard submits a plan to the Secretary of Defense under subsection (b), the Secretary may provide to that Governor or commanding general sufficient funds for the pay, allowances, clothing, subsistence, gratuities, travel and related expenses of personnel of the National Guard of that State or the District of Columbia used—

"(1) for the purpose of drug interdiction and enforcement operations; and

"(2) for the operation and maintenance of the equipment and facilities of that National Guard used for that purpose.

"(b) A plan referred to in subsection (a) shall—

"(1) specify how personnel of the National Guard are to be used in drug interdiction and enforcement operations;

"(2) certify that those operations are to be conducted at a time when the personnel involved are not in Federal service; and

"(3) certify that participation by National Guard personnel in those operations is service in addition to annual training required under section 502 of title 32.

"(c) Before funds are provided under subsection (a), the Secretary of Defense shall consult with the Director of National Drug Control Policy regarding the adequacy of the plan submitted under subsection (b).

"(d) When a plan is submitted under subsection (a), the Chief of the National Guard Bureau shall identify the types of operations proposed in that plan. Before funds are provided to the Governor of a State or the Commanding General of the District of Columbia National Guard under this section for a plan including a particular type of operation, the Chief of the National Guard Bureau shall obtain the approval of the Secretary of Defense for funding of that type of operation in drug interdiction and enforcement plans. The Secretary of Defense, before approving any type of operation, shall consult with the Attorney General of the United States regarding such operations. Operations of a type for which funding has been previously provided to any State or the District of Columbia for plans

under the authority of this section or of section 1105 of Public Law 100-456 shall be considered as approved by the Secretary and the Attorney General unless the Secretary shall later communicate to the Chief of the National Guard Bureau a withdrawal of approval for a specified type of operation.

"(e) Nothing in this section shall be construed as a limitation on the authority of any unit of the National Guard of a State or the District of Columbia, when such unit is not in Federal service, to perform law enforcement functions authorized to be performed by the National Guard by the laws of the entity concerned.

"(f) The Secretary of Defense shall prescribe and enforce training criteria for the National Guard to enhance the capability of the National Guard to assist in drug interdiction and law enforcement support.

"(g) In this section, the term 'State' means each of the several States, the Commonwealth of Puerto Rico, and any territory and possession of the United States."

"§ 384. Annual report on drug interdiction

"Not later than December 1 of each year, the Secretary of Defense shall submit to Congress a report on the drug interdiction activities of the Department of Defense under this chapter and other applicable provisions of law during the preceding fiscal year. The report shall include—

"(1) specific information as to the size, scope, and results of Department of Defense drug interdiction operations;

"(2) specific information on the nature and terms of interagency agreements with other law enforcement agencies relating to drug interdiction; and

"(3) any recommendations for additional legislation that the Secretary determines would assist in furthering the ability of the Department to perform its mission under this chapter or to assist other agencies."

"(2) The table of sections preceding section 371 of such title is amended by adding at the end the following new items:

"381. Detection and monitoring of aerial and maritime transit of illegal drugs: Department of Defense to be lead agency.

"382. Drug interdiction and law enforcement support: budget proposals.

"383. National Guard: enhanced drug interdiction and enforcement role.

"384. Annual report on drug interdiction."

"(b) CONFORMING REPEALS.—Sections 1102 and 1105 of the National Defense Authorization Act, Fiscal Year 1989 (102 Stat. 2042, 2047), are repealed.

"(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 1989.

SEC. 1107. RESTRICTION ON DIRECT PARTICIPATION BY MILITARY PERSONNEL.

Section 375 of title 10, United States Code, is amended to read as follows:

"§ 375. Restriction on direct participation by military personnel

"The Secretary of Defense shall prescribe such regulations as may be necessary to ensure that any activity (including the provision of any equipment or facility or the assignment or detail of any personnel) under this chapter does not include or permit direct participation by a member of the Army, Navy, Air Force, or Marine Corps in a search and seizure, an arrest, or other similar activity unless participation in such activity by such member is otherwise authorized by law."

SEC. 1108. AUTHORIZATION OF APPROPRIATIONS
RELATING TO DRUG INTERDICTION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Of the funds authorized in this Act to be appropriated for fiscal year 1990, \$600,000,000 shall be available as provided in this section.

(b) OPERATIONS OF THE DEPARTMENT OF DEFENSE.—Of the amount referred to subsection (a), \$135,000,000 shall be available only to carry out the mission of the Department of Defense relating to drug interdiction and law enforcement support (other than for purposes specified in subsections (c) through (g)).

(c) NATIONAL GUARD.—Of the amount referred to subsection (a), \$70,000,000 shall be available only to provide assistance to the National Guard under section 383 of title 10, United States Code (as added by section 1106).

(d) INTEGRATION OF C31 ASSETS.—Of the amount referred to subsection (a), \$50,000,000 shall be available only to continue the activities of the Department of Defense under section 1103 of the National Defense Authorization Act, Fiscal 1989 (10 U.S.C. 374 note).

(e) AIRCRAFT CONVERSION.—Of the amount referred to subsection (a), \$49,000,000 shall be available only to convert existing Marine Corps Reserve OV-10A aircraft for improved drug interdiction performance.

(f) USE OF CERTAIN FACILITIES.—Of the amount referred to subsection (a), \$20,000,000 shall be available only to carry out—

(1) research and development activities under the plan prepared pursuant to section 6163(a) of the Anti-Drug Abuse Act of 1988 (102 Stat. 4350), and

(2) other research and development related to drug interdiction and law enforcement support.

(g) CIVIL AIR PATROL.—Of the amount referred to subsection (a), \$1,000,000 shall be available only to support Civil Air Patrol activities in support of civil law enforcement agencies.

(h) DETECTION AND MONITORING EQUIPMENT.—Of the amount referred to subsection (a), \$125,000,000 shall be available only for the purchase of detection and monitoring systems and associated equipment.

(i) UPGRADE OF C31 ASSETS.—Of the amount referred to subsection (a), \$15,000,000 shall be available only for the upgrade of the C31 centers operated by the Coast Guard and the United States Customs Service (including upgrades relating to target sorting, expanded data base, and development of training material) in order to ensure that such centers have the technical capability for C31 integration with the Armed Forces.

(j) SURVEILLANCE EQUIPMENT.—Of the amount referred to subsection (a)—

(1) \$35,000,000 shall be transferred to the Department of the Treasury and shall be available only for the procurement of one P-3 AEW aircraft for the United States Customs Service for use in the performance of the drug interdiction mission of the Customs Service;

(2) \$24,000,000 shall be transferred to the Department of Transportation and shall be available only for the procurement of one C-130 AEW aircraft for the Coast Guard for use in the performance of the drug interdiction mission of the Coast Guard; and

(3) \$12,000,000 shall be transferred to the Department of Justice for the United States Border Patrol, of which—

(A) \$5,000,000 shall be available only for the procurement of portable and permanent sensor systems for the Border Patrol for use

in the operations of the Border Patrol along the southwest border of the continental United States.

(B) \$2,000,000 shall be available only for the procurement of low level light television systems for the Border Patrol for use in the operations of the Border Patrol along that border; and

(C) \$5,000,000 shall be available only for the procurement of low-flying ground and air surveillance aircraft equipped with FLIR and down-link systems for the United States Border Patrol for use in the performance of the drug interdiction mission of the Border Patrol.

(k) INTERCEPTOR/TRACKER AIRCRAFT AND PATROL BOATS.—Of the amount referred to subsection (a)—

(1) \$20,000,000 shall be transferred to the Department of the Treasury and shall be available only for the procurement of Citation Interceptor/Tracker aircraft for the United States Customs Service for use in the performance of the drug interdiction mission of the Customs Service; and

(2) \$36,000,000 shall be transferred to the Department of Transportation for the procurement of five WPB, 110-foot, patrol boats for the Coast Guard for use in the performance of the maritime drug interdiction mission of the Coast Guard.

(l) COMMUNICATION EQUIPMENT.—Of the amount referred to subsection (a), \$8,000,000 shall be transferred to the Department of Justice and shall be available only for the procurement of a secure voice communication system for the United States Border Patrol for use in the performance of the drug interdiction mission of the Border Patrol.

SEC. 1109. REPORTS.

(a) BY THE PRESIDENT.—Not later than April 1, 1990, the President shall submit to Congress a report—

(1) describing the progress made on implementation of the plan required by section 1103 of the National Defense Authorization Act, Fiscal Year 1989 (10 U.S.C. 374 note);

(2) containing an analysis of the feasibility of establishing a National Drug Operations Center for the integration, coordination, and control of all drug interdiction operations; and

(3) describing how intelligence activities relating to narcotics trafficking can be integrated, including—

(A) coordinating the collection and analysis of intelligence information;

(B) ensuring the dissemination of relevant intelligence information to officials with responsibility for narcotics policy and to agencies responsible for interdiction, eradication, law enforcement, and other counternarcotics activities; and

(C) Coordinating and Controlling all counternarcotics intelligence activities.

(b) BY THE DIRECTOR OF NATIONAL DRUG CONTROL POLICY.—(1) Not later than December 1, 1989, the Director of National Drug Control Policy shall submit to Congress a report—

(A) on the feasibility of detailing not more than 200 officers in the Judge Advocate General's Corps of the military departments to the Department of Justice to assist in the prosecution of drug cases in areas in which there is a lack of sufficient prosecutorial resources; and

(B) on the feasibility of permitting the employment of former and retired members of the Armed Forces as law enforcement officers even though they are over age 35 at the time of initial employment.

(2) In preparing the report required by paragraph (1), the Director of National Drug Control Policy shall consult with the Attorney General, the Secretary of Defense, and other appropriate heads of agencies.

(c) BY THE SECRETARY OF DEFENSE.—(1) Not later than December 1, 1989, the Secretary of Defense shall submit a report to Congress—

(A) on the specific drug-related research and development projects to be funded, and the planned allocation of funding for such projects, under section 1108(f); and

(B) containing a plan to increase the employment of the resources and personnel of the Special Operations Command in drug interdiction and law enforcement support.

(2) Not later than April 1, 1990, the Secretary of Defense, in coordination with the Secretary of Transportation and Director of National Drug Control Policy, shall submit a report to Congress on—

(A) the feasibility of establishing aerial and maritime navigational corridors by which civilian aircraft and vessels may travel through drug interdiction areas, as defined in section 371(b)(3) of title 10, United States Code (as added by section 1102);

(B) the feasibility of requiring the submission of navigational plans for all civilian aircraft and vessels that will travel in such areas; and

(C) the funding considered necessary to implement a plan to carry out the matters referred to in subparagraphs (A) and (B).

SEC. 1110. TECHNICAL AND CLERICAL AMENDMENTS RELATING TO DRUG INTERDICTION.

(a) CHAPTER HEADING.—(1) The heading of the chapter following chapter 17 of title 10, United States Code (relating to drug interdiction and military cooperation with civilian law enforcement officials), is amended to read as follows:

"CHAPTER 18—DRUG INTERDICTION AND SUPPORT FOR CIVILIAN LAW ENFORCEMENT AGENCIES".

(2) The items relating to such chapter in the table of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, of such title are amended to read as follows:

"18. Drug Interdiction and Support for Civilian Law Enforcement Agencies..... 371".

(b) REFERENCE TO TARIFF SCHEDULES.—Section 374(b)(3) of such title (as redesignated by section 1103(b)) is amended by striking out "general headnote 2 of the Tariff Schedules of the United States" in subparagraph (A)(iii) and inserting in lieu thereof "general note 2 of the Harmonized Tariff Schedule of the United States".

(c) CROSS-REFERENCE AMENDMENT.—Section 374(c) of such title is amended by striking out "paragraph (2)" and inserting in lieu thereof "subsection (b)(2)".

STEVENS AMENDMENT NOS. 521
THROUGH 523

(Ordered to lie on the table.)

Mr. STEVENS submitted three amendments intended to be proposed by him to the bill S. 1352, *supra*, as follows:

AMENDMENT No. 521

At the appropriate place in the bill, insert the following new section:

"Sec. . No funds authorized by this Act may be used to prepare, propose, or imple-

ment any United States foreign military sales to Taiwan, or to its agents."

AMENDMENT No. 522

The bill, S. 1352, is amended by striking out section 903 and renumbering remaining sections accordingly.

AMENDMENT No. 523

At the appropriate place in the bill, insert the following new section:

"Sec. . Outlays authorized by the Conference Report for the National Defense Authorization Act for Fiscal Year 1990, considered by the Senate as S. 1352, shall not exceed the outlay level for functional category 050 established by the Concurrent Resolution on the Budget for Fiscal Year 1990."

MITCHELL (AND OTHERS) AMENDMENT NO. 524

Mr. MITCHELL (for himself, Mr. DOLE, Mr. FORD, and Mr. BOREN) proposed an amendment to the bill S. 1352, supra, as follows:

At the appropriate place add the following:

SEC. . The radical, Lebanese-based terrorist organization which calls itself the "Organization of the Oppressed of the Earth" announced 31 July 1989 that it had executed Lieutenant Colonel William R. Higgins, a Marine seconded to UNTSO, the United Nations Truce Supervision Organization, and kidnapped in South Lebanon on 17 February 1988;

That Organization claimed to have executed Colonel Higgins in response to the recent capture by Israeli commandos of a radical Muslim Shiite leader, Sheikh Abdul Karim Obeld, believed to be associated with that Organization;

That Organization released to certain news agencies a video tape purporting to show Lieutenant Colonel Higgins execution by hanging;

It has not been confirmed that the execution of Lieutenant Colonel Higgins has taken place, nor have any details been provided about the alleged execution;

The kidnapping of Lieutenant Colonel Higgins, who was engaged only in carrying out the legitimate U.N. peacekeeping activities he had been assigned, was wholly unjustified;

It is absolutely clear that the kidnapping of Lieutenant Colonel Higgins and his execution, if it indeed has occurred, are outrageous acts of terrorism which deserve the condemnation of all civilized people;

There is strong evidence that the Government of Iran has supported the Organization responsible for Lieutenant Colonel Higgins' kidnapping and alleged execution, as well as other terrorist and extremist forces inside Lebanon and throughout the Middle East;

It is the sense of the Senate that:

1. The Senate is outraged by the kidnapping and the reports of Colonel Higgins' execution, and condemns such actions as barbaric, cowardly, and utterly incompatible with the standards of conduct upheld by civilized people.

2. The President should utilize all available resources of the United States Government, including all available diplomatic and intelligence channels, to determine the identity of those responsible and the details regarding such terrorist acts.

3. The President should determine whether it would be possible to isolate and bring

to justice or retaliate against those responsible in a manner that would reduce the risk to Americans from terrorism.

4. The President should retaliate as would be appropriate, and feasible.

5. The United States should make clear to the new leadership in Iran that we will not tolerate a continuation of past policies of support of groups which undertake terrorist actions against American citizens or direct assaults on American vital interests in the Middle East or elsewhere, and should such support continue, the United States will hold the authorities in Iran accountable for that support and act accordingly.

6. The United Nations Secretary General should take all necessary steps to help ensure that Lieutenant Colonel Higgins, if still alive, is safely returned to the United States, and, if dead, that his body is returned to his country and family, and that those responsible for his death be immediately brought to justice.

7. The President should engage in urgent and continuing diplomatic contacts with the Government of Israel and other governments concerning their policies and actions which might have relevance to the interests of the United States Government or increase the vulnerability of United States citizens to attacks by terrorists.

8. The President should consult with other nations to ensure international cooperation and coordination to end terrorist attacks.

GLENN AMENDMENT NO. 525

Mr. GLENN proposed an amendment to the bill S. 1352, supra, as follows:

At the end of title IX of the bill, add the following new section:

SEC. 917. REPORTS ON THE MANPOWER REQUIRED TO CONTROL THE TRANSFER OF MISSILE TECHNOLOGY AND CERTAIN WEAPONS.

(a) AMENDMENT TO NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989.—Section 901(c) of the National Defense Authorization Act for Fiscal Years 1988 and 1989, is amended by striking out "February 1, 1988," and inserting in lieu thereof "60 days after the date of enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991."

(b) REPORT ON MANPOWER REQUIRED TO IMPLEMENT EXPORT CONTROLS ON CERTAIN WEAPONS TRANSFERS.—(1) Not later than February 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report—

(A) identifying the role of the Department of Defense in implementing export controls on nuclear, chemical, and biological weapons;

(B) describing the number and skills of personnel currently available in the Department of Defense to perform this role; and

(C) assessing the adequacy of these resources for the effective performance of this role.

(2) The report required by paragraph (1) shall identify the total number of current Department of Defense full-time employees or military personnel and the grades of such personnel and the special knowledge, experience, and expertise of such personnel, required to carry out each of the following activities of the Department in implementing export controls on nuclear, chemical, and biological weapons:

(A) Review of private-sector export license applications and government-to-government cooperative activities.

(B) Intelligence analysis and activities.

(C) Policy coordination.

(D) International liaison activity.

(E) Technology security operations.

(F) Technical review.

(3) The report shall include the Secretary's assessment of the adequacy of staffing in each of the categories specified in subparagraphs (A) through (F) of paragraph (2) and shall make recommendations concerning measures, including legislation if necessary, to eliminate any identified staffing deficiencies and to improve interagency coordination with respect to implementing export controls on nuclear, chemical, and biological weapons.

BINGAMAN (AND OTHERS) AMENDMENT NO. 526

Mr. BINGAMAN (for himself, Mr. DOMENICI, and Mr. WALLOP) proposed an amendment to the bill S. 1352, supra, as follows:

On page 450 of the bill, after line 13, add the following:

SEC. . NATIONAL COMPETITIVENESS MISSION.

Section 91(a) of the Atomic Energy Act of 1954 (68 Stat. 936; 42 U.S.C. 2121(a)) is amended—

(1) by striking out "and" at the end of clause (1);

(2) by striking out the period at the end of clause (2) and inserting in lieu thereof "and"; and

(3) by adding at the end the following new clause:

"(3) enhance the economic competitiveness of the United States, to the extent consistent with the national security missions of the Department of Energy, by ensuring that investment in research and development in the military application of atomic energy results, to the extent practicable, in the development of civilian applications for and commercialization of advanced technology (including, but not limited to, advanced technology relating to the safe and efficient handling and disposal of industrial wastes), through appropriate transfers of federally owned or federally originated technology to state or local governments, private industry, and universities or other non-profit institutions.

NUNN (AND OTHERS) AMENDMENT NOS. 527 THROUGH 529

(Ordered to lie on the table.)

Mr. NUNN (for himself, Mr. WARNER, Mr. EXON, Mr. LEVIN, Mr. BINGAMAN, Mr. DIXON, Mr. GLENN, Mr. WIRTH, Mr. SHELLEY, Mr. THURMOND, Mr. COHEN, Mr. WILSON, Mr. MCCAIN, Mr. WALLOP, Mr. GORTON, Mr. LOTT, and Mr. COATS) submitted three amendments intended to be proposed by them to the bill S. 1352, supra, as follows:

AMENDMENT No. 527

On page 293, between lines 13 and 14, insert the following new section:

SEC. . ALLIED DEFENSE BURDENSARING IN EUROPE.

(a) Congress makes the following findings:
(1) Member Nations of the North Atlantic Treaty Organization (NATO), at the initiative of the President, have presented a com-

prehensive arms reductions proposal to the Nations of the Warsaw Pact for consideration in the negotiations on Conventional Armed Forces in Europe (CFE) which, should the proposal provide the basis for agreement on an eventual CFE treaty, would significantly enhance security and stability in Europe and the cause of peace worldwide.

(2) Unilateral reductions in active duty force levels by individual member Nations of NATO before the attainment of a CFE agreement would undercut NATO's efforts to improve its conventional defense posture, increase its reliance on the threat of the early use of nuclear weapons to deter aggression, and undermine NATO's arms control negotiating posture in CFE.

(3) Nevertheless, several member Nations of NATO are considering making significant reductions over the next few years in the size of their active forces irrespective of developments in the CFE negotiations.

(4) Despite shifts in relative economic power from the United States to some of the major allies of the United States, the costs of mutual defense continue to be borne disproportionately by the United States.

(5) Adjustments in burdensharing are long overdue.

(6) Unilateral cuts in active duty force levels by member Nations of NATO before the successful conclusion of CFE negotiations would exacerbate longstanding burdensharing tensions within the alliance.

(b) **BASELINE REPORT.**—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the defense committees a report showing the following:

(A) The end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO for fiscal year 1989.

(B) The end strength level of allied forces assigned to permanent duty ashore in European member nations of NATO for such fiscal year.

(C) The end strength level of the armed forces of each member nation of NATO assigned to permanent duty ashore in European member nations of NATO in such fiscal year.

(D) The ratio (expressed in terms of a percentage) of the end strength level referred to in subparagraph (A) to the end strength level referred to in subparagraph (B).

(2) The ratio referred to in paragraph (1)(D) is hereinafter in this section referred to as the "baseline ratio".

(c) **ANNUAL REPORT.**—The Secretary of Defense shall submit to the defense committees not later than April 1 of 1991, 1992, and 1993 a report showing the end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO and the end strength of allied forces assigned to permanent duty ashore in such nations in the fiscal year preceding the fiscal year in which the report is submitted. The Secretary shall include in such report the following:

(A) Data showing the U.S.-allied forces ratio for such preceding fiscal year.

(B) A statement indicating whether there has been any change in the U.S.-allied forces ratio for such preceding fiscal year compared with the U.S.-allied forces ratio for the fiscal year immediately before such preceding fiscal year and, if so, the amount of such change and an explanation of the cause for such change.

(C) A discussion of any action taken in the fiscal year preceding the year in which the report is submitted to encourage the NATO allies (other than the United States) to increase the number of allied forces assigned to permanent duty ashore in the European member nations of NATO and a discussion of the results of such action.

(d) **LIMITATION ON OBLIGATION OF FUNDS.**—If the Secretary determines on the basis of a report referred to in subsection (b) that the U.S.-allied forces ratio for the fiscal year preceding the fiscal year in which the report is submitted is greater than the baseline ratio by more than one percentage point—

(1) The President shall initiate appropriate diplomatic initiatives to persuade the NATO allies to increase allied forces assigned to permanent duty in European member nations of NATO in sufficient numbers so that the U.S.-allied forces ratio no longer exceeds the baseline ratio; and

(2) funds appropriated to or for the use of the Department of Defense may not be obligated or expended to support an end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO for the fiscal year following the fiscal year in which the report is received in any number that would cause the U.S.-allied forces ratio in such following fiscal year to exceed the baseline ratio by more than one percentage point.

(e) **WAIVER AUTHORITY.**—The President may waive this section if the President declares that such action is critical to the national security of the United States and immediately notifies Congress of his action and the reasons therefor.

(f) **INAPPLICABILITY.**—This section shall not apply in the event of a declaration of war or an armed attack on any NATO member or in the event that a comprehensive arms reduction agreement is signed as a result of the negotiations on Conventional Armed Forces in Europe (CFE).

(g) **REPORT COMPLIANCE.**—The Secretary shall be deemed to have complied with the report requirements of subsection (b) in any fiscal year if the Secretary includes the information required by such subsection in the report submitted in such year to the defense committees pursuant to section 1002(d) of the Department of Defense Authorization Act, 1985 (98 Stat. 2575; 22 U.S.C. 1928 note).

(h) **END STRENGTH PERMANENT CEILING.**—Nothing in this section shall be construed to permit the obligation or expenditure of funds to support an end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO at any level in excess of the permanent ceiling specified in section 1002(c)(1) of the Department of Defense Authorization Act, 1985.

(i) **DEFINITIONS.**—As used in this section:

(1) The term "defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives.

(2) The term "allied forces" means members of the armed forces of member nations of NATO serving on active duty, other than the members of the Armed Forces of the United States.

(3) The term "U.S.-allied forces ratio" means, with respect to a fiscal year, the ratio (expressed in terms of a percentage) of the end strength level of members of the armed forces of the United States assigned to permanent duty ashore in European

member nations of NATO relative to the end strength level of allied forces assigned to permanent duty ashore in such nations in that fiscal year.

AMENDMENT No. 528

On page 293, between lines 13 and 14, insert the following new section:

SEC. JAPAN'S CONTRIBUTIONS TO SECURITY

(a) **FINDINGS.**—Congress makes the following findings:

(1) Extraordinary political, economic, and social changes have occurred in Japan since World War II.

(2) As a result of such changes, Japan is capable of assuming increased responsibility for its own security.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) in view of the changes referred to in subsection (a), Japan should assume increased responsibility for its own security;

(2) Japan should offset the direct costs incurred by the United States in deploying military forces for the defense of Japan;

(3) Japan should assume a more significant security role consistent with its economic status by taking the following actions:

(A) Increase expenditures for its Official Development Assistance program and its defense programs so that, by 1992, the level of spending by Japan on those programs (stated as a percentage of gross national product) will approximate the average of the levels of spending by the member nations of the North Atlantic Treaty Organization (NATO) on official development assistance and defense programs (stated as a percentage of their respective gross national products).

(B) Devote any increase in its spending for such Official Development Assistance program primarily to the Republic of the Philippines and to countries in regions of importance to global stability outside of East Asia, particularly to countries in Latin America, the Caribbean area, and the Mediterranean area.

(C) Devote any increase in spending for that program primarily to untied grants and increasing the portion of total expenditures made in that program for those multilateral financial institutions of which Japan is a member.

(D) Designate those nations that are to be recipients of increased development assistance referred to in subparagraphs (A) through (C) after consultation with Japan's security partners.

(E) In consultation with the United States, complete its 5-year defense program for fiscal years 1986 through 1990 and, at the earliest possible date after the completion of that program, fulfill the pledge of Prime Minister Suzuki to defend the territory, airspace, and sea lanes of Japan to a distance of 1,000 miles.

(F) Acquire "off-the-shelf" military equipment from the United States (including completely equipped, long-range early warning aircraft, additional AEGIS weapon systems, refueling aircraft, munitions, and spare parts) in developing the capabilities called for in Japan's current and subsequent 5-year defense programs.

(c) **NEGOTIATIONS.**—At the earliest practicable date after the enactment of this Act, the President shall enter into negotiations with Japan for the purpose of achieving an agreement under which Japan agrees to make contributions sufficient in value to

meet the direct cost of deploying United States forces for the defense of Japan.

(d) **NOTIFICATION TO CONGRESS**—In order that Congress may determine whether further action is appropriate, the President shall submit to Congress an initial report, not later than April 1, 1990, on the status and results of the negotiations referred to in subsection (a) and shall submit a second report, not later than one year after the date of the enactment of this Act, on the status and results of such negotiations.

AMENDMENT No. 529

On page 293, between lines 13 and 14, insert the following new section:

SEC. . REPORT ON COSTS ASSOCIATED WITH OVERSEAS DEPENDENTS.

(a) **REPORT**—The Secretary of Defense shall conduct a study of practicable options available to the Department of Defense to reduce costs associated with maintaining overseas large numbers of dependents of members of the Armed Forces of the United States and dependents of civilian employees of the Department of Defense. In carrying out such study the Secretary shall consider such options and combinations of options as the Secretary considers feasible to achieve a reduction in such costs. The Secretary shall specifically address, at a minimum, the following questions:

(1) Would expansion of incentives for unaccompanied tours of duty overseas be effective in reducing the number of such tours and would such an increase in incentives be cost effective?

(2) Would more frequent rotation of overseas personnel without dependents result in overall savings?

(3) Would an increase in the use of local contractors at overseas stations to provide services currently being provided by Department of Defense personnel result in overall savings to the United States and, if so, what would the cost implications be for United States families at such stations?

(4) What costs associated with the support of overseas dependents would likely result from a reduction in personnel under a conventional forces in Europe (CFE) agreement?

(5) Would the granting of fewer exceptions to the length of overseas duty tours reduce permanent change of station costs?

(6) To what extent can overseas facilities be consolidated and centralized to reduce administrative and overhead costs?

(7) To what extent can reductions in family support services at overseas stations be made without materially affecting the standard of living of the personnel assigned to duty at such stations?

(8) Would reductions in overseas family support costs likely result in increased costs in programs in the United States?

(9) To what extent would dependents be likely to accompany members of the Armed Forces and civilian employees of the Department of Defense to overseas stations in the absence of each of the various types of special assistance and benefits currently provided to overseas dependents?

(10) How would reduction or termination of the various types of the special assistance and benefits for overseas dependents affect combat readiness, morale, and retention?

(b) **SUBMISSION OF REPORT**—The Secretary shall submit the report required by subsection (a) to the Committees on Armed Services of the Senate and the House of Representatives not later than February 1, 1990, together with such comments and rec-

ommendations for legislation as the Secretary considers appropriate.

METZENBAUM AMENDMENT NO. 530

Mr. METZENBAUM proposed an amendment to the bill S. 1352, supra, as follows:

At the end of title 3, add the following new section:

"SEC. . DEFENSE CONTRACT AUDITORS.

"The Secretary of Defense, not later than September 30, 1990, shall increase the number of full-time personnel employed by the Defense Contract Audit Agency to 7,457, of which not less than 6,488 shall be auditors."

DOMENICI (AND BINGAMAN) AMENDMENT NO. 531

Mr. DOMENICI (for himself and Mr. BINGAMAN) proposed an amendment to the bill S. 1352, supra, as follows:

On page 42, between lines 19 and 20, insert the following new section:

SEC. 230a. LASER WEAPON VERIFICATION RESEARCH.

In awarding contracts for research, development, test, and evaluation in connection with laser weapon verification technology, the Secretary of a military department or the head of a Defense Agency, as the case may be, shall ensure that such contracts are awarded to contractors that have experience in one or more of the following areas:

(1) Development of technologies for cooperative verification of laser weapons.

(2) Expertise in matters related to the propagation of high energy laser beams through the atmosphere.

(3) Ability to verify the testing or deployment of high energy laser beams against satellites in space.

DIXON (AND OTHERS) AMENDMENT NO. 532

Mr. DIXON (for himself, Mr. HELMS, Mr. GORE, Mr. KOHL, and Mr. BOREN) proposed an amendment to the bill S. 1352, supra, as follows:

On page 247, below line 24, insert the following:

SEC. 836. PARTICIPATION OF FEDERAL PRISON INDUSTRIES IN DEFENSE PROCUREMENT.

(a) **PROCUREMENT PROCEDURES**—The Secretary of Defense and the Secretary of a military department may obtain products from Federal Prison Industries only in accordance with the provisions of chapter 137 of title 10, United States Code, except as provided in subsections (b), (c), and (d) of this section.

(b) **INAPPLICABILITY OF OTHER LAW**—The provision of section 2304(c)(5) of title 10, United States Code, shall not apply to the procurement of products from Federal Prison Industries.

(c) **OFFERS SUBMITTED BY FEDERAL PRISON INDUSTRIES**—An offer submitted to the Department of Defense by Federal Prison Industries shall be treated in the same manner as an offer submitted by an offeror that is not a small business concern.

(d) **CURRENT MARKET PRICE REQUIRED**—The Secretary of Defense and the Secretary of a military department shall not obtain any product from Federal Prison Industries

for a price that exceeds the current market price of such product.

(e) **DEFINITIONS**—As used in this section:

(1) The term "current market price" means, with respect to any product, the fair market price of that product, within the meaning of section 15(a) of the Small Business Act (15 U.S.C. 644(a)), at the time that the contract is awarded.

(2) The term "small business concern" means a business concern that meets the applicable size standards prescribed pursuant to section 3(a) of the Small Business Act (15 U.S.C. 632(a)), and includes a small business concern owned and controlled by socially and economically disadvantaged individuals, as defined in section 8(d)(3)(C) of such Act (15 U.S.C. 637(d)(3)(C)).

McCAIN (AND OTHERS) AMENDMENT NO. 533

(Ordered to lie on the table.)

Mr. McCAIN (for Mr. NUNN, for himself, Mr. WARNER, Mr. EXON, Mr. DIXON, Mr. WIRTH, Mr. SHELBY, Mr. THURMOND, Mr. COHEN, Mr. McCAIN, Mr. WALLOP, Mr. GORTON, Mr. LOTT, and Mr. COATS) submitted an amendment intended to be proposed by them to the bill S. 1352, supra; as follows:

On page 293, between lines 13 and 14, insert the following new section:

SEC. . UNITED STATES-REPUBLIC OF KOREA SECURITY RELATIONSHIP.

(a) **FINDINGS**—Congress makes the following findings:

(1) Since the Korean conflict, the Republic of Korea has made tremendous progress in rebuilding its economic and military strength.

(2) The alliance between the United States and the Republic of Korea has contributed greatly to the security of both countries.

(3) The Republic of Korea has dedicated a large share of its national resources to its security, as manifested by defense expenditures which comprise approximately one-third of its national budget.

(4) The United States has contributed a large amount of its national resources, including approximately 46,000 military personnel, to protecting the security interests that it shares with the Republic of Korea.

(5) In accordance with its obligations under the 1954 Mutual Defense Treaty with the Republic of Korea, the United States remains committed to the security and territorial integrity of the Republic of Korea.

(b) **SENSE OF CONGRESS AND REPORT REQUIREMENT**—(1) It is the sense of Congress that—

(A) the United States should reassess the missions, force structure, and locations of its military forces in the Republic of Korea and East Asia;

(B) the Republic of Korea should assume increased responsibility for its own security;

(C) the Republic of Korea should offset more of the direct costs incurred by the United States in deploying military forces for the defense of the Republic of Korea; and

(D) the United States and the Republic of Korea should consult on the feasibility and desirability of partial, gradual reductions of United States military forces in the Republic of Korea.

(2) In order that Congress may determine whether further action is appropriate, the President shall submit to Congress an initial

report, not later than April 1, 1990, on the status and results of the consultations referred to in paragraph (1)(D) and shall submit a second report, not later than one year after the date of the enactment of this Act, on the status and results of such consultations.

(c) REPORT.—(1) Not later than April 1, 1990, the President shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the military presence of the United States in the Republic of Korea and in East Asia. The President shall include in such report a strategic plan relating to the continued United States military presence in the Republic of Korea and East Asia. The President shall specifically include in the report the following:

(A) An assessment of the implications of recent developments in the Soviet Union and the People's Republic of China for United States and allied security planning in East Asia.

(B) Identification of those changes in the missions, force structure, and locations of United States forces in East Asia that would strengthen the capabilities of such forces and lower the costs of maintaining such forces.

(C) A discussion of ways in which increased defense responsibilities and costs presently borne by the United States can be transferred to the allies of the United States in East Asia.

(D) Identification of the additional actions that the Republic of Korea can take to contribute more to its own security.

(E) A discussion of the feasibility of restructuring United States military forces stationed in Okinawa with the objective of improving civil-military relations and increasing United States training opportunities.

(F) A discussion of the status and prospects of negotiations between the United States and the Republic of the Philippines on the continued use of United States military installations in the Republic of the Philippines.

(G) An assessment of whether a requirement still exists for a regional security role for United States forces stationed in the Republic of Korea.

(2) The President shall also include in the report a five-year plan with respect to the United States military presence in the Republic of Korea. The President shall specifically include in the plan a discussion of the feasibility and desirability of the following:

(A) Restructuring United States military forces in the Republic of Korea with the objective of changing the role of such forces from a leading role in deterring aggression to a supporting role.

(B) Partial, gradual reductions in the number of United States military personnel stationed in the Republic of Korea.

(C) Larger offsets by the Republic of Korea for the direct costs incurred by the United States in deploying military forces in defense of the Republic of Korea.

(D) The redeployment of United States military personnel and facilities within the Republic of Korea that can be made to reduce friction between such personnel and the people of the Republic of Korea.

(E) Changes in the United Nations and United States-Republic of Korea bilateral command arrangements that would facilitate a transfer of certain military missions and command to the Republic of Korea.

(F) Confidence-building measures that could be promoted in northeast Asia to lessen tensions in the region.

(G) Additional actions the Republic of Korea could take to assume more responsibility for its security.

LEVIN AMENDMENT NO. 534

Mr. LEVIN proposed an amendment to the bill S. 1352, *supra*, as follows:

On page 20, after line 13, insert the following:

"(d)(1) The Secretary of the Air Force shall take appropriate steps to ensure that the procurement of all B2 aircraft authorized for Fiscal Years 1989 and 1990 shall be subject to a contractor guarantee pursuant to Section 2403 of Title 10, United States Code, and that the prime contractor for such aircraft shall be required to assume a substantially greater responsibility for the cost of corrective actions required under Section 2403(b) of such title than under existing contracts for B2 aircraft.

"(2) Notwithstanding Section 2403(g) of such title, the Secretary may not negotiate exclusion or limitations on the prime contractor's financial liability for the cost of corrective action for defects under Section 2403(b) of such title for the B2 aircraft referred to in paragraph (1) that are less than the total of the contractor's actual profits on the production of such aircraft unless the Secretary determines that the specific benefits of such exclusions or limitations substantially outweigh the potential costs.

"(3) The Secretary of the Air Force shall notify the Armed Services Committees of the Senate and the House of Representatives of any determinations under paragraph (2) and shall include in such notification the specific reasons for such determination and copies of any relevant exclusions or limitations.

"(4) The Secretary of the Air Force shall describe the steps the Air Force has taken under this subsection in the reports required by subsection (c)."

NOTICES OF HEARINGS

SUBCOMMITTEE ON GOVERNMENT CONTRACTING AND PAPERWORK REDUCTION

Mr. BUMPERS. Mr. President, the Subcommittee on Government Contracting and Paperwork Reduction of the Committee on Small Business has scheduled a hearing to receive testimony on the implementation of the Paperwork Reduction Act of 1980, Public Law 96-511, from the perspective of the small business community, especially small business Government contractors. Senator Dixon, the subcommittee chairman, has scheduled the hearing for Thursday, August 3, 1989, commencing at 9:30 a.m. It is to be held in the committee's hearing room, SR-428A.

Government witnesses invited to testify include: The Administrator of the Office of Information and Regulatory Affairs [OIRA] within OMB, which has overall responsibility for the implementation of the Paperwork Reduction Act; the Acting Administrator of the Office of Federal Procurement Policy [OFPP], also within OMB, which has made regulatory simplification and paperwork reduction in procurement a priority initiative; and the chief counsel for advocacy of the

Small Business Administration, Frank Swain, who has tirelessly bird-dogged the agencies regarding paperwork reduction and regulatory flexibility. OFPP's representative will share with the subcommittee the findings and recommendations of a forthcoming report reviewing paperwork burdens in procurement, which was conducted pursuant to the "Office of Federal Procurement Policy Act Amendments of 1988," Public Law 100-679.

Witnesses from the small business community include representatives of the Small Business Legislative Council, National Small Business United, and the American Subcontractors Association. Leo G. Lauzen, chairman of Comprehensive Accounting Corp. of Aurora, IL will share with the subcommittee the results of a survey conducted by his firm. Finally, the subcommittee is scheduled to hear from a representative of the Business Council on the Reduction of Paperwork.

The committee intends to transmit the record of this hearing to the Committee on Governmental Affairs, and its Subcommittee on Government Information and Regulation, to assist them in their deliberations concerning the reauthorization of OIRA. OIRA's current authorization expires on September 30, 1989.

Further information concerning the subcommittee's hearing may be obtained from the committee's procurement policy counsel, William B. Montalto. Bill may be reached at 224-5175.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a markup on Wednesday, August 2, 1989, beginning at 11:30 a.m., in 485 Russell Senate Office Building to consider for report to the Senate S. 321, the Buy Indian Act Amendments of 1989.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources.

The hearing will take place in Sacramento, CA, on August 29, 1989. The exact location and time of the hearing will be announced in the near future.

The purpose of the hearing is to receive testimony on how Federal water policies, particularly those of the U.S. Bureau of Reclamation, might be improved in order to help California make the best use of its existing water resources.

Those persons wishing to submit written statements for the hearing record, but who do not plan to attend

the hearing, should mail two copies of the statement to the Subcommittee on Water and Power, U.S. Senate, 364 Dirksen Building, Washington, DC, 20510.

For further information, please contact Tom Jensen, counsel for the subcommittee at (202) 224-2366.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. NUNN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Monday, July 31, at 10 a.m., for a hearing on the subject: Missing Links: Coordinating Federal Drug Policy for Women, Infants, and Children.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. NUNN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 31, 1989 at 2 p.m. to hold a hearing on the following nominees to be members of the Federal Communications Commission: Alfred C. Sikes, of Missouri; Sherrie Patrice Marshall, of North Carolina; and Andrew Camp Barrett, of Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. NUNN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 31, 1989 at 10 a.m. to hold a hearing on the nomination of Dr. John A. Knauss to be Under Secretary of Commerce for Oceans and Atmosphere.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AND REGULATORY AFFAIRS

Mr. NUNN. Mr. President, I ask unanimous consent that the Subcommittee on Consumer and Regulatory Affairs of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Monday, July 31, 1989 at 2 p.m. to conduct an oversight hearing on the enforcement of the Community Reinvestment Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. NUNN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Monday, July 31, 1989 at 10:30 a.m. to conduct a hearing on the nomination of Dr. Herbert D. Kleber, to be Deputy Director for

Demand Reduction, Office of National Drug Control Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. NUNN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, July 31, at 2 p.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL AND COMMUNITY SERVICE ACT OF 1989

● Mr. SASSER. Mr. President, last Thursday the distinguished senior Senator from Massachusetts introduced a bill with a goal very worthy of praise: to rekindle the spirit of volunteerism and national service in the United States. Over a quarter century ago, President Kennedy called upon the Nation to lend a helping hand to those people and places in need. Americans of all ages answered his call and through a variety of programs these volunteers helped enrich the lives of millions in our country and around the world.

Well today, even more Americans and places that we care about are in need of help. Throughout the United States, basic needs in education, health care, child care and the environment are being neglected or unmet. Tightening budgets at the Federal, State and local level have led to the paring back of programs that in the past provided money to assist the needs of the poor, the handicapped, the young and the elderly and other groups in need.

Programs in schools to help remedial students are being cut back. Social activities for the elderly are being cut back. Neighborhood youth recreational activities are being cut back. Public library hours have been cut back. Hospital services have been cut back. Maintenance for public parks and neighborhoods have been cut back. The list goes on.

However, despite the funding reductions in many social and environmental programs, this does not mean that there has to be a corresponding reduction in social and environmental services. In many of the areas where workers are needed there are jobs that could be done by people of all ages without requiring experience or extensive training.

Yet, unless someone is willing to do this work for little or no compensation, it will not get done.

According to the Democratic Leadership Council, there are over 3 million jobs in areas of "low profit but high civic value" that could be filled by ci-

vilian service volunteers. These areas include tutoring, health care, child care, environmental conservation, criminal justice assistance, and other areas where the public and private sector have not gone to work, and more than likely will not go to work.

It is time then for the citizens of this great land, especially the young, to rise to this challenge. Our youth represent a tremendous resource to help meet those needs. Yet unless young people are properly motivated and given reasonable opportunities to serve, the natural enthusiasm and energy of this group will remain largely untapped.

Over the past several months, I followed closely the discussion in Congress regarding national service. And while many of the proposals, if taken at face value, seemed very well intentioned, I wanted to know which ideas could in fact work. Therefore, as all of the substantive proposals in Congress to a large part centered around recruiting young people and utilizing existing school and community resources, I went to Tennessee this April to solicit opinions from those groups.

As chairman of the Subcommittee on General Services, Federalism and the District of Columbia, I held 4 days of hearings in Tennessee on the subject of volunteer and national service. Held in high schools across the State these hearings gave me a firsthand opportunity to hear what high school students, school officials and community service leaders thought about volunteerism and the ideas surrounding national service. The hearings involved students, teachers and administrators from over 50 high schools, and representatives from over three dozen volunteer and community service groups.

Let me just say that after the hearings I felt very proud of the young citizens of Tennessee who are giving their time and their caring to their communities. Through their schools, community and church groups, and other organizations these young men and women are involved in a diverse mixture of projects that help people of all ages and income groups. They are tutoring their fellow students, rehabilitating housing, leading antidrug peer groups, being companions to youngsters and the elderly and so much more.

One remarkable theme that seemed to persist throughout the hearings was that no matter how a student first got involved in community service, and not all the students at first readily volunteered, their experience was more rewarding than they ever imagined. It was truly a heartwarming experience to hear these students talk of the elation they felt when someone they were helping responded positively to their efforts.

Nonetheless, despite the efforts of these extraordinary individuals and others like them across the country, as the current discussion of national service has shown, the worth of community and national service has been obscured by other values in society. It seems that the "me decade" is continuing.

In response to this underlying social malaise, I asked the students and the school and community service officials how they would get more of their peers involved and what they thought of the various national service proposals. Their answers were very candid and often surprising.

Perhaps the overwhelming recommendation given to me at the hearing was that if voluntarism and community service and thus national service are ever going to be a part of someone's life, people needed to be introduced to voluntarism at a young age. Extreme doubt was expressed at the idea that high school graduates would join a national service program for a year without having had a history of prior service experience. No matter what the benefits.

Almost every witness agreed that students should be exposed to voluntarism in grade school or junior high school, and I applaud Senator KENNEDY's bill for supporting student community service efforts and volunteers in schools programs for students in kindergarten through high school.

Furthermore, in regards to a national service program, the majority of students felt that offering only full year programs would be unpopular with high school graduates and college age students. Even the most enthusiastic volunteers voiced personal and peer reservations at the thought of putting off the start of college for a year, despite the worthiness of the program and the financial or educational compensation. In general, they believed that making national service a summer option would be more attractive to young people in school. I again commend Senator KENNEDY for including a summer program as part of the bill's full-time youth service corps and allowing for a part-time service option in State run civilian service programs.

Another aspect of youth voluntarism that I would like to comment on involves the awarding of school credit for community service. In several public school systems around the country community service is a graduation requirement. At the Nashville hearing, testimony was presented by an administrator of a private school where community service is a graduation requirement. He found that the program was very successful and he recommended that other schools, public and private, consider instituting such a program.

The next day I heard from a school official of Harrison County, TN, where

a program is being setup to make volunteer service an elective that could be used to fulfill one's graduation requirement. I believe this elective option has a great deal of merit, and once again I applaud Senator KENNEDY for promoting the concept of involving community service in the curriculums of high schools and colleges.

Finally, one last point that I wish to emphasize is the need for adequate training and supervision in a national service program or program funded by the Federal Government. Too often money and well-intentioned people are directed toward projects that despite the available resources cannot be successfully undertaken without proper supervision and training. Proper training not only means that the job gets done correctly but it gives the volunteer a skill that can prove useful throughout his life.

Mr. President, I believe that rekindling the volunteer spirit among young citizens is a priority for Congress and all of America. As a representative of the volunteer State, I know the immense value of voluntarism. I am proud to note that Tennesseans have always been in the forefront when it has come time to protect and serve the Nation. Throughout this country's history Tennesseans have responded in those times when the circumstances demanded that all citizens do their part.

I believe that now is one of those times. We cannot allow basic human needs and services to go unmet or allow our public lands and neighborhoods to deteriorate because of a lack of money. America's greatest resource is its people, especially its young people, and if the right service opportunities are made available we can meet these needs despite tightening budgets.●

EMOGENE GWINN AND LAURIE ERNST

● Mr. McCONNELL. Mr. President, two Cumberland County, KY, women were recently written up in Newsweek special report saluting everyday heroes. Today, I would like to share this article with one from the Lexington Herald-Leader, outlining the dedication that these two women display toward educating young children.

Today, these two women together earn the salary of one kindergarten teacher, and have given up their retirement benefits. In 1987, Emogene Gwinn received a one-time \$91,413 innovation-incentive grant from the State Department of Education, paying for a five-person staff, toys, and supplies. Unable to find another donor when the grant money ran out, Mrs. Gwinn cut her paycheck, reduced her staff, and started charging a \$6 daily fee for each of the 3-, 4-, and 5-year-olds.

Mrs. Gwinn and fellow teacher Laurie Ernst have made an enormous financial sacrifice in their attempt to cut down the percentage of under-educated people in their community. Sadly, 71 percent of Cumberland County adults did not graduate from high school; today, an estimated 25 percent of students will also not graduate.

Solid preschool programs are vital to the maintenance of excellence throughout students' academic careers. These women have created a preschool program which is making a big difference in Cumberland County, and that program deserves to be continued.

The program is one of two day-care centers in the county, the other one being federally funded for low-income family children, and there is a strong need for it in the community. Mrs. Gwinn is concerned about the \$6 daily fee for each child, knowing that it is tough for many working parents. Right now Mrs. Gwinn has a budget that will suffice for the coming school-year if enough children are enrolled.

The local board of education supports the program, which is very well thought of in the community. It would be a shame to see this program fall through after Mrs. Gwinn and Mrs. Ernst have put so much time and dedication into it. Their efforts in Cumberland County have been outstanding. I commend them to my Senate colleagues today.

The articles follow:

TEACHING A LESSON IN LOVE

To help the children of rural Cumberland County, Emogene Gwinn, 40, and Laurie Ernst, 34, have sacrificed pay for principle. The two teachers have given up their retirement benefits and cut their salaries more than 20 percent in order to keep their preschool open. Together they now earn \$19,000. But they feel it's worth it. Seventy-one percent of the county's adults are high-school dropouts, the teachers point out, and they believe early-childhood education can help break that grim cycle.

In 1987, with a \$91,413 one-time grant from the State Department of Education, Gwinn started a program for 3- to 5-year-olds. But the grant ran out, forcing layoffs and the levying of a \$6 daily fee; some children had to withdraw. Now, Gwinn has obtained an \$11,000 matching grant from the Public Welfare Foundation. "We have to match it by July 30," she explains. "If we do, we'll help more kids. And maybe we'll be able to bring our salaries back up. If not, we're ready to cut them again."

BURKESVILLE'S AMERICAN HEROES: NEWSWEEK LAUDS WOMEN WHO SAVED PRESCHOOL

(By Amy Brooke Baker)

BURKESVILLE.—Sometimes the trickiest part of being a national hero is finding a store that sells Newsweek.

At least that's the case for Emogene Gwinn, a Cumberland County preschool director lauded for her work in the magazine's July 10 issue, which hits the newsstands today.

Mrs. Gwinn said none of the stores in Burkeshire carry the national news magazine any more. And that situation will make getting copies for her students' parents almost as difficult as securing funding for her now-newsworthy day-care center.

It was the money problem that brought Mrs. Gwinn national attention in the first place.

She set up her Early Childhood Education Program in the fall of 1987 with a one-time \$91,413 innovation-incentive grant from the state Department of Education. That money paid for a staff of five and an assortment of top-notch toys and supplies for the 3-, 4-, and 5-year-olds Mrs. Gwinn teaches in two extra classrooms at Cumberland County Elementary School.

When the grant money began to run out after the first year, Mrs. Gwinn was unable to find another donor.

So she did what few already underpaid teachers would do: She cut her paycheck.

Now, with an annual salary of \$11,840 (down from \$15,600), a staff of two, and a daily fee of \$6 a student, Mrs. Gwinn is struggling to carry her program into its third year.

It's that financial sacrifice of Mrs. Gwinn and fellow teacher Laurie Ernst (whose salary dropped from \$9,250 to \$7,200) that Newsweek is recognizing this week in an article celebrating American "heroes"—individuals who have overcome "adversity or (engaged) in activities that have improved their communities or benefited others."

Mrs. Gwinn said she wouldn't call herself a hero.

"I know I have worked hard, put in a lot of time and effort to make it a quality program," she said as she smiled.

"But no, I don't feel like a hero."

Mrs. Ernst was away on vacation and unavailable for comment.

Mrs. Gwinn, 40, said it wasn't hard to explain why she and Mrs. Ernst, 34, (Miss Emogene and Miss Laurie to their students) were willing to take a 20 percent cut in salary. Together they earn a little more than \$19,000, about the salary of one kindergarten teacher.

"We've developed a model preschool program and we want to see it continue," Mrs. Gwinn explained. "There's such a need for it here."

The program is the only daycare center in Cumberland County, with the exception of Head Start, a federally funded preschool for children from low-income families.

The county has about 7,500 residents and for many of them, according to Mrs. Gwinn, "private (baby) sitters are the only option" for their young children's care.

Mrs. Gwinn said she's hoping that the situation will change soon. She pointed to the \$16 million in lottery proceeds that Gov. Wallace Wilkinson has suggested putting into model preschool programs like hers.

For now, though, dollars remain tight.

Mrs. Gwinn has developed a budget for the coming school year that will keep the program running if enough students enroll. The budget is based on an \$11,000 grant the Public Welfare Foundation has promised if Mrs. Gwinn can match the funds through other sources.

So far, she said, she's matched only \$1,000 and her deadline is July 30.

At the same time, Mrs. Gwinn said she was concerned about having to charge a \$6 fee for each student.

When the program started two years ago, outside funding was sufficient to charge only \$1 a day, just enough to keep parents involved, she said.

But last fall, when she was forced to raise the price to \$6, her pre-registration list of 41 students dwindled to eight or nine. By the end of the year, the class had filled out to 27 full- and part-time students. But Mrs. Gwinn said she worries that the fee can be too tough for a lot of working parents.

The program is important, she said, because studies show that early childhood education can improve children's performance in school later on and reduce dropout rates.

Seventy-one percent of adults age 25 and older in Cumberland County did not graduate from high school, according to 1980 census data. And the state Department of Education projects that 25 percent of today's students will also drop out. Fifty-six percent of the children in Cumberland County are considered economically deprived.

A solid preschool program in such a county is crucial, Mrs. Gwinn said. To have one there already, she said, is remarkable.

Educators "are wanting to implement preschool programs throughout the state. And in other states they are (moving toward) the public school setting."

"And in this little county, we're already off to a start. The local board of education is very supportive; (the program) has been in progress for two years; it's very successful, very well thought of."

"We just don't want to see it close its doors." ●

MS. AMY HSU, AWARD RECIPIENT

● Ms. MIKULSKI. Mr. President, I would like to acknowledge the accomplishments of one of my constituents, Ms. Amy Hsu, of College Park, MD. She was selected to receive a public service scholarship from the Public Employees Roundtable. Out of 450 applicants nationwide, only 8 were selected. Winning this scholarship is quite an achievement. Ms. Hsu is not just a model for Maryland, but for the entire Nation. I wish to submit her essay, "How My Chosen Government Career Affects the Quality of Life in America," for the RECORD:

The essay follows:

HOW MY CHOSEN CAREER AFFECTS THE QUALITY OF AMERICAN LIFE

(By Amy Hsu)

One of the hardest decisions to make in a person's lifetime is choosing their career. There are so many interesting and challenging fields to pursue. As for me, one career stood out in front of the rest, and that is to become a government accountant.

The work of government accountants—whether federal, state, or local—affects the health, welfare, and security of every American. This is because accounting aids in collecting, classifying and reporting events or transactions which occur in the routine, everyday life of all individuals. Governments, like all others, need accountants to help them obtain information. Accountants assist in keeping financial matters in an orderly fashion—from the simple reconciliation of the monthly bank statement to the highly detailed investigations of the year-end audit.

Accountants are of vital importance to our society. Information provided by accountants support investors and creditors in

channeling resources effectively. Labor unions and management need financial information to use in bargaining during contract negotiations. Furthermore, non-profit organizations use accounting systems in order to keep track of their revenues and costs. Hospitals, for example, establish patient billing rates largely on the basis of such information, and managers of private foundations use accounting records to determine how they can award grants at any particular time.

Accountants also influence public policy issues and decisions. It would be impossible, for example, to collect taxes if individuals and businesses did not have an accounting system. Government agencies, as well, employ accountants to evaluate the profitability of businesses, and they often base policy decisions on such evaluations. Government also uses accounting information to help determine whether it should give aid to those corporations undergoing financial difficulties. For example, the Federal Government used the information determined by accountants in deciding to grant \$1.5 billion in loan guarantees to the Chrysler Corporation. Most importantly, accountants gather vast amounts of information each year in order to determine whether the government will be in surplus or deficit.

As a result, the main objective of accountants and their role in society is to improve the quality of American life. As the social-economic-political-legal conditions, restraints and influences of the environment change from time to time, accountants must analyze, investigate and trace those events to meet the changing demands and influences. Accountants recognize that people live in a world of scarce means and resources; thereby, through an efficient use of resources, the standard of living can increase. It is the job of the accountant to help society obtain a higher standard of living by measuring, communicating and comparing data in order to identify an efficient and effective use of resources. Accountants recognize and accept society's current legal and ethical concepts in order to provide equitable treatment to protect the standards of society. In conclusion, accountants play a significant role in shaping and molding the quality of American life into an acceptable environment for society to live in. ●

SPECIAL EDUCATION LAW: PARENTS' AND CHILDREN'S INVOLVEMENT

● Mr. INOUE. Mr. President, today, at a luncheon sponsored by the Consortium on Children, Families and the Law, Mr. David Engel and Mr. Ronald Hager delivered the following briefing on the issue of special education law, the parents' and children's involvement.

The consortium comprised of the University of Hawaii, University of Nebraska-Lincoln, State University of New York at Buffalo, University of Michigan, University of Virginia, University of Pittsburgh, and Stanford University, coordinates the network of participating institutions to facilitate independent and collaborative research on social, psychological, educational, economic, and legal issues affecting children and families, and dis-

seminates the information in forms that will enable policy makers, governmental decision makers, and practitioners to take appropriate action.

I request that the following text be included into the RECORD in its entirety.

The remarks follow:

[Congressional Briefing Series, Consortium on Children, Families, and the Law]

SPECIAL EDUCATION LAW: PARENTS' AND CHILDREN'S INVOLVEMENT

(By David M. Engel, JD, MA, and Ronald M. Hager, JD)

INTRODUCTION

In the following presentation, we address three problem areas that are associated with current approaches to special education. Our concern is with problems arising out of the federal scheme itself, created by the Education for All Handicapped Children Act of 1975 (EHA), although implementation varies to some extent from one state to the next. Our comments are based on ten years of advocacy and litigation under the EHA (Hager) and on research funded by the National Science Foundation concerning conflict between parents and school districts within the special education system (Engel). Both the advocacy and research activities were based primarily in Western New York.

I. Lack of meaningful parental involvement in developing the IEP

The Education for All Handicapped Children Act made parental involvement a cornerstone in the development of the Individualized Education Program (IEP) of every child in the special education system. 20 USC 1401(19) requires that the parent be able to participate in the meeting to develop the IEP, and the regulations specify procedures to ensure that the parent is invited to the meeting and that it is held at a time convenient to the parent. 34 CFR 300.345. The parents are empowered to challenge any aspect of the IEP and to appeal any adverse decision to ensure that the interests of the child are protected. 20 USC 1415(b)(1)(E) and (b)(2).

To underscore the importance of parental participation in the development of the IEP, the Supreme Court noted that:

"Congress placed every bit as much emphasis upon compliance with procedures giving parents and guardians a large measure of participation at every stage of the administrative process . . . as it did upon the measurement of the resulting IEP against a substantive standard."—*Bd. of Ed. v. Rowley*, 102 S.Ct. 3034, 3050, (1982).

We have found, however, that it is relatively rare for school districts to attempt to ensure active and meaningful parental participation in the development of the IEP. Parental participation is often precluded merely by the extensive use of esoteric technical terms which cannot be understood by laypersons. But some districts use what appear to be deliberate strategies to intimidate the parents into silent acquiescence. For example, in one rural district parents were asked to sit in tiny children's chairs while the district members sat in regular adult-sized chairs. In another district, the school representatives sat at a raised dais while the parents sat below. More common, but not much less subtle, is intimidation by numbers: the district committee facing the parent often contains ten to twenty people. Most committees assume that they must present a united front in the presence of the parent "outsider". It is not surprising that

parents expressed fear, alienation, and a reluctance to assert what they perceive as their child's interests when placed in such situations. Parental silence or non-attendance becomes the rule for IEP meetings in many school districts.

When parents do make their position known at the IEP meeting, it is too often ignored or opposed by the district personnel. It is generally assumed that parents are too "emotional" or are insufficiently trained in special education to play a meaningful role, and thus the goal of effective parental participation under the EHA is undercut from the outset by the assumptions of committee members.

Parents are extremely reluctant to assert challenges under the procedures guaranteed by the EHA, for they fear that their future relationship with the district will be jeopardized and their child will be made a scapegoat. In the relatively rare instances where an advocate is brought in, the school district will typically reverse itself and give the parents exactly what they requested at the initial meeting. This is quite revealing. In part it suggests that valid parental perspectives are too readily ignored by district personnel unless asserted by a fellow professional. It also suggests, however, that the district is reversing its position in this one case simply to avoid the cost of a hearing. District staff are often embittered by such tactics, and parents do not necessarily benefit since the underlying policy has not really been reexamined. The next child to come before the committee may experience the same problem.

One solution to the problem of ineffective parental participation might be the introduction of an impartial or neutral presence earlier in the process—at the IEP meeting itself. We believe this possibility should be explored.

Finally, in New York, even when the parents and district agree on a placement, the New York State Education Department (SED) retains "veto" power over recommendations for all day and residential private placements (NY Educ. Law 4402.2.b and 4401.2) and all out-of-state placements (NY Educ. Law 4407.1). In exercising this power to reject unilaterally an IEP created by the parents and district, the SED does not conduct a multidisciplinary team meeting, does not provide notice to the parents, and does not even consult with the parents. This practice would seem to violate the spirit and perhaps the letter of the EHA and to preclude effective parental involvement.

II. Lack of individualization

The failure to provide meaningful parental participation is not without its consequences. The hallmark of special education was to be "specially designed instruction . . . to meet the unique needs of a handicapped child. . . ." 20 USC 1401(16). Yet all too frequently this does not occur.

We have observed that IEPs are seldom "individualized" and are generally so vague as to be meaningless. The goal "To increase reading" cannot be considered adequate but is typical of entries in IEPs we have seen. Even when the IEP provides more specification, the reality of the classroom may undercut the goal of individualization. For example, in the City of Buffalo, all students assigned to a special class are usually provided the same reading series and often the same instructional approach, regardless of their individual learning style. The result is a double curse for the student—the student makes virtually no progress in reading and is also segregated and isolated from contact

with the regular curriculum and mainstream students.

Too often, goals and recommendations are drafted on the basis of existing programs known by the committee to be available in the area. The child's true individual needs and abilities are placed on a Procrustean bed. In this way, a child with Muscular Dystrophy may find himself diagnosed as learning disabled and a child with learning disabilities may find herself in a classroom with children who are emotionally disturbed. In the special education system, individualization is often the first casualty.

III. Limited mainstreaming

A related concern is that, even the EHA, mainstreaming has been the exception rather than the rule. While the EHA presumes placement in regular education unless it can be demonstrated that it will be unsuccessful (see 20 USC 1412(5)), school districts generally operate under the opposite presumption with respect to all but the more mildly handicapped children. Recently, a handful of school districts have "experimented" with placing more severely handicapped children in regular education programs—a belated but welcome acknowledgement of the EHA's fundamental purpose. Also, New York's "consultant teacher" program (8 NYCRR 200.1(mm) and 200.6(k)), which authorizes the provision of special education services directly in a regular classroom, will start to provide greater impetus for mainstreaming for a greater number of mildly handicapped children.

In our experience, the "least restrictive environment" is too seldom sought for children in special education. Ironically, however, the mainstreaming requirement is sometimes used against parents who seek to place children in private programs. The placement system in New York operated under the sometimes questionable presumption that a private program is per se more restrictive than a public program, regardless of the actual degree of integration in the two programs. A parent who requests placement in a truly beneficial private setting may be opposed on the grounds that a placement could be found for the child in the public schools, even though it may be far less adequate or suited to the child's needs. In fact, many self-contained classrooms for special education students, even when located in public school buildings, are effectively isolated from meaningful contact with mainstream students and programs and are therefore no less "restrictive" an environment than a private placement would be.

Perhaps the least restrictive environment requirement should be reexamined—what counts is not whether a program is public or private, but the degree of meaningful involvement with regular education students.

CONCLUSION

These and other problems associated with the EHA have been insufficiently recognized because there has been little research from the perspective of parents, children, and advocates concerning conflicts arising under the application of this statutory scheme. Research on parental perceptions and experiences has been superficial at best and has not explored their conflicts with school districts in depth or allowed them to describe grievances in their own words. Much has been heard from the perspective of the professionals, but an important voice has been ignored. And the parents' voice, it should be remembered, was to be the safeguard built into the IEP process.

We see an urgent need for research that will further assess what appear to be broad based feelings of parental anger and frustration. Further, we see great value in sponsoring and evaluating pilot programs that would: (1) provide every parent access to an independent specialist who could interpret evaluation data and help develop parents' input prior to the IEP meeting and could help present the parents' position at the IEP meeting itself; (2) provide an independent mediator/arbitrator at the IEP meeting (not a school district employee) to assist in the development of the IEP and arbitrate if necessary.●

SANDRA L. HEVERLY, EXECUTIVE DIRECTOR, CLARK COUNTY CHAPTER, MADD

● Mr. BRYAN. Mr. President, today I rise to pay tribute to the work of Mrs. Sandra L. Heverly, the executive director of the Clark County chapter of Mothers Against Drunk Driving [MADD].

Sandra Heverly has been the motivating force behind southern Nevada's participation in MADD since 1983, and has held numerous positions in the organization, including vice president, presidential spokesperson, and member on the MADD National Board. As executive director, Sandra has directed and marketed all MADD public awareness campaigns, special events, and media promotions, introduced Students Against Drunk Driving [SADD] to southern Nevada schools, and facilitated the MADD National Leadership Training Conference which was held in Las Vegas.

Additionally, Mrs. Heverly coordinated and marketed the most comprehensive holiday drunk driving awareness campaign in the Nation—"Red Ribbon 1987" and "Red Ribbon 1988," in which 500,000 ribbons were distributed at over 800 distribution centers and 300 businesses; 12,000 State, county, city, and U.S. Government vehicles and 7 out of every 10 private vehicles participated. Sandra also worked with the Nevada Legislature in support of the MADD victim compensation bill—making Nevada the 27th State to pass such a bill.

In addition to her work for the southern Nevada chapter of MADD, Sandra Heverly is a member of the Clark County District Attorney's Citizens' Committee on Victims' Rights, the southern Nevada DUI Task Force, the United Way Community Planning Council, and the MADD National Strategic Planning Committee, among other appointments. She is also the present chairman of the MADD National Corporate Foundation Committee.

Sandra Heverly is the recipient of numerous awards for her service to the southern Nevada community. Among them, Mrs. Heverly received the 1986 Clark County Humanitarian Award, the 1988 Clark County Juvenile Court Volunteer Service Award,

and the 1988-89 Distinguished Women of Southern Nevada Publication Award.

In 1964, Sandra married John Heverly, and has four children: David, Bonnie, Tony, and Jennifer. She has one grandchild, Gina Marie.

Because of Sandra Heverly's dedication and hard work, MADD has become one of the most respected and effective organizations in the State of Nevada. It is my pleasure today to commend the contributions and service Sandra Heverly has provided to the people of southern Nevada.●

C. SCOTT WALKER, AMY LEDFORD, W. JOSEPH MERBACK—PATRIOTIC NEVADANS

● Mr. BRYAN. Mr. President, today I rise to commend three young Nevadans who gave presentations at the Paradise Stake Patriotic Night in Las Vegas, NV, earlier this summer. These three high school students, C. Scott Walker, Amy Ledford, and W. Joseph Merback, are honor students, active members of their school organizations, and actively involved in community service.

The topic of their presentation is patriotism, and I have included excerpts from each of their speeches. From C. Scott Walker's "Did You Know? Little Known Facts About the Founding of America,"

Did you know the sacrifices and efforts for a free country did not end with our Founding Fathers? Thousands gave their lives and fortunes in World Wars I and II, in Korea, in Vietnam, and Lebanon . . . Did you know that the founding of America is still going on? We are helping to build America for future generations and we will become their forefathers . . . Someone once said, "To be born free is a privilege. To die free is an awesome responsibility!"

Amy Ledford writes in "Who Was/Is Uncle Sam?"

You know, when I think of the stories I've been told about my great Uncle Sam, I don't wonder why people are still talking about him. He was an American symbol of freedom at a time when the country needed it to help them through the War of 1812 . . . Uncle Sam—disciple of liberty under law, maintaining a unity and individual freedom that will last forever!

In "An American Patriot Who Made the Dream Come True," W. Joseph Merback writes of James Madison, the country's fourth President,

James Madison has done many great things for our country, and he deserves as much credit as anyone. I hope we can all learn from him how much influence one man can have if he works hard enough. By following his example, I hope I can do something to improve my country.

Mr. President, I am pleased to be able to praise the works of these young patriotic Nevadans today.●

BORIS CHERNOBILSKY

● Mr. HATCH. Mr. President, I am deeply concerned about the continued harassment of Soviet Jewish citizens who are being denied cultural, social, and religious freedoms because of their status as refuseniks. One case I find particularly alarming is that of Boris Chernobilsky.

Mr. Chernobilsky, his wife Elena, and their three children submitted a request for emigration in 1976. They were refused for reasons of "state secrecy," and their requests for a reasoned explanation were repeatedly refused. Mr. Chernobilsky's visits to the Supreme Soviet to inquire about the reasons for his denial culminated in long bus rides that ended in his abandonment several miles outside Moscow and brutal beatings by the KGB. Since that time, Mr. Chernobilsky and his family have become the subject of repeated police intimidation and brutality.

Mr. Chernobilsky and his family have suffered much as a result of their refusenik status. He has been fired several times from jobs after his employers learn of this status. The Chernobilsky family has also become the object of persecution for their religious and cultural beliefs—despite the fact that they have already surpassed the intended 10-year maximum of time for which state security can be cited as a reason to deny emigration.

While we are encouraged by the continued strengthening of the relationship between our two countries, on humanitarian grounds, this needless suffering must cease. Families such as that of Boris Chernobilsky should benefit from this new era of glasnost by being able to emigrate to Israel.●

JOHNSTON SDI AMENDMENT

● Mr. BINGAMAN. Mr. President, last Thursday evening I voted against the amendment offered by my colleague from Louisiana to cut \$558 million from the SDI budget. I did so, as I have done in the past, in order to preserve adequate funding for a ballistic missile defense research program carried out in compliance with the ABM Treaty. I underline the word "research."

Mr. President, my vote Thursday should not be interpreted as an endorsement for the current direction of the SDI program. I am increasingly concerned that the program has gotten seriously out of balance. Undue emphasis is being placed on a seemingly endless search for near-term deployment possibilities, for "silver bullets" or "brilliant pebbles" or "genius dust," whatever this year's fashion in designer SDI systems happens to be. It is testimony to the bankruptcy of this search for near-term options that the brilliant pebbles concept has become

the centerpiece of SDI. The same people who made wild promises about the performance of x-ray lasers in the early 1980's are making wild promises today about the whole gamut of simultaneous technical breakthroughs needed for the brilliant pebbles concept to work. Why do we still give them any credence?

This is not the way to run a research program. We do not need to work to artificial deadlines for deployment decisions when we all know today that we will not have anything ready for a deployment decision in the 1993 or 1994 timeframe. Nor is there any Soviet pressure that is forcing such a deadline on us. This program, if it is going to bear fruit, is going to require patience. We cannot afford to jettison all the most promising long-term technologies, as General Monahan threatened to do in his July 7 letter to Senator WILSON if the SDI budget does not continue to increase. If the administration does that, it will be they who will be abandoning the original vision of President Reagan for effective defenses that would render ballistic missiles obsolete.

Mr. President, the SDI Organization has consistently cut the share of its budget going to directed energy weapons from almost 30 percent in 1986 to less than 20 percent in the proposed fiscal year 1990 budget. General Monahan's letter to Senator WILSON implies that all of these programs will be either eliminated or sharply cut back if the SDI budget for fiscal year 1990 is held at the same level as in the current fiscal year. We all know that that is about the best conceivable outcome in light of the House's overwhelming vote last Wednesday for a \$3.1 billion SDI funding level. Do we really want to take the lasers and particle beams out of SDI? Are those the options we should be foreclosing so early on in the research program? I think not.

Mr. President, I want to put the administration on notice that if they carry through with the priorities outlined in General Monahan's letter, this could be the last year that I vote against efforts to cut the SDI budget. I am not in favor of deploying some ineffective defense in the near term at vast cost simply to get rid of the ABM Treaty. Let's stop the search for designer SDI systems which often seem to have little more going for them than a clever name. Let's get SDI off of Madison Avenue and back into our research laboratories and test facilities. Let's stop overpromising what can be done and how soon it can be done. Let's show SDI the same patience we show other long-term, high-risk research ventures like magnetic fusion or cancer research or space exploration. If we can not do that, then this program is bound for failure.

Mr. President, I would urge the administration to begin to rethink their

SDI strategy and priorities. They should begin today to plan for a \$3.9 billion combined DOD plus DOE SDI budget for fiscal year 1990 and a similar budget thereafter. They should seek a consensus with the Congress in support of a long-term research program carried out in compliance with the ABM Treaty. They should reject the notion that we must make a deployment decision within the next 5 or 6 years and all the instability that notion engenders. They should seek the stability that a research program requires if it is to have any promise of success.●

LANDMARK BILL FOR CHILD CARE

● Mr. DODD. Mr. President, we have recently completed an extended week of debate on the Act for Better Child Care Services of 1989. Although there is agreement on the need for better child care, there have been differing opinions on the means by which this may be accomplished.

On July 24, the Los Angeles Times published an outstanding editorial which described the similarities between the ABC bill in the Senate and H.R. 3, the Child Development and Education Act of 1989. The editorial also cites the principal players in this legislation, highlighting Senator ORRIN HATCH's strategic role in the debate. I would like to join the author of this editorial in commending Senator HATCH for the major role he has played in ensuring that working parents have access to affordable, quality child care. He has recognized that an increasing number of women with young children are forced to work out of economic need. The Senator from Utah say the growing demand for quality, realistically priced child care, and worked toward legislation that would supply the assistance that the worsening situation demanded. It is for this reason that Senator HATCH transcended partisan politics, and worked to mobilize support from both sides of the political spectrum. I therefore request that this article be published in the CONGRESSIONAL RECORD in its entirety.

The article follows:

[From the Los Angeles Times, July 24, 1989]
LANDMARK BILL FOR CHILD CARE?

Congress is so close to passing landmark child-care legislation that it must keep inching forward despite threats of a presidential veto or efforts by some House members to adopt a minimal program.

The Senate and a key House committee have passed bills that differ in some specific ways but are so alike in basic approach that they can and should be merged into significant legislation. It is time for Congress to act to help fill the growing need for better child care.

In late June, the Senate passed the Act for Better Child Care Services, known as the ABC bill, that provides \$1.75 billion for

a combination of tax credits to parents and grants to states to increase child-care programs and to help parents pay for care. In so doing, the Senate rejected a presidentially backed substitute that would have relied solely on tax credits. The bill also requires states to set safety standards for child-care programs.

Days later, the House Education and Labor Committee approved HR 3, the Child Development and Education Act of 1989. The bill provides \$1.78 billion for a variety of children's programs, including subsidies for child care. It differs from the Senate bill in that it calls for a major expansion of the Head Start preschool program and provides financial incentives for school systems to develop more child-care programs.

In a separate action this past week, the House Ways and Means Committee approved tax credits for child care. That's good, but that committee's bill contains only \$400 million a year to expand the supply of day care and improve its quality. That's far less than what the Senate passed or what is contained in HR 3. Thus, the Ways and Means Committee bill alone will not be sufficient to provide real improvement in child care. Groups like the Children's Defense Fund hope to win commitments soon from House members to combine the tax-credit bill and HR 3. That way the House would go to a conference committee with the Senate with the strongest possible package.

Most of the principal players are in familiar roles of leadership. Rep. Augustus F. Hawkins (D-Los Angeles), chairman of the House Education and Labor Committee, is one, and Sen. Christopher Dodd (D-Conn.), a longtime advocate of improved child care, is another. But one key figure is a surprise. He is Sen. Orrin G. Hatch (R-Utah), who has been severely criticized for his role and deserves special commendation. Hatch, a conservative, told an interviewer: "I think I'm doing what's right. I started looking at the statistics and the facts, and when you do, you ask, 'What are we doing to our families?' You've got to be concerned about the parents who just don't know what to do."

Unfortunately, President Bush does not yet share Hatch's insight. Bush says he will veto any ABC-type bill. He prefers to let parents decide with their dollars what kind of care they want. But the small tax credit he has in mind would leave parents with minimal care and do nothing to help create badly needed new programs. Parents want and deserve a better choice than the one the President offers. Congress should give it to them by passing a combination of the solid measures now before it.●

THE FHA MORTGAGE INSURANCE PROGRAM: IS IT THE NEXT FSLIC?

● Mr. KOHL. Mr. President, House and Senate Members have just completed work on the savings and loan bailout package.

The situation with our S&L's is tragic. It seems everyone involved made crucial mistakes or lapses in judgment, all the way from the thrift executives to the regulators to those of us in Congress who failed to exert stronger oversight of the industry and the regulators.

Our experience with the S&L's contains some lessons for me. We should be vigilant in our oversight. We should ask for hard data and not rely on assurances. If we find a problem, we should take immediate action, because the cost of fixing a problem expands exponentially. And we should not expect a program or industry to grow out of its problems when it has fundamental flaws.

Mr. President, we now face a test to see whether these lessons have been learned. That test comes in the form of the mortgage insurance program at the Federal Housing Administration.

I will ask that an article from the July 18 edition of the Washington Post and an editorial from the July 20 edition of the New York Times be printed at the close of my remarks.

As these articles make clear, the FHA's mortgage insurance program is barreling down the same road as our savings and loans. Supervision has been slipshod, accurate record have not been kept and corruption seems to have wormed its way into the administration. The program lost \$452 million last year and is expected to lose even more this year.

It is clear that we should look very closely at the program. Yet, legislation before the Senate Banking Committee would propel the FHA into even deeper water. Loan limits would be raised and downpayment requirements would be eased. Mr. President, before we take this kind of action, we should make sure the program can swim.

I was therefore pleased to hear that the Banking Committee will take up this issue in a hearing tomorrow. Unfortunately, I believe that this matter requires far more attention than a single hearing. We need to scrutinize FHA and other mortgage insurance agencies extensively.

A GAO audit of the program is due at the end of August. At a minimum, we should wait until that report is released and analyzed before moving with any of the proposed changes in the FHA.

I therefore urge the Banking Committee to leave off any provisions related to the mortgage insurance program if the housing bill is marked up. Prior to release of the GAO audit, it would simply be premature to make changes in the loan limits and downpayment requirements of FHA's mortgage insurance program.

This is a serious test of our resolve. No one likes to hear bad news or to hold back exciting new plans. But the lessons of our thrifts tell us that doing otherwise would be nothing short of derelict.

I ask that the articles to which I earlier referred be printed in the RECORD. The articles follow:

[From the New York Times, July 20, 1989]

WHY INSURE RICHER HOUSING?

The Federal Housing Administration, which insures home loans, lost \$452 million last year. Now Senators Alan Cranston and Alfonse D'Amato propose two changes that threaten to make a bad situation even worse.

The Cranston-D'Amato housing bill would lower the down payment that home buyers must pay to qualify for F.H.A. insurance. And the bill would raise the maximum size of an F.H.A.-insured loan. These proposals would contribute little to the F.H.A. goal of helping families with modest incomes secure affordable private mortgages. And they threaten F.H.A. insolvency.

For the borrower, lower down payments are a mixed blessing. They can, as the Senators observe, make home ownership possible. But they also require a larger loan and larger monthly payments. For the F.H.A., low down payments can be a disaster. Default rates on mortgages with low down payments are notoriously high. The less money a buyer sinks into his home, the more likely he is to walk away from onerous monthly payments.

If a borrower defaults on an insured loan, the F.H.A. picks up the tab. It must then charge higher insurance premiums to everyone else, which would hurt the low-income home buyers the agency is supposed to assist.

The proposal to raise the limit on F.H.A.-insured loans is equally misguided. Currently, homes selling for less than \$101,250 qualify. The new limit would be pegged to local real estate prices and would in some areas exceed \$200,000. The Senators argue that in some regions even the least costly homes have become too expensive for moderate-income families. Perhaps. But a higher insurance limit doesn't make a home more affordable. It serves higher-income families who can afford more expensive homes and private mortgage insurance. Replacing private insurance with Federal insurance for well-to-do families is not noble. And higher insurance limits, in combination with lower down payments, risk explosive F.H.A. losses.

To further the F.H.A.'s mission, Senators Cranston and D'Amato would do better to heed a recent Presidential commission. It recommended eliminating F.H.A. insurance for mortgages on vacation and investment properties. These mortgages are unrelated to the F.H.A.'s mission yet they contribute to its losses. And in order to concentrate resources on the people who most need them, the commission recommended limiting eligibility to moderate- and low-income families.

Focusing on the needy is the point. Portions of the Cranston-D'Amato bill would, appropriately, directly subsidize low-cost housing. The F.H.A. portions of the bill are unfocused and jeopardize the financial integrity of the F.H.A. in an unnecessary attempt to benefit well-to-do families. It is up to the Senate Banking Committee to preserve the former portions and amend the latter.

Taxpayers have already been condemned to bail out one bankrupt Federal insurance agency, the Federal Savings and Loan Insurance Corporation. One is enough.

[From the Washington Post, July 18, 1989]

MORTGAGE SUPPORT GETS COSTLY

(By Ann Mariano)

The taxpayers' bill for foreclosures on federally backed mortgages for middle-class housing has passed the \$2 billion mark and

is showing few signs of leveling off as once-profitable government housing insurance funds are hit with the full impact of the losses, according to government and housing industry officials.

Housing insurance programs run by the Departments of Housing and Urban Development and Veterans Affairs have helped millions of Americans buy homes and build or rehabilitate multifamily housing over the last half century. In many cases these programs paid their own way from the fees they collected and had enough left over to contribute to the federal Treasury.

Those days are over for the biggest of the programs, which are now a drain on the Treasury. The economic slump in the South, Southwest and parts of the West is a major contributor, but mismanagement and fraud also have played a part. Housing program staffs, cut back sharply by the Reagan-era effort to contract programs out to private companies, were unable to monitor many programs adequately while the cost of political favors for high-ranking Republicans compounded the problems.

The Government National Mortgage Association, a mortgage-financing agency known as Ginnie Mae, is the latest to suffer. The agency's losses could eventually hit \$1 billion and Ginnie Mae is blaming much of its problem on the Department of Veterans Affairs' loan guaranty policies. Unless action is taken to curb the expected VA losses, Ginnie Mae could be recording losses of \$50 million to \$100 million annually starting as early as next year, according to a high-ranking Ginnie Mae official who requested anonymity.

The Federal Housing Administration, which provides government insurance on home buyers' loans, is also reporting losses after 55 years of profitability. The FHA lost \$452 million in 1987 and continued to lose \$40 million a month on its single-family home insurance program during the six months that ended March 31, according to a Heritage Foundation analysis.

The VA is being hit even harder. Congress has appropriated \$1.7 billion since 1984 to keep the department's loan fund afloat and will have to continue covering losses, officials said.

Ginnie Mae plays a pivotal role in the U.S. real estate market by raising money for loans to home buyers and developers of rental apartment projects. With the help of Ginnie Mae, lenders bundle together FHA- and VA-insured mortgages and issue bonds backed, or "secured," by the mortgages and the monthly payments they are supposed to produce. Paying the investors each month is the responsibility of the lenders, who collect a fee for doing the job. When a homeowner defaults, the VA and FHA are responsible for insuring the mortgage principal. But Ginnie Mae must keep up with the monthly interest payments, at least until the property is foreclosed on and sold.

Ginnie Mae once contributed as much as \$200 million a year to the U.S. Treasury from its profits, according to an agency official. But in 1987, Ginnie Mae reserves dropped by \$700 million, most of it needed to cover losses in HUD's troubled mobile home insurance program.

HUD Inspector General Paul A. Adams said in a 1988 report that "weaknesses in program design" were so severe that HUD should stop issuing securities backed by mobile home loans unless major changes were made. Ginnie Mae is still guaranteeing mobile home securities and would need con-

gressional authority to kill the program, a HUD spokesman said last week.

More recently, however, it has been a sharp rise in VA default rates that is "the number one threat to the viability" of the Ginnie Mae program, Louis C. Gasper, the agency's executive vice president until he resigned last week, said in a letter to the VA. HUD Secretary Jack Kemp, who oversees the Ginnie Mae program, has blamed VA policies for its handling of foreclosed properties that has resulted in millions of dollars in unnecessary Ginnie Mae losses.

The veterans agency is passing on more of the foreclosure costs to banks and S&Ls than ever before, increasing lenders' costs and triggering more lender failures, Kemp and other HUD officials said.

The veterans' department has delayed the scheduled Aug. 1 enforcement of new regulations that Ginnie Mae officials have said would lead to even more problems for their agency by forcing them to assume control of more foreclosed homes. But the VA does not plan to change the rules, which probably will go into effect in late August, according to Anthony J. Principi, the VA's deputy secretary.

Principi said the VA changes are intended to achieve "a balancing of the risk" among the government, lenders and veterans. "Now the burden is borne mostly by veterans and the U.S. Treasury," he said. The department "continues to bear heavy burdens. We need to take steps to bring this program into solvency."

Another big contributor to FHA and Ginnie Mae losses is expected to be the so-called coinsurance program, established in 1983 as a centerpiece of Reagan administration efforts to turn work over to private firms.

Under coinsurance, the government takes about 80 percent of the risk and private lenders assume the rest on loans to owners of multifamily residential projects. The HUD inspector general said earlier this year that coinsurance losses would cost FHA \$500 million and that Ginnie Mae was spending \$6 million a month to cover payments to investors in the securities backed by coinsurance loans.

A private audit still underway reportedly has increased the total loss figure for FHA to \$1 billion. An official of Price Waterhouse, the company performing the audit, said the report is not finished yet and the \$1 billion figure "is based on partial information."

Income on investments and reserves should cover the losses, "but if we had to do it all at once we couldn't. There's no question that it's going to be a drain," said the high-ranking Ginnie Mae official who asked not to be named. Claims will be paid out over a period of several years.

Ginnie Mae has now set another record, after having been forced to take over payments to investors in nearly \$11 billion worth of single-family home mortgages in the wake of lenders failures during the last six months. Many of the failures were triggered by losses on VA loans, according to the Ginnie Mae official.

Until recently, Ginnie Mae was able to resell sound loans in the port-folios it took over when lenders fail. The insured property was valuable enough to make it worthwhile for another lender to assume payments to investors and collect the fees.

But an increasing number of bad loans coming to Ginnie Mae are on houses in economically depressed states where properties have lost value and their sale will not cover

the outstanding loan balances and foreclosure costs. Few lenders are willing to take loans that will result in a net loss, and Ginnie Mae is left with the job of servicing loans until foreclosures can take place. Until Ginnie Mae can separate the good loans from the bad ones the agency will be forced to cover payments to investors.

Kemp and Gasper are particularly upset about the threat to Ginnie Mae from the veterans' loan defaults. The VA's loan guaranty fund has backed home purchases for more than 13 million veteran or military families and individuals in the 45 years since the program was established. The fund, used to pay off loans when veterans default, guarantees to the lender reimbursement of up to \$36,000 on a defaulted mortgage.

Under the VA loan program, the government must pay the bank or S&L when a veteran defaults. The VA then can either pay the guarantee and leave the property with the lender, or pay off the loan, take the house and sell it to recoup the government's losses. The department uses a formula established by Congress in 1984 to decide which option to choose. If the formula determines that the net cost of acquiring the property is higher than the guarantee, the VA must pay the guarantee and leave the lender with the job of reselling the house.

The new regulations planned by the VA "could seriously affect" both the veterans' loan program and Ginnie Mae, Kemp said in a letter to Veterans Affairs Secretary Edwin J. Derwinski.

As lenders slide into "financial distress" they often stop making their payments to Ginnie Mae investors, delaying action against them and increasing the government's costs when the default eventually occurs, Kemp said.

"... We have already seen resistance among lenders to making VA loans," Kemp wrote. He said he was concerned that the VA's "position has caused a shrinkage of this important housing assistance program for veterans..."

The VA's Principi said, however, that "there is no evidence that lenders won't issue loans" under the regulations the department plans to implement.

Although the VA is leaving more properties with lenders than in the past, the department is still taking back most of the houses and will continue to do so, he said.

STATEMENT ON THE CONFIRMATION OF HARRY M. SNYDER TO BE DIRECTOR OF THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT OF THE DEPARTMENT OF THE INTERIOR

● Mr. McCLURE. Mr. President, on July 26, 1989, the Committee on Energy and Natural Resources favorably reported the nomination of Harry M. Snyder to be Director of the Office of Surface Mining Reclamation and Enforcement of the Department of the Interior by a unanimous vote.

Mr. Snyder's background as both an attorney and educator will bring strength to the Department of the Interior's Office of Surface Mining Reclamation and Enforcement. Mr. Snyder is currently vice president for State relations for CSX Corp. in Kentucky, serving as the corporation's liaison

with the Kentucky Legislature and local government. Prior to joining CSX, Mr. Snyder was the executive director for the Kentucky Council on Higher Education.

Mr. President, I urge my colleagues to join me in supporting Mr. Snyder's confirmation as Director of the Office of Surface Mining Reclamation and Enforcement of the Department of the Interior. ●

VILLAGE OF PHELPS

● Mr. D'AMATO. Mr. President, I rise today to offer my congratulations to the Village of Phelps, NY, on the occasion of its bicentennial celebration.

Phelps Township was settled by the John Decker Robinson family in May 1989. The village was settled by Seth Deane in 1790, along Flint Creek which has a fall of 127 feet through town. Water supplied power to farm-oriented mills which included saw mills, plaster mills—Gypsum rock, distilleries, a plow company, grain drills and seeders, flour mills, a peppermint oil company, and, the largest sauerkraut factory in the world—during the twenties and thirties. Many landmark homes beautify the excellent farmland community in the heart of the beautiful Finger Lakes.

I salute the residents of Phelps on their bicentennial celebration. I am sure my colleagues will join me in sending our warmest wishes to them on this occasion, and best of luck for another successful 200 years. ●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Robert Vastine, a member of the staff of Senator CHAFEE, to participate in a program in North Cyprus, sponsored by the Cyprus Turkish Historical Association, from August 6 to 15.

The committee has determined that participation by Mr. Vastine in the program in North Cyprus, at the expense of the Cyprus Turkish Historical Association, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Curtis D. Hom, a member of the staff of Senator GORTON, to participate in a program in Taipei, Taiwan, sponsored by Soochow University, from August 21 to 29.

The committee has determined that participation by Mr. Hom in the program in Taipei, at the expense of Soochow University, is in the interest of the Senate and the United States.●

THE 953d TOPOGRAPHIC COMPANY

Mr. DOMENICI. Mr. President, earlier this year, one of my offices in New Mexico was visited by Mr. William S. Larkin, a 91-year-old retired Army captain. He dropped by to let me know of an important event scheduled for late August, and I would like to share this with my colleagues.

On August 24, members of the 953d Engineer Topographic Company (Aviation) will gather in New Orleans to share memories and to catch up on old times.

The 953d Engineer Topographic Company was an army unit established during World War II. It was activated on April 2, 1942, at Felts Field, Parkwater, WA. After deactivation in late 1944, the unit was incorporated into the 941st Engineer Aviation Topographic Battalion.

Ever since 1944, members of the 953d Company have reunited. Out of the approximately 336 men in the unit, there are 59 who are still living. This year, approximately 28 members are expected to attend the reunion. I think it's simply great to see these men gather to share a bit of history while actively pursuing the present!

Many of the values that America is so proud of today are typified by the men of this unit. Their dedication, patriotism, and selflessness are but some of the small contributions these men have made to keep freedoms of this country, as well as others, safe.

These men are dedicated to the United States and have demonstrated this commitment not only through their effort during World War II, but also in their commitment to each other over the years.

In reading over some of the troop's history, one thing becomes very clear. These men committed themselves to doing everything they could to help the war effort. At one point, during their training period, the morale of the troop became very low. They felt that they were not giving enough because they were not actually on the battlefield.

Mr. President, I think we all recognize how very important their photomapping, surveying, and drafting really was. In fact, their dedication and commitment earned them three

Presidential citations for their endeavors during World War II.

Mr. President, it is my opinion that these men are heroes. I cannot think of a better tribute to the members of the 953d Engineer Topographic Company than a simple "thank you for all you have done to protect and serve our Nation, and good luck at your reunion." We can but pray that the values and tradition that these men have exemplified over the years will be carried on by future generations.●

BILL PLACED ON CALENDAR—S. 1443

Mr. NUNN. Mr. President, I ask unanimous consent that S. 1443, introduced earlier today by Senator FORD, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. NUNN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Item Nos. 253, 254, 256, 257, 258, 259; 260, 261, 262, which are Air Force promotions; Calendar Order Nos. 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, Army promotions; Calendar Item Nos. 274, 275, 276, 277, Marine Corps promotions; Calendar Item Nos. 278, 279, 280, Navy promotions; and all nominations placed on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy.

Mr. President, I ask further unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc, are as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Michael R. Deland, of Massachusetts, to be a member of the Council on Environmental Quality.

ENVIRONMENTAL PROTECTION AGENCY

Timothy B. Atkeson, of Pennsylvania, to be an Assistant Administrator of the Environmental Protection Agency.

J. Clarence Davies, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency.

DEPARTMENT OF THE INTERIOR

John F. Turner, of Wyoming, to be Director of the U.S. Fish and Wildlife Service.

Constance Bastine Harriman, of Maryland, to be Assistant Secretary for Fish and Wildlife, Department of the Interior.

DEPARTMENT OF JUSTICE

William Braniff, of California to be U.S. attorney for the Southern District of California for the term of 4 years.

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Buford D. Lary, xxx-xx-xxxx FR, U.S. Air Force.

The following-named officer for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be general

Gen. Duane H. Cassidy, xxx-xx-xxxx FR, U.S. Air Force.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Hansford T. Johnson, xxx-xx-xxxx FR, U.S. Air Force.

IN THE ARMY

The following-named officer for appointment to the grade indicated, under the provisions of title 10, United States Code, section 601(a), in conjunction with assignment to a position of importance and responsibility designated by the President under title 10, United States Code, section 601(a):

To be lieutenant general

Lt. Gen. Ronald L. Watts, xxx-xx-xxxx U.S. Army.

The following-named officer for appointment in the Regular Army of the United States to the grade indicated, under the provisions of title 10, United States Code, section 611(a) and 624:

To be permanent brigadier general

Col. Matthew A. Zimmerman, xxx-xx-xxxx xxx-xx-xxxx U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. William H. Schneider, xxx-xx-xxxx xxx-xx-xxxx U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. John W. Woodmansee, Jr., xxx-xx-xxxx xxx-xx-xxxx U.S. Army.

The following-named officer for appointment to the grade indicated, under the provisions of title 10, United States Code, section 601(a), in conjunction with assignment to a position of importance and responsibility designated by the President under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. Jack B. Farris, Jr., xxx-xx-xxxx U.S. Army.

The following-named officer for appointment to the grade indicated, under the provisions of title 10, United States Code, section 601(a), in conjunction with assignment to a position of importance and responsibility designated by the President under title 10, United States Code, section 601(a):

To be lieutenant general

Mag. Gen. John M. Shalikashvili, xxx-xx-x...
xxx-... U.S. Army.

The following-named officer for appointment to the grade indicated, under the provisions of title 10, United States Code, section 601(a), in conjunction with assignment to a position of importance and responsibility designated by the President under title 10, United States Code, section 601(a):

To be lieutenant general

Lt. Gen. George R. Stotser xxx-xx-xxxx
U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. John S. Crosby, xxx-xx-xxxx, U.S. Army.

The following-named officer for appointment to the grade indicated, under the provisions of title 10, United States Code, section 601(a), in conjunction with assignment to a position of importance and responsibility designated by the President under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. George A. Joulwan, xxx-xx-xxxx
xxx-... U.S. Army.

The United States Army National Guard Officer named herein for appointment in the grade indicated below, under the provisions of title 10, United States Code, sections 593(a), 3385 and 3392:

To be major general of the line

Maj. Gen. Joseph J. Skaff, xxx-xx-xxxx
xxx-... U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Bruce R. Harris, xxx-xx-xxxx
U.S. Army.

IN THE MARINE CORPS

The following-named officer to be placed on the retired list in the grade of lieutenant general under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Edwin J. Godfrey, xxx-xx-xxxx /9903 U.S. Marine Corps.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Robert F. Milligan, xxx-xx-xxxx
xxx-... /9903 U.S. Marine Corps.

The following-named officer to be placed on the retired list in the grade of lieutenant general under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

John I. Hudson, xxx-xx-xxxx /9903 U.S. Marine Corps.

The following-named officer to be placed on the retired list in the grade of lieutenant general under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Stephen G. Olmstead, xxx-xx-xxxx /9903 U.S. Marine Corps.

IN THE NAVY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be vice admiral

Vice Adm. Joseph B. Wilkinson, Jr., xxx-xx-xxxx /1230, U.S. Navy.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of article II, section 2, clause 2, U.S. Constitution.

To be vice admiral

Rear Adm. Richard H. Truly, xxx-xx-xxxx
xxx-... /1310, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. (Selectee) Jimmy Pappas, xxx-xx-xxxx
xxx-xx-... /1110, U.S. Navy.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nominations beginning Robert R. Burns, and ending Raymond E. Franck, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 11, 1989.

Air Force nominations beginning Michael E. Winchester, and ending Michael J. Thornell, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 11, 1989.

Air Force nominations beginning Major David E. Avenell, xxx-xx-xxxx and ending Major David L. Smith, xxx-xx-xxxx which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 11, 1989.

Air Force nominations beginning Major James W. Adams, xxx-xx-xxxx and ending Major Doris M. Lewis, xxx-xx-xxxx which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 11, 1989.

Air Force nominations beginning Gary D. Bailey, and ending Glenn F. Benson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 11, 1989.

Air Force nominations beginning Seymour H. Brickman, and ending Richard D. Wheatley, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 11, 1989.

Air Force nominations beginning David W. Abati, and ending William A. Zahler, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 11, 1989.

Air Force nominations beginning Patricia C. Stradleigh, and ending Catherine R. Wilkalis, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 20, 1989.

Army nominations beginning Charles R. Bailey, and ending Robert K. Zuehlke, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 19, 1989.

Army nominations beginning Robert H. Balme, and ending Cecil E. White, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 11, 1989.

Army nominations beginning Thomas A. Anderson, and ending William F. Smith III, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 11, 1989.

Army nominations beginning Richard J. Arold, and ending Gary M. Zaucha, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 11, 1989.

Marine Corps nominations beginning Merle E. Mackie, Sr., and ending John T. Severson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 22, 1989.

Marine Corps nominations beginning Lawrence J. Crafts, and ending James H. Thompson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 11, 1989.

Navy nominations beginning Robert Edward Adamson III, and ending Larry Lester Willits, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 1, 1989.

Navy nominations beginning Kevin G. Mitts, and ending Timothy G. Dobrovolsky, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 22, 1989.

Navy nominations beginning John Matthews Abernathy III, and ending Michael H. Wooster, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 22, 1989.

Navy nominations beginning Charles T. Smith, and ending Charles Landon, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 11, 1989.

Navy nominations beginning Barbara M. Bradley, and ending Lyle W. Swanson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 11, 1989.

Navy nominations beginning Danelle Barrett, and ending Raymond Winstead, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 11, 1989.

Navy nominations beginning Michael Bard, and ending Jerry Windle, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 11, 1989.

Navy nominations beginning Constante Uban Abaya, and ending Michael Ernest Weyler, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 11, 1989.

Navy nominations beginning James Leslie Austin, and ending William Richard Yates, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 11, 1989.

Navy nominations beginning Jeffrey R. Abel, and ending Michael A. Wulf, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 11, 1989.

Navy nominations beginning John D. Adams, and ending Lawrence A. Pemberton, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 20, 1989.

STATEMENT ON THE NOMINATIONS OF CONSTANCE B. HARRIMAN AND JOHN F. TURNER

Mr. CHAFEE. Mr. President, last week, the Committee on Environment and Public Works held confirmation hearings on two important nominations—that of Constance Harriman to be the Assistant Secretary of the Interior for Fish and Wildlife and Parks, and of John Turner to be the Director of the U.S. Fish and Wildlife Service. These two positions are extremely im-

portant to round out Secretary Lujan's staff and to get moving on important issues involving protection of public lands, critical habitat, and fish and wildlife species.

Connie Harriman's educational background, legal training and professional experience within the Department of the Interior and in the private sector make her well qualified to be the Assistant Secretary for Fish and Wildlife and Parks. She received her undergraduate and masters degree in history from Stanford University. She was on the law review at UCLA where she earned a J.D. Degree. And, she is familiar with the legal responsibilities of the Department of the Interior, as she served there as special assistant to the Solicitor and Associate Solicitor for Energy and Resources during the Reagan administration.

John Turner also has an impressive background, one which makes him eminently suited to head the Fish and Wildlife Service. He has conducted years of study and graduate research in wildlife ecology and zoology. His abiding commitment to conservation has been well-demonstrated throughout his 19 years of service in the Wyoming Legislature. I am hopeful that Mr. Turner, a member of the National Wetlands Policy Forum, will bring some fresh ideas to the table on how best to tackle the pernicious and persistent wetlands loss problem afflicting our Nation.

President Bush has already proven true to his word when it comes to making environmental issues a top priority. I believe in Connie Harriman and John Turner, the President has chosen leaders with whom Congress can work to achieve ambitious goals such as "no net loss" on our wetland resources, restoration of our migratory bird populations, protection of threatened and declining species throughout the Nation and the world, and establishment of a dedicated trust fund to protect open spaces and historic sites.

Mr. President, I am pleased to support these nominations before the Senate. I look forward to working with Connie Harriman and John Turner on a multitude of important issues upon their confirmation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

DIRECTING SENATE LEGAL COUNSEL TO TAKE CERTAIN ACTIONS

Mr. NUNN. Mr. President, on behalf of Senator MITCHELL, the distinguished majority leader, and Senator DOLE, the distinguished Republican leader, I send to the desk a resolution to direct the Senate legal counsel to

appear as amicus curiae in the name of the Senate in two cases pending in the U.S. District Court for the Central District of California and in the U.S. District Court for the Northern District of New York, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 160) to direct the Senate legal counsel to appear as amicus curiae in the name of the Senate in the cases of United States ex rel. Taxpayers Against Fraud and James Carton v. Litton Systems, Inc. and United States ex rel. Kreindler & Kreindler v. United Technologies Corporation.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, on April 13, 1989, and again on May 2, 1989, the Senate agreed to Senate Resolution 104 and Senate Resolution 117, respectively, to authorize the Senate legal counsel to file briefs as amicus curiae in several actions pending in the U.S. District Court for the Central District of California and in the U.S. District Court for the Northern District of New York. The purpose of those appearances was to defend the constitutionality of the qui tam provisions of the False Claims Act which authorize private persons to bring actions against contractors who have defrauded the Government. To provide incentives for these actions, the False Claims Act permits plaintiffs to recover a portion of the penalties and damages that are owed to the Government.

The district courts in both the northern and the central districts of California have since entered rulings in several of these cases upholding the constitutionality of the act.

The qui tam provisions of the False Claims Act are also under challenge in United States ex rel. Taxpayers Against Fraud and James Carton versus Litton Systems, Inc., pending in the U.S. District Court for the Central District of California, and in United States ex rel. Kreindler & Kreindler versus United Technologies Corp., pending in the U.S. District Court for the Northern District of New York. The Department of Justice has not yet stepped forward to defend the constitutionality of the qui tam provisions of the act.

This resolution authorizes the Senate legal counsel to appear in these cases as amicus curiae on behalf of the Senate to continue to defend the constitutionality of the qui tam provisions of the False Claims Act.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 160) was agreed to.

The preamble was agreed to.

The resolution, and its preamble, are as follows:

S. RES. 160

Whereas, in the cases United States ex rel. Taxpayers Against Fraud and James Carton v. Litton Systems, Inc., Case No. 88-02276, pending in the United States District Court for the Central District of California, and United States ex rel. Kreindler & Kreindler v. United Technologies Corporation, Case No. 87-CV-1626, pending in the United States District Court for the Northern District of New York, the constitutionality of the qui tam provisions of the False Claims Act, as amended by the False Claims Amendments Act of 1986, Public Law No. 99-562, 100 Stat. 3153 (1986), 31 U.S.C. §§ 3729 et seq. (1982 & Supp. V 1987), has been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(c), 288e(a), and 288l(a) (1988), the Senate may direct its counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Senate in the cases of United States ex rel. Taxpayers Against Fraud and James Carton v. Litton Systems, Inc. and United States ex rel. Kreindler & Kreindler v. United Technologies Corporation to defend the constitutionality of the qui tam provisions of the False Claims Act.

CONTRIBUTIONS TO THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Mr. NUNN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 173, S. 1276, a bill dealing with the Government contributions to the Federal Employees Health Benefits Program.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1276) relating to the method by which Government contributions to the Federal Employees Health Benefits Program shall be computed for contract year 1990 or 1991, if no Government-wide indemnity benefit plan participates in that year.

The Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

That (a)(1) in the administration of chapter 89 of title 5, United States Code, for contract year 1990 or 1991, in order to compute the average subscription charges under section 8906(a) of such title for such contract years, the subscription charges in effect for the indemnity benefit plan on the beginning date of each contract year shall be deemed to be the subscription charges which—

(A) were in effect for such plan on the beginning date of the preceding contract year as adjusted under paragraph (2); or

(B) if subparagraph (A) does not apply, were deemed under this Act to have been in effect for such plan with respect to the preceding contract year as adjusted under paragraph (2).

(2) The subscription charges under paragraph (1) shall be increased or decreased (as appropriate) by the average percentage by which the respective subscription charges taken into account under paragraphs (1), (3), and (4) of such section 8906(a) for that contract year increased or decreased from the subscription charges taken into account under such paragraphs (1), (3), and (4) for the preceding contract year.

(b) Separate percentages shall be computed under subsection (a)(2) with respect to enrollments for self alone and enrollments for self and family, respectively.

(c) The provisions of this Act shall not apply to contract year 1992, if comprehensive reform legislation is enacted to amend section 8906 of title 5, United States Code, and such amendment is required to be implemented by the commencement of negotiations pertaining to rates and benefits for such contract year.

(d) Any reference in this Act to a "contract year" shall be considered to be a reference to a contract year under chapter 89 of title 5, United States Code.

(e) No later than 180 days after the date of the enactment of this Act, the Director of the Office of Personnel Management shall transmit recommendations to the Congress for comprehensive reform of the Federal Employee Health Benefits Program.

Mr. GLENN. I introduced S. 1276 on the behalf of Senator ROTH, Senator PRYOR, Senator STEVENS, Senator SASSER, and myself on June 27. That same day, the House passed companion legislation, H.R. 2705, by voice vote. On July 26, the Senate Governmental Affairs Committee voted to report the legislation unanimously, by a 14 to 0 vote.

This bill is a response to a situation which, if we fail to act, could cost Federal employees and retirees an estimated \$600 million in increased out-of-pocket health costs.

On May 31, 1989, the Aetna Life Insurance Co., which has participated in the Federal Employees Health Benefits Program [FEHBP] for 30 years, announced that beginning January 1, 1990, it would no longer offer its indemnity benefits plan to Federal employees and retirees. Aetna, which covers 187,000 enrollees, explained that it was pulling out of FEHBP because of "significant structural defects in the plan."

Under current law, the Federal Government and enrollees share Federal health insurance premium costs. The Government's share is set—by law—at 60 percent of the average cost of six specific plans, known as the "Big Six." Because the Aetna plan was one of the Big Six, how the Government will calculate the premium costs for 1990 poses an immediate problem.

The Congressional Research Service has examined the implications of

Aetna's withdrawal from FEHBP and has concluded that without Aetna's participation in the program, average enrollee premiums increase by more than 30 percent. At the same time, the Congressional Research Service reports that Federal employees and retirees are already paying, on average, \$1,100 more a year for health insurance than comparable private sector employees.

S. 1276 addresses this situation by creating a temporary "proxy premium" for the Federal Employee Health Benefits Program. This proxy premium would be included in the Government's calculation of its FEHBP contribution for the purpose of maintaining the current relationship between Federal and enrollee premium shares for 1 or 2 years.

For the 1990 contract year, the proxy premium would be determined by taking Aetna's 1989 premium and increasing that premium by the average increase in the other five plans which remain part of the Big Six. By using this formula, the Government's 1990 contribution would reflect what the contribution would have been had Aetna not pulled out of the FEHBP. The administration supports using this approach next year.

The same formula would be used for the 1991 contract year if comprehensive FEHBP reform legislation had not yet been enacted or implemented by the start of the new contract year, except that the base for the 1991 proxy premium would be the proxy premium OPM created for 1990, adjusted for the average premium increase for the other five plans for 1991.

In short, what this legislation does is provide for a contribution formula to be used in the short term while the larger, structural problems of FEHBP are worked out. If we can't complete this overhaul by the end of next year, the formula will be used for 1 additional year.

The Congressional Budget Office has reviewed this legislation and determined that it would be budget neutral. The Governmental Affairs Committee plans to undertake a major effort to reform the Federal Employee Health Benefits Program, with an eye aimed toward holding down premium costs for both the Government and enrollees. There are many complicated issues involved in this and we are waiting for a Bush administration proposal. This bill provides us with a rational interim solution to an immediate crisis in the program. And, given the dramatic erosion of Federal employees' total compensation package over the last decade, we cannot let events run their course.

Mr. President, following Senate passage of S. 1276 as reported by the Governmental Affairs Committee, I ask that we move to consider H.R. 2705,

the House companion bill pending on the Senate Calendar, substitute the Senate text and send the measure to the House.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The bill (S. 1276) was ordered to be engrossed for a third reading and was read the third time.

Mr. NUNN. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of Calendar No. 150, H.R. 2705, the House companion bill, that all after the enacting clause be stricken, and that the text of S. 1276, as amended, be inserted in lieu thereof, and the bill be considered read a third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Resolved, That the bill from the House of Representatives (H.R. 2705) entitled "An Act relating to the method by which Government contributions to the Federal Employees Health Benefits Program shall be computed for 1990 or 1991 if no Government-wide indemnity benefit plan participates in that year," do pass with the following amendment:

Strike out all after the enacting clause and insert:

That (a)(1) in the administration of chapter 89 of title 5, United States Code, for contract year 1990 or 1991, in order to compute the average subscription charges under section 8906(a) of such title for such contract years, the subscription charges in effect for the indemnity benefit plan on the beginning date of each such contract year shall be deemed to be the subscription charges which—

(A) were in effect for such plan on the beginning date of the preceding contract year as adjusted under paragraph (2); or

(B) if subparagraph (A) does not apply, were deemed under this Act to have been in effect for such plan with respect to the preceding contract year as adjusted under paragraph (2).

(2) The subscription charges under paragraph (1) shall be increased or decreased (as appropriate) by the average percentage by which the respective subscription charges taken into account under paragraphs (1), (3), and (4) of such section 8906(a) for that contract year increased or decreased from the subscription charges taken into account under such paragraphs (1), (3), and (4) for the preceding contract year.

(b) Separate percentages shall be computed under subsection (a)(2) with respect to enrollments for self alone and enrollments for self and family, respectively.

(c) The provisions of this Act shall not apply to contract year 1991, if comprehensive reform legislation is enacted to amend section 8906 of title 5, United States Code, and such amendment is required to be im-

plemented by the commencement of negotiations pertaining to rates and benefits for such contract year.

(d) Any reference in this Act to a "contract year" shall be considered to be a reference to a contract year under chapter 89 of title 5, United States Code.

(e) No later than 180 days after the date of the enactment of this Act, the Director of the Office of Personnel Management shall transmit recommendations to the Congress for comprehensive reform of the Federal Employee Health Benefits Program.

Mr. NUNN. Mr. President, I ask unanimous consent that S. 1276 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL POLICY ON THE USE OF ACID-FREE PAPER FOR PERMANENT RECORDS

Mr. NUNN. Mr. President, I ask unanimous consent that the Senate Committee on Government Affairs be discharged from further consideration of Senate Joint Resolution 57, a joint resolution to establish a national policy on the use of acid-free paper for permanent records, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 57) to establish a national policy on the use of acid-free paper for permanent papers.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. PELL. Mr. President, I am indeed delighted that the Senate has seen fit to approve Senate Joint Resolution 57, which I introduced on February 8, 1989, to establish a national policy to encourage the publication on acid-free permanent paper of books, records and publications of enduring value.

I am especially appreciative of the prompt action by the distinguished chairman of the Committee on Government Affairs, Senator GLENN, in reporting the measure to the Senate, and in joining with 46 other Members of the Senate who cosponsored the joint resolution.

They are Senators MOYNIHAN, MURKOWSKI, SARBANES, GRASSLEY, MCCAIN, DECONCINI, FORD, KENNEDY, EXON, SANFORD, HEFLIN, LIEBERMAN, STEVENS, SIMON, DODD, WARNER, CHAFEE, HATCH, GRAHAM, BOREN, HATFIELD, SASSER, LEAHY, JOHN KERRY, MIKULSKI, JEFFORDS, BURNS, BOND, LUGAR, DIXON, THURMOND, LEVIN, HARKIN, ARMSTRONG, DANFORTH, HOLLINGS, RIEGLE, GORE, NICHOLS, SIMPSON, COCHRAN,

BUMPERS, NUNN, WILSON, REID, and BRYAN.

I also am most appreciative of the efforts of the American Library Association, the Special Libraries Association and the Association of Research Libraries, whose members and associates across the country joined, along with many others, in rallying support for the legislation.

And finally I would like to pay special tribute to Mr. Robert Frase, former director of the Washington office of the Association of American Publishers, who was instrumental in conceiving the joint resolution and bringing it to fruition.

Mr. President, this joint resolution reflects a growing concern about the impending loss of an enormous volume of our historical, cultural and scientific records because of the self-destruction of the acidic papers on which books and other publications have been printed since the mid-19th century.

The joint resolution declares it to be a policy of the United States that all Federal records, books and publications of enduring value be produced on acid-free permanent paper. In furtherance of that objective, the joint resolution urgently recommends that Federal agencies require the use of such paper for publications of enduring value, and the use of archival quality papers for permanently valuable Federal records.

The joint resolution urges similar action in the private sector. It urgently recommends that American publishers voluntarily adhere to the American national standard for permanent paper in printing publications of enduring value, and that the use of such paper be noted in the publication itself, in advertisements, and in standard bibliographic listings.

Last, the joint resolution would urge the compilation of reliable statistics on the production of acid-free permanent paper and on the volume required to meet the objectives of the national policy established by the bill. And it would direct the Librarian of Congress and the Archivist of the United States, together with the directors of the national libraries of medicine and agriculture, to monitor progress in implementing the national policy and report annually to Congress.

I particularly wish to emphasize that this joint resolution mandates no Government program, and should impose no significant costs on the Federal Government. If anything, the joint resolution could result in a net reduction in costs to the Government because it will have the effect of reducing the long-range costs of deacidification. Every book produced on acid-free paper today reduces the total number of volumes requiring deacidification, and frees up preservation re-

sources which can be used to attack the crumbling backlog of publications dating back to 1850.

As vice chairman of the Joint Committee on the Library, I have had the opportunity to review the extensive efforts currently underway, at a cost of over \$100 million to the Federal Government. The Library of Congress, for example, is pioneering in the development of technology for the mass deacidification of its collections through the use of diethylzinc [DEZ]. The present goal is to begin treatment of all the Library's new acquisitions by 1991 and to start retrospective treatment at the same time of existing publications in American history.

The National Archives and Records Administration and the National Library of Medicine are also making vigorous efforts to deal with the problem, either through deacidification or through microfilming books and publications which are already too brittle to save.

Clearly, it makes little sense to continue these costly remedies without attempting to curb the basic problem. And that is what the resolution approved by the Senate is designed to do. In a figurative sense, it locks the library door against prospective invasion by publications printed on acidic paper.

It is worth noting, Mr. President, that some progress is already being made toward implementing the national policy. The recent excellent study of book preservation technologies prepared by the Office of Technology Assessment estimated that 15 to 25 percent of the books currently being published in the United States are printed on acid-free paper.

The Library of Congress and many university presses are among those already publishing on acid-free papers, as is the National Historical Publications and Records Commission. As a former member of the Commission, I am proud to have had a role in establishing its policy of publishing on permanent paper.

Fortunately, the technology exists to implement the national policy. More than 30 U.S. paper mills are already producing nonacidic, alkaline papers, and there are major economic incentives for other mills now making only acid papers to convert, including potentially lowered manufacturing costs and substantially reduced environmental pollution.

Moreover, prices for acid-free, alkaline paper are comparable to those for acidic paper, according to a 1988 survey. The enactment of the national policy proposed in this resolution hopefully will stimulate an expansion of production of nonacidic papers and lead to increasingly competitive prices.

A closely related issue is the question of whether there is a conflict be-

tween the objectives of this legislation and existing Federal laws and regulations mandating the use of recycled paper by Federal agencies and by State and local agencies using Federal funds for procurement.

This issue was recently explored by a subcommittee of the House Committee on Science, Space, and Technology, and competent witnesses testified that there is no technical conflict between the two objectives; that is, alkaline paper can be and is being produced from recycled fiber.

However, it is clear that recycled, permanent paper is in short supply, which may make compliance with both objectives difficult for the immediate future. One reason for the shortage is that current Federal law on recycling does not encourage the production of recycled, permanent paper. Congressman DOUG WALGREN is introducing an amendment to the Solid Waste Recovery Act to remedy the problem by making permanence, or nonacidity, one of the criteria that must be met by suppliers of recycled paper for printing and archival use by Government agencies.

In the meantime, I would point out that Senate Joint Resolution 57 is flexible enough to avoid a collision between the two policies while steps are taken to encourage increased production of recycled permanent paper. Senate Joint Resolution 57 enunciates a national policy but does not specify a deadline for compliance. It urges agencies to bring themselves into compliance, and establishes a framework for monitoring compliance with the policy objective. It contemplates gradual progress that may be influenced by technical factors such as increasing the production of recycled alkaline papers.

One additional technical question which arose in connection with the resolution is biodegradability. If we are encouraging the production of acid-free, permanent paper, does that mean we can't get rid of it when we want to?

Here, too, I am assured that Senate Joint Resolution 57 is not in conflict with other public objectives. There is no difference between the rate of decomposition of alkaline and acidic paper in landfills, according to the Association of Research Libraries. The process of biological decomposition of alkaline paper is said to be comparable to that of acidic paper, so the increased use of alkaline paper for publications and Government records should have no impact on solid waste disposal processes.

This view is confirmed by the National Library of Medicine, which recently assured me that the chemistry used in manufacturing paper is not a factor in the mechanisms which are operative in its decomposition.

In the light of all of these technological considerations, the passage of Senate Joint Resolution 57 by the Senate is a timely step toward the establishment of a clear national policy. I am especially hopeful that comparable action will be taken in the House of Representatives and that the measure will be signed by the President. In this connection, I am very pleased to note that an identical measure, House Joint Resolution 226, has been introduced in the House by Congressman PAT WILLIAMS, of Montana, with over 50 cosponsors, and is pending before the House Committees on Government Operations and House Administration.

Finally, Mr. President, I am delighted to note that a firm in my own State, Narragansett Coated Papers of Pawtucket, RI, is taking the lead in producing alkaline book binding products by a water-based technology that virtually eliminates environmentally hazardous discharges. I ask unanimous consent to include in the RECORD an article from the July 21, 1989, issue of Publishers Weekly entitled "Toward the Totally Acid-Free Book" which describes the operation at Narragansett Coated Papers, together with an associated article from the same publication entitled "Public Drive for Alkaline Paper Inspires New Action in the Mills." I also submit for the RECORD a joint resolution of the American Association of Law Libraries endorsing Senate Joint Resolution 57 and House Joint Resolution 226, and a letter of support from the president of the Art Libraries Society of North America.

There being no objection, the materials was ordered to be printed in the RECORD, as follows:

[From Publishers Weekly, July 21, 1989]

TOWARD THE TOTALLY ACID-FREE BOOK

(Edited by Jerome P. Frank)

The day when books can be made totally acid free is almost here. While acid-free text paper has been on the market for some time, the publishing industry now is beginning to see the emergence of such new acid-free products as end-leaf sheets and cover boards.

All of this means that the time has arrived when it is possible for a publisher to specify a book block of acid-free sheets, wrapped in an acid-free, long-life case that will not crumble before the text paper does.

One company that is emerging as a vendor of a number of alkaline book-material products is Ecological Fibers in Lunenburg, Mass., which has begun to distribute acid-free endleaves and sides and cover boards to binderies. Its sister plant, Narragansett Coated Papers, in Pawtucket, R.I., which produces covering materials, is planning to introduce an alkaline pH book cloth for trade books made of an inexpensive, natural-finish rayon.

Ecological Fibers, started in the 1970s by Stephen F. Quill, president, began as a distributor organization to rep Lawrence Paperboard's pasted chipboard to binderies, then moved into the distribution of such other products as black lining, super and cheesecloth. His brother, John, vice-presi-

dent of sales and marketing, told a PW visitor that the company recently became acid-free conscious, and began marketing alkaline end sheets and binding boards only seven months ago—commodities for which there is a small but growing demand.

The service-oriented company specializes in cutting to order. "Binderies merely phone us and tell us the size and color of the sheets they need. In normal industry practice, binderies buy endpapers in boxes that contain a given number of sheets, not necessarily the number the bindery requires," Quill said. Ecological's approach, continuing the practice by which it got started, is to stock multiple size rolls, allowing it to custom cut, eliminate waste and eventually to reduce product cost. Their line of endleaf and side material, dubbed Rainbow, consists of 80-pound five-color sheets, each with its own finish—Rainbow Antique, Texture, Colonial and Felt.

But Quill appears more excited by Ecological's move into acid-free papers. He says the company had examined the possibility of marketing an entire line of neutral pH endpapers, "but certain colors, such as red, maroon and blue, are very unstable on alkaline paper." So at present, Ecological sells only stable neutral pH end sheets in six colors, including blacks and grays, and has just added whites and creams. According to Quill, he is looking for as many acid-free colors as he can find from his paper suppliers.

NEW BINDING PRODUCTS

Ecological Fibers this year began marketing two European-made acid-free products for binding: vibrantly colored paperbacked rayon- and cotton-dyed fabrics by Scholco, an old-line fabrics manufacturer; and an even newer product, a laminated binding board called Eskaboard, made by Beukema, a Swiss producer. Checking the bindings of a stack of books covered in Scholco fabric, it was clear to Quill's visitor that the material not only would be attractive to designers, but can also be successfully foil stamped, silk-screened and printed offset or letterpress.

The low-density Eskaboard, designed to prevent warping, is constructed with three plies: a solid center panel placed in the machine direction, and two outside panels laminated in the cross direction, giving the board stability. "The product will find a niche among publishers, probably with mail-order business, who are concerned about pH bindings of low weight," Quill said. "While I realize that today's push is to acid-free text paper, why sell a book with acid-free text that may stay pristine for 500 years, but with an acid pH cover that librarians will have to replace in 25 years or less?"

WATER-BASED TECHNOLOGY

The Quills not only market products made by others, but manufacture their own bindery products as well. This is done in an 80-year-old coating plant, Narragansett Coated Papers, tucked away in an industrial pocket of Pawtucket. When Stephen Quill bought the plant in 1979, it was producing a mix of 70 percent packaging and 25 percent book-binding materials. Since then, the Quills have switched those percentages and made the plant a predominantly coated-book-cover-materials producer.

As John Quill and his visitor drove into the parking lot of the 70,000-square-foot plant, Quill explained that the elderly appearance of the building's exterior belies the new approach Narragansett is taking inside those darkened walls—all its coatings

are produced using the latest water-based technology—something new for the industry.

Although the actual production of acid-free materials on a large scale at Narragansett is still in the future, Quill noted that plans were "on the table" for an early introduction of at least one acid-free product—an alkaline-based book cloth for trade books. "It will be an inexpensive, natural-finish rayon material," Quill said.

At present, the plant produces non-alkaline products, from 45-lb. to a heavyweight 150-lb. kraft, and six-point to 25-pt. saturates. But its main product is a 70-lb., 44-inch-wide, long-fiber, high-fold washable sheet used in everyday binding for covers of reference books, cookbooks and the like. Interestingly, when Quill first bought the plant, its chief product was a 70-pound, long-fiber northern kraft with a high-fold characteristic of 700-900 folds. That product, with updating, has become Narragansett's core product as well. It has a washable surface, bright colors can be coated on, and it can be decorated in a variety of leather grains.

The plant itself is tightly laid out with 60-inch and 45-inch coaters; two 45-inch and one 58-inch on-line double-bank rotogravure printers; one single-bank rotogravure printer; plus a laminator.

Representing quite possibly the largest embossing capacity in the industry, and lined up almost the length of the plant, are 30 standing embossing machines, including 30-inch art designs that were in vogue from the 1930s through the 1950s, 44-inch embossers and the latest 60-inch units. Inks, custom ground in the plant, are stored in a separate area.

From conversations with the plant's chiefs—Jim Miezowski, plant manager; Dale Thake, quality control manager; and Robert Desautel, printing supervisor—it was clear that their interest and pride are focused on their water-based technology. For Narragansett is no doubt the only coatings producer that has almost wholly eliminated solvent-based coatings from its plant. Some 75 percent of all products made in the plant are now water-based.

The plant has tackled and solved a variety of problems in the practical application of its water-based products over a three-year period. "It's one thing to produce a water-based product," Quill pointed out, "but the bindery has to be able to stamp it, glue it and case it in under heat. That can be done successfully without products today."

ELIMINATION OF WASTE DISCHARGE

"Several advantages of going to water-based technology are elimination of waste discharge into the environment and of solvent odor in the plant. Are we going to achieve our goal of 100 percent aqueous structure?" Miezowski asked rhetorically. "Everything is all in place to achieve it."

At present, the plant is vying with top competitors with a 100 percent water-based acrylic sheet. Miezowski explained that the water-based topcoat allows the plant to keep the coating intact, "so there is no color rub. That is an advantage of our Rainbow 7, which can be used where there is moisture. The technology has also allowed us to develop a saturated product we call Rainbow 9, which is the equivalent of products such as Kivar 9, Skivertex and Lexotone. It is a type 2, non-specification, saturated sheet that delivers high folds in the vicinity of 2000 per book cover."

Other products recently introduced are an imitation book cloth, called Booklin, which

looks like a book cloth but has the strength of coated kraft and costs about half the price of cloth, and a water-based, saturated bible endleaf sheet that took almost one year of testing to get right. "That's a 9-pt. saturate impregnated with rubber and latex, and with water-based coating and water-based topcoat," explained Dale Thake. "It's a quality sheet that will be used by bible producers as endleaf paper. It is supple and has good strength."

According to the plant manager, Narragansett has been making bible paper for selected customers for about five years, but it was made with pyroxylin rather than a water-based coating.

"We feel there is a \$39 million market out there," Quill explained, adding that Narragansett received a government grant on water-based technology in 1987. "We had submitted our proposal for reduction of waste material. Using 1986 as a base year, 1987 decreased by 27 percent, 1988 by 42 percent and our projection this year is for a 70 percent reduction. Our goal is reduction by 100 percent by next July. Rainbow 7 was the testing ground."

EARLY CUSTOMERS

A number of books have already used Narragansett's water-based material for binding:

The Dictionary of Cultural Literature (Houghton Mifflin)—a water-resistant Rainbow 9 saturate material;

Webster's New Riverside Desk Dictionary (Houghton Mifflin)—Rainbow 3 80-lb., 25/38 kraft. The cover has a stamped bar code with very fine lines, yet is highly readable;

A 14-pt. saturate material is used for a flush-cut paperback legal title, Federal Taxation of Income, Estates and Gifts by Boris L. Bittker (Warren, Gorham & Lamont);

A reference work by Houghton Mifflin uses three different color materials;

And software manuals—a new market—such as Computerizing of Medical Offices by D. Sellers and Flowchart Manual, Fourth Edition (both published by Medical Economics), which are foil stamped with fine lines. ISBN numbers appear to have good adhesion and no flaking, and are readable.

When Narragansett swings into full production of acid-free materials for bookbinders, books that are completely acid-free (perhaps with the exception of crash) will be within reach—and the brothers Quill will have played in a major role in helping it to happen.

[From Publishers Weekly, July 21, 1989]

PUBLIC DRIVE FOR ALKALINE PAPER INSPIRES NEW ACTION IN THE MILLS

With the drums of publicity having done their work in calling attention to the need for publishers to produce books using long-life alkaline text paper, it may well be that in a few short years alkaline paper will become a non-issue; not that acid paper will make a reappearance, but by then almost every paper mill of any size will have converted to alkaline technology, according to most mill operators interviewed for this article.

That estimate may be somewhat optimistic, according to Dr. Philip Luner, a researcher with the Empire State Paper Research Institute, who says that industry analysts predict that by 1992 half the uncoated, free-sheet paper produced in the U.S. will be acid-free.

The shift in chemistry of paper production from acid to alkaline is a truly dramatic process change for today's mills—even

though mills in Europe have been making alkaline paper for some 100 years—and involves expensive repiping, new sizing, careful maintenance and retraining of mill operators, for a start.

But the shift is not entirely altruistic on the part of mills, since the change to alkaline production is cost-effective for paper manufacturers just now.

THE COMING OF ALKALINE TECHNOLOGY

A report from the College of Environmental Science and Forestry at the State University of New York in Syracuse, N.Y., points out that alkaline technology is almost at the same stage today that acid technology was in the mid-1800s, when it was first introduced. Little changed since then, acid technology uses clay and some titanium dioxide for filler and aluminum sulfate and rosin for sizing. Aluminum sulfate/rosin sizing provides good performance, but it also provides acid. According to the report, over the past several years the price of titanium dioxide has risen, as has the price of fiber for making paper. "The alkaline process now being introduced most often uses calcium carbonate for filler," continues the report. "Manufacturers can use more of that filler, which is an alkaline, in relation to fiber and still achieve a crisp, bright, strong sheet."

PUBLISHERS LOOK AT THE ISSUE

How important is the alkaline issue to book publishers? As reported in *PW* (News of the Week, March 31), every major publishing house has pledged its commitment to the preservation of the printed word, signing a landmark declaration calling for the use of acid-free paper for all first printings of quality hardcover trade books. That message has trickled down to all levels in the major publishing houses. Ed McGill, vice-president, centralized production, and George Davidson, vice-president and director of production, trade and paperback books, both at Random House, assert that the use of alkaline paper is stated policy and, in fact, has been such for years. And Dick Brown, vice-president of publishing papers at paper merchant Alling and Corey, states firmly that he has already been asked to change paper stock for several publishers from acid to alkaline paper.

Yet, there are some sages of paper merchandising who hold that in the last analysis, it will be economics that will decide on the kind of paper publishers will buy. If acid paper is less expensive for publishers in this time of rising costs, they may still opt, albeit reluctantly, for acid over alkaline.

But in the background is the noise of the papermaking machines turning out more alkaline tonnage year by year. Though their approaches may vary, most mills seem to have clearly chosen in favor of alkaline paper. Here are the directions that a variety of top mills are taking.

FINCH, PRUYN & CO.

Finch, Pruyn has been producing alkaline paper since 1982, with this year's overall production averaging over 600 tons a day, and primarily focused on book publishing and commercial printing markets. That tonnage is almost double the output on the same machines in the Glen Falls, N.Y., plant of 350 tons a day during the late 1970s.

For the book publishing community, Finch, Pruyn has developed a special sheet, Finch Fine, as an alternative to free-sheet matte-coated papers. Finch Fine is an un-

coated sheet with a smooth "sealed" surface that approximates a coated surface.

"Book publishers have always like alkaline paper for its cleanliness and brightness," according to Jack R. Buchanan, vice-president, sales. "Finch Fine gives them that, plus a surface that has excellent ink holdout and high brightness," Buchanan added. "Publishers, especially children's book publishers, are buying the uncoated 'Fine' to give snap to color art," Buchanan said, "while at the same time they are saving on paper cost." Buchanan explained that it was the switch to alkaline technology that made Finch Fine possible. Until the appearance of that sheet, the publishing community had only two options: coated or uncoated sheet. With this intermediate option, buyers have the cost advantage of uncoated sheet with a printing quality similar to matte-coated papers. The hard, smooth surface of Finch Fine is produced by a special calendaring process using newly designed rolls employing a combination of very high pressure and heat.

GLATFELTER CO.

Paper demand may be softening around the country, but demand for Glatfelter's alkaline sheets is still quite strong, according to Robert H. Boyer, vice-president, sales. The company, in Spring Grove, Pa., is regarded as a bellwether of alkaline business and is watched carefully by its competitors to test the patterns of demand. Perhaps one indication of the rising interest in alkaline paper from publishers and others is the rising number of requests Boyer receives to address interested groups on the subject.

Boyer feels it may be too early to tell whether the recent publicity given to alkaline paper by book publishers has affected the sales picture in any significant way. "Our strong demand has not let up," he maintains.

INTERNATIONAL PAPER

IP is in the process of converting its mills to alkaline papermaking and expects to be making alkaline paper by the end of this year at its mills in Ticonderoga, N.Y.; Mobile, Ala.; Erie and Lock Haven, Pa.; Grays Harbor, Wash.; Millers Falls, Mass.; Merrill, Wis.; and Riverdale, Ala., where alkaline paper will be made on the biggest alkaline machine in the industry. International Paper expects to be making about 30% of U.S. alkaline paper when it completes conversion of all its white papers mills by early 1991.

JAMES RIVER CORP.

James River's Book Paper Division has just introduced an alkaline book text sheet, called Legend, which is described as an improved version of the company's old Rivertone sheet. Legend has improved opacity, formation and shade, according to John F. Munkenbeck, the division's sales and marketing manager. Legend is available in 50- and 55-lb. basis weight. The 50-lb. sheet has a 92 opacity and 440 ppi; the 55-lb. sheet has a 93 opacity and 360 ppi. Both have an antique finish.

This move is the springboard for a dramatic change in James River's marketing approach, which until now has produced Rivertone Book in all kinds of basis weights and tones. With the introduction of alkaline paper, the company is narrowing its product line to Legend, which Munkenbeck said will go head-to-head with Lindenmeyr's Sebago book text paper made by Warren. James River is also dedicating its No. 2 paper machine at the Berlin, N.H., mill to production of Legend.

According to Munkenbeck, James River's focus will be on the production of an alkaline sheet with a superior level of opacity, formation, softness and bulk control. Legend, the number-one lignin-free grade, comes in a natural shade for appeal and strainless reading. According to the company, the premium grade is manufactured to be a "dependable press performer."

Denzel Hankinson, vice-president of business development, James River communications, paper division, says James River has been producing neutral pH paper for two years and began producing alkaline pH to meet ANSI specifications last year. "Our plan is to produce 20,000 tons the first year and 40,000 tons over the next five years," Hankinson said. "We have concluded that one of the features of the market is its extraordinary level of service, and we are concentrating on that area," he added.

In discussing the narrowing of product line, Hankinson stressed that although the company has eliminated a number of grades that elicited little or no interest, it would continue to make other grades available to customers until they find alternate sources.

NEWTON FALLS PAPER

When its new owners, the Stora Group, acquired Newton Falls Paper, it was producing acid-based paper. That was changed in May 1987, when the company began to manufacture alkaline sheet. According to Lelf Smedman, president, the conversion cost several hundreds of thousands of dollars and included a switch to recycled fiber and the use of alkaline sizing. "We will produce 110,000 tons by the end of this year," Smedman said, "and expect to reach 150,000 tons by the early '90s."

The premium grade in Champlain Gloss, all alkaline sized, and, for book publishing, runs to 50-, 60-, 70- 80- and 103-lb. basis weights and 80 brightness range. Another grade, Marcy Matte, has a brightness of 85 in the same weights. Stora Matte paper comes in a cream white for children's books.

PENNTech PAPERS INC.

Penntech began making alkaline paper in its Johnsonburg, Pa., plant on June 1 after a six-month trial production period. At present, only 20 percent of its total output is in alkaline product. The company, under pressure of an alkaline-sensitive market, is selling its new paper primarily to trade-book publishers and printers.

According to Jack Dodge, vice-president, the company is in the process of reviewing the move to alkaline in the balance of the mill. "To get our alkaline project underway, we formed an alkaline committee about one year ago," Dodge said, "and, after talks with suppliers, industry people and consultants, it took some seven to eight months before we ran our first trial."

Like so many other mills, Penntech, according to Dodge, is changing from acid to alkaline for two basic reasons: first, to produce paper with greater longevity ("We are being pushed by market forces") and, second, to use a more cost-effective technology than that used to make acid paper.

Penntech produces four types of book publishing grades: Pennbook, in 45-, 50- and 60-lb. paper with 91 opacity, and Clarion Book Offset, in the same basis weights, but with 92 opacity. Each weight comes in three different bulks.

Textbook grades are Highland Book and Penn Plus in 40-lb. through 60-lb. basis weights in two bulks: English finish (EF)—45-lb. EF at 742 ppi—and machine finish (MF)—45-lb. MF at 684 ppi. Reference book

grades are Bradford Opaque, Pennfield Opaque and Westline Opaque, running from 27-lb. through 50-lb. One-third of Penntech's total volume—its primary grade—is a lightweight opaque textbook paper—goes to the book publishing market. The plant's four Fourdrinier papermaking machines in Johnsonburg produce 400 tons a day of both acid and alkaline paper. Depending on demand, alkaline could range from 50 percent to 60 percent of daily tonnage to as low as 10 percent.

Dodge pointed out that the changeover from acid to alkaline is not easy. "All of our systems have been set up in an acid mode and our people are trained in acid technology. Now we have to train them to the alkaline production mode."

S.D. WARREN CO. INC.

The most recent action in alkaline paper-making at S.D. Warren Co., a long-time producer of alkaline paper, is in the company's Somerset coated grades—Gloss, Matte and Glare Free, presently produced only in 45-60 lb. basis weights on No. 1 and No. 2 paper-making machines at the plant in Skowhegan, Maine. With business for those grades and weights increasing and new markets for heavier weights promising, Warren will start up a third Somerset papermaking machine during the fourth quarter of 1990. The new machine will produce only 70- and 80-lb. Somerset Gloss, and will manufacture in excess of 200,000 tons per year.

Having the third machine will give Warren greater flexibility and increased capacity, as Henry L. Mollenhauer, the company's national marketing manager-publishing, points out. "As we move existing grades from machine to machine, we will have capacity for making additional tons of existing grades and basis weights on the two existing Somerset papermaking machines."

RESOLUTION ENDORSING THE CREATION OF A NATIONAL POLICY ON THE USE OF PERMANENT PAPERS

Whereas, the use of acidic paper since about 1850 has resulted in the loss and potential loss of important cultural, historical and scientific information because of the self-destructive, embrittled nature of the paper; and

Whereas, the American Library Association has noted that one-fourth of the books in research library collections are on the verge of crumbling with ordinary use, and the cost of counteracting such loss on a national level will run into the hundreds of millions of dollars; and

Whereas, Government records and documents, as well as other publications, are still being produced on acidic paper; and

Whereas, Senator Claiborne Pell (D-RI) has introduced S.J. Resolution 57 and Representative Pat Williams (D-MT) has introduced H.J. Resolution 226, urging federal agencies to require the use of acid-free paper for publications and records of enduring value, and urging voluntary compliance by American publishers to the American National Standard for permanent paper; and

Whereas, these Senate and House measures would resolve that it is the policy of the United States that Federal records, books and publications of enduring value be produced on acid-free permanent papers and would specifically: (1) recommend that Federal agencies require use of permanent paper for publications of enduring value; (2) recommend that Federal agencies require use of archival quality papers for perma-

nently valuable Federal records; (3) recommend that American publishers use permanent papers for publications of enduring value, voluntarily comply with national standards, and note use of acid-free papers in publications and listings; (4) recommends that reliable statistics be produced on current and needed productions of permanent papers; (5) recommend that the State Department make known this national policy to foreign governments and international agencies; and (6) require that the Library of Congress, the National Archives and Records Administration, the National Library of Medicine, and the National Agricultural Library jointly monitor progress and report annually to Congress; and

Whereas, the use of permanent paper is not likely to increase the cost of producing publications; and

Whereas, the American Association of Law Libraries is a national organization of over 4600 members, who are committed to developing and increasing the usefulness of law libraries and the cultivation of the science of law librarianship; now, therefore, be it

Resolved, That the American Association of Law Libraries commends Senator Pell and Representative Pat Williams and their staffs for their leadership role and continuing effort on behalf of saving our nation's historical records and information heritage; and be it further

Resolved, That the American Association of Law Libraries urges all Senators and Representatives to become co-sponsors of S.J. Resolution 57 and H.J. Resolution 226; and be it further

Resolved, That the American Association of Law Libraries urges Congress to pass Senate Joint Resolution 57 and House Joint Resolution 226 and appropriate such funds as necessary to enable the implementation of the resolution as a national policy.

ART LIBRARIES SOCIETY
OF NORTH AMERICA,
Tucson, AZ, March 3, 1989.

HON. CLAIBORNE PELL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR PELL: As the President of the Art Libraries Society of North America (ARLIS/NA), an association of over 1200 individuals and organizations, I write in support of your efforts to reintroduce a joint resolution to establish a national policy promoting the use of acid-free paper in publishing.

At our Annual Conference in Dallas in February 1988, the following motion was passed:

I move that ARLIS/NA endorse the use of permanent/durable paper in art publications, including those by ARLIS/NA, that we applaud those publishers now using this paper, and encourage the others actively to pursue the use of permanent/durable papers in all publications.

ARLIS/NA has now converted to acid-free paper for all of its publications of enduring value, and actively encourages other publishers to do as well through its annual book awards which encourage high quality binding and book construction as well as content.

The deterioration of the intellectual content of the Nation's libraries must be stemmed and we applaud your attention to

this problem through the introduction of this resolution in Congress.

Yours sincerely,

ANN B. ABID,
President.

The joint resolution (S.J. Res. 57) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 57

Whereas it is now widely recognized and scientifically demonstrated that the acidic papers commonly used in documents, books, and other publications for more than a century are self-destructing and will continue to self destruct;

Whereas Americans are facing the prospect of continuing to lose national historical, scientific and scholarly records, including government records, faster than salvage efforts can be mounted despite the dedicated efforts of many libraries, archives, and agencies, such as the Library of Congress and the National Archives and Records Administration;

Whereas the Congress has already appropriated \$50,000,000 to the National Archives and Records Administration, \$32,000,000 to the Library of Congress, and \$2,400,000 to the National Library of Medicine for deacidifying or microfilming books too brittle for ordinary use, and \$25,000,000 to the National Endowment for the Humanities for grants to libraries and archives for such purposes;

Whereas nationwide many hundreds of millions of dollars will have to be spent by the Federal, State, and local governments and private institutions to salvage the most essential books and other materials in the libraries and archives of academic and private institutions;

Whereas there is an urgent need to prevent the continuance of the acid paper problem into the indefinite future;

Whereas acid free permanent papers with a life of several hundred years already are being produced at prices competitive with acid papers;

Whereas the American Library Association Council in a resolution dated January 13, 1988, has urged publishers to use acid free permanent papers in books and other publications of enduring use and value, and other professional organizations have expressed similar opinions;

Whereas some publishers such as the National Historical Publications and Records Commission, the Library of Congress and many university presses are already publishing on acid free permanent papers, and the Office of Technology Assessment has estimated that only 15 to 25 percent of the books currently being published in the United States are printed on such paper;

Whereas even when books are printed on acid free permanent paper this fact is often not made known to libraries by notations in the book or by notations in standard bibliographic listings;

Whereas most Government agencies do not require the use of acid free permanent papers for appropriate Federal records and publications, and associations representing commercial publishers and book printers have thus far not recommended the use of such papers;

Whereas paper manufacturers have stated that a sufficient supply of acid free perma-

nent papers would be produced if publishers would specify the use of such papers; and

Whereas there is currently no statistical information from public or private sources regarding the present volume of production of acid free permanent papers and the volume of production required to meet an increased demand: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. It is the policy of the United States that Federal records, books, and publications of enduring value be produced on acid free permanent papers.

SEC. 2. The Congress of the United States urgently recommends the following:

(1) Federal agencies require the use of acid free permanent papers for publications of enduring value produced by the Government Printing Office or produced by Federal grant or contract, using the specifications for such paper established by the Joint Committee on Printing.

(2) Federal agencies require the use of archival quality acid free papers for permanently valuable Federal records and confer with the National Archives and Records Administration on the requirements for paper quality.

(3) American publishers use acid free permanent papers for publications of enduring value, in voluntary compliance with the American National Standard, and note the use of such paper in books, in advertisements, in catalogs, and in standard bibliographic listings.

(4) Reliable statistics be produced by public or private institutions on the present production of acid free permanent papers and the volume of production required to meet the national policy declared in section 1.

(5) The Secretary of State make known the national policy regarding acid free permanent papers to foreign governments and appropriate international agencies since the acid paper problem is worldwide and essential foreign materials being imported by our libraries are printed on acid papers.

SEC. 3. The Librarian of Congress, the Archivist of the United States, the Director of the National Library of Medicine, and the Administrator of the National Library of Agriculture shall jointly monitor the Nation's progress in implementing the national policy declared in section 1 regarding acid free permanent papers and report annually to the Congress regarding such progress by January 1, 1991, and each succeeding year thereafter.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WAIVER OF LEGISLATIVE REORGANIZATION ACT REQUIREMENT

Mr. NUNN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 179, a concurrent resolution waiving the statutory requirement that the Senate pass by August 1 an adjournment resolution for the August recess.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 179) waiving the requirement of the Legislative Reorganization Act of 1970 for the "August recess" by rollcall by July 31.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 98-524, announces the appointment of Dr. Howard Swearer, of Rhode Island, to the Executive Committee of the National Summit Conference on Education.

ORDERS FOR TOMORROW

RECESS

Mr. NUNN. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 8:45 a.m., Tuesday, August 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEADER TIME

Mr. NUNN. Mr. President, I ask unanimous consent that the time for the two leaders be reduced to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. NUNN. Mr. President, I ask unanimous consent that following the leader time there be a period for morning business not to extend beyond 9 a.m., with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESUME CONSIDERATION OF S. 1352 AT 9 A.M.

Mr. NUNN. Mr. President, I ask unanimous consent that at 9 a.m. the

Senate resume consideration of S. 1352, the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS FOR PARTY CONFERENCES

Mr. NUNN. Mr. President, I further ask unanimous consent that the Senate stand in recess from 12:30 to 2:15 p.m. in order to accommodate the party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 8:45 A.M.

Mr. NUNN. Mr. President, if the distinguished acting Republican leader has no further business, and if no Senator is seeking recognition, I now ask that the Senate stand in recess under the previous order until 8:45 a.m., Tuesday, August 1.

Thereupon, the Senate, at 9:02 p.m., recessed until 8:45 a.m., Tuesday, August 1, 1989.

NOMINATIONS

Executive nominations received by the Senate July 31, 1989:

FEDERAL LABOR RELATIONS AUTHORITY

PAMELA TALKIN, OF CALIFORNIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF 5 YEARS EXPIRING JULY 1, 1990, VICE HENRY BOWEN FRAZIER III, RESIGNED.

DEPARTMENT OF JUSTICE

STEPHEN J. MARKMAN, OF MICHIGAN, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF MICHIGAN FOR THE TERM OF 4 YEARS VICE ROY C. HAYES, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJOR ALBERT K. AIMAR, XXX-XX-XXXX 4/13/89
MAJOR JAMES J. D'AGOSTINO, XXX-XX-XXXX 4/20/89
MAJOR JIMMIE L. DARRINGTON, XXX-XX-XXXX 5/7/89
MAJOR RONALD L. HAMILTON, XXX-XX-XXXX 4/16/89
MAJOR BILLY L. HATMAKER, XXX-XX-XXXX 5/25/89
MAJOR DENVER R. JAMES, XXX-XX-XXXX 5/7/89
MAJOR LEROY R. KNOLL, XXX-XX-XXXX 1/21/89
MAJOR GARY K. LEBARON, XXX-XX-XXXX 4/8/89
MAJOR GEORGE W. MURROW III, XXX-XX-XXXX 10/2/89
MAJOR CURTIS A. NOLEN, XXX-XX-XXXX 5/10/89
MAJOR ROBERT N. RICHARDSON, XXX-XX-XXXX 5/7/89
MAJOR RICHARD A. SHAW, JR., XXX-XX-XXXX 5/7/89
MAJOR JAY G. STEWARD, XXX-XX-XXXX 3/3/89
MAJOR JAMES T. TRUDEL, XXX-XX-XXXX 4/28/89

LEGAL CORPS

MAJOR KENNETH D. MIELKE, XXX-XX-XXXX 4/13/89

MEDICAL CORPS

MAJOR KEVIN B. ST JOHN, XXX-XX-XXXX 5/7/89

MEDICAL SERVICE CORPS

MAJOR ARCHIE S. MOBLEY, JR., XXX-XX-XXXX 3/31/89

IN THE NAVY

THE FOLLOWING NAMED COMMANDER FOR PROMOTION TO THE PERMANENT GRADE OF CAPTAIN UNDER THE PROVISIONS OF ARTICLE II, SECTION 2, CLAUSE 2 OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

To be captain

COMMANDER WILLIAM M. SHEPHERD, U.S. NAVY, XXX-X-1130.

THE FOLLOWING FORMER U.S. NAVY OFFICER TO BE APPOINTED PERMANENT CAPTAIN IN THE MEDI-

CAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 592.

HARRISON B. WILL CUTTS

THE FOLLOWING NAMED FORMER U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

ROBERT C. PARKER
JEROME J. ROCHE

LARRY V. STAKER

THE FOLLOWING MEDICAL COLLEGE GRADUATES TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

JACINTO L. BRE

ALLAN L. KAMINSKY

CONFIRMATIONS

Executive nominations confirmed by the Senate July 31, 1989:

EXECUTIVE OFFICE OF THE PRESIDENT

MICHAEL R. DELAND, OF MASSACHUSETTS, TO BE A MEMBER OF THE COUNCIL ON ENVIRONMENTAL QUALITY.

ENVIRONMENTAL PROTECTION AGENCY

TIMOTHY B. ATKESON, OF PENNSYLVANIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

J. CLARENCE DAVIES, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

DEPARTMENT OF THE INTERIOR

JOHN F. TURNER, OF WYOMING, TO BE DIRECTOR OF THE UNITED STATES FISH AND WILDLIFE SERVICE.

CONSTANCE BASTINE HARRIMAN, OF MARYLAND, TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE, DEPARTMENT OF THE INTERIOR.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

WILLIAM BRANIFF, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS.

AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. BUFORD D. LARY, XXX-XX-XXXX FR, UNITED STATES AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. DUANE H. CASSIDY, XXX-XX-XXXX FR, UNITED STATES AIR FORCE.

THE FOLLOWING NAMED OFFICER UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT, UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. HANSFORD T. JOHNSON, XXX-XX-XXXX FR, UNITED STATES AIR FORCE.

ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. RONALD L. WATTS, XXX-XX-XXXX UNITED STATES ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 611(A) AND 624:

To be permanent brigadier general

COL. MATTHEW A. ZIMMERMAN, XXX-XX-XXXX UNITED STATES ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER

THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. WILLIAM H. SCHNEIDER, **xxx-xx-xxxx**, UNITED STATES ARMY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JOHN W. WOODMANSEE, JR., **xxx-xx-xxxx**, UNITED STATES ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODES, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JACK B. FARRIS, JR., **xxx-xx-xxxx**, UNITED STATES ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODES, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JOHN M. SHALIKASHVILI, **xxx-xx-xxxx**, UNITED STATES ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODES, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. GEORGE R. STOTSER, **xxx-xx-xxxx**, UNITED STATES ARMY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JOHN S. CROSBY, **xxx-xx-xxxx**, UNITED STATES ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. GEORGE A. JOULWAN, **xxx-xx-xxxx**, UNITED STATES ARMY.

THE UNITED STATES ARMY NATIONAL GUARD OFFICER NAMED HEREIN FOR APPOINTMENT IN THE GRADE INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3385 AND 3392:

To be major general of the line

MAJ. GEN. JOSEPH J. SKAFF, **xxx-xx-xxxx**

THE FOLLOWING-NAMED OFFICERS TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. BRUCE R. HARRIS, **xxx-xx-xxxx**, UNITED STATES ARMY.

MARINE CORPS

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE OF LIEUTENANT GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

EDWIN J. GODFREY, **xxx-xx-xxxx**, 19903 U.S. MARINE CORPS.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT F. MILLIGAN, **xxx-xx-xxxx**, 19903 USMC.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE OF LIEUTENANT GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

JOHN I. HUDSON, **xxx-xx-xxxx**, 19903 U.S. MARINE CORPS.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE OF LIEUTENANT GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 688 AND 1370:

To be lieutenant general

STEPHEN G. OLMSTEAD, **xxx-xx-xxxx**, 19903 U.S. MARINE CORPS.

NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. JOSEPH B. WILKINSON, JR., **xxx-xx-xxxx**, 1230, UNITED STATES NAVY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF ARTICLE II, SECTION 2, CLAUSE 2, UNITED STATES CONSTITUTION.

To be vice admiral

REAR ADM. RICHARD H. TRULY, **xxx-xx-xxxx**, 1310, U.S. NAVY.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODES, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) JIMMY PAPPAS, **xxx-xx-xxxx**, 1110, U.S. NAVY.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING ROBERT R. BURNS AND ENDING RAYMOND E. FRANCK, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 11, 1989.

AIR FORCE NOMINATIONS BEGINNING MICHAEL E. WINCHESTER AND ENDING MICHAEL J. THORNELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 11, 1989.

AIR FORCE NOMINATIONS BEGINNING MAJOR DAVID E. AVENELL, **xxx-xx-xxxx**, AND ENDING MAJOR DAVID L. SMITH, **xxx-xx-xxxx**, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 11, 1989.

AIR FORCE NOMINATIONS BEGINNING MAJOR JAMES W. ADAMS, **xxx-xx-xxxx**, AND ENDING MAJOR DORIS M. LEWIS, **xxx-xx-xxxx**, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 11, 1989.

AIR FORCE NOMINATIONS BEGINNING GARY D. BAILEY, AND ENDING GLENN F. BENSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 11, 1989.

AIR FORCE NOMINATIONS BEGINNING SEYMOUR H. BRICKMAN, AND ENDING RICHARD D. WHEATLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 11, 1989.

AIR FORCE NOMINATIONS BEGINNING DAVID W. ABATI, AND ENDING WILLIAM A. ZAHLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 11, 1989.

AIR FORCE NOMINATIONS BEGINNING PATRICIA C. STRADLEIGH, AND ENDING CATHERINE R. WILKALIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 20, 1989.

IN THE ARMY

ARMY NOMINATIONS BEGINNING CHARLES R. BAILEY, AND ENDING ROBERT K. ZUEHLKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 19, 1989.

ARMY NOMINATIONS BEGINNING ROBERT H. BALME, AND ENDING CECIL E. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 11, 1989.

ARMY NOMINATIONS BEGINNING THOMAS A. ANDERSON, AND ENDING WILLIAM F. SMITH, III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 11, 1989.

ARMY NOMINATIONS BEGINNING RICHARD J. AROLD, AND ENDING GARY M. ZAUCHA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 11, 1989.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING MERLE E. MACKIE, SR., AND ENDING JOHN T. SEVERSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 22, 1989.

MARINE CORPS NOMINATIONS BEGINNING LAWRENCE J. CRAFTS, AND ENDING JAMES H. THOMPSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 11, 1989.

IN THE NAVY

NAVY NOMINATIONS BEGINNING ROBERT EDWARD ADAMSON, III, AND ENDING LARRY LESTER WILLITS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 1, 1989.

NAVY NOMINATIONS BEGINNING KEVIN G. MITTS, AND ENDING TIMOTHY G. DOBROVOLNY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 22, 1989.

NAVY NOMINATIONS BEGINNING JOHN MATTHEWS ABERNATHY, III, AND ENDING MICHAEL H. WOOSTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 22, 1989.

NAVY NOMINATIONS BEGINNING CHARLES T. SMITH, AND ENDING CHARLES LONDON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 11, 1989.

NAVY NOMINATIONS BEGINNING BARBARA M. BRADLEY, AND ENDING LYLE W. SWANSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 11, 1989.

NAVY NOMINATIONS BEGINNING DANIELLE BARRETT, AND ENDING RAYMOND WINSTEAD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 11, 1989.

NAVY NOMINATIONS BEGINNING MICHAEL BARD, AND ENDING JERRY WINDLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 11, 1989.

NAVY NOMINATIONS BEGINNING CONSTANCE UBAN ABAYA, AND ENDING MICHAEL ERNEST WEYLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 11, 1989.

NAVY NOMINATIONS BEGINNING JAMES LESLIE AUSTIN, AND ENDING WILLIAM RICHARD YATES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 11, 1989.

NAVY NOMINATIONS BEGINNING JEFFREY R. ABEL, AND ENDING MICHAEL A. WULF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 11, 1989.

NAVY NOMINATIONS BEGINNING JOHN D. ADAMS, AND ENDING LAWRENCE A. PEMBERTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 20, 1989.

HOUSE OF REPRESENTATIVES—Monday, July 31, 1989

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As You, O God, look to the inner person to examine the color of motivations and true thoughts, so may Your spirit encourage us to reflect that goodness by works of reconciliation and good will, by helping to heal any broken spirit, by seeking to make peace with every side. With gratitude for Your grace, O God, we offer this prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from Kentucky [Mr. BUNNING] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. BUNNING led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 363. Joint resolution to designate 1989 as "United States Customs Service 200th Anniversary Year."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1487. An act to authorize appropriations for fiscal years 1990 and 1991 for the Department of State, and for other purposes;

H.R. 2696. An act making appropriations for energy and water development for the fiscal year ending September 30, 1990, and for other purposes;

H.R. 2788. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1990, and for other purposes; and

H.R. 2883. An act making appropriations for Rural Development, Agriculture, and Related Agencies programs for the fiscal

year ending September 30, 1990, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 1487) "An act to authorize appropriations for fiscal years 1990 and 1991 for the Department of State, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PELL, Mr. BIDEN, Mr. SARBANES, Mr. CRANSTON (except for the consideration of section 111), Mr. MOYNIHAN (for the consideration of section 111), Mr. HELMS, Mr. LUGAR, and Mrs. KASSEBAUM to be the conferees on the part of the Senate.

The message also announced, that the Senate insists upon its amendments to the bill (H.R. 2696) "An act making appropriations for energy and water development for the fiscal year ending September 30, 1990, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JOHNSTON, Mr. BYRD, Mr. HOLLINGS, Mr. BURDICK, Mr. SASSER, Mr. DECONCINI, Mr. REID, Mr. HATFIELD, Mr. MCCLURE, Mr. GARN, Mr. COCHRAN, Mr. DOMENICI, and Mr. SPECTER to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2788) "An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1990, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD, Mr. JOHNSTON, Mr. HOLLINGS, Mr. LEAHY, Mr. DECONCINI, Mr. BURDICK, Mr. BUMPERS, Mr. REID, Mr. MCCLURE, Mr. STEVENS, Mr. GARN, Mr. RUDMAN, Mr. COCHRAN, Mr. NICKLES, and Mr. DOMENICI to be the conferees on the part of the Senate.

The message also announced that on July 27, 1989, Mr. INOUE and Mr. HATFIELD to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2883) "An act to authorize appropriations for Rural Development, Agriculture, and Related Agencies programs for the fiscal year ending September 30, 1990, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BURDICK, Mr. BUMPERS, Mr. HARKIN, Mr. ADAMS, Mr.

FOWLER, Mr. KERRY, Mr. BYRD, Mr. COCHRAN, Mr. MCCLURE, Mr. KASTEN, Mr. SPECTER, Mr. GRASSLEY, and Mr. HATFIELD to be the conferees on the part of the Senate.

The message also announced that pursuant to Public Law 93-29, as amended by Public Law 98-459, the Chair on behalf of the President pro tempore, appoints Mr. E. Don Yoak of West Virginia, from private life, to the Federal Council on the Aging.

The message also announced that pursuant to Public Law 99-83, the Chair on behalf of the President pro tempore, appoints Rabbi Chaskel Besser and Mr. Levi Goldberger, from private life, to the Commission for the Preservation of American's Heritage Abroad.

SHAM REDUCTIONS

(Mr. FLORIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLORIO. Mr. Speaker, today the House will be voting on a measure that appropriates the funds needed to begin the closure or reduction of 145 of our Nation's military installations. Fort Dix, NJ, is one of the bases that will be affected.

The sad aspect of this whole exercise in abdication of congressional responsibility is that it is being presented to the American people as a way to cut back on our defense spending and save the Government some money.

If we are saving our Government money, why is it that we will need \$500 million in new money for 1990 alone to close down these bases? Closing down Fort Dix is supposed to save the American taxpayers \$84 million per year. But those same taxpayers will have to put up \$245 million to save the \$84 million and it will take at least 5 years before we even begin to see the savings. Only in Washington do you need to spend money to save money.

Let me suggest, Mr. Speaker, that this whole process is just a cloak to hide behind for those people who do not actually want to cut real defense dollars. It is a mask over the failure of this Congress and the administration to provide real military procurement reform.

Sadly, those same people that are touting these base closures, are the same people who support multimillion-dollar defense systems that we do not need and that, often, do not work.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

It is this sham process that hides the fact that influence-peddling defense contractors have won this round. They have won because rather than cutting into our defense budget and opposing expensive and unnecessary weapons systems, those beholden to defense contractor interests have taken the easy way, the shady way, out.

The minimal savings that will result from closing down or reducing some of these bases will not justify the huge expense that our taxpayers will have to pay and the large economic costs that communities like that surrounding Fort Dix will have to pay as a result of this.

The Base Closure Act will not cut defense spending—it just moves it around to different accounts at the Pentagon.

The tragedy of it all is that the Base Closure Act is thwarting real defense procurement reform.

THE DRUG WAR MAZE: DAY 10

(Mr. SMITH of Mississippi asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Mississippi. Mr. Speaker, today I would like to clear up an argument regarding the war on drugs. Some House Members, during an appropriations battle earlier this year, accused Republicans of not spending enough to fight drugs. They said they wanted drug wars instead of star wars. The fact of the matter is, a large portion of 1989 funds for Federal antidrug efforts remains in the pipeline. Those House Members want to put the cart before the horse.

There is no doubt that the war on drugs must be adequately funded. After all, Americans rate drugs and crime as the No. 1 problem facing this country.

But before we throw money at the problem, we must have a plan. That is why I continue my call for a single committee to spearhead antidrug legislation in the Congress. One committee so we do not have to wonder how or where or when the drug issue will pop up on the House floor. One committee so that when the drug issue does reach the House floor, it is in the form of a serious proposal and not a political, public relations ploy.

DEATH PENALTY FOR ESPIONAGE

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, I have an uneasy feeling that we are mishandling the Felix Bloch espionage case. I will not deal with the FBI part of this case, but mainly I think that

the United States is losing the war against espionage.

In the past we have geared our counterintelligence to combat certain ideologically motivated espionages, and we have not dealt with that basic greed. In the Bloch case it appears that it is greed that motivated this individual. This is a new trend in Soviet espionage, pressure on United States diplomats and military personnel in Europe, and I do not think we are meeting this challenge adequately.

There are problems with our counterintelligence policy. The budget is woefully inadequate. Our intelligence capabilities have been geared to gathering intelligence rather than guarding against penetrations. Overseas there are local restrictions and a lack of personnel.

Mr. Speaker, we should seriously consider as a way to combat this very, very strong scourge in our American intelligence capability a death penalty for espionage.

NEW METHODS TO PREVENT FOREIGN SERVICE ESPIONAGE

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, since the beginning of recorded time the man who betrays his own country has been looked on as a criminal of the lowest order.

We may not be able to fathom what goes on in a traitor's mind, but we can at least make it harder for our people to succumb to the temptation, whatever the motive.

First, we should beef up our training of new Foreign Service personnel so they can better recognize the techniques of foreign agents who would recruit them.

Second, we should limit the period of time our people serve behind the Iron Curtain and in areas of heavy spying activity.

Third, we should form special counterintelligence training teams. These teams would visit our Embassies around the world and give intelligence threat briefings to Embassy officers.

Despite the promises of glasnost, U.S. Government people continue to be prime targets of hostile intelligence activity. It is time we do something about it.

USE OUR \$300 BILLION DEFENSE BUDGET FOR DEFENSE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, terrorists have killed Lt. Col. William Higgins, held hostage, at least if we can believe the news reports.

The terrorists supposedly said, and I quote:

We have executed the hostage Higgins as a lesson to America and other hostages.

□ 1210

One thing seems evident, Mr. Speaker. Terrorists do not expect America to do anything but pass paper resolutions in Congress. We have F-14's, F-15's, F-16's, F-18's, B-1's, B-52's, M-1 tanks, Apache helicopters, and what do we do? We continue over a period of years to have the same saga unfold before our eyes, Americans taken hostage and killed in foreign lands.

I say it is time we start using some of that \$300 billion in defense. We did not pass that money to fund the neighborhood crime watch.

SECRETARY MOSBACHER MUST ENFORCE ENDANGERED SPECIES ACT

(Mr. RAVENEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAVENEL. Mr. Speaker, sea turtles have been around for millions of years. Don't these harmless, fascinating creatures have as much right to life on this Earth as we do? Of course, so we protect them with our endangered Species Act, which Congress amended last year to save them from being drowned by requiring the use of turtle excluder devices in shrimp nets.

But our gutless Secretary of Commerce, Mosbacher, will not enforce this law, even though he wrote our colleague WALTER JONES, that "my legal counsel has advised that there is no basis in current law for modifications of the existing regulations." So we are asking the courts to force Mosbacher to do his duty. But the Bush administration lawyers are defending him. Is this wanton, ruthless, and callous killing of an endangered species what the President intended when he appointed Robert Mosbacher? How many sea turtles will the Bush administration kill today?

Mr. HUBBARD. Mr. Speaker, the Shiite Moslem captors of Marine Lt. Col. William R. Higgins claim today they have hanged the American military officer.

Colonel Higgins, a native of Danville, KY, and who grew up in southern Jefferson County, KY, was assigned to a United Nations Peacekeeping Force in Lebanon prior to his being kidnapped. Colonel Higgins has reportedly been executed in retaliation for Israel's kidnapping last week of a Moslem cleric and two aides from South Lebanon.

Whether this report is true or not, as an American I am outraged about this brutality and terrorism in the Middle East.

Another kidnapped American in Lebanon, Terry Anderson, the Associated Press newsman who has been tortured and held hostage for over 5 years, is among those we share concern about today. Terry Anderson's sister and brother-in-law, Peggy and David Say, are friends and constituents of mine from Cadiz, KY.

America has been held hostage long enough by these Middle East terrorists.

Mr. President, I think most Americans would agree that enough is enough, and I urge you to review each option we have in order to ensure that those individuals responsible for the brutal execution of Colonel Higgins are held accountable for their actions.

COAL LEASE EXCHANGE BILL

(Mr. NIELSON of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NIELSON of Utah. Mr. Speaker, I rise in behalf of my colleagues from Utah and Nevada to introduce a bill that would facilitate an exchange of certain Federal coal leases from the Alton coal field in the State of Utah for other Federal leases also in Utah.

The Nevada Electric Investment Co., a subsidiary of Nevada Power Co., would like to exchange its Federal coal leases comprising the Alton coal project for leases adjacent to existing Neico leases and mine in central Utah. Such an exchange would be an environmentally sound and economically beneficial situation.

The Alton coal leases are located near Bryce Canyon National Park. Neico began efforts to develop these leases in the early seventies. These efforts met with immediate resistance from the environmental groups concerned with the possible adverse impacts of such development on the park and other critical areas. Although there is some debate about whether there would be any permanent damage done by mining at Alton, there is enough concern that development has been stopped every time.

In order to avoid these problems and be able to move forward with developing their coal leases, Neico has proposed the exchange laid out in this bill. It is a win-win situation. Not only does it allow Neico to go ahead with their mining operation, but it also protects an environmentally critical area. This exchange would allow development of the coal to begin immediately, providing jobs to a severely economically depressed area and revenues to the State and Federal Government.

I would like to commend Neico for their efforts to address local, State, industry and environmental concerns as they worked on this exchange. I would encourage them to continue their rela-

tions with these various groups so that all involved will be satisfied.

Mr. Speaker, this bill has the support of all the Representatives from Utah and Nevada. It has received the approval of the Utah State Legislature. It is my understanding that a similar bill is underway in the Senate. I thank my colleagues from Utah for their support on this bill and urge the rest of our colleagues to support this bill as it moves through the legislative process.

PROPOSED EXTRADITION OF SHEIK ABDUL OBEID TO THE UNITED STATES

(Mr. ACKERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ACKERMAN. Mr. Speaker, I rise today to call upon our brave friends in Israel to immediately extradite Sheik Abdul Obeid to the United States so that we can put him on trial.

Furthermore, an outraged American people will demand extradition so that Obeid can be brought to justice and pay the price for the kidnapping, torture, and possible murder of Marine Lt. Col. William R. Higgins.

Lieutenant Colonel Higgins served our Nation and the world well. He was standing guard on the front lines of conflict with a single intention—to keep the peace. For his bravery, he was kidnapped, tortured, and put to death.

There is little doubt that the gangsters of Hezbollah were responsible for what happened to Colonel Higgins. Also, there is little doubt that Abdul Obeid was the leading thug of Hezbollah. Now, Obeid must be brought to justice.

Mr. Speaker, the antiterrorist legislation passed in this Chamber provides for the action I am demanding today.

I call upon all of my colleagues, on both sides of the aisle, to join together in one voice to declare our outrage and disgust at what has happened to a patriot—Lieutenant Colonel Higgins. And to demand that justice be done in his name.

OBSERVERS MUST BE ALLOWED TO ENSURE FREE ELECTIONS IN NICARAGUA

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, last weekend a bipartisan congressional delegation traveled to Central America, first to visit with President Cristiani of El Salvador, then to go to Nicaragua to evaluate the progress there toward the February elections that are promised by the Sandinista regime.

Unfortunately, when we went to a rally of one of the opposition political parties in the small town of Diriamba, as we were observing this rally from the periphery of the crowd, we were approached by the Interior Ministry police (their equivalent of the KGB) and ordered to leave the area immediately, "to abandon the zone," they said. We said we are just here to observe. They said if you are Americans, you must leave, you cannot see what is going on here. You can read about it in the newspapers or see it on television later.

Mr. Speaker, if there are going to be free and fair elections in Nicaragua, it is going to be critical that observers from around the world have an opportunity to really see what is happening there; and unless Americans, including Members of the United States Congress, are allowed to see what is going on, there is no way that we can verify that the elections are, in fact, free and fair, or that the events that must lead up to those elections, like campaigning are being conducted in a free and fair fashion.

My colleague, the gentleman from California [Mr. DREIER], and I intend to discuss this matter further at a press conference this afternoon at 2 o'clock in the press gallery, and to conduct a special order this evening to discuss this egregious event in more detail.

ECONOMICS SHOULD BE PRESIDENT'S CONCERN IN FSX DEAL

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, it is said that the President will veto our joint resolution calling for a better FSX fighter plane deal with Japan. Why? In order to defend Presidential prerogatives in foreign affairs.

I say the President ought to be more concerned about defending our country's economic strength and less worried about defending his prerogatives.

A large majority in Congress believes the codevelopment of FSX with Japan was a bad deal for America. But it is a done deal. We are now trying to keep it from becoming worse.

We passed this resolution to put some backbone into the U.S. bargaining position when the production phase of the FSX deal is negotiated.

We are asking for an assurance that this deal will not cause a hemorrhaging of valuable American aircraft technology. We also call on the administration to fight for at least a 40-percent U.S. share of the production work on the FSX. Is this too much to ask?

I hope the administration will take our economic security as seriously as it does alliance politics. But if it does not

and our FSX resolution is vetoed, we must override that veto.

□ 1220

DEMOCRATIC PROCESS IN NICARAGUA IS IN JEOPARDY

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, like every Member of this Chamber I am outraged and angered at the brutal killing of Lt. Col. William Higgins, and I hope and pray that we will see swift action taken to rectify this terrible heinous crime.

But I am here to continue the comments of my colleague, Mr. KYL, who spoke just a moment ago about our experience yesterday in Nicaragua.

Mr. Speaker, I very much want to see free and fair elections take place on the 25th of February next year in Nicaragua. This weekend the five Central American Presidents are going to meet to discuss, among other things, demobilization of the democratic resistance in Nicaragua, the Contras.

I urge the five Central American Presidents, Mr. Speaker, and I know there is one who certainly would not be in any way in support of this, but I urge them to not in any way bring about demobilization until after democratization has taken place.

I have experienced in the past Nicaraguan rallies. I have been able to participate in rallies in Nicaragua as outlined by Mr. KYL. And yet, yesterday, as the election process begins, we were told to "abandon the zone," we were virtually kicked out by Thomas Borge's thugs in the interior ministry.

Mr. Speaker, we went to encourage and observe the democratic process in Nicaragua, and I am very saddened to report that the opposite is taking place.

WE SHOULD SUPPORT ANY ACTIONS TO BRING THE TERRORISTS TO JUSTICE

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, Members of the House, I want to make it clear to the President of the United States that I will support any action that we may order, any decision that he may undertake to bring about a solution and revenge for the action taken against our American colonel in the Middle East.

Mr. Speaker, I will support any covert action that the President feels is necessary, any military action, any paramilitary action, anything to seize these hostage takers and terrorists to bring them to justice.

I do not care, nor does the American public care, about world opinion as to what guns we might use or what police methods we might use or what military access we might gain to the beds of evil that these terrorists represent.

It is time that the United States, without regard to whatever anybody else thinks, goes to the root of the evil in the Middle East and takes action to bring these people to justice.

We need revenge and we need justice, and I will support the President in whatever means he might employ to bring them about.

THE UNITED STATES MUST TAKE ACTION AGAINST THE MURDERERS OF LIEUTENANT COLONEL HIGGINS

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, the news agencies report the death of Lt. Col. William R. Higgins at the hands of a splinter group of the extremist Hezbollah.

President Bush is cutting short his trip to the west coast, and is returning to learn more about this tragic situation and head up a force. The President is to be commended—for something needs to be done.

Colonel Higgins was murdered.

The reason—if the word reason could ever be used in this context—given is that this was in response to the Israeli kidnaping of Sheik Obeid.

Twisted logic by twisted minds.

To hold the United States responsible for the actions of another country is ludicrous.

A response is dictated. It is time the United States took direct action against these terrorists.

Military theorists have argued for years that we were already in World War III—a war of terrorism.

We must strike back. Those who murder indiscriminately must pay.

U.S. passports must not become badges that say "Open season."

Americans must be allowed to travel safely anywhere. Our Government must guarantee this fundamental right.

OLDER AMERICANS FREEDOM TO WORK ACT

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, the senior men and women of this Nation are some of the hardest working and most experienced workers in the world. Yet, despite the years of service that they have given to our country, the system does not always work for them.

I am talking about the Social Security earnings limit. As my colleagues

know, this limit reduces Social Security benefits \$1 for each \$2 in outside income earned over a threshold of \$8,880 for those 65 to 69 years old and \$6,480 for those 62 to 64 years old. This is terribly wrong. This misguided policy implies to our elderly that they should go home, close the door, not work and not be productive.

Designed and initiated during the Depression, this law was designed to force the elderly out of the work force to make way for younger workers. But times have changed. Many Social Security recipients need more money to augment their checks just to make ends meet. More importantly, many are just plain not ready to retire and would like to continue working.

This situation urgently needs to be changed. To this end, I would urge all Members of the House to support H.R. 2460, the Older Americans Freedom To Work Act. This legislation, introduced by Congressman DENNIS HASTERT of Illinois and 120 original sponsors of which I am one, offers our senior citizens a real hope. This bill gives our senior citizens hope by raising the threshold on earnings. This is a hope we should not allow to die.

Our senior citizens are valuable resources. We have an obligation to them to do all we can to allow them to continue to contribute to society in a productive manner.

LET US TOGETHER WIPE OUT TERRORISM ONCE AND FOR ALL

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, all America mourns the reported death of the brave Lieutenant Colonel Higgins, a peacekeeper in the Middle East. And we ask ourselves: What can we do to prevent deaths like this from occurring in the future?

We must be vigilant against terrorism. We must make sure that not only the terrorists are brought to justice but also those terrorist countries such as Libya and Syria and Iran which aid and abet this terrorism can no longer be part of the world's community.

When it comes to action by our Western allies, by the rest of the world, in terms of isolating these countries, in terms of retaliating against terrorism, we are always told, "No."

So let us put the blame where it belongs, on the outrageous terrorists and even, yes, on some of the Western powers that are willing to countenance them.

Let us not turn the world on its head and blame one of the few countries, Israel, that is trying to fight terrorism.

Let us make sure that those countries that are fighting terrorism are given support and help so that the

Colonel Higgins' of the future will never be kidnaped and stand alone again.

Let us not turn the world topsy-turvy; let us instead put the blame on those evil people who kidnaped the lieutenant colonel, who have reportedly hung him and will do it again and again and again until the world, the whole world stands firm against terrorism and prevents those countries that aid and abet it from being part of the world community.

The facts are still murky. But we know that a brave American has died. We know that the world gets concerned about terrorism for a day or two and then turns its head the other way to other more mundane businesses.

That should not happen again. Let us together wipe out terrorism once and for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GEPHARDT). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at the end of legislative business today.

COURT OF VETERANS APPEALS JUDGES RETIREMENT ACT

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2727) to amend title 38, United States Code, to establish a retirement and survivor benefit program for judges of the new U.S. Court of Veterans Appeals, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2727

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Court of Veterans Appeals Judges Retirement Act".

TITLE I—JUDGES RETIREMENT AND SURVIVOR ANNUITY PROGRAM

SEC. 101. JUDGES RETIREMENT PROGRAM.

(a) RETIREMENT SYSTEM.—Chapter 72, of title 38, United States Code, is amended by adding at the end the following new subchapter:

"Subchapter V—Retirement and Survivors Annuities

"§ 4096. Retirement of judges

"(a) For purposes of this section:

"(1) The term 'Court' means the United States Court of Veterans Appeals.

"(2) The 'judge' means the chief judge or an associate judge of the Court.

"(b)(1) A judge who meets the age and service requirements set forth in the following table may retire:

"The judge has attained age:	And the years of service as a judge are at least
65.....	15
66.....	14
67.....	13
68.....	12
69.....	11
70.....	10

"(2) A judge who is not reappointed following the expiration of the term for which appointed may retire upon the completion of that term if the judge has served as a judge of the Court for 15 years or more. In order to retire under this paragraph, a judge must, not earlier than 9 months preceding the date of the expiration of the judge's term of office and not later than 6 months preceding such date, advise the President in writing that the judge is willing to accept reappointment to the Court.

"(3) A judge who becomes permanently disabled and as a result of that disability is unable to perform the duties of the office shall retire.

"(c)(1) An individual who retires under subsection (b) of this section and elects under subsection (d) of this section to receive retired pay under this subsection shall (except as provided in paragraph (2) of this subsection) receive retired pay at the rate of pay in effect at the time of retirement.

"(2) An individual who serves as a judge for less than 10 years and who retires under subsection (b)(3) of this section and elects under subsection (d) of this section to receive retired pay under this subsection shall receive retired pay at a rate equal to one-half of the rate of pay in effect at the time of retirement.

"(3) Retired pay under this subsection shall begin to accrue on the day following the day on which the individual's salary as a judge ceases to accrue and shall continue to accrue during the remainder of the individual's life. Retired pay under this subsection shall be paid in the same manner as the salary of a judge.

"(d)(1) A judge may elect to receive retired pay under subsection (c) of this section. Such an election—

"(A) may be made only while an individual is a judge (except that, in the case of an individual who fails to be reappointed as judge at the expiration of a term of office, the election may be made at any time before the date after the day on which the individual's successor takes office); and

"(B) may not be revoked after the retired pay begins to accrue.

"(2) In the case of a judge other than the chief judge, such an election shall be made by filing notice of the election in writing with the chief judge. In the case of the chief judge, such an election shall be made by filing notice of the election in writing with the Director of the Office of Personnel Management.

"(3) The chief judge shall transmit to the Director of the Office of Personnel Management a copy of each notice filed with the chief judge under this subsection.

"(e) If an individual for whom an election to receive retired pay under subsection (c) is in effect accepts compensation for employment with the United States, the individual shall, to the extent of the amount of that compensation, forfeit all rights to retired pay under subsection (c) of this section for

the period for which compensation is received.

"(f)(1) Except as otherwise provided in this subsection, the provisions of the civil service retirement laws (including the provisions relating to the deduction and withholding of amounts from basic pay, salary, and compensation) shall apply with respect to service as a judge as if this section had not been enacted.

"(2) In the case of any individual who has filed an election to receive retired pay under subsection (c) of this section—

"(A) no annuity or other payment shall be payable to any person under the civil service retirement laws with respect to any service performed by such individual (whether performed before or after such election is filed and whether performed as a judge or otherwise);

"(B) no deduction for purposes of the Civil Service Retirement and Disability Fund shall be made from retired pay payable to that individual under subsection (c) of this section or from any other salary, pay, or compensation payable to that individual, for any period beginning after the day on which such election is filed; and

"(C) such individual shall be paid the lump-sum credit computed under section 8331(8) or 8401(a) of title 5, whichever applies, upon making application therefor with the Office of Personnel Management.

"(g)(1) A judge who becomes permanently disabled and as a result of that disability is unable to perform the duties of the office shall certify to the President in writing that such permanent disability exists. If the chief judge retires for such a disability, the retirement of the chief judge shall not take effect until concurred in by the President. If any other judge retires for such a disability, the chief judge shall furnish to the President a certificate of disability signed by the chief judge.

"(2) Whenever the President finds that a judge has become permanently disabled and as a result of that disability is unable to perform the duties of the office, the President shall declare that judge to be retired. Before a judge may be retired under this paragraph, the judge shall be provided with a full specification of the reasons for the retirement and an opportunity to be heard.

"(h)(1) An individual who has filed an election to receive retired pay under subsection (c) of this section may revoke such election at any time before the first day on which retired pay would (but for such revocation) begin to accrue with respect to such individual.

"(2) Any revocation under this subsection shall be made by filing a notice of the election in writing with the Director of the Office of Personnel Management. The Office of Personnel Management shall transmit to the chief judge a copy of each notice filed under this subsection.

"(3) In the case of a revocation under this subsection—

"(A) for purposes of this section, the individual shall be treated as not having filed an election to receive retired pay under subsection (c) of this section;

"(B) for purposes of section 4097 of this title—

"(i) the individual shall be treated as not having filed an election under section 4097(b) of this title, and

"(ii) section 4097(e) of this title shall not apply and the amount credited to such individual's account (together with interest at 3 percent per year, compounded on December 31 of each year to the date on which the

revocation is filed) shall be returned to the individual;

"(C) no credit shall be allowed for any service as a judge of the Court unless with respect to such service either there has been deducted and withheld the amount required by the civil service retirement laws or there has been deposited in the Civil Service Retirement and Disability Fund an amount equal to the amount so required, with interest;

"(D) the Court shall deposit in the Civil Service Retirement and Disability Fund an amount equal to the additional amount it would have contributed to such Fund but for the election under subsection (d); and

"(E) if subparagraphs (C) and (D) of this paragraph are complied with, service on the Court shall be treated as service with respect to which deductions and contributions had been made during the period of service.

"(1)(1) Beginning with the next pay period after the Director of the Office of Personnel Management receives a notice under subsection (d) of this section that a judge has elected to receive retired pay under this section, the Director shall deduct and withhold 1 percent of the salary of such judge. Amounts shall be so deducted and withheld in a manner determined by the Director. Amounts deducted and withheld under this subsection shall be deposited in the Treasury of the United States to the credit of the Court of Veterans Appeals Judges Retirement Fund. Deductions under this subsection from the salary of a judge shall terminate upon the retirement of the judge or upon the completion of 15 years of service for which either deductions under this subsection or a deposit under subsection (j) of this section has been made, whichever occurs first.

"(2) Each judge who makes an election under subsection (d) of this section shall be considered to agree to the deductions from salary which are made under paragraph (1) of this subsection.

"(j) A judge who makes an election under subsection (d) of this section shall deposit, for service on the Court performed before the election for which contributions may be made under this section, an amount equal to 1 percent of the salary received for the first years, not exceeding 15 years, of that service. Retired pay may not be allowed until a deposit required by this subsection has been made.

"(k) The amounts deducted and withheld under subsection (i) of this section, and the amounts deposited under subsection (j) of this section, shall be deposited in the Court of Veterans Appeals Retirement Fund for credit to individual accounts in the name of each judge from whom such amounts are received.

§ 4097. Survivor annuities

"(a) For purposes of this section:

"(1) The term 'Court' means the United States Court of Veterans Appeals.

"(2) The term 'judge' means the chief judge or an associate judge of the Court.

"(3) The term 'pay' means salary received under section 4053(e) of this title and retired pay received under section 4096(c) of this title.

"(4) The term 'retirement fund' means the Court of Veterans Appeals Retirement Fund established under section 4098 of this title.

"(5) The term 'surviving spouse' means a surviving spouse of an individual who (A) was married to such individual for at least two years immediately preceding the indi-

vidual's death, or (B) is a parent of issue by the marriage.

"(6) The term 'dependent child' has the meaning given the term 'child' in section 376(a)(5) of title 28.

"(7) The term 'Member of Congress' means a Representative, a Senator, a Delegate to Congress, or the Resident Commissioner of Puerto Rico.

"(b) A judge may become a participant in the annuity program under this section by filing a written election under this subsection while in office. Any such election shall be made in such a manner as may be prescribed by the Court.

"(c) There shall be deducted and withheld each pay period from the pay of a judge who has made an election under subsection (b) of this section a sum equal to 3.5 percent of the judge's pay. Amounts so deducted and withheld shall be deposited in the retirement fund. A judge who makes an election under subsection (b) of this section shall be considered by that election to agree to the deductions from the judge's pay required by this subsection.

"(d) A judge who makes an election under subsection (b) of this section shall deposit, with interest at 3 percent per year compounded on December 31 of each year, to the credit of the retirement fund, an amount equal to 3.5 percent of the judge's pay and of the judge's basic salary, pay, or compensation for service as a Member of Congress, and for any other civilian service within the purview of section 8332 of title 5. Each such judge may elect to make such deposits in installments during the judge's period of service in such amount and under such conditions as may be determined in each instance by the chief judge. Notwithstanding the failure of a judge to make such deposit, credit shall be allowed for the service rendered, but the annual annuity of the surviving spouse of such judge shall be reduced by an amount equal to 10 percent of the amount of such deposit, computed as of the date of the death of such judge, unless the surviving spouse elects to eliminate such service entirely from credit under subsection (k) of this section. However, a deposit shall not be required from a judge for any year with respect to which deductions from the judge's pay, or a deposit, were actually made (and not withdrawn) under the civil service retirement laws.

"(e) If the service of a judge who makes an election under subsection (b) of this section terminates other than pursuant to the provisions of section 4096 of this title, or if any judge ceases to be married after making the election under subsection (b) of this section and revokes (in a writing filed as provided in subsection (b) of this section) such election, the amount credited to the judge's individual account (together with interest at 3 percent per year compounded on December 31 of each year to the date of the judge's relinquishment of office) shall be returned to the judge. For the purpose of this section, the service of a judge making an election under subsection (b) of this section shall be considered to have terminated pursuant to section 4096 of this title if—

"(1) the judge is not reappointed following expiration of the term for which appointed; and

"(2) at or before the time of the expiration of that term, the judge is eligible for and elects to receive retired pay under section 4096 of this title.

"(f)(1) If a judge who makes an election under subsection (b) of this section dies after having rendered at least 5 years of ci-

vilian service (computed as prescribed in subsection (1) of this section), for the last 5 years of which the salary deductions provided for by subsection (c) of this section or the deposits required by subsection (d) of this section have actually been made (and not withdrawn) or the salary deductions required by the civil service retirement laws have actually been made (and not withdrawn)—

"(A) if the judge is survived by a surviving spouse but not a dependent child, there shall be paid to the surviving spouse an annuity beginning with the day of the death of the judge or following the surviving spouse's attainment of the age of 50 years, whichever is the latter, in an amount computed as provided in subsection (k) of this section; or

"(B) if the judge is survived by a surviving spouse and a dependent child or children, there shall be paid to the surviving spouse an immediate annuity in an amount computed as provided in subsection (k) of this section and there shall also be paid to or on behalf of each such child an immediate annuity equal to the lesser of—

"(i) 10 percent of the average annual pay of such judge (determined in accordance with subsection (k) of this section); or

"(ii) 20 percent of such average annual pay, divided by the number of such children; or

"(C) if the judge is not survived by a surviving spouse but is survived by a dependent child or children, there shall be paid to or on behalf of each such child an immediate annuity equal to the lesser of—

"(i) 20 percent of the average annual pay of such judge (determined in accordance with subsection (k) of this section); or

"(ii) 40 percent of such average annual pay, divided by the number of such children.

"(2) The annuity payable to a surviving spouse under this subsection shall be terminated—

"(A) upon the surviving spouse's death; or

"(B) upon the remarriage of the surviving spouse before age 55.

"(3) The annuity payable to a child under this subsection shall be terminated upon the child's death.

"(4) In case of the death of a surviving spouse of a judge leaving a dependent child or children of the judge surviving the spouse, the annuity of such child or children under paragraph (1)(B) of this subsection shall be recomputed and paid as provided in paragraph (1)(C) of this subsection. In any case in which the annuity of a dependent child is terminated, the annuities of any remaining dependent child or children, based upon the service of the same judge, shall be recomputed and paid as though the child whose annuity was so terminated had not survived the judge.

"(g) Questions of family relationships, dependency, and disability arising under this section shall be determined in the same manner as such questions arising under chapter 84 of title 5 are determined.

"(h)(1) If—

"(A) a judge making an election under subsection (b) of this section dies while in office (i) before having rendered 5 years of civilian service computed as prescribed in subsection (1) of this section, or (ii) after having rendered 5 years of such civilian service but without a survivor entitled to annuity benefits provided by subsection (f) of this section; or

"(B) the right of all persons entitled to an annuity under subsection (f) of this section

based on the service of such judge terminates before a claim for such benefits has been established,

the total amount credited to the individual account of such judge (with interest at 3 percent per year, compounded on December 31 of each year, to the date of the death of such judge) shall be paid in the manner specified in paragraph (2) of this subsection.

"(2) An amount payable under paragraph (1) of this subsection shall be paid, upon the establishment of a valid claim therefor, to the person or persons surviving at the date title to the payment arises, in the following order of precedence:

"(A) To the beneficiary or beneficiaries whom the judge designated in writing filed before death with the chief judge (except that in the case of the chief judge such designation shall be filed before death as prescribed by the Court).

"(B) To the surviving spouse of the judge.

"(C) To the child or children of the judge (and the descendants of any deceased children by representation).

"(D) To the parents of the judge or the survivor of them.

"(E) To the executor or administrator of the estate of the judge.

"(F) To such other next of kin of the judge as may be determined by the chief judge to be entitled under the laws of the domicile of the judge at the time of the judge's death.

"(3) Determination as to the surviving spouse, child, or parent of a judge for the purposes of paragraph (2) of this subsection shall be made without regard to the definitions in subsection (a) of this section.

"(4) Payment under this subsection in the manner provided in this subsection shall be a bar to recovery by any other person.

"(5) In a case in which the annuities of all persons entitled to annuity based upon the service of a judge terminate before the aggregate amount of annuity paid equals the total amount credited to the individual account of such judge (with interest at 3 percent per year, compounded on December 31 of each year to the date of the death of the judge), the difference shall be paid, upon establishment of a valid claim therefor, in the order of precedence prescribed in paragraph (2) of this subsection.

"(6) Any accrued annuity remaining unpaid upon the termination (other than by death) of the annuity of any individual based upon the service of a judge shall be paid to that individual. Any accrued annuity remaining unpaid upon the death of an individual receiving an annuity based upon the service of a judge shall be paid, upon the establishment of a valid claim therefor, in the following order of precedence:

"(A) To the executor or administrator of the estate of that person.

"(B) After 30 days after the date of the death of such individual, to such individual or individuals as may appear in the judgment of the chief judge to be legally entitled thereto. Such payment shall be a bar to recovery by any other individual.

"(i) When a payment under this section is to be made to a minor, or to a person mentally incompetent or under other legal disability adjudged by a court of competent jurisdiction, the payment may be made to the person who is constituted guardian or other fiduciary by the law of the State or residence of such claimant or is otherwise legally vested with the care of the claimant or the claimant's estate. If no guardian or other fiduciary of the person under legal disability has been appointed under the

laws of the State of residence of the claimant, the chief judge shall determine the person who is otherwise legally vested with the care of the claimant or the claimant's estate.

"(j) Annuities under this section shall accrue monthly and shall be due and payable in monthly installments on the first business day of the month following the month or other period for which the annuity has accrued. An annuity under this section is not assignable, either in law or in equity, or subject to execution, levy, attachment, garnishment, or other legal process.

"(k)(1) The annuity of the surviving spouse of a judge making an election under subsection (b) of this section shall be an amount equal to the sum of the following:

"(A) The product of—

"(i) 1.5 percent of the judge's average annual pay; and

"(ii) the sum of the judge's years of judicial service, the judge's years of prior allowable service as a Member of Congress, the judge's years of prior allowable service performed as a member of the Armed Forces, and the judge's years, not exceeding 15, of prior allowable service performed as a congressional employee (as defined in section 2107 of title 5).

"(B) Three-fourths of 1 percent of the judge's average annual pay multiplied by the judge's years of allowable service not counted under subparagraph (A) of this paragraph.

"(2) An annuity computed under this subsection may not exceed 50 percent of the judge's average annual pay and may not be less than 25 percent of such average annual pay. Such annuity shall be further reduced in accordance with subsection (d) of this section (if applicable).

"(3) For purposes of this subsection, the term 'average annual pay', with respect to a judge, means the average annual pay received by the judge for judicial service (including periods in which the judge received retired pay under section 4096(d) of this title) or for any other prior allowable service during the period of three consecutive years in which the judge received the largest such average annual pay.

"(l) Subject to subsection (d) of this section, the years of service of a judge which are allowable as the basis for calculating the amount of the annuity of the judge's surviving spouse shall include the judge's years of service as a judge of the Court, the judge's years of service as a Member of Congress, the judge's years of active service as a member of the Armed Forces not exceeding 5 years in the aggregate and not including any such service for which credit is allowed for the purposes of retirement or retired pay under any other provision of law, and the judge's years of any other civilian service within the purview of section 8332 of title 5.

"(m) Nothing contained in this section shall be construed to prevent a surviving spouse eligible therefor from simultaneously receiving an annuity under this section and any annuity to which such spouse would otherwise be entitled under any other law without regard to this section, but in computing such other annuity service used in the computation of such spouse's annuity under this section shall not be credited.

"(n) A judge making an election under subsection (b) of this section shall, at the time of such election, waive all benefits under the civil service retirement laws. Such a waiver shall be made in the same manner and shall have the same force and effect as

an election filed under section 4096(d) of this title.

"(o) Whenever the salaries of judges paid under section 4053(e) of this title are increased, each annuity payable from the retirement fund which is based, in whole or in part, upon a deceased judge having rendered some portion of that judge's final 18 months of service as a judge of the Court, shall also be increased. The amount of the increase in the annuity shall be determined by multiplying the amount of the annuity on the date on which the increase in salaries becomes effective by 3 percent for each full 5 percent by which those salaries were increased.

"§ 4098. Court of Veterans Appeals Retirement Fund

"(a) There is established in the Treasury a fund known as the Court of Veterans Appeals Retirement Fund.

"(b) Amounts in the fund are available for the payment of judge's retired pay under section 4096 of this title and of annuities, refunds, and allowances under section 4097 of this title.

"(c) Amounts deposited by, or deducted and withheld from the salary and retired pay of, a judge under section 4096 or 4097 of this title shall be deposited in the fund and credited to an individual account of the judge.

"(d) The chief judge of the Court of Veterans Appeals shall submit to the President an annual estimate of the expenditures and appropriations necessary for the maintenance and operation of the fund, and such supplemental and deficiency estimates as may be required from time to time for the same purposes, according to law.

"(e)(1) The chief judge may cause periodic examinations of the retirement fund to be made by an actuary, who may be an actuary employed by another department of the Government temporarily assigned for the purpose.

"(2)(A) Subject to the availability of appropriations, there shall be deposited in the Treasury to the credit of the retirement fund, not later than the close of each fiscal year, such amounts as may be required to reduce to zero the unfunded liability (if any) of the fund. Such deposits shall be taken from sums available for that fiscal year for the payment of the expenses of the Court.

"(B) For purposes of subparagraph (A) of this paragraph, the term 'unfunded liability', with respect to any fiscal year, means the amount estimated by the chief judge to be equal to the excess (as of the close of that fiscal year) of—

"(i) the present value of all benefits payable from the fund (determined on an annual basis in accordance with section 9503 of title 31), over

"(ii) the sum of—

"(I) the present values of future deductions under sections 4096(i) and 4097(c) of this title and future deposits under sections 4096(j) and 4096(d) of this title, and

"(II) the balance in the fund as of the close of the fiscal year.

"(C) Amounts deposited in the retirement fund under this paragraph shall not be credited to the account of any individual.

"(f) The Secretary of the Treasury shall invest from time to time, in interest-bearing securities of the United States, such portions of the retirement fund as in such Secretary's judgment may not be immediately required for payments from the fund. The

income derived from such investments shall constitute a part of the fund."

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 72 of such title is amended by adding at the end the following:

"Subchapter V—Retirement and Survivors Annuities

"4096. Retirement of judges.

"4097. Survivor annuities.

"4098. Court of Veterans Appeals Retirement Fund."

SEC. 102. CONFORMING AMENDMENTS.

(a) **CIVIL SERVICE RETIREMENT SYSTEM.**—Section 8334(i) of title 5, United States Code, is amended by adding at the end the following new paragraph:

"(5) Notwithstanding any other provision of law, a judge who is covered by section 4096 of title 38 shall not be subject to deductions and contributions to the Fund, if the judge notifies the Director of the Office of Personnel Management of an election of a retirement annuity under that section. Upon such an election, the judge shall be entitled to a lump-sum credit under section 8342(a) of this title."

(b) **FEDERAL EMPLOYEES RETIREMENT SYSTEM.**—Section 8402 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(f) A judge who is covered by section 4096 of title 38 shall be excluded from the operation of this chapter if the judge notifies the Director of the Office of Personnel Management of an election of a retirement annuity under that section. Upon such election, the judge shall be entitled to a lump-sum credit under section 8424 of this title."

(c) **STANDARDS FOR REMOVAL OF JUDGES.**—Section 4053(f)(1) of title 38, United States Code, is amended in the first sentence—

(1) by inserting "or" before "engaging"; and

(2) by striking out "law," and all that follows that sentence and inserting in lieu thereof "law."

TITLE II—PROVISIONS RELATING TO ESTABLISHMENT OF COURT OF VETERANS APPEALS

SEC. 201. FACILITIES FOR THE COURT.

(a) **SPACE IN THE DISTRICT OF COLUMBIA.**—The Administrator of General Services shall provide suitable building space in the District of Columbia for the United States Court of Veterans Appeals as the Court's principal place of business. The Administrator shall, if necessary, arrange for temporary space for the Court if permanent space is not immediately available for the Court. The Administrator shall place a high priority on the provision of such temporary and permanent space for the Court.

(b) **APPROVAL BY COURT.**—Any space to be provided for the Court of Veterans Appeals under subsection (a) must be acceptable to the Court.

(c) **ADDITIONAL REQUIREMENT.**—Any building space provided to the Court under subsection (a) shall be adjacent to additional building space (in an amount acceptable to the Court) that can be made available to the Court in the future if needed for expansion of the facilities of the Court.

SEC. 202. INTERIM PROVISION FOR FILING NOTICES OF APPEAL.

In the case of a person adversely affected by a final decision of the Board of Veterans' Appeals that is made before the date on which the United States Court of Veterans Appeals has caused to be published in the Federal Register a notice by the Court that it has commenced operations, the period

prescribed under section 4066 of title 38, United States Code, within which a notice of appeal must be filed with the Court shall be extended to the end of the 30-day period beginning on the date such notice is published, if the end of that period is later than the date that would otherwise be applicable under such section.

SEC. 203. INTERIM RULES OF THE COURT.

The Federal Rules of Appellate Procedure (28 U.S.C. App.) shall be the interim rules of the United States Court of Veterans Appeals unless otherwise provided by the Court in accordance with chapter 72 of title 38, United States Code. If there is a conflict between a provision of the Federal Rules of Appellate Procedure and the procedures set forth in chapter 72 of title 38, United States Code, the procedures set forth in such chapter shall apply.

SEC. 204. EMPLOYEES OF THE COURT.

(a) **EMPLOYMENT AUTHORITY.**—Section 4081 of title 38, United States Code, is amended to read as follows:

"§ 4081. Employees

"(a) The Court of Veterans Appeals may appoint a clerk without regard to the provisions of title 5 governing appointments in the competitive service. The clerk shall serve at the pleasure of the Court.

"(b) The judges of the Court may appoint law clerks and secretaries, in such numbers as the Court may approve, without regard to the provisions of title 5 governing appointments in the competitive service. Any such law clerk or secretary shall serve at the pleasure of the appointing judge.

"(c) The clerk, with the approval of the Court, may appoint necessary deputies and employees without regard to the provisions of title 5 governing appointments in the competitive service.

"(d) The Court may fix and adjust the rates of basic pay for the clerk and other employees of the Court without regard to the provisions of chapter 51, subchapter III of chapter 53, or section 5373 of title 5. To the maximum extent feasible, the Court shall compensate employees at rates consistent with those for employees holding comparable positions in the judicial branch.

"(e) In making appointments under subsection (a) through (c) of this section, preference shall be given, among equally qualified persons, to persons who are preference eligibles (as defined in section 2108(3) of title 5).

"(f) The Court may procure the services of experts and consultants under section 3109 of title 5.

"(g) The Chief Judge of the Court may exercise the authority of the Court under this section whenever there are not at least two associate judges of the Court.

"(h) The Court shall not be considered to be an agency within the meaning of section 3132(a)(1) of title 5."

(b) **LIMITATION ON CONVERSION OF EMPLOYEES TO COMPETITIVE SERVICE.**—Notwithstanding clause (1)(A) of the proviso under the heading "Court of Veterans Appeals" in chapter XI of Public Law 101-45, no employee of the United States Court of Veterans Appeals may be converted to the competitive service without the approval of the Court.

(c) **EFFECTIVE DATE.**—Notwithstanding section 401 of the Veterans' Judicial Review Act, the authority provided by section 4081 of title 38, United States Code, as amended by subsection (a), shall take effect on the date of the enactment of this Act.

TITLE III—TECHNICAL CORRECTIONS

SEC. 301. EFFECTIVE DATE FOR NEW RULE FOR REOPENING BOARD OF VETERANS' APPEALS DISALLOWED CASES.

Section 401(d) of the Veterans' Judicial Review Act (Public Law 100-687; 102 Stat. 4122) is amended to read as follows:

"(d) **BOARD OF VETERANS' APPEALS.**—Sections 202, 203, 205, 206, and 207 shall take effect as of January 1, 1989. Section 204 shall take effect on September 1, 1989."

SEC. 302. OTHER TECHNICAL AMENDMENTS.

(a) **CROSS-REFERENCE TO NEW SECTION.**—Section 3301(b)(1) of title 38, United States Code, is amended by striking out "section 4009" and inserting in lieu thereof "section 3009 or 4009".

(b) **REVIEW OF COURT DECISION.**—Section 4092(d)(1) of such title is amended by striking out "statute or".

(c) **APPLICABILITY OF AMENDMENTS.**—The amendments made by subsections (a) and (b) shall take effect as if included in the Veterans' Judicial Review Act.

(d) **REDESIGNATION OF DUPLICATE SECTION NUMBER.**—(1) The section 223 of title 38, United States Code, added by section 203(b)(1) of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 102 Stat. 509) is redesignated as section 224.

(2) The item relating to that section in the table of sections at the beginning of chapter 3 of that title is revised to reflect the redesignation made by paragraph (1).

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. NONCAREER APPOINTMENTS IN DEPARTMENT OF VETERANS AFFAIRS.

Section 12(c)(2) of the Department of Veterans Affairs Act (Public Law 100-527; 102 Stat. 2642) is amended—

(1) by inserting "(A)" before "any person"; and

(2) by inserting before the period at the end the following: ", or (B) any person to (i) a Senior Executive Service position as a noncareer appointee, or (ii) a position which is excepted from the competitive service, on a temporary or permanent basis, because of the confidential or policy-determining character of the position".

SEC. 402. ACTING CHIEF JUDGE IN EVENT OF VACANCY.

Section 4054 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(d) In the event of a vacancy in the position of chief judge of the Court, the associate judge senior in service on the Court shall serve as acting chief judge unless the President designates one of the other associate judges to serve as acting chief judge, in which case the judge so designated shall serve as acting chief judge."

The **SPEAKER** pro tempore. Is a second demanded?

Mr. **HAMMERSCHMIDT**. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

□ 1230

The **SPEAKER** pro tempore. The gentleman from Mississippi [Mr. **MONTGOMERY**] will be recognized for 20 minutes and the gentleman from Arkansas [Mr. **HAMMERSCHMIDT**] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MONTGOMERY asked and was given permission to revise and extend his remarks.)

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 2727, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, Division A of Public Law 100-687, the Veterans' Judicial Review Act, established the U.S. Court of Veterans Appeals, which has exclusive jurisdiction to review decisions of the Board of Veterans' Appeals.

The bill before us today, H.R. 2727, the Court of Veterans Appeals Judges Retirement Act, would establish a retirement and survivor annuity plan for judges of the Court of Veterans Appeals comparable to that afforded other Federal judges and magistrates. The court is scheduled to begin operation on September 1. Like the act establishing the court, it is based on similar legislation providing such benefits to judges on the Tax Court. This bill is unique in that an identical measure was introduced in the other body by Senator CRANSTON and Senator MURKOWSKI on the same date that Mr. STUMP and I introduced this bill. In fact, the Senate Committee on Veterans' Affairs has reported that measure (S. 1243), so I believe we will reach accord with the other body very quickly.

Judges who are appointed to serve on this new Court of Veterans Appeals should have a retirement and survivor annuity program comparable to benefits afforded to other Federal judges. In our examination of such benefits we found certain common features, which we have incorporated in this measure.

In preparing the bill, we have consulted with Judge Frank Q. Nebeker, the new Chief Judge of the United States Court of Veterans Appeals; Clerks of the Tax Court and the Court of Military Appeals; the Administrative Office of the U.S. Courts and the Office of Personnel Management.

Mr. Speaker, the principal features of the retirement program are as follows:

First, each judge would be required to make an election to participate in the retirement plan provided for in this legislation. The election may be made at any time while the individual is serving as a judge. A judge would

not have a vested right to receive benefits—other than disability benefits—until meeting the age and service requirements described in paragraph 2. Until a judge makes an election to participate in the retirement plan provided by this legislation, the provisions of the Civil Service Retirement Program set out in chapters 83 and 84 of title 5, United States Code, would be applicable to service as a judge of the court.

Second. The bill would provide a retirement benefit equal to the salary in effect at the time of retirement to judges who have reached age 65 and served on the court at least 15 years. A judge who is over 65 and who has at least 10, but less than 15, years of service, would be eligible for this benefit if the sum of the judge's years of service and attained age is 80 or greater. A judge who is not reappointed following the expiration of the term for which appointed and who has served at least 15 years would also be eligible for this benefit.

Third. The bill would provide a disability retirement benefit to judges who become permanently disabled and as a result of that disability are unable to perform the duties of the office. A judge who is disabled and who has served more than 10 years would receive a benefit equal to the salary in effect at the time of retirement. A judge who is disabled and has served less than 10 years would be entitled to one-half of the rate of pay in effect at the time of retirement.

Fourth. A 1-percent deduction would be made from the salary of a judge who elects to participate in the retirement plan. This amount would be deposited in a retirement and annuity fund established by this legislation. In order to receive credit for any period of service as a judge prior to the election to participate in the plan, a judge must deposit an amount equal to 1 percent of the salary received for that service. Deductions would terminate upon the retirement of the judge or upon the completion of 15 years of service for which contributions or deposits have been made.

Fifth. A judge who elects to participate in the retirement plan would be barred from receiving any other payment under the civil service retirement laws regardless of whether such service is performed before or after service as a judge. Following the election to participate in the court retirement plan, no further deductions would be made from the judge's salary for purposes of the civil service retirement fund, and the judge would be entitled to a lump-sum refund of all prior deductions.

The principal features of the survivor annuity plan are as follows:

One. A judge would be required to make an election to provide a survivor annuity under this legislation. An election to participate in this plan would

be a waiver of all benefits under the civil service retirement laws, but a surviving spouse who is eligible for an annuity under any other law would be entitled to that annuity. However, service used in the computation of an annuity under this law may not be used in calculating the annuity under the other law.

Two. The bill provides that once an election to provide a survivor annuity is made, a deduction of 3.5 percent of all future salary and retirement benefits would be made for deposit in the retirement and annuity trust fund. In addition, a judge would be required to deposit in the fund, with interest, a sum equal to 3.5 percent of previous salary earned as a judge, Member of Congress, and for other Federal civilian service. A judge would be permitted to make the deposit in installments during the judge's period of service. If the required deposit is not made, and if no deduction had been made under the civil service retirement laws, the annuity of the surviving spouse would be reduced by an amount equal to 10 percent of the amount of the unpaid deposit, unless the spouse chooses to disregard that period of service for purposes of calculating the annuity due. No deposit would be necessary for any year in which deductions from the judge's salary, or a deposit, were actually made—and not withdrawn—under the civil service retirement laws.

Three. The survivor annuity would be payable only if the judge had rendered 5 years of civilian service and if the deduction described in paragraphs 1 and 2—or a comparable deduction under the civil service retirement laws—had been made for at least 5 years of service as a judge or other allowable civilian service.

Four. For purposes of calculating the amount of the annuity for a surviving spouse, civilian service described in section 8332 of title 5—generally, all Federal Government service—service as a Member of Congress, and up to 5 years service in the Armed Forces may be creditable if a judge makes the contributions described in paragraph 2—3.5 percent of the compensation received for a civilian service or for service as a Member of Congress.

Five. A surviving spouse's annuity would be calculated by adding the following two products: 1.5 percent of the judge's average annual salary multiplied by the number of years of judicial service, allowable service as a Member of Congress, allowable service as a member of the Armed Forces—up to five years—and up to 15 years of service as a congressional employee; and 0.75 percent of the judge's average annual salary multiplied by the years of allowable Federal service not counted in subparagraph (a).

An annuity may not exceed 50 percent of the judge's average annual salary and may not be less than 25 percent of such salary. A judge's average annual salary would be calculated by taking the three consecutive years in which the judge received the highest average annual salary, regardless of whether the 3 years were judicial service or other allowable service.

Six. Whenever the salaries of Court of Veterans Appeals judges are increased, the amount of an annuity which is based in whole or in part upon a deceased judge having rendered some portion of that judge's final 18 months of service as a judge of the court shall also be increased by an amount equal to 3 percent of the annuity for each full 5 percent by which the salary is increased.

Seven. The spouse of a judge who is survived by a dependent child or children would be entitled to an immediate annuity calculated in the manner described above. An additional annuity of 10 percent of the judge's average annual salary would be payable on behalf of a dependent child; if there is more than one dependent child, the additional annuity payable would be equal to 20 percent of such salary. The spouse of a judge who is not survived by a dependent child would not be eligible for annuity payments until attaining the age of 50 years.

Eight. If the judge is not survived by an eligible spouse but is survived by a dependent child or children, an annuity is payable on behalf of each such child. The amount of the annuity would be equal to the lesser of 20 percent of the judge's average annual salary or 40 percent of such salary divided by the number of such children. The annuity would be payable until the child reaches age 18 or, in the case of a full-time student, age 22. A child who becomes incapable of self-support because of physical or mental disability incurred before age 18 would be entitled to an annuity regardless of age.

Nine. If a judge dies in office before having rendered 5 years of service or without a survivor or survivors entitled to an annuity, the amount contributed by the judge may be paid to other beneficiaries designated by the judge, to certain relatives of the judge, or to the estate of the judge.

The bill also includes provisions to establish a separate retirement fund for payment of retired pay and annuities and requires the Secretary of the Treasury to invest portions of the fund which are not immediately required for payments from the fund in interest-bearing securities of the United States. The bill would require that annuities be paid on the first business day of each month, and exempts the moneys payable from assignment, execution, levy, attachment, garnishment, or other legal process. It also would authorize appropriations

for any unfunded liability of the fund, which is defined by reference to the present value of amounts payable and future deductions and the balance of the fund.

Mr. Speaker, this legislation would also revise the court's authority to appoint, classify and remove employees. When the legislation establishing the Court of Veterans Appeals was originally considered, the committee understood that certain provisions of the civil service laws governing appointment and classification of employees might pose problems for an independent court. Therefore, section 4081 of title 38 provides that the court may classify employee positions without regard to title 5, which governs the civil service. In a letter dated July 12, 1989, the Chief Judge of the U.S. Court of Veterans Appeals advised the committee of the problems which he believes are inherent in any requirement that court personnel procedures conform to those of other Federal agencies.

Accordingly, the bill would provide greater flexibility to the court in fixing and adjusting rates of basic pay for the clerk and other employees of the court. In addition, the clerk, who would be appointed by the court, and law clerks or secretaries who would be appointed by the individual judges would serve at the pleasure of the respective appointing authority.

The legislation would require the court to compensate employees in a manner consistent with comparable practices in the judicial branch to the maximum extent feasible, and would require that veterans preference be afforded to qualified individuals. It is the committee's understanding and intent that other provisions of title 5 pertaining to compensation for work injuries, chapter 81; unemployment compensation, chapter 85; retirement, chapters 83 and 84; life insurance, chapter 87; health insurance, chapter 89; and conflict of interest rules, chapter 91; would continue to apply to such employees.

Mr. Speaker, the bill as introduced would have authorized the transfer of funds from certain revolving funds administered by the Secretary of Veterans Affairs to the Court of Veterans Appeals for the initial startup costs and operation of the court. In light of the enactment of Public Law 100-45, which appropriated \$3.1 million to the court for such purposes, this provision has been deleted from the bill. In addition, the bill as introduced would have required the head of the General Services Administration [GSA], in the event that GSA acquired the right to operate space in the Post Office Building adjacent to Union Station in the District of Columbia, to provide for approximately 30,000 square feet of office space in that building for the court. The committee was requested

by the Chief Judge-designee of the Court of Veterans Appeals to make the provision discretionary. In addition, the Secretary of Labor expressed the view that efforts to find suitable quarters for the Bureau of Labor Statistics would be delayed by many months were the court to be located in the Post Office Building. The bill is not specific as to where the court should be housed; instead, it requires the Administrator of General Services to give the highest priority to the provision of temporary and permanent space for the court. The amendment would require the Administrator of the General Services Administration to work with the court in finding temporary and permanent space for the court.

I want to thank the very able ranking minority member of the full committee, Mr. STUMP, for his hard work on this bill.

I urge my colleagues to support this legislation.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2727 the Court of Veterans Appeals Judges Retirement Act, establishes a retirement system and survivors benefits for judges of the U.S. Court of Veterans Appeals, which Congress established last year with passage of Public Law 100-687 the Veterans' Judicial Review Act.

As the distinguished chairman of the Committee on Veterans' Affairs has indicated, this bill is moving quickly.

The court needs to become operational as soon as possible.

Our Nations veterans deserve and have every right to expect a court system capable of attracting the most able judges and employees. H.R. 2727 accomplishes that objective.

I certainly want to thank my friend, the gentleman from Mississippi for his efforts in getting this measure through the full committee in such an expeditious fashion.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GEPHARDT). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill H.R. 2727, as amended.

The question was taken and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

VETERANS' RECRUITMENT AUTHORITY ACT OF 1989

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2486) to amend title 38, United States Code, with respect to veterans' readjustment appointments authorized by such title, as amended.

The Clerk read as follows:

H.R. 2486

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Recruitment Authority Act of 1989".

SEC. 2. VETERANS' RECRUITMENT APPOINTMENTS.

(a) Policy—Section 2014(a)(1) of title 38, United States Code, is amended—

(1) by striking out "It is the policy of the United States" and inserting in lieu thereof the following: "The United States has an obligation to assist veterans of the Armed Forces in readjusting to civilian life since veterans, by virtue of their military service, have lost opportunities to pursue education and training oriented toward civilian careers. The Federal Government is also continuously concerned with building an effective workforce, and veterans constitute a major recruiting source. It is, therefore, the policy of the United States";

(2) by striking out "and veterans" and inserting in lieu thereof a ", veterans"; and

(3) by inserting before the period the following: ", and other veterans described in subsection (b)(2) of this section.

(b) IMPLEMENTATION—(1) Section 2014(b)(1) of such title is amended—

(A) in the material preceding clause (A)—

(i) by striking out "readjustment" and inserting in lieu thereof "recruitment; and

(ii) by inserting "and other veterans described in paragraph (2) of this subsection" after "Vietnam era";

(B) in clause (A), by striking out "up to" and all that follows in such clause and inserting in lieu thereof "to any position in the competitive service";

(C) in clause (C), by striking out "of the Vietnam" and all that follows in that clause through "line of duty";

(D) by redesignating clause (D) as clause (F);

(E) by striking out "and" at the end of clause (C); and

(F) by inserting after clause (C) the following new clauses:

"(D) a veteran who is entitled to disability compensation under the laws administered by the Department of Veterans Affairs or whose discharge or release from active duty was for a disability incurred or aggravated in line of duty shall be given a preference for such an appointment over other veterans;

"(E) any veteran receiving such an appointment shall—

"(i) receive training or education to the extent, if any, considered appropriate by the agency involved; and

"(ii) upon successful completion of the prescribed probationary period, acquire a competitive status; and"

(2) Section 2014(b) of such title is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The other veterans referred to in the material preceding clause (A) of paragraph (1) of this subsection are veterans who first became a member of the Armed Forces or first entered on active duty as a member of

the Armed Forces after January 1, 1977, and were discharged or released from active duty under conditions other than dishonorable.

"(3)(A) Except as provided in subparagraph (B) of this paragraph, a veteran described in paragraph (2) of this subsection may receive an appointment under this section only within the five-year period following—

"(i) the date of the veteran's last discharge or release from active duty; or

"(ii) the date of the enactment of the Veterans Recruitment Authority Act of 1989, whichever is later.

"(B) The five-year limitation in subparagraph (A) of this paragraph shall not apply to any veteran who—

"(i) has a service-connected disability; or

"(ii) has served on active duty in the armed forces in a campaign or expedition for which a campaign badge has been authorized.

"(C) For purposes of subparagraph (A)(i) of this paragraph, the last discharge or release from active duty shall not include any discharge or release from active duty of less than 90 days of continuous service unless the individual involved is discharged or released for a service-connected disability, for a medical condition which preexisted such service and which the Secretary determines is not service connected, or for hardship.

"(4) For purposes of carrying out this section, the term 'veterans readjustment appointment' as used in the Executive Order referred to in paragraph (1) of this subsection shall be considered to be a veterans recruitment appointment referred to in such paragraph."

(3) Section 2011(2)(B) of such title is amended by inserting the following before the period: "except for purposes of section 2014".

(b) EFFECTIVE DATE.—The amendments made by this Act shall apply only to appointments made after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

GENERAL LEAVE

Mr. MONTGOMERY. Mr. President, I yield myself such time as I may consume.

Mr. President, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 2486, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi.

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, H.R. 2486 would improve employment opportunities in the Federal Government for Vietnam-era veterans.

I will yield to the distinguished gentleman from Minnesota, chairman of the Subcommittee on Education, Training and Employment for an ex-

planation of the bill, but before doing so, I want to commend him for his leadership and for the work he has done in getting this bill before the House. This is the third bill his subcommittee has recommended this year. He has been extremely busy and I congratulate him for moving with his legislation early. During the remainder of the year, the gentleman's subcommittee will devote many hours on oversight activities. Oversight is important because we want to make certain that the Department is providing benefits and services on a timely basis and doing it in a cost effective manner.

I also want to commend the distinguished ranking minority member of the subcommittee, Mr. SMITH of New Jersey, for his continued hard work and cooperation. The gentleman from Minnesota and the gentleman from New Jersey make a good team and I support them fully in what they do.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, the Veterans' Affairs Committee met on July 13 and unanimously ordered reported H.R. 2486, as amended, a bill which would extend and improve the Veterans Readjustment Appointment Authority, generally known as the VRA.

Under current law, the VRA is a noncompetitive appointment to Federal employment for Vietnam era veterans which leads to competitive status upon satisfactory completion of service and education or training. This has been a successful employment program with over 279,000 veterans of the Vietnam era entering Federal service by way of VRA appointments.

During the hearing held by the Subcommittee on Education, Training and Employment on June 21 to review H.R. 2486, we discussed what the purpose and structure of the VRA program should be in order to best serve the needs of veterans and Federal agencies today. We received a great deal of useful testimony and concluded that this hiring authority should be amended so that it can serve two purposes: First, to enable the Federal Government to hire veterans, who have demonstrated they are among the best workers available to any employer, quickly and easily; and, second, to enable the Federal Government to continue to meet its responsibility to provide employment opportunities for those who have served in defense of our Nation. We believe that H.R. 2486, as amended, would accomplish both of these goals.

The committee bill would do the following:

First. Remove the termination date for the VRA program, thus making it permanent.

Second. Remove the current 14-year education restriction for nondisabled veterans.

Third. Provide preference in VRA hires to service-connected disabled veterans.

Fourth. Provide eligibility for a VRA appointment for 5 years after date of enactment or 5 years from date of discharge, whichever is later, for nondisabled post-Vietnam era veterans.

Fifth. Provide lifetime eligibility for a VRA appointment for veterans of the Vietnam era, service-connected disabled veterans, and veterans who serve in a campaign or expedition for which a campaign badge has been authorized.

Sixth. Provide training for VRA appointees on a case-by-case basis.

Seventh. Remove the cap on GS and GM-levels. Under current law, VRA appointments are restricted to a maximum grade of GS-9 or the equivalent.

Eighth. Eliminate the requirement in current law that VRA appointees be on the job 2 years before being eligible for conversion to permanent status.

Ninth. Change the name of the program to the Veterans Recruitment Authority.

In addition, language in the report accompanying H.R. 2486, as amended, directs the Office of Personnel Management, in consultation with other appropriate agencies, to examine existing successful veterans' employment and outreach programs and develop a plan to expand and implement these programs nationwide.

Mr. Speaker, I want to thank the ranking minority member of the subcommittee, CHRIS SMITH, and all members of the subcommittee for their support and cooperation in the development of this legislation. I am also grateful for your assistance and that of the ranking minority member of the full committee, BOB STUMP.

I believe H.R. 2486, as amended, would enhance the effectiveness of the VRA program, and I urge my colleagues to support this legislation.

□ 1240

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2486, and wish to associate myself with the remarks of the gentleman from Minnesota [Mr. PENNY].

I wish to take this opportunity to commend the gentleman for his leadership and that of the ranking member of the education subcommittee, the gentleman from New Jersey [Mr. SMITH], for their combined efforts in bringing this measure to the floor.

As usual, Chairman MONTGOMERY has provided his usual fine leadership as has the gentleman from Arizona [Mr. STUMP], our Veterans' Affairs Committee ranking member.

As the gentleman from Minnesota has explained, the bill will go a long way toward expanding the current veterans' employment program and I recommend it to my colleagues.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, H.R. 2486 makes a good program better. This program is the Veterans Readjustment Appointment Authority. Over 279,000 Vietnam-era veterans have been appointed to Federal jobs under the existing authority. Veterans are good workers—they are public-spirited, they are disciplined, and they know the value of hard work.

This bill will enable the Federal Government to hire more veterans.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. SMITH of New Jersey. Mr. Speaker, as the ranking minority member of the Veterans' Affairs Subcommittee on Education, Training, and Employment, I rise in strong support of H.R. 2486, the Veterans Recruitment Authority Act of 1989. H.R. 2486, as amended, will expand and update the Veterans Readjustment Appointment Authority [VRA] and will, I believe, result in some very positive changes in the VRA Program.

H.R. 2486 will make changes in the VRA program which are necessary to tailor the program to the needs of today's veteran population and Federal agencies. The bill opens the program to new categories of veterans and adapts the program to current hiring methods and needs.

Under current law, the VRA program has been modestly successful in assisting the Federal Government to carry out their responsibility to employ veterans who have sacrificed their time and energy for our country. Much more can be done, however, to ensure that veterans, especially disabled veterans, have the opportunity to secure a good job with the Government. H.R. 2486 removes limitations within the program to see to it that veterans can be hired for highly skilled, top level jobs and removes certain requirements that may have made the program unattractive or burdensome to implement.

Language incorporated in the report accompanying H.R. 2486 will direct the Office of Personnel Management [OPM] to examine existing veterans employment programs and related outreach efforts. OPM will then be responsible for planning expansion of these successful programs and will be expected to target them to veterans seeking employment nationwide. This, I believe, is a very exciting proposal which could make for some substantial changes in the Nation's veterans employment information network.

H.R. 2486 is appropriate legislation, shaped in great part by the contributions of various veterans organizations. I strongly support the bill and urge my colleagues to vote in favor of H.R. 2486.

Mr. MONTGOMERY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore [Mr. GEPHARDT]. The question is on the

motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 2486, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DRUG ABUSE TREATMENT TECHNICAL CORRECTIONS ACT OF 1989

Mr. WALGREN. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill (H.R. 1426) to amend the Public Health Service Act to make technical corrections relating to subtitles A and G of title II of the Anti-Drug Abuse Act of 1988, and for other purposes, with Senate amendment numbered 8 thereto, and concur in the Senate amendment.

The Clerk read as follows:

Senate amendment numbered 8: Page 35, after line 4, insert:

SEC. 6. COLLEGES OF OSTEOPATHIC MEDICINE.

Section 2313(c) of the Public Health Service Act (42 U.S.C. 300cc-13(c)) is amended by inserting "and osteopathic medicine" after "schools of medicine".

SEC. 7. TECHNICAL AMENDMENT CONCERNING TIME PERIOD FOR PAYMENTS TO CERTAIN LENDERS.

Section 733(h)(2) of the Public Health Service Act (42 U.S.C. 294f(h)(2)) is amended by striking out "the eligible institution" and all that follows through the period and inserting in lieu thereof "the Secretary determines that the lender or holder has made reasonable efforts to secure a judgment and collect on the judgment entered into pursuant to this subsection."

Resolved, That the Senate recedes from its amendments numbered 1, 2, 3, 4, and 5, to the above-entitled bill.

The SPEAKER pro tempore. Is a second demanded?

Mr. BILIRAKIS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. WALGREN] will be recognized for 20 minutes, and the gentleman from Florida [Mr. BILIRAKIS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALGREN].

Mr. WALGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1426, the Drug Abuse Treatment Technical Corrections Act of 1989 was originally passed by the House on March 21. The purpose of the legislation is to make necessary technical and noncontroversial amendments to the Health Omnibus Programs Extension Act of 1988 (Public Law 100-607) and the Energy

and Commerce Committee provisions of the Anti-Drug Abuse Act of 1988 (Public Law 100-690).

In addition to correcting punctuation, grammatical errors and statutory references, H.R. 1426 makes an important amendment to the allocation formula of the Alcohol, Drug Abuse, and Mental Health Services Block Grant as it affects allotments to the territories and the District of Columbia. These corrections are necessary to assure that the formula for determining allotments for the territories and the District of Columbia reflect the statistical assumptions agreed to by the conferees last year.

The legislation also eases the burden on States to obligate block grant funds in the fiscal year in which funds are received. The Anti-Drug Abuse Act was enacted in the beginning of fiscal year 1989 and allowed States little time to integrate additional treatment funds into existing drug abuse programs. The legislation extends through fiscal year 1990 the requirement that States obligate block grant funds received in fiscal year 1989.

The legislation enjoys broad, bipartisan support. The committee has worked closely with the administration in the preparation of this legislation.

I urge support for the Senate amendment.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1426, the Drug Abuse Treatment Technical Corrections Act of 1989. This bill is technical in nature and involves no Federal expenditures. It was drafted in response to a number of technical problems that the Department of Health and Human Services has raised with respect to both the omnibus drug bill and the omnibus health bill that were enacted into law last year.

The original version of this bill, H.R. 1426, was passed by the House on March 21, 1989. It was then amended by the Senate, revised by the House and again by the Senate. The version before us today simply accepts the last Senate amendment which clarifies that:

First, institutions that make loans to health professions students must make a reasonable effort to collect from students before applying to the Federal Government for reimbursement; and second, that schools of osteopathic medicine are eligible sites for community-based clinical trials for experimental AIDS treatment.

This legislation was drafted in cooperation with the administration and has been shared with them.

I urge my colleagues to join me in supporting this Senate amendment.

Mr. WALGREN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. WALGREN] that the House suspend the rules and concur in Senate amendment numbered 8 to H.R. 1426.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

□ 1250

LT. COL. WILLIAM HIGGINS

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute.)

The SPEAKER pro tempore (Mr. MONTGOMERY). Without objection, the gentleman from Michigan is recognized for 1 minute.

There was no objection.

Mr. BROOMFIELD. Mr. Speaker, news reports have informed us that a brave American soldier has lost his life in Lebanon.

Col. William Higgins was murdered for committing what is considered a grave crime by Islamic terrorists: he was trying to maintain peace in Lebanon.

With every passing year it seems that some areas of the Islamic world are moving farther and farther away from the orbit of civilized nations.

I have been told by observant Moslems that Islam is not a religion of vengeance, and that its members are not encouraged to employ savage means to achieve their ends. I would like to see some evidence of that.

I think President Bush made a wise decision to cancel his Midwestern trip. We must let the world know that we take the murder of innocent Americans very seriously.

HELSINKI HUMAN RIGHTS DAY

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 150) to designate August 1, 1989, as "Helsinki Human Rights Day".

The Clerk read as follows:

S.J. RES. 150

Whereas August 1, 1989, will be the fourteenth anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (CSCE) (hereafter in this preamble referred to as the "Helsinki accords");

Whereas on August 1, 1975, the Helsinki accords were agreed to by the Governments of Austria, Belgium, Bulgaria, Canada, Cyprus, Czechoslovakia, Denmark, Finland, France, the German Democratic Republic, the Federal Republic of Germany, Greece, the Holy See, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, Spain,

Sweden, Switzerland, Turkey, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America, and Yugoslavia;

Whereas the participating States have committed themselves to balanced progress in all areas of the Helsinki accords;

Whereas the Helsinki accords recognize the inherent relationship between respect for human rights and fundamental freedoms and the attainment of genuine security;

Whereas the Helsinki accords also express the commitment of the participating States to "recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and cooperation among themselves as among all States";

Whereas the Helsinki accords also express the commitment of the participating States to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion";

Whereas the Helsinki accords also express the commitment of the participating States to "promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development";

Whereas the Helsinki accords also express the commitment of the participating States to "recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience";

Whereas the Helsinki accords also express the commitment of the participating States on whose territory national minorities exist to "respect the right of persons belonging to such minorities to equality before the law" and that such States "will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms and will in this manner, protect their legitimate interests in this sphere";

Whereas the Helsinki accords also express the commitment of the participating States to "constantly respect these rights and freedoms in their mutual relations" and that such States "will endeavor jointly and separately, including in cooperation with the United Nations, to promote universal and effective respect for them";

Whereas the Helsinki accords also express the commitment of the participating States to "conform the right of the individual to know and act upon his rights and duties in this field";

Whereas the Helsinki accords also express the commitment of the participating States to in the field of human rights and fundamental freedoms to "act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights" and to "fulfill their obligations as set forth in the international declarations and agreements in this field, including inter alia the International Covenants on Human Rights, by which they may be bound";

Whereas the Helsinki accords by incorporation also express the commitment of the participating States to guarantee the right of the individual to leave his own country and return to such country;

Whereas the Helsinki accords also express the commitment of the participating States to "facilitate freer movement and contacts, individually and collectively, whether privately or officially, among persons, institutions and organizations of the participating States, and to contribute to the solution of the humanitarian problems that arise in that connection";

Whereas the Helsinki accords also express the commitment of the participating States to "favorably consider applications for travel with the purpose of allowing persons to enter or leave their territory temporarily, and on a regular basis if desired, in order to visit members of their families";

Whereas the Helsinki accords also express the commitment of the participating States to "deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family" and "to deal with applications in this field as expeditiously as possible";

Whereas the Helsinki accords also express the commitment of the participating States to "examine favorably and on the basis of humanitarian considerations requests for exit or entry permits from persons who have decided to marry a citizen from another participating State";

Whereas the Helsinki accords also express the commitment of the participating States to "facilitate wider travel by their citizens for personal or professional reasons";

Whereas the Helsinki accords also express the commitment of the participating States to "facilitate the freer and wider dissemination of information of all kinds, to encourage cooperation in the field of information and the exchange of information with other countries";

Whereas all the participating States, including the Governments of the Union of Soviet Socialist Republics, Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, and Romania, in agreeing to the Helsinki accords, have made a commitment to adhere to the principles of human rights and fundamental freedoms as embodied in the Helsinki accords;

Whereas, despite some significant improvements in some of these countries, the aforementioned Governments still have the worst performance records and have failed to fully implement their obligations under Principle VII of the Helsinki accords to respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, and under Basket III of the Helsinki accords to promote free movement of people, ideas and information;

Whereas representatives from the signatory States convened in Vienna on November 4, 1986, to review implementation and address issues of compliance with the human rights and humanitarian provision of the Helsinki accords;

Whereas representatives from the signatory States reached consensus on the Concluding Document of the Vienna Meeting on January 19, 1989, a document which has added clarity and precision to the obligations undertaken by the States in signing the Helsinki accords; and

Whereas by agreeing to the document, the signatory States "reaffirmed their commitment to the CSCE process and underlined its essential role in increasing confidence, in opening up new ways for cooperation, in promoting respect for human rights and fundamental freedoms and thus strengthening international security"; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) August 1, 1989, the fourteenth anniversary of the signing of the Final Act on the Conference Security and Cooperation in Europe (hereinafter referred to as the "Helsinki accords") is designated as "Helsinki Human Rights Day";

(2) the President is authorized and requested to issue a proclamation reasserting the American commitment to full implementation of the human rights and humanitarian provisions of the Helsinki accords, urging all signatory nations to abide by their obligations under the Helsinki accords, and encouraging the people of the United States to join the President and Congress in observance of the Helsinki Human Rights Day with appropriate programs, ceremonies, and activities;

(3) the President is further requested to continue his efforts to achieve full implementation of the human rights and humanitarian provisions of the Helsinki accords by raising the issue of noncompliance on the part of any signatory nation which may be in violation (in particular, the Governments of the Soviet Union, Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, and Romania);

(4) the President is further requested to convey to all signatories of the Helsinki accords that respect for human rights and fundamental freedoms is a vital element of further progress in the ongoing Helsinki process; and

(5) the President is authorized to convey to allies and friends of the United States that unity on the question of respect for human rights and fundamental freedoms is an essential means of promoting the full implementation of the human rights and humanitarian provisions of the Helsinki accords.

SEC. 2. The Secretary of the Senate is directed to transmit copies of this joint resolution to the President, the Secretary of State, and the Ambassadors of the thirty-four Helsinki signatory nations.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution, which is identical to House Joint Resolution 292, which the Committee on Foreign Affairs ordered favorably reported on July 18, 1989. This resolution, of course, has already passed the other body.

Mr. Speaker, I urge my colleagues to adopt this resolution which designates August 1, 1989, as Helsinki Human Rights Day, and I think it is an appropriate commemoration, Mr. Speaker.

When we started out with the first followup conference to Helsinki we did not have any reason to hope that things would change, but in the short time of the three review conferences that have been held, we have seen a

remarkable change in attitude on the part of the Soviets and some east European nations, and I think Congress would do well to go on record in support of this resolution.

Mr. Speaker, the passage of this and similar resolutions is an exercise in which we have engaged annually for the last 6 years. This action provides an opportunity for us to reaffirm our commitment to full implementation of the 1975 Helsinki accords, especially the human rights and humanitarian provisions, and to publicly demonstrate our continued concern about violations of human rights in Helsinki signatory countries.

It is vital that we sustain the pressure on all Helsinki signatory nations to live up to the human rights obligations they freely undertook in signing the final act. For despite the enormous strides that have been made in ensuring greater respect for human rights in some eastern block countries, most notably Poland and Hungary, as well as the Soviet Union itself, much remains to be done in those countries to solidify the democratic and humanitarian gains that have been made. As President Bush demonstrated in his recent visit to Poland and Hungary, we in the United States are very supportive of the achievements to date and will work with these nations toward further reforms. Sadly, we regret that other Warsaw Pact nations have not kept pace with their Hungarian and Polish neighbors and that repression and violations of human rights, 14 years after the signing of the Helsinki Final Act, are still occurring in Bulgaria, the GDR, Czechoslovakia, and Romania. While Hungary and Poland, as well as the U.S.S.R. are moving closer to full implementation of the final act's noble human rights provisions, these other nations are resisting the winds of change sweeping across Europe. For these reasons, passage of Senate Joint Resolution 150 is essential.

Mr. Speaker, I commend the chief House sponsor of the resolution, Mr. HOYER, the distinguished cochairman of the Helsinki Commission, for his active leadership in this important field. I also thank the distinguished chairman and ranking minority member of the Subcommittee on Europe, Mr. HAMILTON and Mr. GILMAN, and of the Subcommittee on Human Rights, Mr. YATRON and Mr. BEREUTER, for their cooperation in bringing this resolution to the floor. Lastly, I would like to commend Mr. FORD, the distinguished chairman of the Post Office and Civil Service Committee, to whom this resolution was also referred, for agreeing to waive consideration so that we might bring it up today.

I urge immediate adoption of Senate Joint Resolution 150.

Mr. Speaker, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, an important benchmark in the efforts to advance the cause of human rights was reached nearly a decade and a half ago on August 1, 1975. The signing of the final act of the Conference on Security and Cooperation in Europe—more

commonly known as the Helsinki accords—gave international recognition to the inherent relationship between respect for human rights and the attainment of genuine security. The participating nations pledged made balanced progress in all of the aspects of the accords, including human rights.

Over the intervening years, however, progress has not been balanced within some of the 35 signatory nations such as the Soviet Union, Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, Yugoslavia, and Romania. In these nations, the world has been witness to the persecution of its citizens because of their religious beliefs or their political views. Movements of its people have been restricted both internally and across borders. The free flow of information and ideas have been blocked. The last few years have seen far greater progress in some of these nations than had taken place in the preceding decade. But even still, those nations have failed to fully implement their obligations under the accords.

Unfortunately the Helsinki human rights principles have not always been followed. They have nevertheless served as a beacon of hope for those who are persecuted, and a standard by which nations can hold each other accountable for our human rights. This past January, the representatives of the signatory states reaffirmed their commitment to the process established by the Helsinki accords, and "in promoting respect for human rights and fundamental freedoms and thus strengthening international security."

Today, Mr. Speaker, we have Senate Joint Resolution 150 before us to designate the anniversary of the signing of the Helsinki accords as "Helsinki Human Rights Day." We have had similar resolutions before us in years past. However I believe it is important that the Congress and this Nation continue to approve such resolutions to express the high priority our country places on human rights and our support for the Helsinki accords. I urge our colleagues to approve this resolution.

Mr. FEIGHAN. Mr. Speaker, I want to join my colleagues today in strong support of House Joint Resolution 292 which designates August 1, 1989, as Helsinki Human Rights Day. I'd also like to take this opportunity to commend Representative STENY HOYER, co-chairman of the Commission on Security and Cooperation in Europe, for introducing this important legislation and for his outstanding leadership and hard work in improving human rights throughout the world.

Mr. Speaker, as a member of the Helsinki Commission and as co-chairman of the Lithuanian Catholic Religious Liberty Group in the House, I have a special interest in the Baltic states. Last year, on the 13th anniversary of Helsinki Human Rights Day, I spoke on the House floor about several cases in Lithuania

which illustrated the Soviet Union's dismal performance in human rights.

I spoke of Bishop Julijonas Steponavicius, widely believed to be the secret Cardinal promoted by Pope John Paul II in 1979, who was in exile in a remote town outside of his archdiocese. I spoke of two Lithuanian Catholic priests persecuted for their religious beliefs, Father Alfonsas Svarinskas, who was being held in a strict regime camp, and Father Sigitas Tamkevicius, who was in internal exile. I spoke of Viktoras Petkus, a human rights and religious activist, who had been transferred from prison to internal exile. And I spoke of Balys Gajauskas, a man who had spent more than 35 years of his life in the Soviet Gulag, who was still in internal exile.

We've received remarkable news on each of these cases. Since last year, all of these courageous souls have been released from their prisons or exiles. We've also heard news of increasing freedom elsewhere, in countries such as Hungary and in Poland. We've seen improving emigration rates from the Soviet Union. This and other news is heartening. It's clear that we are making progress. And yet much more work remains.

The Baltic states are still occupied by Soviet troops. Unspeakable atrocities are still being committed against ethnic minorities in Romania and Bulgaria. Abuses are still taking place in Soviet psychiatric hospitals. Soviet citizens are still persecuted for practicing their religion. They are still unable to emigrate freely.

By supporting House Joint Resolution 292, we are able to remind the Soviet Union, Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, and Romania that the United States Congress will not rest until these countries have lived up to the commitments that they made when they signed the Helsinki Final Act 14 years ago. Until they have fulfilled their moral and legal obligations under the Helsinki accords, we must continue our fight on behalf of the millions of people who are denied their human rights and fundamental freedoms. We must let these people know that they are not forgotten. I urge my colleagues to support this very important legislation.

Mr. YATRON. Mr. Speaker, I rise in strong support of Senate Joint Resolution 150.

August 1 will mark the 14th anniversary of the signing of the Helsinki Final Act. This act remains one of the most important international agreements of our time, particularly its provisions on human rights. The Helsinki accords serve as a constant reminder of the inherent relationship between respect for human rights and genuine security.

I believe that the Helsinki process, through constant reviews, monitoring, and meetings where pressure can be exerted, has contributed significantly to the important reforms taking place in the Soviet Union and some other East bloc countries. The accords will enable us to continue to encourage greater reforms and to pressure those countries which remain opposed to change.

Mr. Speaker, Senate Joint Resolution 150 commemorates August 1 as Helsinki Human Rights Day. The resolution also calls on the President to continue all his efforts to press

for full implementation of the human rights provisions of the Helsinki Final Act.

The Foreign Affairs Committee unanimously adopted the House companion bill, House Joint Resolution 292 on July 17. But we are considering the identical Senate version to facilitate enactment of this timely measure.

I want to commend Congressman HOYER for this extremely important resolution and for an outstanding job as chairman of the Helsinki Commission. I also want to commend Mr. BE-REUTER for his tireless efforts to promote respect for human rights in East bloc countries. Let me also pay tribute to Chairman FASCELL whose leadership on the Helsinki process has been absolutely vital to its success.

Mr. Speaker, Senate Joint Resolution 150 merits the support of every Member of the House.

Mr. GILMAN. Mr. Speaker, I rise in strong support of House Joint Resolution 292, legislation introduced by our distinguished co-chairman of the Commission on Security and Cooperation in Europe, Congressman HOYER. This measure declares August 1, 1989 as Helsinki Human Rights Day in recognition of the momentous agreement achieved in 1975 which brought about the Helsinki Final Act.

This important document contains three baskets. The first relates to cooperation on defense matters, the second to scientific endeavors, and the third to human rights for the citizens of the 35 signatory nations. The United States and the Soviet Union are both member nations. It is by way of this act that the United States has forcefully pursued the issue of human rights with the Soviet Union.

Mr. Speaker, in its 14-year lifespan, the Helsinki Final Act has given the United States and the Signatory Nations the opportunity to press the Soviet Union on the issue of religious and cultural freedom, the freedom of communication and expression and freedom of movement. Glasnost has brought about a relaxation of the many oppressive regulations of the Soviet system. Yet there is still a long way to go. In that regard, the Helsinki Final act continues to prove, again and again, its true value. Accordingly, Mr. Speaker, I strongly urge our colleagues to support the recognition of its passage.

Mr. PORTER. Mr. Speaker, I rise in support of Senate Joint Resolution 150 that would designate August 1, 1989 as Helsinki Human Rights Day. On the 14th anniversary of the signing of the Helsinki accords, this resolution reaffirms our commitment to the vital importance of respect for human rights around the world.

Unfortunately, many signatory nations have not adhered to the human rights standards of this agreement. Of the 35 nations who have signed the accords, Bulgaria and Romania remain two of the worst violators. Bulgaria has practiced a policy of forced assimilation and expulsion of its over 1 million ethnic Turks. Romania has begun to raze many of its villages, thereby increasing the discrimination of its ethnic Hungarians. Both of these nations also severely repress the religious and other basic freedoms of its citizens.

Two weeks ago, the Congressional Human Rights Caucus held a briefing on the dire human rights condition in Romania. I would

like to thank my colleague, FRANK WOLF, as well as my colleagues CHRIS SMITH, TED WEISS, GARY ACKERMAN, TOM SAWYER, and BEN GILMAN for their participation in this briefing. The Caucus also sponsored a briefing last week on the treatment of ethnic Turks in Bulgaria in order to focus more attention on the blatant assault and forced deportations taking place there today.

Equally important to recognize is the significant progress we have made in numerous areas around the world. Poland held the first free elections of a Soviet Bloc country in June and has officially recognized the Solidarity Party. Hungary, another nation on the road to democracy, has established an economy based on free market principles and a multiparty system.

Now the Soviet Union realizes that they too must guarantee respect for fundamental freedoms in order to have a place in the international community. Despite the advances made in the numbers of refuseniks allowed to leave, we must maintain pressure on Moscow to enact and implement emigration legislation in adherence with the right of the individual to leave his own country clause included in the Helsinki accords.

Mr. Speaker, as member of the Helsinki Commission and cochairman of the Congressional Human Rights Caucus, I urge my colleagues to support Senate Joint Resolution 151 and Helsinki Human Rights Day. We must continue to support the principles adhered to in the Helsinki accords and encourage other countries to do the same. By reminding the world of these ideas, we will reaffirm the importance of the principles set forth on August 1, 1975.

Mr. BEREUTER. Mr. Speaker, it is fitting indeed that we should be considering the commemoration of Helsinki Human Rights Day. In the 14 years since the Conference on Security and Cooperation in Europe [CSCE], the human rights guarantees that were ratified have so often been ignored. The complete disregard historically demonstrated by some of the parties to the Helsinki accords has been a major obstacle to improved relations between East and West.

Not surprisingly, those in the West have carefully monitored Soviet compliance. Moscow's attitudes toward the Helsinki accords have been seen as an important signaling mechanism—whenever the Soviets have been prepared to work constructively with the West, their respect for their human rights obligations improve.

Mr. Speaker, Soviet respect for the Helsinki accords has improved markedly in recent months. Likewise, the CSCE accords have received much greater respect from nations such as Poland and Hungary. While conditions in these countries are far from ideal, the improvements are a healthy sign.

Helsinki Human Rights Day provides this body with an opportunity to recognize those improvements, while at the same time urging the Soviets on to even greater advances.

Mr. Speaker, the Helsinki accords also provide a mechanism to condemn those nations who are reneging on their basic human rights obligations. In particular, the behavior of Romania and Bulgaria has been particularly abhorrent in recent months. These nations have

displayed complete contempt for human rights, and this resolution provides the Congress with an opportunity to condemn their behavior.

This Member should note that the human rights abuses of Bulgaria have become so egregious that this body is today considering a separate condemnation of that nation's behavior.

I would like to congratulate the sponsor of this resolution the gentleman from Maryland [Mr. HOYER] for his initiative and persistence, and especially commend Chairman FASCELL and ranking minority member the distinguished gentleman from Michigan [Mr. BROOMFIELD] for their willingness to move this important legislation. Permit me to also commend the fine efforts of the distinguished gentleman from Pennsylvania [Mr. YATRON], chairman of the Human Rights and International Organizations Subcommittee, for his leadership in expediting this resolution.

Mr. Speaker, this resolution received the unanimous support of the Committee on Foreign Affairs, and this Member would urge its adoption.

Mr. HOYER. Mr. Speaker, as cochairman of the Helsinki Commission I rise today in strong support of Senate Joint Resolution 150, legislation which designates August 1 as Helsinki Human Rights Day. This legislation is identical to House Joint Resolution 292, which was introduced by all nine House members of the Helsinki Commission. I would like to thank the chairman of the House Foreign Affairs Committee and member of the Commission, as well as its former chairman, Mr. FASCELL for bringing this legislation to the floor.

Almost 14 years ago, on August 1, 1975, the leaders of 33 nations of Western and Eastern Europe, Canada and the United States gathered to sign the Helsinki Final Act. Seen as the capstone of détente policy, the Final Act placed respect for fundamental human freedoms squarely within the East-West framework as a basic element of government-to-government relations. Through good faith observance of the final act's standards for responsible and humane international and domestic conduct, signatory states were to advance along the difficult road toward mutual trust and cooperation.

The final act provided a comprehensive, consultative framework encompassing practically all areas of international concern: military security and confidence-building measures; protection of the environment, trade, human rights; exchanges in the areas of culture, science and technology, human contacts, information and education. It was an ambitious agenda involving an evolutionary process.

By signing the Helsinki Final Act, the Western democracies in essence pledged to keep faith with the persecuted in the East. It is telling to recall that the West failed to anticipate the impact that the human rights provisions of the Helsinki Final Act would have on East bloc citizens. We in the West were not the first to act upon the accords as a means to expose human rights violations in the East. For as we have seen over the past 14 years, East bloc citizens seized upon the Helsinki provisions as a program for human rights advocacy. Many of these advocates were met with persecution, prison, labor camp, internal exile and in

some cases death. Yet the legacy of Helsinki, its principles and commitments, lives on.

Mr. Speaker, today I stand before you to say that the Helsinki process is a success, albeit a mixed success. Major progress has been made by many of the signatory states in living up to the commitments that they undertook in Helsinki and subsequently in Madrid, Stockholm, and Vienna. The process has enabled the countries to move forward in the military-security field, not only with the adoption of a confidence-and security-building measure agreement in Stockholm in 1986, but also with the advent of the Conventional Forces in Europe reduction talks which are now taking place in Vienna as a part of the Helsinki process.

In Basket II, which deals with cooperation in the areas of economics, science, environment and technology, the signatory states are working to address the environmental crisis now facing our globe, with a meeting scheduled later this year. With glasnost and perestroika, business contacts have increased, as well as the number of exchanges in the fields of education, science and medicine. Indeed, just 2 weeks ago, a report was presented to the Commission on Security and Cooperation in Europe, detailing the findings of a first-ever trip by a delegation of U.S. psychiatrists who met with and interviewed several current and former psychiatric prisoners. A trip such as this would have been unheard of several years ago.

However, Mr. Speaker, it is in the area of the provisions of the Third Basket, the one dealing with human contacts and humanitarian concerns, that many of the Eastern bloc countries fail to live up to their Helsinki obligations or, in some cases, ignore them altogether. That is why, Mr. Speaker, the need exists for Helsinki Human Rights Day: to recommit ourselves to the ideals of upholding certain international human rights standards by which we deal with other nations and with our own citizens.

The brutal treatment of the Turkish treatment of the Turkish minority in Bulgaria and the current exodus from that country is just one example of how far we have yet to go in reaching full compliance with the Helsinki accords. Even during the recently concluded Paris Human Rights Meeting, the Government of Czechoslovakia sentenced Frantisek Starek to a 2½-year jail term for his alleged dissident activities. The Soviet Union has failed to meet a 6-month deadline established during the Vienna Review Meeting for resolving all of its outstanding human rights cases. And Romania stands alone, I believe, in its continued egregious human rights violations despite worldwide condemnation.

It is for the aforementioned reasons that Helsinki Human Rights Day plays a most critical role in maintaining a focus on the problems of human rights throughout the world. For as we know, the struggle for a common standard of human rights worldwide is a concern of all countries and must continue to do so until that goal is reached.

Mr. BROOMFIELD. Mr. Speaker, I yield back the balance of my time.

Mr. FASCELL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. FASCELL], that the House suspend the rules and pass the Senate joint resolution, Senate Joint Resolution 150.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

CONDEMNING TREATMENT OF TURKISH MINORITY BY GOVERNMENT OF BULGARIA

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 154) condemning the brutal treatment of, and blatant discrimination against, the Turkish minority by the Government of the People's Republic of Bulgaria, as amended.

The Clerk read as follows:

H. CON. RES. 154

Whereas the Government of the People's Republic of Bulgaria is bound by the provisions of the Universal Declaration of Human Rights and is a signatory to the Helsinki Final Act of the Conference on Security and Cooperation in Europe;

Whereas the Universal Declaration of Human Rights guarantees to everyone basic human rights and fundamental freedoms;

Whereas the Helsinki Final Act expresses the commitment of the signatory states to respect the fundamental freedoms of conscience, religion, expression, and emigration, and to guarantee the rights of minorities;

Whereas the 1971 constitution of the People's Republic of Bulgaria declares that fundamental rights will not be restricted because of distinctions of national origin, race, or religion, and guarantees minorities the rights to study in their mother tongue and freely practice their religion;

Whereas the Government of the People's Republic of Bulgaria continues to violate the internationally recognized human rights of the citizens of Bulgaria, including repression of domestic, independent human rights monitors;

Whereas despite its international obligations and constitutional guarantees, the Government of the People's Republic of Bulgaria has taken numerous steps to repress Turkish language and culture, including prohibiting the study of the Turkish language in schools, banning the use of the Turkish language in public, making the receipt and reading of Turkish publications a punishable act, and jamming the reception of Turkish radio and television programs in Bulgaria;

Whereas the right of the ethnic Turkish community to freedom of religion has been severely restricted by the Government of the People's Republic of Bulgaria, which has closed a number of mosques and barred the importation of copies of the Koran;

Whereas beginning in December 1984, the Bulgarian authorities forced the Turkish minority to change their Turkish names to Bulgarian ones, and hundreds of ethnic Turks were killed, injured, or arrested by Bulgarian forces in 1984 and 1985 when they protested this new policy;

Whereas the Bulgarian authorities have used both force and coercion to resettle ethnic Turks from their local villages to areas in Bulgaria with small Turkish populations;

Whereas in May 1989, Bulgarian troops and police attacked ethnic Turks and others who were peacefully demonstrating against their discriminatory treatment in Bulgaria;

Whereas hundreds of demonstrators were killed or wounded in these attacks, and hundreds more were arrested;

Whereas since these demonstrations, the Government of the People's Republic of Bulgaria has forcibly expelled or coerced into emigrating to Turkey tens of thousands of ethnic Turks without either their money or their possessions, often resulting in the separation of families;

Whereas the treatment of the Turkish minority in Bulgaria, as well as other Bulgarians, has been strongly condemned by Amnesty International, Helsinki Watch, and other prominent international human rights organizations; and

Whereas the Department of State has characterized the forced assimilation of ethnic Turks in Bulgaria as "an unconscionable violation of human rights" and has raised this issue frequently with Bulgarian officials, including at appropriate international fora: Now, therefore, be it Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) strongly condemns continued human rights violations by the Government of the People's Republic of Bulgaria, including the brutal treatment of, and blatant discrimination against, the Turkish minority by the Government of the People's Republic of Bulgaria;

(2) calls upon the Bulgarian authorities to immediately cease all discriminatory practices against the Turkish community in Bulgaria and to release all ethnic Turks and others currently imprisoned because of their participation in nonviolent political acts;

(3) calls upon the Bulgarian Government to honor its international obligations concerning the right of all Bulgarian citizens to emigrate in an orderly fashion without restrictions or coercion;

(4) urges the President and Secretary of State to continue to make strong diplomatic representations to Bulgaria protesting its discriminatory treatment of its Turkish minority, including the utilization of the consultative mechanism established in the human dimension of the Vienna Concluding Document of the Conference on Security and Cooperation in Europe; and

(5) urges the President and Secretary of State to continue to raise this issue in all appropriate international fora, including the Conference on Security and Cooperation in Europe meeting on the environment in Sofia, Bulgaria, this year.

The SPEAKER pro tempore. Is a second demanded?

Mr. BROOMFIELD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution regarding the violations of human rights of the Turkish minority in Bulgaria was unanimously adopted by the Committee on Foreign Affairs. It calls attention to the fact that since December 1984 the Bulgarian authorities have tried to deny the approximately 1 million Turks living in Bulgaria their basic cultural, ethnic, and religious rights including the right to use their language, to freely practice their religion, to publish or disseminate any works in Turkish, even the right to use their own Turkish names. Such steps marked a clear and egregious violation of the human rights obligations undertaken by the Bulgarian Government in the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the Helsinki Final Act.

Mr. Speaker, our colleagues should unanimously support this resolution which calls attention to those violations and condemns the acts of the Bulgarian Government.

Mr. Speaker, I rise in support of House Concurrent Resolution 154 regarding the violations of human rights of the Turkish minority in Bulgaria. I would like to commend Representatives SOLARZ and HOYER, the cosponsors of this resolution, for their work in bringing this important and timely matter to the attention of the Congress. I would also like to thank the chairmen and ranking minority members of the Human Rights and Europe Subcommittees, Messrs. YATRON, HAMILTON, BEREUTER, and GILMAN for their cooperation in bringing this resolution before the full House today.

Recently, the abuses of the rights of the Turkish minority in Bulgaria have intensified. In May 1989, Bulgarian troops and police attacked ethnic Turks and others who were peacefully demonstrating against their discriminatory treatment in Bulgaria. Since these demonstrations, the Government of Bulgaria has forcibly expelled or coerced tens of thousands of ethnic Turks into emigrating to Turkey, most often on very short notice and without most of their possessions or money. Whereas the Bulgarian authorities are now trying to make this mass exodus of Turks seem like a humanitarian gesture in keeping with their Helsinki obligations, in fact, most of those who are leaving Bulgaria are doing so in a hasty, coerced fashion without the time to

claim their rightful pensions or to sell their homes or other property.

And, Mr. Speaker, all of this is happening in Bulgaria at a time when elsewhere in Eastern Europe—in Poland, Hungary, and the Soviet Union—enormous steps have recently been taken to promote greater respect for human rights and, in Poland and Hungary in particular, to embark on the path that will hopefully lead to greater, multiparty democracy.

It is very important that the Congress, at this pivotal juncture, condemn this repression in Bulgaria which stands in such stark juxtaposition to the positive trends elsewhere in Eastern Europe.

I urge the swift adoption of this important and timely resolution.

Mr. Speaker, I reserve the balance of my time.

□ 1300

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are approaching the 14th anniversary of the signing of the Helsinki accords. However we see in Bulgaria's actions toward its Turkish ethnic minority the continued violation of the fundamental human rights principles that we and the nations of Europe, including Bulgaria, have pledged to support.

Bulgaria's actions are outrageous and should be condemned. The Bulgarian Government has taken a series of steps to repress the Turkish language, suppress the Moslem religion, and destroy the cultural identity of its Turkish minority population. When the Turks have protested the actions of the Bulgarian Government, they have been attacked and severely injured or killed. Bulgaria has also coerced tens of thousands of its Turkish minority to emigrate to Turkey while leaving their property behind.

Mr. Speaker, House Concurrent Resolution 154, expresses the Congress' strong condemnation of Bulgaria's violations of the human rights and the fundamental freedoms of its Turkish minority population. The resolution also calls upon the Bulgarian Government to honor its international commitments and observe the principles of the Universal Declaration of Human Rights and the Helsinki Final Act.

I wish to express my appreciation to Chairman FASCELL and the resolution's sponsor, Congressman SOLARZ for bringing this issue before the Congress. This resolution carries an important message for the Bulgarians, and I urge our colleagues to support its passage. The Bulgarian Government must be told that it is held accountable for its human rights actions, and the signing human rights documents, by itself, is not enough.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], a member of the Committee on Foreign Affairs.

Mr. GILMAN. Mr. Speaker, I rise to express my strong support for support of this bill, and I commend my colleagues on the Committee on Foreign Affairs, the gentleman from New York [Mr. SOLARZ] and the gentleman from Pennsylvania [Mr. YATRON] for their outstanding and timely work on this issue.

Bulgaria's violent actions against its ethnic Turkish minority continue to cause frustration and anguish to the free world. Bulgarian tanks have entered villages, and government forces have fired on peaceful demonstrators. Over 10,000 individuals have been forcibly expelled from Bulgaria.

The Bulgarian Government has taken numerous steps to suppress Turkish language and culture, including the prohibition of the study of Turkish language in schools, banning the use of Turkish language in public, making the receipt and reading of Turkish publications a punishable act, and jamming the reception of Turkish radio and television broadcasts.

Mr. Speaker, the rising tide of democratic change in Eastern Europe has passed by Bulgaria. Amnesty International, Helsinki Watch and other prominent human rights organizations, as well as our own State Department have expressed outrage with regard to the atrocities perpetrated on ethnic Turks by the government of the People's Republic of Bulgaria. By way of this resolution, the U.S. Congress clearly articulates its position. Human rights violations anywhere in the world will simply not be tolerated. Accordingly, Mr. Speaker, I support this resolution, and I strongly urge its adoption by this body.

Mr. FASCELL. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Helsinki Commission, the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the chairman of the Committee on Foreign Affairs, the distinguished predecessor who chaired the Helsinki Commission, and who really put the Helsinki Commission on the map.

The gentleman from Florida [Mr. FASCELL] has really truly been one of this Nation's and the world's greatest leaders on the issues of human rights.

Let me say, Mr. Speaker, if I can, unfortunately I was a little late getting to the floor and, therefore, was not here for the consideration of the Senate resolution on Helsinki Human Rights Day. However, let me say that the Helsinki Final Act, I think, will prove to be, as it has in the last 14 years, to be one of the historic efforts of the European nations along with Canada and the United States in articulating a standard of conduct, an international norm, if you will, as it relates to human rights. While some were critical of that effort during the tenure of the gentleman from Florida

[Mr. FASCELL] and, indeed, my own tenure, critical because they felt that it was a smokescreen and a cover for nations who were not, in fact, performing their human rights obligations and were not meeting those international norms. We have found, though, Mr. Speaker, over the years that the raising continually of the issue of human rights and the importance of the observance of human rights in nations and the effect that such observance has on the relations of those nations with their colleagues in the international community has made a significant difference.

Mr. Speaker, I am pleased to rise in very strong support of the adoption of that resolution recognizing August 1, the date on which the Helsinki Final Act was signed in 1975, as Human Rights Day.

I would observe that that legislation in the House is cosponsored by all nine House Members, five Democrats, four Republicans, Members of the Helsinki Commission, and I am pleased to see its passage.

Mr. Speaker, the second resolution which is now before the House, House Concurrent Resolution 154, calls to account the nation of Bulgaria for the treatment of its citizens of Turkish descent. Mr. Speaker, I had the opportunity to visit Bulgaria approximately 2 years ago, and during the course of that visit to Bulgaria I had the opportunity to visit a city called Kurdzhali, a town called Kurdzhali. Kurdzhali is on the southern border of Bulgaria very close to Turkey with what we believe to be a large number of Bulgarians of Turkish descent living in that town and in that region. I was accompanied by a number of Members of the House as well as Assistant Secretary of State Richard Schifter, Assistant Secretary of State for Human Rights and Humanitarian Concerns.

In our discussions with the Bulgarians, they had indicated that there was no Turkish problem in Bulgaria. We determined otherwise, however, from our observations and visit to that nation. We determined not only was there a problem but that Turkish Bulgarians of Turkish descent were having their basic rights undermined by the actions of the Bulgarian Government. We urged Bulgaria then to cease and desist from those acts which involved, among other things, the forceful relocation and the forceful change of names of Bulgarians of Turkish descent. Their desire is to eliminate any names that may sound of Turkish origin or any relation to the Moslem religion or any other connotation that may be raised by those names; the goal is that the claim of the Bulgarian Government that there were in fact no Bulgarians of Turkish descent living in Bulgaria would be supported by this forced change of

names and, therefore, ethnic identification.

Mr. Speaker, that is contrary to the Helsinki Final Act where the recognition of minority populations is specifically provided.

Mr. Speaker, in recent weeks or months we have seen a change in the policy of Bulgaria from, in effect, forcing individuals to stay within its borders, but to forcibly change their names and their ethnic identification, to a policy of, in effect, excluding, providing for the involuntary emigration of individuals out of Bulgaria. That is equally against the tenets of the Helsinki Final Act.

Mr. Speaker, indeed, these people in many cases are being asked to leave or being forced to leave and are having their property expropriated in the process.

I had the opportunity of meeting just very recently with the Ambassador from Bulgaria, and I think it was just last Thursday or Friday, in which he indicated to me that, of course, those citizens could return and reclaim their properties, that they were being held for them.

□ 1310

We have no way at the present time of saying that it is true or not true. But the bottom line, Mr. Speaker, is that the present actions of the Bulgarian Government to the Helsinki Commission as well as the Foreign Affairs Committee and the gentleman from Pennsylvania [Mr. YATRON] who chairs their Subcommittee on Human Rights, appears to be, and we believe is contrary to the international norm spoken of in the Helsinki Final Acts and follow-on documents that have been adopted in the Helsinki process, most recently the Vienna Review Document.

So I rise in strong support of House Concurrent Resolution 154, and congratulate the gentleman from Florida [Mr. FASCELL], chairman of the committee, not only for his leadership on this particular issue, but for his leadership over the years, over the decades on human rights, both in Europe and in other areas of the world. As he is a proponent of the civil and political rights of his constituents and of Americans in this country, he has been a forceful and compelling spokesman for human rights around the world, and I thank the gentleman for his leadership.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, I thank the gentleman for his kind remarks. But, if I may, let me echo his comments regarding his leadership as chairman of the Helsinki Commission. I can remember those early days, and I know the gentleman does too, when

questions were raised in our country and around the world about the value of not only the Helsinki accords, but of the Congress appointing a commission to evaluate the implementation of the Helsinki accords, especially since we had no power to do anything to compel implementation. What we have seen now through these three review conferences—which the gentleman, in his vital leadership, has headed up the U.S. Congressional delegation to those conferences—is the constant publication, the turning of light on what was happening to people in other countries as well as our own. And it began to mold public opinion in such a way as it had implications on political decisions.

Those who were of weak hope back some years ago have certainly changed their tune, and they should, because as the leader of the Helsinki Commission, I am sure the gentleman got his inspiration as I did from the victims of human rights abuses, the people who were being harassed, whether they were refuseniks, separated families, Jews, Christians, or otherwise. They said, time after time, "keep doing what you are doing," "you are our only hope," and "we will pledge our lives and freedom and whatever we have to continue the fight, to continue the struggle, but only because people like you and others keep alive the image in the public mind around the world that the mistreatment of people by their governments is an aberration, and that governments owe more to their people than just simply ruling."

So we can see today as we are on the eve of the celebration of Helsinki Human Rights Day not only the benefit of the Helsinki accords, but the important contribution of citizens' groups, because we have to give credit, do we not, to all of those groups in this country and around the world who have participated with official organizations such as the Human Rights Subcommittee headed by the gentleman from Pennsylvania [Mr. YATRON], and the Helsinki Commission led by the gentleman from Maryland and others in this effort to improve the lot of mankind. Goodness knows we need all of the help we can get, because it is still amazing to me that with all of our knowledge and all of our efforts we still find the kind of inhumanity that exists around the world today, not the least of which is the reported cold-blooded murder of Lt. Col. William Higgins in Lebanon.

We have really nothing to go on now, Mr. Speaker, except what we see on television, which is the cruel exposure of a body hanging. Lieutenant Colonel Higgins was in Lebanon as an American serving his country on the United Nations Truce Supervision Organization, which is headquartered in Jerusalem, and was captured and held hostage for over a year. Then, today,

we have this atrocity as a so-called political statement. There can be no justification for anything so heinous.

This is just another tragedy in Lebanon, which is the ultimate case so far as human rights is concerned, a tragedy that involves politics, religion, and people, and killings that are unbelievable. We still have American hostages there and hostages from other countries as well, and we feel almost helpless. As a matter of fact, a great country like ours, unfortunately, is often helpless in the face of terrorism. The normal reaction would be to go there and be vengeful.

We need to know more about who these terrorists are. We need to know more about where they keep our hostages and how we can retaliate without risking innocent lives. But it is obvious that we should not add to the misery in Lebanon. We cannot blow up Lebanon simply to avenge the life of one American, however tragic and unjust his murder.

So we are in a very difficult position here as far as that kind of retaliation is concerned. Yet I know the President and the Congress will respond as best we can. I think the President ought to go immediately to the United Nations Security Council. If this outrage turns out to be true, this is not simply a United States problem, although this person is a United States citizen, and we still have hostages who are there. This is a global problem. No terrorist should have refuge anywhere, no terrorist should have the right of sanctuary because of the fact that they want to make a "political statement" or they are involved in a struggle which does not lend itself to some kind of rational settlement.

As long as this kind of activity persists, and as long as mankind in the general sense seeks to solve its problems in brutal ways, either by individual killing, by harassment, by denying the basic human freedoms recognized in the Helsinki Final Act, or in the International Covenants on Human Rights, or by the standards of plain human decency, then it becomes incumbent upon all of us, the gentleman from Maryland as chairman of the Helsinki Commission, the gentleman from Pennsylvania [Mr. YATRON], as chairman of the Human Rights Subcommittee, the gentleman from Michigan [Mr. BROOMFIELD], myself, the gentleman from New York [Mr. GILMAN], and all of the Members here to continue to speak out. Hopefully, the day will come when we can make an impact that will change attitudes, and take those political actions that will force changes around the world, the kind of dynamic changes that are occurring now both in the Soviet Union and in some countries of the Eastern bloc.

Mr. HOYER. If the gentleman will yield back for a moment, I thank the chairman for his statement. As usual it is excellent and on point, and I agree with it entirely.

We have talked today in these two resolutions first of all with respect to the Helsinki document, which was really a follow-on to the Universal Declaration on Human Rights, where following the Second World War we started to focus, and appropriately on the state's relationship to individuals and those rights of those individuals, irrespective of their national citizenship. Those rights transcended their citizenship of any individual nation.

We then went on to a resolution which we are now considering, which deals with a group of people, and the chairman has brought out the outrage that has been perpetrated, the murder. This is not a political act. This is a murder of Colonel Higgins, purely and simply. What we said in the Helsinki Final Act, and what we say with respect to the Bulgarian resolution, and what we say with respect to Colonel Higgins is that persons need to be accountable for their acts. Nations as well need to be accountable for their acts.

Hitler thought that he was above law. Hitler thought he was above individual rights. Helsinki stands for the proposition that no nation is above consideration of the individual rights of citizens, irrespective of whether those citizens may be under their political power or not.

The ultimate violation of the human rights of an individual is the taking of life itself, which has now occurred in the tragic situation of Colonel Higgins. This House I know joins the other body and the President in believing that there will in fact be accountability for this act, that it will not go unnoticed, unheeded, or unresponded to.

□ 1320

And I thank the chairman and know that the chairman will be one of those leaders who feels strongly about this issue.

Although the United States is a responsible Nation and does not intend to respond in an irrational manner which will injure parties perhaps not involved, but will nevertheless act decisively, and I hope and I know this body hopes, effectively to hold accountable those who would act in this manner.

Mr. Speaker. I rise in support of House Concurrent Resolution 154, condemning Bulgaria's treatment of its Turkish minority. I introduced this resolution on June 16 along with my distinguished colleague STEPHEN SOLARZ after hearing of the disturbing reports of forced deportations of ethnic Turks from Bulgaria. I would like to commend my colleagues, Mr. SOLARZ and Mr. YATRON, the chairman of the Subcommittee on Human Rights, for ensuring the expeditious handling of this resolution

and for their recognized leadership in promoting human rights world-wide.

Mr. Speaker, this resolution is particularly timely and important in focusing our attention on the plight of ethnic Turks given the recent tragic events in Bulgaria. Since May, over 160,000 ethnic Turks have left Bulgaria following a series of peaceful protests against the government's forcible assimilation campaign. Initially, many ethnic Turks were expelled, but thousands more have joined them in Turkey to escape Bulgaria's campaign to suppress Turkish cultural identity. Many of these refugees have not been permitted to take their possessions with them. Some tell of being given passports without warning and being told to leave Bulgaria within a few days. Many others are taking advantage of the current situation to flee repression. Meanwhile, the Bulgarian Government maintains the pretense that the refugees are tourists. These tourists, however, speak of repression and give chilling accounts of violence in Bulgaria following the May protests, during which a still unknown number of ethnic Turks were killed and hundreds wounded or detained by Bulgarian authorities.

The Bulgarian Government's campaign to assimilate its Turkish minority, which constitutes over 10 percent of the population, is not new. It has been going on since the 1950's, but intensified in late 1984, when ethnic Turks were forced to change their names to Slavic names. The violent suppression of peaceful demonstrations protesting this campaign and the subsequent exodus to Turkey are the culmination and the direct result of the assimilation campaign. Indeed, the only humane solution to this on-going problem is to permit people to choose their own names, speak their own language, freely worship according to their religious beliefs, and to allow those who so desire to emigrate without restrictions or coercion.

It is important to note that the suppression of the Turkish minority has also had its impact on others in Bulgaria. Several leading Bulgarian human rights activists, members of the independent trade union Podkrepa such as Konstantin Trenchev, Trenchev; Christophor Subev, Soob-ev; and Anton Zaprianov, Zahpree-ahn-ov are still under detention for their support of ethnic Turkish efforts to assert their legitimate rights. This resolution calls upon the Bulgarian Government to release all ethnic Turks and others currently imprisoned because of their participation in non-violent political acts. Clearly, those who assert their rights and who call upon the government to respect those rights should not be punished for doing so.

The resolution also urges the United States administration to raise the issue of the Bulgarian Government's treatment of its one-million-plus-member Turkish minority through the consultative mechanism pursuant to the provisions of the Vienna CSCE concluding document and at international FORA, including the CSCE meeting on the environment scheduled to take place in Sofia in October. Despite our expressions of concern thus far, we need to strengthen our efforts to bring attention to these very real human rights violations.

As cochairman of the Helsinki Commission, I urge the Bulgarian Government to begin to

respect the human rights of the persecuted Turkish minority. Only by implementing the commitments it freely entered into in Helsinki in 1975 and Vienna earlier this year can the Bulgarian Government ameliorate the tragic situation that has arisen as a result of its own policies.

Mr. FASCELL. Mr. Speaker, I thank the gentleman for his remarks.

I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this resolution. I think it is outrageous what the nation of Bulgaria is doing to its Turkish minority, in violation of all the precepts of the Helsinki accord and indeed what is known to be in violation of all of the standards of human conduct.

With regard to Colonel Higgins, the United Nations and the Security Council Resolution No. 618 condemned his kidnapping, called for his immediate release and exhorted all member nations to do everything possible to secure his release.

The Secretary General when accepting the Nobel Peace Prize in the name of the United Nations peacekeepers appealed for Colonel Higgins' release.

As we know, there are reports today that Colonel Higgins has been killed, murdered.

Mr. Speaker, we have to make it clear, and colleagues, that those who are responsible are going to be made to pay for this ultimate atrocity.

I urge the President to call on all nations of the Earth, all those who share our values, to urge that the remaining hostages be freed.

I also would encourage the President to do whatever he thinks is necessary to avenge this killing, and I mean he should consider every possible retaliatory action.

Mr. PORTER. Mr. Speaker, I rise in support of House Concurrent Resolution 154, which rightly condemns the Bulgarian Government for its treatment of its ethnic Turkish minority.

For 30 years now, the Turkish minority in Bulgaria has been subjected to persecution and government sponsored campaigns of assimilation that threaten to eliminate the entire population of ethnic Turks. The intensification of this assault began in 1984 with the Zhivkov government's campaign of "Bulgarization":

Ethnic Turks were forced to adopt Bulgarian names.

Public use of Turkish language was banned.

The Koran could no longer be published under Bulgarian law.

Mosques and cemeteries were taken over.

Observance of Turkish religious and social traditions was discouraged.

Foreign travel by Turks was curtailed.

All of the 1,000 Turkish schools that were in existence in 1984 have been closed.

Recently, following peaceful demonstrations and hunger strikes in a few northern Bulgarian cities, numerous Turks were killed or injured in clashes with government authorities. As of late June, 30 Turks have been killed and over 100 have been wounded.

The founder of the leading human rights organization in Bulgaria, Peter Malanov, was deported this spring following a series of hunger strikes. Another human rights activist, Konstantine Trenchev, has now been in prison without charge for nearly 2 months.

Now, the Government has begun to forcibly expel as many as 30,000 Turks by removing them from their homes, handing them exit visas, and shipping them to the border. Witnesses report that many of those coming across the border have mattresses strapped across their backs and are carrying as many of their belongings as they can. It is described as a scene out of World War II. Last month, there were 6,000 a day coming across the border into Turkey at the rate of 300 per hour. Estimates indicate that as many as 300,000 of the 1.5 million Turkish Bulgarians may be driven into exile after this current campaign is over.

When more than 1 million people are threatened with cultural annihilation and forced expatriation we, here in the Western world, must not remain apathetic spectators. I would like to commend my colleagues, STENY HOYER and STEVEN SOLARZ, for bringing this resolution to the floor.

By voting yes on House Concurrent Resolution 154, we will send a clear signal to the Sofia government that the continual denial of basic human rights for ethnic Turks will not be tolerated by the United States.

Mr. BEREUTER. Mr. Speaker, Bulgaria's recent treatment of its ethnic Turkish population has been particularly abhorrent. It has been cruel and senseless. It seems the Bulgarian Government is intent on renewing the ethnic warfare that occurred in past centuries.

As has been made clear, hundreds of thousands of ethnic Turks have been deported with little or no notice. Forced, involuntary deportations have emptied entire villages, often with only a few hours notice.

But the abuses are not limited to deportations. Recently the Bulgarian Army set fire to the mosque in the village of Manolic. When the villagers tried to put the fire out, the Army shot into the crowd, killing several and wounding many.

When these concerns were raised at the recent Paris meeting on the human dimension, the Bulgarian representatives were particularly unresponsive. It was the Bulgarian representative's contention that there are no ethnic Turks in Bulgaria, and thus it is impossible to violate their human rights.

But, Mr. Speaker, we know that there are 1.5 million ethnic Turks in Bulgaria, some suffering appalling human rights abuses. This resolution condemns their treatment, and urges a restoration of basic human rights.

This gentleman wishes to commend the original sponsor of this legislation, Mr. SOLARZ, for his diligence in bringing this matter to the attention of this body. This gentleman would also like to note that he is an original cosponsor of House Concurrent Resolution 154.

Chairman YATRON of the Human Rights and International Organizations Subcommittee merits praise for expediting this resolution, as do Mr. HAMILTON and GILMAN of the Europe and Middle East Subcommittee. Lastly, Chairman FASCELL and ranking minority member BROOMFIELD are to be commended for their willingness to move rapidly on this important resolution.

House Concurrent Resolution 154 received unanimous support in the Foreign Affairs Committee, and deserves the support of this body. This Member would urge its favorable consideration.

Mr. YATRON. Mr. Speaker, I rise in strong support of House Concurrent Resolution 154, amended, regarding the brutal treatment of the Turkish minority by the Government of Bulgaria.

The persecution of the Turkish minority in Bulgaria continues to be one of the most serious human rights problems in the world today. Ethnic Turks have been the victims of a brutal assimilation campaign. Their religious rights have been severely restricted, their names have been changed, and they have been forcefully relocated.

Over the past few years, hundreds, maybe thousands, have been killed, injured or arrested. While many ethnic Turks have been allowed to emigrate recently they have had to leave their important possessions behind.

Mr. Speaker, House Concurrent Resolution 154 condemns the treatment of ethnic Turks, and calls on Bulgarian authorities to cease these abuses and honor its international human rights commitments. The measure further urges the President to press Bulgarian authorities on this matter and to continue to raise the issue in all appropriate international fora.

Let me commend the bill's sponsor, Mr. SOLARZ, for this most important and timely initiative and for his outstanding leadership on human rights issues. I also want to commend Congressman HOYER and Congressman BEREUTER, for their tremendous efforts on this matter.

Mr. Speaker, the Foreign Affairs Committee unanimously passed House Concurrent Resolution 154 July 17, after adopting some amendments in the nature of a substitute, which strengthened the human rights language.

The resolution is noncontroversial and bipartisan. I strongly urge its approval here today.

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FASCELL. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 154, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

THE DEATH OF LT. COL. WILLIAM HIGGINS

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, the reported coldblooded murder of Lt. Col. William Higgins, if true, is an outrageous act of inhumanity and brutality. Lieutenant Colonel Higgins was not only an American serving his country but was also advancing the cause of peace by voluntarily participating in the United Nations Truce Supervision Organization which is headquartered in Jerusalem. Prior to the reports of his execution, Lieutenant Colonel Higgins had been held hostage for more than a year, during which time he was cruelly tortured.

This is a very sad day. We must remember that eight Americans and several other nationalities are still being held hostage by these international terrorist outlaws. The reported murder of Lieutenant Colonel Higgins is not the first such death of an American hostage under their captivity. Tragically, American diplomat William Buckley died as a result of their torture and Peter Kilbourn, a librarian at American University in Beirut, was also executed while in captivity.

This latest heinous act of terrorism and violence is appalling. I urge the President to request an urgent meeting of the U.N. Security Council, which is responsible for the safety of those who serve in UNTSO. The members of the Security Council should call to account those states, specifically Iran and Syria, for their support for Hezbollah and other groups operating in the areas they control or have influence. We cannot allow terrorists or states which sponsor international terrorism to go unchecked. I urge the President to call on all civilized nations to increase diplomatic and economic sanctions against these states which support international terrorism. These nations should not enjoy the privileges of international commerce and diplomatic immunity which are accorded among the member states of the United Nations.

We must also call on our allies to increase efforts to secure the immediate release of all who are being held hostage in Lebanon. Those who are responsible for this atrocity must understand the consequences of their actions.

MINNESOTA PUBLIC LANDS IMPROVEMENT ACT OF 1989

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 2783) to improve the management of certain public lands in the State of Minnesota, as amended.

The Clerk read as follows:

H.R. 2783

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS AND PURPOSES; DEFINITIONS.

(a) **SHORT TITLE.**—This Act may be cited as the "Minnesota Public Lands Improvement Act of 1989".

(b) **FINDINGS.**—Congress hereby finds and declares that—

(1) within the State of Minnesota there are a number of small scattered islands and upland tracts that are in Federal ownership and under the jurisdiction of the Bureau of Land Management;

(2) the public interest would be best served if these Federal islands and upland tracts continue to be managed for public recreation; preservation of open space; and for the protection of their fish, wildlife, and plants and their scientific, historic, cultural, geologic, and other resources and values;

(3) many such islands and upland tracts are not suitable for inclusion in the National Park System, National Forest System, National Wildlife Refuge System, or other Federal conservation system or for efficient management by the Bureau of Land Management;

(4) the State of Minnesota is prepared and willing to undertake to manage such islands and upland tracts for such purposes and subject to appropriate conditions, but existing mechanisms for enabling the State to undertake such management are cumbersome and inefficient as applied to such small, scattered islands and tracts;

(5) elsewhere in Minnesota there are unpatented lands which for many years have been in the possession of parties other than the United States but the title to which is clouded because of claims arising under public land laws or otherwise involving possible Federal residual interests;

(6) existing authorities for Federal resolution of such conflicts, and for removal of such clouds on title, are often not well suited for efficient, expeditious action that appropriately protects the interests of all parties, including the United States; and

(7) legislation to facilitate appropriate management by the State of Minnesota of such islands and upland tracts and to facilitate resolution of such claims and removal of such clouds would be in the public interest.

(c) **PURPOSES.**—This Act is intended to provide for better management of public lands located in the State of Minnesota by—

(1) transferring certain specified unclaimed islands and uplands and certain other public lands to such State for purposes of public recreation, protection of fish, wildlife, and plants, and the protection of resources and values; and

(2) authorizing the Secretary of the Interior to resolve claims to certain other public lands in Minnesota and to transfer such lands to claimants thereof on terms that recognize the equities of such claimants in such lands.

(d) **DEFINITIONS.**—As used in this Act—

(1) the term "listed uplands and islands" means those vacant, unappropriated, and unreserved public lands located in the State of Minnesota which are specified in the list entitled "Minnesota Uplands and Islands Appropriate for State Management" dated

June, 1989, on file in the Office of the Secretary of the Interior, except for any lands ceded to the United States by an Indian tribe pursuant to the Act of January 14, 1889 (25 Stat. 642);

(2) the term "public lands" has the same meaning as specified in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e));

(3) the term "claim" means an assertion by a party other than the United States that such party has title to a parcel or tract of land;

(4) the term "Recreation and Public Purposes Act" means the Act of June 14, 1926, as amended (43 U.S.C. 869 et seq.);

(5) the term "Secretary" means the Secretary of the Interior; and

(6) the term "State" means the State of Minnesota.

SEC. 2. GRANT TO STATE.

(a) **UNCLAIMED AREAS.**—Effective one hundred and eighty days after the date of enactment of this Act and subject to its terms and conditions, the right, title and interest of the United States in and to all listed uplands and islands, surveyed and unsurveyed, in the Great Lakes, inland lakes and rivers, and other bodies of water within the State which as of January 1, 1989, were not subject to any claim identified on the records of the Bureau of Land Management, are hereby granted to the State.

(b) **CLAIMED AREAS.**—Any listed uplands and islands which were subject to a claim identified on the records of the Bureau of Land Management on January 1, 1989, may be sold by the Secretary to the claimant or claimants thereof under section 3 of this Act. No later than one hundred and eighty days after the date of enactment of this Act, the Secretary shall notify such claimant or claimants concerning the Secretary's authority for such sales. The right, title, and interest of the United States in and to any such listed uplands and islands not purchased by such claimant or claimants within ten years after the date of enactment of this Act shall be transferred by the Secretary to the State under and subject to this Act at the end of such ten years, and any claim to any such listed uplands and islands by any party other than the State shall not thereafter be enforceable in any court of the United States.

(c) **PRIOR TRANSFERS.**—

(1) Title to the surface estate in all public land which on the date of enactment of this Act was subject to leases issued under the authority of the Recreation and Public Purposes Act to the State, its departments, agencies, and bureaus, shall be deemed to have been granted to and vested in the State under this Act on such date and shall thereafter be exempt from the requirements of the regulations of the Department of the Interior governing leases under the Recreation and Public Purposes Act, but shall be subject to the provisions of this Act.

(2) Upon reversion and acceptance of public land in Minnesota which prior to the date of enactment of this Act was leased or patented under the Recreation and Public Purposes Act to entities other than the State, its departments, agencies and bureaus, the surface estate in such lands shall be transferred by the Secretary to the State pursuant to and subject to the provisions of this Act.

(3) If, in order to bring lands under the provisions of this Act, the State notifies the Secretary that the State desires to relinquish to the United States the right, title,

and interest of the State in and to any lands which prior to the date of enactment of this Act were patented to the State (or to any department, agency, or bureau of the State) under the authority of the Recreation and Public Purposes Act, the Secretary shall transfer such relinquished lands to the State under and subject to the provisions of this Act. Such transfer shall be effective at the same time that the State's relinquishment is effective.

SEC. 3. RESOLUTION OF CLAIMS.

(a) **SALES.**—In accordance with the provisions of this section, the Secretary is authorized to sell and issue a patent to a tract of public land located in Minnesota to an applicant for such sale where the Secretary determines that—

(1) such tract does not exceed 1,500 acres and, because of its location or other characteristics, is difficult and uneconomic to manage as part of the public lands and is not suitable for management by another Federal department or agency; and

(2) such sale would not be inconsistent with land use plans developed in accordance with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(b) **PRICE ADJUSTMENTS.**—Notwithstanding any other provision of law, following adjudication of any claims the Secretary may, at the Secretary's discretion, convey land pursuant to this section at fair market value, less equities presented by an applicant for such conveyance and less the value of any improvements that the applicant or the applicant's predecessors in interest have placed on the land. Such equities may include (but are not limited to)—

(1) the amount paid for the land by the applicant;

(2) longevity of applicant's claim;

(3) taxes paid on the land; and

(4) other equities as the Secretary may determine relevant.

(c) **DESCRIPTIONS.**—Any tract of public land conveyed pursuant to this section shall be described in accordance with the Public Land Survey System as reflected on the approved Federal plat of survey. Where a tract does not conform to an existing survey plat, the Secretary may either—

(1) convey title to a trustee, qualified under the laws of the State to act as a trustee and acceptable to the Secretary, acting on behalf of more than one applicant to whom such trustee shall be required to transfer such tract, in order to conform the legal description to such plat; or

(2) require an applicant to reimburse the United States for the cost of preparing a plat of survey. No cost incurred by a trustee in implementing this subsection shall be borne by the United States.

(d) **APPLICABILITY AND PROCEDURE.**—

(1) This section shall apply only to tracts specified in section 2(b) of this Act and to other tracts of public lands in Minnesota whose sale is requested by persons or entities asserting claims thereto, and only if the Secretary has determined such claims to be sufficiently meritorious as to be appropriate for exercise of the Secretary's discretionary authority under this section.

(2) No sale under this section shall take place before thirty days after the Secretary has published in a newspaper of general circulation in the county where a tract proposed for sale is located a notice of the Secretary's determination that such tract is eligible for sale under this section and that the Secretary intends to offer such tract for

sale. Such notice shall indicate the size and general location of the tract and the name or names of the claimant or claimants to whom the Secretary intends to sell such tract.

SEC. 4. RESERVATIONS AND CONDITIONS.

(a) **MINERAL RESERVATION.**—All lands granted by, and any patent or document of conveyance or other transfer issued pursuant to, this Act shall be subject to the reservation to the United States of all minerals in the lands granted, conveyed, or otherwise transferred, together with the right to prospect for, mine and remove the minerals under applicable law and such regulations as the Secretary may prescribe, except that in the case of sales under section 3 of this Act the Secretary may convey the minerals together with the surface in accordance with section 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719).

(b) OTHER CONDITIONS.—

(1) The lands granted or otherwise transferred to the State under this Act shall not be conveyed or otherwise transferred by the State to any person or entity other than the United States or a political subdivision of the State.

(2) The lands granted or otherwise transferred to the State under this Act shall be used only for purposes of—

- (A) public recreation;
- (B) protection of fish and wildlife (including habitat) and plants; or
- (C) the protection of the scenic, scientific, historic, cultural, geologic, and other resources and values of such lands.

(3)(A) If the State attempts to convey or otherwise transfer title to any part of the lands granted or otherwise transferred to the State under this Act to any person or entity other than the United States or a political subdivision of the State, all right, title, and interest in and to all such lands so granted or otherwise transferred to the State, together with all improvements thereon, shall revert to the United States.

(B) If any political subdivision of the State attempts to convey or otherwise transfer title to any part of any lands granted or otherwise transferred to the State under this Act (and conveyed or otherwise transferred to such subdivision by the State) to any person or entity other than the State, all right, title, and interest in and to all such lands so conveyed or otherwise transferred to such subdivision, together with all improvements thereon, shall revert to the United States.

(4)(A) If any part of the lands granted or otherwise transferred to the State under this Act (and not further conveyed or otherwise transferred by the State to a political subdivision thereof) are used for any purpose incompatible with the purposes specified in paragraph (2) of this subsection, all right, title, and interest in and to all such lands in the ownership of the State, together with all improvements thereon, shall revert to the United States.

(B) If any of the lands granted or otherwise transferred to the State under this Act are conveyed or otherwise transferred by the State to a political subdivision of the State, use of part of any such lands for any purpose incompatible with the purposes specified in paragraph (2) of this subsection shall cause all right, title, and interest in and to all such lands so conveyed or otherwise transferred to such political subdivision, together with all improvements thereon, to revert to the United States.

SEC. 5. NOTICE AND ENFORCEMENT.

(a) PUBLIC NOTICE.—

(1) As soon as practicable after the date of enactment of this Act, the Secretary, in consultation with appropriate officials of the State, shall take steps to notify residents of the State as to the nature and location of the listed uplands and islands to be granted or otherwise transferred to the State under this Act.

(2)(A) The State shall provide notice in writing to the Secretary with regard to any conveyance or other transfer by the State to a political subdivision thereof of any of the lands granted or otherwise transferred to the State under this Act. In the event that the State fails to provide such notice within one year after any such conveyance or transfer, such conveyance or transfer by the State shall be void ab initio and all right, title, and interest in and to the land covered by such attempted conveyance or transfer shall revert to the United States.

(B) No later than five years after the date of enactment of this Act, and every five years thereafter, the State shall submit to the Secretary a report as to the present ownership, management, and use of the lands granted or otherwise transferred to the State pursuant to this Act.

(3) The Secretary shall maintain in the Secretary's offices in the District of Columbia and in an appropriate office in the State a current listing of the lands granted or otherwise transferred to the State under this Act, including a record of which if any of such lands have been conveyed or otherwise transferred by the State to a political subdivision thereof.

(b) ENFORCEMENT.—

(1) Any person may submit to the Secretary a complaint alleging that the State or a political subdivision thereof has failed to comply with the requirements of this Act or that actions have occurred which have had the effect of causing the reversion to the United States or some or all of the lands granted or otherwise transferred to the State under this Act.

(2) In the event that the Secretary determines that a complaint received under this subsection is supported by evidence sufficient to warrant further investigation, the Secretary shall investigate the matter.

(3) If, as a result of an investigation under paragraph (2) or for any other reason, the Secretary determines that title to some or all of the lands granted or otherwise transferred to the State under this Act has reverted to the United States pursuant to this Act, the Secretary shall take all necessary steps to enforce such reversion and to stop use of any part of such lands for any purpose incompatible with the purposes specified in section 4(b)(2) of this Act.

(4) Any lands which may revert to the United States under this Act shall be retained and managed by the Secretary for the purposes specified in section 4(b)(2) of this Act.

SEC. 6. HUNTING AND FISHING.

Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Minnesota with respect to fish and wildlife (including the regulation of hunting, fishing, and trapping) in any lands granted or otherwise transferred to the State under this Act.

SEC. 7. CONFORMING AMENDMENT.

(a) Subsection 3(d) of the Michigan Public Lands Improvement Act of 1988 (Public Law 100-537) is hereby amended by striking the period at the end of paragraph (1) of such subsection and by inserting in lieu thereof “,

and only if the Secretary has determined such claims to be sufficiently meritorious as to be appropriate for exercise of the Secretary's discretionary authority under this section.”.

(b) Subsection 4(b) of the Michigan Public Lands Improvement Act of 1988 (Public Law 100-537) is amended—

(1) by inserting “the United States or” after “any person or entity other than” in paragraph (1); and

(2) by inserting “the United States or” after “any person or entity other than” in subparagraph (3)(A).

The **SPEAKER** pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill presently under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2783 is a noncontroversial bill cosponsored by the entire Minnesota delegation on a bipartisan basis.

It would provide for the expedited transfer to the State of Minnesota of the surface estate in about 850 separate, small parcels of BLM lands, amounting in all to about 7,800 acres, mostly small islands or other tracts scattered around the State, especially in the northern and western parts.

These are lands that could be transferred to the State under the Recreation and Public Purposes Act, but that process would be very slow and expensive.

The State would be required to manage the lands for conservation and public recreation, and could not transfer them except back to the United States or to a political subdivision—such as county—for similar management. The restrictions on use and transfers would be enforced through a reversionary clause. These are essentially the same restrictions as would apply if the lands were transferred under the Recreation and Public Purposes Act.

The bill is modeled on a similar measure involving lands in Michigan that was enacted into law last year. As did that bill, H.R. 2783 would also provide BLM with additional authority to resolve title problems affecting lands that may have been in private hands for many years but which are still subject to some Federal property right or

claim. This new authority would allow BLM to resolve many of these problems administratively, in a way that recognizes the equities involved, and thus reduce the extent to which future private relief legislation might be pursued.

Mr. Speaker, this is a modest but worthwhile bill, and I am glad to have the support of all my colleagues in the Minnesota delegation for it. It will further the conservation and sound management of small but important parcels of land in Minnesota, will reduce administrative costs for the Bureau of Land Management, and will assist private citizens in obtaining clear title to properties that they hold. I urge the approval of the House for the bill as reported from the Interior Committee.

Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2783, the Minnesota Public Lands Improvement Act of 1989. Chairman VENTO has drafted a bill which has been sponsored by the entire Minnesota congressional delegation. It also is supported by the administration and the State of Minnesota.

I believe this legislation, which is similar to the Michigan Public Lands Improvement Act that was enacted last year, will serve as a model for cleaning up other Eastern State BLM land management problems. As Chairman VENTO has stated, we are only dealing with about 850 parcels of land amounting to less than 8,000 acres. The isolated nature of these tracts have made management by the Bureau of Land Management quite difficult.

The Minnesota Department of Natural Resources and Eastern States BLM Director Kurt Jones have worked with the Interior Committee to draft this legislation. Without H.R. 2783, administrative transfer of these parcels would be extremely time consuming, bureaucratically burdensome, and extremely costly.

I urge my colleagues to support H.R. 2783.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR], who has a special interest in this legislation, as his district is affected by it.

Mr. OBERSTAR. Mr. Speaker, I want to compliment the gentleman on his prompt action on the legislation and for his very thorough management of the bill, both in the committee hearings and markup, and here on the House floor. The gentleman has rendered land management issues in our State, nationwide, a great service not only here but in his other work in the committee of which he is the chair.

I strongly support H.R. 2783 to allow the Bureau of Land Management to transfer small parcels of land to the State of Minnesota. If this is enacted, the BLM will transfer 850 parcels of land. These small land parcels, primarily islands, are now owned by the Federal Government. The Federal land management agencies simply are not able to effectively manage these small and widely dispersed parcels.

The Minnesota Department of Natural Resources, county and local agencies are better suited and have better resources to manage these lands effectively.

I support the legislation for two primary reasons: first, the Minnesota Department of Natural Resources is better suited to manage effectively small, widely scattered parcels of land than are the BLM or other Federal agencies; Equally important, the legislation will grant the BLM greater administrative authority to resolve land title disputes in an equitable manner, and to assist Minnesota landholders who find their title to lands clouded by Federal interests, surveying errors, and other oversights and misunderstandings. This legislation will help BLM resolve numerous longstanding land title disputes, a matter of particular interest to landholders in my congressional district.

Several landholders in my district have occupied parcels of land for many years, believing they hold title to those lands. Some have built homes and cabins on those lands. Some have paid property taxes on those lands. These same property owners now find, much to their surprise, that the land they believed they owned is actually owned by the Federal Government, under the administration of the Bureau of Land Management.

Under current law, such landholders' only recourse is to seek remedy under the very complex and stringent process required by the Color of Title Act. Unfortunately, many landholders who have a reasonable claim are unable to qualify for transfer of title or other equitable resolution of title disputes under the stringent, time-consuming and often expensive color of title process. Therefore, under current law, landholders who have occupied a parcel of land for many years, erected structures on that land and paid property taxes on that land may find themselves forced to vacate the land without compensation for their investments of time and money.

The bill I am cosponsoring today will grant the Bureau of Land Management greater flexibility to resolve legitimate claims of landholders in an equitable and expeditious manner. The bill grants BLM authority to sell land under its jurisdiction in Minnesota to holders of legitimate claims to that land, and to consider such factors as longevity of occupation of the land,

payment of property taxes and value of structures erected on the land in discounting the price of sale of the land. This process would be far superior to the procedure in place under current law—more effective, more expeditious, and more equitable.

This new procedure to settle land title disputes will work properly only if affected landholders are aware of the clouded title and their options to resolve the problem. When I first reviewed this bill in draft form, I was concerned that landholders with legitimate claims but who live in remote areas might not be notified of their options in time to take advantage of the new title review process. Careful review of the final form of the bill and discussions with the Bureau of Land Management, the Minnesota Department of Natural Resources and the Parks and Public Lands Subcommittee have persuaded me that all parties involved are committed to making their best effort to ensure that landholders with legitimate claims are aware of their land title situation and their options under the new legislation.

If the bill is enacted into law, affected landholders will have 6 months from the date of enactment to make their claim known to BLM. The transfer of the lands to Minnesota will be made at the end of the 6-month period. The BLM and the Minnesota DNR already know the occupation or landholder status of the vast majority of the parcels to be transferred to the State and have attempted to contact all affected landholders to notify them of their options. As a further safeguard against omission of legitimate claims from consideration prior to the transfer, the bill requires that BLM make aggressive efforts to notify Minnesota residents of the status of the lands, of the intent to transfer those lands to the State, and of the options available to landholders occupying those lands. The Bureau of Land Management plans to advertise in local and regional papers in Minnesota and make other efforts to ensure that landholders are properly notified of the impending transfer and are aware of the options of claimholders.

Officials of the Minnesota Department of Natural Resources have assured me they will not accept transfer of any lands whose title remains in dispute, clouded or unclear. Further, BLM is committed to resolving title disputes fairly and equitably before transferring lands to the State. This bill provides both impetus to discover and resolve title disputes and a mechanism to facilitate fair resolution of those disputes.

Despite all of the above safeguards, there remains a remote possibility that a landholder with a legitimate claim, acting in good faith, would somehow be unaware of clouded title

to the land he or she occupies or would otherwise be unable to apply for fair resolution of a land title dispute before the land is transferred. Painful past experience has shown that, when dealing with land ownership issues, unanticipated claims may arise. Like any legislation, this bill cannot possibly anticipate all situations which may arise. Both the Bureau of Land Management and the Minnesota Department of Natural Resources have assured me that they will work together to attempt to resolve any legitimate land title claims which may arise after the transfer of lands to the State of Minnesota.

Based on my understanding of the bill as expressed above, and the cooperative attitude and assurances of the agencies involved, I am pleased to support this bill. I commend Chairman VENTO for being sensitive to the issue of adequate notice to property holders and for crafting this bill so as to ensure better management of our public lands while facilitating equitable resolution of clouded land title disputes.

Mr. LAGOMARSINO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 2783, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ESTABLISHING THE GRAND ISLAND NATIONAL RECREATION AREA IN THE STATE OF MICHIGAN

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1472) to establish the Grand Island National Recreation Area in the State of Michigan, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF GRAND ISLAND NATIONAL RECREATION AREA.

In order to preserve and protect for present and future generations the outstanding resources and values of Grand Island in Lake Superior, Michigan, and for the purposes of providing for the conservation, protection, and enhancement of its scenery, recreation, fish and wildlife, vegetation, botany and historical and cultural resources, there is hereby established the

Grand Island National Recreation Area (hereafter in this Act referred to as the "national recreation area"). These resources and values include, but are not limited to, cliffs, caves, beaches, forested appearance, natural biological diversity, and features of early settlement.

SEC. 2. BOUNDARIES.

The national recreation area shall comprise all of the Grand Island in Lake Superior, Michigan, and all associated rocks, pinnacles, and islands and islets within one-quarter mile of the shore of Grand Island. The boundaries of the Hiawatha National Forest are hereby extended to include all of the lands within the national recreation area. All such extended boundaries shall be deemed boundaries in existence as of January 1, 1965, for the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9). All federally owned lands within the national recreation area on the date of enactment of this Act are hereby components of the National Forest System and shall be administered by the Secretary of Agriculture as provided in this Act.

SEC. 3. ADMINISTRATION.

(a) ADMINISTRATION.—Subject to valid existing rights, the Secretary of Agriculture (hereafter in this Act referred to as the "Secretary") shall administer the national recreation area in accordance with the laws, rules, and regulations applicable to the National Forest System in furtherance of the purposes for which the national recreation area was established.

(b) SPECIAL MANAGEMENT REQUIREMENTS.—The national recreation area also shall be administered according to the following special management requirements:

(1) Subject to such terms and conditions as may be prescribed by the Secretary, including the protection of threatened and endangered species and the protection of other natural, cultural, and scenic values, owners of privately owned land and homes within the national recreation area shall be afforded access across National Forest System lands.

(2) Consistent with section 7 of this Act, and the purposes of this Act, the Secretary shall provide for and maintain traditional public access, including vehicular roads for general recreational activities such as camping, hiking, hunting, fishing, and trapping.

(3) The Secretary shall permit the use of snowmobiles on Federal lands in the national recreation area in accordance with the rules and regulations of the National Forest System and consistent with the management plan developed pursuant to section 7 of this Act. Such use shall be regulated to protect the resources of the national recreation area in a way that minimizes the degradation of these resources.

(4) Timber management shall be utilized only as a tool to enhance public recreation, scenic quality, game and nongame wildlife species, and the protection and enhancement of threatened, endangered, or sensitive species. Trees damaged or downed due to fire, insects, disease, or blowdown may be utilized, salvaged, or removed from the recreation area as authorized by the Secretary to further the purposes of the national recreation area.

(5) The Secretary shall, after acquiring fee title to at least 10,000 acres of land on Grand Island, provide reasonable water transportation from the mainland to Grand Island. Transportation may be provided through concession, permit, or other means, and a reasonable charge may be imposed.

Transportation shall be subject to reasonable regulation by the Secretary and shall not be required when the Secretary deems it to be unsafe because of factors such as weather and water conditions.

(6) The Secretary shall provide through concession, permit, or other means docking and lodge facilities consistent with the management plan developed pursuant to section 7 of this Act.

(7) The Secretary shall take reasonable actions to provide for public health and safety and for the protection of the national recreation area in the event of fire or infestation of insects or disease.

(8) Under the authority of the Act of March 4, 1915, as amended (16 U.S.C. 497), the Secretary shall issue occupancy and use permits for any privately owned home as of the date of Federal acquisition of the land within the national recreation area on which the home is located. Any such permit shall be issued for an initial period of 20 years and shall be renewed thereafter for successive 20-year periods so long as the permittee is in compliance with the purposes of this Act, the terms of the permit, and other applicable rules and regulations. Any such permit shall be issued in accordance with the laws, rules, and regulations of the Secretary pertaining to the National Forest System, except that such permit shall be subject to the following special provisions:

(A) Such permit may only be issued to the owner of such home as of the date of Federal acquisition of the property, such owner's spouse, the children and grandchildren of such owner and spouse, and their direct lineal descendants (natural or adopted offspring).

(B) Only noncommercial recreation occupancy may be permitted.

(C) The Secretary shall collect fees on an annual basis based on the fair market value of the occupancy permitted.

(D) The expansion, remodeling, or reconstruction of such homes shall be subject to approval of and regulation by the Secretary. No expansion, remodeling, or reconstruction may increase the height of structure or result in an increase of more than 25 percent of the sum of the exterior dimensions of a structure as it existed on the date of enactment of this Act. Any expansion, remodeling, or reconstruction shall be consistent with the criteria developed pursuant to section 7(b)(4) of this Act and shall be subject to such other terms and conditions as the Secretary may prescribe.

(E) Any such home may be purchased at the fair market value of the structure and improvements by the Secretary on a willing seller basis.

(F) The permit may be terminated at any time for failure to comply with its terms and conditions and applicable regulations without cost to the Federal Government in accordance with the permit.

(G) After termination of any such permit, if any improvements or property are not removed by their owner within one year of the termination, they shall become the property of the Federal Government.

(9) Solely for purposes of payments pursuant to section 6904 of title 31, United States Code, lands on Grand Island acquired by the United States after the date of enactment of this Act shall be considered to have been acquired for addition to a National Forest Wilderness Area (national forest portion of the National Wilderness Preservation System).

SEC. 4. ACQUISITION.

(a) **GENERAL AUTHORITY.**—The Secretary is authorized, and directed to acquire by purchase, gift, exchange, or otherwise, lands, waters, structures, or interests therein, including scenic or other easements, within the boundaries of the national recreation area to further the purposes of this Act. The Secretary also is authorized and directed to acquire lands or structures by such means on the mainland to the extent necessary for access to and administrative facilities for the national recreation area. In acquiring lands or structures under this subsection, the Secretary is directed to give prompt and careful consideration to any offer to sell land or structures made by an individual, organization, or any legal entity owning property within the boundaries of the national recreation area.

(b) **PRIVATE LANDS.**—(1) An owner of unimproved real property within the national recreation area may construct recreational residences that are historically consistent with other structures within the national recreation area, as described by the management plan developed pursuant to section 7 of this Act.

(2) Any privately owned lands, interests in lands, or structures within the national recreation area shall not be disposed of by donation, exchange, sale, or other conveyance without first being offered at no more than fair market value to the Secretary. The Secretary shall be given a period of 120 days to accept an offer and, after such offer is accepted, a period of 45 days after the end of the fiscal year following the fiscal year in which the offer was accepted to acquire such lands, interests in lands, or structures. No such lands, interests in lands, or structures shall be sold or conveyed at a price below the price at which they have been offered for sale to the Secretary, and if such lands, interest in lands, or structures are reoffered for sale or conveyance they shall first be reoffered to the Secretary, except that this subsection shall not apply to a change in ownership of a property within the immediate family of the owner of record on January 1, 1989. For the purposes of this subsection, the term "immediate family" means, with respect to any such owner of record, the spouse, siblings, children (whether natural or adopted), and lineal descendants of that owner.

SEC. 5. FISH AND GAME.

(a) **IN GENERAL.**—Nothing in this Act shall be construed as affecting the responsibilities of the State of Michigan with respect to fish and wildlife, including the regulation of hunting, fishing, and trapping in any lands acquired and managed by the Secretary under this Act, except that the Secretary may, in consultation with the State of Michigan, designate zones where, and establish periods when, no hunting, fishing or trapping shall be permitted for reasons of public safety, administration, the protection of nongame species and their habitats, or public use and enjoyment.

(b) **NOTICE OF SECRETARIAL ACTION.**—As soon as practicable after each case in which the Secretary exercises authority under subsection (a), the Secretary, in consultation with appropriate officials of the State of Michigan, shall take steps to notify area residents as to the nature of actions taken, and the location of zones designated and periods established, under subsection (a).

(c) **CONSULTATION.**—Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect

after consultation with the fish and wildlife agency of the State of Michigan.

SEC. 6. MINERALS.

Subject to valid existing rights, the lands within the national recreation area are hereby withdrawn from location, entry, and patent under the United States mining laws and from disposition under all laws pertaining to geothermal leasing. Also subject to valid existing rights, the Secretary shall not allow any mineral development on federally owned land within the national recreation area, except that common varieties of mineral materials, such as stone, and gravel, may be utilized only as authorized by the Secretary to the extent necessary for construction and maintenance of roads and facilities within the national recreation area.

SEC. 7. MANAGEMENT PLAN.

(a) **DEVELOPMENT.**—After the Secretary acquires fee title to at least 10,000 acres of land on Grand Island, the Secretary, within 30 months, shall develop with public involvement a comprehensive management plan for the national recreation area which implements the provisions of this Act.

(b) **SPECIAL ISSUES TO BE INCLUDED.**—The comprehensive management plan shall include, but not be limited to, the following issues:

(1) Public recreation, including consideration of a range of appropriate recreational opportunities consistent with the rustic, natural, and historic character of the island, including, but not limited to, a system of trails and campsites in conjunction with the lodge referred to in paragraph (2) of this section.

(2) The feasibility of a concessionaire constructed, operated, and maintained rustic lodge and educational facility on no more than 55 acres located so as not to impair or alter existing scenic views or the existing tree line and forested appearance of Grand Island from any point within the boundaries of Pictured Rocks National Lakeshore. The plan shall address the economics of constructing, operating, and maintaining such a facility by a concessionaire or other entity; access by roads and waters; utilities; waste water treatment, garbage disposal, and other associated environmental impacts; management operations including construction, operation and maintenance; and the potential for permitted uses by government agencies, profit and nonprofit organizations, or individuals.

(3) Prescriptions concerning any management and harvest of timber, subject to section 3(b)(4) of this Act.

(4) General design criteria for new facilities or the improvement of existing facilities that are compatible with the rustic, natural, and historic character of the island and their topographic and geological location, and that do not impair scenic views from the Pictured Rocks National Lakeshore.

(5) Water transportation from the mainland to the national recreation area by a concessionaire or other entity.

(6) The feasibility of concessionaire constructed, operated, and maintained docking facilities in the national recreation area and on the mainland.

(7) An inventory and assessment of existing traditional roads, the level of road use, access needs, and any vehicular regulation and management needed to protect the resources of the national recreation area while, at the same time, providing reasonable access to private property.

(c) **CONSULTATION.**—In preparing the comprehensive management plan, the Secretary shall consult with the appropriate State and

local government officials, provide for full public participation, and consider the views of all interested parties, organizations, and individuals.

SEC. 8. GRAND ISLAND ADVISORY COMMISSION.

(a) **ESTABLISHMENT.**—Subject to appointments as provided in subsection (b), there is established a Grand Island Advisory Commission (hereinafter in this Act referred to as the "Commission") comprised of 12 members for the purpose of advising the Secretary on the preparation of the management plan which is provided for in section 7 of this Act.

(H) One member from nominations made by the Grand Island Township Board who is a member of such board.

(I) The Munising city manager, upon accepting the invitation of the Secretary.

(2) Any vacancy shall be filled in the same manner as the original appointment.

(c) **QUORUM.**—A quorum shall be six members. The operations of the Commission shall not be impaired by the fact that a member has not been appointed as long as a quorum has been attained.

(d) **PROCEDURES.**—The Commission shall elect a Chairman and establish such rules and procedures as it deems necessary or desirable.

(e) **CONSULTATION.**—The Secretary shall consult with the Commission on a periodic and regular basis with respect to the management plan.

(f) **PAY.**—(1) Members of the Commission who are not full-time officers or employees of the United States shall serve without pay.

(2) Members of the Commission who are full-time officers or employees of the United States shall receive no additional pay by reason of their service on the Commission.

(g) **PROPOSALS FOR NON-FEDERAL DEVELOPMENT ON FEDERAL LAND.**—The Commission shall recommend proposals for non-Federal development on the 55 acres described in section 7(b)(2) of this Act. It shall submit any such proposals to the Secretary for approval, rejection, or revision. The Secretary shall include in the management plan a development proposal submitted by the Commission or arrived at by any other means available to the Secretary.

(h) **TERMINATION.**—The Commission shall cease to exist on the date upon which the management plan is adopted.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) **ACQUISITION OF LANDS.**—There are hereby authorized to be appropriated an amount not to exceed \$5,000,000 for the acquisition of land, interests in land, or structures within the national recreation area and on the mainland as needed for access and administrative facilities.

(b) **OTHER PURPOSES.**—In addition to the amounts authorized to be appropriated under subsection (a), there are authorized to be appropriated not more than \$5,000,000 for development to carry out the other purposes of this Act.

The **SPEAKER** pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I am very pleased to bring this bill to the House floor today.

Mr. Speaker, H.R. 1472, sponsored by my colleague from Michigan [Mr. KILDEE] would protect for present and future generations a beautiful and unique resource, 13,500-acre Grand Island in Lake Superior. This bill would authorize and direct the Forest Service to purchase Grand Island, would incorporate the island into the Hiawatha National Forest and would designate it a national recreation area.

At our hearing on April 27, conducted by the Subcommittee on National Parks and Public Lands, which I chair, we heard unanimous, bipartisan testimony in favor of the proposal. Witnesses described the outstanding natural resources on the island that this bill would protect and enhance. They include old growth stands of beech and white pine, wildlife populations of bear, fox, grouse, and deer, 150-foot cliffs, long stretches of pristine beaches and the largest lake created by a beaver dam in North America. Furthermore, Chippewa legends about the island served as the inspiration for Longfellow's poem, "The Song of Hiawatha." The trust for public lands is exercising an option to buy Grand Island. With the passage of this bill, they then will sell it to the Forest Service.

The bill has nine sections:

Section 1 establishes the Grand Island National Recreation Area for the purposes of conserving, protecting, and enhancing the outstanding resources of Grand Island.

Section 2 establishes the boundaries of the national recreation area and makes the national recreation area part of the Hiawatha National Forest.

Section 3 directs the Secretary of Agriculture to follow certain provisions on administering the national recreational area. These provisions include continued access to private inholdings and for recreation, the use of snowmobiles in a manner that does not impair the resources, timber management only to further the purposes of the national recreation area, water transportation to the island from the mainland, docking and lodge facilities and special use permits for privately owned summer homes on federally owned lands. This section also ensures that the county will not lose tax revenue as a result of this legislation. The

county receives not only the normal payment in lieu of taxes [PILT] revenues, but also an additional PILT payment that usually only applies to lands acquired for national parks or national forest wilderness areas.

Section 4 authorizes and directs the Secretary to acquire the lands needed for the national recreation area. It also gives the Federal Government the right of first refusal to purchase any private lands on the island.

Section 5 reaffirms the State's responsibilities for fish and wildlife.

Section 6 withdraws the national recreation area from mineral entry, subject to valid existing rights.

Section 7 directs the Secretary to develop a comprehensive management plan for the national recreation area and lists the special issues the plan should address.

Section 8 establishes a 12-member Grand Island Advisory Commission to advise the Secretary on the development of the management plan.

Section 9 authorizes to be appropriated \$5 million for land acquisition and \$5 million for development.

H.R. 1472 was referred sequentially to the Agriculture Committee. I want to thank Chairman VOLKMER of the Subcommittee on Forests, Family Farms and Energy and Chairman DE LA GARZA of the full Agriculture Committee for their attention to the bill.

I urge all my colleagues to support H.R. 1472 and add this beautiful island to the National Forest System.

□ 1330

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1472 to establish the Grand Island National Recreation Area in Michigan.

As the subcommittee chairman has explained, under the amended version of H.R. 1472 before us today, the national recreation area would consist of the 13,000-acre Grand Island, offering a remarkable variety of historic, recreational, and natural attractions, located just a half mile offshore in Lake Superior. This spectacular island with 27 miles of shoreline includes both white sand beaches and colorful sandstone cliffs towering 150 feet above the lake's sparkling blue waters. Other significant natural features are mile-long Echo Lake, a 150-year-old cedar swamp, and woodlands of white pine, virgin beech, and mixed hardwoods. These varied habitats support a wide array of endangered plant species as well as native wildlife communities including black bear and bald eagle. In 1855, it was Henry Schoolcraft's accounts of Grand Island that inspired his friend, Henry Longfellow, to pen the epic American poem, "Song of Hiawatha."

Grand Island also has an extremely rich history. Early French explorers noted that the island was an important center for the Chippewa Indians. In the late 1700's and early 1800's, fur trading posts were established on the island, portions of which are still in existence. Two lighthouses were built in 1867 and one, the completely refurbished North Lighthouse, is the highest lighthouse above sea level in the world.

With outstanding opportunities for high-quality hiking, fishing, hunting, camping, and snowmobiling, as well as scuba diving around the shipwrecks that lie in the island's coves, Grand Island could be developed for a world-class Great Lake's recreational experience. All but about 34 acres of the 13,000-acre island is now for sale and available for immediate purchase from the Trust for Public Land, a nonprofit national conservation organization. The proposed recreation area would be managed by the Forest Service as part of Hiawatha National Forest.

H.R. 1472 calls for development of a management plan with provisions for a concessionaire developed and operated lodge and water transportation from the mainland. The bill also will allow 19 leased recreational homes to remain indefinitely and assures access for these tenants across Federal land. Payments in lieu of taxes authority is included in the bill to address local concerns. The bill would provide up to \$5 million for land acquisition and another \$5 million for development and other purposes.

Mr. Speaker, there is broad bipartisan support for this bill and the administration is supporting the measure. We have worked hard to develop language that will meet a broad range of needs as the bill was fine tuned through the committee process. I urge my colleagues to pass H.R. 1472.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the principal sponsor of this legislation, the gentleman from Michigan [Mr. KILDEE], who has worked long and hard on this. He has a good product and should be proud of it. We are proud of his work.

Mr. KILDEE. Mr. Speaker, I am pleased to rise in strong support of this legislation that I introduced, along with 15 of my colleagues from Michigan.

I also want to thank the chairman of the subcommittee for his work in bringing this bill before the House today.

I have had the pleasure to serve with Mr. VENTO on the House Interior Committee for 8 years.

Over this time, Mr. VENTO has established himself as a leader in protecting our Nation's precious natural resources, and I want to thank him for all he has done to protect the beauti-

ful resources in my home State of Michigan.

I also want to thank Mr. VOLKMER, chairman of the Subcommittee on Forest, Family Farms, and Energy of the Agriculture Committee, for his fine work on this bill.

Mr. Speaker, the bill before the House today will establish the Grand Island National Recreation Area and will authorize the U.S. Forest Service to purchase Grand Island, and to manage its natural and cultural resources.

Located in Lake Superior in the Upper Peninsula of Michigan, this 13,000-acre island is one of the most beautiful parcels of land in our State.

Grand Island is home to a diversity of fragile flora and fauna that clearly warrant Federal protection.

The island contains the largest beaver-formed lake in North America, and is host to many endangered plant and wildlife species including orchids, ferns, and trillium as well as black bear, hawks, and bald eagles.

H.R. 1472 is designed to help the Forest Service better manage the resources of Grand Island.

This legislation provides guidance to the Forest Service on many critical management issues, such as timber management, occupancy permits, and private development on the island.

I believe that this bill is fair, and it represents the interests of all the involved parties.

Finally, Mr. Speaker, the tremendous support of H.R. 1472 from 15 of my colleagues in the Michigan congressional delegation, from Gov. James J. Blanchard, and from many national and local environmental groups, is a recognition of the uniqueness of Grand Island.

I urge my colleagues to support this legislation so we can protect and preserve this beautiful island for generations to come.

Mr. Speaker, as I mentioned earlier, H.R. 1472 is designed to clarify certain management practices by the U.S. Forest Service in the management of Grand Island. At this time, I would like to address a few of those issues in the bill. First, it is the intent of the Congress that there will be no commercial timber harvesting on Grand Island. Rather, timber management shall be used only for the specific purposes listed in the bill; including the enhancement of public recreation, scenic quality, and the protection and enhancement of threatened, endangered, or sensitive species. In addition, it is intended that those individuals who currently own homes on Grand Island will be granted occupancy and use permits by the U.S. Forest Service. As long as the users of such permits are in compliance with the conditions of the permit, the permits will automatically be renewed by the U.S. Forest Service.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the chairman of the subcommittee, the gentleman from Missouri [Mr. VOLKMER].

Mr. Speaker, I rise in support of H.R. 1472, and I want to commend the gentleman from Michigan [Mr. KILDEE] for this legislation.

This bill was referred to the Agriculture Committee because of our interest in the acquisition of forest lands by the Federal Government, as well as the general management of all national forest system lands.

The acquisition of Grand Island is a tremendous opportunity for the public. This measure not only has strong bipartisan support, but for the first time in years the administration is supporting an acquisition as well. This support is well-justified in this case because of the qualities and characteristics of the land involved.

In recent years, as the individual units of the National Forest System have developed land and resource management plans, with extensive public involvement, the Forest Service tells us the demand for public recreation opportunities has increased overwhelmingly. This has been true all across the Nation, but the situation is especially acute in the Eastern half of the country where Federal land ownership is relatively small.

The increase in recreational use of the national forest lands, and the growing demand for more opportunities, were not expected in the degrees we are witnessing. As a result, the budget and funding requests for the Forest Service have fallen somewhat short of the needs for such activities as land acquisition, trail construction and maintenance, and wildlife habitat enhancement.

Fortunately, our Appropriations Committee has not been so shortsighted, and has annually provided funding to at least sustain these activities. I hope that maybe the nature of the public's interest in the national forests will cause the administration to continue its support of bills such as this.

In considering H.R. 1472, the Agriculture Committee did adopt two amendments. The first, recommended by the administration, would designate the three Forest Service members of the Advisory Committee as nonvoting. Since the purpose of the Commission is to advise the Forest Service on the management of the national recreation area, we agreed that the Forest Service should not be voting on recommendations to itself. We also agreed that the forest supervisor should be one of the representatives on the commission.

The other amendment adopted by our committee was to provide that the Secretary of Agriculture must consult with the State of Michigan before prohibiting hunting in any part of the na-

tional recreation area. This provision recognizes the State's role in managing wildlife, which the Federal Government recognizes as a legitimate State interest on federally owned lands.

Again, Mr. Speaker, I support this bill, and I urge the House to approve it.

Mr. DE LA GARZA. Mr. Speaker, I rise in support of H.R. 1472 and urge my colleagues to vote in favor of the bill.

H.R. 1472 would establish the Grand Island National Recreation Area in the State of Michigan. It would designate all lands within certain specified boundaries as a part of the recreation area, including privately-owned land, and extend the boundaries of the Hiawatha National Forest to include this national recreation area. H.R. 1472 adds to the National Forest System all federally owned lands within the national recreation area and directs the Secretary of Agriculture to acquire privately owned lands on Grand Island, Michigan to be added to the Hiawatha National Forest. The bill would also provide for the management of the lands within the national recreation area.

Mr. Speaker, although this bill was initially referred to the Committee on Interior and Insular Affairs, it deals largely with matters that fall under the jurisdiction of the Committee on Agriculture according to the rules of the House. Despite the fact that the Committee on Agriculture was granted a sequential referral of the bill, I believe that its initial referral should have at least included the Committee on Agriculture, consistent with the Rules of the House as they pertain to matters affecting forestry in general and forest reserves other than those created from the public domain.

The Committee on Agriculture considered H.R. 1472 on July 13, 1989 and ordered it favorably reported by voice vote. During consideration of the bill by the Agriculture Committee's Subcommittee on Forests, Family Farms, and Energy, several amendments to the bill, as reported by the Committee on Interior and Insular Affairs, were considered and adopted.

The first would direct the Forest Supervisor of the Hiawatha National Forest to serve as one of three Forest Service employee members of the advisory commission to the recreation area established by section 8 of the bill. All Forest Service members would serve in a nonvoting capacity.

The second amendment adopted by the subcommittee would require the Secretary of Agriculture to consult with the State of Michigan regarding the designation by the Secretary of zones and time periods within which hunting, fishing, or trapping would be prohibited.

Mr. Speaker, I commend the efforts of the sponsor of H.R. 1472, Mr. KILDEE in bringing this matter to the attention of the House. I also want to thank Chairman VOLKMER and the members of the Forests Subcommittee for their efforts, as well as the cooperation of the Hon. BRUCE VENTO, chairman of the Interior Subcommittee on National Parks and Public Lands for allowing us to bring H.R. 1472 to the floor today.

I urge my colleagues to support passage of H.R. 1472.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 1472, as amended.

The question was taken and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1340

CIVIL AIRCRAFT COLLISION AVOIDANCE SYSTEM ACT

Mr. ANDERSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2151) to amend the Federal Aviation Act of 1958 to establish a schedule for the installation in certain civil aircraft of the collision avoidance system known as TCAS-II, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2151

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INSTALLATION AND EVALUATION OF COLLISION AVOIDANCE SYSTEMS.

Section 601(f) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1421(f)) is amended—

(1) by redesignating paragraph (3) as paragraph (6); and

(2) by inserting after paragraph (2) the following new paragraphs:

"(3) OPERATIONAL EVALUATION.—The Administrator shall institute, for a 1-year period beginning not later than December 30, 1990, a program for the operational evaluation of the collision avoidance system known as TCAS-II, in order to collect and assess safety and operational data from the civil aircraft equipped with such system. In conducting the program, the Administrator shall encourage the participation of foreign air carriers which operate civil aircraft equipped with such system.

"(4) EXTENSION OF TIME.—If the Administrator determines that extending the deadline contained in paragraph (2) is necessary—

"(A) to promote a safe and orderly transition to operation of a fleet of civil aircraft described in paragraph (2) which is equipped with the collision avoidance system known as TCAS-II, or

"(B) to promote other safety objectives, the Administrator may extend such deadline for a period not to exceed 2 years; except that the Administrator may further extend such deadline if the Administrator determines that such further extension is necessary to promote aviation safety and notifies, in writing, the Committee on Public Works and Transportation of the House of Representatives and the Commit-

tee on Commerce, Science, and Transportation of the Senate of such extension at least 90 days before such extension is to take effect.

"(5) COMPATIBILITY OF WINDSHEAR EQUIPMENT INSTALLATION SCHEDULE.—The Administrator shall consider the feasibility and desirability of amending the schedule for the installation of airborne low-altitude windshear equipment in order to make such schedule compatible with the schedule for the installation of the collision avoidance system known as TCAS-II."

The SPEAKER pro tempore. Is a second demanded?

Mr. HAMMERSCHMIDT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

The gentleman from California [Mr. ANDERSON] will be recognized for 20 minutes, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation. This bill reported by the Committee on Public Works and Transportation makes some necessary changes to legislation enacted at the end of 1987.

The 1987 legislation called for all commercial aircraft to be equipped with the new collision avoidance technology known as TCAS by the end of 1991.

Last fall, the Federal Aviation Administration and the industry began expressing concerns that the final compliance schedule may need adjustment to accommodate a large scale operational evaluation of the equipment and to recognize the shortage of adequate maintenance, engineering, and technical capabilities in the aviation industry. The Congressional Office of Technology Assessment has analyzed these concerns and confirmed their validity. The reported legislation provides for a operational evaluation in the early part of the installation program. This legislation also provides the FAA the authority to adjust the schedule of compliance for safety reasons.

I want to commend Chairman OBERSTAR, and our Committee's Republican leaders Congressman HAMMERSCHMIDT, Congressman CLINGER, and my colleague from California Congressman PACKARD for their leadership and contributions to this bill.

Again, I urge Members to support this bill.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill. The gentleman from California [Mr. PACKARD] is to be commended for the initiative he has displayed on this

issue. In addition, Chairman ANDERSON, Subcommittee Chairman OBERSTAR, and Mr. CLINGER, the ranking member of the Aviation Subcommittee, deserve credit for the leadership they have shown in this area. There is no doubt that the installation of collision avoidance equipment on aircraft will enhance aviation safety.

The FAA and the industry have been working on a viable collision avoidance device for a long time, some would say for too long a time. After the midair collision over Cerritos, CA, Congress established deadlines in the law for the certification and installation of the traffic alert and collision avoidance system known as TCAS-II.

However, in our committee's hearing last May on this issue, we learned that the deadlines now in the law for TCAS installation may be impractical or, even worse, could lead to unsafe conditions. So far, TCAS has been tested on only one or two planes at a time. When it comes into more widespread use on many more planes, unforeseen problems could develop. That is why it is important to have a phased implementation, as well as an operational test and evaluation period, for the new TCAS system. The law now on the books does not allow time for this.

This bill would permit the FAA to adopt a phased implementation schedule and to conduct a test of the system as it is being phased in. It would set a target of 1993 for the complete installation of TCAS. The FAA could extend this 1993 date but it would face a heavy burden in doing so.

In my view, this bill will allow for a safe and orderly installation of collision avoidance systems. It will keep the FAA's and the airline's "feet to the fire" to ensure that they install this important safety equipment as soon as possible.

Therefore, I urge an affirmative vote on this bill.

Mr. CLINGER. Mr. Speaker, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the distinguished ranking member of the Subcommittee on Aviation.

Mr. CLINGER. Mr. Speaker, H.R. 2151 revises present law by substituting statutorily established deadlines mandating the installation of traffic collision avoidance systems on commercial aircraft. In lieu of the dates now in law, the bill before us gives the Federal Aviation Administration authority to set compliance deadlines in a safe and orderly fashion.

We need this legislation because manufacturers of TCAS equipment have experienced some design problems. In addition, they've run into difficulties integrating the equipment into our air traffic control system. These factors make it unrealistic to expect TCAS to be in place in time to meet the dates now established in law.

Giving the FAA discretion to set the deadlines is the prudent course. They work with the manufacturers and carriers on a daily basis, and they have sole responsibility for our Nation's air traffic control system.

Mr. Speaker, before closing I want to commend the gentleman from California [Mr. PACKARD] for his leadership on this issue. I also wish to recognize the chairman of our committee, Mr. ANDERSON, our ranking Republican, JOHN PAUL HAMMERSCHMIDT, and the Aviation Subcommittee chairman, Mr. OBERSTAR, for their assistance and cooperation making it possible to bring this bill to the House floor on such an expeditious basis.

H.R. 2151 was reported by the Aviation Subcommittee and the Public Works and Transportation Committee by unanimous voice vote. I encourage all Members to support the bill.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. ANDERSON. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I also want to thank the chairman of the committee for his kind words for my efforts on this legislation before the subcommittee. I thank my colleagues, the gentleman from Pennsylvania [Mr. CLINGER], and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] for their kind words as well.

Mr. Speaker, there is no question about this legislation's impact on aviation, since aircraft collision avoidance systems, very clearly and simply put, are going to save lives. It is vitally important that the airline industry in this country and the manufacturers of this technology move ahead without delay to install aircraft collision avoidance systems aboard commercial airliners. Had such systems been in place, along with the mode C transponders that are their companion equipment necessary aboard general aviation aircraft, without doubt, in my mind, the tragedy that occurred over Cerritos, CA, in 1986 could have been avoided; lives would have been saved.

Lives will be saved in the future because TCAS will be aboard aircraft as a result of our committee's action and as a result of the action of the House and the Senate and the President's signing this legislation into law.

TCAS technology has been under development and reaching perfection by the Federal Aviation Administration and the airline industry and the manufacturers for more than two decades. It has been recognized that this technology in place could save lives and could avoid midair collisions, but for one reason or another there was

delay. I lay the blame for the delay principally at the feet of the Federal Aviation Administration which kept waiting for the perfect system. In hearings that we chaired in the Investigations and Oversight Subcommittee, I pointed out in 1985 and again in 1986 that the FAA was waiting for the perfect system and allowing the perfect to be the enemy of the good.

We have a good system. Let us put it in place and get moving ahead with the technology. That is what we are now doing.

Regrettably, however, as in all technology, there are technical difficulties. There are problems both in the manufacture and the installation of the equipment. It cannot move ahead as fast as we would have liked, and in addition, there are other requirements on the airlines to install on board commercial airliners modern technologies such as the wind shear detection system and new antenna and other avionics that are required as part of the ongoing improvements in airline safety. The extended timeframe provided for this legislation and within which commercial airlines will be allowed to install TCAS will ensure that it will be done properly, will insure that there will be some cost savings so that the airlines can combine installation of all the other technologies at the same time they are doing TCAS and maybe doing their major C&D checks on board those aircraft, and it will also ensure that there is an outside timeframe beyond which no delays will further be tolerated.

The legislation, most importantly, puts the burden for extension of time squarely within the ambit of the FAA, and only on the basis of safety can deadlines be extended. The FAA is the proper agency. They have the technology, they have the technicians, and they have the expertise to oversee the installation of TCAS technology on board commercial airlines and to make sure it is being done properly and within the appropriate timeframes. They will be monitoring it on a day-to-day basis. But I want to assure the traveling public and our colleagues in this House, who are among the most heavily traveled, that this subcommittee, on a bipartisan basis, with my colleague, the gentleman from Pennsylvania [Mr. CLINGER], is going to be looking over the FAA's shoulder to make sure they keep the airlines' feet to the fire, that they keep the manufacturers' feet to the fire, and that they keep the technology moving on track, because we do not want to look back a year or 2 years from now and say: "Somebody slipped, somebody didn't do their job. We should have had that technology in place sooner, and we could have avoided an accident that could have saved lives."

□ 1350

Mr. Speaker, our job is safety, the FAA's job is safety, and the frontline of safety is the airlines, and we are going to make sure that they do their job properly. This legislation moves us in that direction in a very important, expeditious, and orderly fashion.

Mr. Speaker, in final conclusion I want to compliment our colleague, the gentleman from California [Mr. PACKARD] in whose district the tragedy of the 1978 San Diego midair collision occurred, who has been a vigorous advocate of collision avoidance technology, who has bird-dogged this legislation in its initial form initially getting it enacted into law, and now this little adjustment in the implementation schedule. He has been a watchdog for safety, and I compliment the gentleman from California. Regrettably he could not be here today, returning from travel on the west coast. And finally our chairman, the gentleman from California [Mr. ANDERSON], who has given his full support to the subcommittee's efforts in safety. The gentleman has been vigilant, the first chairman of the Aviation Subcommittee of the Committee on Public Works and Transportation, and he knows the history so well and has been a great partner to work with and an encouragement as we pursue our efforts to maintain safety in the skies.

Mr. Speaker, I thank the gentleman from California [Mr. ANDERSON] for yielding this time to me, and I urge support for the legislation.

Mr. ANDERSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. INHOFE], a valuable member of our committee and an aviator himself.

Mr. INHOFE. Mr. Speaker, I thank the gentleman from Arkansas [Mr. HAMMERSCHMIDT], and I want to commend the chairman of our Aviation Subcommittee on addressing a subject that politically is very difficult and technically is very confusing to a lot of people.

Mr. Speaker, what we have with this type of a system, and certainly there is nothing that is more prominent in the minds of Americans today than midair collisions after the events of the last few days, and when the technology came forward for a type of a collision avoiding system, we were wanting to do something, and there is a lot of public pressure to do it. However, when we get into it, we added the dimension of TCAS-II, which also incorporates the automated avoidance system. It came to the attention of several of us who deal with this on a daily basis that we had two problems, and the major problem was the technology was not quite in place at that

time. The second problem is, if we were forced to try to comply with deadlines, such as December 1991 to be fully implemented, when technology was not there, we would be putting a system in that, as a pilot, I can tell my colleagues the pilots would not believe, and I cannot think of anything that would be more dangerous than to have a collision avoidance system in the cockpit of an airplane that the pilot does not thoroughly trust.

So, Mr. Speaker, we are in a dilemma here of trying to come up with a compatible combination of getting there as soon as we can and yet getting there with something that is very safe, and this system, I think, is, in the bill that we have before us today, is the only solution I can think of, and I certainly commend the gentleman from Minnesota [Mr. OBERSTAR] for his foresight in coming through with it, as well as I do the gentleman from Pennsylvania [Mr. CLINGER] and the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

I am hoping no one gets confused on this highly technical issue, and there is no problem with getting it passed, and I certainly add my endorsement, and I think I speak for a lot of other people who have a flying and pilot's background like I do.

Mr. PACKARD. Mr. Speaker, I rise today to express my support, and encourage the support of my colleagues, for H.R. 2151. This legislation will provide for the safe and orderly installation and implementation of the traffic alert and collision avoidance system [TCAS II] in all commercial aircraft.

In addition, I would like to commend the fine work of my colleagues on the Public Works and Transportation Committee who so diligently pursued adoption of this legislation which perfects the December 1987 signing of Public Law 100-223. In particular, I want to recognize the outstanding efforts of Aviation Subcommittee Chairman OBERSTAR and Vice Chairman CLINGER, which were complemented at the full committee level by Chairman ANDERSON and Vice Chairman HAMMERSCHMIDT. These individuals recognized the dire need for TCAS legislation and provided the exemplary committee leadership for which the Public Works Committee is recognized.

Created with a safety-first attitude, TCAS legislation was designed with the intent to make our skies safer for all air travelers. The TCAS II technology will provide pilots with the equipment to help avoid midair collisions. With TCAS II equipment in place, pilots will be alerted to potential midair collisions and will be given immediate, computer generated direction on how to avoid the potential disaster. TCAS II installation will coincide with wind shear installation to provide better equipped and safer aircraft in a timely manner.

The Federal Aviation Administration will assume oversight of the rulemaking for scheduling TCAS and wind shear installation, under the guidance of the Congress. Any extension to the required deadline will be considered solely on the basis of providing a safe and orderly transition to implementation of TCAS II.

Prompt enactment of this legislation will set clear guidelines for the air carriers, TCAS II equipment manufacturers and Federal Aviation Administration rulemaking. For these reasons, I encourage your support to move H.R. 2151 swiftly through the legislative process.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from California [Mr. ANDERSON] that the House suspend the rules and pass the bill, H.R. 2151, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING TRANSFERS OF INSTRUMENT LANDING SYSTEMS TO FEDERAL AVIATION ADMINISTRATION

Mr. ANDERSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3025) to authorize transfers of instrument landing systems to the Federal Aviation Administration, and for other purposes.

The Clerk read as follows:

H.R. 3025

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFER TO FAA.

Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration instrument landing systems (along with associated approach lighting equipment and runway visual range equipment), the purchase of which was assisted by an airport improvement program grant made on or after September 1, 1987, and before the date of the enactment of this Act.

SEC. 2. OPERATION AND MAINTENANCE BY FAA.

The Federal Aviation Administration shall accept equipment transferred to it pursuant to section 1 and shall thereafter operate and maintain such equipment.

The SPEAKER pro tempore. Is a second demanded?

Mr. HAMMERSCHMIDT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. ANDERSON] will be recognized for 20 minutes, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 3025. This legislation will promote aviation safety by ensuring that Instrument Landing Systems, which enable aircraft to land in adverse conditions, are operated and maintained by the Federal Aviation Administration.

Having this equipment operated and maintained by FAA is consistent with the intent of legislation we passed in 1987 directing FAA itself to purchase this equipment. Through what appears to be a misunderstanding, the Appropriations Committee funded the purchase of this equipment under a different account and under this account ILS equipment is owned by airports which are responsible for operating and maintaining it. Language in the Appropriations Committee report indicates that the committee had expected that the equipment would be operated and maintained by the FAA.

The bill reported by the Committee on Public Works and Transportation clears up the situation and requires FAA to operate and maintain ILS's purchased since 1987. The cost burden to the Federal Government will be minimal, at most \$600,000 a year. Having FAA operate and maintain the equipment is consistent with aviation safety since FAA has extensive experience in this area while private contractors may not.

Mr. Speaker, I urge the House to pass this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in 1987 we directed the FAA to purchase additional instrument landing systems [ILS's] out of the facilities and equipment [F&E] account of the aviation trust fund. These systems have traditionally been funded out of this F&E account. Moreover, using this account ensures that these systems will be funded, operated, and maintained by the FAA.

However, when the Appropriations Committee appropriated the money for ILS's, it did so out of the Airport Improvement Program [AIP] account. This meant that an airport had to pay a local share for an ILS and will have

to pick up the cost of operating and maintaining it. That was not what we had intended in authorizing the purchase of these systems.

It now appears that the Appropriations Committee has recognized the error of its ways. It recently reported out the transportation appropriations bill with a provision turning these systems back to the FAA for that agency to operate and maintain.

While I believe that this action by the Appropriations Committee is needed, it is improper to do it on an appropriation bill. This is legislation that should go through the Public Works and Transportation Committee.

Last week, the Public Works and Transportation Committee considered and approved H.R. 3025. This is substantially the same as the legislative provision in the appropriations bill. I would like to thank Chairman ANDERSON, subcommittee Chairman OBERSTAR, and the ranking member, Mr. CLINGER, for their quick action on this bill.

This bill will let airports who had to buy an ILS with an AIP grant turn that system back to the FAA so that the FAA can operate and maintain it. It will affect about 209 systems bought since 1987.

It is entirely proper that the FAA should operate and maintain ILS's. That was what we intended in our original airport and airway authorization law. The FAS is in a much better position to do this maintenance than is the local airport. They already have personnel trained to do this work. It will be safer and more efficient if the FAA is responsible for the operation and maintenance of all instrument landing systems.

This legislation makes sense and I therefore urge its immediate passage.

□ 1400

Mr. ANDERSON. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, I thank the committee chairman for yielding me this time. I will not take the 5 minutes, because I think the purpose of the legislation has been adequately explained by the chairman of the full committee and the ranking member, the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

The central point of this legislation is that the Committee on Public Works and Transportation is exercising its appropriate jurisdiction to correct an inadvertence on the part of the Appropriations Committee, and to do so in the appropriation legislative process and not legislate in an appropriations bill. We want to keep appropriations bills focused on the proper function of that committee, that is, allocating funds to the programs authorized in law by the authorizing committees. When changes have to be

made, adjustments have to be made in law, that should be the role of the parent authorizing committee and those committees should exercise their responsibility when it is necessary to do so, and today the Public Works and Transportation Committee is doing exactly what it should do to correct this inadvertent error on the part of the Appropriations Committee by providing, as clearly as one can state it in statutory law, that ILS equipment is to be funded out of the F&E account, and not out of the airport improvement account and owned and operated by the Federal Aviation Administration, which is the agency that has the expertise to undertake this very important mission.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. CLINGER], a member of the Aviation Subcommittee of the Committee on Public Works and Transportation.

Mr. CLINGER. Mr. Speaker, I would just join with the comments that have gone before about this particular matter. It is a small matter, but it is an important one, and I think, echoing the words of the gentleman from Minnesota [Mr. OBERSTAR], it is certainly the appropriate way to deal with this kind of matter, rather than through the appropriations process. We feel that this is a matter which is rightfully within the jurisdiction of the Public Works Committee. We have considered the matter in the committee and bring the bill to the floor today, thus obviating the need for in effect violating the jurisdiction by dealing with this matter in the appropriation.

Mr. Speaker, instrument landing systems are in use at many of our Nation's airports. They are highly complex and temperamental pieces of equipment and their maintenance costs easily run into the tens of thousands of dollars annually.

Typically, instrument landing systems are owned and maintained by the Federal Aviation Administration. The 20 ILS's that are the subject of this bill, however, are owned by the airports, making them fully responsible for all costs associated with the systems' operation and maintenance. As a consequence, the airports are saddled with extraordinary operating expenses.

House Resolution 3025 merely shifts the ownership of these 20 instrument landing systems to the FAA. This is no different than what presently exists at hundreds of other airports.

I want to thank our chairman, the gentleman from California [Mr. ANDERSON] and our ranking Republican, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], and the Aviation Subcommittee chairman, Mr. OBERSTAR, for their leadership in bringing

this bill to the floor in such a timely fashion.

I encourage all Members to support the bill.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ANDERSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from California [Mr. ANDERSON] that the House suspend the rules and pass the bill, House Resolution 3025.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 3025, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

NATURALIZATION AMENDMENTS OF 1989

Mr. MORRISON of Connecticut. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1630) to amend title III of the Immigration and Nationality Act to provide for administrative naturalization, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES IN ACT.

(a) SHORT TITLE.—This Act may be cited as the "Naturalization Amendments of 1989".

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided, whenever in this act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act.

SEC. 2. ADMINISTRATIVE NATURALIZATION.

(a) NATURALIZATION AUTHORITY.—Section 310 (8 U.S.C. 1421) is amended to read as follows:

"NATURALIZATION AUTHORITY

"SEC. 310. (a) AUTHORITY IN ATTORNEY GENERAL.—The sole authority to naturalize persons as citizens of the United States is conferred upon the Attorney General.

"(b) ADMINISTRATION OF OATHS.—An applicant for naturalization may choose to have

the oath of allegiance under section 337(a) administered by the Attorney General or by any District Court of the United States for any State or by any court of record in any State having a seal, a clerk, and jurisdiction in actions in law or equity, or law and equity, in which the amount in controversy is unlimited. The jurisdiction of all courts herein specified to administer the oath of allegiance shall extend only to persons resident within the respective jurisdiction of such courts.

(c) **JUDICIAL REVIEW.**—A person whose application for naturalization under this title is denied, after a hearing before an immigration officer under section 336(a), may seek review of such denial before the United States district court for the district in which such person resides in accordance with chapter 7 of title 5, United States Code. Such review shall be de novo, and the court shall make its own findings of fact and conclusions of law and shall, at the request of the petitioner, conduct a hearing de novo on the application.

(d) **SOLE PROCEDURE.**—A person may only be naturalized as a citizen of the United States in the manner and under the conditions prescribed in this title and not otherwise.

(b) **FILING OF APPLICATIONS.**—Section 334(a) (8 U.S.C. 1445(a)) is amended by adding at the end the following new sentence: "In the case of an applicant subject to a requirement of continuous residence under section 316(a) or 319(a), the application for naturalization may be filed up to 3 months before the date the applicant would first otherwise meet such continuous residence requirement."

(c) **NOTIFICATION.**—Section 335(b) (8 U.S.C. 1446(b)) is amended by adding at the end the following new sentence: "Any such employee shall, at the examination, inform the petitioner of the remedies available to the petitioner under section 336."

SEC. 3. SUBSTITUTING 3 MONTHS RESIDENCE IN INS DISTRICT OR STATE FOR 6 MONTHS RESIDENCE IN A STATE.

Section 316(a)(1) (8 U.S.C. 1427(a)(1)) is amended by striking "and who has resided within the State in which the petitioner filed the petition for at least six months" and inserting "and who has resided within the State or within the district of the Service in the United States in which the applicant filed the application for at least three months".

SEC. 4. CONFORMING AMENDMENTS.

(a) **CONFORMING AMENDMENTS TO SECTION 310 REVISION.**—(1) The item in the table of contents relating to section 310 is amended to read as follows:

"Sec. 310. Naturalization authority."

(2) Section 101(a)(36) (8 U.S.C. 1101(a)(36)) is amended by striking "(except as used in section 310(a) of title III)".

(b) **CONFORMING AMENDMENTS TO CHANGE IN RESIDENCE REQUIREMENT.**—(1) Section 319 (8 U.S.C. 1430) is amended—

(A) in subsection (a), by striking "has resided within the State in which he filed his petition for at least six months" and inserting "has resided within the State or the district of the Service in the United States in which the applicant filed his application for at least three months";

(B) in subsections (b) and (d), by striking "within the jurisdiction of the naturalization court" and inserting "in a State or a district of the Service in the United States", and

(C) in subsection (c), is amended by striking "within the jurisdiction of the court"

and inserting "district of the Service in the United States".

(2) Section 322(c) (8 U.S.C. 1433(c)) is amended by striking "within the jurisdiction of the naturalization court" and inserting "within a State or a district of the Service in the United States".

(3) Section 324(a)(1) (8 U.S.C. 1435(a)(1)) is amended by inserting "or district of the Service in the United States" after "State".

(4) Section 328 (8 U.S.C. 1439) is amended—

(A) in subsection (a)—

(i) by inserting "or district of the Service in the United States" after "State", and

(ii) by striking "for at least six months" and inserting "for at least three months";

(B) in subsection (b)(1), by striking "within the jurisdiction of the court" and inserting "within a State or district of the Service in the United States"; and

(C) in subsection (c), by inserting "or district of the Service in the United States" after "State".

(5) Section 329(b) (8 U.S.C. 1440(b)) is amended—

(A) in paragraph (2)—

(i) by inserting "or district of the Service in the United States" after "State", and

(ii) by inserting "and" at the end of paragraph (2);

(B) by striking paragraph (3), and

(C) by redesignating paragraph (4) as paragraph (3).

(c) **SUBSTITUTION OF APPLICATION FOR NATURALIZATION FOR PETITION FOR NATURALIZATION.**—The text of the following provisions is amended by striking "a petition", "petition", "petitions", "a petitioner", "petitioner", "petitioner's", "petitioning", and "petitioned" each place it appears and inserting "an application", "application", "applications" or "applies" (as the case may be), "an applicant", "applicant", "applicant's", "applying", and "applied", respectively:

(1) Section 313(c) (8 U.S.C. 1424(c)).

(2) Section 316 (8 U.S.C. 1427).

(3) Section 317 (8 U.S.C. 1428).

(4) Section 318 (8 U.S.C. 1429).

(5) Sections 319 (a) and (c) (8 U.S.C. 1430 (a), (c)).

(6) Section 322(a) (8 U.S.C. 1433).

(7) Section 324 (8 U.S.C. 1434(a)).

(8) Section 325 (8 U.S.C. 1436).

(9) Section 326 (8 U.S.C. 1437).

(10) Section 328 (8 U.S.C. 1439).

(11) Section 329 (8 U.S.C. 1440), other than subsection (d).

(12) Section 330 (8 U.S.C. 1441).

(13) Section 331 (8 U.S.C. 1442).

(14) Section 333(a) (8 U.S.C. 1444(a)).

(15) Section 334 (8 U.S.C. 1445).

(16) Section 335 (8 U.S.C. 1446).

(17) Section 336 (8 U.S.C. 1447).

(18) Section 337 (8 U.S.C. 1448).

(19) Section 338 (8 U.S.C. 1449).

(20) Section 344 (8 U.S.C. 1455).

(21) Section 1429 of title 18, United States Code.

(d) **SUBSTITUTING APPROPRIATE ADMINISTRATIVE AUTHORITY FOR NATURALIZATION COURT.**—(1) Section 316 (8 U.S.C. 1427) is amended—

(A) in subsection (b), by striking "the court" each place it appears and inserting "the Attorney General",

(B) in subsection (b), by striking "date of final hearing" and inserting "date of any hearing under section 336(a)",

(C) in subsection (e), by striking "the court" and inserting "the Attorney General",

(D) in subsection (g)(1), by striking "within the jurisdiction of the court" and

inserting "within a particular State or district of the Service in the United States", and

(E) in subsection (g)(2), by amending the first sentence to read as follows: "An applicant for naturalization under this subsection may be administered the oath of allegiance under section 337(a) by any district court of the United States, without regard to the residence of the applicant."

(2) The second sentence of section 317 (8 U.S.C. 1428) is amended by striking "and the naturalization court".

(3) The third sentence of section 318 (8 U.S.C. 1429) is amended—

(A) by striking "finally heard by a naturalization court" and inserting "considered by the Attorney General", and

(B) by striking "upon the naturalization court" and inserting "upon the Attorney General".

(4) Section 319 (8 U.S.C. 1430) is amended—

(A) in subsection (b)(3), by striking "before the naturalization court" and inserting "before the Attorney General", and

(B) in subsection (c)(5), by striking "naturalization court" and inserting "Attorney General".

(5) Section 322(c)(2)(C) (8 U.S.C. 1433(c)(2)(C)) is amended by striking "naturalization court" the first place it appears and inserting "Attorney General".

(6) Section 324 (8 U.S.C. 1435) is amended—

(A) in subsection (a)—

(i) by inserting "and" at the end of paragraph (1),

(ii) by striking the semicolon at the end of paragraph (2) and inserting a period, and

(iii) by striking paragraphs (3) and (4);

(B) in subsection (b), by striking "naturalization court" and inserting "Attorney General"; and

(C) in subsection (c)—

(i) in paragraph (2), by striking "the judge or clerk of a naturalization court" and inserting "the Attorney General or the judge or clerk of a court described in section 310(b)", and

(ii) in paragraph (3), by striking "or naturalization court" each place it appears and inserting "court, or the Attorney General".

(7) Section 327(a) (8 U.S.C. 1438(a)) is amended—

(A) by striking "any naturalization court specified in section 310(a) of this title" and inserting "the Attorney General or before a court described in section 310(b)"; and

(B) by inserting "and by the Attorney General to the Secretary of State" after "Department of Justice".

(8) Section 328(c) (8 U.S.C. 1439(c)) is amended by striking "the final hearing" and inserting "any hearing".

(9) Section 331(b) (8 U.S.C. 1442(b)) is amended by striking "called for a hearing" and all that follows through "to be continued" and inserting "considered or heard except after 90 days' notice to the Attorney General to be considered at the examination or hearing, and the Attorney General's objection to such consideration shall cause the application to be continued".

(10) Section 332(a) (8 U.S.C. 1443(a)) is amended—

(A) by striking "for the purpose" and all that follows through "naturalization courts" in the first sentence, and

(B) by striking the second sentence.

(11) Section 333(a) (8 U.S.C. 1444(a)) is amended by striking "clerk of the court" and inserting "Attorney General".

(12) Section 334 (8 U.S.C. 1445) is amended—

(A) by amending the heading to read as follows: "APPLICATION FOR NATURALIZATION; DECLARATION OF INTENTION";

(B) in subsection (a)—

(i) by striking "in the office of the clerk of a naturalization court" and inserting "with the Attorney General";

(ii) by striking "upon the hearing of such petition" and inserting "under this title";

(C) in subsection (b)—

(i) by striking "(1)";

(ii) by striking "and (2)" and all that follows through "Attorney General"; and

(iii) by striking "petition for";

(D) by striking subsections (c) through (e) and inserting the following:

"(c) Except as provided in subsection (d), an application for naturalization shall be filed in person in the office of the Attorney General.

"(d) A person may file an application for naturalization other than in the office of the Attorney General, and an oath of allegiance administered other than in a public ceremony before the Attorney General or a court, if the Attorney General determines that the person has an illness or other disability which—

"(1) is of a permanent nature and is sufficiently serious to prevent the person's personal appearance, or

"(2) is of a nature which so incapacitates the person as to prevent him from personally appearing."; and

(E) by striking the first sentence of subsection (f) and inserting the following: "An alien over 18 years of age who is residing in the United States pursuant to a lawful admission for permanent residence may file with the Attorney General a declaration of intention to become a citizen of the United States. Such a declaration shall be filed in duplicate and in a form prescribed by the Attorney General and shall be accompanied by an application prescribed and approved by the Attorney General."

(13) Section 335 (8 U.S.C. 1146) is amended—

(A) by amending the heading to read as follows:

"INVESTIGATION OF APPLICANTS; EXAMINATION OF APPLICATIONS";

(B) in subsection (a), by striking "At any time" and all that follows through "336(a)" and inserting "Before a person may be naturalized";

(C) in subsection (b)—

(i) by striking "preliminary" each place it appears,

(ii) in the first sentence, by striking "to any naturalization court" and all that follows through "to such court";

(iii) by striking "any court exercising naturalization jurisdiction as specified in section 310 of this title" in the second sentence and inserting "any District Court of the United States"; and

(iv) by striking "final hearing conducted by a naturalization court designated in section 310 of this title" in the third sentence and inserting "hearing conducted by an immigration officer under section 336(a)";

(D) in subsection (c)—

(i) by striking "preliminary" each place it appears, and

(ii) by striking "recommendation" and inserting "determination"; and

(E) by amending subsections (d) through (f) to read as follows:

"(d) The employee designated to conduct any such examination shall make a determi-

nation as to whether the application should be granted or denied.

"(e) After an application for naturalization has been filed with the Attorney General, the applicant shall not be permitted to withdraw his application, except with the consent of the Attorney General. In cases where the Attorney General does not consent to the withdrawal of the application, the application shall be determined on its merits and a final order determination made accordingly. In cases where the applicant fails to prosecute his application, the application shall be decided on the merits unless the Attorney General dismisses it for lack of prosecution.

"(f) An applicant for naturalization who moves from the district of the Service in the United States in which the application is pending may, at any time thereafter, request the Service to transfer the application to any district of the Service in the United States which may act on the application. The transfer shall not be made without the consent of the Attorney General. In the case of such a transfer, the proceedings on the application shall continue as though the application had originally been filed in the district of the Service to which the application is transferred."

(14) Section 336 (8 U.S.C. 1447) is amended—

(A) by amending the heading to read as follows:

"HEARINGS ON DENIALS OF APPLICATIONS FOR NATURALIZATION";

(B) by amending subsections (a) and (b) to read as follows:

"(a) If, after an examination under section 335, an application for naturalization is denied, the applicant may request a hearing before an immigration officer.

"(b) If there is a failure to make a determination under section 335 before the end of the 120-day period after the date on which the examination is conducted under such section, the applicant may apply to the United States district court for the district in which the applicant resides for a hearing on the matter. Such court has jurisdiction over the matter and may either determine the matter or remand the matter, with appropriate instructions, to the Service to determine the matter."

(C) in subsection (c), by striking "court" and inserting "immigration officer";

(D) in subsection (d)—

(i) by striking "clerk of the court" and all that follows through "naturalization" and inserting "immigration officer shall, if the applicant requests it at the time of filing the request for the hearing";

(ii) by striking "final" each place it appears, and

(iii) by adding at the end the following: "Such subpoenas may be enforced in the same manner as subpoenas under section 335(b) may be enforced."; and

(E) in subsection (e)—

(i) by striking "naturalization of any person," and inserting "administration by a court of the oath of allegiance under section 337(a)"; and

(ii) by striking "included in the petition for naturalization of such persons" and inserting "included in an appropriate petition to the court".

(15) Section 337 (8 U.S.C. 1448) is amended—

(A) in subsection (a)—

(i) in the first sentence, by striking "in open court" and inserting "in a public ceremony before the Attorney General or a

court with jurisdiction under section 310(b)";

(ii) in the second and fourth sentences, by striking "naturalization court" each place it appears and inserting "Attorney General"; and

(iii) in the fourth sentence, by striking "the court" and inserting "the Attorney General";

(B) in subsection (b)—

(i) by striking "in open court in the court in which the petition for naturalization is made" and inserting "in the same public ceremony in which the oath of allegiance is administered"; and

(ii) by striking "in the court";

(C) in subsection (c)—

(i) by striking "being in open court" and inserting "attending a public ceremony"; and

(ii) by striking "a judge of the court at such place as may be designated by the court" and inserting "at such place as the Attorney General may designate under section 334(e)"; and

(D) by adding at the end the following new subsection:

"(d) The Attorney General shall prescribe rules and procedures to ensure that the ceremonies conducted by the Attorney General for the administration of oaths of allegiance under this section are public, conducted frequently and at regular intervals, and are in keeping with the dignity of the occasion."

(16) Section 338 (8 U.S.C. 1449) is amended—

(A) by striking "by a naturalization court";

(B) by striking "the clerk of such court" and inserting "the Attorney General";

(C) by striking "title, venue, and location of the naturalization court" and inserting "location of the District office of the Service in which the application was filed and the title, authority, and location of the official or court administering the oath of allegiance";

(D) by striking "the court" and inserting "the Attorney General"; and

(E) by striking "Of the clerk of the naturalization courts; and seal of the court" and inserting "of an immigration officer; and the seal of the Department of Justice".

(17) Section 339 (8 U.S.C. 1450) is amended to read as follows:

"FUNCTIONS AND DUTIES OF CLERKS AND RECORDS OF DECLARATIONS OF INTENTION AND APPLICATIONS FOR NATURALIZATION

"Sec. 339. (a) The clerk of each court that administers oaths of allegiance under section 337 shall—

"(1) issue to each person to whom such an oath is administered a document evidencing that such an oath was administered,

"(2) forward to the Attorney General information concerning each person to whom such an oath is administered by the court, within 30 days after the close of the month in which the oath was administered,

"(3) make and keep on file evidence for each such document issued, and

"(4) forward to the Attorney General certified copies of such other proceedings and orders instituted in or issued out of the court affecting or relating to the naturalization of persons as may be required from time to time by the Attorney General.

"(b) Each district office of the Service in the United States shall maintain, in chronological order, indexed, and consecutively numbered, as part of its permanent records, a list of all declarations of intention and ap-

plications for naturalization filed with the office."

(18) Section 340 (8 U.S.C. 1451) is amended—

(A) in the first sentence of subsection (a), by striking "in any court specified in subsection (a) of section 310 of this title" and inserting "in any District Court of the United States";

(B) by amending the second sentence of subsection (g) to read as follows: "The clerk of the court shall transmit a copy of such order and judgment to the Attorney General."

(C) by striking the third sentence of subsection (g), and

(D) in subsection (i), by striking "any naturalization court" and all that follows through "to take such action" and inserting the following: "the Attorney General to correct, reopen, alter, modify, or vacate an order naturalizing the person".

(19) Section 344 (8 U.S.C. 1455) is amended—

(A) in subsection (a)—

(i) by striking "The clerk of the court" and inserting "The Attorney General";

(ii) in paragraph (1), by striking "final", and

(iii) in paragraph (1), by striking "the naturalization court" and inserting "the Attorney General";

(B) by striking subsections (c), (d), (e), and (f);

(C) in subsection (g)—

(i) by striking ", and all fees paid over to the Attorney General by clerks of courts under the provisions of this title,"; and

(ii) by striking "or by the clerks of the courts";

(D) in subsection (h)—

(i) by striking "no clerk of a United States court shall" and inserting "the Attorney General may not";

(ii) by striking ", and no clerk of any State court" and all that follows through "charged or collected"; and

(iii) by striking the second sentence;

(E) in subsection (i), by striking "clerk of court", "from the clerk", "such clerk", and "by the clerk" and inserting "Attorney General", "from the Attorney General", "the Attorney General", and "by the Attorney General", respectively; and

(F) by redesignating subsections (g), (h), and (i) as subsections (c), (d), and (e), respectively.

(20) Section 348 (8 U.S.C. 1459) is repealed.

(e) STRIKING MISCELLANEOUS MATERIAL.—(1) Section 316 (8 U.S.C. 1427) is amended by striking subsection (f).

(2) Section 331 (8 U.S.C. 1442) is amended by striking the second sentence of subsection (d).

(f) CORRECTIONS OF TABLE OF CONTENTS.—(1) The items in the table of contents relating to sections 334 through 336 are amended to read as follows:

"Sec. 334. Application for naturalization; declaration of intention.

"Sec. 335. Investigation of applicants; examination of applications.

"Sec. 336. Hearings on denials of applications for naturalization."

(2) The item in the table of contents relating to section 339 is amended to read as follows:

"Sec. 339. Functions and duties of clerks and records of declarations of intention and applications for naturalization."

(3) The item in the table of contents relating to section 348 is repealed.

SEC. 5. EFFECTIVE DATES AND SAVINGS PROVISIONS.

(a) EFFECTIVE DATE.—

(1) NO NEW COURT PETITIONS AFTER EFFECTIVE DATE.—No court shall have jurisdiction, under section 310(a) of the Immigration and Nationality Act, to naturalize a person unless a petition for naturalization with respect to that person has been filed with the court before the effective date (as defined in paragraph (3)).

(2) TREATMENT OF CURRENT COURT PETITIONS.—

(A) CONTINUATION OF CURRENT RULES.—Except as provided in subparagraph (B), any petition for naturalization which may be pending in a court on the effective date shall be heard and determined in accordance with the requirements of law in effect when the petition was filed.

(B) PERMITTING WITHDRAWAL AND CONSIDERATION OF APPLICATION UNDER NEW RULES.—In the case of any petition for naturalization which may be pending in any court on the date of the enactment of this Act, the petitioner may withdraw such petition and have the petitioner's application for naturalization considered under the amendments made by this Act, but only if the petition is withdrawn not later than 3 months after the effective date.

(3) EFFECTIVE DATE DEFINED.—As used in this section, the term "effective date" means the first day of the seventh month beginning after the date of the enactment of this Act.

(4) GENERAL EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this Act are effective as of the date of the enactment of this Act.

(b) INTERIM, FINAL REGULATIONS.—The Attorney General shall prescribe regulations (on an interim, final basis or otherwise) to implement the amendments made by this Act on a timely basis.

(c) CONTINUING DUTIES.—The amendments to section 339 of the Immigration and Nationality Act (relating to functions and duties of clerks) shall not apply to functions and duties respecting petitions filed before the effective date.

(d) GENERAL SAVINGS PROVISIONS.—(1) Nothing contained in this Act, unless otherwise specifically provided, shall be construed to affect the validity of any declaration of intention, petition for naturalization, certificate of naturalization, certification of citizenship, or other document or proceeding which is valid as of the effective date; or to affect any prosecution, suit, action, or proceedings, civil or criminal, brought, or any status, condition, right in process of acquisition, act, thing, liability, obligation, or matter, civil or criminal, done or existing, as of the effective date.

(2) As to all such prosecutions, suits, actions, proceedings, statutes, conditions, rights, acts, things, liabilities, obligations, or matters, the provisions of law repealed by this Act are, unless otherwise specifically provided, hereby continued in force and effect.

The SPEAKER pro tempore. Is a second demanded?

Mr. SMITH of Texas. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut [Mr. MORRISON] will be recognized for 20

minutes, and the gentleman from Texas [Mr. SMITH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Connecticut [Mr. MORRISON].

Mr. MORRISON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1630 provides for the administrative naturalization of individuals who are applying for citizenship to the United States. This legislation, while technical in nature, addresses a very substantial concern that so many of all of our constituents have faced, and that is the problem of long backlogs in moving through the naturalization process once the time period for naturalization has been accomplished and the various requirements of naturalization have been met, delay often runs into the months and sometimes beyond a year before an individual can actually take his or her oath of allegiance to the United States and become a citizen. All of us have had the experience of being contacted as elections approach or as other opportunities which citizenship would provide occur in the lives of individuals, and we find ourselves unable to move the process forward because of the backlog resulting from the current system, and the current system is one which requires a two-step process, one within the Immigration and Naturalization Service, and second, in the U.S. district court, and this legislation is directed to change that process and to create a one-step option which will allow citizenship to be more expeditiously provided to those who qualify.

Administration naturalization will restore the most vital elements of our system by which applicants receive naturalization: Employment opportunities, immigration petition rights with respect to relatives, travel opportunities, and most critically, the right to vote.

Importantly, it does not change the criteria for citizenship, but merely changes the process by which those rights are achieved. Applicants continue to be required to fill out the necessary application forms, pass the tests on U.S. history and government and on the English language, but they will not be subject to the long delays involved in scheduling these matters for court approval.

In this legislation, it is the applicant, not the government, who decides the place and the setting and the timeframe in which the application will be processed.

The bill responds to the increased volume of applications for naturalization which have further exacerbated the problems of delay. In 1988, 241,000 persons were naturalized, compared to 157,000 in 1981. Other attempted remedies have not succeeded in ameliorating these delays. In 1981, Congress

eliminated the requirement of bringing character witnesses on behalf of an applicant. Recently the INS has adopted computerized casework tracking systems to assist in processing, and the Judiciary has scheduled more frequent ceremonies. But lengthy delays still persist in many parts of the country. In some cases, applicants must wait as long as 20 months for the final swearing-in ceremony.

H.R. 1630 does not take away any of the judicial review rights accorded applicants today. It retains the ability of the applicant to take the case to court in a manner similar to current procedures through "motions to calendar." When no decision is forthcoming within 120 days of the INS examination, the applicant can file a petition in the court. The court has the ability to make a decision at that time or remand to INS for further factfinding. Denied cases are appealed to the District Court and heard *de novo* as under existing law.

This legislation will allow greater flexibility and more personal participation in the final process. The acquisition of citizenship can be an affair to share with family, friends, and the community. H.R. 1630 envisions circuit-riding into locales where the community may share in welcoming the new citizens into their midst. Involvement by the private sector and a sense of community on this occasion can only enhance the meaningful initiation into citizenship. The bill ensures that the ceremonies conducted by the Attorney General are in keeping with the "dignity of the occasion," and many of the traditions which have served the court can be adopted.

Administrative naturalization is designed to help aspiring citizens attain that which they have earned and which is rightfully theirs. We should welcome them through positive steps for the contributions they have made and will make in the future.

We welcome these steps in this legislation to allow people to gain their citizenship as promptly as possible.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1630, legislation that vests authority for the naturalization of individuals wishing to become U.S. citizens with the U.S. Attorney General. In addition, this bill streamlines the process by allowing the Attorney General to adjudicate naturalization petitions.

Backlogs in the naturalization process have developed over a number of years due to an increased volume of applications for citizenship. In 1981, there were 171,000 petitions filed for naturalization, and in 1985, 306,000 applications were submitted. Personnel and funding levels within the Immigration and Naturalization Service as well as heavy dockets in the Judiciary

have not kept pace with the demand, especially in heavy-volume areas such as New York and California. Paperwork backlogs in the executive and judicial branches make the road to citizenship a lengthy process.

In order to streamline the process, H.R. 1630 vests authority for naturalization with the Attorney General, thus providing a one-step process from application to swearing-in. It allows an applicant to give his oath of citizenship in court or in an administrative ceremony.

Concerns were raised at the full Judiciary Committee level on a provision added to this year's bill. H.R. 1630 provided for *de novo* review in district court after 90 days. Subsequent to the full committee markups, these concerns were worked out among Judiciary Members. The bill now provides that a naturalization application may be submitted to the court if the Immigration and Naturalization Service has not acted upon the application after 120 days. This provision applies only at the interview stage, after the application has already been reviewed by the INS. In addition, the court has the option to remand the case back to the Immigration and Naturalization Service.

Mr. Speaker, I am hopeful that this legislation will help reduce the backlogs in the naturalization process.

I urge my colleagues to support this legislation.

□ 1410

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MORRISON of Connecticut. Mr. Speaker, I yield such time as he may consume to the chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. Brooks].

Mr. BROOKS. Mr. Speaker, becoming a naturalized citizen in this Nation is no easy task. Under our present procedure, applicants must deal with two branches of government.

Throughout the Nation there are differing, seemingly haphazard variations, within the Immigration and Naturalization Service's decision-making process. The tests for English language and U.S. Government and history proficiency vary widely from region to region. Thus, applicants are left anxious and unaware of the requirements for naturalization. Often they are not given any direction on how to pass the examination nor on the subsequent steps in the administrative process.

Once applicants have made their way through the mysterious Immigration and Naturalization Service procedure, their path to citizenship is delayed once again. The U.S. district courts have a huge backlog of immigration cases. Once all of the substantive process of naturalization is com-

pleted, applicants must wait up to a year to be sworn in.

Mr. Speaker, H.R. 1630 streamlines this process by condensing the present two-tiered system into one. It does so by vesting naturalization authority with the Attorney General instead of with the U.S. district courts. The district courts would, however, retain the authority to swear in any new citizen who chose to have the oath administered by the court rather than the Department of Justice.

In addition, the bill calls upon the Attorney General to establish uniform guidelines and criteria for the examination. These changes will clarify and shorten the naturalization process.

Mr. Speaker, I urge my fellow Members to join me in making naturalization an enriching rather than discouraging experience by supporting H.R. 1630.

Mr. LAGOMARSINO. Mr. Speaker, I rise in support of H.R. 1630, the Naturalization Amendments of 1989. This legislation will help streamline the naturalization process. U.S. citizenship is the dream of many of the 6.9 million permanent legal residents living here.

U.S. citizenship is a two-tier process. After applying, the permanent legal resident is interviewed by the Immigration and Naturalization Service [INS], and then recommended for U.S. citizenship. Next, the resident is sworn in by a Federal court judge as a new U.S. citizen.

Unfortunately, this process is wrought with unusually long delays. In many areas of the country, such as my district, applicants may be forced to wait up to 18 months from the time of their interview and approval until they receive a court date for their final swearing in ceremony.

H.R. 1630 will remove the second tier of the process and provides the applicants with an option. They may wait for a Federal court date, or they may choose to be sworn in at the INS, through administrative naturalization. This could conceivably permit the applicants who have met all the requirements to take their oath the same day as their interview.

This bill will not change the statutory criteria for citizenship, but allows qualified applicants to avoid the lengthy delays and have earlier access to the privileges of U.S. citizenship.

I support this legislation and urge my colleagues to join me in voting for H.R. 1630.

Mr. RICHARDSON. Mr. Speaker, H.R. 1630 would help to streamline the naturalization process by permitting U.S. citizenship applicants to either wait for a future court date or be sworn in at the Immigration and Naturalization Service. This option would eliminate a long delay for a great many new citizens.

Certain cities, like Houston, New York, Hartford, and Los Angeles, are experiencing long delays in court processing times. In Houston, for example, an applicant may wait up to 18 months to be sworn in as a U.S. citizen.

Administrative naturalization has drawn support from many regions of our Nation and ethnic populations. Hispanics, Koreans, and other ethnic groups with foreign-born members have written Congress in support of this legislation.

Those seeking American citizenship fulfill several needed obligations. Five years of residency, training in civics and English, and an understanding of the responsibilities of citizenship are among the things we ask of our new citizens. It is unfair, however, that we postpone their citizenship because of administrative backlog.

Permanent legal residents work, raise families, and contribute to their communities. They have made a decision to become U.S. citizens by choice. Support of this measure will fulfill their American dream—it will make these new citizens full participants in our democracy.

Mr. MORRISON of Connecticut. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Connecticut [Mr. MORRISON] that the House suspend the rules and pass the bill, H.R. 1630, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MORRISON of Connecticut. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1630, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

EMERGENCY CHINESE ADJUSTMENT OF STATUS FACILITATION ACT OF 1989

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2712) to facilitate the adjustment or change of status of Chinese nationals in the United States by waiving the 2-year foreign residence requirement for "J" nonimmigrants and by treating nonimmigrants, whose departure has been deferred by the Attorney General, as remaining in legal

nonimmigrant status for purposes of adjustment or change of status, as amended.

The Clerk read as follows:

H.R. 2712

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Chinese Adjustment of Status Facilitation Act of 1989".

SEC. 2. WAIVER OF 2-YEAR FOREIGN RESIDENCE REQUIREMENT FOR CHINESE "J" NON-IMMIGRANTS IN THE UNITED STATES.

The 2-year home country residency and physical presence period requirement under section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)) shall not apply in the case of any national of the People's Republic of China who is present in the United States on the date of the enactment of this Act and who would otherwise be subject to that 2-year home residence requirement because of having had the status of a nonimmigrant described in section 101(a)(15)(J) of such Act (8 U.S.C. 1101(a)(15)(J)).

The SPEAKER pro tempore. Is a second demanded?

Mr. SMITH of Texas. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, and the gentleman from Texas [Mr. SMITH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2712, the Emergency Chinese Adjustment of Status Facilitation Act of 1989, introduced by Congresswoman PELOSI, was approved by the full Judiciary Committee on July 26, 1989, by voice vote.

H.R. 2712 has been introduced in response to the recent Chinese Government massacre and continued persecution of prodemocracy students in China. I am pleased to note that H.R. 2712 enjoys strong bipartisan support in Congress.

On June 4, 1989, the Chinese Government ordered the use of machine guns and tanks to suppress student demonstrators in Beijing. Up to 1,000 or more civilians were killed. Since that massacre, the Chinese Government has been carrying out a hunt for student leaders in China as well as keeping blacklists of prodemocracy students here in America. In view of the Chinese Government's actions, it is frightfully clear that Chinese students in the United States fear returning to the People's Republic at this time.

Mr. Speaker, H.R. 2712 grants a waiver from the requirement that holders of a J visa return to China for

2 years before being eligible to change their immigration status. The Chinese students should not be forced back into almost certain persecution. It's the least we can do. I urge a positive vote on H.R. 2712. An outstanding contribution of Congresswoman PELOSI to the legislative agenda of this Congress.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with the administration and urge my colleagues to vote against H.R. 2712, legislation that waives the 2-year residency requirement for all Chinese students holding J-1 visas. Although I agree that Chinese students and Chinese nationals should not now go back, this bill simply waives the 2-year foreign residency requirement without providing a statutory framework for their temporary stay in the United States.

The 2-year foreign resident requirement applies to all J-1 student visa holders and provides that foreign nationals, upon completion of their education, return to their country of origin. Education is a valuable resource to all countries. The 2-year foreign residency requirement protects foreign countries that send students to the United States from losing the benefits of their education and abilities.

The bill before us today waives the requirement for all Chinese students, not just those who are now eligible for this requirement. At this time we do not have enough information to know what will happen 7 or 8 years down the road, when some students might be required to fulfill their foreign residency requirement. At the very least this waiver should be limited to a time certain consistent with deferred deportation status.

The Department of State and the USIA testified on July 20 that this blanket waiver may create problems for future Chinese students seeking to come here and study. A different People's Republic of China regime may welcome back these students in future years, and, no doubt, their education is of tremendous value to their country. Such a blanket proposal jeopardizes our student visa program with China and perhaps our future relations with another Chinese regime.

It has been argued that Congress can always reverse its decision and change the blanket proposal once another regime comes to power in the People's Republic of China. However, as my colleagues know, reversing such a decision is much more difficult than making step-by-step decisions in granting extensions.

I am a cosponsor of another bill, H.R. 2929, introduced by Subcommittee Chairman BRUCE MORRISON, that I believe is a better solution. This bill does establish a statutory, framework for protecting all Chinese nationals

for 3 years with a possibility of extensions if conditions remain unsafe in China.

I oppose this blanket waiver proposal of student visas and instead urge my colleagues to support H.R. 2929.

Mr. BROOKS. Mr. Speaker, I yield 5 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time. I want to thank the chairman of the full committee not only for yielding but for the concern that he has demonstrated for the students by moving expeditiously on this matter. It is fortuitous, indeed, for the Chinese students that we have a chair of the full Committee on the Judiciary who has knowledge and a relationship with China dating back to World War II. He has worked with Chinese students long before the present situation erupted in China, and we are very fortunate, indeed, and, thank you, Mr. Chairman, for your kind words on this legislation and moving it along so quickly.

Mr. Speaker, I also thank the ranking member of the full committee, the gentleman from New York [Mr. FISH], for giving his bipartisan support to this legislation in the full committee. I also want to thank the chairman of the subcommittee, the gentleman from Connecticut [Mr. MORRISON], our colleague who has worked so hard to bring this along. Because of his work moving it expeditiously, working with the chairman of the full committee and the ranking member there, we were able to have hearings on this bill, mark it up, and bring it to the floor and hopefully today pass it, Mr. Speaker, less than 2 months since the massacre in Beijing.

Mr. Speaker, time is important to the Chinese students, and I am very grateful to the chairman of the subcommittee for moving so quickly.

I am pleased to join in presenting before the Members of this body legislation to provide protections for Chinese students in the United States. H.R. 2712 has received broad bipartisan support, as the chairman of the full committee indicated, and we have 259 cosponsors since its introduction following the massacre in Tiananmen Square.

□ 1420

I introduced this measure to ensure that the 40,000 Chinese students in the United States would be protected.

As approved by the subcommittee and the committee, H.R. 2712 will provide a waiver of return residence requirement of the J-type visa.

Without the waiver of this requirement, Chinese students would have no choice but to return to China at the conclusion of any period of safe haven. The waiver would at least offer Chinese students the option to decide for

themselves if they want to return to China.

Congress has the responsibility to do everything within its power to ensure that Chinese nationals are fully protected from the oppressive action of their own Government. Most of these nationals are patriots who want to return to China. However, the realities of the present situation will not allow for them to return Home to their families at this time. It is within our power to offer some stability to the situation of Chinese nationals, this measure would provide some certainty in an uncertain world.

We have seen the brutality that the Chinese Government is capable of inflicting upon its own citizens. The chairman of the full committee addressed some of these in his remarks. We know that the Government of the United States can do little to affect the internal policy of China, but we have the opportunity to provide some protection to the Chinese nationals in this country.

For this reason, I look forward to also supporting the chairman of the subcommittee, the gentleman from Connecticut [Mr. MORRISON] and his legislation which will provide safe haven for other nationals who need it, and I am pleased to hear of the gentleman from Texas [Mr. SMITH's] support for the Morrison bill, and I look forward to working with the gentleman for the passage of the Morrison subcommittee legislation.

I would like to take this opportunity to thank all of those people who have helped me in the effort to bring this measure to the floor. I would especially like to thank Hope Frey and Martin Lawler for their assistance, the San Francisco Advisory Committee on Immigration Policies Affecting Chinese nationals, including Congresswoman BARBARA BOXER, Ed Lau, Bill Hing, Rolland Lowe, and Ling Che Wong. I want to offer congratulations and my greatest appreciation to the thousands of Chinese students throughout the country, some of whom are in the Gallery today, who have come together and worked so hard to bring this bill to the attention of both the House and Senate.

Mr. Speaker, I urge my colleagues to support H.R. 2712, and again want to thank the gentleman from Texas [Mr. BROOKS], chairman of the full committee, and the gentleman from Connecticut [Mr. MORRISON], chairman of the subcommittee, for their prompt and thoughtful consideration.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in full support of H.R. 2712, the Emergency Chinese Adjustment of Status Facilitation Act. I commend the gentlewoman from California, Ms. PELOSI,

for her initiative in crafting this bill and I thank the distinguished chairman of the Judiciary Committee, Mr. BROOKS and chairman of the Immigration Subcommittee, the gentlemen from Connecticut, Mr. MORRISON, and the ranking minority member of the committee, Mr. FISH, for their support.

H.R. 2712 waives the 2-year residency requirement of 8 U.S.C. 1182(e) for those Chinese students with J-1 Student visas.

Mr. Speaker, it would be unconscionable to send these Chinese students who are presently in the United States back to the People's Republic of China to face possible imprisonment, persecution, and execution merely because they had the courage to stand up for what we believe to be so important—democracy, human rights, and basic liberties. The aftermath of Tiananmen Square is still spreading wide and deep as reports of arrests, beatings, torture, and executions filter out of China. It is impossible to express the shock of decent people everywhere to the slaughter of the thousands of unarmed young students and then the unabashed lies by the Chinese Government officials and the Government news agencies.

Mr. BROOKS. Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut [Mr. MORRISON], the distinguished chairman of the subcommittee.

H.R. 2712 will ensure that no Chinese student holding a J-1 visa will have to worry that he or she will not have the option of staying in the United States or seeking emigration to another country because of the J-1 requirements.

Accordingly, Mr. Speaker, I support H.R. 2712 and urge my colleagues to do so.

Mr. BROOKS. Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut [Mr. MORRISON], the distinguished chairman of the subcommittee.

Mr. MORRISON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me this time to address this important legislation.

Mr. Speaker, I rise in support of H.R. 2712, legislation to waive the 2-year home residency requirement for students for the People's Republic of China who are here in the United States on the date of enactment of this legislation.

I want to thank the gentlewoman from California [Ms. PELOSI], for her leadership in formulating this legislation and bringing clearly to the attention of the subcommittee that I am privileged to chair the importance of this particular action. I regret the fact that the administration has taken a position in opposition to this legislation, which within this body and

within the Congress has such broad bipartisan support, because this is in no sense a piece of partisan legislation, but it is legislation in the best tradition of the United States in looking at the problems of nationals of another country where brutal repression has occurred, and where we might find individuals here in the United States as our guests, as students, who might find themselves pressured to return to the People's Republic of China, not by the laws of China but by the laws of the United States. What this legislation intends to do, and I think will accomplish, is to remove from the hands of those murderous leaders in Beijing one form of pressure that they can exert against Chinese students here in the United States.

Yes, there is a risk. Yes, there is a risk that future Chinese governments will say if the United States will take this kind of action we will try to prevent our students from coming to the United States. That would be a tragedy, because we and they, the Chinese students and China and the United States have gained from these exchange programs, and it is good for the United States and good for the future of China if they can continue.

But the people who govern China need to understand, as those students who demonstrated in Tiananmen Square truly understood, the principles of liberty and democracy in action, and the principles are such that we will not be held hostage to some future decision by a totalitarian government and say because they might withdraw from their citizens a benefit that we would agree is a benefit for all of us, therefore, we must allow them to have a tool within our own laws to provide pressure on both sides, perhaps to return to persecution, even execution. We will not be held hostage in that way. That is not the way we do business.

All that we are doing here is saying if the People's Republic of China wishes these students to come home, it must do so by bringing them back by its behavior, by the behavior of the Chinese Government. It must be a voluntary return, not a return forced by the laws of the United States.

A few weeks ago in dealing with the foreign affairs bill we placed on that legislation various sanctions against the People's Republic of China because of the action they have taken. This legislation also falls into that category. It is removing from the Chinese Government as a result of the actions they have taken and the threats that they have issued to Chinese students, a removal of a kind of pressure, a kind of economic and political coercion that they could use against the students who were here. This is in keeping with the spirit of the vote of the House on that legislation, which was overwhelming.

I hope that the House will similarly adopt this legislation and send a clear message to both sides of the Pacific, to the Chinese students who are here that we respect them, and we are concerned about their fate, and we want to remove one source of doubt in their lives about their safety. And to the People's Republic of China, those who govern that nation, and who were willing to take such brutal actions against their own people, that we will in the United States not be a party to that kind of oppression, and that kind of action, and we will take actions under our own laws to remove any item that might introduce that kind of coercion into our relationship.

Mr. Speaker, I think this legislation is very well crafted by the gentlewoman from California, and I urge my colleagues to adopt it.

□ 1430

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, as a cosponsor of H.R. 2712 the Emergency Chinese Adjustment of Status Facilitation Act, I rise in support of this timely measure. I had the opportunity recently to express my support before the Judiciary Subcommittee on Immigration and am encouraged that this bill was quickly considered and moved to the floor.

We are all very aware of the tragic events that recently occurred in the People's Republic of China. The peaceful movement for greater economic and political reform was brutally and violently crushed by the Communist government. Those active in calling for democracy in China were either gunned down by the troops that stormed Tiananmen Square, arrested on false charges and convicted by sham tribunals, or are presently being hunted down by Chinese police. Some of those arrested have been sentenced to death by firing squad.

These grim events in China are very telling about the true nature of Communist governments, even those professing to support economic and political reform. As we have sadly witnessed in China and previously in Czechoslovakia and Hungary, Communist governments will not tolerate any challenge to their power. And democracy is a real challenge. This fact reminds us that despite the encouraging signs from Communist governments, it is important for us to remain strong and maintain a credible defense and alliance structure.

We have focused on the plight of these innocent Chinese. Congress and the administration have strongly condemned the Chinese Government's actions, called for clemency for those arrested and imposed sanctions in re-

sponse to the outrageous human rights violations. However, we should not forget that there is another group of Chinese who also face grave danger from the Communists. These are the Chinese students and scholars here in the United States. Like their counterparts at home, they rallied for democracy and spoke against the repression of the Communist government. Many of them appeared on television and in newspapers across the Nation. They marched in the streets and signed petitions.

Their actions did not go unnoticed by the Communists. Chinese Government agents and embassy officials recorded all of these events and, more importantly, who participated in them. Clearly, these students are now marked. While they enjoy freedom and safety here in the United States, if they were forced to return home they would be subject to the same grave dangers and brutality as the student demonstrators in Beijing.

President Bush wisely provided these Chinese nationals with a year's extension on their visas. But, with the purges and sweeping arrests that continue to occur in China, this interim measure provides only temporary safety. I strongly believe that those in real danger should not have to return to the People's Republic of China.

Unfortunately, most of the Chinese scholars who are in danger should they return to China are here on J-1 visas. Under this visa, they must return home for the 2-year home residency requirement. Even those that did not participate in rallies here in the United States or were not recorded by the Communists face uncertain consequences upon return to China simply because they were in the United States or took advantage of President Bush's visa extension. While these Chinese could apply for political asylum, the number of Chinese involved and the nature of their situation appear to warrant some other type of action.

H.R. 2712 would waive the 2-year home residency requirement associated with the J-1 visa. It would allow Chinese nationals to go to a country other than the People's Republic of China without jeopardizing their eligibility for another type of U.S. visa. It provides the protection these innocent students need.

While I am concerned about setting a precedent by this legislation, I believe the nature of events in China and the fact that most of these students have J-1 visas, makes this a special, separate situation, unlike others. I support H.R. 2712 and urge my colleagues to do so as well.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to my distinguished friend, the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. I thank the gentleman, the chairman of the committee, for yielding to me.

Mr. Speaker, I take this time to compliment the committee, its chairman, the gentleman from Texas [Mr. BROOKS] the gentleman from Connecticut [Mr. MORRISON], subcommittee chairman, for doing expeditiously this important work.

Ms. PELOSI brought a very important message to the Committee on Judiciary, which is that we have a great responsibility with respect to these students, and a great opportunity.

Mr. Speaker, we owe the gentlewoman from California [Ms. PELOSI], a great debt of gratitude as do all the people not only here in America, those from China, but most of those in the United States, the great majority of the people in the United States who look upon the tragedies in China and the perils under which these young people exist as a real problem that we must resolve to the best of our ability.

I know Ms. PELOSI has in mind a diligent oversight of what is going to happen to these young people in the months to come. It is terribly important that they not be imperiled by the overseas government that is looking at them with great animosity and indeed certain pressures which are very likely to be put upon them.

Ms. PELOSI has done a magnificent job. We in the California delegation are very, very proud that this bill is here on this floor with this great acceptance.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the legislation in front of us today.

I want to congratulate the gentlewoman from California [Ms. PELOSI] for her efforts in this regard as part of the continuous fight. I think, by Americans of both political parties to try to do that one small gesture in response to the massacre that we have seen in China.

I think, however, we ought to be not considering this bill the final cure-all.

Many of you remember during the Foreign Operations authorizations bill we dealt with this whole status of Chinese students.

This bill is another measure. I would point out that the Senate has passed a different provision, offered mainly over there by the Senator from Washington, Senator GORTON.

The results, however, are that we run the risk of having three or four different pieces of legislation on the Chinese students that have passed this House or the other house and none of them become law.

We need to find a way to focus all of these efforts.

I would, in that same regard, suggest that perhaps the carte blanche, with no date limit, in this particular bill needs to be addressed in those conferences down the road such as the bill offered by the subcommittee chairman and the ranking member does.

At the same time I would suggest that the administration's position on this bill just does not make any sense.

I appreciate what the administration is trying to do, but I have to tell you, you cannot ask a Chinese student in the wake of the events of that country to say that they will only pursue their future here by going and registering on a case-by-case basis.

Imagine the risks that that Chinese student faces if he chooses to pursue a case-by-case basis and because of some technicality or some personality dispute with some emigration official someplace they are denied their ability to stay in this country without returning to China.

In that case that student would be subject to all the penalties of their government at home. That is why the administration policy thus far, as well intentioned as it is, just is not good enough. That is why we need to take legislation such as the bill H.R. 2712, which is in front of us.

I congratulate the gentlewoman from California on her work. I encourage the committee and the subcommittee to move forth but to move forth with diligence because the reality is we have to find some legislation that becomes law in this area.

We cannot have three or four disputes between the House and the Senate.

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

I would just say that I hope that this bill will pass soon and that it will restore some sense of stability to the international educational opportunities for students in the United States and that we can maintain those same opportunities in China.

Mr. Speaker, this interchange of students I think has been very useful for both China and the United States. I hope that the difficulties in China, the unrest in that regard will soon be resolved and that we can continue this broad exchange of students from China to the United States and from the United States to China.

Ms. PELOSI. Mr. Speaker, will the gentleman yield?

Mr. BROOKS. I yield to the distinguished author of the bill, the gentlewoman from California, [Ms. PELOSI].

Ms. PELOSI. I thank the chairman for yielding.

Mr. Speaker, the gentleman mentioned the difficulties in China and some of our colleagues have pointed out that hopefully in the future there may be some change. But we must deal with the facts as they are before us.

The facts as they are before us, Mr. Speaker, are that we all watched with great sorrow the situation in China erupt, the repression which followed, the denial which followed, and I am sure every American said, "What can we possibly do to help?"

Today we have an opportunity, having seen the need, having seen the opportunity that is there for us and seeing a way for us to give some support, some real action to our rhetorical claim that we care about the students and we care about the repression in China.

□ 1440

I am very grateful to the chairman, and the chairman of the full committee and subcommittee, the gentleman from California [Mr. EDWARDS], the dean of my California delegation, for his kind words in support of the bill. I wish to especially thank my colleague Congresswoman BARBARA BOXER with whom I share representation of San Francisco. I also am grateful for the bipartisan support, and the gentleman from New York [Mr. GILMAN] spoke here today. He was an early supporter and helped me quite a bit with the Committee on Foreign Affairs, to advance this legislation. The gentleman from Massachusetts [Mr. CONTE] was a very early cosponsor, and I do not have to tell Members what that means in terms of obtaining other cosponsors on the other side of the aisle. I appreciate the gentleman from Wisconsin, Mr. GUNDERSON's support, and the gentleman from California, Mr. LAGOMARSINO's kind remarks.

I hope that today we will take this opportunity to overwhelmingly send a very clear message that we do care about the students, and can take the opportunity we have before us. I also want to commend the gentleman from Texas [Mr. SMITH] for his attention to this legislation, and I hope that we can get his full support after we come out of conference.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I want to say how pleased I am to join the most gracious and beautiful Congresswoman from San Francisco, CA [Ms. PELOSI], and commend her for her leadership in this effort.

I rise in strong support of H.R. 2712, the Emergency Chinese Adjustment of Status Facilitation Act of 1989.

We were all moved by the Chinese student democracy movement this spring. We were inspired by the courage and idealism the students showed; we were saddened and angered by the suppression of the movement; and we were frustrated by our inability to improve the situation. This bill is one of the few concrete things we can do to help.

Most of the exchange students—including dozens at the University of Massachusetts in my own district—strongly sympathized with the democracy movement. Some participated in demonstrations to show that sympathy, and many appeared on television to denounce the Chinese Government's killing of the students in Tiananmen Square. The Government has hunted out democracy activists throughout China—some reports allege almost 10,000 arrests, including some of the movement's top leaders.

Of the nearly 40,000 Chinese students who have come to the United States to study, 32,000 have arrived on J-1 exchange visas. These require the students to return home and stay 2 years before they can apply for another U.S. visa.

In ordinary times, this would not be a harsh or unreasonable requirement. The students themselves say they want to return to participate in their country's future. But today, the return requirement is a threat to their safety and their freedom.

Clearly, that Government will show no tolerance to the exchange students who supported the democracy movement. And in conscience, we cannot send them back to face persecution, imprisonment, or worse.

By waiving the return residence requirement, this bill ensures that will not happen. It is the least we can do for some talented and idealistic people, whose only wish is to build a free and democratic future for China. I strongly support it, and I urge all my colleagues to do so as well.

Mr. SMITH of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I rise in opposition to the legislation which is before us today. I do so with some considerable reluctance.

I find myself in a curious position, as I have been about other immigration legislation before this body, because I probably support more open immigration than most of my colleagues. I have urged Members to change our immigration laws drastically to open our borders to many more people than we currently allow into this country. I am also reluctant to oppose this bill, remembering a meeting I had with a large group of Chinese students in my own community of Tucson, just 10 days ago. We had considerable discussion of this legislation, and I heard their very strong arguments in favor of it. I realize that my opposition may be misunderstood. I do not want any Member to misunderstand the vote of any Member against this legislation, or to suggest that we are whitewashing the massacre in Tiananmen Square, or that any of us suggest that it should be "business as usual" with the Chinese Government.

But, I am troubled by the solution that is proposed by this piece of legislation. It seems to me similar to taking a howitzer when a person goes duck hunting. The hunter is not going to hit the right target, and if they do, they are going to obliterate it.

All members agree on the need for protection of the Chinese students that are in this country. That is not the issue here today. Action has been taken by the administration to assure no Chinese student will have to return to China and an uncertain future. When we consider the bill of the chairman of the subcommittee, H.R. 2929, we will codify that position. Forcing Chinese students to return home is not the issue.

We all agree those students should not be returned home. So, what is wrong with this bill? It is wrong because it gives a permanent, or at least a semipermanent status to those in this country on a J-1 visa. It does so without considering what political changes might take place in the future. It is wrong because it assumes the political situation in China, in Beijing, is frozen, and what is today, will be the same in the future.

The gentlewoman from California spoke a few moments ago about how we must deal with the facts that are before Members today. I agree. However, the legislation does not only deal with the problem that is here today, it deals with it in perpetuity. And it is precisely that which makes this bill wrong, because it assumes nothing will change in the future. By doing this, we indirectly jeopardize other students. Not just Chinese, but students from other developing countries, whose governments, may allow them to come to this country on a J-1 visa because they want them to study in this country to gain the knowledge that they can get in this country. But, they also want them to return to their homeland, to bring that knowledge back to their country when they finish their studies. If we pass this legislation, I think there is a real chance that we may, in the future, make it difficult for other countries, or make them more reluctant, to send students to this country with a J-1 visa. I think we should draft legislation that addresses the problem, and this bill does not do that.

The gentleman from Wisconsin [Mr. GUNDERSON] said we cannot expect the Chinese to apply on a case-by-case basis for amnesty. Again, the subcommittee chairman's bill would take care of that. That is not the issue before Members today. The chairman, a few moments ago, spoke of the need to make sure Chinese students return to their country only on a voluntary basis. I absolutely agree. However, that ignores what the J-1 visa was all about in the first place and why we created a J-1 visa. We did this because

we wanted to stem the brain drain, the flow to this country, from developing countries of the most talented citizens of those countries. We wanted to assure that those students, who are very often supported by their governments in this country, would return to that country when they finish their work.

This bill has real possibilities for damaging our relations with developing countries. It may hurt the possibilities of allowing other students to study in this country under the J-1 visa. I urge that we think carefully before we enact this legislation.

Mr. Speaker, I yield to the gentleman from Connecticut [Mr. MORRISON].

Mr. MORRISON of Connecticut. Mr. Speaker, I appreciate the gentleman yielding, and I appreciate his kind words in support of the legislation, H.R. 2929, reported by the Committee on the Judiciary, and before the Committee on Rules, and that I expect to have before the House for a vote in the future.

I ask the gentleman to keep in mind that many of the Chinese students, and many of the international education individuals at the various universities of the United States have informed Members that the Chinese Government very much forced people into the "J" program, when people from other countries would often have been able to come on "S" visas where they would not have the 2-year return requirement. Where we were lax in the past of allowing the Chinese Government to keep that kind of pressure on these individuals, and now we find it might be used not just to get them to return, but to bring them back to a fate that no Member would want to see them face.

In some ways, the treatment of the "J" visa was generous in the extreme, and the withdrawing of this benefit that they might have is perhaps a result of that fact.

Mr. LEVINE of California. Mr. Speaker, I rise in strong support of H.R. 2712, and commend the distinguished gentlewoman from California for her work on this important issue. In the finest humanitarian tradition of this Nation, H.R. 2712 addresses the plight of Chinese students residing in this country on J-1 visas.

After the outrageous tragedy of Tiananmen Square, and despite worldwide criticism, the Chinese Government has continued to hunt down and punish the brave students who participated in the democracy protests. Ominously, there are clear indications that the Chinese authorities are watching students in this country, and that these students will be subject to the same persecution when they return home. I have met with several Chinese students studying in this country, and they tell me that they are both frightened for their friends back home, and afraid to return home themselves.

These students have reason to be afraid. Through no fault of their own, they are caught

in a bureaucratic catch-22 of U.S. immigration law. Under the current immigration law, all students in this country under the J visa have to return home for 2 years before they are eligible to return to this country. Returning home may be a death sentence for these students.

If we force these students to return to China, we will be cooperating with the Chinese Government in persecuting and possibly executing innocent people whose only crime has been to ask for freedom.

Responding to the Nation's heart-felt concern for the safety of the Chinese students, the Bush administration has made limited, temporary provisions to provide safe haven for them. But in spite of the express concern of Congress, the administration provisions fail to adequately protect the students. One hundred and sixteen Members of the House signed a letter to the President urging him to waive the requirement that students in this country on J-1 visas return to China after they have finished their studies. But as of this time, the administration has failed to make any further provisions to adequately protect the students, or to respond to our letter explaining their failure to act.

In this disappointing void of leadership from the administration, H.R. 2712 addresses the concerns expressed by my colleagues and me. Under the provisions of H.R. 2712, the Chinese student will be allowed to remain in this country until their safety is guaranteed at home, and will not be forced to come forward and register their fear of returning home. Since we cannot predict when the situation in China will stabilize enough to allow the students to return home safely, we must provide for the students to remain here indefinitely until their safety is guaranteed.

As the true horror of the disaster in Tiananmen Square unfolded, I, and many other Americans, was frustrated by our Government's timid response to the tragedy. This legislation will send a clear message to the Chinese Government of our outrage at their actions. By protecting the students who are in this country, we send the message that we will not ignore the brutal suppression of human rights, that we will not turn from those who fight for democracy, and that we will not forget the students who died for freedom in Tiananmen Square.

To courageously speak out against repression, as the students did, is in the finest tradition of our Nation's history. I urge my colleagues to vote for this legislation.

Mr. BRENNAN. Mr. Speaker, I rise today in strong support of H.R. 2712, the Emergency Chinese Adjustment of Status Facilitation Act.

We have all seen the brutality with which the Chinese Government has treated its young people. They attacked them with clubs, with machine guns, and with tanks. Now, according to the most recent reports out of China, the authorities are using cattle prods to gain forced confessions.

Chinese students returning from the United States could very likely be targeted for special prosecutions, for these cattle prods, as alleged Western-influenced counter-revolutionaries. Chinese students in the United States report that their participation in pro-democracy activities have placed their futures in danger. Many fear returning to their country.

America's beliefs are rooted in the democratic traditions of the right to dissent, the right of redress of grievances, and the right of peaceful assembly. Support of this legislation would affirm our dedication to these very principles—principles that the Chinese students have courageously fought for.

The United States has a long tradition of providing sanctuary for people who face persecution in other lands. Today, the Chinese need our support, and our sanctuary. Passage of this legislation would provide them some reassurances about their immediate future.

Mr. VENTO. Mr. Speaker, I rise in strong support of the Emergency Chinese Visa Adjustment Act and urge my colleagues to join me in voting for this crucial legislation.

While nearly 2 months have passed since the brutal massacre of thousands of Chinese citizens in Tiananmen Square; our shock, dismay, and disbelief about the tragic nature of this event remains strong. The image of Government troops opening fire on innocent civilians participating in a peaceful protest is repugnant to freedom-loving peoples around the world.

Tiananmen Square, site of a massive outpouring of support for the basic ideals of freedom, democracy and human rights, was turned overnight into a bloody massacre of unsuspecting civilians. While these violent actions have caused cries of outrage among governments all over the world, the Chinese Government remains impervious to calls for reform. The continued repressiveness of the Chinese Government has been further demonstrated by their blatant lies about the death toll of the massacre and the jailing and executing of nonviolent organizers of the democracy movement.

Many of my colleagues have expressed frustration about the inability to effectively respond to the actions of the Chinese. We have taken a number of steps to protest the actions of the Chinese Government and pressure the Government into improving their human rights record. We have voted to suspend United States assistance for public works projects and ban any police or nuclear equipment from being exported to China. We have voted to prohibit the President from lifting the sanctions he has already put in place unless China makes significant progress in restoring human rights. I support these and other efforts which use the tools of international diplomacy and trade to encourage China to bring its behavior more into line with the accepted norms of moral and political behavior.

To complement these actions on the international level, we should pass the legislation before us today to give immediate relief to Chinese students in the United States. In the weeks following the June 4 massacre, I met with Chinese students from the University of Minnesota. In addition to expressing their anger about the Chinese Government's actions and fear for the safety of their families, these students also communicated to me deep concern about their own safety. Many of the 650 students and scholars in Minnesota are concerned about what will happen to them when their visas expire and they must return to the repressive atmosphere which currently exists in China. By waiving the 2-year home country residency requirement for PRC nation-

als, this bill gives immediate relief to students facing an uncertain future.

I commend Representative PELOSI for introducing this important legislation and the Judiciary Committee for bringing this bill to the floor in an expeditious manner. I urge my colleagues to vote for this bill and hope for swift action in the other body.

Mr. GREEN. Mr. Speaker, I share the American public's continued outrage, frustration, and bitter sorrow over the Chinese Government's reaction to the peaceful student demonstrations which took place in Tiananmen Square in the weeks and months before June 3. The crisis currently facing China will not be solved by violence and suppression. I commend my colleagues in the Congress for the efforts undertaken thus far to get that message across to the Chinese Government.

Sadly, our daily newspaper accounts since June 3 do not indicate that the Chinese leadership has heard the international community's pleas for moderation and an end to violence and suppression. A New York Times' article of July 17 states that, according to a senior official, "authorities circulated an internal memorandum last month saying arrests and sentences would continue but should no longer be publicized."

The Immigration and Naturalization Service reports that our country is currently hosting 73,000 Chinese students as well as 309,000 other Chinese nationals who are in the United States on nonimmigrant visas. The current climate in China makes it inconceivable that any Chinese national should be forced to return to China under the present circumstances.

I commend the administration for announcing on June 6 that the U.S. Attorney General has authorized an Extended Deferred Departure Program [EDD] which allows Chinese nationals to stay in the United States until at least June 5, 1990. Unfortunately, acceptance of EDD status makes individuals ineligible for visa adjustment or application for permanent resident status. Many Chinese have been reluctant to take advantage of the EDD Program for that reason.

Because of that situation, I am pleased to join my colleagues in the House today in passing H.R. 2712, a bill which clarifies the scope and application of the automatic 1-year extension authorized by the Attorney General. H.R. 2712 provides that the EDD status would be modified to allow Chinese nationals, if otherwise eligible, to change status within nonimmigrant categories and to apply for permanent resident status if they qualify. The legislation further provides for a blanket waiver of the J-1 exchange visitor's visas 2-year return resident requirement for Chinese nationals. Nearly 70 percent of Chinese students in the United States hold "J" type visas, which require that the holder return to his/her home country for at least 2 years before they would be eligible for any other type of American visa.

Further, I am one of four original cosponsors of additional legislation which seeks to build on H.R. 2712. That bill, H.R. 2966, provides Chinese students who are living in the United States and attending school with the opportunity to apply for temporary residence status after July 5, 1993 if the President cannot certify that the political climate in

China is safe enough for those students to return home. The Senate has recently passed similar provisions by a vote of 97 to 0.

Those PRC nationals who have come to study and work in our country should not live in fear that we will one day turn them over to a country that seems to know little mercy and to leaders who perceive democracy to be a threat rather than a promise.

Mr. HOYER. Mr. Speaker, today I rise in support of H.R. 2712, the Emergency Chinese Adjustments of Status Facilitation Act, introduced by Congresswoman NANCY PELOSI. I am pleased to be an original cosponsor of this bill. I would like to thank and comment Congresswoman PELOSI for her foresight and commitment to the protection of the Chinese students and Chairman BROOKS for recognizing the importance of expeditiously bringing this bill to the floor.

Mr. Speaker, I watched in horror with the rest of the world as hundreds, perhaps thousands of Chinese students who believed in the principles of freedom and democracy were ruthlessly and mercilessly mowed down with tanks, guns, and bayonets. We have all heard the stories from eyewitnesses who reported that young students who begged for their lives or who shouted epithets of protest were quickly shot at close range. We need not guess what would happen to the students and scholars who joined with their colleagues on our soil to protest the brutality of the Chinese Government if they were to return home.

Mr. Speaker, H.R. 2712 would waive the 2-year home country residency requirement for student nationals of the People's Republic of China who hold J visas. This bill will prohibit the Chinese Government from carrying out their ruthless plan of retribution against the prodemocracy students who would otherwise have to return home. I have been contacted by hundreds of Chinese students from my district and around the country who are terrified of the atrocities they may suffer as a result of their participation in prodemocracy demonstrations. They report that they have been videotaped and photographed at demonstrations and are rightfully concerned that they may be imprisoned or executed upon their return to China.

It has unfortunately been reported that the repression in Beijing has continued, with reports of those who support democracy being brutally executed. I believe it is incumbent upon the Congress to ensure that current immigration policy does not allow the Chinese Government to arbitrarily execute or imprison people for believing in the freedom that we so reverently embrace.

Mr. Speaker, I urge all of my colleagues to join with Congresswoman PELOSI to demonstrate our compassion for these students whose only crime was to speak out for a right constitutionally guaranteed to all of us. With the Pelosi legislation, we are telling the Chinese Government that we will not turn students over to them to punish them as they please. We seek to protect thousands of lives by voting to pass this legislation before us today.

Mr. GRADISON. Mr. Speaker, I rise in support of H.R. 2712, the Emergency Chinese Adjustment of Status Facilitation Act of 1989. Throughout the Communist world, changes

are occurring that would have been unthinkable just a few years ago. In the Soviet Union, Mikhail Gorbachev may have set that nation on an irreversible course. In Poland, in a recent free election, no Communist Party member was elected to the upper house of parliament. In Hungary, opposition political parties have been officially recognized and permitted to compete in that nation's political life. These changes have occurred in the name of redefining socialism, but they resonate strongly within the intellectual and historical background of Western concepts of natural rights and democratic freedoms.

The example of China, however, should give us pause before we declare the battle for freedom in the Communist world won. In the 1970's and early 1980's, China was held up as the paragon of reform among Communist states. Admittedly, reform in the Chinese case focused almost exclusively on economic reform. Beijing encouraged the introduction of limited experiments to capitalism to assist in the modernization of the country.

Periodically, the reformist impulse in China would spill over into politics, but without any apparent lasting effect that threatened the authoritarian nature of the regime. Nevertheless, the seeds of the current pro-democracy movement were sown by the earlier reforms encouraged by Chinese leaders, such as Deng Xiaoping, who ironically are now the primary defenders of the status quo.

Earlier this year, Americans watched with nervous anticipation as the pro-democracy movement, led by Chinese students and with support from numerous other Chinese, pushed for real reform. On June 4, the Chinese experiment ended in horror in the bloodshed of the massacre at Tiananmen Square. In the ensuing crackdown, the democratic impulse suffered a tremendous blow. While the movement and its leaders have been driven underground, they cannot be forgotten.

Those who participated in the demonstrations in Beijing and elsewhere in support of broader social and political reform received support from the thousands of Chinese students currently in the United States, including those at the University of Cincinnati which has a sister university relationship with Beijing University. As a result of their activities and the massacre at Tiananmen Square, most of the estimated 40,000 Chinese students in the United States are deeply and justifiably concerned about returning to China.

Unfortunately, roughly 32,000 of these students hold exchange visit visas [the J-1] which require them, upon the completion of their studies, to return to China for at least 2 years. Students actively involved in the prodemocracy movement here have been criticized in the People's Daily and other official press organs of the Chinese Government and the Communist Party as counter-revolutionaries. For them, an early return to China is an understandably fearful prospect.

Two days after the massacre at Tiananmen Square, the administration announced that Chinese students holding the J-1 visas could remain in the United States for an additional year if they acknowledge their unwillingness to return to China. The administration undertook this action out of concern for the students. However, the administration's plan realistically

does little for those individuals caught between principle and nation. An official admission not to return, in the present environment, would be tantamount to signing one's own arrest warrant and perhaps worse.

Altering the status of Chinese students in the United States is not a comprehensive answer to the dilemmas posed by the situation in China. However, this legislation, which effectively waives the 2-year home country residency requirement for Chinese holders of the J-1 visa, is not designed to be a comprehensive solution. It addresses an urgent need.

Despite the likely protests of the Chinese Government, enactment of H.R. 2712, which will help provide necessary protection for individual Chinese working for peaceful change in their own country, is well within the traditions of the United States. I urge my colleagues to join me in support of this legislation.

Mr. BARTON of Texas. Mr. Speaker, I want to commend the gentle lady from California, Ms. PELOSI, on her efforts on behalf of the Chinese students. The bill before us today, H.R. 2712, would waive the requirement that Chinese students who hold a J visa must fulfill a 2-year home residence requirement before they can apply for a change in their immigration status. This bill has gathered overwhelming bipartisan support, and I believe it is an important first step.

However, Congress must not stop here. I represent Texas A&M University, which has a large Chinese student population. After meeting with a number of these students, I am convinced that we must provide the Chinese students here with assurance that they may remain in the United States if they wish until the political situation in China changes. That is why I introduced a bill, H.R. 2966, which allows Chinese students here to apply for temporary residence if the President cannot certify 4 years from now that it is safe for students to return to China. My bill takes Ms. PELOSI's actions to the next logical step and reflects a growing consensus in the House. The Senate has already given its endorsement to this concept during recent debate on the immigration bill.

I do not believe there is a Member here who would advocate forcing these students to go back to China and meet an uncertain fate. These students are the best hope for democracy that China has, and we have a moral obligation as the leader of the free world to provide a safe haven for them. This will allow them to participate in prodemocracy activities without fear of retribution.

Reports have already surfaced of Chinese students in the United States being harassed and intimidated by PRC embassy and consulate officials. In some cases the students were warned to beware of what they said and did or they would jeopardize their futures. It is for this reason that we as Americans must do all we can to protect these students.

As we debate this important issue today I urge my colleagues to support the Pelosi legislation, and to support additional measures which would provide for the safety and well-being of these students. The Chinese students I have spoken with do not want to become United States citizens. Indeed, they are very pro-China and want to someday

return—but not while the current government is in power and their lives are in danger. Don't be fooled. These students are not the victims of political repression. They are the target of it. It is not feasible for these students to return to China now and actively advocate democratic principles. Until such time arrives, we must ensure an indefinite safe haven for them, and ensure that those who died in Tiananmen Square did not die in vain.

Mr. BROOKS. Mr. Speaker, I have no further request for time, and I yield back the balance of my time.

□ 1450

The SPEAKER pro tempore. (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Texas [Mr. Brooks] that the House suspend the rules and pass the bill, H.R. 2712, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to facilitate the adjustment or change of status of Chinese nationals in the United States by waiving the 2-year foreign residence requirement for 'J' nonimmigrants."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. BROOKS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BROOKS. Mr. Speaker, is it the intention of the Chair to continue the consideration of suspensions, or is it the intention of the Chair to quit at 3? the Television Violence Act pending, and I want to be sure that if we yield to hear two motions or two proposals from the Committee on Post Office and Civil Service, we will then come back to the Television Violence Act.

The SPEAKER pro tempore. The Chair will say to the gentleman that the leadership would like to go until at least 3:15 on motions for suspension of the rules.%

EXTENSION OF EXECUTIVE EXCHANGE PROGRAM

Mr. McCLOSKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2847) to extend by 1 year a program under which the Government is allowed to accept the vol-

untary services of private-sector executives.

The Clerk read as follows:

H.R. 2847

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the Executive Exchange Program Voluntary Services Act of 1986 (5 U.S.C. 4103 note) is amended by striking "1989" and inserting "1990".

The SPEAKER pro tempore. Under the rule, a second is not required on this motion.

The gentleman from Indiana [Mr. McCLOSKEY] will be recognized for 20 minutes, and the gentleman from Indiana [Mr. MYERS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. McCLOSKEY].

Mr. McCLOSKEY. Mr. Speaker, H.R. 2847 extends by 1 year the Executive Exchange Program Voluntary Services Act of 1986, Public Law 99-424. Public Law 99-424 established a 3-year experimental component of the executive exchange program. The exchange program was originally created in 1969 pursuant to an executive order signed by former President Johnson.

The executive exchange program, which is administered by the President's Commission on Executive Exchange, was designed to foster cooperation and understanding between top executives in the public and private sector by providing these executives the opportunity to perform the job of their private or public sector counterpart for a period of up to 15 months.

Public Law 99-424 was enacted as a result of testimony received by the Subcommittee on the Civil Service during the 99th Congress which established that the Commission was experiencing difficulties recruiting top level private sector executives willing to work in the public sector at Government pay rates. Specifically, the law established a 3-year program for fiscal years 1987 through 1989 to encourage private sector participation by authorizing up to 10 of the total number of private sector executives who commence participation in the program each fiscal year to continue to receive their private sector salary at the expense of their private sector company. Public Law 99-424 also required the General Accounting Office to identify the advantages and disadvantages of the experimental program and recommend whether the program should be continued.

In March, the GAO reported that the program had succeeded in encouraging high level executives to participate in the program and also determined that the Commission's conflict of interest procedures appeared to be adequate for experimental component executives. GAO recommended extending and expanding the program

and noted that Congress should also change the status of Federal participants in the program from "leave-without-pay" to "detail." During their investigation, GAO found that the status designation of the Federal participants resulted in their losing certain benefits during the time they participated in the program.

Although the Subcommittee on the Civil Service worked closely with the President's Commission on Legislation to permanently reauthorize this program and to change the status of the Federal executive participants to "detail," those efforts were halted when certain representatives of the administration raised some concerns over the Commission's proposal to reauthorize the program.

By letter dated July 7, 1989, the Commission requested that the Committee on Post Office and Civil Service consider legislation to simply extend the experimental program for 1 additional year so that all interested parties could work on a consensus bill before the program expires.

Mr. Speaker, I reserve the balance of my time.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am happy to support H.R. 2847, legislation which extends for 1 year a program which permits the Federal Government to accept the voluntary services of private sector executives.

Since its inception, in 1969, the executive program has demonstrated its effectiveness in fostering a better understanding and increasing cooperation between business and government. The program is administered by the President's Commission on Executive Exchange.

Until 1986, the Government paid the salary of all private sector participants up to the corresponding dollar amount paid to a government employee in similar positions. The private company paid the salary of the Government participants sponsored by the company.

In the 99th Congress, two of my colleagues on the Post Office and Civil Service Committee, Mr. HORTON and Mrs. SCHROEDER, introduced the Executive Exchange Voluntary Services Act. The legislation, which became effective in 1986, permitted private sector employers to pay the salaries of higher level executives who wanted to participate in the exchange program.

The 1986 legislation also required the General Accounting Office to identify the advantages and disadvantages to the program and to recommend whether it should be continued.

The GAO recommended that the program should be extended. It also recommended the status of participating Federal employees should be

changed from "leave-without-pay" to "detail" so these employees would receive full benefits.

Because of a change in the leadership of the Commission, our Civil Service Subcommittee did not have time to fully address the concerns expressed in the GAO report. Extending the program for 1 year will permit the subcommittee to address those concerns.

This is a worthwhile program which has resulted in savings of about \$1.5 million during fiscal years 1988 and 1989. The legislation was introduced at the request of the President's Commission on Executive Exchange. It is supported by the administration.

Mr. Speaker, I yield such time as he may consume to the ranking member of the committee, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 2847, legislation which would extend by 1 year an experimental component of the Executive Exchange Program Voluntary Services Act. As ranking minority member of the Post Office and Civil Service Committee, I find that this measure, supported by a General Accounting Office report, serves to enhance the Federal Government's ability to attract top executives at no cost to the Federal budget.

The program allows the Government to accept the voluntary services of private sector executives, while those individuals continue to receive their private sector salary from their private sector employer. The President's Commission on Executive Exchange administers this program, which authorizes up to 10 private executives to participate in the program each year, in order to foster cooperation and understanding between top executives in the public and private sectors.

Scheduled to expire this year, the legislation extends the life of this program for 1 additional year, in order to allow interested parties additional time to develop a consensus reauthorization proposal. Prior to adding this component of the program, the President's Commission was experiencing difficulties in recruiting top level private sector executives willing to work in the public sector at Government pay rates. By allowing these executives to receive their private sector salary, the GAO reports, the program succeeded in encouraging participation. GAO also recommended that the program be expanded and extended. Moreover, for Federal employees who participate in the program, it was recommended that their status be changed from "leave without pay" to "detail", so that certain benefits accrued to Federal employees during their participation in the program were not curtailed.

Mr. Speaker, those who participate in the executive exchange do so for a period of up to 15 months. As stated earlier, the adoption of this legislation would result in no costs or savings to the Federal Government, and additionally, would not affect the budgets of State or local governments. The Federal Government needs the infusion of these dedicated and talented individuals, and accordingly, I therefore urge my colleagues' support of H.R. 2847.

Mr. McCLOSKEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MYERS of Indiana. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. McCLOSKEY] that the House suspend the rules and pass the bill, H.R. 2847.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McCLOSKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on H.R. 2847, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

DECEPTIVE MAILINGS PREVENTION ACT OF 1989

Mr. McCLOSKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2331) to amend title 39, United States Code, to designate as nonmailable matter solicitations of donations which could reasonably be misconstrued as a bill, invoice, or statement of account due, solicitations for the purchase of products or services which are provided either free of charge or at a lower price by the Federal Government, and solicitations which are offered in terms implying any Federal Government connection or endorsement, unless such matter contains an appropriate conspicuous disclaimer, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2331

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Deceptive Mailings Prevention Act of 1989".

SEC. 2. AMENDMENTS TO TITLE 39.

(a) PROHIBITION OF DECEPTIVE MAILINGS.—Section 3001 of title 39, United States Code, is amended—

(1) in subsection (d)—
(A) by inserting "(1)" after "(d)";
(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(C) by adding at the end the following:
"(2) Matter otherwise legally acceptable in the mails which—

"(A) is in the form of, and reasonably could be interpreted or construed as, a bill, invoice, or statement of account due; but

"(B) constitutes, in fact, a solicitation of donations from the addressee;

is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs, unless such matter bears on its face, in conspicuous and legible type in contrast by typography, layout, or color with other printing on its fact, in accordance with regulations which the Postal Service shall prescribe—

"(i) the following notice: 'This is a solicitation of donations, and not a bill, invoice, or statement of accounts due. You are under no obligation to make any payment in response to this mailing'; or

"(ii) in lieu thereof, a notice to the same effect in words which the Postal Service may prescribe"; and

(2) by redesignating subsections (f) and (g) as subsections (i) and (j), respectively, and by inserting after subsection (e) the following:

"(f) Matter otherwise legally acceptable in the mails which constitutes a solicitation by a non-governmental entity for the purchase of products or services and contains a seal, insignia, trade or brand name, or any other term or symbol which reasonably could be interpreted or construed as implying any Federal Government connection, approval, or endorsement is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs, unless—

"(1)(A) such matter bears on its face, in conspicuous and legible type in contrast by typography, layout, or color with other printing on its face, in accordance with regulations which the Postal Service shall prescribe, the following notice: 'This product or service has not been approved or endorsed by the Federal Government, and this offer is not being made by an agency of the Federal Government'; or a notice to the same effect in words which the Postal Service may prescribe; and

"(B) the envelope or outside cover or wrapper in which such matter is mailed bears on its face in capital letters and in conspicuous and legible type, in accordance with regulations which the Postal Service shall prescribe, the following notice: 'THIS IS NOT A GOVERNMENT DOCUMENT'; or

"(2) such matter is contained in a publication for which the addressee has paid or promised to pay a consideration or which he has otherwise indicated he desires to receive, except that this paragraph shall not apply if the solicitation is on behalf of the publisher of the publication.

"(g) Matter otherwise legally acceptable in the mails which constitutes a solicitation by a non-governmental entity for the contribution of funds and contains a seal, insignia, trade or brand name, or any other term or symbol which reasonably could be interpreted

ed or construed as implying any Federal Government connection, approval, or endorsement is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs unless—

"(1) such matter and the envelope or outside cover or wrapper in which such matter is mailed bears on its face in capital letters and in conspicuous and legible type, in accordance with regulations which the Postal Service shall prescribe, the following notice: 'THIS IS NOT A GOVERNMENT DOCUMENT'; or

"(2) such matter is contained in a publication for which the addressee has paid or promised to pay a consideration or which he has otherwise indicated he desires to receive, except that this paragraph shall not apply if the solicitation is on behalf of the publisher of the publication.

"(h) The prohibition described in subsection (f) of this section shall not apply with respect to matter otherwise legally acceptable in the mails which constitutes a solicitation by a non-governmental entity if—

"(1) such entity is recognized under law (including the provisions of chapter 59 of title 38) as an agent or attorney of the Federal Government; and

"(2) such matter is deposited in the mails by such entity exclusively for the purpose of carrying out its role as such an agent or attorney."

(b) **DECEPTIVE MAILINGS AS FALSE REPRESENTATIONS.**—Section 3005(a) of title 39, United States Code, is amended—

(1) in the first sentence, by striking "section 3001(d) of this title," and inserting "subsection (d), (f), or (g) of section 3001 of this title (except to the extent provided in subsection (h) of such section);"; and

(2) in the second sentence, by striking "such section 3001(d)" and inserting "subsection (d), (f), or (g) of such section 3001 (except to the extent provided in subsection (h) of such section)".

(c) **APPLICABILITY.**—The amendments made by this section shall apply to matter deposited for mailing and delivery on or after 180th day after the date of enactment of this Act.

SEC. 3. PROCEDURES GOVERNING THE HANDLING OF MATTER SUSPECTED OF BEING NONMAILABLE MATTER.

Within 8 months after the date of enactment of this Act, the United States Postal Service shall—

(1)(A) conduct a comprehensive review to determine whether or not the provisions of section 123.33 of the Domestic Mail Manual (as in effect of such date of enactment) are being appropriately observed; and

(B) take appropriate measures to ensure that any misapplication or misunderstanding of such provisions is corrected among any postal personnel who are responsible for carrying them out;

(2) conduct a comprehensive review to determine the feasibility of establishing a procedure whereby a sender of mail matter which is denied entry into the mails on the basis of incorrect mail preparation, postage due, or addressing may, through expedited proceedings, obtain a final agency decision as to the mailability of such matter; and

(3) submit a written report to the Committee on Post Office and Civil Service of the House of Representatives and the Committee on Governmental Affairs of the Senate describing its findings and actions under this section.

The **SPEAKER** pro tempore. Under the rule, a second is not required on this motion.

The gentleman from Indiana [Mr. McCLOSKEY] will be recognized for 20 minutes, and the gentleman from Indiana [Mr. MYERS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. McCLOSKEY].

Mr. McCLOSKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the time has come for Congress to take action on behalf of the elderly and all others who are the targets of misleading and deceptive mailings. H.R. 2331 seeks to eliminate major abuses in this area. This bill is similar to legislation which was passed overwhelmingly by the House last year and which unfortunately was not acted upon by the Senate.

The Deceptive Mailings Prevention Act of 1989 is similar to bills introduced by Representatives BRIAN DONNELLY, and OLYMPIA SNOWE. I want to commend Mr. DONNELLY and Ms. SNOWE for their hard work and assistance in drafting this legislation. I also want to thank Congressman MYERS and all of my colleagues who have recognized the value of H.R. 2331 and have cosponsored this bill.

There has been widespread congressional concern about the use of official insignia or other terms or symbols connected with the Federal Government by companies attempting to convey the appearance of having Federal connections or sanctions. Clearly legislation is needed to address these practices and protect the consumer, especially since many of these deceptive mailings appear to be targeted at the elderly.

H.R. 2331 would require the use of a disclaimer on any envelope and its contents which constitutes a solicitation by a nongovernmental entity for the purchase of products or services and contains a seal, insignia, trade or brand name, or any other term or symbol which could reasonably be interpreted as implying any Federal Government connection or endorsement.

This bill also includes a provision which expands current law concerning the solicitation of goods or services in the form of bills or invoices to include solicitations of donations. Any false billing statements for the solicitation of donations would be declared unmailable unless such matter bears on its face a disclaimer stating "This is a solicitation of donations, and not a bill or invoice or statement of accounts due. You are under no obligation to make any payment in response to this mailing."

Just this week another case of a questionable mailing was brought to my attention. The Federal Benefits Assistance Corp., a Washington, DC.,

based firm, has been mailing information to Louisville, KY, area residents. This firm which is not connected to Social Security or the Federal Government charges an \$18 fee to assist these people in filing for Social Security benefits, a service provided free of charge by Social Security employees.

Unfortunately a provision which would have forced this company to put a disclaimer notifying the recipient that these services are available for a lesser fee or for no charge by the Federal Government, has been removed from H.R. 2331 due to concerns raised by various mailers and significant opposition in the Senate. This most recent case only emphasizes the need for the Post Office and Civil Service Committee to continue monitoring misleading mailings and perhaps legislate further regulations to protect the unwary recipients.

Another area of concern that this legislation addresses is the problem of local postal personnel who have taken it upon themselves to declare items unmailable when only the Postal Inspection Service has this authority. This bill requires the U.S. Postal Service to conduct a comprehensive review, take appropriate measures to correct the situation so that mailers are treated fairly, and provide the Post Office and Civil Service Committee with a report on its findings and actions.

The Deceptive Mailings Prevention Act of 1989 was ordered reported with the full support of the House Post Office and Civil Service Committee. In addition, the Congressional Budget Office has reviewed H.R. 2331 and estimates that the enactment of this bill would result in no cost to the Federal Government and in no cost to State or local governments.

H.R. 2331 would not be before the House today if it were not for the leadership and assistance of Representatives DONNELLY and SNOWE. I want to thank them again for their efforts.

Hopefully this legislation will deter those few mailers who attempt to portray themselves as being Government connected or endorsed, when in fact, they are not. I urge all Members to support this important legislation to protect their constituents from deceptive mailings. I reserve the balance of my time.

□ 1500

Mr. MYERS of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague from Indiana [Mr. McCLOSKEY] for his leadership in bringing H.R. 2331, the Deceptive Mailings Prevention Act, to the House floor.

I also extend my appreciation to the gentlelady from Maine [Mrs. SNOWE] for originally introducing the deceptive mailings legislation.

Mr. Speaker, I strongly believe this legislation is urgently needed. Current Federal law does not adequately protect the public from deceptive mailing practices which have proliferated over the past several years.

Dozens of groups and organizations have been formed with the sole intent of deceiving American citizens into making monetary contributions. Most of these groups have official-sounding names such as the "Social Security Protection Bureau", the "National Committee to Preserve Social Security and Medicare", the "Federal Social Security Center" and the "Federal Record Service Corp." These type of groups unduly alarm people with misleading and false statements.

Under the Deceptive Mailings Prevention Act, organizations using these tactics would be required to place a disclaimer on the envelope which alerts the reader that the mail is not from the U.S. Government. The disclaimer also must advise that the services offered by the group are available for free or at a reduced fee from the Government.

I am happy to report that the Energy and Commerce Committee has been conducting hearings on so-called charities who rely upon deceptive mailings to raise funds. These health care related groups seem to appeal to one's generosity for cancer research and other related groups.

In addition, I am currently drafting legislation that requires tax-exempt charities to disclose the nature of their fund-raising activities and how much of the money is used for the purpose it was raised.

Similar laws are in force in 31 States and do not represent a threat to valid charities. No honest operation has anything to fear from disclosure. On the other hand, my legislation will create a strong deterrent to a scheme which is soaking Americans for millions of hard-earned dollars.

Mr. Speaker, the Deceptive Mailings Act will help in the war against unscrupulous groups that abuse the U.S. mail system. We cannot allow groups to continue to charge our citizens for services that are already provided for free-of-charge from the Federal Government. I urge my colleagues to support this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in full support of H.R. 2331, the Deceptive Mailings Prevention Act of 1989. I commend the distinguished chairman of the subcommittee, the gentleman from Indiana, [Mr. McCloskey] and the ranking minority member, the gentleman from Alaska, [Mr. Young], for crafting this important bill and bringing it to the floor.

H.R. 2331 grew out of the obvious need for our Government to respond

to the proliferation of a certain sinister type of deceptive mailing. The envelopes of these deceptive mailings are designed in such a manner that they look like they had been sent by branches of the U.S. Government. The target-recipient of these mailings in many cases are the elderly and others living on fixed incomes who have a special respect for Government.

H.R. 2331 requires that any business or organization using direct mail clearly mark the envelope and its contents as a solicitation of funds or nongovernmental in nature when using official looking decals or envelopes, or business names which could imply that the mailing comes from a Federal agency.

The Post Office and Civil Service Committee unanimously supported H.R. 2331. Accordingly, Mr. Speaker, I urge my colleagues to fully support this worthy measure.

Mr. Speaker, I yield back the balance of my time.

Mr. McCloskey. Mr. Speaker, I also want to commend the gentleman from Indiana [Mr. Myers] for his very vigorous and constant effort on this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. Donnelly], who is one of the original authors.

Mr. Donnelly. Mr. Speaker, I thank the gentleman from Indiana [Mr. McCloskey] for yielding, and I thank him and the ranking member for moving this legislation so expeditiously at this point in the 101st Congress.

As was stated in the chairman's opening remarks, the House of Representatives overwhelmingly supported this legislation at the end of the last Congress, however, because of constraints of time and some technical problems, the other body was not able to take it up. So, I think it critically important in terms of timing that this legislation be brought before the House today.

Mr. Speaker, this legislation is desperately needed. Many of our elderly, and home-bound and disabled people are being preyed on by unscrupulous organizations, many of them tax-exempt organizations, that use mailings with a facsimile of the U.S. Government seal to solicit from these home-bound and elderly individuals moneys to pay for goods and services that are provided for free by the Federal Government. In 1987 I sponsored legislation in the Committee on Ways and Means that provided tax sanctions against tax-exempt organizations that were found using this type of deceptive tactic. I would hope that the House today would overwhelmingly approve this legislation to provide some protection for persons who are being preyed upon and who are being used, and the good name and seal of

the U.S. Government being used, to solicit money.

Mr. Speaker, this is urgently needed legislation. The gentlewoman from Maine [Ms. Snowe], my colleague from New England, and I filed this legislation in the last Congress, and I was proud to cosponsor that legislation again with her in this Congress. The initiative for our legislative action came from thousands of our constituents that have been inundated with this type of shoddy and deceptive mailing. I think the committee's action today will go a long way toward, not only codifying legislation, what is law today in the Tax Code, but into stopping this sort of activity and protecting those most vulnerable of our constituents.

So, Mr. Speaker, I rise in strong support of this legislation.

Mr. Speaker, I rise in strong support of H.R. 2331, the Deceptive Mailings Act of 1989. Mr. Speaker, this legislation, which is similar to legislation I offered in the 100th Congress, will finally end the frustration of millions of Americans, primarily senior citizens, who are being deceived by unscrupulous organizations that disguise their junk mail with phony logos that look like bills, invoices or government documents.

I first became interested in this issue when I began receiving letters and telephone calls from my constituents who received solicitations from these unethical organizations. One constituent received an offer from the Federal Information Registry and Assistance Service, offering to provide a Social Security Compliance Kit for \$15. The kit contains an application to apply for a Social Security number—an application which is available for free from any Social Security Office.

Another constituent received a solicitation from National Network, Inc. For \$9.50, they offered to provide a "complete copy of your Social Security deposit record"—again—these documents are available for free from the Social Security Administration. A Small Business Administration loan application, which is also widely available for free, is being offered by one organization for \$200.

Mr. Speaker, these practices are absurd and outrageous. Many unsuspecting people, often senior citizens, are unaware of the wide array of services which the Federal Government will provide for free.

These shady organizations, through their manipulative use of graphics, are taking full advantage of the U.S. mail services by defrauding hard-working Americans and taking their hard-earned dollars in exchange for applications or services that are readily available for little or no cost. H.R. 2331 will, once and for all, put an end to these practices.

The legislation designates as nonmailable any mail matter which is designed to resemble a bill, invoice or statement of account due, but in fact constitutes a solicitation for donations. It also declares as nonmailable, any piece that solicits money for products or services which are provided either free of charge or at a lower cost by the Federal Government.

In addition, the bill designates as nonmailable any solicitation which is offered in terms implying any Federal Government connection or endorsement unless the material contains a disclaimer that the products or services offered are provided free of charge by the Federal Government or that the Federal Government does not endorse the products or services offered. Appropriate sanctions are provided for those who violate the provisions.

When President Reagan signed into law the 1987 Omnibus Budget Reconciliation Act, it included an amendment I added in the Ways and Means Committee which is similar to this legislation. Now law, any tax exempt organization which makes solicitations for materials provided for free or low cost from the Federal Government is subject to tax sanctions. This legislation today expands that amendment.

Mr. Speaker, it is long overdue and necessary that this legislation be passed today. I commend the Post Office Committee and the subcommittee chairman, Mr. McCLOSKEY, for offering this legislation and my colleague from Maine, Ms. SNOWE, who worked exceptionally hard on this bill which will protect our senior citizens and other unsuspecting Americans from these fly-by-night organizations.

Mr. GOODLING. Mr. Speaker, I rise today in support of H.R. 2331, the Deceptive Mailing Prevention Act of 1989.

This legislation would designate as nonmailable matter items resembling bills or invoices but are in fact solicitations for funds and mailings offering for a fee products provided by the Federal Government either free or at a lower price. The legislation also prohibits mailings carrying a symbol or insignia wrongly implying a connection with the Federal Government and requires a noticeable disclaimer.

As most of you know, it is our senior citizens who are especially vulnerable to those misleading practices. In some instances these schemes may lead senior citizens to make decisions which cost them a great deal of money.

Some organizations who employ the practices in question claim to have the best interests of senior citizens at heart. Quite frankly, I believe the opposite is true when I see organizations offering to provide, for a fee, services which the Social Security Administration or a congressional office can provide for free.

According to information received in my office and discussions with area agencies, many senior citizens believe they are receiving official mailings from the Federal Government or trust the organization is providing them with up-to-date information on legislation which will drastically cut or modify their benefits.

It is quite an experience to talk to a woman in her eighties who believes she is going to lose her Social Security and is afraid she will have to live on the street or that she will not have any food to eat after she pays her rent. It is often difficult to convince her that nothing is going to happen. These senior citizens have faced enough hardships in their lives. Once they retire, they should be able to live in peace and not be haunted by unwarranted fear instilled by these unscrupulous organizations that they are going to lose what little they may have because of congressional or administrative actions.

Something must be done to insure that our Nation's seniors are protected from groups which seek little more than their own profit. Today, we have a chance to see that our senior citizens are protected from such unethical practices when H.R. 2331 comes before the House under suspension of the rules. I would urge all my colleagues to support this legislation so very important to our senior citizens.

Ms. SNOWE. Mr. Speaker, it is with great pleasure that I rise in support of H.R. 2331, the Deceptive Mailings Prevention Act of 1989. This measure is similar to H.R. 4478, legislation which passed the House in the 100th Congress, and which was based on two bills that I introduced, H.R. 939 and H.R. 3382. Because of my continuing concern that this issue be addressed, I reintroduced my legislation, H.R. 373, on January 3, 1989.

I want to commend the Post Office and Civil Service Committee for their fine work in bringing this important issue to the floor. I particularly want to thank Mr. McCLOSKEY and Mr. MYERS, of the Subcommittee on Postal Personnel and Modernization for the leadership on this issue. I also want to single out their staffs for the fine work that they have done on behalf of this bill.

As you know, in February 1987, I introduced the first deceptive mailings bill. This legislation emanated from a problem that was brought to my attention by a constituent who contacted me about information pertaining to the Federal Records Service.

My constituent had received a mailing from the 'Birth Records Division' of the Federal Records Service which, for a \$10 fee, offered to obtain his young child's Social Security card. The tone of the mailing implied a sense of urgency by stating that "your newborn child has not been registered with the Social Security Administration. It is important that your child be issued a Social Security card immediately." Both the name of the organization and the tone of the solicitation insinuated that the mailing was from the Federal Government.

Unfortunately, however, this problem was not an isolated incident. Between April and July 1987, the Postal Service collected complaints about mailings that deceptively implied a Federal connection or sanction. The over 200 complaints received during this time indicate that this is a common practice.

One of the most typical methods that organizations use for implying a Federal affiliation or endorsement is through the use of official sounding names. It is certainly easy to understand how names such as the Social Security Protection Bureau, the Internal Revenue Service, the Federal Information Registry and Assistance Service, the Environmental Testing Agency and the Document Service can be misconstrued as being associated with the Federal Government.

However, organizations which attempt to portray a Federal affiliation do not rely on name association alone. They also use a wide range of other tactics to deliberately confuse consumers. Envelopes may make reference to Federal documents or Federal programs with notations such as "Supplement to 1987 Medicare Benefits." Misleading insignias that look like Federal seals are often employed to create the impression of a Federal connection,

and official looking brown envelopes with Washington return addresses may be used to imply further such an affiliation.

In many instances, organizations will offer products or services for a fee that are provided either free of charge or at lesser cost by the Federal Government. And often these solicitations imply a sense of urgency that leads consumers to believe that if they do not respond they will violate Federal law.

For instance, for a \$20 fee, one organization offered to provide a Social Security number for a newborn child. The solicitation noted that "Federal law requires that you must have this completed before your taxes are filed." As a consequence of this type of solicitation, individuals can be misled into believing that in order to comply with the law, they must purchase the goods or services offered by the organization.

Recently, a new breed of deceptive mailings has developed. These solicitations offer mystery gifts or contain sweepstake tickets in order to gain the consumers' attention, while also disguising themselves as affiliated with the Federal Government. Such practices can be particularly puzzling to consumers. One individual was so confused about the nature of a mailing that she thought that tax money was going to a lottery run by the Social Security Administration. Another individual questioned "Since when has Social Security been in the gambling business?"

I am particularly concerned that many of these deceptive mailings target Social Security and Medicare and are directed at older individuals. This is distressing as many older individuals live on fixed incomes and depend on the benefits provided by the Social Security and Medicare Programs. As such, these individuals may be extremely alarmed by misleading mailings that portray themselves as affiliated with Social Security or Medicare. This practice is terribly disturbing as it preys upon the vulnerable.

Unfortunately, however, once an individual succumbs to such a tactic, the individual becomes the target of many other such practices. Organizations who are involved in this type of industry often sell the names of those taken in by the schemes to other organizations who are engaged in similar practices. Thus, the enormity of the problem and its consequences are even more significant.

Legislation to address this issue has received widespread congressional support. The fact that over 100 of my colleagues have agreed to cosponsor my deceptive mailings bill is a clear indication of the magnitude of the problem and the concern that this issue must be addressed.

As you know, H.R. 2331 would require solicitations that use signs, seals, terms of insignias to imply a Federal connection or endorsement to bear a disclaimer to alert consumers that the mailings are not affiliated with the Federal Government. As such, this legislation would make important inroads into addressing the problem of mailings that create the allusion that they are federally endorsed or affiliated.

While I remain concerned that the provisions relating to solicitations that offer a product or service that is provided by the Federal

Government free of charge or at lesser cost were removed, I believe that this legislation provides an essential step in satisfying the need to provide information through disclosure. In this way, consumers can make informed judgments, and not have their decisions influenced by fear and misunderstanding.

Again, Mr. Speaker, I want to thank my colleagues for their consideration of this important legislation which provides much needed protection for consumers.

Mr. PORTER. Mr. Speaker, I rise in support of the Deceptive Mailing Prevention Act of 1989. H.R. 2331 addresses the problem of confusing mail solicitations designed to resemble U.S. Government bills and invoices and protects customers from unscrupulous vendors who advertise services that are available free from the Government. As mass mailing has become increasingly high technology the volume of such mail has skyrocketed. Inevitably, some direct mailers have adopted practices that are misleading to consumers. Such documents, frequently aimed at the elderly, hide their true origins by using Federal Government associated insignias, terms, and symbols.

A constituent of mine recently received a letter at his business address which prominently displayed a shieldlike emblem and two boxes stating the punishment under the law if the letter was tampered with or stolen on the envelope, giving the impression that it was official Government business. After opening the letter, he discovered that it was an offer to purchase a resort condominium.

More nefariously, a mail-order firm, under extremely misleading letterhead and envelope, offered to procure information on individuals' Social Security benefits and payments. This information is available free from the Federal Government.

The passage of H.R. 2331 will go far to put an end to the misuse of the U.S. Postal Service and I urge its adoption.

□ 1510

Mr. MYERS of Indiana. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. McCLOSKEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. McCLOSKEY] that the House suspend the rules and pass the bill, H.R. 2331, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend title 39, United States Code, to designate as nonmailable matter solicitations of donations which could reasonably be misconstrued as a bill, invoice, or statement of account due, and solicitations which are offered in terms implying any Federal Government connection or endorsement, unless such

matter contains an appropriate conspicuous disclaimer, and for other purposes."

A motion to reconsider was laid on the table.

TELEVISION VIOLENCE ACT OF 1989

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1391) to exempt from the antitrust laws certain activities relating to alleviating the negative impact of violence in telecast material, as amended.

The Clerk read as follows:

H.R. 1391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Television Violence Act of 1989".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "antitrust laws" has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 applies to unfair methods of competition;

(2) the term "person in the television industry" means a television network, any entity which produces programming (including theatrical motion pictures) for telecasting or telecasts programming, the National Cable Television Association, the Association of Independent Television Stations, Incorporated, the National Association of Broadcasters, the Motion Picture Association of America, the Community Antenna Television Association, and each of the networks' affiliate organizations, and shall include any individual acting on behalf of such person; and

(3) the term "telecast" means—

(A) to broadcast by a television broadcast station; or

(B) to transmit by a cable television system or a satellite television distribution service.

SEC. 3. EXEMPTION.

The antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among persons in the television industry for the purpose of, and limited to, developing and disseminating voluntary guidelines designed to alleviate the negative impact of violence in telecast material.

SEC. 4. LIMITATIONS.

(a) **BOYCOTTS.**—The exemption provided in section 3 shall not apply to any joint discussion, consideration, review, action, or agreement which results in a boycott of any person.

(b) **TIME PERIOD.**—The exemption provided in section 3 shall apply only to any joint discussion, consideration, review, action, or agreement engaged in only during the 3-year period beginning on the date of the enactment of this Act.

The SPEAKER pro tempore. Under the rule, a second is not required on this motion.

The gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

Mr. EDWARDS of California. Mr. Speaker, is the gentleman from California [Mr. MOORHEAD] opposed to the bill?

Mr. MOORHEAD. I am not opposed to the bill, Mr. Speaker.

Mr. EDWARDS of California. Mr. Speaker, I am opposed.

The SPEAKER pro tempore (Mr. MONTGOMERY). If the gentleman is opposed, he will be recognized for 20 minutes on this bill.

Mr. EDWARDS of California. I thank the Chair.

The SPEAKER pro tempore. The Chair will revise the statement concerning recognition. The gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, and the gentleman from California [Mr. EDWARDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MOORHEAD].

Mr. Speaker, H.R. 1391 is a legislative response to concerns held by many across the country about the level of violence on television today. It is based upon the premise, as shown by the majority of research studies of the issue, that there is a causal relationship between violence on television and aggressive behavior in real life—particularly with young viewers.

Television reaches an enormous number of people and is the most influential medium in America today. Because of this power to influence, broadcasters have a special responsibility to the viewing public. I know they recognize their duties, and work diligently to discharge them every day.

The purpose of H.R. 1391 is to remove the perception, apparently held by many in the television industry, that the antitrust laws are a possible impediment to those who would voluntarily wish to meet and adopt guidelines concerning television violence. The bill thus provides a limited antitrust exemption to persons in the television industry who wish to voluntarily meet to develop voluntary guidelines to reduce the negative impact of violence on television.

It should be noted that this bill does not, and is not intended to, coerce any conduct. No sanctions for failing to meet, failing to adopt guidelines, or failing to adhere to any guidelines that might be developed, are included in the bill.

The Judiciary Committee favorably reported H.R. 1391 by a substantial majority, bipartisan vote. Because of its strong interest in protecting impressionable viewers from abuse, and to assist the industry in carrying out its special responsibility to the public, the committee was willing to approve the limited, temporary exemption in

H.R. 1391. This way, persons in the television industry wishing to develop guidelines to reduce the negative impact of television violence can do so without fear of antitrust exposure.

I particularly commend the authors of this legislation, Congressman GLICKMAN and Congressman FEIGHAN, for their efforts in bringing this bill to our attention, and I urge my colleagues to support H.R. 1391.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I rise in support of H.R. 1391, the Television Violence Act of 1989. This bill would insulate the television networks, the cable interests, producers and others in the industry from any antitrust risk should they decide to meet to develop voluntary guidelines to alleviate the impact of televised violence.

I think that this is an area which cries out for the application of some common sense. There should be little doubt in anyone's mind that excessive exposure to violence can have harmful effects, particularly in the case of young people. A 1982 report issued by the National Institute of Mental Health, summarizing the literature in the field, states that "recent research confirms the earlier findings of a causal relationship between viewing televised violence and later aggressive behavior." Resolutions adopted by the American Psychological Association, the American Psychiatric Association, and the American Medical Association are consistent with these findings.

As a society which cares for its young people and which is rightfully alarmed by the rising tide of violent behavior in our homes and in the streets of the communities in which we live, we are compelled to take action.

As I said at our hearing on this bill last May, I think a lot of commonsense things can be done to take the worst violence off the air. I think that most shows can be done and the story line can be developed without the gruesome and abhorrent details which have become commonplace in television programming. It does not take great wisdom to perceive this and, I think, to devise workable guidelines to deal with it.

There has been reluctance by the networks and others in the television industry to take collective steps to reduce the level of violence in their programming. This has been tied to their uncertainty about potential antitrust liability should they, as competitors, meet to discuss collective action in this area. The entire purpose of H.R. 1391, accordingly, is simply to eliminate antitrust anxiety as a reason for inaction by the television industry.

Mr. Speaker, I do not see a constitutional impediment to this bill. At our hearing, Prof. Cass Sunstein, of the

University of Chicago Law School, testified that the bill is constitutional because "it is entirely not coercive. It doesn't prohibit anything, and it doesn't require anything. It regulates broadcasting, an area in which the Supreme Court has said Congress has especially expansive powers. It is directed at the protection of children, which the Supreme Court has recognized as a good reason for regulation of the broadcasting media." I am in agreement with Professor Sunstein.

We are simply allowing the networks and other people involved in programming to get together to discuss adoption of a voluntary code of conduct governing violent programming. They are, in fact, perfectly free not to do this. No one is dictating to them; there is no mandate, and there are no penalties whatsoever attached to this bill. They simply are given the opportunity as free citizens to join together to try to work this problem out in a common-sense manner which will serve us all.

Mr. EDWARDS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to point out at the beginning that my opposition to this bill has nothing to do with my high regard for the author of the bill, the gentleman from Kansas [Mr. GLICKMAN], the gentleman from California [Mr. MOORHEAD], the gentleman from Ohio [Mr. FEIGHAN], or, of course, my very distinguished chairman of the full committee, the gentleman from Texas [Mr. BROOKS]. I share their concern about programming on television, but must disagree most strongly that this is the way to carry it out. It is exactly the wrong way, Mr. Speaker, and I hope the bill is defeated.

Mr. Speaker, I rise to express my strong opposition to H.R. 1391.

H.R. 1391 manipulates the Federal antitrust laws to bring about Government censorship. The bill exempts the TV industry from the antitrust laws for the express purpose of not only having that industry alter the content of its programs, but also to alter it in the direction the Government wants. H.R. 1391 is saying what kind of programming the Government favors and the TV industry should produce. That is indirect censorship, clear and simple.

Broadcasters understand the tremendous power of Congress, particularly in areas like "must carry" legislation, funding of public broadcasting, and regulation of the industry. They know—as the proponents of H.R. 1391 and its Senate companion bill repeatedly have pointed out to them—this bill is directing them to get together and make the changes Congress wants or else something worse will happen to them. The message from "Big Brother" to TV executives is clear: "If you don't comply—watch out!"

I appreciate the sincere motivations of the Members who support this bill. All of us want a more civil society. But casting aside constitutional concerns and giving content specific antitrust exemptions to the TV industry is a truly dangerous way to get there.

It is important to note that all the networks already have their own programming standards review process, and their policies on gratuitous and excessive TV violence are in fact reasonably similar right now.

It is difficult to contemplate delegating this responsibility to an industry committee composed of all the major networks, hundreds of independent TV stations, the numerous cable broadcasters, and others. I can't help but wonder what the one workable definition of violence is that will satisfy all of those interested in this issue.

The proper place for TV programming content to be decided is in our homes and our communities. Anyone can pick up the phone or the pen and complain to advertisers or broadcasters. We know they respond. The well-known success of Mrs. Rakolta's protest regarding the "Married . . . With Children" show is just one case in point. The American people can directly control the programming without the interference of the Government, and that is how it should be.

Lastly, Mr. Speaker, let me point out that all nations have problems with freedom of speech. Governments—even ours—at times are anxious to censor or direct our speech. Our country is undoubtedly the best, but it is a precarious, fragile freedom we enjoy and it must be guarded diligently.

Mr. Speaker, I am joined in my opposition to this bill by all of the majority members of the Subcommittee on Civil and Constitutional Rights. We see in the legislation serious first amendment objections relating to freedom of speech and expression. I urge our colleagues to vote against H.R. 1391.

□ 1520

Mr. Speaker, I reserve the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas [Mr. GLICKMAN], one of the authors of this bill.

Mr. GLICKMAN. Mr. Speaker, the Television Violence Act of 1989 creates a narrow 3-year exemption from the antitrust laws so that members of the television industry would be permitted to discuss and develop voluntary guidelines to alleviate the negative impact of violence on television. This bill is supported by the American Academy of Pediatrics, the National Parent-Teacher Association, the American Psychological Association, and the Justice Department. This bill is

constitutional, not coercive, and badly needed.

There is no censorship in this bill. It was supported by Members as diverse as the gentleman from Massachusetts [Mr. FRANK], the gentleman from Connecticut [Mr. MORRISON], the gentleman from Texas [Mr. BRYANT], and the gentleman from Florida [Mr. SMITH], as well as the gentleman from New York [Mr. FISH], the gentleman from Illinois [Mr. HYDE], the gentleman from Wisconsin [Mr. SENSENBRENNER], and the gentleman from California [Mr. MOORHEAD]. It reflects the general feeling that something needs to be done about violence on television.

As the father of two children, I am very concerned by the fact that young people are increasingly becoming involved in violent crime. Those of us who are parents, teachers, and legislators must look for the root causes of this blight and seek solutions. There is significant empirical evidence that television violence encourages aggressive behavior in children, deadens their sensitivity to the existence and consequences of violence in the real world, and fosters a belief that violence is an acceptable way to resolve conflict. We may be witnessing the grim effects of this in the incidents of "wilding" in New York, gang rape in a New Jersey suburb, and nightly gun battles over the crack trade in Washington, DC. We even keep a running count of the 14-, 15-, and 16-year olds brutally murdered by kids their own age.

Most scientists accept that there is a link between television violence and behavior. The American Academy of Pediatrics estimates that children spend approximately 25 hours per week watching television. Violent acts occur about 20 times an hour on children's programming and about 8-10 times per hour on prime time television. Conservatively, children are exposed to over 12,000 violent acts per year. Just as commercials influence our buying decisions, this constant exposure to violence takes its toll on the developing mind of a child.

At the same time, children are spending less time with parents who might be able to monitor their television viewing. In the 1980's, the television has taken on the role of babysitter for children whose parents both must work to make ends meet. For this reason, I believe the television industry needs to accept a degree of responsibility for the effect their programming is having on our Nation's children.

In the face of this evidence, members of the television industry claim that the antitrust laws prohibit their meeting to discuss the issue or to develop and implement voluntary programming guidelines. This legislation lifts that bar without compelling specific action. There is no requirement

that the industry meet, discuss, or implement guidelines. I want to make it very clear to my colleagues that there is no threat, express or implied, of further action by Congress in the event that the opportunity presented by the Television Violence Act produces nothing. Constitutional experts who testified before the House Judiciary Committee stated that this bill does not run afoul of the first amendment because it is not coercive and does not regulate speech.

Some have criticized this bill and have advocated instead public pressure as a better means to reduce television violence. These critics fail to recognize that only with the aid of this legislation can members of the industry address this issue together. At best, this bill creates an opportunity to alleviate the negative impact of television violence on children. At worst, nothing at all will result. Seldom do Members of Congress have the choice to support such a positive measure.

Mr. EDWARDS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, the goal of this legislation is very worthwhile, and the logic by which it seeks to achieve its goal is very seductive. Evidence of this seductive nature of this legislation is the fact that I am a co-sponsor of it. On further thought and after much discussion, I have concluded that it is a mistake.

Heaven knows the effort to try and reduce the level and intensity and incidence of violence in our society has to be supported by all concerned Americans. The question of the link between what happens on television and what goes on in our society is a tenuous one at best. There are studies to show there is a relationship. There are studies to show that there is no relationship. The notion that the wildings in New York, the crime rate in the District of Columbia, and that all other bad things that have befallen us and that have grown with such an alarming trend in our society are a direct or even partial result of programming on nightly television, I think, on a scientific basis is dubious at best.

My major concern is not focused with the science of this particular relationship. If there is a chance that it would work and it was otherwise an acceptable approach constitutionally and in terms of our historic way we treat television and these kinds of ideas in our society, I would say let us go ahead and take that chance. The problem is that while on its surface this bill does not seek to impose a level of censorship, through indirection it leads and it provides a Government patina of control of that television that I do not think is good public policy.

It reminds me somewhat of the situation that occurred in a totally different area when the Supreme Court considered the issue of restrictive covenants in *Shelley versus Kramer*. The parties made a private contract to not sell their houses to members of certain minority groups, racial or religious, no State action, and many people said, therefore, no unconstitutional conduct. But in providing judicial enforcement of those restrictive covenants, the Supreme Court wisely concluded that judicial enforcement was a form of State action and thereby struck down the restrictive covenants that were underlying this particular approach.

Here there is much the same approach. Obviously not only is there nothing wrong, but we want people who are involved in programming to make decisions on the violence they show that balances the public interest and public concerns and the possibility of the relationship of the violence shown on television to the monetary financial gain they are going to get from showing that kind of programming. But when we, as a Congress, come forward and waive our antitrust laws to provide for parties to get together to collaborate, to approach on a common basis, this kind of effort in a fashion that might otherwise violate our antitrust laws, then I think we enter a new dimension, a form of indirect government support for this concept of censorship. I think that is a mistake.

The gentleman from California [Mr. EDWARDS] has spoken eloquently about all the different ways we as individuals here in this body, people in our communities, have of pressuring our programmers to try and elevate the quality of television programming and reduce the level of violence.

□ 1530

It is another thing when we come forward as a body to legislate in this particular area, and I think for that particular reason, and for the reason that the question of violence is not defined and leaves it to the imagination, is programming on the Holocaust, on the violence in the civil rights movement and during those early years in the South or in a variety of other areas, is that the kind of violence to be shunned? We do not try to get into, and I think wisely, that question in this legislation, but it raises additional questions of concern I think about this bill, and on balance, for those reasons, I am going to reluctantly vote no.

Mr. BROOKS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Ohio [Mr. FEIGHAN], the author of this bill.

Mr. FEIGHAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am pleased to join Chairman Brooks and Congressman Glickman in bringing this important legislation to the floor for a vote. The Television Violence Act has already passed in the other Chamber, guided by the distinguished Senator from Illinois [Mr. SIMON]. I am hopeful that today we too can pass this legislation and send it to the President for his signature.

In recent years we have witnessed a dramatic increase in the level of violence on television. This trend, combined with the ever-increasing number of hours of television that the average child watches per week, has led to some very disturbing results.

Numerous studies have shown that children who watch violence on television become desensitized to it. They become less sympathetic to its victims. They come to view violence as an effective and appropriate method for dealing with conflict. And these children have a greater sense of fear and anxiety. Television often displays violence in a glamorous light: It does not show the hours of pain, suffering, medical care, and rehabilitation that result.

We in Congress have the ability and the responsibility to address this problem. The Television Violence Act is an important first step in the process of dramatically reducing the level of violence in our society. And it is an easy step. The bill temporarily removes any antitrust barriers that hinder the television industry from acting jointly to develop standards as to appropriate levels of violence for various audiences. While the Supreme Court has given us leeway in regulating children's television, our bill stops far short of regulation and is thus well within first amendment parameters. It is completely voluntary and specifically exempts boycott activity from its protections.

Congressman GLICKMAN and I have worked for several years on this issue. Chairman Brooks early in his tenure as chairman of the House Judiciary Committee, joined us in our work and guided this legislation to the floor. This legislation is cosponsored by eight Judiciary Committee members and was reported out of committee favorably by a vote of 26 to 8. It has the support of the National P.T.A., the American Academy of Pediatrics, the American Psychological Association, and the Association of Independent Television Stations [INTV]. I urge my colleagues to join me and take away the barriers that currently prevent the networks from cooperating in the development of a reasonable policy on levels of violence on television. This is one small step we can make in the tremendous task of making this a safer, less-violent world for our children.

Mr. EDWARDS of California. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from California [Mr. EDWARDS] has 10 minutes remaining, and the gentleman from Texas [Mr. BROOKS] has 8 minutes remaining.

Mr. EDWARDS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill utilizes and manipulates the antitrust laws of the United States for this pressure on the TV producers to change their content of their programs. I really do not think that we had in mind or Congress had in mind that sort of purpose for the antitrust laws.

In my experience, I have never seen an exemption to the antitrust laws that worked for the benefit of the American people. I could point to several. The insurance exemption and the bottlers' exemption and others resulted only in monopolies and more difficulty for the general public.

The hearing record, both in the House and in the other body, Mr. Speaker, indicated that there is a threat to the TV producers that in effect Congress does not like some of your programming, and we want you to sit down and clean it up, and unless you do, to our satisfaction, then Congress will certainly take steps to make you do it. That is very clear in the hearing record in at least three instances.

Lastly, Mr. Speaker, I point to the editorial in the Washington Post that came out very strongly on June 19 of this year in opposition to the bill. The Post editorial points out that it just will not work. It says suppose the House decides to tell the networks to reach a voluntary agreement about limiting the coverage of violence in China. Now this is about as violent as you can get, or as my colleague from California pointed out, the violence in the Holocaust. Is that the kind of violence that we want to limit? It is wide open as to the kind of violence that can be agreed upon to be out of bounds by the broadcasters.

The New York Times on July 24, just last month, advised strongly that the legislation not be enacted. The New York Times points out that the television industry is part of the American marketplace and can be made to respond to market pressures, and that is the way this should be handled, by market pressures, not by a fiat from Congress and threats from Congress.

Also I have a very persuasive letter today from the People for the American Way, and another letter from the American Civil Liberties Union asking that this bill not be enacted.

Mr. Speaker, I include those letters for the RECORD as well.

The letters referred to follow:

PEOPLE FOR THE AMERICAN WAY,

Washington, DC, July 28, 1989.

DEAR REPRESENTATIVE: On Monday, July 31, the House is expected to consider under suspension H.R. 1391, the "Television Violence Act of 1989," which exempts the television industry from the antitrust laws for the express purpose of joint industry action to reduce violence on television. While we recognize that the legislation is well meaning in its attempt to deal with genuine concerns about excessive television violence, we nevertheless urge you to oppose H.R. 1391. The bill raises serious constitutional problems by sanctioning indirect government censorship of television programming.

Despite the assurances of the sponsors that this bill does not endorse a government prescription for altering the content of television programming, the intent of H.R. 1391 is clear. The television industry is directed by the federal government to take action to limit televised violence. Moreover, the organized proponents of TV censorship are certain to seize this legislation to further their own objectives and bring additional pressure on the television industry. This is an issue that should be addressed by the television industry and the public, not by Congress through the antitrust laws.

We urge you to oppose H.R. 1391. It sets a dangerous precedent.

Sincerely,

JOHN H. BUCHANAN, JR.,
Chairman.

AMERICAN CIVIL LIBERTIES UNION,

Washington, DC, July 28, 1989.

DEAR REPRESENTATIVE: On Monday, July 31, the House will consider on the suspension calendar H.R. 1391, a bill to grant an antitrust exemption to the television industry so that it can meet to discuss ways of reducing the negative effects of violence on television. For the past two Congresses the ACLU has lobbied strenuously against this bill, and we continue to believe that content-based exemptions to antitrust laws affecting the communications industry violate the First Amendment.

In our view, Congress should not use the device of an antitrust exemption to "signal" its view of the appropriateness of current television programming. However, the hearing record of three Congresses demonstrates that supporters of this legislation have specific objections to television programming, objections they certainly want the television industry to take into account during the meetings authorized by this bill. Although we understand that the bill does not, on its face, require the industry to meet to alter program content, we believe that the unmistakable intent and effect of passage of H.R. 1391 will be an alteration of programming along specific lines initiated by Congress. The television industry, quite heavily regulated, now may feel compelled to act to avoid other legislative retribution. This is the kind of "informal censorship" brought about by the communication of disapproval by a government body condemned by courts in such cases as *Bantam Books v. Sullivan* 372 U.S. 58 (1963) and *Playboy Enterprises v. Meese* 639 F. Supp. 581 (D.D.C. 1986).

The Senate has already passed its companion bill, but only after amending it to authorize meetings to eliminate the "negative impact" of television portrayals of "illegal drug use" and "sexually explicit material." There is no guarantee that the Senate will not prevail in this position should the bill get to a Conference Committee. Regardless of that outcome, the precedent set even

by a "violence" anti-trust exemption is likely to be used in the future for further "signalling," perhaps urging the television industry to make other content changes, such as to "eliminate positive views toward abortion" or "reduce coverage of the Sandinistas." Frankly, this is a dangerous road down which Congress should not proceed. We urge you to vote against H.R. 1391.

Sincerely,

MORTON H. HALPERIN,
Director.

BARRY W. LYNN,
Legislative Counsel.

Mr. SLATTERY. Mr. Speaker, I rise in support of H.R. 1391, the Television Violence Act of 1989. I am one of the sponsors of this legislation, in part because I am the father of two pre-teenage boys. I want to take this opportunity to commend the authors of this measure, my colleague from Kansas, Representative DAN GLICKMAN, and Representative ED FEIGHAN of Ohio. I share their deep and sincere concern over the influence that viewing of violent television can have upon impressionable youngsters.

This legislation would create an antitrust law exemption that would allow broadcasters to develop voluntary guidelines for restricting violence on television. Most scientists studying this field agree that there is a causal relationship between televised violence and later aggressive behavior in children. There is no question that television violence is pervasive; constant exposure to graphic violence desensitizes adults and children to the horrifying effects of violence in the real world and suggests that violence is an acceptable means of conflict resolution. We are seeing the sad results of this influence on a daily basis on streets and in homes across America.

I believe that H.R. 1391 is a workable first step to reducing the level of carnage and mayhem on commercial television today and I hope that responsible broadcast executives and television programmers will welcome this opportunity to rid the public airwaves of some of the senseless violence that passes for entertainment in our society.

Mr. BROOKS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. EDWARDS of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. Brooks] that the House suspend the rules and pass the bill, H.R. 1391, as amended.

The question was taken.

Mr. EDWARDS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

CHILD NUTRITION AND WIC AMENDMENTS OF 1989

Mr. HAWKINS. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 24) to amend the Child Nutrition Act of 1966 and the National School Lunch Act to extend certain authorities contained in such acts through the fiscal year 1995, as amended.

The Clerk read as follows:

H.R. 24

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Nutrition and WIC Amendments of 1989".

TITLE I—PROGRAMS UNDER THE NATIONAL SCHOOL LUNCH ACT AND THE CHILD NUTRITION ACT OF 1966

PART A—PROGRAMS UNDER THE NATIONAL SCHOOL LUNCH ACT

SEC. 101. TYPES OF MILK TO BE INCLUDED IN SCHOOL LUNCHES.

(a) **ELIMINATION OF DUPLICATE PROVISIONS.**—Section 9(a) of the National School Lunch Act (42 U.S.C. 1758(a)), as similarly amended first by section 322 of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-500 (100 Stat. 1783-361), later by section 322 of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-591 (100 Stat. 3341-364), and later by section 4202 of the Child Nutrition Amendments of 1986, as contained in the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661), is amended to read as if only the latest amendment was enacted.

(b) **GENERAL AUTHORITY.**—Paragraph (2) of section 9(a) of the National School Lunch Act (as amended by subsection (a) of this section) (42 U.S.C. 1758(a)) is amended to read as follows:

"(2) Lunches served by schools participating in the school lunch program under this Act shall offer students fluid whole milk and fluid unflavored lowfat milk."

SEC. 102. EXTENSION OF SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

Section 13 of the National School Lunch Act (42 U.S.C. 1761) is amended—

(1) in subsection (a)—

(A) by amending subparagraph (C) of paragraph (3) to read as follows:

"(C)(i) conduct a regularly scheduled food service for children from areas in which poor economic conditions exist;

"(ii) conduct a regularly scheduled food service primarily for homeless children; or

"(iii) qualify as camps; and";

(B) in paragraph (4)—

(i) by striking "and" at the end of subparagraph (D);

(ii) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(iii) by inserting after subparagraph (E) the following new subparagraph:

"(F) private nonprofit organizations eligible under paragraph (7)."; and

(C) in paragraph (7)—

(i) by amending subparagraph (A) to read as follows:

"(A) Private nonprofit organizations, as defined in subparagraph (B) (other than organizations already eligible under subsection (a)(1)), shall be eligible for the program under this section under the same terms and conditions as other service institutions.";

(ii) in subparagraph (B), by amending clause (i) to read as follows:

"(i)(I) serve a total of not more than 2,500 children per day at not more than 5 sites in

any urban area, with not more than 300 children being served at any 1 site (or, with a waiver granted by the State under standards developed by the Secretary, not more than 500 children being served at any 1 site); or

"(II) serve a total of not more than 2,500 children per day at not more than 15 sites in any rural area, with not more than 300 children being served at any 1 site (or, with a waiver granted by the State under standards developed by the Secretary, not more than 500 children being served at any 1 site).";

(2) in the first sentence of subsection (1)(1), by inserting "(other than private nonprofit organizations eligible under subsection (a)(7))" after "Service institutions"; and

(3) in subsection (p), by striking "For" and all that follows through "1989," and inserting "For the fiscal year beginning October 1, 1977, and each succeeding fiscal year ending before October 1, 1995,".

SEC. 103. EXTENSION OF COMMODITY DISTRIBUTION PROGRAM.

(a) **GENERAL AUTHORITY.**—Subsection (a) of section 14 of the National School Lunch Act (42 U.S.C. 1762a) is amended by striking "1989" and inserting "1995".

(b) **ELIMINATION OF DUPLICATE PROVISIONS.**—

(1) **IN GENERAL.**—Section 14(g) of the National School Lunch Act (42 U.S.C. 1762a(g)), as similarly added first by section 363 of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-500 (100 Stat. 1783-368), later by section 363 of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-591 (100 Stat. 3341-371), and later by section 4403 of the Child Nutrition Amendments of 1986, as contained in the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661), and as then amended by section 2 of Public Law 100-356, is amended to read as if only the amendment made by section 4403 of the Child Nutrition Amendments of 1986, as contained in the National Defense Authorization Act for Fiscal Year 1987, was enacted.

(2) **COMPUTATION OF CASH COMPENSATION TO DISTRICTS UNDER PUBLIC LAW 100-356.**—(A) Paragraph (3) of section 14(g) of the National School Lunch Act (as amended by paragraph (1) of this subsection) (42 U.S.C. 1762a(g)) is amended—

(i) by adding at the end of subparagraph (A) the following new sentences: "The Secretary, in computing losses sustained by any school district under the preceding sentence, shall base such computation on the actual amount of assistance received by such school district under this Act for the school year ending June 30, 1982, including—

"(i) the value of assistance in the form of commodities provided in addition to those provided pursuant to section 6(e) of this Act; and

"(ii) the value of assistance provided in the form of either cash or commodity letters of credit.

The Secretary may provide cash compensation under this subparagraph only to eligible school districts that submit applications for such compensation not later than May 1, 1988. The Secretary shall complete action on any claim submitted under this subparagraph not later than 45 days after the date of the enactment of this sentence."; and

(ii) in subparagraph (B), by striking "\$50,000" and inserting "such sums as may be necessary".

(B) The amendments made by subparagraph (A) shall take effect as if such amendments had been effective on June 28, 1988.

(c) COMPUTATION OF CASH COMPENSATION TO DISTRICTS.—The matter following clause (ii) of section 14(g)(3)(A) of the National School Lunch Act (as amended by subsection (b) of this section (42 U.S.C. 1762a(g)(3)(A))) is amended to read as follows:

"The Secretary may provide cash compensation under this subparagraph only to eligible school districts that submit applications for such compensation not later than 1 year after the date of the enactment of the Child Nutrition and WIC Amendments of 1989. The Secretary shall complete action on any claim submitted under this subparagraph not later than the expiration of the 45-day period beginning on the date that such claim is received."

SEC. 104. REPEAL OF NATIONAL ADVISORY COUNCIL.

Section 15 of the National School Lunch Act (42 U.S.C. 1763) is repealed.

SEC. 105. CHILD CARE FOOD PROGRAM.

(a) AMENDMENT TO HEADING.—The heading for section 17 of the National School Lunch Act (42 U.S.C. 1766) is amended to read as follows:

"DEPENDENT CARE FOOD PROGRAM".

(b) OTHER AMENDMENTS.—Section 17 of the National School Lunch Act (42 U.S.C. 1766) is amended—

(1) in subparagraph (C) of subsection (a)(2), by inserting before the period the following: "which shall only require monitoring of such a program not less than 3 times each year in the case of any program that provides care to school children outside of school hours and that—

"(i) is operated by a school; or

"(ii) is operated by a private nonprofit organization only during the school year and is reimbursed only for meal supplements, breakfasts, or both";

(2) in subparagraph (C) of subsection (f)(3)—

(A) in the first sentence, by inserting before the period the following: "and expansion funds to finance the administrative expenses for such institutions to expand into low-income or rural areas";

(B) in the second sentence, by inserting "and expansion funds" after "start-up funds";

(C) in the third sentence, by inserting "and expansion funds" after "Start-up funds";

(D) in the fourth sentence, by inserting "and expansion funds" after "start-up funds";

(E) in the fifth sentence, by inserting "and expansion funds" after "start-up funds"; and

(F) by inserting after the first sentence the following new sentence: "Institutions that have received start-up funds may also apply at a later date for expansion funds."; and

(3) in subsection (p)—

(A) by adding at the end of paragraph (1) the following: "Lunches served by each such institution for which reimbursement is claimed under this section shall provide, on the average, approximately 1/2 of the daily recommended dietary allowance established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences. Such institutions shall make reasonable efforts to serve meals

that meet the special dietary requirements of participants, including efforts to serve foods in forms palatable to participants."; and

(B) by adding at the end the following new paragraph:

"(6) The Governor of any State may designate to administer the program under this subsection a State agency other than the agency that administers the child care food program under this section."

SEC. 106. MEAL SUPPLEMENTS FOR CHILDREN IN AFTERSCHOOL CARE.

The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by inserting after section 17 the following new section:

"SEC. 17A. MEAL SUPPLEMENTS FOR CHILDREN IN AFTERSCHOOL CARE.

"(a) GENERAL AUTHORITY.—(1) The Secretary shall carry out a program to assist States through grants-in-aid and other means to provide meal supplements to children in afterschool care in eligible elementary and secondary schools.

"(2) For the purposes of this section, the term 'eligible elementary and secondary schools' means schools that—

"(A) operate school lunch programs under this Act;

"(B) sponsor afterschool care programs; and

"(C) are participating in the child care food program under section 17 on May 15, 1989.

"(b) ELIGIBLE CHILDREN.—Reimbursement may be provided under this section only for supplements served to children—

"(1) who are not more than 12 years of age; or

"(2) in the case of children of migrant workers or children with handicaps, who are not more than 15 years of age.

"(c) REIMBURSEMENT.—(1) For purposes of this section, the national average payment rate (as adjusted pursuant to section 11(a)(3))—

"(A) for free supplements shall be 40.25 cents;

"(B) for reduced price supplements shall be 1/2 the rate for free supplements; and

"(C) for paid supplements shall be 3.75 cents.

"(2) Determinations with regard to eligibility for free and reduced price supplements shall be made in accordance with the income eligibility guidelines for free lunches and reduced price lunches, respectively, under section 9.

"(d) CONTENTS OF SUPPLEMENTS.—The requirements that apply to the content of meal supplements served under child care food programs operated with assistance under this Act shall apply to the content of meal supplements served under programs operated with assistance under this section."

SEC. 107. RECEIPT OF CASH PAYMENTS OR COMMODITY LETTERS OF CREDIT UNDER THE SCHOOL LUNCH PROGRAM.

Paragraph (1) of section 18(e) of the National School Lunch Act (42 U.S.C. 1769(e)) is amended—

(1) by striking "for the duration beginning July 1, 1987, and ending December 31, 1990" and inserting "beginning July 1, 1987, and ending September 30, 1992"; and

(2) by adding at the end the following new sentence: "The Secretary, directly or through contract, shall administer the project under this subsection."

SEC. 108. FORM SIMPLIFICATION.

Section 19 of the National School Lunch Act (42 U.S.C. 1769a) is amended—

(1) by amending the section heading to read as follows:

"REDUCTION OF PAPERWORK; FORM SIMPLIFICATION";

(2) by inserting "(a)" after the section designation; and

(3) by adding at the end the following new subsection:

"(b) The Secretary shall—

"(1) review the model application forms for programs under this Act and programs under the Child Nutrition Act of 1966; and

"(2) simplify the format and instructions for the forms so that the forms are easily understood by individuals who must complete them."

SEC. 109. TRAINING AND TECHNICAL ASSISTANCE.

The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by adding at the end the following new section:

"SEC. 21. TRAINING AND TECHNICAL ASSISTANCE.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to conduct training activities and to provide technical assistance to improve the skills of individuals employed in school food service programs carried out with assistance under this Act.

"(b) MINIMUM REQUIREMENTS.—The regional offices of the Department of Agriculture shall conduct training activities and technical assistance under this section in coordination with activities authorized under section 22. Such activities and assistance shall, at a minimum, include activities and assistance with respect to—

"(1) menu planning;

"(2) efficient use of physical resources;

"(3) financial management;

"(4) efficient use of computers;

"(5) procurement;

"(6) implementation of regulations and appropriate guidelines;

"(7) sanitation;

"(8) safety; and

"(9) compliance and accountability.

"(c) COORDINATION WITH ACTIVITIES OF FOOD SERVICE MANAGEMENT INSTITUTE.—The Secretary shall coordinate activities carried out under this section with activities carried out by any food service management institute established as authorized by section 22.

"(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts made available under section 7(a)(5)(B) of the Child Nutrition Act of 1966, there are authorized to be appropriated for purposes of carrying out this section \$3,000,000 for the fiscal year 1990 and such sums as may be necessary for each of the fiscal years 1991, 1992, 1993, 1994, and 1995."

SEC. 110. FOOD SERVICE MANAGEMENT INSTITUTE.

The National School Lunch Act (as amended by section 109 of this Act) (42 U.S.C. 1751 et seq.) is amended by adding at the end the following new section:

"SEC. 22. FOOD SERVICE MANAGEMENT INSTITUTE.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to establish and maintain a school food service management institute to—

"(1) conduct research necessary to assist schools in providing high quality, nutritious, cost-effective meal service to the children attending such schools;

"(2) provide training and technical assistance under section 21(b) through the establishment of a national network of trained professionals to present training programs and workshops for school food service personnel utilizing training materials developed by the institute;

"(3) act as a clearinghouse for research, studies, and findings related to all aspects of the operation of school food service programs, including activities carried out with assistance provided under section 19 of the Child Nutrition Act of 1966.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 1990, 1991, 1992, 1993, 1994, and 1995 for purposes of carrying out this section the lesser of—

"(1) an amount equal to—

"(A) $\frac{1}{10}$ of 1 cent, multiplied by

"(B) the number of meals served by schools participating in the school lunch program under this Act in the fiscal year preceding the fiscal year concerned; and

"(2) \$4,000,000."

SEC. 111. COMPLIANCE AND ACCOUNTABILITY.

The National School Lunch Act (as amended by sections 109 and 110 of this Act) (42 U.S.C. 1751 et seq.) is amended by adding at the end the following new section:

"SEC. 23. COMPLIANCE AND ACCOUNTABILITY.

"(a) UNIFIED ACCOUNTABILITY SYSTEM.—There shall be a unified system prescribed and administered by the Secretary for ensuring that local food service authorities that participate in the school lunch program under this Act comply with the provisions of this Act.

"(b) FUNCTIONS OF SYSTEM.—(1) Under the system described in subsection (a), each State educational agency shall—

"(A) require that local food service authorities comply with the provisions of this Act; and

"(B) ensure such compliance through reasonable audits and supervisory assistance reviews.

"(2) Each State educational agency shall coordinate the compliance and accountability activities described in paragraph (1) in a manner that minimizes the imposition of additional duties on local food service authorities.

"(c) ROLE OF SECRETARY.—In carrying out this section, the Secretary shall—

"(1) assist the State educational agency in the monitoring of programs conducted by local food service authorities; and

"(2) through management evaluations, review the compliance of the State educational agency with regulations issued under this Act.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for purposes of carrying out the compliance and accountability activities referred to in subsection (c) \$3,000,000 for each of the fiscal years 1990, 1991, 1992, 1993, 1994, and 1995."

SEC. 112. INFORMATION ON INCOME ELIGIBILITY.

The National School Lunch Act (as amended by sections 109, 110, and 111 of this Act) (42 U.S.C. 1751 et seq.) is amended by adding at the end the following new section:

"SEC. 24. INFORMATION ON INCOME ELIGIBILITY.

"(a) INFORMATION TO BE PROVIDED.—The Secretary shall provide to each State, State agency, local agency, and other entity participating in any program under this Act or the Child Nutrition Act of 1966—

"(1) information concerning what types of income are counted in determining the eligibility of children to receive free or reduced price meals under the program in which such State, State agency, local agency, or other entity is participating, particularly with respect to how net self-employment income is determined for family day care providers participating in the child care food program; and

"(2) information concerning the consideration of applications for free or reduced price meals from households in which the head of the household is less than 21 years old.

"(b) TIME FOR PROVISION OF INFORMATION.—The Secretary shall provide the information required by subsection (a) before the expiration of the 60-day period beginning on the date of the enactment of the Child Nutrition and WIC Amendments of 1989 and shall as necessary provide revisions of such information."

SEC. 113. DIETARY GUIDANCE FOR CHILD NUTRITION PROGRAMS.

The National School Lunch Act (as amended by sections 109, 110, 111, and 112 of this Act) (42 U.S.C. 1751 et seq.) is amended by adding at the end the following new section:

"SEC. 25. DIETARY GUIDANCE FOR CHILD NUTRITION PROGRAMS.

"(a) DIETARY GUIDANCE PUBLICATION.—(1) The Secretary of Agriculture and the Secretary of Health and Human Services, in consultation with the Surgeon General of the United States, shall jointly develop and approve a publication to be entitled 'Dietary Guidance for Child Nutrition Programs' (hereafter in this section referred to as the 'publication'). The Secretary shall develop the publication as required by the preceding sentence before the expiration of the 1-year period beginning on the date of the enactment of the Child Nutrition and WIC Amendments of 1989.

"(2) Before the expiration of the 6-month period beginning on the date that the development of the publication is completed, the Secretary shall distribute the publication to school food service authorities and other institutions and organizations participating in programs under this Act and the Child Nutrition Act of 1966.

"(b) REVISION OF MENU PLANNING GUIDES.—The Secretary shall revise the menu planning guides for programs assisted under this Act and programs assisted under the Child Nutrition Act of 1966 to include recommendations and rationales on implementation of dietary guidance described in the publication.

"(c) APPLICATION OF DIETARY GUIDANCE TO MEAL PROGRAMS.—In carrying out the school lunch program under this Act, the school breakfast program under the Child Nutrition Act of 1966, school food authorities and other organizations and institutions participating in such programs shall apply the dietary guidance described in the publication when preparing meals and meal supplements served under such programs.

"(d) REVISION OF PUBLICATION.—The Secretary and the Secretary of Health and Human Services may jointly update and approve the publication developed under subsection (a) as warranted by scientific evidence."

PART B—PROGRAMS UNDER THE CHILD NUTRITION ACT OF 1966

SEC. 121. GRANTS FOR INITIATION OF SCHOOL BREAKFAST PROGRAMS.

Section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) is amended—

(1) in subsection (a), by inserting after the first sentence the following new sentence: "Such sums shall include \$4,000,000 for the fiscal year 1990 and \$5,000,000 for each succeeding fiscal year for purposes of making payments to State educational agencies, in addition to other payments apportioned in accordance with subsection (b), to assist in the initiation of breakfast programs in schools attended by children a significant

percentage of whom are members of low-income families."; and

(2) in subsection (b)—

(A) by redesignating paragraphs (3), (4), and (5), as paragraphs (4), (5), and (6), respectively;

(B) by inserting after paragraph (2) the following new paragraph:

"(3)(A) The Secretary shall make additional payments to each State educational agency to assist in the initiation of breakfast programs in schools attended by children a significant percentage of whom are members of low-income families.

"(B)(i) The Secretary shall prescribe a formula for the determination of the amounts of payments described in subparagraph (A) that shall consider the need of each State for expansion of the breakfast program under this section and such other factors as the Secretary considers appropriate.

"(ii) The Secretary shall act in a timely manner to recover and reallocate to other States any amounts provided to a State educational agency under this paragraph that are not used by such agency within a reasonable period.

"(C) Any school that receives assistance under this paragraph may use such assistance only for purposes of nonrecurring expenses incurred in initiating a breakfast program under this section.

"(D) Each State educational agency shall—

"(i) give preference for assistance under this paragraph to schools that demonstrate the greatest need for a breakfast program; and

"(ii) ensure that each school that receives assistance under this paragraph will operate the breakfast program established with such assistance for a period of not less than 3 years beginning on the date that such assistance is received."; and

(C) in paragraph (6) (as redesignated by subparagraph (A) of this paragraph)—

(i) by inserting "initiation and" before "maintenance"; and

(ii) by inserting after "a result of" the following: "start-up funds received under paragraph (3) or".

SEC. 122. STATE ADMINISTRATIVE EXPENSES.

Section 7 of the Child Nutrition Act of 1966 (42 U.S.C. 1776) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(B) by inserting after paragraph (4) the following new paragraph:

"(5)(A) Not more than 25 percent of the amounts made available to each State under this section for the fiscal year 1991 and 15 percent of the amounts made available to each State under this section for the fiscal year 1992 and for each succeeding fiscal year may remain available for obligation or expenditure in the fiscal year succeeding the fiscal year for which such amounts were appropriated.

"(B) Any amounts appropriated for any fiscal year that are not obligated or expended during such fiscal year and are not carried over for the succeeding fiscal year under subparagraph (A) shall be returned to the Secretary for use in accordance with section 21 of the National School Lunch Act for purposes of carrying out technical assistance and training of food service personnel."; and

(2) in subsection (h), by striking "For" and all that follows through "1989," and inserting "For the fiscal year beginning October

1, 1977, and each succeeding fiscal year ending before October 1, 1995."

SEC. 123. ADDITIONAL ACTIVITIES AND REQUIREMENTS WITH RESPECT TO SPECIAL SUPPLEMENTAL FOOD PROGRAM.

(a) **IN GENERAL.**—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

"(17) 'Competitive bidding' means a procurement process under which the State agency selects the single source offering the lowest price, as determined by the submission of sealed bids, for the product for which bids are sought."

(2) in subsection (d), by amending paragraph (2) to read as follows:

"(2)(A) Any individual at nutritional risk shall be eligible for the program under this section only if such individual—

"(i) is a member of a family with an income that is less than the maximum income limit prescribed for free and reduced price meals under section 9(b) of the National School Lunch Act;

"(ii) receives food stamps or is a member of a family that receives assistance under the program for aid to families with dependent children under part A of title IV of the Social Security Act; or

"(iii) receives benefits under the medicaid program or is a member of a family in which a pregnant woman or an infant receives benefits under the medicaid program.

"(B) For the purpose of determining income eligibility under this section, basic allowance for quarters received by military service personnel residing off military installations shall not be counted as income."

(3) by adding at the end of subsection (e) the following new paragraphs:

"(3) The State agency—

"(A) shall ensure that written information concerning food stamps and the program for aid to families with dependent children under part A of title IV of the Social Security Act is provided to all adult participants in and applicants for the program;

"(B) shall provide each local agency with materials showing the maximum income limits, according to family size, applicable to pregnant women, infants, and children up to age 5 under the medicaid program; and

"(C) shall provide individuals applying for the program under this section, or reapplying at the end of their certification period, with information about the medicaid program and referral to such program or to agencies authorized to determine presumptive eligibility for such program, if such individuals are not participating in such program and appear to have family income below the applicable maximum income limits for such program.

"(4) The State agency shall ensure that each local agency shall maintain and make available for distribution a list of local resources for substance abuse counseling and treatment."

(4) in subsection (f)—

(A) in subparagraph (C) of paragraph (1)—

(i) in clause (iii), by inserting "and treatment" after "alcohol and drug abuse counseling";

(ii) by redesignating clauses (viii) and (ix) as clauses (x) and (xi), respectively; and

(iii) by inserting after clause (vii) the following new clauses:

"(viii) a plan to provide program benefits under this section to unserved infants and children under the care of foster parents, protective services, or child welfare authori-

ties, including infants exposed to drugs perinatally;

"(ix) if the State agency chooses to provide program benefits under this section to some or all eligible individuals who are incarcerated in prisons or juvenile detention facilities, a plan for the provision of such benefits to, and to meet the special nutrition education needs of, such individuals, which may include—

"(I) providing supplemental foods to such individuals that are different from those provided to other participants in the program under this section;

"(II) providing such foods to such individuals in a different manner than to other participants in the program under this section in order to meet the special needs of such individuals; and

"(III) the development of nutrition education materials appropriate for the special needs of such individuals;"

(B) by adding at the end of paragraph (8) the following new subparagraph:

"(D) Each local agency operating the program within a hospital and each local agency operating the program that has a cooperative arrangement with a hospital shall—

"(i) advise potentially eligible individuals that receive inpatient or outpatient prenatal, maternity, or postpartum services, or accompany a child under the age of 5 who receives well-child services of the availability of program benefits; and

"(ii) upon a determination that any such individual meets the requirements for participation in the program, certify such individual for such participation."

(C) in paragraph (9)—

(i) by inserting "(A)" after "(9)"; and

(ii) by adding at the end the following new subparagraph:

"(B) Any State agency that must suspend or terminate benefits to any participant during the participant's certification period due to a shortage of funds for the program shall first issue a notice to such participant. Such notice shall include, in addition to other information required by the Secretary, the categories of participants whose benefits are being suspended or terminated due to such shortage."

(D) in paragraph (17), by inserting before the period the following: "and to accommodate the special needs and problems of individuals who are incarcerated in prisons or juvenile detention facilities"; and

(E) by adding at the end the following new paragraphs:

"(18)(A) Except as provided in subparagraph (B), a State agency may implement income eligibility guidelines under this section at the time the State implements income eligibility guidelines under the medicaid program.

"(B) Income eligibility guidelines under this section shall be implemented not later than July 1 of each year.

"(19) Each local agency participating in the program under this section shall provide information about other potential sources of food assistance in the local area to individuals who apply in person to participate in the program under this section, but cannot be served because the program is operating at capacity in the local area.

"(20) The State agency shall adopt policies that—

"(A) require each local agency to attempt to contact pregnant women who miss appointments to apply for participation in the program under this section, in order to reschedule such appointments; and

"(B) in the case of local agencies that do not routinely schedule appointments for individuals seeking to apply or be recertified for participation in the program under this section, require each such local agency to schedule appointments for each employed individual seeking to apply or be recertified for participation in such program so as to minimize the time each such individual is absent from the workplace due to such application or request for recertification.

"(21) The Secretary shall establish minimum standards for the locations at which and times during which program services shall be available. Such standards shall place special emphasis on the needs of low-income working families and low-income residents of rural areas, and shall be developed only after consultation with State and local agencies and other interested parties and consideration of public comments."

(5) in subsection (g)—

(A) by amending paragraph (1) to read as follows:

"(1) There are authorized to be appropriated to carry out this section such sums as may be necessary for the fiscal year 1989, \$2,158,000,000 for the fiscal year 1990, and such sums as may be necessary for each of the fiscal years 1991, 1992, 1993, 1994, and 1995. As authorized by section 3 of the National School Lunch Act, appropriations to carry out the provisions of this section may be made 1 year in advance of the beginning of the fiscal year in which the funds will become available for disbursement to the States, and shall remain available for the purposes for which appropriated until expended."

(B) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively;

(C) by inserting after paragraph (1) the following new paragraphs:

"(2)(A) Notwithstanding any other provision of law, unless enacted in express limitation of this subparagraph, the Secretary—

"(i) in the case of legislation providing funds through the end of a fiscal year, shall issue—

"(I) an initial allocation of funds provided by the enactment of such legislation not later than the expiration of the 15-day period beginning on the date of the enactment of such legislation; and

"(II) subsequent allocations of funds provided by the enactment of such legislation not later than the beginning of each of the second, third, and fourth quarters of the fiscal year; and

"(ii) in the case of legislation providing funds for a period that ends prior to the end of a fiscal year, shall issue an initial allocation of funds provided by the enactment of such legislation not later than the expiration of the 10-day period beginning on the date of the enactment of such legislation.

"(B) In any fiscal year—

"(i) unused amounts from a prior fiscal year that are identified by the end of the first quarter of the fiscal year shall be recovered and reallocated not later than the beginning of the second quarter of the fiscal year; and

"(ii) unused amounts from a prior fiscal year that are identified after the end of the first quarter of the fiscal year shall be recovered and reallocated on a timely basis.

"(3) Notwithstanding any other provision of law, unless enacted in express limitation of this paragraph—

"(A) the allocation of funds required by paragraph (2)(A)(i)(I) shall include not less than 1/2 of the amounts appropriated by the legislation described in such paragraph;

"(B) the allocations of funds required by paragraph (2)(A)(i)(II) to be made not later than the beginning of the second and third quarters of the fiscal year shall each include not less than 1/4 of the amounts appropriated by the legislation described in such paragraph; and

"(C) in the case of the enactment of legislation providing appropriations for a period of not more than 4 months, the allocation of funds required by paragraph (2)(A)(ii) shall include all amounts appropriated by such legislation except amounts reserved by the Secretary for purposes of carrying out paragraph (5).";

(D) in paragraph (5) (as redesignated by subparagraph (B) of this paragraph)—

(i) by inserting "(A)" after "(5)";

(ii) by striking "\$3,000,000" and inserting "\$5,000,000"; and

(iii) by adding at the end the following new subparagraph:

"(B) Of the amounts reserved under subparagraph (A) in any fiscal year, the Secretary shall reserve not less than \$500,000 for the purpose of making grants to State agencies, on a competitive basis, for purposes of projects to improve the operation of the program under this section."; and

(E) by adding at the end the following new paragraphs:

"(6)(A) The Secretary shall conduct a study of problems in securing access to the program under this section experienced by individuals who are members of low-income working families or members of low-income families who reside in rural areas.

"(B) The Secretary shall report to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Education and Labor of the House of Representatives with respect to the results of the study required by subparagraph (A).

"(7) Upon the completion of the 1990 decennial census, The Secretary, in coordination with the Secretary of Commerce, shall make available an estimate, by State and county (or equivalent political subdivision) of the number of women, infants, and children who are members of families that have incomes below the maximum income limit for participation in the program under this section.";

(6) by amending subsection (h) to read as follows:

"(h)(1)(A) Each fiscal year, the Secretary shall make available, from amounts appropriated for such fiscal year under subsection (g)(1) and amounts remaining from amounts appropriated under such section for the preceding fiscal year, an amount sufficient to guarantee a national average per participant grant to be allocated among State agencies for costs incurred by State and local agencies for nutrition services and administration for such year.

"(B) The amount of the national average per participant grant for nutrition services and administration for any fiscal year shall be an amount equal to the amount of the national average per participant grant for nutrition services and administration for the fiscal year 1987, adjusted annually to reflect the percentage change, for the most recent 12-month period for which a final estimate is available, in the index for State and local government purchases, fixed weight, as published by the Bureau of Economic Analysis of the Department of Commerce.

"(C) In any fiscal year, amounts remaining from amounts appropriated for such fiscal year under subsection (g)(1) and from amounts appropriated under such section

for the preceding fiscal year after carrying out subparagraph (A) shall be made available for food benefits under this section, except to the extent that such amounts are needed to carry out the purposes of subsections (g)(4) and (g)(5).

"(2)(A) For each of the fiscal years 1990, 1991, 1992, 1993, 1994, and 1995, the Secretary shall allocate to each State agency from the amount described in paragraph (1)(A) an amount for costs of nutrition services and administration on the basis of a formula prescribed by the Secretary. Such formula shall—

"(i) be designed to take into account—

"(I) the varying needs of each State;

"(II) the number of individuals participating in each State; and

"(III) other factors which serve to promote the proper, efficient, and effective administration of the program under this section;

"(ii) shall provide for each State agency—

"(I) an estimate of the number of participants for the fiscal year involved; and

"(II) a per participant grant for nutrition services and administration for such year; and

"(iii) shall provide for a minimum grant amount for State agencies.

"(B)(i) Except as provided in clause (ii), in any fiscal year, the total amount allocated to a State agency for costs of nutrition services and administration under the formula prescribed by the Secretary under subparagraph (A) shall constitute the State agency's operational level for such costs for such year even if the number of participants in the program at such agency is lower than the estimate provided under subparagraph (A)(ii)(I).

"(ii) If a State agency's per participant expenditure for nutrition services and administration is more than 15 percent higher than its per participant grant for nutrition services and administration without good cause, the Secretary may reduce such State agency's operational level for costs of nutrition services and administration.

"(C) In any fiscal year, the Secretary may reallocate amounts provided to State agencies under subparagraph (A) for such fiscal year. When reallocating amounts under the preceding sentence, the Secretary may provide additional amounts to, or recover amounts from, any State agency.

"(3)(A) In each fiscal year, not less than 1/4 of the amounts expended by each State agency for costs of nutrition services and administration shall be expended for nutrition education activities.

"(B) The Secretary may authorize a State agency to expend an amount less than the amount described in subparagraph (A) for purposes of nutrition education activities if—

"(i) the State agency so requests; and

"(ii) the request is accompanied by documentation that other funds will be used to conduct such activities at a level commensurate with the level at which such activities would be conducted if the amount described in subparagraph (A) were expended for such activities.

"(C) The Secretary shall limit to a minimal level any documentation required to demonstrate compliance with the requirement established by subparagraph (B).

"(4)(A) Subject to subparagraph (B), in any fiscal year that a State agency achieves, through use of acceptable measures, participation that exceeds the participation level estimated for such State agency under paragraph (2)(A)(ii)(I), such State agency may

convert amounts allocated for food benefits for such fiscal year for costs of nutrition services and administration to the extent that such conversion is necessary—

"(i) to cover allowable expenditures in such fiscal year; and

"(ii) to ensure that the State agency maintains the level established for the per participant grant for nutrition services and administration for such fiscal year.

"(B) If a State agency increases its participation level through measures that are not in the nutritional interests of participants or not otherwise allowable (such as reducing the quantities of foods provided for reasons not related to nutritional need), the Secretary may refuse to allow the State agency to convert amounts allocated for food benefits to defray costs of nutrition services and administration.

"(C) For the purposes of this paragraph, the term 'acceptable measures' includes use of cost containment measures and curtailment of vendor abuse.

"(5) In each fiscal year, each State agency shall provide, from the amounts allocated to such agency for such year for costs of nutrition services and administration, an amount to each local agency for its costs of nutrition services and administration. The amount to be provided to each local agency under the preceding sentence shall be determined under allocation standards developed by the State agency in cooperation with the several local agencies, taking into account factors deemed appropriate to further proper, efficient, and effective administration of the program, such as—

"(A) local agency staffing needs;

"(B) density of population;

"(C) number of individuals served; and

"(D) availability of administrative support from other sources.

"(6) The State agency may provide in advance to any local agency any amounts for nutrition services and administration deemed necessary for successful commencement or significant expansion of program operations during a reasonable period following approval of—

"(A) a new local agency;

"(B) a new cost containment measure; or

"(C) a significant change in an existing cost containment measure.

"(7)(A) No State may receive its allocation under this subsection unless on or before August 30, 1989 (or a subsequent date established by the Secretary for any State) unless such State has—

"(i) examined the feasibility of implementing cost containment measures with respect to procurement of infant formula, and, where practicable, other foods necessary to carry out the program under this section; and

"(ii) initiated action to implement such measures unless the State demonstrates, to the satisfaction of the Secretary, that such measures would not lower costs or would interfere with the delivery of formula or foods to participants in the program.

"(B) Except as provided in subparagraph (C), in carrying out subparagraph (A), any State that provides for the purchase of foods under the program at retail grocery stores shall, with respect to the procurement of infant formula, use—

"(i) a competitive bidding system; or

"(ii) any other cost containment measure that yields savings equal to or greater than savings generated by a competitive bidding system.

"(C)(i) In the case of any State that has in effect a contract for a cost containment

measure on the date of the enactment of the Child Nutrition and WIC Amendments of 1989, subparagraph (B) shall not apply to the program operated by such State under this section until the term of such contract expires.

"(ii) The Secretary may waive the provisions of subparagraph (B) in the case of any State that demonstrates to the Secretary that compliance with such subparagraph would be inconsistent with efficient or effective operation of the program operated by such State under this section. The Secretary shall prescribe criteria under which a waiver may be granted pursuant to the preceding sentence. In any case in which such a waiver is granted, the Secretary shall, in a timely manner, report the grant of the waiver and the reasons for such grant to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

"(D) The Secretary shall prescribe regulations to carry out this paragraph as soon as practicable after the date of the enactment of the Child Nutrition and WIC Amendments of 1989.

"(8) For purposes of this subsection, the term 'cost containment measure' means a competitive bidding, rebate, direct distribution, or home delivery system implemented by a State agency as described in its approved plan of operation and administration."

(7) in subsection (i)—

(A) in paragraph (1), by striking "funds provided in accordance with this section" and inserting "amounts made available for food benefits under subsection (h)(1)(C)";

(B) in subparagraph (D) of paragraph (3)—

(i) by striking "approved cost-savings strategies as identified in subsection (h)(5)(A)" and inserting "cost containment measures as defined in subsection (h)(7)"; and

(ii) by striking "at the discretion of the Secretary, up to 5 percent" and inserting "not more than 3 percent"; and

(C) by adding at the end the following new paragraph:

"(7) In addition to any amounts expended under paragraph (3)(A)(i), any State agency using cost containment measures as defined in subsection (h)(7) may temporarily use amounts made available to such agency for the first quarter of a fiscal year to defray expenses for costs incurred during the final quarter of the preceding fiscal year. In any fiscal year, any State agency that uses amounts made available for a succeeding fiscal year under the authority of the preceding sentence shall restore or reimburse such amounts when such agency receives payment as a result of its cost containment measures for such expenses.";

(8) by adding at the end the following new subsections:

"(o)(1) Subject to the availability of funds appropriated for the purpose of carrying out this subsection, the Secretary is authorized to establish a demonstration program for the establishment of clinics for participants in the program under this section at community colleges that offer nursing education programs. In determining the location of clinics under this subsection, the Secretary shall consider—

"(A) the location of the community college under consideration;

"(B) its accessibility to individuals eligible to participate in the special supplemental food program under this section; and

"(C) its willingness to operate the clinic during nontraditional hours.

"(2) The Secretary shall, from funds appropriated for the purpose of carrying out this subsection—

"(A) evaluate any demonstration program carried out under paragraph (1); and

"(B) submit to the Congress a report containing the results of such evaluation.

"(3) There is authorized to be appropriated for purposes of carrying out this subsection \$1,000,000 for the fiscal year 1990 and such sums as may be necessary for each of the fiscal years 1991 and 1992.

"(p)(1) The Secretary, in consultation with the Secretary of Commerce, shall investigate the use of systems used for updating census data for the purposes of allocating funds under this section.

"(2) The Secretary shall submit a report to the appropriate committees of Congress concerning the results of the investigation conducted under paragraph (1).

"(q)(1) The Secretary is authorized to make grants to State agencies for the purpose of improving and updating information and data systems used for purposes of carrying out programs under this section.

"(2) Any State that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, and containing or accompanied by such information, as the Secretary may reasonably require. Grants shall be awarded based on the need demonstrated by States in their applications.

"(3) There is authorized to be appropriated for purposes of carrying out this subsection \$2,000,000 for the fiscal year 1990 and such sums as may be necessary for each of the fiscal years 1991, 1992, 1993, 1994, and 1995."

(b) REVIEW OF PRIORITY SYSTEM.—

(1) IN GENERAL.—During the fiscal year 1990, the Secretary shall conduct a review of the relationship between the nutritional risk criteria established under section 17 of the Child Nutrition Act of 1966 and the priority system used under the special supplemental food program for women, infants, and children carried out under such section (hereafter in this section referred to as the "program"), especially as it affects pregnant women. In conducting such review, the Secretary shall—

(A) consult with the directors of State and local agencies that operate the program and with other individuals with expertise in the field of nutrition;

(B) take into consideration the preventive nature of the program;

(C) examine the risks to individuals eligible for participation in the program, particularly pregnant women, from conditions such as homelessness, mental illness, and conditions that pose barriers to receipt of prenatal care, that may be associated with an increased probability of adverse pregnancy outcome or other adverse effects on health.

(2) REPORT TO CONGRESS.—The Secretary shall submit a report containing the results of the review conducted as required by paragraph (1) to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SEC. 124. NUTRITION EDUCATION AND TRAINING.

Section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1788) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) by amending subparagraph (B) to read as follows: "(B) training school food service

personnel in the principles and practices of food service management, consistent with information and materials provided by any food service management institute established as authorized by section 22 of the National School Lunch Act, and"; and

(ii) in subparagraph (C), by striking "schools and child care institutions" and inserting "schools, child care institutions, and institutions offering summer food service programs under section 13 of the National School Lunch Act";

(B) in paragraph (2), by striking "the National Advisory Council on Child Nutrition"; and

(C) in the first sentence of paragraph (4), by inserting before the period the following: ", in coordination with the activities authorized under sections 21 and 22";

(2) in subparagraph (C) of subsection (h)(3), by striking "the National Advisory Council on Child Nutrition";

(3) in subsection (i)(2)—

(A) in the first sentence, by striking "1989" and inserting "1995"; and

(B) in the second sentence—

(i) by inserting after "1981," the following: "not more than \$5,000,000 for the fiscal year 1989, not more than \$10,000,000 for the fiscal year 1990, not more than \$15,000,000 for the fiscal year 1991, not more than \$20,000,000 for the fiscal year 1992,"; and

(ii) by striking "\$5,000,000" and inserting "\$25,000,000"; and

(4) by adding at the end the following new subsection:

"(j) The Secretary shall assess the nutrition information and education program carried out under this section to determine what nutrition education needs are for children participating under the National School Lunch Act in the school lunch program, the summer food service program, and the child care food program."

TITLE II—PAPERWORK REDUCTION AMENDMENTS

PART A—REDUCTION OF PAPERWORK UNDER THE NATIONAL SCHOOL LUNCH ACT

SEC. 201. PERMANENCY OF STATE-LOCAL AGREEMENTS FOR CARRYING OUT THE SCHOOL LUNCH PROGRAM.

Section 8 of the National School Lunch Act (42 U.S.C. 1757) is amended by inserting after the first sentence the following new sentences: "The agreements described in the preceding sentence shall be permanent agreements that may be amended as necessary. Nothing in the preceding sentence shall be construed to limit the ability of the State educational agency to suspend or terminate any such agreement in accordance with regulations prescribed by the Secretary."

SEC. 202. INCOME DOCUMENTATION REQUIREMENTS.

(a) ELIMINATION OF DUPLICATE PROVISIONS.—

(1) IN GENERAL.—Section 9(b) of the National School Lunch Act (42 U.S.C. 1758(b)), as similarly amended first by section 323 of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-500 (100 Stat. 1783-361), later by section 323 of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-591 (100 Stat. 3341-364), and later by section 4203 of the Child Nutrition Amendments of 1986, as contained in the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661), and as then amended by section 1 of Public Law 100-356, is amended to read as if only the amendment made by section

4203 of the Child Nutrition Amendments of 1986 was enacted.

(2) **FREE LUNCH PROGRAM ELIGIBILITY UNDER PUBLIC LAW 100-356.**—(A) Section 9(b)(1)(A) of the National School Lunch Act (as amended by paragraph (1) of this subsection) (42 U.S.C. 1758(b)(1)(A)) is amended—

(i) in the second sentence, by striking "For the school years ending June 30, 1982, and June 30, 1983, the" and inserting "The"; and

(ii) by striking the third sentence.

(B) The amendments made by subparagraph (A) shall take effect as if such amendments had been effective on June 28, 1988.

(b) **INCOME DOCUMENTATION REQUIREMENTS.**—Section 9 of the National School Lunch Act (as amended by section 101 of this Act and subsection (a) of this section) (42 U.S.C. 1758) is amended—

(1) by amending subparagraph (C) of subsection (b)(2) to read as follows:

"(C)(i) Except as provided in clause (ii), each eligibility determination shall be made on the basis of a complete application executed by an adult member of the household. The Secretary, State, or local food authority may verify any data contained in such application. A local school food authority shall undertake such verification of information contained in any such application as the Secretary may by regulation prescribe and, in accordance with such regulations, shall make appropriate changes in the eligibility determination with respect to such application on the basis of such verification.

"(ii) Subject to clause (iii), any school food authority may certify any child as eligible for free or reduced price lunches, without further application, by directly communicating with the appropriate State or local agency to obtain documentation of such child's status as a member of—

"(I) a household that is receiving food stamps; or

"(II) a family that is receiving assistance under the program for aid to families with dependent children under part A of title IV of the Social Security Act.

"(iii) School food service authorities shall only use information obtained under clause (ii) for the purpose of determining eligibility for participation in programs under this Act and the Child Nutrition Act of 1966."

(2) in subsection (d)—

(A) in paragraph (1), by striking "numbers of all adult" and all that follows and inserting the following: "number of such member. The Secretary shall require that social security account numbers of all adult members of the household be provided if verification of the data contained in the application is sought under subsection (b)(2)(C).";

(B) in paragraph (2)—

(i) by amending subparagraph (A) to read as follows:

"(A) appropriate documentation relating to the income of such household (as prescribed by the Secretary) has been provided to the appropriate local school food authority so that such authority may calculate the total income of such household";

(ii) by striking the period at the end of subparagraph (B) and inserting "; or"; and

(iii) by adding at the end the following new subparagraph:

"(C) documentation has been provided to the appropriate local school food authority showing that the family is receiving assistance under the program for aid to families with dependent children under part A of title IV of the Social Security Act."

SEC. 203. REPORTS TO STATE EDUCATIONAL AGENCIES.

Paragraph (1) of section 11(e) of the National School Lunch Act (42 U.S.C. 1759a(e)) is amended by striking "Each school" and all that follows through "State educational agency" and inserting the following: "The Secretary, when appropriate, may request each school participating in the school lunch program under this Act to report monthly to the State educational agency".

SEC. 204. 2-YEAR APPLICATIONS UNDER CHILD CARE FOOD PROGRAM.

Subsection (d) of section 17 of the National School Lunch Act (42 U.S.C. 1766) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "(1)" after "(d)"; and

(3) by adding at the end the following new paragraph:

"(2) The Secretary shall develop a policy that allows institutions providing child care that participate in the program under this section, at the option of the State agency, to reapply for assistance under this section at 2-year intervals. Each State agency that exercises the option authorized by the preceding sentence shall verify on an annual basis that each such institution is in compliance with State licensing laws."

SEC. 205. PILOT PROJECTS FOR ALTERNATIVE COUNTING METHODS.

Section 18 of the National School Lunch Act (as amended by section 107 of this Act) (42 U.S.C. 1769) is amended by adding at the end the following new subsection:

"(f)(1)(A) The Secretary shall carry out a pilot program for purposes of identifying alternatives to—

"(i) daily counting by category of meals provided by school lunch programs under this Act; and

"(ii) annual applications for eligibility to receive free meals or reduced price meals.

"(B) For the purposes of carrying out the pilot program under this paragraph, the Secretary may waive requirements of this Act relating to counting of meals provided by school lunch programs and applications for eligibility.

"(C) For the purposes of carrying out the pilot program under this paragraph, the Secretary shall solicit proposals from State educational agencies and local educational agencies for the alternatives described in subparagraph (A).

"(2)(A) The Secretary shall carry out a pilot program under which—

"(i) a limited number of schools participating in the special assistance program under section 11(a)(1) that have in attendance children at least 80 percent of whom are eligible for free lunches or reduced price lunches shall submit applications for a 3-year period; and

"(ii) a limited number of schools participating in the special assistance program under section 11(a)(1) that have in attendance children at least 60 percent of whom are eligible for free lunches or reduced price lunches shall submit applications for a 2-year period.

"(B) Each school participating in the pilot program under this paragraph shall have the option of determining the number of free meals, reduced price meals, and paid meals provided daily under the school lunch program operated by such school by applying percentages determined under subparagraph (C) to the daily total student meal count.

"(C) The percentages determined under this subparagraph shall be established on the basis of the master roster of students enrolled in the school concerned, which—

"(i) shall include a notation as to the eligibility status of each student with respect to the school lunch program; and

"(ii) shall be updated not later than September 30 of each year.

"(3)(A) The Secretary shall carry out a pilot program under which a limited number of schools participating in the special assistance program under section 11(a)(1) that have universal free school lunch programs shall have the option of determining the number of free meals, reduced price meals, and paid meals provided daily under the school lunch program operated by such school by applying percentages determined under subparagraph (B) to the daily total student meal count.

"(B) The percentages determined under this subparagraph shall be established on the basis of the master roster of students enrolled in the school concerned, which—

"(i) shall include a notation as to the eligibility status of each student with respect to the school lunch program; and

"(ii) shall be updated not later than September 30 of each year.

"(C) For the purposes of this paragraph, a universal free school lunch program is a program under which the school operating the program elects to serve all children in that school free lunches under the school lunch program during any period of 3 successive years and pays, from sources other than Federal funds, for the costs of serving such lunches which are in excess of the value of assistance receiving under this Act with respect to the number of lunches served during that period.

"(4) Each pilot program carried out under this subsection shall be evaluated by the Secretary after it has been in operation for 3 years."

SEC. 206. COOPERATION WITH ADVISORY COMMITTEE.

Section 19 of the National School Lunch Act (as amended by section 108 of this Act) (42 U.S.C. 1769a) is amended by adding at the end the following new subsection:

"(c) The Secretary shall report to Congress not later than the expiration of the 1-year period beginning on the date of the enactment of the Child Nutrition and WIC Amendments of 1989 on the extent to which a reduction has occurred in the amount of paperwork described in subsection (a)."

PART B—PAPERWORK REDUCTION UNDER THE CHILD NUTRITION ACT OF 1966

SEC. 221. STATE-LOCAL AGREEMENTS FOR CARRYING OUT THE SPECIAL MILK PROGRAM.

(a) **ELIMINATION OF DUPLICATE PROVISION.**—Section 3(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1772(a)), as similarly amended first by section 329 of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-591 (100 Stat. 3341-365) and later by section 4209 of the Child Nutrition Amendments of 1986, as contained in the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661), is amended to read as if only the later amendment was enacted.

(b) **STATE-LOCAL AGREEMENTS.**—Subsection (a) of section 3 of the Child Nutrition Act of 1966 (as amended by subsection (a) of this section) (42 U.S.C. 1772) is amended by adding at the end the following new paragraph:

"(10) The State educational agency shall disburse funds paid to the State during any fiscal year for purposes of carrying out the program under this section in accordance with such agreements approved by the Secretary as may be entered into by such State agency and the schools in the State. The agreements described in the preceding sentence shall be permanent agreements that may be amended as necessary. Nothing in the preceding sentence shall be construed to limit the ability of the State educational agency to suspend or terminate any such agreement in accordance with regulations prescribed by the Secretary."

SEC. 222. PERMANENCY OF STATE-LOCAL AGREEMENTS FOR CARRYING OUT THE SCHOOL BREAKFAST PROGRAM.

(a) ELIMINATION OF DUPLICATE PROVISION.—

(1) **IN GENERAL.**—Section 4(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)), as similarly amended first by section 330(a) of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-591 (100 Stat. 3341-366) and later by section 4210(a) of the Child Nutrition Amendments of 1986, as contained in the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661), and as then amended by section 210 of the Hunger Prevention Act of 1988 (Public Law 100-435) is amended to read as if only the amendment made by section 4210(a) of the Child Nutrition Amendments of 1986, as contained in the National Defense Authorization Act for Fiscal Year 1987, was enacted.

(2) **IMPROVEMENT OF SCHOOL BREAKFAST PROGRAM UNDER HUNGER PREVENTION ACT.**—(A) The first sentence of section 4(b)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)(3)) is amended by striking "3 cents" and inserting "6 cents".

(B) The amendments made by subparagraph (A) shall take effect as if such amendments had been effective on July 1, 1989.

(b) **STATE-LOCAL AGREEMENTS.**—Subparagraph (A) of section 4(b)(1) of the Child Nutrition Act of 1966 (as amended by subsection (a) of this section) (42 U.S.C. 1773(b)(1)) is amended—

(1) by redesignating clauses (i) and (ii) as subclauses (I) and (II);

(2) by inserting "(i)" after "(A)"; and

(3) by adding at the end the following new clause:

"(ii) The agreements described in clause (i)(I) shall be permanent agreements that may be amended as necessary. Nothing in the preceding sentence shall be construed to limit the ability of the State educational agency to suspend or terminate any such agreement in accordance with regulations prescribed by the Secretary."

SEC. 223. PAPERWORK REDUCTION REQUIREMENTS UNDER THE SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

(a) **IN GENERAL.**—Section 17 of the Child Nutrition Act of 1966 (as amended by section 123 of this Act) (42 U.S.C. 1786) is amended—

(1) in paragraph (3) of subsection (d)—

(A) by inserting "(A)" after "(3)"; and

(B) by adding at the end the following new subparagraphs:

"(B) The Secretary, in coordination with the Secretary of Health and Human Services and interested national medical organizations, shall determine for the purposes of certification for participation pursuant to this subsection—

"(i) when hematological testing of infants is appropriate; and

"(ii) appropriate intervals at which such testing should be required.

"(C) The Secretary shall ensure that regulations governing certification periods for participants provide a consistent method for determining when such certification period will expire."

(2) by adding at the end of subsection (e) (as amended by section 123 of this Act) the following new paragraph:

"(5) Each local agency may use a master file to document and monitor the provision of nutrition education services (other than the initial provision of such services) to individuals that are required, under standards prescribed by the Secretary, to be included by the agency in group nutrition education classes."; and

(3) in subsection (f)—

(A) by amending paragraph (7) to read as follows:

"(7)(A) Local agencies participating in the program under this section shall notify individuals of their eligibility or ineligibility for the program—

"(i) except in the case of individuals described in clause (ii), within 30 days of the date that the household, during office hours of a local agency, personally makes an oral or written request to participate in the program; and

"(ii) in the case of individuals who, due to special nutritional risk conditions, must receive benefits more expeditiously, within 10 days of such date.

"(B) State agencies may provide for the delivery of vouchers to any participant who is not scheduled for nutrition education counseling or a recertification interview through means, such as mailing, that do not require the participant to travel to the local agency to obtain vouchers. The State agency shall describe any plans for issuance of vouchers by mail in its plan submitted under paragraph (1). The Secretary may disapprove a State plan with respect to the issuance of vouchers by mail in any specified jurisdiction or part of a jurisdiction within a State only if the Secretary finds that such issuance would pose a significant threat to the integrity of the program under this section in such jurisdiction or part of a jurisdiction."; and

(B) by adding after paragraph (21) (as added by section 123(a)(3)(E) of this Act) the following new paragraph:

"(22) Each State agency shall conduct monitoring reviews of each local agency at least biennially."

(b) **REPORT; ISSUANCE OF REGULATIONS.**—Before the expiration of the 1-year period beginning on the date of the enactment of the Child Nutrition and WIC Amendments of 1989, the Secretary of Agriculture shall, with respect to the requirements established by section 17(d)(3)(C) of the Child Nutrition Act of 1966 (as added by subsection (a)(1)(B) of this section)—

(i) report to the appropriate committees of the Congress concerning the determinations made by the Secretary under such section; and

(2) issue any regulations necessary to implement such determinations.

SEC. 224. UPDATING OF PLANS FOR NUTRITION EDUCATION AND TRAINING.

Paragraph (3) of section 19(h) of the Child Nutrition Act of 1966 (as amended by section 124 of this Act) (42 U.S.C. 1788(h)) is amended by adding at the end the following new sentence: "Each plan developed as required by this section shall be updated on an annual basis."

PART C—ADVISORY COMMITTEE ON PAPERWORK REDUCTION

SEC. 231. ADVISORY COMMITTEE ON PAPERWORK REDUCTION.

(a) **GENERAL AUTHORITY.**—The Secretary of Agriculture (hereafter in this section referred to as the "Secretary") is authorized to convene an advisory committee for the purpose of providing guidance and recommendations to the Secretary concerning the reduction of paperwork and regulatory requirements under the National School Lunch Act and the Child Nutrition Act of 1966, consistent with the duties of the Secretary under section 19 of the National School Lunch Act.

(b) **COMPOSITION OF COMMITTEE.**—Any advisory committee convened as authorized by subsection (a) shall consist of not more than 15 members appointed by the Secretary from nominations by national organizations that represent individuals responsible for State and local administration of programs carried out under such Acts. The Secretary shall ensure that there is an equitable geographical distribution of appointments to the committee. At a minimum, the members of the committee shall include—

(1) 1 State administrator of the school lunch program under the National School Lunch Act;

(2) 1 State administrator of the child care food program under section 17 of the National School Lunch Act;

(3) 1 State administrator of the summer food service program under section 13 of the National School Lunch Act;

(4) 1 State administrator of the special supplemental food program for women, infants, and children under section 17 of the Child Nutrition Act of 1966;

(5) 1 local administrator of the school lunch program under the National School Lunch Act;

(6) 1 representative of an institution participating in the child care food program under section 17 of the National School Lunch Act;

(7) 1 representative of an institution participating in the summer food service program under section 13 of the National School Lunch Act; and

(8) 1 local administrator of the special supplemental food program for women, infants, and children under section 17 of the Child Nutrition Act of 1966.

(c) **TERMINATION OF COMMITTEE.**—Any advisory committee convened as authorized by subsection (a) shall terminate not later than the expiration of the 2-year period beginning on the date the committee is convened.

TITLE III—TECHNICAL AMENDMENTS

PART A—AMENDMENTS TO THE NATIONAL SCHOOL LUNCH ACT

SEC. 301. APPORTIONMENTS TO STATES.

The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by inserting before section 4 the following new heading:

"APPORTIONMENTS TO STATES".

SEC. 302. DIRECT FEDERAL EXPENDITURES.

Section 6 of the National School Lunch Act (42 U.S.C. 1755) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "his" and inserting "the Secretary's";

(B) in paragraph (2), by striking "him" and inserting "the Secretary";

(C) in the matter following paragraph (3)—

(i) by striking "him" and inserting "the Secretary";

(ii) by striking "(50 Stat. 323)"; and

(iii) by striking "(49 Stat. 774), as amended"; and

(2) in subsection (e)—

(A) by inserting in the sixth sentence before the period the following "(which may include domestic seafood commodities and their products)"; and

(B) in the last sentence, by striking "(e)".

SEC. 303. PAYMENTS TO STATES.

(a) **INSERTION OF SECTION HEADING.**—The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by inserting before section 7 the following new heading:

"PAYMENTS TO STATES".

(b) **CORRECTION OF TYPOGRAPHICAL ERROR.**—Paragraph (2) of section 7(a) of the National School Lunch Act (42 U.S.C. 1756(a)) is amended by striking "the the" and inserting "the".

SEC. 304. STATE DISBURSEMENT TO SCHOOLS.

The fifth sentence of section 8 of the National School Lunch Act (as amended by section 201 of this Act) (42 U.S.C. 1757) is amended—

(1) by striking "persons" and inserting "individuals";

(2) by striking "to be mentally or physically handicapped" and inserting "to have 1 or more mental or physical handicaps"; and

(3) by striking "for mentally or physically handicapped" and inserting "for individuals with mental or physical handicaps".

SEC. 305. NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS.

(a) **ELIMINATION OF DUPLICATE PROVISION.**—Section 9(e) of the National School Lunch Act (42 U.S.C. 1758(e)), as similarly added first by section 324 of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-500 (100 Stat. 1783-361), later by section 324 of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-591 (100 Stat. 3341-364), and later by section 4204 of the Child Nutrition Amendments of 1986, as contained in the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661), is amended to read as if only the latest amendment was enacted.

(b) **MISCELLANEOUS TECHNICAL AMENDMENTS.**—Section 9 of the National School Lunch Act (as amended by sections 101 and 202 of this Act and subsection (a) of this section) (42 U.S.C. 1758) is amended—

(1) by striking "family-size" each place it appears and inserting "family size"; and

(2) in subsection (c)—

(A) in the first sentence, by striking "School-lunch" and inserting "School lunch";

(B) in the third sentence, by striking "(49 Stat. 774), as amended"; and

(C) in the fourth sentence, by striking "as amended," each place it appears.

SEC. 306. MISCELLANEOUS PROVISIONS AND DEFINITIONS.

(a) **ELIMINATION OF DUPLICATE PROVISIONS.**—

(1) **DEFINITION OF SECRETARY.**—Section 12(d)(8) of the National School Lunch Act (42 U.S.C. 1760(d)(8)), as similarly added first by section 373(a) of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-500 (100 Stat. 1783-369), later by section 373(a) of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-591 (100 Stat. 3341-372), and later by section 4503(a) of the Child Nutrition Amendments of 1986, as contained in the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661), is amended to

read as if only the latest amendment was enacted.

(2) **USE OF SCHOOL LUNCH FACILITIES FOR ELDERLY PROGRAMS.**—Section 12(i) of the National School Lunch Act (42 U.S.C. 1760(i)), as similarly added first by section 326 of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-500 (100 Stat. 1783-361), later by section 326 of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-591 (100 Stat. 3341-365), and later by section 4206 of the Child Nutrition Amendments of 1986, as contained in the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661), is amended to read as if only the latest amendment was enacted.

(b) **MISCELLANEOUS TECHNICAL AMENDMENTS.**—Section 12 of the National School Lunch Act (as amended by subsection (a)) (42 U.S.C. 1760) is amended—

(1) in subsection (b), by striking "his" each place it appears and inserting "the Secretary's";

(2) in paragraph (5) of subsection (d), by striking "Internal Revenue Code of 1954" and inserting "Internal Revenue Code of 1986";

(3) in subsection (g), by striking "his" and inserting "personal"; and

(4) in subsection (i)—

(A) by striking "(42 U.S.C. 1771 et seq.)"; and

(B) by striking "(42 U.S.C. 3001 et seq.)".

SEC. 307. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

Section 13 of the National School Lunch Act (as amended by section 102 of this Act) (42 U.S.C. 1761) is amended—

(1) in subsection (d), by striking "July 1," and inserting "July 1";

(2) in the third sentence of subsection (f), by striking "prescribed" and inserting "prescribe";

(3) in the first sentence of subsection (g), by striking "Provided" and all that follows through "respectively"; and

(4) in subsection (h)—

(A) by striking "(7 U.S.C. 1431)";

(B) by striking "(7 U.S.C. 612c)"; and

(C) by striking "(7 U.S.C. 1446a-1)".

SEC. 308. REPEAL OF OBSOLETE PROVISION RELATING TO TEMPORARY EMERGENCY ASSISTANCE.

Section 13A of the National School Lunch Act (42 U.S.C. 1762) is repealed.

SEC. 310. ELECTION TO RECEIVE CASH PAYMENTS.

The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by inserting before section 16 the following new heading:

"ELECTION TO RECEIVE CASH PAYMENTS".

SEC. 311. CHILD CARE FOOD PROGRAM.

(a) **MISCELLANEOUS TECHNICAL AMENDMENTS.**—Section 17 of the National School Lunch Act (as amended by sections 105 and 204 of this Act) (42 U.S.C. 1766) is amended—

(1) in subsection (a), by striking "handicapped children" each place it appears and inserting "children with handicaps";

(2) in the second sentence of subsection (d)(1), by striking "Internal Revenue Code of 1954" and inserting "Internal Revenue Code of 1986";

(3) in subsection (f)—

(A) in paragraph (1), by striking "day-care" and inserting "day care"; and

(B) in subparagraph (B) of paragraph (2), by striking the second period; and

(4) by striking subsection (k) (and redesignating the succeeding subsections accordingly).

(b) **ELIMINATION OF DUPLICATE PROVISION.**—Section 17(e) of the National School Lunch Act (42 U.S.C. 1766(e)), as similarly amended first by section 361 of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-500 (100 Stat. 1783-367), later by section 361 of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-591 (100 Stat. 3341-370), and later by section 4401 of the Child Nutrition Amendments of 1986, as contained in the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661), is amended to read as if only the latest amendment was enacted.

SEC. 312. PILOT PROJECTS.

Section 18 of the National School Lunch Act (42 U.S.C. 1769) (as amended by sections 107 and 205 of this Act) is amended—

(1) by striking subsections (a), (b), and (c), and redesignating the succeeding subsections accordingly; and

(2) in subsection (a) (as redesignated by paragraph (1))—

(A) by striking "(42 U.S.C. 1771 et seq.)"; and

(B) by striking "(42 U.S.C. 1774)".

SEC. 313. GENERAL AMENDMENTS.

The National School Lunch Act (as otherwise amended by this Act) (42 U.S.C. 1751 et seq.) is amended—

(1) by striking "school-lunch" each place it appears and inserting "school lunch";

(2) by striking "reduced-price" each place it appears and inserting "reduced price"; and

(3) by striking "special-assistance" each place it appears and inserting "special assistance".

PART B—AMENDMENTS TO THE CHILD NUTRITION ACT OF 1966

SEC. 321. SPECIAL MILK PROGRAM AUTHORIZATION.

Section 3(a) of the Child Nutrition Act of 1966 (as amended by section 221 of this Act) (42 U.S.C. 1772(a)) is amended—

(1) in the first sentence of paragraph (1), by striking "he" and inserting "the Secretary";

(2) in paragraph (2), by striking "(42 U.S.C. 1751 et seq.)";

(3) in paragraph (4), by striking "he" and inserting "the Secretary"; and

(4) in paragraph (5), by striking "their" and inserting "its".

SEC. 322. SCHOOL BREAKFAST PROGRAM AUTHORIZATION.

Section 4 of the Child Nutrition Act of 1966 (as amended by sections 121 and 222 of this Act) (42 U.S.C. 1773) is amended—

(1) by striking "reduced-price" each place it appears and inserting "reduced price";

(2) in paragraph (3) of subsection (b), by striking "(42 U.S.C. 1766)"; and

(3) by striking the last sentence of subsection (f).

SEC. 323. REGULATIONS.

The first sentence of section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by striking "he" and inserting "the Secretary".

SEC. 324. APPROPRIATIONS FOR ADMINISTRATIVE EXPENSE.

(a) **INSERTION OF SECTION HEADING.**—The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) is amended by inserting before section 14 the following heading:

"APPROPRIATIONS FOR ADMINISTRATIVE EXPENSE".

(b) **ELIMINATION OF GENDER-SPECIFIC POSSESSIVE PRONOUN.**—Section 14 of the Child

Nutrition Act of 1966 (42 U.S.C. 1783) is amended—

(1) by striking "is" and inserting "are"; and

(2) by striking "his" and inserting "the Secretary's".

SEC. 325. MISCELLANEOUS PROVISIONS AND DEFINITIONS.

Section 15 of the Child Nutrition Act of 1966 (42 U.S.C. 1784) is amended—

(1) in subsection (b), by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by redesignating subsections (a) through (f) as paragraphs (1) through (6), respectively;

(3) in paragraph (3) (as redesignated by paragraph (2) of this section), by striking "Internal Revenue Code of 1954" and inserting "Internal Revenue Code of 1986"; and

(4) in paragraph (6) (as redesignated by paragraph (2) of this section)—

(A) by striking "to be mentally or physically handicapped" and inserting "to have 1 or more mental or physical handicaps"; and

(B) by striking "for mentally or physically handicapped" and inserting "for individuals with mental or physical handicaps".

SEC. 326. SPECIAL SUPPLEMENTAL FOOD PROGRAM.

(a) ELIMINATION OF DUPLICATE PROVISIONS.—

(1) STATE ELIGIBILITY FOR WIC FUNDS.—Section 17(c)(4) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(c)(4)), as similarly amended first by section 342(a) of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-591 (100 Stat. 3341-367) and later by section 4302(a) of the Child Nutrition Amendments of 1986, as contained in the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661), is amended to read as if the later amendment had not been enacted.

(2) BIENNIAL REPORT.—Section 17(d)(4) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(4)), as similarly amended first by section 343(a) of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-591 (100 Stat. 3341-367) and later by section 4303(a) of the Child Nutrition Amendments of 1986, as contained in the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661), is amended to read as if the later amendment had not been enacted.

(b) MISCELLANEOUS TECHNICAL AMENDMENTS.—Section 17 of the Child Nutrition Act of 1966 (as amended by sections 123 and 223 of this Act and subsection (a) of this section) (42 U.S.C. 1786) is amended—

(1) in paragraph (3) of subsection (c), by striking "section 1304 of the Food and Agriculture Act of 1977" and inserting "section 4 of the Agriculture and Consumer Protection Act of 1973";

(2) in subsection (d)—

(A) by moving the margin of paragraph (4) 2 ems to the left, so that the left margin of such paragraph is indented 2 ems and is aligned with the margin of paragraph (3); and

(B) in paragraph (4), by moving the margins of subparagraphs (A) through (C) 2 ems to the left, so that the left margin of each such subparagraph is indented 4 ems;

(3) in subsection (f)—

(A) in paragraph (8), by striking "persons" each place it appears and inserting "individuals";

(B) in paragraph (10)—

(i) by striking "a person" and inserting "an individual";

(ii) by striking "person's" and inserting "individual's"; and

(iii) by striking "the person" and "inserting" "the individual"; and

(C) by moving the margin of paragraph (17) 2 ems to the left, so that the left margin of such paragraph is indented 2 ems and is aligned with the margin of paragraph 16;

(4) in subsection (m)—

(A) in subparagraph (B) of paragraph (7), by striking "(7 U.S.C. 2011 et seq.)"; and

(B) in subparagraph (A) of paragraph (11), by striking "person" and inserting "individual"; and

(5) in paragraph (1) of subsection (n), by striking "this Act" and inserting "the Anti-Drug Abuse Act of 1988".

SEC. 327. NUTRITION EDUCATION AND TRAINING.

Section 19 of the Child Nutrition Act of 1966 (as amended by sections 124 and 224 of this Act) (42 U.S.C. 1788) is amended—

(1) in subsection (d)—

(A) in paragraph (2), by striking the semicolon each place it appears and inserting a comma;

(B) in the first sentence of paragraph (4)—

(i) by striking "(12 Stat." and all that follows through "308)"; and

(ii) by striking "(26 Stat." and all that follows through "328)"; and

(C) in paragraph (5)—

(i) by striking "(12 Stat." and all that follows through "308)"; and

(ii) by striking "(26 Stat." and all that follows through "328)"; and

(2) in paragraph (3) of subsection (h)—

(A) by striking "(12 Stat." and all that follows through "308)"; and

(B) by striking "(26 Stat." and all that follows through "328)".

The SPEAKER pro tempore. Is a second demanded?

Mr. GOODLING. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. HAWKINS] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. HAWKINS].

Mr. HAWKINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are considering H.R. 24, the Child Nutrition and WIC Amendments of 1989. This legislation provides for at least 300,000 new participants in the Special Supplemental Food Program for Women, Infants, and Children, and will provide more low income children with breakfast and a summer meal.

Under H.R. 24, five child nutrition programs that expire on September 30, 1989 are extended through 1995. These programs are Summer Food, Nutrition Education and Training, Commodity Distribution Authority, State Administrative Expenses, and WIC.

This legislation makes many administrative improvements in the WIC

Program in order to correct some cash flow and other problems that have occurred due to cost-containment activities. Through cost containment, States have been able to lower food costs by receiving rebates from infant formula manufacturers for each can of formula purchased through the WIC Program. These savings have been used to add more participants to the program. In addition to making several changes in the way the program is administered so that States can conduct cost containment activities with as few problems as possible, H.R. 24 requires States to use the cost containment system that yields the most savings. This provision ensures that as many new participants as possible will be added to the WIC Program.

Low income children will have increased access to a summer meal under H.R. 24. The legislation permits private non-profit organizations to sponsor Summer Food programs. When these organizations were eliminated as sponsors in the early 1980's, many low-income children, especially in rural areas, lost access to a summer meal. The program expansion will go a long way in providing hungry children with food during the summer.

This bill will also assist in expanding the School Breakfast Program. States will be provided funds to distribute to schools enrolling a high percentage of low-income children for the purpose of initiating a breakfast program. Schools could use these "start-up" funds for such activities as outreach to parents or purchase of necessary equipment such as a freezer.

H.R. 24 reduced the amount of paperwork that schools and other participating institutions must complete in order to comply with program requirements. Of most significance to schools, H.R. 24 allows school officials to certify a child as eligible for a free or reduced price meal by directly obtaining the information from the local food stamp or AFDC agency. No further documentation is necessary. The paperwork reduction provisions, along with the authorization of a Food Service Management Institute, technical assistance and training by the Secretary, and a unified audit system should greatly improve the local administration of the School Lunch and Breakfast programs.

The legislation we are considering today varies slightly from the bill that was reported by the Education and Labor Committee. This bill contains one amendment that was added to address the concerns of the House Agriculture Committee. The amendment concerns the cash-in-lieu of commodities and commodity letters of credit pilot projects that are currently operating in 64 school districts. Better known as cash and CLOC, these projects allow participating school dis-

districts to receive their commodity reimbursement in cash or a letter of credit which can be used to purchase the commodities locally. The committee-reported bill permanently authorized these pilot projects, while the legislation we are considering today only extends them to September 30, 1992.

While H.R. 24 does not greatly expand child nutrition programs, it is a very practical bill that will improve the day to day operations of programs authorized under the National School Lunch and Child Nutrition Acts. I urge my colleagues to join me in voting for passage of H.R. 24.

□ 1540

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of H.R. 24, the Child Nutrition and WIC Amendments of 1989.

This bill, which makes a variety of important improvements to the School Lunch, School Breakfast, WIC, Child Care Food and other child nutrition programs, is the result of a bipartisan effort. It includes many of the improvements suggested by witnesses at the four hearings held by the Subcommittee on Elementary, Secondary and Vocational Education.

I am particularly pleased that the bill addresses my concern that school food service personnel were being overburdened with the number of audits they underwent each year. H.R. 24 calls for a unified system of audits and requires States to coordinate all compliance and accountability activities so the burden on schools is minimized. I believe this provision reduces the burden on schools without diminishing the ability of the Government to ensure that they are complying with the regulations of the School Lunch Act.

This legislation also responds to concerns about unnecessary paperwork in the School Lunch Program and WIC Program. For instance, the bill allows schools operating an after school care program as of May 15, 1989, to provide children with a snack through the School Lunch Program. Currently, schools with such programs must apply for snacks through the Child Care Food Program. The end result is the use of valuable time by school personnel filling out forms for both the Child Care Food and School Lunch Programs.

While I believe H.R. 24 makes a good initial effort toward reducing unnecessary paperwork, there are obviously other areas where we can further reduce the paperwork burden on school food service personnel. Therefore, H.R. 24 also creates an Advisory Committee on Paperwork Reduction to find ways and means to further

reduce paperwork and regulatory requirements under the School Lunch Act.

Finally, in response to concerns that eligible children were not receiving free and reduced price lunches because of problems with applications, the committee has made several important changes in the law. For example, schools will be permitted to certify children as eligible for free or reduced price meals by obtaining pertinent information from AFDC or food stamp authorities. Application forms will no longer have to include the social security numbers of all adult members of the family. Only the number of the adult filling out the application will be required. Last, but certainly not least, USDA is directed to simplify the application form so individuals with less than a 12th grade reading level and limited literacy skills can fill out the forms enabling their children to receive free or reduced price meals.

The committee has also provided money to State educational agencies to assist schools with significant percentages of low-income students for one-time expenses incurred in starting a school breakfast program. Studies have shown that students perform better in school if they have a good breakfast. This provision should assist in bringing additional schools into the School Breakfast Program and reaching additional numbers of needy children.

WIC is, of course, one of the most successful Federal programs. This bill contains several major improvements which will enhance the ability of this program to locate and serve the eligible WIC population. In addition, it streamlines the application process by permitting an individual at nutritional risk to be eligible for WIC if the family qualifies for free or reduced price lunches, receives assistance under the AFDC or Food Stamp Programs, or is a member of a family that participates in Medicaid.

H.R. 24 also addresses the unfair situation where you have two military families with similar incomes and one qualifies for WIC and one doesn't. This occurs because one family lives in free on-base housing which does not count against them in determining WIC income eligibility and the other family cannot obtain on-base housing and receive a housing allowance which does count against them when determining income eligibility for WIC. This bill prohibits military housing allowances from being counted as income in determining eligibility for the WIC Program.

The last program I want to discuss is the Summer Feeding Program, which provides meals to children during those months when the School Lunch Program does not operate. In the past, this program has come under a great deal of criticism because of widespread

fraud and abuse. In response, our committee decided not permit private non-profit organizations to participate in the Summer Feeding Program. In some areas, this has restricted the availability of meals to hungry children. In order to address this situation, the committee has crafted language once again allowing nonprofit organizations to participate in the Summer Feeding Program. However, we have included a variety of restrictions which we feel will prevent the earlier problems from reoccurring.

Mr. Speaker, this is a good bill. It will help us to better meet the nutritional needs of our Nation's children and help them grow into strong, productive adults. I urge my colleagues to support this bipartisan bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of H.R. 24, a bill to reauthorize the child nutrition programs. These are very worthwhile programs that provide much needed help to needy individuals and families. These are programs administered by the Department of Agriculture and either provide direct assistance to families or provide cash and commodities to qualifying institutions that offer meal services, such as the National School Lunch Program.

Federally supported meal service programs operate in public and private elementary and secondary schools and payments are provided based on the number of meals served to qualifying children. One part of these programs is the provision of commodities by the USDA.

The purpose of the Commodity Distribution Program, as it relates to the School Meal Service Programs and other programs, is a dual one: It is aimed at, in this case, providing food to schools to aid them in preparing low cost, nutritious meals for school children, and it is aimed at providing assistance to our Nation's farmers. Through the Commodity Distribution Program, the USDA purchases food when markets are depressed, thereby increasing demand for these products. It is important to remember the dual goals of the Commodity Distribution Program and to ensure that the design of the program adheres to both goals.

This program, which has been in effect for decades, has served the farmer and the ultimate consumer as well. Through the use of this program, the Secretary of Agriculture can use the large volume purchasing power to assist farmers as well as the agencies receiving the surplus commodities.

The bill before us today reauthorizes 60 projects, in which school districts are permitted to operate cash and

letter of credit projects in lieu of receiving USDA commodities. These projects originated in the 1981 Agriculture Appropriations Act and have been extended in the 1984 continuing resolution, the 1985 supplemental appropriations, the 1985 farm bill, and the Commodity Distribution Reform Act of 1987. They are due to expire in 1990; however, the bill before us today reauthorizes the 60 projects through 1992.

These projects replace the commodities provided to school districts with either cash or letters of credit. I have expressed my concern about the continuing erosion of the Commodity Distribution Program. The funding levels for the child nutrition programs are set at \$5 billion, with less than 20 percent of that funding level going for commodities, including bonus commodities. Only 20 percent—to meet the dual purposes of the programs we are considering today.

I believe that the Commodity Distribution Program has proven to be an effective program for both the School Lunch Program and for agriculture. It is one of the tools that allows the USDA to provide swift market stability for agriculture. USDA can step in and make bulk purchases of commodities that can stabilize weak markets and at the same time provide a bargain for the recipients of these products.

The commodity distribution is supported by an extensive number of commodity organizations and by the American Farm Bureau—these organizations do not support continuation of the project providing cash or commodity letters of credit instead of commodities. These projects have been in operation for several years as demonstration projects and the evaluation has been completed. I believe it is time to fully evaluate these projects and to determine whether they should be terminated or continued. It is my hope that the period between passage of this bill and the 1992 expiration of the projects will be used to complete this determination.

I appreciate the cooperation of the chairman and the ranking minority member of the Education and Labor Committee and of Chairman DE LA GARZA and the chairman of our Nutrition Subcommittee, Mr. HATCHER. I look forward to working with them during this period.

Mr. HOYER. Mr. Speaker, I rise today in support of H.R. 24, the child nutrition and WIC amendments. I would like to also commend the chairman of the Education and Labor Committee, Mr. HAWKINS, for his leadership in moving this important bill through committee and to the floor of the House.

Mr. Speaker, I have spoken many times in this House about the importance of America's children. Time and time again I have shared with my colleagues the simple fact that an investment in our children today is an invest-

ment that pays off many times as it matures. For those of my colleagues who are concerned about defense, who are concerned about the economic vitality of our Nation, for those who are concerned about our competitive edge, I cannot think of a more important bill to support to ensure our strength in those areas than this bill.

It has been said many times, but that makes it no less true—a hungry child cannot learn. Furthermore, a mother who does not have a nutritious diet during her pregnancy will not give birth to a healthy baby. Unhealthy babies do not thrive and hungry children do not learn. Babies which cannot thrive and children who cannot learn cannot mature into productive, contributing adults. We must not allow the children of America to grow up hungry any longer. As a nation, we must commit ourselves to ensuring that the new generation of Americans be fully prepared to take on the challenges of tomorrow. Hungry children, however, cannot prepare for the challenges of the next century.

H.R. 24, which extends the authorization for the five child nutrition programs under the National School Lunch and Child Nutrition Acts for 6 years, is evidence of the leadership of the Congress' commitment to our Nation's children. I am pleased to be a member of the Speaker's task force on the American family. Our task force specifically targeted programs which benefit America's families and their children.

For many American children, the School Lunch Program and the Summer Food Program often provide the only balanced meal these children eat. Therefore, I am pleased that these programs are reauthorized so that our Nation's hungry children will have a better chance of facing the schoolday with their attention focused on the voices of their teachers and not the rumblings of their hungry stomachs.

Furthermore, the task force was particularly concerned about the Supplemental Food Program for Women, Infants, and Children. A woman who has not had a nutritious diet during pregnancy is more likely to give birth to a low-birthweight infant. Low birthweight, in turn, is the leading cause of infant death. Furthermore, low birthweight will continue to hinder these babies' development throughout their childhood. They are more likely to have learning disabilities, stunted growth, and generally, poor health.

Therefore, I was very pleased that under the able leadership of Chairman WHITTEN, the House Appropriations Committee approved a 10-percent increase in funding for WIC. The legislation before us today continues this important trend by increasing the authorization for WIC \$150 million above the current services level. This increase will allow the addition of at least 300,000 new participants to the WIC Program.

Mr. Speaker, the national Governors task force report on children sums up the importance of ensuring that we address the needs of our children.

"The most critical element of our future economic competitiveness and well-being is our human capital. Today's children are our future parents, workers and taxpayers. Yet there are distressing signs that too many of

these children will be unprepared to meet the challenges of a world-class economy, an economy that requires healthy, well-educated trained young people."

Mr. Speaker, H.R. 24 will help to ensure that our children are prepared to be well-educated trained young people ready to be the leaders of tomorrow. I urge my colleagues to support this measure.

Mr. DE LA GARZA. Mr. Speaker, I rise in support of H.R. 24, The Child Nutrition and WIC Amendments of 1989. This legislation contains provisions which are of particular interest to the Committee on Agriculture, and it had been my hope to have this bill referred to the committee for full hearings on the matter of extending the Cash in Lieu of Commodities and Commodity Letter of Credit [Cash/CLOC] pilot projects.

However, in the interest of expediting action on the expiring child nutrition authorities, I did not ask for a sequential referral of H.R. 24 but worked with Chairman HAWKINS in arriving at a compromise on the Cash/CLOC provisions of the bill.

The Committee on Agriculture fully supports the commodity donation program for our Nation's schools, and while agreeing to this compromise, the committee nonetheless still has deep concerns about the Cash/CLOC programs. The 1986 evaluation of the pilot projects did not support any change from the commodity program, but in fact concluded that compared to the Cash/CLOC alternatives, the commodity program provided more food for our schoolchildren. Based on the data collected in that evaluation, the Department of Agriculture has estimated that under the current distribution program—generalizing the findings on a national scale—the market value of the commodities annually donated to schools would be approximately \$100 million more than the Federal subsidy provided in the alternative systems.

Commodity donations have been a source of nutritious food for our schoolchildren for many years, and the commodity distribution program has been helpful not only to our Nation's schoolchildren but also to our Nation's farmers by increasing demand for their products and preventing declines in prices for their products.

Last year the Committee on Agriculture and the Education and Labor Committee enacted several reforms to make the Commodity Distribution Program more efficient by, among other things, eliminating inconsistencies in the operation of the program at various levels of Government, better identifying recipient agencies' needs regarding the type and quantity of donated commodities, and improving the timing of donated commodity deliveries.

The following organizations have written to the Committee on Agriculture of their support of the Commodity Donation Program and of their opposition to the Cash/CLOC alternative system:

National Cattlemen's Association; National Pork Producers Council, National Milk Producers Federation, National Turkey Federation, Apricot Growers of California, Pacific Coast Canned Pear Service, International Apple Institute, Western New York Apple Growers As-

sociation, Louisiana Sweet Potato Commission, New York Cherry Growers Association, California Canning Peach Association, California Free Stone Peach Association, Georgia Peanut Commission, Peanut Advisory Board, United Egg Producers, United Egg Association, American Farm Bureau Federation, American Meat Institute, National Association of State Agencies for Food Distribution, National Grange, National Farmers Organization, and the Peanut Growers Group.

H.R. 24 extends the Cash/CLOC pilot projects through September 30, 1992. When this expiration date is reached, the pilot projects will have been in operation for over a decade.

Pilot programs must not go on forever. In this regard, I have notified Chairman HAWKINS that I intend sometime in the future to hold hearings by the Committee on Agriculture on the Commodity Donation Program and the Cash/CLOC alternative system, and I have invited Chairman HAWKINS to join me in looking into this matter in full detail.

I am glad, however, that we are able to move H.R. 24 expeditiously, and I wish to thank Chairman HAWKINS for his usual fine cooperation in working out a compromise on this matter of mutual interest. Attached to my statement are copies of letters which Chairman HAWKINS and I exchanged in reaching the compromise.

Finally, I wish to thank subcommittee Chairman CHARLES HATCHER and ranking minority member BILL EMERSON of the Domestic Marketing, Consumer Relations and Nutrition Subcommittee for their assistance in regard to this legislation.

COMMITTEE ON EDUCATION AND
LABOR, U.S. HOUSE OF REPRESENT-
ATIVES,

Washington, DC, July 31, 1989.

HON. E DE LA GARZA,
Chairman, Committee on Agriculture, U.S.
House of Representatives, Washington,
DC.

DEAR MR. CHAIRMAN: It is my understanding that we have reached an agreement on your concerns regarding certain provisions in H.R. 24, the Child Nutrition and WIC Amendments of 1989.

Under the agreement, the Committee on Education and Labor will bring up an amended version of H.R. 24 for consideration on the suspension calendar on Monday, July 31, 1989. The amendment we will make in our Committee-reported bill will limit the extension of the Cash in Lieu of Commodities and Commodity Letter of Credit (Cash/CLOC) pilot programs to September 30, 1992. The Committee-reported bill permanently authorizes these pilot programs.

We are also in agreement that we will ask the Speaker to appoint members from your Committee and members from our Committee as joint conferees regarding two provisions of H.R. 24: the Cash/CLOC pilot programs extension (Section 107), and the compensation to Cash/CLOC school districts that suffered financial losses due to a change in USDA methodology (Section 103). The Committee on Education and Labor will be sole conferees on the remainder of the bill.

Thank you for your cooperation in this matter.

Sincerely,

AUGUSTUS F. HAWKINS,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, July 28, 1989.

HON. AUGUSTUS F. HAWKINS,
Chairman, Committee on Education and
Labor, U.S. House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to your letter dated today, I am writing to inform you that the Committee on Agriculture will not request a sequential referral of H.R. 24, the Child Nutrition and WIC Amendments of 1989, and will not object to consideration of the bill under suspension of the rules.

This action in no way diminishes or sets a precedent with respect to the jurisdictional division of responsibility between the Committee on Agriculture and the Committee on Education and Labor, particularly in regard to the Cash in Lieu of Commodities and Commodity Letter of Credit (Cash/CLOC) pilot projects. Should this legislation go to conference, I understand the Committee on Agriculture will be included as conferees on Sections 103 and 107 of the House bill, which I understand are the only provisions in that bill pertaining to the Cash/CLOC projects, and any comparable provisions in the Senate bill which affect the Cash/CLOC projects.

I appreciate very much the cooperation of your Committee in working with the Committee on Agriculture in these matters of mutual interest.

With best regards,

Sincerely,

E (KIKI) DE LA GARZA,
Chairman.

Mr. WALSH. Mr. Speaker, I rise today in support of H.R. 24, the Child Nutrition and WIC Amendments of 1989. As a member of the Committee on Agriculture, which has direct jurisdiction over the WIC Program, I have heard testimony from people who have benefited from the program, and I view WIC as one of our Nation's highest priority social programs.

H.R. 24 will extend for 6 years, through 1995, authorizations for five child nutrition programs under the National School Lunch Act. More than \$2.1 billion will be spent. More than 300,000 children will be served. More information on nutrition will be passed on to teachers and school food service personnel as well as the children. What could be more important as we hear of the hundreds and thousands of pregnant women, children, and others who suffer from poor nutrition in our society, perhaps the richest country on Earth?

In his budget address, President Bush identified WIC as one program he would like to see funded at higher levels. I agree with the President that it is imperative we address this grave social concern. In my district, more than 10,000 people benefit from WIC funds. I have received letters and phone calls, from people in and out of Government and social work, who know the WIC Program works. It has helped people. It has very possibly saved lives.

The success is well documented, and I want to see it continue. I am confident this legislation will enhance the program and enable it to serve more needy children.

The WIC Program deserves the full support of this House. I urge my colleagues to support this legislation.

Mr. CONTE. Mr. Speaker, I rise in support of H.R. 24, the Child Nutrition and WIC Amendments of 1989. Chairman HAWKINS and the new ranking member, Mr. GOODLING, have done a good job. This bill reauthorizes or amends a few invaluable nutrition programs: the WIC Program, the School Lunch Program, the School Breakfast and Summer Food Programs, and the Nutrition Education and Training Program. The success of these programs in improving the health of our Nation's children is well-documented. With the passage of H.R. 24, they will continue to give a much-needed helping hand to lower income youngsters and their families.

The bill reauthorizes the WIC Program for 1990 at \$2.158 billion. The House Agriculture Appropriations bill, which contains WIC funding, provided \$2.126 billion for WIC in fiscal year 1990, which is just below what the authorization will be. I would point out that the \$2.126 billion level is \$197 million above the fiscal year 1989 level, and should allow significant increases in WIC participation.

One of the most significant measures in H.R. 24 is the provision making individuals automatically eligible for WIC if they are at nutritional risk and qualify for food stamps, ADFC, or Medicaid benefits. The lack of previous coordination between WIC and those programs was a serious burden on participants and WIC administrators. The direct result of the new provision will be a lowering of administrative costs and increased participation.

I am also encouraged by the charges the bill makes in allocations for administrative costs versus food costs. The 20/80 percent split was causing some real difficulty for agencies which saw significant savings due to the infant formula cost containment measures. The new allocation for administrative costs will be measured on a peer participant basis. That should help some hard-pressed WIC providers, who have to deal with the fact that administrative costs are not as flexible as food costs.

The Summer Food Program is reasonably expanded to allow private, nonprofit organizations to become eligible sponsors, which should extend the ability of the program to reach more eligible children. I also think that the provision authorizing the School Lunch Program to provide a snack for kids at those places which operate after school day care programs should help school systems. Currently they must provide snacks through the Child Care Food Program, which effectively doubles the paperwork to provide benefits to the same children. Putting everything under the aegis of the School Lunch Program will reduce the loads of paperwork that many schools now have to compile.

Another sensible provision reduces the audit burden on school systems. Audits are quite necessary, but apparently there is a lot of duplication going on between State audits and Federal audits. The bill streamlines the audit system, giving the State primary authority. I hope this will cut down on the burden of school systems, as well as improve the efficiency of State and Federal audits.

Before ending my statement I would also like to commend the committee for expanding the School Breakfast Program. There is no better way to start the day than with a good breakfast, and it has been proven that kids who do eat breakfast are more alert and able to learn than those kids who go without breakfast. The bill authorizes funds for one-time grants to initiate breakfast programs in schools which have high proportions of children from lower income families. That will put the money to good use.

I think H.R. 24 is a good bill, and I urge my colleagues to support it.

Mr. FORD of Michigan. Mr. Speaker, I rise today in support of H.R. 24, the Child Nutrition and WIC Amendments of 1989. This legislation reauthorizes three essential nutrition programs—the Summer Food Service Program, the Nutrition Education and Training Program, and the Special Supplemental Food Program for Women, Infants and Children, more popularly known as WIC.

This legislation also makes important changes in the school lunch, school breakfast, and dependent care food programs. Last year, the School Lunch Program provided almost \$3 billion in cash and \$870 million in commodity assistance for about 24.2 million students at 90,600 schools across the Nation; 90 percent of the cash assistance goes to provide low-cost lunches to children from families who earn less than 185 percent of the poverty level.

I would like to point out that before the draconian cuts to section 4 funding in 1981, over 26 million children received school lunches under this program. I am hopeful the Bush administration will avoid attacking section 4 funding. Because of the 1981 cuts, less children participate in the School Lunch Program now than did at the beginning of the decade. With the increase in poverty and homelessness among our Nation's youth, we must work to ensure that all eligible children participate in the School Lunch Program.

Last year, the School Breakfast Program served 3.9 million children across the Nation. Because such a small percentage of the school lunch recipients are participating in the School Breakfast Program, H.R. 24 includes funding assistance for schools who are having difficulty initiating a school breakfast program. H.R. 24 provides \$4 million in funding targeted on school with the neediest children.

H.R. 24 also provides for necessary reforms in the audit system, by replacing a complex Federal/State audit system, with a single audit administered in conjunction with Federal and State officials. This, along with other reforms, will reduce the paperwork burden now faced by school officials.

I am particularly supportive of the authorization of pilot programs to be counted by the Secretary of Agriculture, to examine the feasibility of alternative methods of counting meals in the schools. Large schools, especially in districts that serve a large number of free meals, need a reformed way to count meals and receive reimbursement. H.R. 24 also allows schools to certify eligibility for the school food programs through information obtained from AFDC or food stamp offices, further reducing administration burdens.

During this year, I have received hundreds of letters from my constituents supporting increases in funding for the WIC Program. Currently, WIC serves about 850,000 women, 1.132 million infants and 1.7 million children per month, providing them with monthly food packets and nutritional services. I am pleased that H.R. 24 authorizes a \$150 million increase in funding for WIC over current service levels. This increased authorization would serve an additional 300,000 women and children.

Currently WIC can only serve half of those eligible for services. H.R. 24 mandates that States use the infant formula costs containment system which provides the greatest savings. This will allow additional women and children to receive services without increasing the cost of the program.

H.R. 24 also increases coordination between WIC and other poverty programs including AFDC, Medicaid, and food stamps. This will reduce the confusion and increase participation in these programs.

Proper nutrition is vital for the growth and development in children. Also, proper prenatal care is essential for healthy infants. The Harvard School of Public Health has found that every \$1 spent on WIC saves \$3 on health costs for low-birthweight babies. Numerous studies have shown what teachers and parents have known for years—an empty stomach and poor nutrition are detrimental to learning. Therefore, WIC, school lunch, school breakfast, and the other child nutrition programs are among our most important Federal programs. They develop our most precious natural resource—our Nation's children.

Mr. RAHALL. Mr. Speaker, I am in strong support of H.R. 24, the child nutrition and WIC reauthorization bill.

This legislation extends for 6 years, through 1995, the authorizations for the five child nutrition programs under the National Schools Lunch and Child Nutrition Acts that do not have permanent authorizations.

The bill authorizes the Special Supplemental Food Program for Women, Infants, and Children [WIC] at \$2.16 billion in 1990, and such sums as may be necessary in fiscal years 1991 through 1995. The bill provides \$150 million in increased funding for WIC, and this new funding if appropriated will serve an additional 300,000 new participants in the program in the coming fiscal year.

Mr. Speaker, for every WIC dollar spent for food and other health services for women who are pregnant, and for their young children, we save \$3 in potential future costs for maternal and child health, particularly costs associated with low birth weight and genetic birth defects caused by little or no prenatal care among poor women of child-bearing age.

WIC is neither an entitlement, nor a mandatory spending program, and is therefore subject to the appropriations process each and every year. The House has seen fit to choose, and I applaud their decision, to increase funding for WIC in the next fiscal year in the amount recommended in the Budget Resolution agreement for fiscal year 1990. I urge my colleagues in the Senate to do the same.

The success of the WIC Program, its cost effectiveness in the delivery of the many health and nutrition benefits that accrue to

women, infants and children, is unchallenged, and of critical importance to alleviating hunger and its devastating effect on infant mortality rates in the United States.

Mr. Speaker, H.R. 24 also increases funding for the Nutrition Education and Training [NET] Program to provide nutritional information to teachers, students, school food service personnel and, indirectly, to parents.

The remaining three child nutrition programs, summer food which provides lunch to children in needy areas when school is not in session, the commodity distribution program which distributes excess agricultural products, and the program that provides funds for State administrative expenses for the permanently authorized School Lunch Program are also reauthorized under H.R. 24.

The measure also permits automatic WIC eligibility for individuals at nutritional risk who receive benefits from AFDC, food stamps, or Medicaid; expands the Summer Food Program to permit nonprofit organizations to sponsor the program, with an emphasis on establishing such programs in rural areas; and expands the School Breakfast Program by providing start-up funds where schools do not now offer a breakfast program.

The bill, for the first time, requires the States to institute, under their WIC Program, the infant formula cost containment system—such as competitive bidding—that yields the most savings. This allows States to use such savings to increase the number of program participants. It is useful to note here that there is a waiver provision for States for whom a competitive bidding process would create undue hardship, or would not necessarily lead to savings envisioned by this amendment.

H.R. 24 permits schools to certify children as eligible for free or reduced-price meals by obtaining pertinent information directly from local food stamps or AFDC offices, and it institutes a number of changes to reduce the paperwork required under child nutrition programs, such as allowing States to have permanent agreements, instead of annual agreements, with local schools to operate the school lunch, breakfast, and special milk programs.

Mr. Speaker, I give my wholehearted support to passage of H.R. 24, the child nutrition and WIC amendments bill, reauthorizing programs that are of critical importance in our continuing effort to serve at-risk populations by alleviating hunger in the United States.

Mr. MILLER of California. Mr. Speaker, I rise in strong support of H.R. 24, the Child Nutrition and WIC Amendments of 1989. The committee bill is one which we should all be proud to endorse.

The child nutrition amendments contain provisions which will ensure that the nutritional needs of children, including low-income and homeless children and children living in rural areas, are met through the school breakfast, school lunch, and summer food programs. Cost-saving and paperwork reduction provisions will help ensure the expansion of these programs to children most in need.

The WIC amendments target previously unserved populations, such as drug-exposed infants and children in the child welfare system, and permit States, at their option, to serve

women in State and local juvenile and correctional facilities. This bill improves the coordination of WIC with AFDC, food stamps, and Medicaid, which will result in increased participation of eligible women and children, and in an increase of referrals from WIC to other health and social service programs.

Of particular importance are the provisions of this bill that strengthen infant formula cost containment provisions in the WIC Program. These provisions, which I developed and the chairman and ranking members then included in their legislative package, should result in millions of dollars in additional savings and tens of thousands more women, infants, and children being served.

At present, most States have implemented a cost containment system in their WIC Programs. The States are to be commended for their pioneering work in this area.

There are, however, some significant differences in the level of savings that various States are achieving. About 20 States either use competitive bidding or—in the case of one State, Arkansas—use another cost containment system that was determined—after securing bids under both systems and comparing them—to save as much or more money than competitive bidding. In these States, the rebates average more than \$1.20 per can.

A second group of States use other approaches. In most of these States, the State-negotiated contracts with two or more companies, and all companies continue to sell infant formula regardless of the level of rebate provided. In these States, the rebates average about 90 cents per can.

The provision in the bill essentially requires that as current contract terms expire, all States follow the procedures used by the first group of States, as I have described them. States could either use competitive bidding procedures, to select the single company offering the lowest price, or they could secure bids under both competitive bidding and another cost containment system, compare the bids, and select the system yielding the greatest savings.

The Secretary would issue regulations governing the comparison of savings under differing cost containment systems. These savings comparisons would not be based solely on the initial rebate levels offered. The comparisons would be expected to cover the savings over the full duration of the contract term and also to factor in projected changes in reimbursement levels as wholesale prices rise during the contract period. In the past, infant formula wholesale prices have risen about every 9 months.

In addition, other cost factors could also be taken into account. These would include such factors as the proportion of infants that could reasonably be expected to be prescribed a noncontract brand of formula under a competitive bidding system, the number of infants who would receive formula for which no rebate is provided under the open market rebate system, and administrative costs that a State could reasonably be expected to incur in implementing or switching to a new cost-containment system. While the ongoing administrative costs of operating different rebate systems should be similar in most cases, there may be some differences in costs for

various cost containment systems during the implementation period.

The Secretary would issue regulations regarding the use of these various cost factors and would be expected to base these regulations on the actual experience of States that have implemented and operated various cost containment systems. For example, the Secretary would be expected to determine the percentages of infants prescribed a noncontract brand of infant formula in States using competitive bidding. These data should enable the Secretary to judge what is a reasonable percentage of infants for a State to apply in conducting a savings comparison.

The provision also includes a waiver procedure. While the waiver language is discretionary, we do not expect the Secretary to refuse all requests for a waiver. At the same time, we expect this authority to be used sparingly and only with good justification. To be granted a waiver, a State would have to show to the satisfaction of the Secretary that complying with the provision would interfere with the efficient or effective operation of the program in the State.

An example could be a small Indian agency that either could not secure bids under a competitive bidding system or for which a competitive bidding system was infeasible for other reasons. Another example could be problems faced in outlying areas of rural Alaska where deliveries of food are flown in only on a periodic basis. The Department of Agriculture already recognizes the special circumstances of rural Alaska under the Food Stamp Program through a separate set of food stamp rules for those areas.

Mr. Speaker, I believe this is one of the outstanding provisions of the bill and represents both a sound use of the taxpayers' dollars and advance in health and nutrition policy. We will reach more of those in need by making Government more efficient and getting more bang for the buck.

Mr. BALLENGER. Mr. Speaker, I rise in support of H.R. 24, but with strong reservations about the cost containment language contained in the bill.

After full committee approval of the legislation, I was informed by the North Carolina Department of Human Resources that the cost containment provisions of the bill would adversely affect my home State.

The North Carolina WIC Program has used an "open" system of infant formula rebates which has been very successful in our State. This open system has enabled the WIC Program to serve over 15,000 more individuals each month. In addition, North Carolina has received over \$8 million in infant formula rebates over the last year. The language in H.R. 24 appears to restrict North Carolina options and those of other States who use this system in selecting the best system for cost containment in the procurement of WIC foods.

The Federal Government should continue to recognize the importance of allowing States who have researched and studied various formula systems, the option of choosing their own cost containment program.

As the committee report notes, "Some tens of thousands of additional low-income women, infants, and children should be able to receive the benefits of the WIC program as a result." I

hope the committee language does not have an adverse affect and prevent thousands of North Carolina women, infants, and children from gaining needed benefits under the WIC Program.

I would like to submit two letters for the RECORD. The first is from the North Carolina Department of Human Resources Secretary, David T. Flaherty and the second is from the North Carolina Chapter of the American Academy of Pediatrics supporting the North Carolina position on this important matter.

NORTH CAROLINA
DEPARTMENT OF HUMAN RESOURCES,
Raleigh, NC, July 19, 1989.

HON. T. CASS BALLENGER,
House of Representatives, Cannon House
Office Building, Washington, DC.

DEAR MR. BALLENGER: The purpose of this letter is to alert you to proposed language in the Child Nutrition reauthorization legislation (HR 24) scheduled for a House vote this week. The provision which is of major concern is one dealing with competitive bidding for infant formula procurement. It is our understanding that the intent of this provision is to require states to enter into sole source competitive bids for infant formula.

For the past year the North Carolina WIC Program has participated in an "open" system of infant formula rebates. We chose to implement the "open" system of cost containment after a careful analysis of potential savings, infant formula prescription patterns, and the need for allowances for special formulas. It was determined that a sole source competitive bid rebate would have to be at a minimum 20 percent higher than the open market rebate to achieve the same cost savings. These considerations are described in Attachment 1.

Our choice has been extremely successful in North Carolina enabling the WIC Program to increase services from 108,905 a month in July 1988 to 124,357 services a month in May 1989. North Carolina received \$8,664,890 in infant formula rebates in the past 11 months. The expansion of the North Carolina WIC Program has been a joint effort of the public health system and private health care across the state. Approximately 70 percent of the increase came from private physician referrals to the WIC Program.

The proposed legislation in HR 24 does not appear to allow any state options in selecting the best system for cost containment in the procurement of WIC foods. I do not feel this is in the best interests of the WIC Program. It has the potential to exclude consumer choice as well as the physician's decision to prescribe the formula which is most appropriate for the patient. Although at first glance the cost savings from a sole source system may appear significant, one must consider the administrative costs, particularly for local agency staff to administer such a system. To my knowledge there have been no studies of current state agency cost containment systems which demonstrate that a competitive bid system actually realizes greater savings than an "open" system. It is critical that such a study be done before competitive bidding for infant formula becomes a legislative mandate for the WIC Program.

I urge you to carefully review this provision and its long-term effects on the WIC Program. Attachment 1 is a briefing paper which outlines North Carolina's position on

infant formula cost containment and experience in the past year.

Please feel free to contact Alice Lenihan, State WIC Director (919) 733-2973 if you have any questions.

Sincerely,

DAVID T. FLAHERTY.

NORTH CAROLINA INFANT FORMULA REBATES

In July, 1988 the North Carolina WIC Program initiated an open system to accept rebates for infant formula issued to WIC participants. This decision was reviewed again on May 1989 with the same conclusions. The decision to implement and continue an open system was made based on the following factors:

1. Potential rebate earnings.

In analyzing the number of infants receiving formula, it became apparent to the program that when allowing for infants who were on special or soy-based formulas, the amount of rebate through an open market system was comparable to that of a competitive, sole-source rebate.

In 1988 the program estimated that approximately 15% of enrolled infants received soy-based formula. At the current time 17.8% of enrolled infants receive soy-based formula. In addition, between 2% and 3% of the enrolled infant population receives special formulas (such as Nutramigen, Pediasure, Similac Special Care-24). The program would not consider including these infants in the rebate for medical reasons.

2. Program growth considerations.

A. A primary factor to consider was the ability of the North Carolina WIC Program to grow, while maintaining the federally mandated goals of the program.

The goals include the provision of nutrition education and supplemental foods to those at medical nutritional risk, and coordination with other health care services to prevent the occurrence of health problems and to improve the health status of participants. We feel that we have balanced our efforts between increased outreach and provision of quality care to all WIC participants.

Growth in the program must be planned, local agencies must be staffed and have adequate facilities to absorb program growth.

B. Growth in WIC would come from those participants receiving health care in the private sector.

Support of the private health care community is critical to the success of the WIC Program. WIC is intended to operate as an adjunct to health care. In North Carolina 47 percent of program participants receive health care outside local health departments. In discussions with the pediatric community, strong opinions were expressed about the authority of each physician to prescribe the formula that they felt medically met the needs of their patients. Since one of the program's goals was to work with the private sector, their advice was considered in the decision to implement an open market system.

Preliminary analysis of North Carolina's outreach into the private sector indicates the following since July 1988:

75%—of the increase in the infant population is from the private sector.

67%—of the increase in the overall population is from the private sector.

3. Rebate performance in 1988-89.

The North Carolina WIC Program has grown significantly since the inception of infant formula rebates. The following outlines the program's growth in caseload and

the additional revenues provided from infant formula rebates:

Month	Active participation	Earned revenues
July 1988	108,905	\$478,262.99
August	111,401	755,075.65
September	111,869	656,036.76
October	113,348	777,750.59
November	114,205	807,699.21
December	113,802	787,265.78
January 1989	117,483	822,799.63
February	117,972	799,255.95
March	121,394	933,270.84
April	122,890	853,124.81
May	124,357	994,348.13
To date earned revenues from rebates		8,644,890.34

To date increased caseload = 15,452.

Source: North Carolina Division of Health Services 7/89, WIC Monthly Reports.

AMERICAN ACADEMY OF PEDIATRICS,

Charlotte, NC, July 20, 1989.

Hon. T. CASS BALLENGER,
116 Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE BALLENGER: I am writing in regard to proposed changes under H.R.24 for the WIC Program. Under Paragraph B on page 12 of the proposal, it would be required that the purchase of infant formulas be through a competitive bidding system or any other cost containment measure that yields savings equal to or greater than savings generated by a competitive bidding system.

In July, 1988, the North Carolina WIC Program began an open system to accept rebates for infant formula issued to WIC participants. This was after a prolonged public comment period, including public hearings as well as written comments regarding open or closed rebate systems. The majority of public comment supported the open system. One advantage was that the open rebate system was able to be initiated within a short time frame after the decision was made, and there was no need for administrative rules, changes, vendor contract changes or local agency or referral source training.

At the time the decision was made, the highest sole source rebate was \$.92/can in Texas. North Carolina received \$.87/can through the open system. It was estimated that North Carolina would receive a cost savings of approximately \$8 million, allowing an additional 20,000 potential eligibles a month to be added to the program.

The above estimates have been met and exceeded. At the present time, revenues from rebates are \$8,664,890.34, and the caseload has increased 35,352. Another goal was to enroll more infants from the private sector. Of the 5358 additional infants enrolled in the North Carolina WIC Program, 4016 (75%) came from the private-care sector. Of the 16,835 additional women and children enrolled in the program, 11,298 (67%) came from the private health-care sector.

The open rebate system has worked well in North Carolina and allows physicians and families a choice of infant formula under the WIC Program. I hope you will support changes in H.R.24 which will allow North Carolina and other states the option of continuing the open rebate system as an alternative to a competitive bidding system.

Sincerely yours,

ROBERT P. SCHWARTZ, M.D.,
Chapter President.

Mr. POSHARD. Mr. Speaker, I rise in strong support of H.R. 24, the Child Nutrition and WIC Amendments of 1989. The bill provides a

5-year reauthorization for the school lunch, school breakfast, and WIC programs.

As witnesses at all of the committee's hearings emphasized, these programs are vital to the physical well-being of millions of American students, children, and mothers. Last year, more than 24 million students participated in the School Lunch Program. According to a number of the witnesses at our subcommittee hearings, a federally subsidized school lunch is the only nutritious meal of the day for too many of our low-income students.

Years of scientific research have proven that well-fed students learn better, get better grades, and achieve higher test scores. In the interest of improving the effectiveness of the Nation's educational programs, we need not only fully to fund but to expand and improve the School Lunch Program.

The School Breakfast Program, while only available to 3.9 million students, has also proven the clear connection between nutrition and education. It should be broadened so that millions more children can enjoy the benefits of eating a good breakfast before school.

The Special Supplemental Food Program for Women, Infants, and Children [WIC] is another overwhelmingly successful Federal nutrition program. The funding level included in the Committee's bill would offer this successful program to another 300,000 participants. This expansion is completely cost-effective, because according to a Harvard School of Public Health Study, for each dollar WIC spent on prenatal nutrition, \$3 were saved on hospitalization costs for newborns.

Mr. Speaker, without a doubt, this is one of the most important bills which the Committee on Education and Labor has considered this year. In addition to these three programs, H.R. 24 authorizes the Summer Food Service Program, the Child Care Food Program, the Adult Care Food Program, and the Nutrition Education and Training Program.

I strongly believe that H.R. 24 is a bill directed toward the most vulnerable members of our society—poor children and pregnant women. This is Federal Government at its finest, looking out for the needs of Americans who are unable to adequately meet the basic human need for adequate nutrition. As a cosponsor and strong supporter, I urge all of my colleagues to vote in favor of the bill.

Mr. GOODLING. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HAWKINS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from California [Mr. HAWKINS] that the House suspend the rules and pass the bill, H.R. 24, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the Child Nutrition Act of 1966 and the National School Lunch Act to revise and extend

certain authorities contained in such Acts, and for other purposes.”

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE NECESSARY TECHNICAL AND CONFORMING CHANGES IN H.R. 24, CHILD NUTRITION AND WIC AMENDMENTS OF 1989

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make all necessary technical and conforming changes in H.R. 24, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 24, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

RAILROAD DRUG ABUSE PREVENTION ACT OF 1989

Mr. THOMAS A. LUKEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1208) to amend the Federal Railroad Safety Act of 1970 to provide for drug and alcohol testing for railroad employees, as amended.

The Clerk read as follows:

H.R. 1208

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Railroad Drug Abuse Prevention Act of 1989”.

SEC. 2. NATIONAL POLICY.

The Congress hereby declares it to be the national policy of the United States to eliminate the threat to railroad transportation safety posed by drug and alcohol use.

SEC. 3. DRUG AND ALCOHOL TESTING.

Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended by adding at the end the following new subsection:

“(r)(1) The Secretary shall, in the interest of railroad safety and the protection of the privacy of railroad employees, issue regulations within 90 days after the date of the enactment of this subsection to establish a program which requires rail carriers, at the carriers expense, to conduct testing—

“(A) of employees holding jobs covered by the Act of March 4, 1907, commonly referred to as the Hours of Service Act, and employees holding other positions the Secretary determines to be safety-sensitive (including supervisory and management positions) whose performance can directly and immediately cause serious physical injury,

for impairment by alcohol or for the unlawful use of a controlled substance; and

“(B) of applicants for such jobs and positions, and applicants for reinstatement or return from furlough with respect to such jobs and positions, for impairment by alcohol or for the unlawful use of a controlled substance.

“(2) Regulations issued under this subsection shall provide that testing of applicants and employees shall be required in the following circumstances:

“(A) Applicants shall be tested prior to employment as part of a pre-employment screening process.

“(B) Employees shall be tested—

“(i) on a random, nondiscriminatory basis;

“(ii) as part of all employer-required physical examinations for individuals out of service more than 90 days;

“(iii) as part of the scheduled, routine employer-required physical examinations for a primary purposes other than drug or alcohol testing, but not more frequently than annually, and only upon reasonable notice in accordance with regulations issued by the Secretary to assure that all employees are treated on a uniform and nondiscriminatory basis;

“(iv) upon return from illness or injury which requires an absence of more than 30 days;

“(v) immediately following a railroad accident or incident involving loss of human life, serious bodily injury requiring medical attention, or property damage in excess of \$50,000 in value (except for a grade crossing or trespassing accident which does not involve a violation of an operating rule of a railroad), if the employee is a part of the crew of a train involved in the accident or incident or may otherwise be involved and there is a reasonable basis to believe the employee may bear some responsibility for the accident or incident;

“(vi) when prescribed as part of a rehabilitation program; and

“(vii) following successful completion of a rehabilitation program, as required in paragraph (4).

“(C) Employees whose job performance the employer reasonably and in good faith suspects is being or is about to be impaired by the influence of alcohol or a controlled substance shall be tested immediately. For purposes of this subparagraph, reasonable suspicion must be based on specific personal observations that at least two supervisory employees can articulate in writing concerning the appearance, speech, behavior, or body odors of the employee. At least one such supervisory employee must have at least 8 hours of training in the recognition of drug and alcohol impairment in accordance with training standards establishing by the Secretary. For purposes of this subparagraph, the following violations of a major operating rule of a railroad shall constitute grounds for reasonable suspicion:

“(i) Occupancy of a block or other segment of track to which entry was not authorized.

“(ii) Failure to clear a track to permit opposing or following movement to pass.

“(iii) Moving across a railroad crossing at grade without authorization.

“(iv) Passing an absolute restrictive signal or passing a restrictive signal without stopping (if required).

“(v) Failure to protect a train as required by a rule consistent with regulations issued by the Secretary.

“(vi) Operation of a train at a speed that exceed the maximum authorized speed by

at least 10 miles per hour or by 50 percent of such maximum authorized speed, whichever is less.

“(vii) Alignment of a switch in violation of a railroad rule or operation of a switch under a train.

“(viii) Failure to apply brakes or stop short of derail as required.

“(ix) Failure to secure a hand brake or failure to secure sufficient hand brakes.

“(x) In the case of a person performing a dispatching function or block operator function, issuance of a train order or establishment of a route that fails to provide proper protection for a train.

No employee or job applicant, whether or not described in paragraph (1), shall be required to undergo drug and alcohol testing except in accordance with the procedures provided in this subsection. Drug and alcohol testing of an employee described in paragraph (1) may be carried out only as provided in this subsection.

“(3) In issuing the regulations required under this subsection, the Secretary, after consultation with the Secretary of Health and Human Services, shall provide—

“(A) that each employer shall notify all employees and applicants covered by this subsection of—

“(i) the employer's policy on the use of alcohol and controlled substances;

“(ii) the rights and obligations of the employer, employee, and applicant under this subsection and regulations issued under this subsections.

“(iii) the procedures used by the employer in conducting tests (including the manner in which notice will be provided, the amount of time between notice and testing, the types of tests used, the substances being tested for, the chain of custody the sample will pass through, and the identity of the laboratory used to perform the test);

“(iv) the quantified level of alcohol which constitutes impairment, and the quantified level of controlled substances which constitutes a positive finding, such levels to be established by the Secretary;

“(v) the right of the employee or applicant to challenge the accuracy of test results;

“(vi) notice of sanctions associated with positive tests; and

“(vii) rights to rehabilitation and the identity of personnel an employee may contact to obtain rehabilitative help in resolving a problem with the use of alcohol or a controlled substance;

“(B) that whenever an employer is required by this paragraph to act in accordance with the mandatory guidelines for Federal workplace drug testing programs promulgated on April 11, 1988, by the Alcohol, Drug Abuse and Mental Health Administration (53 Fed. Reg. 11970) (hereinafter in this subsection referred to as the ‘ADAMHA guidelines’), the employer shall be treated as though it were an agency under such guidelines;

“(C) that each employer shall be required to employ or retain a qualified licensed physician to serve as a medical review officer as required by the ADAMHA guidelines;

“(D) that each employer shall afford the employees and applicants being tested the opportunity to inform the medical review officer of any medication or other legal substance the employee or applicant is using or has used, ingested, or been exposed to, or any medical condition, that might affect the outcome of the test;

"(E) that each employer shall assure that urine samples are collected in accordance with the ADAMHA guidelines and are analyzed by a medical laboratory meeting the requirements of subparagraph (K), and shall compensate the employee for any time lost and for reasonable travel expenses in order to provide the specimen;

"(F) that time lost in order to provide a urine, breath, or other sample required by regulations issued under this subsection shall not be counted as time off duty or time on duty for purposes of the Hours of Service Act;

"(G) that each employer shall assure that an unbroken chain of custody sufficient to protect the sample from tampering and to verify the identity of each sample and test result is maintained for specimen samples and that each sample is kept in a separate container for confirmation and testing;

"(H) that any positive initial test shall be confirmed by the most scientifically reliable test available, as prescribed by the ADAMHA guidelines;

"(I) that the medical review officer of each employer shall interpret and verify each confirmed positive test result as prescribed by the ADAMHA guidelines, discounting for any medication, substances, or medical condition disclosed under subparagraph (D) and any chemical or other substances to which the applicant or employee is or has been exposed, with any doubt as to the outcome resolved in favor of a negative finding;

"(J) that the medical review officer of each employer shall notify each applicant or employee who is tested of the results of the test within five working days after the medical review officer receives, interprets, and verifies such results, and shall furnish the applicant or employee an explanation of the results and notice of the availability of the independent reconfirmation test procedures provided by subparagraphs (O) and (P);

"(K) that each employer shall retain an independent laboratory, not affiliated directly or indirectly with any rail carrier, which shall be certified by the Secretary of Health and Human Services under subpart C of the ADAMHA guidelines for the performance of all initial urine tests and confirmation tests; and which shall be required to comply with subpart B of the ADAMHA guidelines, except that notwithstanding the quality assurance and quality control provisions in section 2.5 and subpart C of the ADAMHA guidelines, the Secretary shall not permit any laboratory to continue to perform tests for purposes of this subsection which has incorrectly reported the presence of a controlled substance in any blank sample submitted to it in external blind proficiency testing during any 90-day period referred to in the ADAMHA guidelines.

"(L) that following each blind proficiency test described in subparagraph (K), each employer shall provide a report to the Secretary of any false positive result referred to in subparagraph (K), which shall be reviewed by the Secretary for purposes of disqualification of the laboratory under such subparagraph;

"(M) that each employer shall assure that any sample which produces a positive result in a confirmation test is retained by the medical laboratory in properly secured long-term frozen storage for at least 365 days;

"(N) that in the case of a laboratory disqualified under subparagraph (K), each of the tests performed by such laboratory

within the 90 days preceding the false positive result which formed the basis for disqualification shall be reanalyzed as though it were an untested sample;

"(O) that each employer shall afford an applicant or employee whose confirmation test results are positive the opportunity to have a portion of the sample assayed by a confirmation test done independently, at the applicant's or employee's expense (subject to reimbursement by the employer if the results are negative) at a laboratory meeting the requirements of subparagraph (K) if the applicant or employee requests the independent test within 30 days of being advised of the results of the confirmation test;

"(P) that in the event of a discrepancy between the test results of the railroad's laboratory and the laboratory chosen by the applicant or employee, the sample shall be retested at a third qualified laboratory selected by the applicant or employee, at the employer's expense, and that finding shall be conclusive;

"(Q) that each laboratory shall, unless the applicant or employee provides written consent or unless the laboratory receives valid compulsory process, assure that the results of the test are kept confidential from all persons (other than the applicant or employee) except that the laboratory may so notify the medical review officer of the employer of any test result other than an unconfirmed positive test for controlled substances;

"(R) that each medical review officer shall, unless the applicant or employee provides written consent or unless the medical review officer receives valid compulsory process, assure that the results of the test and any information disclosed under subparagraph (D) are kept confidential from all persons, other than the applicant or employee, except that such officer may notify those supervisory or managerial personnel of the employer who have a compelling need for the information to carry out the employer's policies, and the medical personnel in any rehabilitation program in which the applicant or employee is enrolled;

"(S) that the personnel to whom the results of a test are reported under subparagraph (R) shall, unless the applicant or employee provides written consent or unless the employer receives valid compulsory process, keep the results of the test confidential from all persons (other than the applicant or employee);

"(T) that each employer shall provide an applicant or employee, or the employee's exclusive representative who is processing a grievance on behalf of the employee, the right to receive upon request, at no charge, within five working days, copies of all documents held by the employer or employer's agent (including the laboratory conducting the test) relating to the testing of the individual for the prohibited use by the individual of alcohol or controlled substances;

"(U) that the provisions of subparagraphs (Q), (R), and (S) requiring the confidentiality of test results shall not apply to confirmed positive test results for employees tested pursuant to paragraph (2)(B)(v), to the extent such test results are required for use by the Secretary, other Federal agencies, and law enforcement agencies in official investigations and reports;

"(V) that employees tested under paragraph (2)(B)(v) or (C) shall be suspended from duty with pay until the results of a test performed under regulations issued under this subsection are received; and that

any employee discharged from employment or suspended without pay following a confirmed positive test shall be reinstated with back pay if a retest is made under subparagraph (P) and the result of such retest is negative;

"(W) that no employee shall be tested for alcohol or drugs under paragraph (2)(B)(v) or (C) after eight hours have passed from the triggering event; and

"(X) that any employee required to provide a urine sample under paragraphs (2)(B)(v) or (C) shall be afforded the opportunity to provide, in addition, a blood sample for testing, which shall be considered by the employer's medical review officer under subparagraph (I), together with all other available information.

"(4)(A) Regulations issued under this subsection shall further provide that each rail carrier shall establish and maintain a rehabilitation program, including education and prevention features, which is approved by the Secretary and at a minimum provides for the identification and opportunity for treatment of employees described in paragraph (1)(A).

"(B) Any employee who voluntarily enters such a rehabilitation program within one year after the date of the enactment of this subsection due to drug or alcohol dependence shall be removed from any safety sensitive position. Such an employee shall continue to receive pay if he accepts and performs alternative duties which do not conflict with any applicable collective bargaining agreement, or if he is precluded from performing such duties by the requirements of the rehabilitation program. An employee shall not be considered to have acted voluntarily under this paragraph if such employee enters a rehabilitation program after receiving notification that he will be tested or the occurrence of an event giving rise to such testing, whichever occurs first, and before the results of such test are verified by the medical review officer under paragraph (3)(I).

"(C) Any employee for whom a test conducted and confirmed under this subsection, or under regulations issued under this subsection, establishes that the employee has used alcohol or a controlled substance in violation of the rules of the rail carrier shall be suspended from duty without pay and referred to the rehabilitation program. Such employee may be reinstated to duty only after the performance of a minimum of 40 hours of community service in alcohol and drug abuse prevention and treatment efforts, unless the Secretary for good cause waives this requirement for the individual employee. Any employee who has, before the date of enactment of this subsection, entered a rehabilitation program as a result of a positive test for the use of alcohol or a controlled substance in violation of the rules of a rail carrier, and for whom a test conducted and confirmed under this subsection, or under regulations issued under this subsection, establishes that the employee has used alcohol or a controlled substance in violation of the rules of the rail carrier, shall, in addition to any other requirement of this subsection, be subject to sanctions, up to and including immediate discharge, as determined by the employing rail carrier.

"(D) Such regulations shall provide that any employee referred to a rehabilitation program who fails to successfully complete the program or who tests positive following successful completion of the program shall be discharged from employment. Such regulations shall provide that an employee shall

be subject to drug and alcohol testing as frequently as daily for 3 years following the successful completion of a rehabilitation program. Such regulations shall provide that a rail carrier may also make such program available to its employees not referred to in paragraph (1)(A).

"(E) Nothing in this paragraph shall preclude any rail carrier from establishing a program under this paragraph in cooperation with any other rail carrier. Nothing in this subsection shall supersede the provisions of any collectively bargained or company provided rehabilitation program which does not conflict with the requirements of this subsection, and which meets or exceeds the minimum requirements imposed by the Secretary in regulations issued under this subsection.

"(5) A person—

"(A) other than the applicant or employee being tested, who, other than as specifically provided by this subsection, discloses the results of a test performed under this subsection;

"(B) who alters the result of any alcohol or controlled substance testing performed under this subsection or who falsely reports such results;

"(C) who performs or causes to be performed on a specimen taken pursuant to this subsection a test for any substance, drug, or medical condition other than alcohol or a controlled substance as provided in this subsection;

"(D) who is an employer and who disciplines, discharges, or discriminates against an employee on the basis of a positive result that has not been verified by a confirmatory test performed in accordance with this subsection;

"(E) who is an employer and who disciplines, discharges, or discriminates against an employee on the basis of a positive result that has been verified by a confirmatory test performed in accordance with this subsection, unless the employee (i) refuses to undertake or fails to complete a rehabilitation program described in paragraph (4), or (ii) has had a previous positive test for the use of alcohol or a controlled substance in violation of the rules of a rail carrier;

"(F) who is an employee who attempts to avoid or avoids being tested pursuant to this subsection, including by leaving the scene of an accident or by leaving his or her appropriate place of duty, without proper authorization, unless injury or other urgent circumstances so warrant; or

"(G) who is an employer who fails to administer the drug and alcohol testing as prescribed by this subsection, shall be subject to penalties as provided in paragraph (6).

"(6) A person who violates paragraph (5) shall be subject to one or more of the following sanctions:

"(A) Assessment by the Secretary of a civil penalty of not less than \$1,000 nor more than \$10,000.

"(B) Where the violation is committed knowingly, imprisonment for not more than 3 years, or a fine under title 18, United States Code, or both.

"(7) An applicant or employee who is tested or whose test results are handled in violation of, or is deprived of rights under, this subsection may institute a civil action in any Federal district court of competent jurisdiction for appropriate legal and equitable relief. The costs of suit, including a reasonable attorney's fee, shall be allowed to the prevailing party in the manner in which attorney's fees are allowed under the

last sentence of section 722 of the Revised Statutes (42 U.S.C. 1988). It shall not be a defense to such an action that the employee has waived the rights provided for in this subsection, except as provided in paragraph (3) (Q), (R), and (S), or has otherwise consented to a violation of this subsection, or that the defendant acted in good faith. No action may be instituted under this paragraph after the expiration of two years from the date the applicant or employee discovers the violation or deprivation.

"(8) No State or local government shall adopt or put into effect any law, rule, regulation, ordinance, standard, or order that is inconsistent with this subsection, except that this subsection shall not be construed to preempt provisions of State criminal law which impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to employees of a rail carrier or to the general public.

"(9) For the purposes of this subsection, the term 'controlled substance' means any substance defined as such under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) whose use the Secretary has determined poses a risk to transportation safety.

"(10) If any provision of this subsection, or the application of that provision to any person or circumstance, is held invalid, the remainder of this subsection shall be considered valid.

"(11) Nothing in this subsection supersedes or affects the legality of any private testing program or testing, pursuant to regulations issued by the Secretary before the date of enactment of this subsection, until the effective date of regulations issued by the Secretary to implement this subsection.

"(12) Nothing in this subsection limits the authority of the Secretary to impose sanctions otherwise authorized under this Act.

"(13) Nothing in this subsection affects the authority of a rail carrier to suspend, discipline, or discharge an employee for reasons other than the use of alcohol or a controlled substance in violation of the rules of the rail carrier."

SEC. 4. REPORTS.

The Secretary of Transportation shall require each rail carrier performing testing under section 202(r) of the Federal Railroad Safety Act of 1970 to report annually to the Secretary on their drug and alcohol testing programs. Each such report shall include, at a minimum, for the 12-month reporting period—

- (1) the number and kinds of tests performed;
- (2) the number of positive results;
- (3) the number of challenged tests and the outcome of the challenges;
- (4) the number of employees who voluntarily and involuntarily entered the rail carrier's rehabilitation program;
- (5) the number of employees successfully treated in the rail carrier's rehabilitation program and returned to service;
- (6) the number of employees dismissed or otherwise disciplined as a result of testing;
- (7) the average length of time spent in rehabilitation and a statement of the range of lengths of time in the general distribution within such range; and
- (8) the cost to the rail carrier of administering each category of testing and of providing a rehabilitation program.

The Secretary shall submit to the Congress an annual report compiling and analyzing information received under this section.

The SPEAKER pro tempore. Is a second demanded?

Mr. WHITTAKER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. THOMAS A. LUKEN] will be recognized for 20 minutes, and the gentleman from Kansas [Mr. WHITTAKER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. THOMAS A. LUKEN].

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. THOMAS A. LUKEN. Mr. Speaker, the bill which the House is considering today, the Railroad Drug Abuse Prevention Act of 1989, is the most balanced and comprehensive drug and alcohol testing legislation for railroad employees ever to be introduced in Congress.

It was well over 1 year ago that Mr. WHITTAKER, the ranking member of our subcommittee, and I introduced this needed legislation. Last year, our subcommittee and the full Committee on Energy and Commerce reported out the bill and the House overwhelmingly adopted it. Unfortunately, we were unable to resolve our differences with the other body and the bill died in the waning hours of the 100th Congress. Today, I stand here again to ask my colleagues for their support as we redouble our efforts to enact this important measure.

Drugs and alcohol have no place in the transportation workplace. We are all painfully aware of the tragic consequences which result when transportation employees mix alcohol or drugs with their work. A few weeks ago, we watched and listened with horror as the tale of the *Exxon Valdez* was reported. As we all know now, Captain Hazelwood's drinking contributed directly to the 11 million gallon oil spill that wreaked havoc on the pristine environment of the Prince William Sound and spoiled miles and miles of coastline. That recent episode teaches us two very basic lessons: First, that drugs and alcohol have not been eliminated from the transportation workplace; and second, that adequate and effective drug and alcohol testing procedures have not been established.

In the railroad industry, we cannot forget the devastation of the Chase, MD accident on January 4, 1987. On that tragic day, a pot-smoking Conrail engineer ran through three red stop signals into the path of a crowded Amtrak passenger train. Sixteen people were killed, 174 were injured, and millions of dollars in damages resulted. The engineer and brakeman on the Conrail train both tested positive

for marijuana; the brakeman also tested positive for PCP. The fathers and mothers, brothers and sisters, friends and neighbors of the 16 people killed in that crash will never forget the senseless devastation wrought by the self-gratifying actions of those irresponsible workers.

And just a few days ago, a CSX train carrying hazardous materials derailed. When three of the tank cars caught fire, hundreds of persons were evacuated from the area, one house was destroyed, and toxic fumes were released. While the cause of the accident is still under investigation, the brakeman on the train admitted himself to a detoxification unit following the accident and confessed he had used cocaine the night before the accident.

Unfortunately, there have been many other similar tragedies. The need for action is clear. And the time for action is long overdue.

H.R. 1208 is a good bill. Mr. WHITTAKER and I have worked with many members of our subcommittee and full committee, on this bill. During the last 2 years, our subcommittee has held numerous hearings on issues relating to drug and alcohol testing of railroad workers. We have consulted with industry and labor officials, Federal agencies, technical experts, and other interested parties. The end product of our efforts has resulted in a tough, balanced, and comprehensive bill.

First, our bill requires a full array of drug and alcohol testing for railroad workers employed in safety-sensitive positions. Under our bill, railroad employees will be tested after accidents, when there is reasonable cause to believe that testing is justified, as a condition of being employed by a railroad, as part of regular physical examinations, and as part of a random testing program. All of these types of testing are necessary to deter—as well as detect—substance abuse in the railroad workplace.

At the same time, our bill recognizes that rehabilitation for workers with a drug or alcohol problem can and should play an important role. The railroad industry has been on the cutting edge in encouraging programs for early detection, education, prevention, and rehabilitation of problem workers. Under our bill, a worker who tests positive is suspended from duty without pay and referred to an approved rehabilitation program for treatment. If an employee does not complete such a program or tests positive again, he is discharged from employment. If he successfully completes the rehabilitation program, he is subject to additional drug and alcohol testing for 3 more years. We believe these provisions are necessary and desirable to help troubled employees from being caught up in the perpetual vicious cycle of sub-

stance abuse, without compromising the basic thrust of our legislation.

Our bill also sets strict requirements for the collection, handling, and storage of test samples and ensures that testing laboratories adhere to state-of-the-art guidelines. The poignant need for these safeguards was made abundantly clear to us at a hearing our subcommittee held 2 years ago on the scandal at the Department of Transportation's Civil Aeromedical Institute Laboratory. Our inquiry revealed that test results were being falsified by the head of the CAMI lab and that the lab had neither the equipment nor the expertise to properly confirm test results. Because of the potential for abuse and the unlimited damage to an employee's reputation and career which would result from a false positive, we believe it is absolutely essential that stringent and uniform standards be applied to testing facilities.

The Department of Transportation currently has regulations in place which provide for testing of employees in certain situations. Late last year, the administration also proposed a random testing rule for railroad workers. But these regulations and proposals fall far short of our bill. The most glaring example is the fact that alcohol is not included as a part of the administration's proposed random testing rule. The apparent rationale for this gaping hole in their regulations is based on the view that the level of alcohol usage in the rail industry is not as high as drug usage and thus that testing for alcohol would not be "cost effective." But the fact of the matter is that the administration has told us that last year over 14 percent of all rail employees tested positive for alcohol based on reasonable cause. In other words, one in every seven of those employees tested positive for alcohol. One major railroad recently found that 37 percent of its employee assistance cases were based on alcohol problems, accounting for the lion's share of such cases. How the administration can conclude that alcohol usage is not prevalent enough and that random testing for alcohol is not "cost effective" in light of these statistics is beyond me. Our bill recognizes the fact that random testing for both drugs and alcohol is an effective deterrent and a necessary component of a comprehensive approach to these problems.

Our bill makes other modifications to the current DOT regulations. Our bill covers all safety-sensitive employees, not just the "hands-on" employees covered by the administration. Our bill applies to almost all railroad accidents, instead of just the major accidents covered by the administration. Our bill requires rehabilitation for first offenders, where the administration is silent. In short, our bill offers a tough and complete approach to the

drug and alcohol problems which persist in the rail industry.

Finally, I want to emphasize our willingness to work with the other body in resolving our differences. Last year, after the House passed our bill, we were optimistic that we could enact legislation within the scope of our jurisdiction which would comport with the spirit of our bill. Unfortunately, our attempts to compromise were unsuccessful. The Senate had passed a bill which mandated drug testing for all modes of transportation. When we attempted to find middle ground in the area of testing railroad workers, we found the Senate was adamant in insisting on an "all or nothing" approach. Because the House had not passed legislation covering other modes of transportation, our bill was left out in the cold. In short, what we got from the "all or nothing" approach was nothing.

This year, Mr. WHITTAKER and I have tried to do what we can to lay the groundwork so that this will not happen again. We have again contacted other House committees of jurisdiction to urge them to consider appropriate drug and alcohol testing legislation for other modes of transportation. In June, I personally testified before the Senate Commerce Committee to indicate my willingness to work with the other body in fashioning a compromise bill covering the railroad industry. At that hearing, I emphasized that we have the same objectives and that it would be tragic if the Congress fails to reach an agreement with respect to the railroad industry. While there are differences in our approaches, I am optimistic that legislation covering railroad workers can and should be enacted by this Congress.

These issues transcend partisan differences. I greatly appreciate the tireless efforts of my colleague, Mr. WHITTAKER, and Members from both sides of the aisle who have worked to support this legislation for railroad safety.

Today, the House takes the first step in promoting railroad safety for employees and the traveling public. I urge my colleagues to support this bill and vow to work diligently with the other body to see that a tough and comprehensive measure is enacted into law as soon as possible.

Mr. Speaker, I include at this point in the RECORD copies of correspondence from the distinguished chairman of the Judiciary Committee, Mr. BROOKS, to the Speaker and to the chairman of the Energy and Commerce Committee, Mr. DINGELL, concerning jurisdictional issues associated with the consideration of H.R. 1208.

COMMITTEE ON THE JUDICIARY,
Washington, DC, July 26, 1989.

HON. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce,
2125 Rayburn House Office Building,
Washington, DC.

DEAR MR. CHAIRMAN: I have written today to the Speaker of the House informing him of my agreement not to seek sequential referral of the bill H.R. 1208. I would appreciate your including this letter and my letter to the Speaker in the report on this bill and making it a part of the record during consideration of H.R. 1208 by the House.

With every good wish, I am
Sincerely,

JACK BROOKS,
Chairman.

Enclosure.

COMMITTEE ON THE JUDICIARY,
Washington, DC, July 26, 1989.

HON. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives,
H-204 Capitol, Washington, DC.

DEAR MR. SPEAKER: The Committee on Energy and Commerce has ordered reported the bill, H.R. 1208, to amend the Federal Railroad Safety Act of 1970 to provide for drug and alcohol testing for railroad employees. Section 3 of H.R. 1208 contains several matters that involve the jurisdiction of the Committee on the Judiciary under Rule X of the Rules of the House. Specifically, this section establishes criminal penalties for violations of the provisions of the bill and creates a new Federal cause of action for an applicant or employee who is tested or whose test results are handled in violation of the bill's provisions.

The aforementioned provisions of H.R. 1208 are identical to language which was included in H.R. 4748 during the 100th Congress pursuant to an agreement between the Committees on Energy and Commerce and the Judiciary. Accordingly, in order to expedite consideration of H.R. 1208, I am agreeing not to seek a sequential referral of this bill, without, of course, waiving this Committee's jurisdiction over the subject matter in question.

With every good wish, I am
Sincerely,

JACK BROOKS,
Chairman.

MR. WHITTAKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation we are considering today is a key part of our national efforts to combat drug abuse. It addresses a sector of our society where drug use can cause and has caused the loss of innocent lives—rail transportation. In the two years since the Conrail-Amtrak collision at Chase, MD, in early 1987, where 16 persons were killed, there have been a number of rail accidents where drug use played a significant role.

This legislation is aimed at preventing and deterring the menace of drug use by personnel in safety-sensitive positions. The program mandated by this bill encompasses pre-employment, post-accident, periodic, and random drug and alcohol testing of railroad personnel in safety-sensitive positions. In short, it represents a truly preventive approach to the threat of drug

and alcohol use in the railroad industry.

That the same time, the bill recognizes that the human side of the equation must be addressed. The bill requires the establishment of rehabilitation programs by rail carriers, and mandates strict rules of reliability and confidentiality in the testing procedures. Incentives are included to promote the drug abuser's entry into voluntary and first-offender rehabilitation programs, in order to give the railroad worker every reasonable chance to reorder his personal and professional life. At the same time, though, the bill guarantees that while the rehabilitation process is going on, the drug abuser will not be in a safety-related position where he could pose a threat to his fellow workers and the public.

This legislation is almost identical to a bill approved by the House in the 100th Congress. Like the original bill, it represents a bipartisan effort of the leadership of the Energy and Commerce Committee and its Transportation Subcommittee. I want to commend Chairman LUKEN and Chairman DINGELL for their bipartisan cooperation on this legislation. This is truly a case where the public interest overrides any partisan considerations.

I want to note that it has become necessary for the House to consider this bill a second time, because we failed by inches to have this legislation enacted as part of the omnibus drug legislation at the end of the 100th Congress. I fervently hope that this time, the other body will respond with parallel legislation that will allow prompt enactment of this much-needed and long-overdue legislation as part of our Federal railroad safety laws.

In closing, I urge that this legislation be promptly approved by the House, as it was in the 100th Congress.

MR. LENT. Mr. Speaker, I want to commend the chairman of the transportation Subcommittee of the Energy and Commerce Committee, Mr. LUKEN, and the ranking Republican member of the subcommittee, Mr. WHITTAKER, for their untiring efforts to see this bipartisan legislation become law. Ever since the tragic collision at Chase, MD, in 1987, focused the Nation's attention on the deadly menace of drug and alcohol use in the railroad industry, the leadership of our Transportation Subcommittee has spared no effort in fashioning a comprehensive drug testing bill that combines effective detection and deterrence of drug and alcohol abuse with a realistic and humane rehabilitation program.

This bill mandates a program of pre-employment, post-accident, periodic, and random drug and alcohol testing for railroad personnel in safety-critical positions. This aspect of the bill is of great significance for those who use our Nation's passenger railroad service. Most of the casualties in the Chase, collision on Amtrak's Northeast Corridor, an accident traceable to a Conrail engineer's on-the-job

use of marijuana, were Amtrak passengers. My own constituents, of course, are regular users of Amtrak and commuter railroad service on and near the Northeast Corridor. Their safety would be greatly enhanced by the enactment of this legislation.

While providing the tools to detect drug and alcohol use that threatens railroad safety, this bill also recognizes the need for meaningful rehabilitation of the railroad worker who has become a threat to his fellow workers and the public. Volunteers and first offenders are given specific incentives and protections aimed at getting them into and through a federally approved rehabilitation program. On the other hand, safety-critical positions would be off-limits to the drug or alcohol abuser while he is in the rehabilitation process. The bill also provides specific protections for the confidentiality and reliability of drug testing results and related medical data.

This bill strikes an effective balance between protecting the public and the railroad industry's own personnel from drug and alcohol abusers, on the one hand, and trying to reclaim and reorder the lives of the employees who have become prisoners of their own addictions, on the other. A virtually identical bill was approved by the House in the 100th Congress, but was not met with responsive legislation from the other body. I urge that the House approve the current version of the bill, in the hope that we will soon be able to work with the other body to see that this much-needed safety measure becomes law.

MR. WHITTAKER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

MR. THOMAS A. LUKEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

THE SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. THOMAS A. LUKEN] that the House suspend the rules and pass the bill, H.R. 1208, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 1208, RAILROAD DRUG ABUSE PREVENTION ACT OF 1989

MR. THOMAS A. LUKEN. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1208, the Clerk be authorized to correct section numbers, punctuation, and cross references, and to make other technical and conforming changes as may be necessary to reflect the actions of the House in passing the bill.

THE SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

GENERAL LEAVE

Mr. THOMAS A. LUKEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter therein, on H.R. 1208, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 3012, MILITARY CONSTRUCTION APPROPRIATIONS BILL, 1990

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 215 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 215

Resolved, That during the consideration of the bill (H.R. 3012) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes, all points of order against the following provisions of the bill for failure to comply with the provisions of clause 2 of rule XXI are hereby waived: beginning on page 2, line 1 through page 5, line 11 and beginning on page 5, line 16 through page 15, line 9. In any case where this resolution waives points of order against only a portion of a paragraph, a point of order against any other provisions in such paragraph may be made only against such provision and not against the entire paragraph. It shall be in order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Boxer of California, or her designee, which shall not be subject to amendment and which shall be debatable for not to exceed one hour, equally divided and controlled by the proponent and a Member opposed thereto, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI are hereby waived.

□ 1550

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 215 waives points of order against specified provisions of H.R. 3012, the Military Construction appropriations bill of 1990, and specifically makes in order one amendment. This rule does not provide for the bill's consideration since general appropriation bills are

privileged under rules of the House. The rule also does not contain any provisions relating to time for general debate. Customarily, general debate will be limited by a unanimous-consent request by the floor manager when the bill is considered.

House Resolution 215 waives clause 2 of rule XXI (21) against specified provisions of the bill. This clause would prohibit unauthorized appropriations or legislative provisions in general appropriations bills and would restrict the offering of amendments proposing limitations not specifically contained or authorized in existing law.

This resolution further provides that in any instance where this resolution waives points of order against only a portion of a paragraph, a point of order against any other provision in such paragraph may be made only against such provision, and not against the entire paragraph.

The provisions for which these waivers are provided are detailed by reference to page and line in H.R. 3012.

House Resolution 215 also makes in order the amendment printed in Report No. 101-192 accompanying this resolution if offered by Representative BOXER of California or her designee. This amendment shall not be subject to amendment and shall be debatable for not to exceed 1 hour, with the time equally divided and controlled by the proponent and a Member opposed to the amendment. Further, all points of order against said amendment for failure to comply with provisions of clause 2 of rule XXI (21) are waived by the rule.

Mr. Speaker, H.R. 3012 appropriates \$8.7 billion for military construction and family housing for the various branches of the Department of Defense for fiscal year 1990. While there was some considerable debate in the Rules Committee over the bill's provisions relating to base closure and realignment, I believe the rule provides for fair consideration of the special case raised by the Presidio in San Francisco while not undermining the intent of the Base Closure and Realignment Act of 1988.

Mr. Speaker, I urge adoption of the rule and of the underlying bill.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend the subcommittee chairman, the gentleman from North Carolina [Mr. HEFNER] and the subcommittee ranking Republican. The gentleman from California [Mr. LOWERY], for a job well done. As the bill emerged from subcommittee it was relatively noncontroversial.

However, in the full committee an amendment was added which turned out to be a real hornets' nest. The added amendment reopened the subject of military base closing. It provid-

ed that no funds will be used for closing military bases unless the projected savings cover the full costs in 6 years or less.

Mr. Speaker, many of our colleagues who felt that their bases had been closed unwisely appeared in the Rules Committee. I understand, today, there is an agreement not to offer the Boxer amendment made in order by the Committee on Rules, and I hope that it will hold up so that we will not replay the base closing issue at all. I favor the base closing, and I hope that we stand pat.

There is one other item in this bill I would like to note.

The administration had originally requested \$66 million for a large rocket test facility at the Arnold Engineering Development Center. While this is not my district, it is in my home State of Tennessee.

The full Appropriations Committee took out funding for this item. But in the Committee on Rules I was given assurance that in conference consideration would be given to its restoration.

Mr. Speaker, I am aware that there are many who are not happy with the provisions of this rule. I support it. I hope that we get down to business and pass this bill without too much debate, because we have many appropriation bills to get out of the way this week before the district work period in August.

Mr. Speaker, I am assuming the agreement not to offer the Boxer amendment is firm. For that reason, I support the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 6 minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Speaker, in every issue that comes before Congress, two elements are involved: substance and politics.

Today, the substance is with us, but the politics is not—not yet.

The substance of the issue is compelling: The General Accounting Office has reviewed the Base Closing Commission's decision to close the Presidio and found out a startling fact: if the closure of the Presidio goes forward, it will cost taxpayers \$813 million for 21 years, according to data supplied from the GAO. Add to that inflation, environmental cleanup costs, and the number soars to more than \$1½ billion—\$1.53 billion.

The Commission was only supposed to recommend closure of bases that saved taxpayers' dollars from the seventh year of closure.

With this information in hand from the GAO's interim report, which I will place into the RECORD—Congresswoman PELOSI and I had received objective

and expert testimony as to the foolish mistake of this Commission.

Frankly, just one visit to the Presidio by a Commission member or staff would have made these points:

First, the Presidio land cannot and must not be sold for development.

Second, the Letterman Hospital closure will result in millions of dollars in CHAMPUS and Medicare costs.

Third, the mission at the Presidio is critical and is not being phased out. Heavy new construction is called for in another State.

Fourth, the research facility will be shut and built elsewhere.

So, clearly, there are no savings—only costs.

My friends, it is very possible that the Base Closure Commission made a few mistakes. Are we that fearful and timid that we can't look their mistakes in the eye and make the Base Closure Act better and a money saver?

Have we gotten to the point where we believe this Commission is some sacred deity?

Why do we have the GAO? We spend about \$350 million to fund them every year. I hope we are not afraid to listen to them.

When the GAO comes back with its final report, we will still have time to evaluate it and make a decision on the mistakes they point out.

Today is not the day. You heard the substance. It's there, but the politics is not. In its original form, the language in the Mil Con appropriations bill was the language for this House to vote on. It was generic. It didn't single out one base. It essentially said that this Congress would not fund the closure of bases that failed the 6-year payback test.

That was fair, and, politically it was good. I much appreciate the work of the Appropriations Committee in drafting it.

But it was not to be in the Rules Committee. I deeply appreciate the Rules Committee allowing us to offer a Presidio amendment, but it changed the political dynamics.

So, we have had a partial victory; the Appropriations Committee and the Rules Committee understand our case; there is nothing in this year's bill to proceed with closure; and we have more time to press forward and time is on our side.

Ladies and gentlemen, this Congress can't afford to close the Presidio.

For 21 years, the closure puts the Federal Government deeper in the red. For the first 6 years, the additional cost is half a billion dollars to the taxpayers.

This isn't a Barbara Boxer/Nancy Pelosi issue—it's a fiscal issue and we truly believe that with the help of our colleagues, we can still prevail.

□ 1600

Mr. Speaker, I include the following extraneous matter, including a letter from the General Accounting Office, as follows:

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, June 23, 1989.

HON. BARBARA BOXER,
HON. NANCY PELOSI,
House of Representatives.

On June 15, 1989, I provided you with an interim briefing on our ongoing work at the Presidio of San Francisco. We are doing this work in response to a request from the Chairmen and Ranking Minority members of the Senate and House Committees on Armed Services to evaluate the work of the Secretary of Defense's Commission on Base Realignment and Closure. On June 19, 1989, you requested us to provide a letter containing the details of that briefing. The briefing and this letter contain preliminary information that is subject to change as our work progresses. In particular, the estimates associated with military construction and National Park Service costs are preliminary and could be substantially revised. With these caveats the key points of my briefing are summarized below and details are provided in the enclosure:

On December 29, 1988, the Commission recommended that (1) the Presidio, including the Letterman Army Medical Center, be closed, (2) medical assets from Letterman be redistributed throughout the Army medical system, (3) 6th Army Headquarters be moved to Fort Carson, Colorado, and (4) Letterman Army Institute of Research be relocated to Fort Detrick, Maryland. The Commission estimated that the closure would save \$74.1 million annually and the net cost of closure and relocation would be paid back in 2 years.

Based on Army and National Park Service data, we currently estimate that the closure will result in an annual savings of \$16.6 million and have a payback period of about 21 years. We made adjustments to both the one-time and annual cost elements included in the Commission's model. Our key revisions to one-time costs were to (1) delete \$555 million in land sales proceeds, (2) increase military construction costs by \$21.2 million, and (3) add one-time National Park Service costs of \$13.5 million. The key revisions we made to annual costs included adding (1) an estimate of annual Medicare costs of \$28.3 million, (2) an estimate of National Park Service annual operating costs of \$16.5 million, and (3) an estimate of Civilian Health and Medical Program of the Uniformed Services annual costs of about \$3.8 million.

Estimates for hazardous waste cleanup on the Presidio's grounds range from the \$9.9 million estimate developed by U.S. Army Toxic and Hazardous Materials Agency officials to the \$82.5 million estimate developed by Presidio staff. However, according to the U.S. Army Toxic and Hazardous Materials Agency, a supportable estimate will not be available until environmental studies are completed in April 1991. The Commission decided not to consider the cost of environmental cleanup in deciding how much savings would result from realigning or closing a particular base, because DOD is ultimately responsible for such cleanups. We agree with this position and, therefore, we did not include the cost of environmental cleanup at the Presidio in our estimate.

We will continue to keep you advised as our work progresses. If you have any additional questions, please contact Donna Heivlin, Director, Logistics Issues, on 275-8430; or Dave Warren, Assistant Director, Logistics Issues on 275-8431.

BILL W. THURMAN,
(For Frank C. Conahan,
Assistant Comptroller General).

Enclosure.

PRELIMINARY OBSERVATIONS ON THE CLOSURE OF THE PRESIDIO OF SAN FRANCISCO

This enclosure provides more details on our preliminary observations on the closure of the Presidio of San Francisco.

COMMISSION RECOMMENDATIONS

On December 29, 1988, the Secretary of Defense's Commission on Base Realignment and Closure recommended that the Presidio of San Francisco, including Letterman Army Medical Center, be closed. According to the Commission's report, it recommended the closure primarily because the Presidio has no room to expand, and the Medical Center needs major structural repairs. The Commission also recommended moving the 6th Army Headquarters to Fort Carson, Colorado. According to the Commission, this would reduce high base operating costs at the Presidio and place 6th Army at a multi-mission installation.

The Commission recommended that the Center's medical assets be distributed throughout the Army medical force structure to improve health at other bases with large active-duty populations and to reduce overall medical system costs. The Commission stated that recurring health care requirements normally handled by the Center could be accommodated by other service medical facilities in the Bay Area or through the Civilian Health and Medical Program of the Uniformed Services [CHAMPUS]. The Commission also recommended that the Letterman Army Institute of Research be relocated to Fort Detrick, Maryland. The Commission believed that the relocation would consolidate research functions.

The Commission stated that the closure of the Presidio and Letterman Army Medical Center would save \$74.1 million annually. It also believed that the net costs of closure and relocation would be paid back within 2 years.

REFINEMENTS TO ESTIMATES OF THE COSTS AND SAVINGS

The Commission developed a model to estimate closure savings. We have revised the model's estimate for the Presidio to include additional factors that we believe should have been considered.

Based on Army and National Park Service data, we currently estimate that the closure will result in an annual savings of \$16.6 million and have a payback period of about 21 years. We made adjustments to both the one-time and annual cost elements included in the Commission's model. Our key revisions to one-time costs were to (1) delete \$555 million in land sales proceeds, (2) increase military construction costs by \$21.2 million, and (3) add one-time National Park Service costs of \$13.5 million. The key revisions we made to annual costs included (1) adding an estimate of annual Medicare costs of \$28.3 million, (2) adding an estimate of the National Park Service's annual operating costs of \$16.5 million and (3) adding an estimate of annual Civilian Health and Medical Program of the Uniformed Services costs of about \$3.8 million.

One-time costs

The model assumed that the Presidio, except 36.5 acres currently leased to the city of San Francisco, could be sold for \$555 million. However, by law, upon closure, the Presidio would become part of the Golden Gate National Recreation Area (part of the national park system) and therefore could not be sold under current legislation. We included "0" amount for land sales to account for this.

The Commission estimated that about \$108.4 million in new military construction would be to facilitate the closure of the Presidio. We made some changes to the model to include estimates for utilities and other costs. Our current preliminary estimate of the new military construction needed to facilitate the closure of the Presidio is \$129.6 million, or about \$21.2 million more than the Commission's estimate. However, the Army is still developing military construction estimates. We are continuing to evaluate these estimates to ensure that the Army has fully evaluated appropriate alternatives, including lease-back arrangements with the National Park Service for tenant units that could remain at the Presidio.

The potential impact on National Park Service costs when the Presidio is closed and turned over to it are uncertain. Officials from the National Park Service office in San Francisco had developed estimates that included \$13.7 million in one-time costs to incorporate the Presidio into the Golden Gate National Recreation Area. This was a preliminary local estimate, and the National Park Service Headquarters in Washington had not yet reviewed and approved it. According to a National Park Service official, no firm estimates of these one-time costs can be developed until several studies of potential uses are completed.

Annual costs

We reduced the Commission's savings estimate by including other potential federal government costs that were not part of the Commission's model. For example, when Letterman Army Medical Center closes, patients who are not eligible for CHAMPUS may have to seek medical treatment under the medicare program. Using Army data on the Center's patient loads and national average data on medicare costs, the potential medicare costs could be an estimated \$28.3 million. This assumes that the Center is closed. The Army's preliminary estimate is a net increase in CHAMPUS costs of about \$3.8 million. This represents the difference between the increase in the Bay Area CHAMPUS costs and the decrease in the CHAMPUS costs in other areas where the Center's former patients would continue to seek the same level of care through the CHAMPUS system. It is also possible that they may seek less care or seek care through their own private insurance programs. The Army is continuing to review its CHAMPUS estimate, and we are continuing to evaluate their estimating process.

We also reduced the Commission's annual savings estimate by including a \$16.5 million estimate to cover the potential National Park Service annual costs to operate the Presidio. The estimate of \$16.5 million was a preliminary local estimate, and the National Park Service Headquarters in Washington had not reviewed and approved it. Also, a National Park Service official believes that no realistic estimates of the costs to operate the Presidio as a park can be made until the Park Service performs several studies. According to this official, the Park Service probably will not complete these studies

until sometime in fiscal year 1991 or 1992. He also told us that there would be many options for revenue that could in turn reduce costs. However, the Park Service has not yet addressed the opportunities for revenue.

HAZARDOUS WASTE CLEANUP COSTS

Hazardous waste cleanup cost estimates for the Presidio range from the \$9.9 million estimate developed by the U.S. Army Toxic and Hazardous Materials Agency officials to the \$82.5 million developed by Presidio staff. Army officials stated that the \$9.9 million estimate is very preliminary and further study is needed to develop a solid estimate. They said that the necessary studies were started in June 1989 and should be completed by April 1991.

The Presidio staff estimated that it would cost about \$82.5 million to clean up the hazardous waste at the Presidio. Staff from the U.S. Army Toxic and Hazardous Materials Agency have reviewed the \$82.5 million estimate and believe that there is no information at this time to support about \$70 million in undocumented, contingency-type cleanup costs contained in the Presidio staff's estimate. They also stated that realistic estimates cannot be developed until further studies are done.

The Commission decided not to consider the cost of environmental cleanup in deciding how much savings would result from re-aligning or closing a particular base, because DOD is ultimately responsible for such cleanups. We agree with this position and, therefore, did not include the cost of environmental cleanup at the Presidio in our estimate.

Mr. DERRICK. Mr. Speaker, I yield 5 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, let me say to my colleagues that the gentlewoman from California [Mrs. BOXER] presented some of the statistics involved in the substance of our argument to keep the Presidio open, pointing out that it simply does not save the taxpayers money. I would like to share some thoughts with the Members about the base closure of the Presidio.

As a Christmas present to many of us in the bay area, to the gentlewoman from California [Mrs. BOXER] and myself, we received the message that three, not one, not two, but three bases in our districts would be on the base closure list. As we looked at the damage to our communities and weighed the benefits to the taxpayer versus the damage done to our community, we decided that two of the bases indeed should be closed, but that one of the bases, the Presidio, should not be closed. When weighing the benefits versus the hardships, in fact overwhelmingly we discovered that it was a hardship to the taxpayers of this country, even more than to our own community, in addition to our being taxpayers, being the beneficiaries of having the Presidio there. We found it was a hardship to the taxpayers to close this base, so we brought our case here.

The gentleman from Texas [Mr. ARMEY] has pointed out that other bases have a better case because the hardship is greater to the community. We have never come here and said to the Members what it does to our community. That would not interest the Members. Our vote here is in the national interest, and considering the national interest, the Base Closure Commission made a mistake in not calculating that they could not indeed close the Presidio and sell the land, but indeed they had to continue to maintain it to fulfill our responsibilities for the health benefits to military retirees and their families and to continue the work of the 6th Army, that there was no elimination of mission at the 6th Army. The gentlewoman from California [Mrs. BOXER] pointed out very well the cost to the Federal Government, according to the GAO, and when two chairmen, the chairman of the House Armed Services Committee and the chairman of the Senate Armed Services Committee, commission a report from the GAO, I have confidence that this House will pay attention to the results.

So I believe that it is appropriate for us not to have this vote today, because in the tradition of the Presidio and in its history, not one shot was ever fired in anger, and I believe that the Members of this body, when they hear our case more specifically and when we got not the interim but the final GAO report, will support us and the vote will be with us.

I would like to just share with the Members a thought I had in preparing for today, because we have put in the RECORD many times over the statistics about the Presidio, and hopefully as Members begin to pay attention to this important issue, they will know that we cannot avoid the fact that it does not save money but it costs the taxpayers money. Frankly, hardly anybody is even making an argument on that score; everybody is just saying it will unravel the commission. But the gentlewoman from California [Mrs. BOXER] and I joined our mayor in making this fight. We knew that we had merit on our side, and we believe sincerely, since we have confidence in this body, that we will prevail. But as I was thinking about this, I was thinking of one of my predecessors who represented the Fifth Congressional District of California in the Congress of the United States, Phillip Burton, and in the past, when we have been enthusiastic about some issue or another and we knew we had merit on our side and figured that something would, therefore, then happen, Phil would always say, "You really think this is on the level, don't you?" Perhaps Members here in this body heard him say that.

Well, we do think it is on the level, and we do think that when Members see the facts and figures officially from the GAO, they can do nothing but support their findings, because it would be silly to do anything else, and in fact we owe it to the American people.

What are we here to do? I ask my colleagues. Are we here to save the taxpayers money, or are we here to save face for the Base Closure Commission for their bad decision? Perhaps there are other bad decisions there as well. We only know about the one we have researched, the one of the three that were to be closed in my area.

So I ask my colleagues to reassure me that this is all on the level. I ask them to reassure the American people that when we are doing is real, and that when we say we are going to save money, we are really doing it and not just making symbolic gestures. Let us respect what the findings of the GAO were when they were officially released.

Mr. Speaker, I again join my colleague, the gentlewoman from California [Mrs. BOXER], in thanking the Appropriations Committee and the Rules Committee for their support, and I thank the chairman of the subcommittee, the gentleman from Pennsylvania [Mr. MURTHA], for this leadership and support in our attempt to save the Presidio.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I would just like to say that I sympathize with the two gentlewomen from the San Francisco Bay area and the Presidio. I know that they have done a lot of good work, and evidently they believe they are right with regard to the situation they have worked so hard on.

I also want to say that I have a great deal of respect for the Member on the other side of this issue, the gentleman from Texas [Mr. ARMEY], and all those who have worked with him. But there are reasons for differences of opinion, and they do not always have to do with one's home district.

When I was in the State legislature, someone once told me that if the freight train is coming down the track and if you are on the track, you had better doggone well get out of the way. That is what this reminds me of. But I know, just as the gentlewoman from California [Mrs. BOXER] and the gentlewoman from California [Ms. PELOSI] and others who represent bases are not going to get out of the way, neither am I, because I believe we are right.

What we have tried to do is not put forward an amendment that says arbi-

trarily, "You can't control my base," but what we have tried to do, through the leadership of Members like the gentleman from Pennsylvania [Mr. MURTHA] and the gentleman from New Jersey [Mr. GALLO], on the Appropriations Committee, is to put forth an amendment which says, "O.K., if you are right, we will go along with you. If you are right and the GAO says that closing these particular bases—and there are 11 that are identified—and that saves money, fine, close the base and put it in semi-active status, but if you are wrong and the GAO says you are wrong and that we are right, then we ask for the same consideration."

□ 1610

Mr. Speaker, GAO is an arm of this House that is supposedly expert in determining whether or not we are spending too much money, spending too little, saving a little, saving a lot, not saving any, depending on the topic that we are discussing, and the language of the gentleman from Pennsylvania [Mr. MURTHA] said no more than that. Study the situation. Study Fort Dix. Study Fort Sheridan. Study the Presidio. Study Hunter's Point. Study Mather. Study Norton. Study Chanute. Study the balance of the other eleven. And if they save money, close them, and, if they do not save money, if they end up costing a net expenditure to this House, to the Federal Treasury, then do not close them. That is all the amendment said.

But apparently, because the Committee on Rules has decided that it is not going to protect that amendment from point of order, apparently a point of order is going to be raised against it today by people who truly believe, I am sure, that it should be raised, and apparently that language is going to be stricken from the bill.

So, Mr. Speaker, the freight train is going to proceed. It will proceed even though it is on the wrong track, or it may be on the wrong track.

So, I am going to vote against this rule today. I am going to vote in favor; by voting no I am going to vote in favor, of a better procedure that we can have if this rule fails.

Mr. DERRICK. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Speaker, I got involved in this base closing early on. The original jurisdiction was in the Defense Subcommittee, and the gentlewoman from California [Mrs. BOXER] and the gentlewoman from California [Ms. PELOSI] asked a number of us who were on the Committee on Interior and Insular Affairs and the Subcommittee on Defense to come out and look at the Presidio. Their official figure showed that it was not only not a savings to the Government, it cost money for the Gov-

ernment. In other words, a unique situation here, but we did not think we should arbitrarily limit the amendment to save the bases to just the Presidio. We thought each base ought to be decided on the merits of that particular base because it errs, we found, in this particular one location.

Mr. Speaker, I do not think anybody, including the author of the amendment, would want a base to be closed if it cost the Government money.

Now, the initial figures the GAO has come up with said it would take 25 years of payout by the Federal Government before we had any kind of return at all. That does not sound like that is any kind of a return. It sounds like it is the opposite.

For instance, here is what we talking about. We are talking about in the Presidio case that we would have to have the parks department up a tab for 300 historical building for land that they could not take care of, and we would have a disaster area in this particular location.

Now what I am complaining about, and I think the commission basically did a good job, but in this case and several cases they ought to be looked at, and I do not think any of us are going to close a base if it does not save the Government money.

So, we know we do not have all the information yet. We know we need more information, but the figures are so far off in a couple of particular cases that we think that when we get the information we will then address it and hopefully be able to rectify situations that are out of the ordinary in this base closing argument.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Pennsylvania.

The SPEAKER pro tempore (Mr. MONTGOMERY). The time of the gentleman from Pennsylvania [Mr. MURTHA] has expired.

Mr. DERRICK. Mr. Speaker, I yield 1 additional minute to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman from South Carolina [Mr. DERRICK] for yielding.

Mr. Speaker, our concern is that some of the GAO figures also leave cause for some debate.

For example, they claim that it would cost the Park Service \$16.5 million for taking over the project, however they put absolutely no revenues in it that the Park Service might derive out of opening this as a Park Service facility. Somehow the GAO ignored \$42 million for upgrading a hospital there so it could survive earthquakes. Somehow they managed to ignore the fact that 36 acres would be sold; the whole Presidio cannot, but 36

acres can be sold and recoup about \$36 million.

Mr. Speaker, there are a number of things in the GAO study that also leave cause for me. I wonder if the gentleman from Pennsylvania [Mr. MURTHA] would comment on that.

Mr. MURTHA. Mr. Speaker, let me say this: One of the reasons we are willing to withdraw this amendment is because of the things the gentleman from Pennsylvania [Mr. WALKER] is talking about. We realize this is an interim report. We realize we do not have all the information, and we do not want to judge this particular case or any other case unfairly.

So, Mr. Speaker, we are willing to wait until we get the final figures from the GAO, until we have a chance, until the House has a chance, interested Members have an opportunity, to evaluate this report.

We think the figures will hold up, but we are certainly willing to wait and give everybody an opportunity to comment on it, and then we will see what we can present later on.

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to have a brief colloquy with the gentlewoman from California [Mrs. BOXER].

I say to the gentlewoman from California [Mrs. BOXER] that it is my understanding that, although she was given the right to offer an amendment under this rule, that neither she, nor her designee, will offer this amendment?

Is that correct?

Mrs. BOXER. Mr. Speaker, will the gentleman yield?

Mr. DERRICK. I yield to the gentlewoman from California.

Mrs. BOXER. Mr. Speaker, that is correct. I so stated at the beginning of my address to the House, and I repeat it again.

Mr. Speaker, I will not be offering the amendment, and the gentleman from Pennsylvania [Mr. MURTHA] made it clear that we are going to wait for final figures, and we are going to work this issue with our colleagues into the future.

Mr. DERRICK. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. QUILLLEN. Mr. Speaker, under that agreement and understanding, I support the rule. I have no further requests for time, and I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HEFNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include tabular and extraneous matter, on H.R. 3012, the military construction appropriation bill for fiscal year 1990.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

MILITARY CONSTRUCTION APPROPRIATIONS BILL, 1990

Mr. HEFNER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3012) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from California [Mr. LOWERY] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Chair designates the gentleman from Maryland [Mr. MFUMEL] as Chairman of the Committee of the Whole, and requests the gentleman from South Carolina [Mr. DERRICK] to assume the chair temporarily.

□ 1617

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3012, with Mr. DERRICK (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN pro tempore (Mr. DERRICK). Under the unanimous-consent agreement, the gentleman from North Carolina [Mr. HEFNER] will be recognized for 30 minutes, and the gentleman from California [Mr. LOWERY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. HEFNER].

□ 1620

Mr. HEFNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my pleasure to present to you the fiscal year 1990 military construction and family housing appropriation bill. The bill we are recommending amounts to \$8.7 billion, \$500 million of which is to capitalize the base closure account.

The bill we bring to the House is within our section 302 allocation for both budget authority and outlays. It is also under last year's appropriated level by \$262.7 million. When you separate out the base closure funds, the bill is below last year's level by \$762.7 million. This represents a 13-percent reduction in real negative growth terms. As you can see, the military construction bill is making its contribution to deficit reduction even though we have a physical defense plant that averages over 50 years of age and is in need of modernization.

Mr. Chairman, we are all aware that there is considerable interest in base closure. However, I do not want that to overshadow the fact that we have an excellent bill that deals with the highest priority military construction requirements and projects that provide for quality of life for our service men and women. We have worked hard on this bill and we have had to make some difficult choices. But I can assure you that the bill represents a bipartisan effort and I credit my friend, the gentleman from California [Mr. LOWERY] for his diligence and cooperation in making it a bipartisan effort.

Before I speak to some of the features in the bill, I would once again like to emphasize how the many projects and programs in this bill pay off in terms of direct and indirect savings to other parts of the Defense budget. For example:

Every new housing unit funded in this bill reduces the need to provide housing allowance funded under the military personnel appropriation.

Every dilapidated facility replaced in this bill means a reduction in utility consumption, and in maintenance and repair funded under the O&M account.

Every building that allows the Department to move out of leased space means a reduction in annual lease payments under the O&M account.

Every new energy conservation project means a reduction in operating costs.

At this point, I would like to outline some of the main features of the bill.

The committee is recommending a reduction of \$354 million from the President's request for overseas construction. The reduction is made for a variety of reasons such as uncertainty regarding base rights, the need for more burdensharing by allied nations, civil strife in host nations, and potential for troop reductions in Europe.

that could result from conventional force reduction talks in Geneva.

As an offset to the reductions overseas, the committee has added almost \$300 million for family housing and child care centers above the amount requested by the President. Consistent with the authorization bill which passed this House last Thursday, the committee is committed to reducing investments overseas in order to provide the necessary facilities in the United States that are important to quality of life for our men and women.

The committee has always been in the forefront of pressuring our allies to increase their share of the costs for military construction. As a result, we have seen where Japan has responded by continuing to increase each year its contribution to providing facilities for our military. In Europe, with the relocation of the 401st Tactical Fighter Wing from Torrejon, Spain to Crotona, Italy, the committee has repeated its commitment in section 120 of the general provisions that relocation costs not be unilaterally borne by the United States but shared by the NATO alliance. The committee, in fact, supports the authorization mandate that limits the U.S. share to \$250 million for relocation of the wing.

On the domestic side, this is the fourth year of funding for the strategic homeporting initiative. Funds in the amount of \$533 million have been previously provided, and for fiscal year 1990 the committee recommends a total of \$63 million.

A total of \$112.3 million is provided for projects associated with the B-2 bomber at Whiteman and Tinker Air Force Bases which is \$20 million less than requested by the President.

With regard to base closures, I would like to make it clear that I support the need to close obsolete bases. I believe that the Base Realignment and Closure Commission did the best job they could, given the constraints of time and unavailability of budget quality numbers in helping them make their decisions. Jack Edwards and Senator Ribicoff who cochaired the Commission deserve a lot of credit for a thankless task. I have the utmost respect for these gentlemen and for the job they did.

Come January 1, 1990, the Department is required to initiate base closure. Now there are many who perceive that base closure and realignment is going to save a lot of money. I have my reservations about any great savings being achieved. Well, that does not mean that I am against base closure. I have supported it in the past and intend to support it in the future. What I am concerned with is the cost growth that is occurring that my committee as well as this House has to be concerned with. Let us just look at the costs. The Commission estimated construction and implementation costs,

excluding environmental cleanup, to be \$3.1 billion. We now have a figure from the Department that has grown to \$4 billion, which is almost a billion dollar increase and which represents 30 percent cost growth, before we have closed even one base. Then when you factor in the big unknown—that is, environmental cleanup—we will eventually pay \$4.5 to \$5 billion to close the bases.

The committee has taken the first step to make sure that the costs do not get out of hand by establishing a spending cap. This will force accountability and discipline in the process. Let me repeat again, I support base closures; however, I am very skeptical that we will achieve any significant savings.

In conclusion, the bill we are recommending is a bipartisan effort; it provides for the highest priority military construction requirements; and it is within our section 302(b) allocations for both budget authority and outlays.

At this about I would just like to express my appreciation to all the members of the Military Construction Subcommittee. I would like to particularly thank our ranking minority member, the gentleman from California [Mr. LOWERY] for his diligence and cooperation in making this bill a bipartisan effort. It is a joy to work with the gentleman from California.

Mr. Chairman, I would also like to thank the staff who has worked so hard to help us put together what we think is a very fine bill, worthy of support of this House.

I would like to say that this year we have probably had more witnesses in to give their point of view of what we need to do on military construction than we have ever had in the past. We have worked to make sure their concerns are considered or met.

Mr. LOWERY of California. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I rise in support of the military construction appropriation bill for fiscal year 1990.

I would like to thank the chairman of the Military Construction Subcommittee, the gentleman from North Carolina, for his kind remarks and commend him for his diligence in bringing this bill to the floor. As always, he has made every effort to ensure that this bill has been crafted in a bipartisan manner. Each member of the subcommittee, on both sides of the aisle, was able to participate in drafting this legislation. The outcome of his efforts and the active participation of all members of the subcommittee have resulted a balanced bill.

As the chairman outlined, H.R. 3012 provides \$8.2 billion for military construction and family housing. This represents a \$763 million decrease, or real negative growth of 13 percent, from last year's appropriation. The

bill also included \$500 million, as requested by the administration and authorized by the House, for initial funding of the base realignment and closure account. When combined, the total appropriation provided in H.R. 3012 is \$8.7 billion. This is still \$262.7 million below last year's level.

Mr. Chairman, this bill provides needed facilities, worldwide, to support air, sea, and land operations of our forces, and those necessary to maintain a vast array of weapons and equipment. It provides for barracks, hospitals, clinics, child care centers and community facilities. Funds are also included for construction of new homes and whole house improvements.

Considering the budget constraints we are under, on balance I feel this is a good bill. However, I don't believe the Department places a high enough priority of those accounts which have the most direct effect on the efficiency, productivity, and quality of life of the men and women in our Armed Forces.

Mr. Chairman, the Department of Defense base structure encompasses about 42,000 square miles, includes over 1,200 major bases and 4,300 smaller bases and properties. Defense facilities include approximately 435,000 buildings, and countless runways, streets, training ranges, hangars, and maintenance shops. Excluding the value of land, the replacement value of these facilities is expected to reach \$580 billion by the end of fiscal year 1990.

Approximately 60 percent of this \$580 billion investment is over 30 years work with an average age of 35. The Department classifies one out of every five buildings as "temporary" and about 30 percent as substandard. This subcommittee, along with the Military Installations and Facilities Subcommittee, is continuously struggling to maintain an appropriate replacement for the aging plant. However, it is unfortunate that the bill we bring to the floor today would equate to a facility replacement rate of more than 100 years.

Mr. Chairman, in February 1988, the National Council on Public Works Improvement reported "that the quality of America's infrastructure is barely adequate to fulfill current requirements." The Department of Defense has found the public sector is replenishing facilities at twice the rate of the military and the private sector is replacing facilities at three times that rate.

Mr. Chairman, I know we have a scarcity of resources. I know the problem each of the 13 Appropriations Subcommittees face. However, I am concerned about the direction military construction is taking. When we fail to construct a needed project, it takes

several years to realize the loss. What concerns me is the cumulative effect this is having on our investment. We need to start putting more money into protecting our \$580 billion investment—into our facilities—or we are going to find ourselves facing a serious long-range problem.

Mr. Chairman, an investment in facilities is an investment in people. The Department recently conducted an in-depth review of the manner in which the private sector invests in its facilities. It was found that major companies—IBM, Marriott, 3M, and Mobil—invest in facilities to recruit and maintain the best people and in turn, to get the highest level of productivity from their employees. The men and women who voluntarily serve this country deserve no less.

Mr. Chairman, that is what this bill is really about. While there are many projects in this bill that are important to our national defense, none are more important than those that support the men and women of our Armed Forces. We do not have the constituency of support that glamorous weapons systems have. However, the men and women of the Armed Forces and their families are our consistency. We provide for their working environment; their housing; their hospitals and clinics; and their child care centers.

Mr. Chairman, I anticipate we have and will hear a lot on the subject of base closure today. I would like to take this opportunity to reiterate my support for this effort. I enthusiastically supported the passage of the act. I commend the Commission; under the leadership of Senator Ribicoff and our former colleague Jack Edwards they did a remarkable job in very limited time.

However, while there is much military value to be gained by closing and realigning bases, it concerns me that the driving force behind passage of the act was cost savings. As the chairman has stated, we are now finding it is going to cost much more than anticipated to realize any savings.

The Commission estimated that the realignment of bases will save an estimated \$693.6 million a year in base operating costs, with a 20-year net present value of \$5.6 billion. To realize this savings, it estimated total costs to be \$1.8 billion for military construction and \$1.3 billion for various implementation costs.

I am not faulting the Commission—for, their own documents, and I quote from them, say: "The Commission's model was used in determining whether the 6-year payback guideline in the Commission's charter had been achieved. It is comprehensive in capturing essential costs and savings, but was not designed for budgetary purposes."

Mr. Chairman, the subcommittee held hearings with the Commissioners

who explained their cost model. OSD, the services and defense agencies also testified. We asked every witness what they anticipated the cost to be. Basically we were told it is still too early to tell if we are looking for the budgetary numbers this Congress, and certainly the Appropriations Committee, is used to.

In May and June, Chairman HEFNER and I sent letters to the Department seeking their current estimated costs for construction and implementation of the entire base closure plan. On July 12, 1989, we received a response from Mr. Robert A. Stone, the Deputy Assistant Secretary of Defense for Installations. In his letter, Mr. Stone stated:

Our best estimate today for construction and implementation of the entire plan is \$2.4 billion for MILCON and \$1.6 billion for implementation costs.

He goes on to say:

These cost estimates continue to undergo revision as planning and design and other preliminary work is completed. They will be scrubbed and updated during the next budget review.

Mr. Chairman, I will include a copy of this correspondence and the corresponding summary breakdown of costs in the RECORD at this point.

THE OFFICE OF THE
ASSISTANT SECRETARY OF DEFENSE,
Washington, DC, July 12, 1989.

Hon. BILL LOWERY,
Ranking Minority Member, Subcommittee
on Military Construction, Committee on
Appropriations, House of Representatives,
Washington, DC.

DEAR CONGRESSMAN: This is in response to Chairman Hefner's letter of June 26, 1989, requesting our total estimated costs for construction and implementation of the entire base closure plan.

The Base Closure Commission estimated \$1.8 billion for MILCON and \$1.3 billion for implementation costs. Our best estimate today for construction and implementation of the entire plan is \$2.4 billion for MILCON and \$1.6 billion for implementation costs. This MILCON total includes Family Housing. A summary breakdown of these totals is enclosed.

These cost estimates continue to undergo revision as planning and design and other preliminary work is completed. They will also be scrubbed and updated during the next budget review.

If I can be of further assistance, please let me know.

Similar letters have been sent to Chairman Hefner, the House Armed Services Committee, and the Senate Armed Services and Appropriations Committees.

Sincerely,

ROBERT A. STONE,
Deputy Assistant Secretary
of Defense (Installations).

Department of Defense base closure and
realignment—Total costs

Costs	Billion
MILCON	\$2.3
Family housing	0.1
Total MILCON	2.4
O&M	1.1

Costs	Billion
Milpers	0.1
Other ¹	0.3
Homeowners assistance	0.1
Total implementation	1.6
Grand total costs	4.0

¹ Primarily environmental costs from Base Closure Account (not DERA).

Mr. Chairman, these estimates do not even include detailed environmental costs—costs that must be realized prior to sale of land. I join Chairman HEFNER in voicing my concern that the cost of this initiative has already escalated from \$3.1 billion to \$4 billion. And, I support the committee's action to place a spending cap—based on the Department's current estimates—on the cost of military construction and family housing to implement the Commission's recommendations.

While there is much interest in the subject of base closure, please realize it is a small portion of this bill. Also, I would like to point out to my colleagues that the Commissioners took note in their report of the many substandard facilities on our bases. They emphasize how this harms military effectiveness in both operational and human terms and encouraged the Department and Congress to take into consideration the impact inadequate facilities have on performance and retention of personnel.

Finally, I urge my colleagues to begin to look at the very real and pressing needs for facilities that support our service men and women. We have worked hard and in a bipartisan manner to bring this bill to the House floor. It is a good bill and deserves the support of this House.

□ 1630

Mr. HEFNER. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I wish to compliment the good work of the chairman, the gentleman from North Carolina [Mr. HEFNER], and the ranking Republican member, my friend and colleague, the gentleman from California [Mr. LOWERY], together with the hard-working staff who has helped produce the bill that is within the 302(b) allocations representing a leaner bill than last year during an era of declining resources.

The staff has done a wonderful job in helping us to comply with all of the requests that we have, but within a budget that represents less.

It is a pleasure to serve as a member of this committee and to work within an atmosphere of bipartisanship among the members on both sides of the aisle.

Mr. Chairman, I rise in support of the military construction appropriations bill now

before us. Our subcommittee and committee has toiled hard to craft a reasonable bill which responds to the most pressing needs in this area while complying with the budget restraints under which we are working.

Before addressing specific aspects of the bill, I want to express my appreciation for the labor our subcommittee chairman, Mr. HEFNER, ranking Republican member, Mr. LOWERY, and the staff, Bill Marinelli, Hank Moore, and Mary Fedeli have invested in this bill. Their achievements build on a record of excellence already established.

Although the \$8.5 billion which would be provided under this bill is more than the President requested, it is \$262.7 million less than Congress appropriated for this year. If the \$500 million for the base realignment and closure account, is not included in the calculation, the bill contains \$762.7 million less than was made available for 1989. The bill is within the section 302(b) allocation for both budget authority and outlays. It is consistent with the overall program level of the authorization bill which the House approved last week.

In addition to new construction, the bill provides for modernizing existing facilities. These investments will benefit the Nation in major ways.

They make possible increases in mission performance efficiency and effectiveness.

By improving the quality of life for military personnel, they boost the prospects for retaining superior achievers as members of the military services.

And, by providing modernized and new facilities, including family housing, the bill encourages saving of Federal resources by allowing reductions in maintenance, energy, leased space, and off-base housing costs.

In preparing this bill, the committee has recommended \$354 million less funding than the President requested for overseas military construction and increased support for facilities at home. In connection with this, the subcommittee has added \$288 million more than the President requested for family housing and child care centers.

A variety of concerns drove this decision.

Testimony received by the subcommittee indicates that the military physical plant in the United States is 50 years of age and is in need of modernization.

The committee continues to be concerned about the slow progress of U.S. allies in assuming a fair share of the cost of defending collective security interests.

And, the committee is concerned about building installations overseas which could revert to host nation ownership with little or no compensation to the United States when base rights agreements or current missions overseas expire or are reduced.

Due to the budget constraints under which we have had to operate, this bill does not supply all that is needed in connection with military construction and family housing. But, it is a good bill. It is worthy of your support. I urge that you vote for its passage.

Mr. LOWERY of California. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. CONTE], the ranking member of the Committee on Appropriations.

Mr. CONTE. Mr. Chairman, I want to commend the members of the Military Construction Subcommittee for their outstanding and diligent work in bringing this bill to us. Although this is the seventh appropriations bill to come to the floor, the golden-throated gentleman from North Carolina, the distinguished chairman, Mr. HEFNER, has been ready to sing his bill to us for weeks.

This is an \$8.7 billion bill which is \$145 million above the administration request, but is exactly on the amount in the budget resolution.

The bill funds a number of important projects throughout the country and provides housing and support for our troops both here and overseas.

There are some very important aspects of this bill that I feel need to be applauded.

First, the subcommittee increased new family construction by \$145 million which is 50 percent above the request. We have some very dilapidated housing out there and we have many military personnel living off base. Everytime we bring them on post we save housing allowance money. Everytime we replace old, run down housing we save repair and operating money. This is a good Government move.

I also applaud the amounts put in this bill for medical facilities and the funds for child care projects at 33 locations.

There are many other instances of placing funds in areas that needed addressing and needed higher priority. But I think we owe the subcommittee a special vote of thanks for the hours it has spent delving into base closure.

Although the Congress overwhelmingly supported the idea of base closure, the program was somewhat oversold and the long term consequences unknown.

This subcommittee has examined some real problems in base closing with regard to requirements and downstream costs. I don't think any of us should be happy that they found out that the costs of realignment have jumped from \$1.8 billion to \$2.4 billion or that we have a cleanup problem that could be in the hundreds of millions of dollars.

But, we must continue to pursue closing unnecessary bases. This subcommittee has gained some important knowledge on which we can base future decisions.

Mr. Chairman, with that said, I want to again express my congratulations and thanks to Chairman HEFNER, our very able, hard-working ranking member from California, Mr. LOWERY as well as all the members of the subcommittee and Committee on Appropriations for their hard work in bringing this bill to us.

Mr. HEFNER. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I rise today in strong support of the military construction appropriations bill for fiscal year 1990. As a member of the subcommittee, I wanted to take this opportunity to thank the chairman, Mr. HEFNER, the ranking minority member, Mr. LOWERY and the staff for their diligence and efforts in drafting this bill.

H.R. 3012 recommends appropriations totaling \$8.6 billion for Military Construction and Family Housing. This is a decrease of \$262 million below the amount appropriated for fiscal year 1989.

I am pleased the bill is so supportive of family housing programs. There is no question that morale and job performance are affected by the appearance of living quarters. Military personnel and their spouses deserve quality housing. Currently, 188,000 service men and women still reside in World War II-era construction. We are committed to replacing these facilities with modern housing.

Child care centers are also very important to military families. More than half of all enlisted personnel are married, and half of these enlisted families have a child under the age of 6. There is also an increase in, the number of women in the service, the number of dual military couples, the number of working spouses of military personnel, and the number of single military parents. H.R. 3012 provides \$64.6 million for child care projects at 33 locations.

Another issue of interest to me is burdensharing by our NATO allies. In fiscal year 1990 we provided a total of \$424 million for NATO infrastructure. This is a decrease of \$67 million below last year's level. As our European and Pacific allies have experienced great economic growth in the past few years, it is clear that they can afford to increase their participation in NATO funding. In response to these concerns, H.R. 3012 requires a report by February 15, 1990 on specific actions taken by the Defense Departments to encourage NATO members and Japan to assume a greater share of the common defense burden.

Mr. Chairman, we have heard a lot of debate and discussion on the floor already today about the realignment commission, the base-closure movement, which has gained so much momentum.

□ 1640

I would simply like to say that one of the areas I do not think we have spent enough time on is the question of cleaning up the toxic waste facilities. In other words, the areas of our military installations that must be cleaned before they can be sold.

The gentleman from California [Mr. LOWERY], the gentleman from North

Carolina [Mr. HEFNER], and others have indicated that we have already had an increase of over \$1 billion in the Defense Department's estimates of what it will cost to replace our military installations and family housing when we realign missions. I do not think we have begun to fully appreciate how much it will cost to clean these facilities up to a point where they can actually be sold, and until they are sold, the revolving fund concept, the return on the initial \$500 million appropriation that we are beginning this year will not be realized.

At this point it is clear that cleanup costs alone on the facilities that are slated for closure will cost \$500 million, and at least \$150 million of that will need to come from sources other than the Defense Environmental Restoration Account. It is going to be very important that the Department of Defense comply with the requests made in the report accompanying this bill. We ask that a 5-year plan for military installation cleanup among those facilities to be closed be submitted to Congress next year so we can get a better handle on the cost of environmental restoration.

I would now like to turn my attention to projects in and around my district. The Fourth Congressional District of California is home to two military installations, McClellan AFB and Travis AFB and adjacent to my district are four additional bases where many of my constituents work: Mather AFB, Sacramento Army Depot, Beale AFB, and Mare Island Naval Shipyard.

MC CLELLAN AFB (\$17.02 MILLION; \$26.52 WITH "ADD-ON" PROJECT)

Add to and alter depot hydraulic facility (\$7.4 million): A facility is needed to accommodate the additional hydraulic workload associated with the activation of the B-1B and increases in the F-15 and F-16 aircraft inventories. The repair of exchangeable aircraft parts, including hydraulic components, constitutes an important wartime tasking. Surge capability is needed to accommodate increasing wartime requirements. This facility will include a clean room environment to meet advanced component repair requirements as well as provide space for basic workload requirements and surge capability. McClellan AFB has primary responsibility for all Air Force depot hydraulic repair work.

The existing facility is saturated because of increased workloads associated with new weapon systems. Testing is done on a three-shift operation during the week and a two-shift operation on weekends. This schedule severely limits surge capability. Space limitations prohibit installation of additional F-15, F-16 or B-1B test stands required to support added workloads. In addition, the existing hydraulic manifold, which provides fuel and

pressure to test stands, is not capable of operating at high pressures nor with the different hydraulic fluids required for the B-1B system. The lack of additional space will cause delays in repair of hydraulic components, which in turn will result in first-line aircraft being grounded awaiting parts.

Jet fuel storage complex (\$4.0 million): The proposed project will include a fenced jet fuel storage area including two fuel storage tanks, vapor recovery system, spill containment berm, and lead prevention/detection system. In addition, two fuel tanker truck fill stands having vapor recovery and emergency protection equipment with operations/quality control building and parking area will also be built.

Adequate tanks are needed to store JP-4 fuel from pipeline, railroad, or truck for war reserve material storage and peacetime operating stock. Nine tanks need replacement to comply with new California underground storage tank regulations. This project is also required to reduce the vulnerability of the off-base tank farm to terrorist attacks and to consolidate the tank storage area and petroleum operations building at a centralized location.

Currently, two tank farms are operating under a waiver from California regulations for vapor emissions control. The on-base tank farm has nine underground tanks that were installed 31 years ago. These tanks are a potential pollutant threat to the ground water supply. In addition, the tank farm and the existing operations building are located in the south runway clear zone.

The accident risk in this area is so high that restrictions prohibit most land use. Storage of extremely flammable JP-4 is located off base and is vulnerable to sabotage and terrorist action. Due to the distant location, excessive man-hours are expended traveling between facilities. This tank farm can receive fuel only by pipeline. Disruption in the pipeline supply would render the facility inoperable. If this project is not approved, these tanks will continually require expensive monitoring and testing to comply with California regulations. In addition, vapor recovery systems will have to be installed on aging tanks. Flammable material will still be stored in an area of extreme accident risk and the off-base tank farm will continue to be vulnerable to sabotage and terrorist acts.

Vehicle maintenance facility (\$5.0 million): This project is designed to provide space for vehicle body repairs, tune-ups, and other automotive maintenance and repair, and for control and parking of Government vehicles.

Presently, these functions are in six widely separated facilities. Most of them are poorly configured, have insufficient heating, cooling, and lighting and cannot be upgraded economi-

cally. No facilities exist for adequately performing auto body repairs and periodic spark checks. A substantial portion of the operations are located in the south runway clear zone and cannot be remodeled or expanded due to clear zone criteria. This project will allow disposal of five buildings.

If this facility is not constructed, inefficient operations will continue in obsolete substandard facilities with duplicated equipment in widely separated buildings. An economic analysis has been prepared comparing the alternatives of new construction, revitalization, leasing and status quo operation. Based on the net present values and benefits of the respective alternatives, new construction was found to be the most cost efficient over the life of the project.

Add and alter child care facility (\$0.62 million): This is a quality-of-life project. \$623,000 is slated to expand the current 7,300-square-foot facility by 50 percent (2,600 sq. ft.). This will allow the child care center to increase the number of children from 99 to 134. The child care center currently has a long waiting list.

Upgrade of the electrical substation (\$9.5 million): This renovation is required in order to increase base electrical supply capacity, to ensure adequate electrical power for numerous new facilities and allow for maximum flexibility in load shifting. The project will also stabilize voltage fluctuations that cause severe disruption to numerous facilities, electronic instruments and equipment which are critical to daily operations.

Currently, McClellan AFB is supplied by Sacramento Municipal Utility District [SMUD] at 12 kV, making it the only ALC still electrically supplied at 12 kV. The base electrical demand peaked SMUD substations' capacities during the summer of 1987. There is no voltage control in SMUD's substations as it is not in the district's charter. The SMUD policy of transformer upgrades to meet base requirement allows a bare minimum margin for peak demands. Cabling from generators to switch stations can meet neither generator output nor load requirement.

Failure to provide this project will perpetuate a recurring condition of precarious power supply, frequent load shedding practices, and fluctuating voltage quality detrimental to execution of base missions. In the event of power failure, cabling capacity will limit backup electric supply to 19 percent of switch station capability.

TRAVIS AFB (\$16.5 MILLION)

Alter the consolidated mission support center (\$9.0 million): This project is designed to alter the vacated medical center for use as a consolidated support center. A consolidated, centrally located facility to accommodate

numerous support functions is required to provide adequate, properly configured space for a numbered Air Force headquarters.

Today, the 22AF headquarters, command post, consolidated base personnel office, wing headquarters, social actions, plus several other smaller users, are located in 19 widely dispersed substandard facilities. The David Grant Medical Center has moved into a new facility thus freeing up the old medical building. Renovating this facility for a consolidated support center will permit demolition of more than 150,000 SF of WWII and Korean war buildings and provide an adequate, efficient work environment for 13 base functions.

Military family housing improvements (\$7.5 million): The money for this project will be to improve 144 Wherry housing units. These units were constructed in 1951 and have received no major renovation, other than routine maintenance and repairs since they were built. The kitchens and baths require replacement of all original fixtures. Currently, two and three bedroom units have only one bath.

The project will include renovating the kitchens and baths, constructing patios with privacy fences, adding storage sheds and family rooms, and to upgrade the wiring, roofs, and heating systems.

The 144 units are for 56 junior NCO quarters and 88 junior enlisted quarters. Family housing is a high priority for the Air Force and Congress as it is directly linked to morale and retention of quality personnel.

MATHER AFB (\$2.5 MILLION)

While Mather AFB is slated for closure, the following two projects for the Army National Guard will be compatible to the closure decisions currently being made by the local community.

Army National Guard armory (\$2.14 million): A new facility is required to support medical assets and troops for a peacetime mission. The space will permit personnel to perform tasks necessary in support of Federal and State missions. This building will house the 126th Medical Company (Air Ambulance) consisting of 197 personnel. The armory will provide the necessary administration, indoor training areas, and storage of equipment space to achieve the proficiency required to meet readiness objectives. The existing armory facility consists of two Government-owned WWII construction buildings on Mather AFB.

C-12 hangar for the Army National Guard (\$498,000): This project provides for a hangar to house one C-12 aircraft, administrative shop and storage space for personnel provided under contract from Beechcraft Aviation to maintain the fixed wing aircraft. The current maintenance

hangar is not adequate to support the new assigned area support aircraft.

I am pleased that the bill provides arrangements to allow joint use at Mather AFB during the transition period before it closes. The language allows the Mather Conversion Committee great flexibility in planning the future of Mather AFB.

SACRAMENTO ARMY DEPOT (\$3.9 MILLION)

Microwave/radar maintenance facility (\$3.9 million): \$3.9 million is needed to construct a radar maintenance shop. The project will include shop, storage, and administrative areas, overhead hoists, and electrically operated doors. Supporting facilities include utilities, communications, parking, ramp areas, access road, security fencing, and site improvements. This project also includes the demolition of one building.

This facility is required to support a multitude of signal intelligence electronic warfare mission systems. These systems are integral to and support the national defense posture of this Nation. These systems are vital to battlefield intelligence operations and support the projected mobilization, limited engagement, or special action scenarios, as well as peacetime intelligence operations. The present Signal Intelligence Division provides support at five widely scattered locations within the installation. These operations are currently housed in temporary buildings, sheds and converted vans. Some system testing is performed on temporary outdoor scaffolding utilized for range testing and is subject to inclement weather. Additionally, some operations require the complete set up and tear down of test equipment to support testing of system parameters of a daily basis. The incoming systems will require special test measurement diagnostic equipment [TMDE] which is funded at the major subordinate command level.

If this project is not funded, the Army will be required to fund contractor logistics support of the systems. The existing facilities and personnel will be taxed to the limit on a full three shift operation with no capability for surge or mobilization requirements if required by 1990. This is in direct conflict with Army planning guidance and standard business practice. Also, without this project, projected savings of \$7.5 million in the first year (equates to payback in 7 months) will be lost.

BEALE AFB (\$13.45 MILLION)

U-2 Weather shelter (\$3.5 million): This project is designed to shelter one two-bay shelter for U-2R aircraft. The shelter is designed to protect reconnaissance aircraft from adverse environmental effects (dust, rain, heat). The shelter will also permit maintenance and repair to be performed during inclement weather.

Presently, U-2 aircraft wiring, sensors and associated electronic equipment are environmentally sensitive and must be afforded maximum protection against precipitation, condensation, foreign matter, and extreme temperatures. During the winter months, Beale has severe rainy periods. Moisture enters the aircraft structure around deflated nose, cockpit and hatch seals while the aircraft is on the ground. The moisture saturations have caused numerous maintenance problems and has resulted in airborne malfunctions with near catastrophic results.

Ultimately, without this shelter, aircraft and system reliability and critical intelligence data collection missions will be jeopardized. Loss of life and aircraft due to inadequate ground support facilities could occur.

Alert crew facility (\$3.1 million): The proposed alert facility includes crew quarters, kitchen/dining, recreation area, and other necessary support. This facility needs to accommodate a new mission. The KC-135 crews need a facility in which to stay during the mandatory 24 alert. A recent mission change generated the requirement for the KC-135 aircraft assigned to Beale AFB.

Beale AFB currently has no alert requirement and thus, no alert facilities. There are no other facilities on base available which can be used for this function.

The alert requirement for the KC-135 aircraft cannot be supported at this base if the facility is not provided and would have an adverse impact on the Air Force's worldwide refueling capability which would be detrimental to our strategic deterrence posture and national security.

Upgrade alert complex (\$1.2 million): In order to accomplish the above it is necessary to upgrade the existing alert aircraft parking area.

The project calls for the repair and replacement of existing asphalt shoulders, electrical and telephone panels, area lighting, existing perimeter lighting and fencing, backup generator for security devices and lighting. The slated moneys includes installation of security devices and other necessary support. The area must have sufficient pavement to park the alert aircraft and security measures to provide protection from unauthorized personnel and terrorist threats.

An alert aircraft parking apron was constructed for B-52 aircraft but is no longer operational. The concrete apron is in excellent condition but the shoulders need repair and the security system needs upgrading to meet current requirements.

The new alert mission cannot be adequately supported without an upgrade and alteration of the former alert complex. Aircraft security will be

jeopardized, and safety may be compromised due to deteriorating pavement shoulders and potential engine damage due to ingestion of pavement debris.

Unaccompanied enlisted personnel housing (\$5.6 million): A dormitory is required to house E1's-E4's. Currently the base has insufficient facilities to accommodate enlisted personnel. Local rentals and utilities are so expensive in the surrounding community that enlisted personnel cannot afford to live off base. If this project goes unfunded, adequate living quarters will continue to be unavailable and result in degradation of morale, productivity and career satisfaction.

MARE ISLAND NAVAL SHIPYARD (\$6.3 MILLION;
\$9 MILLION WITH "ADD-ON")

Controlled industrial building addition (\$6.3 million): \$6.3 million is needed to construct a building addition to provide a highly specialized industrial facility, to correct work methods and equipment, and to reduce the volume of disposable material.

A specially designed and controlled facility is needed to accommodate consolidation of solid waste handling functions while improving work space utilization within the controlled industrial repair facility.

The current existing controlled facility is inadequate in space and configurations to accommodate current and future workloads. The facility is overcrowded and has caused liquid and solid waste-handling functions to be dispersed throughout the present complex, resulting in a nonoptimal work-space arrangement.

Dredging improvements (\$2.7 million): The proposed 8,700 linear feet of cross-pond dredge line is required to allow systematic filling of dispersed spoils ponds from various locations on the waterfront in order to allow pond filling and drying to be sequenced in such a manner as to allow optimal compaction to be accomplished during dry weather season without impacting continuing dredging operations. This project is required to maximize the life of these spoils ponds, and preclude the need of disposing of dredge spoils off-yard.

The installation of the new dredge lines at piers 21 and 23 are required to preclude the need to relocate the shipyard's floating dredge line when vessels are berthed or are leaving the finger piers. The 520 LF of additional dredge line is required to prevent extended interruptions to dredging operations caused by blockage of the existing line.

The design for the project has been paid for by Mare Island and it meets the 35 percent design level requirement.

Mr. LOWERY of California. Mr. Chairman, I yield 4 minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the military construction appropriations bill for fiscal year 1990.

As a member of the subcommittee I know the agonizing choices we must make every year as we attempt to do two things—build the infrastructure necessary to support our weapons program—and improve the quality of life for the service members and their families.

We have a pittance with which to accomplish this task—roughly \$8.7 billion worldwide. This is 2.6 percent of the total Department of Defense budget. With this money we must strike a series of difficult balances. As each Congress votes for more and new weapons systems we must modernize bases, lengthen runways, build more hangars, more pier space, more support buildings. And yet our subcommittee is also given the task of caring for the families of people in the service. We build their on-base housing, their meeting places, the day care centers for their children.

We have all been to bases in our districts and seen the decay of the infrastructure. At all three of the military facilities in my district I have toured so-called temporary facilities built in World War II and still in use. The maternity ward at one Army hospital had cracks in the walls through which you could see daylight. When the new hospital was built I breathed a sigh of relief—then, the Army turned around and used the old hospital building to house sensitive computer equipment. Several people work in offices in that building which were previously bathrooms. The toilets were simply broken off at ground level and plaster was applied over the broken stump of porcelain. What kind of signal does the soldier working in that office receive about how much we value his work?

On the shoulders of this subcommittee falls much of the responsibility for convincing the service member to stay in the service. Our attrition rate will climb and the cost of retraining of recruits will skyrocket if we continue to ignore the needs of the service member at home, with his or her family.

I believe our subcommittee did an excellent job striking these balances. In the case of our bases in the Philippines, we have disagreed with the authorizing committee and replaced the funding for most of the family housing units in that country. We believe it is imperative to get the families still living off base into the safe haven of the confines of the base. I'm sure you have all heard of the increasing dangers to our service people in the Philippines as resentment toward American presence increases. It must be a top priority to protect their lives and the lives of their families and to make

their existence as free from harassment as possible. Our subcommittee will continue to be their advocate in the Congress.

There are many other worthy projects in this bill—projects which will improve the working conditions of the soldiers, sailors, airmen, and marines—and projects which will improve their living conditions. I urge my colleagues to support the bill.

Mr. HEFNER. Mr. Chairman, I yield such time as he may require to the gentleman from Mississippi [Mr. WHITTEN], the chairman of the Appropriations Committee, and also a member of our Military Construction Subcommittee.

Mr. WHITTEN. Mr. Chairman, I too, would like to commend the chairman of the subcommittee, the gentleman from North Carolina [Mr. HEFNER], and the ranking member, the gentleman from California [Mr. LOWERY], as well as the other members of this subcommittee. This is investment spending that is badly needed, and they have done a great job.

May I call attention to the fact that this bill, is also within the limits of the budget and the Gramm-Rudman-Hollings provisions.

May I say further that I wish to thank the Speaker and the leaders of the House for having given us an opportunity on the Appropriations Committee to go ahead with our work. This is the seventh bill that we have brought to the floor, and in the remainder of this week we expect to bring the other six for which we ask your support.

May I also add that all of these bills are within the 302(b) subdivisions to the subcommittees.

At this time I would like to just make the record clear about our Committee on Appropriations. Since 1945, the appropriation bills have been \$187 billion below the amounts requested by the Presidents; under President Reagan we were \$16 billion below the level that President Reagan had requested.

I just want to call attention to the fact that our Appropriations Committee is not where the deficit problem is. I tell my friends on the Budget Committee they are looking in the wrong direction. What has really happened is that back door spending and entitlements have increased 470 percent since we created the Budget Committee in 1973.

I am not trying to correct anything at this point. But we do feel on the Appropriations Committee that since it is not our fault, since we have stayed within the limits, that we do not like to be pointed out as being responsible. We have stayed within the budget resolution for the reason that we want to hold down spending, and we have held

down. We need to look in the other direction of entitlements and backdoor commitments which bypass our committee.

May I also say for the record that later I shall offer an amendment to this bill, page 5, line 11, striking out the colon and all that follows through "Mississippi" on line 15 on the grounds that it is not needed at this time.

Again, I want to keep the record straight. The House has a fine Appropriations Committee with an excellent staff. We are living by all of the rules and limitations. However, if it should occur that we are restricted as to where we cannot discharge our responsibility to keep this Government going, we will have to raise the point at that time.

Mr. Chairman, last year the conferees on the fiscal year 1989 Military Construction Appropriations Act directed the Army National Guard to take steps to assure that planning and construction of Army National Guard projects are equitably distributed throughout the State of Mississippi. The Guard has complied with that directive and is important that the practice be maintained. The committee has requested the Guard to provide, by February 1, 1990, on how equitable distribution is being maintained.

I especially want to thank the subcommittee for including funds for armories at Ackerman, Amory, and Iuka and for land acquisition funds at Camp McCain.

Mr. LOWERY of California. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. PORTER], a member of the Appropriations Committee.

Mr. PORTER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, let me commend the members of the Military Construction Subcommittee, the chairman and the ranking member, for the fine work that they did on this bill. Part of the bill makes a very large commitment to the Great Lakes Naval Training Station at North Chicago, IL, in my district, and indicates a continuing commitment to the growth of the role of that training facility, the largest in the continental United States.

The bill, as it left the full Appropriations Committee, Mr. Chairman, contained a very honest and reasonable amendment offered by the gentleman from Pennsylvania [Mr. MURTHA] in full committee regarding base closure. What it said basically was that we should look very hard through the eyes of the General Accounting Office to see that there are actual savings involved in closing particular bases and if, in fact, certain bases do not meet the 6-year payback standard, that they in fact should not be closed. I

strongly supported that amendment, Mr. Chairman.

Unfortunately, the rule did not protect it. It allowed in its place an amendment regarding only one base, the Presidio in California in the San Francisco Bay area. As Members know, Mr. Chairman, the gentlewoman from California, Mrs. BOXER and Ms. PELOSI, very graciously said that they will not offer that amendment today.

I want to say, Mr. Chairman, they do not stand alone. The GAO's preliminary indications are that closure will not save the dollars that were originally projected, and that the 6-year payback standard may not be met in some cases. It may not be met regarding the Presidio; it may not be met regarding Fort Sheridan; it may not be met regarding Chanute; it may not be met regarding Fort Dix, and perhaps others.

□ 1650

Mr. Chairman, I have every confidence in the General Accounting Office, every confidence in the Department of Defense that the Department will act fairly and if taxpayers' money is not being saved by closure, and if adjustments should ultimately be made in the Commission's work, I have confidence that they will ultimately be made.

Fort Sheridan in my district failed the Commission's own formula for closure, but was put on the list anyway. I have confidence that the GAO figures will ultimately confirm that it does not belong there and, if so, that Congress will ultimately remove it.

But the principle of the Murtha amendment was right. If there are little or no savings to be made, then a base should not, Mr. Chairman, be closed.

All of us await the General Accounting Office figures. They will give us the guidance that we need. If adjustments are indicated, they must then be made, and that will then make the Base Closure Commission's work honest and correct and right for the American people.

We await the report of the General Accounting Office.

Mr. HEFNER. Mr. Chairman, I yield 3 minutes to the chairman of the Subcommittee on Military Installations and Facilities of the authorizing committee, the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman, the chairman of the subcommittee, for yielding.

Mr. Chairman, this is fairly historic; rarely does the authorizing chairman stand up and congratulate the Appropriations Committee. I want to say I really, really appreciate Chairman HEFNER and his wonderful team that he has got here and how wonderful they were to work with.

Mr. HEFNER. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I am more than happy to yield to the gentleman from North Carolina.

Mr. HEFNER. I thank the gentlewoman for yielding.

Mr. Chairman, does the gentlewoman require more time?

Mrs. SCHROEDER. Mr. Chairman, I cannot say enough good things about the gentleman from California [Mr. LOWERY] and his team. I also want to say, because I think I am a little more objective than others, some of the things that they have said may have passed off of people like water off of ducks. First of all they said they were doing a lot for the quality of life issues, family housing and child care. Yes, indeed they are.

They are doing an awful lot in this budget. It is a historic amount.

How did they get the money when this part of the budget was chopped by a much bigger percent than the other parts of the defense budget? Well, they did it through burden sharing. And they did it by looking very carefully at some of the places we are investing our money in and saying, "Maybe we shouldn't put it there now because we don't know if they are going to be there in a few years and we will give it to bases in the United States," and rather than do it politically it was done by asking the Pentagon to give them the very top priority items where families have had the most difficulty living, and the child care centers have been on hold for the longest time.

So I really compliment them. They said it, and it is really true and it really happened and I thank them because I think they have really done a great job.

We do have some question about the Philippines, not that we worry about the young families that are there; we just hope that the bases are going to be there in a couple of years.

But I think we are all on the same path. We are all very worried about the families and wish somehow that housing could be made mobile or something or maybe get longer term commitments from the Philippines, as we talked about it.

Finally there has been a lot said about base closing. I just want to say as 1 of the 43 Members who voted against it, I have been very uncomfortable defending it.

But one of the things people voted for when they voted for the base closing legislation was a charter of not one but nine different freestanding items. And the cost saving was only one of the nine.

Not only that, we know that numbers are fungible and can be moved around in these times when we are not quite sure where it comes.

We did extensive hearings in the authorization committee on base closings. We think the Commission did a great job in the short time it had, but we do think they made some mistakes.

Unfortunately, once you start unrolling mistakes, there is a lot of them and I think it is most unfair to do one without looking at all of them. And you start looking at all of them and then, let me tell you, nobody should be a Member of Congress if they cannot make a good argument for their base.

So we will end up doing all of them.

So I really think what we have been trying to do here has been fair. It is what most of the Members voted for.

I thank this whole committee for the great job they have done.

Mr. LOWERY of California. Mr. Chairman, I yield 7 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. I thank the gentleman for yielding.

Mr. Chairman, a few minutes ago I had the opportunity to speak in the debate on the rule.

During that debate I said that this was a train coming down the track but unfortunately it is on the wrong track.

So I would like to use just a few minutes today to try to illustrate why I have come to that conclusion and why a number of other Members of the House who have looked carefully, and I might say more carefully than others, as to why that may be the case.

This bill as it currently stands before a point of order will be raised by another Member later in the debate, contains language which gives the GAO the responsibility and the obligation and the right to look at some bases to determine whether or not they really save money. I would suggest that that is one of two reasons why one can feel justified in opposing spending money on the closure of bases.

The second reason is that the Commission on Base Closure and Realignment looked at a second thing besides how much we can save and that was the military value of the various bases.

I would like to point out here in the next couple of minutes that in both cases in terms of cost savings and in terms of ranking of military value, errors were made that make this entire process subject to question.

First of all, if you will permit me to speak about the base that I know the most about, and I always, always hesitate to do this because, "When SAXTON starts to speak about Fort Dix, NJ," people immediately turn their heads the other way and start to talk to each other and say, "Well, he's talking about his base." And as the previous speaker said, anybody who cannot make a case for their base not being closed ought not be in Congress.

But if you will just join with me for a minute and try to look past that and look at the facts that have emerged, perhaps you will begin to agree that we all do not talk just from a parochial base.

First of all, on cost savings, when the Commission did their estimate as to savings, as the ranking member of the Subcommittee on Military Construction Appropriations pointed out, we were in for some fairly significant savings. But since that time, since DOD has gone about determining how much it is going to cost to carry out this procedure, the amount has grown in expenditures to \$4 billion over the next 3 or 4 or 5 years, an expense of \$4 billion, to build new facilities just like the ones that already exist in many of the bases that we are going to close.

At Fort Dix, for example, and permit me to do this, at Fort Dix, for example, in the last 10 years we have spent \$210 million modernizing the base and now we are told that in this appropriation \$90 million of the money that will be appropriated through this bill will go to build the new facilities to replace those facilities that we recently spent \$210 million on at Fort Dix.

So we are going to spend \$4 billion to carry out this process so that we can save a total of \$5.6 billion over 20 years, a net savings over 20 years of \$1.6 billion.

Now get out your pencils and paper and join with me and figure out what kind of a percentage that is. The way I calculate, if we do not increase our defense expenditure at all, we will spend \$6 trillion over that period of time. I have not taken the time to figure out what fraction of 1 percent \$1.2 billion is, but it is not very much.

□ 1700

Second, in terms of manpower needed to keep bases closed or to close them. Again, in a case as in my case at Fort Dix, it was originally estimated that we would need 500 people to keep it in semiopen status. I have here a page out of DOD calculations that point out that it is not 500 any more, it is 1,526 people that will be needed. So when we talk about savings, either in the big picture or in the case of Fort Dix, it is demonstrable at Fort Dix, at the Presidio, and many other places, that the savings are simply not there.

Now, we will now talk about military value for a minute. Military value is a term that was used by the Commission to determine how important individual bases were to the total military operation, to the total defense capability of our country. Again, in the case of Fort Dix, when it was compared with seven other bases that carry out the same mission, it was ranked by the Commission as No. 7. When the GAO refigured those calculations to determine military value, because of the

mistakes the Commission made, perhaps inadvertent mistakes based on information they had been wrongly given, Fort Dix did not turn out to be No. 7 in terms of military value. Members, it turned out to be No. 1. That is demonstrable and documented in this GAO report that I have here in my hands.

Finally, let me just quote from a report that the Army Audit Agency did on the future of basic training. This report was done at exactly precisely the same time that the Commission was doing their study. Let me quote from the Army Audit Report. It says:

Recruits should be scheduled for basic training at installations where adequate barracks space is available to avoid additional barracks construction of barracks modernization costs. Based on fiscal year 1989 through fiscal year 1993 training programs, same period we are talking about realignment,

All recruits and trainees attending basic training, advanced individual training, and one station unit training can be housed in adequate barracks if the training workload is decreased at Fort Knox and Fort Leonard Wood and increased at the six remaining centers. Additional basic training companies could be established at Fort Jackson and Fort Dix where there is 10,763 excess barracks spaces.

That report speaks exactly contrary to, opposite of, the recommendations of the report that this bill would fund.

So in the cause of adequate space for training, in the case of military value, in the case of expenditure and savings as documented by the ranking member of the committee, all those things were wrong. The language that is in this bill today, the language which asks the GAO to look at the situation and give Members a recommendation ought to be maintained, and the point of order against it should be avoided.

Mr. HEFNER. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I rise in support of H.R. 3012, the military construction appropriations bill for fiscal year 1990. This is the seventh appropriations bill to be considered by the House this session.

As is customary, the Budget Committee has provided a "Dear Colleague" to all Members of the House discussing the relationship of this bill to the fiscal year 1990 budget resolution.

COMMITTEE ON THE BUDGET,

Washington, DC, July 28, 1989.

DEAR COLLEAGUE: Attached is a fact sheet on H.R. 3012, Military Construction Appropriations Bill for Fiscal Year 1990. This bill is scheduled for floor consideration on Monday, July 31, subject to a rule being adopted.

This is the seventh appropriations bill for fiscal year 1990 and is \$2 million below the discretionary budget authority and equal to the Appropriations Committee 302(b) subdivision outlays for this subcommittee. There-

fore, it is consistent with the 1990 Budget Resolution and the Bipartisan Budget Agreement.

I hope this information will be helpful to you.

Sincerely,

LEON E. PANETTA,
Chairman.

[FACT SHEET]

H.R. 3012, MILITARY CONSTRUCTION APPROPRIATIONS BILL FISCAL YEAR 1990 (H. Rept. 101-176)

The House Appropriations Committee reported the Military Construction Appropriations Bill for Fiscal Year 1990, on Wednesday, July 26, 1989. This bill is scheduled for Floor action on Monday, July 31, subject to a rule being adopted.

COMPARISON TO THE 302(B) SUBDIVISION

The bill provides \$8,698 million of discretionary budget authority and \$8,665 million discretionary outlays. A detailed comparison of the bill to the spending and credit allocations follows:

COMPARISON TO SPENDING ALLOCATION

[In millions of dollars]

	Military construction appropriations bill		Appropriations Committee 302(b) subdivision		Bill over (+) / under (-) 302(b) subdivision
	BA	O	BA	O	BA O
Discretionary	8,698	8,665	8,700	8,665	-2
Mandatory					
Total	8,698	8,665	8,700	8,665	-2

Note.—BA—New Budget Authority; O—Estimated Outlays.

COMPARISON TO CREDIT ALLOCATION

There are no direct loan or primary guarantees provided in the bill or assumed in Section 302(b) for this Subcommittee.

PROGRAM HIGHLIGHTS

[In millions of dollars]

	Budget authority	Outlays
Military Construction:		
Army	834	250
Navy	1,168	339
Air Force	1,208	350
Defense Agencies	531	149
NATO Infrastructure	425	34
Family Housing:		
Army	1,524	831
Navy	919	477
Air Force	1,026	572
O&M Base Closure Account	500	108

This bill provides \$8,698 million in budget authority and \$8,665 million in outlays. These amounts are \$2 million under the discretionary budget authority and exactly the discretionary outlays included in the section 302 subdivision assigned to this subcommittee.

As a result this bill is consistent with the fiscal year 1990 budget resolution and the bipartisan budget agreement. Therefore, there are no budget act waivers required.

I would like to congratulate Chairman HEFNER for the timely action by the subcommittee on this bill and urge its adoption.

Mr. LOWERY of California. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. MARTIN].

Mr. MARTIN of New York. Mr. Chairman, I rise in support of the military construction appropriations bill, and I want to take the opportunity to salute the gentleman from North Carolina [Mr. HEFNER], as well as the gentleman from California [Mr. LOWERY].

Our committee, the Subcommittee on Military Construction, the authorizing committee, has worked out a fine relationship, I think, with the appropriators. We discuss the various projects with them, early in the session, so we could work out any problems that we might have, so that at this time of year we do not have a great number of unauthorized appropriations, or a large number of projects that are authorized only to have the Subcommittee of Appropriations fail to appropriate the money for them.

I am particularly pleased to see that the language in their legislation and the funding levels for the 401st Tactical Fighter Wing that is proposed to be moved from Spain to Italy is substantially the same. As a matter of fact, I think it is exactly what we authorized.

I want to say on behalf of the chairlady, the gentlewoman from Colorado [Mrs. SCHROEDER], and myself, how much we appreciate working with the gentleman from North Carolina [Mr. HEFNER] and the gentleman from California [Mr. LOWERY].

Mr. HEFNER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN of Texas. Mr. Chairman, I rise in strong support of H.R. 3012, the military construction appropriations bill for fiscal year 1990. As a member of the subcommittee, I know that Chairman HEFNER and my colleagues have put in a lot of work on this bill. This is the military's quality of life bill. While we appropriate \$300 billion for all the other defense accounts and while last week we debated whether or not to authorize funding for the B-2 bomber, for the strategic defense initiative and for the MX and Midgetman missiles, we have been constrained in this bill by the meager funding requests for military construction from the administration.

In subcommittee hearings we were told repeatedly that the Department of Defense could not continue to fail to invest in its physical plant as it had done repeatedly throughout this decade. We were shown charts which graphically displayed the extent to which investment in military construction lagged behind investment in physical plant and equipment in the private sector. And yet repeatedly—both within the Department of Defense and

at the Office of Management and Budget—we see a refusal to send up requests for such items as family housing, for the Section 801 build-to-lease program, and for child care facilities.

This bill, accordingly, is a lean bill, some 13-percent below the outlay figure for last year's bill. The primary source of controversy is obviously the base closure account. In two sets of hearings, one with Commissioners Senator Abraham Ribicoff and Congressman Jack Edwards and another with DOD officials, we were told that the account should be funded at \$500 million to implement closures and realignments beginning in the next fiscal year. Some of the members on the subcommittee and in the House have some misgivings as to whether a number of the installations cited on last December's list will meet the 6-year payback requirements and whether the whole issue should be reopened. The question we have had to face is whether or not we have any alternative. It is the Committee on Appropriations' position that we do not. I have a number of questions myself regarding the Commission's report, such as why basic training functions which used to be located at Military Occupational Specialty areas will be transferred to other installations.

I am pleased, however, that the committee has provided funding for two barracks modernization projects at Fort Bliss, TX. Because the Pentagon scrupulously refuses to provide any modernization funding for military housing construction at Fort Bliss, I have had to ask for the committee's understanding of the importance of these accounts at this post again this year. Military construction has become increasingly important as recruitment and retention have begun to slip in the All Volunteer Force. Each of us knows that family housing and housing for the noncommissioned members of our armed services are extremely essential in the effort to retain qualified people in the armed forces. This bill recognizes that fact. It also insists on a number of sensible propositions—such as the idea that our allies ought to pay for a greater share of the military construction costs associated with joint commands, that officers departing their quarters ought to be able to clean them, that we should put money into medical facilities. I urge your support for its passage.

□ 1710

Mr. LOWERY of California. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. MADIGAN].

Mr. MADIGAN. Mr. Chairman, I have asked for this time so that I might express to the members of the Appropriations Committee on both

sides of the aisle my gratitude for their attempt to correct a very serious mistake that was made by the Base Closure Commission. I understand, however, that the language they have included in this bill that would give us an opportunity to correct that mistake will be stricken at a later time today because a point of order will be made against it by the gentleman from Texas, the sponsor of the original base closing legislation.

I would like to take just a moment to talk about one glaring mistake made by that Base Closure Commission which has been acknowledged publicly now to have been a mistake by a member of the Commission, a former member of the military services, retired Gen. Bryce Poe, who has said publicly that in the case of the Base Closure Commission's inclusion of Chanute Air Force Base, the Commission made an error, that they made a mistake.

That base was rated by the Commission fifth among five technical training centers operated by the Air Force. We asked the General Accounting Office to rate those five technical training centers, using exactly the same criteria that was used by the Base Closure Commission, and after doing that, the General Accounting Office has advised us that Chanute Air Force Base rates No. 2 out of the five bases rather than No. 5, as it was rated by the Commission. But is not surprising to me that they might have made a mistake in the case of Chanute Air Force Base, because they added it to the list on the very last day of their deliberations, and they did that without anyone from the Commission ever having visited that base and without any staff person ever having visited that base and without there having been any communication with the officials of that base by anyone associated with the Base Closure Commission.

In fact, I now have letters from two past center commanders of that base, both retired generals of the Air Force, who each say independently that the base does not fit the criteria that the Commission was supposed to use. In fact, in the transcript of the Commission's deliberations that we now have access to, one of the Commissioners said, "We can't add Chanute Air Force Base to this list because it doesn't fit our criteria," and one of the staff people responded: "But we need the savings, sir. We'll just go back to the arrays and change the scores." That is how Chanute Air Force Base got on this list. That is in a transcript that has now been made public by the Commission. We had an opportunity to correct that as a result of the good work of the Appropriations Committee and also to correct what potentially are 10 other mistakes on the list of 86 bases. Unfortunately, the gentleman from Texas intends to make a point of

order against that. I understand the point of order will probably be sustained, but I wanted to take this time to express my gratitude to the members of the Appropriations Committee for their attempt to correct this.

Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. HEFNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have no further requests for time, but I would like to take this time to make just a couple of points as far as burden sharing is concerned.

For many, many years, on this subcommittee, back when my good friend, the gentleman from Ohio [Mr. REGULA], was ranking member, we had much emphasis on burden sharing, and that has been true since the gentleman from California [Mr. LOWERY] has been on our subcommittee. I think our efforts are beginning to bear some fruit, by letting people know that we are interested and we are going to demand more burden sharing from our allies. We certainly want to do what is appropriate for our troops stationed overseas, but burden sharing has to be at the forefront, and I congratulate the authorizing committee for taking part in emphasizing burden sharing.

I think this is something we have been ready for, and I think it is something the American people, when they know they are spending their hard-earned dollars, expect. They expect more emphasis on burden sharing from us, and they expect more burden sharing from our allies.

Mr. Chairman, I wanted to make those points, and I also want to make a point on base closing. As of this year, we have \$500 million in our bill for base closing, and are going to see that goes for base closing. We refuse to let them use the base closure money for any other projects or to use transfer authority for funding base closures. We are going to be looking at the dollars very closely, and we are going to be monitoring to see just how efficiently they are using the funds and how much money it is going to save us on base closings.

Mr. DORGAN of North Dakota. Mr. Chairman, I would like to commend the Appropriations Committee and particularly the Military Construction Subcommittee on the fine job they have done on this year's military construction budget, H.R. 3012. The committee has been able to meet the military construction requirements of the armed services while also addressing the legitimate child care needs of our enlisted personnel. The committee has also taken a commendable position in encouraging our European and Asian allies to more fairly share the cost burdens of our common defense.

At the Grand Forks Air Force Base, an existing child care facility was taken over in June of 1988 to accommodate a reorganization of the Strategic Air Command headquarters. As a result, the child care program is suffering

and the child care needs of the base are not being adequately met due to space limitations.

The solution to the situation I have described at Grand Forks is to construct a new child care center at the base. The approach approved by the subcommittee in this bill requires only \$1.9 million to adapt an existing design from another base and construct a facility that could be completed in fiscal 1990. This is a modest and frugal approach to meeting the base's needs for child care at the earliest opportunity.

At the Minot Air Force Base, a similar situation exists. The Minot preschool facility is currently full and there is a waiting list of over 100 children. The Minot child care facility was built in 1966 and was designed primarily as a nursery. The proposed facility addition will allow it to accommodate more children and to allow the colocation of the preschool and child care functions. The committee has wisely urged the Department of Defense to expedite the design of this facility and I would also note that the Armed Services Committee has authorized up to \$100,000 for this effort in fiscal year 1990.

I commend the subcommittee for making these modest changes to the budget requests for these two bases. In rural States, it is difficult to support an active and competitive construction contractor pool if the military construction program goes through a boom or bust spending pattern. Moving forward with these child care centers will contribute to morale and also assure a more diversified pool of contractors for future projects.

Finally, Mr. Chairman, I would like to add my support for the Subcommittee's construction plans at two other facilities in North Dakota. In Bismarck, this bill will result in the construction of a much needed, \$1 million warehouse to replace the Army National Guard's existing 40-year-old building. This new warehouse will be larger and will assure that the National Guard unit based there has adequate space to meet readiness requirements.

In Fargo, the half million dollars of work funded at the Air National Guard avionics shop will support the phaseout of F-4 fighters and their replacement by newer F-16's. Additionally, the \$1.8 million in support facility construction work will free up needed aircraft maintenance hangar space by moving other activities to another building. Both of these improvements will support the enhanced role of the Fargo Air National Guard.

Mr. Chairman, I would like to conclude my remarks by once again expressing my thanks to Mr. HEFNER and the Subcommittee on Military Construction for a job well done.

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of H.R. 3012, the military construction appropriations bill for fiscal year 1990, and to commend the chairman, the ranking member and the committee and staff for their work on this bill. The appropriations in the bill are \$263 million below the fiscal year 1989 level and within the 302(b) allocation. It expresses a number of important concerns about burden-sharing by our allies, and addresses the overall needs of U.S. force structure here in the United States.

I want to thank the committee for including funds for a child development center and a

vehicle maintenance complex at Vandenberg AFB in Santa Barbara County, and hope that next year, the committee will be able to fund the much-needed emergency electric backup power plant, which has been deferred for several years. There is a full manifest of missions slated over the next 5 years at Vandenberg, and the plant is needed to insure that those missions are achieved.

Again, Mr. Chairman, I thank the committee and urge my colleagues to vote for the bill.

Mr. FRENZEL. Mr. Chairman, H.R. 3012 is, I am told, within the 302(b) limits, and, wonder of wonders, is actually below last year's appropriation. Normally such wonders should be rewarded by an affirmative vote.

In this case, however, my intention is to vote "no." Nearly \$9 billion is too much for this function. Defense spending has been in decline since fiscal year 1985. Military construction ought to be descending even more rapidly. Until it does, I won't vote for bills like this.

Mr. RAHALL. Mr. Chairman, today the House is considering H.R. 3012, the military construction appropriations for fiscal year 1990.

This measure contains \$8.7 billion in funds for military construction and family housing projects in the United States and overseas. The bill supports the active military forces, the National Guard and Reserves, defense agencies, and NATO.

In keeping with the budget agreement, the bill is \$260 million less than the fiscal year 1989 appropriations level. It reflects, however, an increase of \$145 million more than the President requested—money which would go principally for family housing and military construction for the National Guard and Reserves. There are more dollars for domestic family housing than for overseas construction, and the bill will provide also for child care facilities construction and operating costs. The need for child care has been found to be as urgent a matter for military families today as it is for other families in the United States.

While I support unreservedly funding for family housing, child care, the National Guard and the Reserves, there are things in this bill, Mr. Chairman, that I do not necessarily support expenditure of funds for—such as B-2 Stealth related support facilities, construction projects for the rail garrison system for basing of the MX missile, and funds related to construction and development of SDI. I opposed expansion and increased funding for these programs during House consideration of the fiscal year 1990 Defense authorization bill.

My second concern is with respect to base closings. In April of this year, Congress supported the Grace Commission's recommendations on the closure of certain military bases which are creating a drain on Government funds. In other words, the bases no longer fulfilled a strategic military or defense mission. Unfortunately, in this bill today we have a provision allowed under the rule permitting one amendment to the bill that would preclude closure of the Presidio, CA, base.

I fully understand the efforts by the Appropriations Committee to determine whether, in fact, closing the bases will ultimately cost more than leaving them open. We were assured, early this year, that as much as \$700

million a year would be saved. Now we are awaiting the findings of GAO's study to determine whether base closures and realignments will result in any savings.

I do not think it is prudent, at this time, to allow one amendment preventing a base closure in a particular State or district, while expecting all other Members whose States and districts are affected by base closures to bite the bullet and let their bases be closed without another word on the subject. I am very much afraid that this opens Pandora's box—and the next thing we know, Congress will be thrown back into the chaos of having to determine, in fact, whether any base should be closed and savings realized as a result. We made our decision on base closings, Mr. Chairman. This bill acknowledges that and by this fall, Congress should have its report from GAO confirming whether savings will exceed the costs of base closures.

In conclusion, Mr. Chairman, it pleases me to note that the bill requires a report, by February 15, 1990, on specific actions taken by the Defense Department to encourage NATO members and Japan to assume a greater share of the common defense burden. Burden sharing is an idea whose time has come, and I look forward to having DOD's report on any progress being made toward that goal.

Mr. VENTO. Mr. Chairman, H.R. 3012, the military construction appropriations bill for fiscal year 1990 provides \$8.7 billion for the Department of Defense to cover the cost of military construction and family housing for military personnel. I note that the committee bill which is under consideration today is within the 302(b) discretionary allocation, within the congressional budget resolution, and within the overall budget agreement.

I am disappointed, however, that the Appropriations Committee chose to include a provision in the bill to prohibit the expenditure of any funds for the closing or realignment of 14 of the 87 military bases that Congress voted to close and that are currently being reviewed by the General Accounting Office [GAO] to determine if the savings over 6 years from closing these bases will exceed the costs.

By including this provision in the bill, the committee has weakened this legislation and is seeking to undo the recommendations made last December by the Commission on Base Realignment and Closure which this Congress ratified only last April when it defeated a resolution disapproving the base closure Commission's recommendations. The Commission's report called for the complete closure of 87 bases, the partial closure of 5 bases, and realignments involving either increases or decreases in personnel at 53 bases. These closures and realignments will ultimately save billions of dollars at a critical time when our Federal budget deficit is at an unprecedented level.

I supported the creation of this Commission and supported its conclusions. However, I also agree with the sentiments expressed by those Members who were critical of specific base closing recommendations who suggested that the Commission's mandate should have gone farther to include foreign as well as domestic military bases. Clearly, the same reasoning which was applied by the Commission to its recommendations for the closing or

realignment of certain domestic military bases may also be applied to some of our military bases located in foreign countries.

I would surely support the point of order to strike the provision of the bill to prohibit expenditures to implement the base closing recommendations. If such a point of order is sustained, I intend to support final passage of the bill.

I am pleased that the bill contains funding for important projects of the Army National Guard and the Air National Guard in my home State of Minnesota. The bill includes \$4.2 million for an armory at Camp Ripley as well as \$8 million for training facilities in Troop Area 7 at Camp Ripley; \$4.1 million is also included for the Minnesota Air National Guard Duluth ANGB. The Air Force Reserve at Minneapolis-St. Paul International Airport will also receive \$370,000 under the bill to modify its aircraft maintenance facility.

The largest single item for Minnesota in the bill is for \$14.1 million for the Army Reserve to construct a training center and maintenance facility on the grounds of the Twin Cities Army Ammunition Plant [TCAAP] in Arden Hills, MN, in the district I represent. While I fully appreciate the importance of modern and adequate training facilities for Army Reserve personnel, I regret that the Army Reserve has apparently to date not fully enlisted the support for this project from public officials and local residents who live adjacent to the planned Army Reserve facility in Arden Hills. Neighborhood residents are concerned about the potential impact of increased traffic and congestion in the area near the planned Reserve facility. I am hopeful that the Army Reserve and local officials will make a special effort with the residents of Arden Hills which will enable to alleviation or minimization of any problems which may arise.

Mr. HEFNER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. LOWERY of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, it shall be in order to consider the amendment printed in House Report 101-192 by, and if offered by, the gentlewoman from California [Mrs. BOXER], or her designee. Said amendment shall not be subject to amendment and shall be debatable for 60 minutes, equally divided and controlled by the proponent and a Member opposed thereto.

The Clerk will read.

The Clerk read as follows:

H.R. 3012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1990, for military construction functions administered by the Department of Defense, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facil-

ties, and real property for the Army as currently authorized by law, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$834,222,000, to remain available until September 30, 1994: *Provided*, That of this amount, not to exceed \$74,420,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$1,167,750,000, to remain available until September 30, 1994: *Provided*, That of this amount, not to exceed \$84,970,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$1,208,136,000, to remain available until September 30, 1994: *Provided*, That of this amount, not to exceed \$106,000,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE AGENCIES (INCLUDING TRANSFER OF FUNDS)

(INCLUDING RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$531,320,000, to remain available until September 30, 1994: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed \$90,480,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That of the funds ap-

propriated for "Military Construction, Defense Agencies" under Public Law 100-202, \$10,000,000 is hereby rescinded: *Provided further*, That of the funds appropriated for "Military Construction, Defense Agencies" under Public Law 100-447, \$20,000,000 is hereby rescinded.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

For the United States share of the cost of North Atlantic Treaty Organization Infrastructure programs for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the Northern Atlantic Treaty Area as authorized in military construction Acts and section 2806 of title 10, United States Code, \$424,714,000, to remain available until expended.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Act, \$192,533,000, to remain available until September 30, 1994: *Provided*, That, effective January 1, 1989, the Army National Guard is prohibited from transferring any land outside the State of Mississippi in exchange for any land within the State of Mississippi.

AMENDMENT OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITTEN: On page 5, line 11, strike the colon and all that follows through "Mississippi"; on line 15.

Mr. WHITTEN. Mr. Chairman, my amendment strikes language that would prevent the Army National Guard from exchanging any land in Mississippi. This is not needed. Thus I ask that the language be deleted.

Existing law sets conditions for the exchange of U.S. Forest Service land, which of course must be followed. The conditions appear to be set out in 16 U.S.C. 484a, 485, 505a, 516 and 519a which under prior approval, I submit for the record. Perry County, MS, in which Camp Shelby is located as its share of the timber receipts as heretofore agreed upon as provided by law, received \$590,905 in fiscal year 1988, which of course is very important to the roads and school of the county.

All of us have an excellent record of support for the Guard and Reserves. Particularly is that true of my colleague and friend, SONNY MONTGOMERY, and if I may say so, I have always been in their corner.

Mr. Chairman, I include at this point excerpts from the statute, as follows:

TITLE 16, UNITED STATES CODE

§ 484a. Exchange of lands in national forests; public schools; deposit of funds by school authority with insufficient exchange land; limitations on use.

Whenever an exchange of land is proposed by a State, county, or municipal government or public school district or other

public school authority under sections 485 and 486 of this title or other authority under which the Secretary of Agriculture is authorized to exchange national forest lands or other lands administered by the Forest Service, if the State, county, or municipal government or public school authority proposing the exchange has insufficient land to offer, the exchange may be completed upon deposit with the Secretary of Agriculture of a portion or all of the value of the selected land. Any amount so deposited shall be covered into a special fund in the Treasury which when appropriated shall be available until expended by the Secretary of Agriculture for the acquisition of lands in the same State as the selected lands and which are determined by him to be suitable for the same purposes as the selected lands. Lands so acquired shall have the same status and shall be subject to the same laws, regulations, and rules as the selected lands.

The provisions of this section shall not be applicable to the conveyance in exchange of more than eighty acres to any one State county, or municipal government or public school district or other public school authority. Lands may be conveyed to any State, county, or municipal government pursuant to this section only if the lands were being utilized by such entities on January 12, 1983. Lands so conveyed may be used only for the purposes for which they were being used prior to conveyance.

(Pub. L. 90-171, Dec. 4, 1967, 81 Stat. 531; Pub. L. 97-465, § 8, Jan. 12, 1983, 96 Stat. 2536.)

§ 485. Exchange of lands in national forests; cutting timber in national forests in exchange for lands therein.

When the public interests will be benefited thereby, the Secretary of Agriculture is authorized in his discretion to accept on behalf of the United States title to any lands within the exterior boundaries of the national forests which, in his opinion, are chiefly valuable for national-forest purposes, and in exchange therefor may patent not to exceed an equal value of such national-forest land, in the same State, surveyed and nonmineral in character, or he may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State; the values in each case to be determined by him. Before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this section and section 486 of this title shall, upon acceptance of title, become parts of the national forest within whose exterior boundaries they are located.

(Mar. 20, 1922, ch. 105, § 1, 42 Stat. 465; June 11, 1960, Pub. L. 86-509, § 1(a), 74 Stat. 205.)

§ 505a. Interchange of lands between Department of Agriculture and military departments of Department of Defense; report to Congress.

The Secretary of Agriculture with respect to national forest lands and the Secretary of

a military department with respect to lands under the control of the military department which lie within or adjacent to the exterior boundaries of a national forest are authorized, subject to any applicable provisions of the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.], to interchange such lands, or any part thereof, without reimbursement or transfer of funds whenever they shall determine that such interchange will facilitate land management and will provide maximum use thereof for authorized purposes: *Provided*, That no such interchange of lands shall become effective until forty-five days (counting only days occurring during any regular or special session of the Congress) after the submission to the Congress by the respective Secretaries of notice of intention to make the interchange. (July 26, 1956, ch. 736, § 1, 70 Stat. 656.)

§ 516. Exchange of lands in the public interest; equal value; cutting and removing timber; publication of contemplated exchange.

When the public interests will be benefited thereby, the Secretary of Agriculture is hereby authorized, in his discretion, to accept on behalf of the United States title to any lands within the exterior boundaries of national forests which, in his opinion, are chiefly valuable for the purposes of this Act, and in exchange therefor to convey by deed not to exceed an equal value of such national forest land in the same State, or he may authorize the grantor to cut and remove an equal value of timber within such national forests in the same State, the values in each case to be determined by him: *Provided*, That before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to such national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands so accepted by the Secretary of Agriculture shall, upon acceptance, become parts of the national forests within whose exterior boundaries they are located, and be subjected to all provisions of this Act.

(Mar. 1, 1911, ch. 186, § 7, 36 Stat. 962; Mar. 3, 1925, ch. 473, 43 Stat. 1215; Oct. 22, 1976, Pub. L. 94-588, § 17(a)(4), 90 Stat. 2961.)

§ 519a. Transfer of forest reservation lands for military purposes.

If any of the lands purchased or to be purchased by the United States under the provisions of the Act approved March 1, 1911, as amended, within the limits of townships 1, 2, and 3 north, ranges 9, 10, 11, 12, and 13, in Forest and Perry Counties, State of Mississippi, are determined to be chiefly valuable and necessary for a National Guard encampment and related military purposes, the Secretary of Agriculture may, and he is, authorized to convey full title to said lands to the State of Mississippi or the Department of the Army: *Provided*, That there is paid into the Treasury of the United States, or made available by transfer on the books of said Treasury, sums of money equal to the full amounts expended by the Department of Agriculture for the purchase of said

lands, and the money so paid into or transferred on the books of the Treasury shall be available for expenditure by the Secretary of Agriculture for the purchase of other lands under the provisions of said Act of March 1, 1911, as amended.

(Mar. 2, 1935, ch. 21, 49 Stat. 37.)

Mr. Chairman, I do not think there is any opposition to my amendment, and I suggest that it be adopted.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. WHITTEN].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, \$190,890,000, to remain available until September 30, 1994.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, \$80,505,000, to remain available until September 30, 1994.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, \$56,600,000, to remain available until September 30, 1994.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, \$46,200,000, to remain available until September 30, 1994.

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alternation and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, \$143,810,000; for Operation and maintenance, and for debt payment, \$1,380,600,000; in all \$1,524,410,000; *Provided*, That the amount provided for construction shall remain available until September 30, 1994.

FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alternation and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows:

for Construction, \$264,769,1000; for Operation and maintenance, and for debt payment, \$653,816,000; in all \$918,585,000: *Provided*, That the amount provided for construction shall remain available until September 30, 1994.

Mr. MONTGOMERY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank the chairman of the full committee, the gentleman from Mississippi [Mr. WHITTEN], for offering this amendment, which cleans up a situation concerning the Army National Guard. I want to acknowledge that the gentleman from Mississippi [Mr. WHITTEN] has always been supportive of the National Guard and Reserves. I appreciate what he has done, and I want the record to show that in any way that it was possible to help the reserve forces, especially the National Guard in Mississippi, Mr. WHITTEN has been right there. He has been a friend of the Guard.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alternation and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, \$252,735,000; for Operation and maintenance, and for debt payment, \$773,300,000; in all \$1,026,035,000: *Provided*, That the amount provided for construction shall remain available until September 30, 1994.

FAMILY HOUSING, DEFENSE AGENCIES

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alternation and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, \$600,000; for Operation and maintenance, \$20,700,000; in all \$21,300,000: *Provided*, That the amount provided for construction shall remain available until September 30, 1994.

HOMEOWNERS ASSISTANCE FUND, DEFENSE

For use in the Homeowners Assistance Fund established pursuant to section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (Public Law 89-754, as amended), \$5,100,000, to remain available until expended.

BASE REALIGNMENT AND CLOSURE ACCOUNT

For deposit into the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), \$500,000,000, to remain available for obligation until September 30, 1995: *Provided*, That none of these funds may be obligated for base realignment and closure activities under Public Law 100-526 which would cause the Department's \$2,400,000,000 cost estimate for military construction and family housing related to the Base Realignment and Closure Program to be exceeded.

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Mr. KOLBE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are at that section of the bill where the language that has caused so much anguish today and in previous days in the committee, is being considered. That is the section dealing with base closing. Very shortly we will have a point of order made against the particularly language in this section on the grounds that it is legislation in an appropriations bill. That point of order will correctly be sustained by the Chair because the Committee on Rules chose not to protect the amendment which was added by the full Committee on Appropriations.

However, Mr. Chairman, I want to take just a moment before that happens to speak about why this was done and why I believe that the amendment that was offered in the full committee represents the correct approach.

Mr. Chairman, the committee's amendment is very simple one. It says that base closings will not go forward for those bases currently being studied by the General Accounting Office, unless the GAO confirms that a 6-year payback is valid.

In other words, Mr. Chairman, there has to be a positive cost-benefit for closing a base within 6 years. Now, to me, that seems very reasonable.

The appropriations bill is really asking that the base closings conform to what this body did when we adopted the base closing legislation 1 year ago. We said then that there would be a positive payback. We said there would have to be a cost savings in order to make a decision to go forward with base closings. The amendment adopted in the full committee was a generic one. It did not apply to one specific base. It did not apply to all bases, but it applied to all those about which serious questions had been raised and which had been included in the General Accounting Office study.

Throughout the debate that we had in this body on base closings we heard over and over again that cost savings was what it was really all about.

Mr. Chairman, I took the opportunity in the last couple of days to go back and review the debate on base closings of 23 colleagues who spoke in favor of the legislation. Every single one, myself included, mentioned cost savings as a major reason for supporting the legislation. Thirteen Members, more than one-half of those who spoke, cited their belief that base closing would save from \$2 to \$5 billion annually.

Mr. Chairman, let me just quote from a couple of those comments that were made, and I single these out only because they are here in the record on the debate on base closings.

The gentleman from Ohio [Mr. WYLIE]:

With the Army proposal now before us, we have a golden opportunity to achieve an estimated savings of from \$2 billion to \$5 billion a year by eliminating those bases that no longer serve a useful military purpose.

The gentleman from Wisconsin [Mr. ROTH]:

Estimates on the budget savings from such a proposal range from \$2 billion annually by the Grace Commission to as high as \$5 billion annually by the Office of Management and Budget.

The gentleman from Michigan [Mr. UPTON]:

By creating a bipartisan commission with the authority to recommend closing unneeded military bases, we can save between \$2.5 and \$5 billion per year.

Mr. Chairman, I could go on and on, but I think the point is clear. Certainly the Members that were speaking on the floor on this issue thought that savings, dollar savings, were at the heart of why we were supporting the base closings legislation. If we were to look at other criteria, such as efficiency for our military services by closing or realigning bases, we find that now, based on information that has been given to us by the services, that criteria does not hold up either. The decisions made by the commission were not decisions that would have been made by any of the services. In many cases, the decision makes no sense for the service involved.

The GAO report is going to be completed in a few months. There will be no significant slowdown of base closings if we wait for the completion of this study. The language that was offered in the Committee on Appropriations did not break any new ground. It was not an amendment to stop base closings. Rather, we tried to say: "Let's take another look at this. If indeed we made an incorrect decision, we ought to look again at those bases that are being closed before we finalize that decision."

Mr. Chairman, it will be said here today that we cannot reopen this issue. It would be too painful. But, Mr. Chairman, I would suggest that those who say that we cannot reopen this ought to ask the question, "Would you suggest we don't reopen catastrophic health care legislation because it's too painful?"

Mr. Chairman, we made a mistake, and we ought to have the honesty to admit it.

Mr. Chairman, the committee's amendment should be included in this bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this Act shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval

in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds herein appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in this Act shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Corps of Engineers of the Naval Facilities Engineering Command, except (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than \$25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in this Act shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual military construction appropriation Acts.

SEC. 107. None of the funds appropriated in this Act for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in this Act may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. No part of the funds appropriated in this Act for dredging in the Indian Ocean may be used for the performance of the work by foreign contractors: *Provided*, That the low responsive and responsible bid of a United States contractor does not exceed the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum.

SEC. 110. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 111. None of the funds appropriated in this Act may be used to initiate a new installation overseas without prior notification to the Committee on Appropriations.

SEC. 112. None of the funds appropriated in this Act may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan or in any NATO member country, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 113. None of the funds appropriated in this Act for military construction in the United States territories and possessions in

the Pacific and on Kwajalein Island may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum.

SEC. 114. The Secretary of Defense is to inform the Committees on Appropriations and the Committees on Armed Services of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

(TRANSFER OF FUNDS)

SEC. 115. Unexpended balances in the Military Family Housing Management Account established pursuant to section 2831 of title 10, United States Code, as well as any additional amounts which would otherwise be transferred to the Military Family Housing Management Account during fiscal year 1990, shall be transferred to the appropriations for Family Housing provided in this Act, as determined by the Secretary of Defense, based on the sources from which the funds were derived, and shall be available for the same purposes, and for the same time period, as the appropriation to which they have been transferred.

SEC. 116. Not more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 117. Funds appropriated to the Department of Defense for construction in prior years are hereby made available for construction authorized for each such military department by the authorizations enacted into law during the first session of the One Hundred First Congress.

SEC. 118. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with a report by February 15, 1990, containing details of the specific actions proposed to be taken by the Department of Defense during fiscal year 1990 to encourage other member nations of the North Atlantic Treaty Organization and Japan to assume a greater share of the common defense burden of such nations and the United States.

SEC. 119. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 120. None of the funds appropriated in this Act, except for North Atlantic Treaty Organization Infrastructure funds, may be used for planning, design, or construction of military facilities or family housing to support the relocation of the 401st Tactical Fighter Wing from Spain to another country.

SEC. 121. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the

end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 122. Of the funds appropriated in this Act for Operations and Maintenance of Family Housing, no more than \$25,000,000 may be obligated for contract cleaning of family housing units.

SEC. 123. None of the funds appropriated in this Act may be used for the design, construction, operation or maintenance of new family housing units in the Republic of Korea in connection with any increase in accompanied tours after June 6, 1988.

SEC. 124. None of the funds appropriated in this Act for planning and design activities may be used to initiate design of the Pentagon Annex.

SEC. 125. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 126. None of the funds appropriated in this Act, except those necessary to exercise construction management provisions under section 2807 of title 10, United States Code, may be used for study, planning, design, or architect and engineer services related to the relocation of Yongsan Garrison, Korea.

Mr. HEFNER (during the reading). Mr. Chairman, I ask unanimous consent that the bill, from page 9, line 5, through page 15, line 9, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. Are there any further amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

SEC. 127. None of the funds appropriated or made available in this Act or any other Act shall be obligated or expended to close or realign a military installation under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) and being currently studied by the General Accounting Office unless the General Accounting Office has determined under their current study that potential total cost savings over a six-year period beginning with the date of the completion of the closure or realignment of the installation, exceed the total amount estimated to be expended to close or realign such military installation.

The CHAIRMAN. Are there points of order to section 127?

POINT OF ORDER

Mr. CONTE. Mr. Chairman, I make a point of order against section 127 of the bill on the grounds that it violates clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from North Carolina [Mr. HEFNER] want to be heard on that point of order?

Mr. HEFNER. Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. MFUME). The point of order is conceded and sustained.

Mr. CONTE. Mr. Chairman, I rise to explain my point of order.

Mr. Speaker, section 127 violates clause 2 of rule XXI on a number of different grounds.

But the clearest reason is that it prohibits funds made available "in this or any other Act." Because of this, it goes beyond limiting funds in this bill, and applies to other acts whether approved previously or to be approved in the future, and so constitutes legislation on an appropriations bill.

Congress voted with only 43 dissenting votes to go ahead with base closing. If we start undoing that agreement now, with this provision, we might as well put out a statement to the country that we talk big, but we act small.

I would further point out that if this provision had remained in the bill, it would have caused a great deal of difficulty downtown.

I insert at this point the statement of administration policy.

H.R. 3012, MILITARY CONSTRUCTION APPROPRIATIONS BILL, FISCAL YEAR 1990

The Administration generally supports the Military Construction Appropriations Bill as reported, but there is one provision that, if included, would cause the Administration to oppose the bill.

The Secretary of Defense, the Attorney General and Director of OMB would recommend to the President that he veto this bill because of a provision that would prohibit proceeding with any base closure or realignment currently under study by the General Accounting Office (GAO) unless the GAO determines that the total savings over a six year period exceed the total cost of closure or realignment. This provision would seriously undermine a major initiative supported by both the Administration and Congress to close unneeded military bases. It could prevent or seriously delay the closure or realignment of several installations now under study by GAO. This amendment also infringes on the constitutional separation of powers because it would make Executive Branch action legally dependent on decisions by the Comptroller General. This provision is unconstitutional and directly contrary to the Supreme Court's decision in *Bowsher vs. Synar*, which held that the Comptroller General is an officer of the legislative branch and can not perform executive functions.

The Administration would also object to any provision that prohibits the closure or realignment of any of the bases that were part of the recommendations from the Commission on Base Realignment and Closure.

The bill also adds almost \$500 million for unrequested projects and cuts 70 overseas construction projects totaling \$354 million. The Administration urges the House to restore funding for the requested overseas programs.

Mr. HEFNER. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be

agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. RAY] having assumed the chair, Mr. MFUME, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill [H.R. 3012] making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. (Mr. RAY). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 382, nays 29, not voting 20, as follows:

[Roll No. 189]

YEAS—382

Ackerman	Browder	DeLay
Akaka	Brown (CA)	Derrick
Alexander	Brown (CO)	DeWine
Anderson	Bruce	Dickinson
Andrews	Bryant	Dingell
Annunzio	Buechner	Dixon
Anthony	Bunning	Donnelly
Applegate	Bustamante	Dorgan (ND)
Archer	Byron	Dornan (CA)
Armey	Callahan	Douglas
Aspin	Campbell (CA)	Downey
Atkins	Campbell (CO)	Dreier
AuCoin	Cardin	Duncan
Baker	Carper	Durbin
Ballenger	Carr	Dwyer
Barnard	Chandler	Dymally
Bartlett	Chapman	Dyson
Barton	Clarke	Early
Bateman	Clay	Eckart
Bellenson	Clement	Edwards (CA)
Bennett	Clinger	Edwards (OK)
Bentley	Coble	Emerson
Bereuter	Coleman (MO)	Engel
Berman	Coleman (TX)	English
Bevill	Combest	Erdreich
Billirakis	Conte	Espy
Bliley	Cooper	Evans
Boehlert	Costello	Fascell
Boggs	Coughlin	Fawell
Bonior	Cox	Fazio
Borski	Coyne	Feighan
Bosco	Craig	Fields
Boucher	Dannemeyer	Flake
Boxer	Darden	Flippo
Brennan	Davis	Foglietta
Brooks	de la Garza	Ford (MI)

Ford (TN)	Lowey (NY)	Sabo
Frank	Luken, Thomas	Saiki
Frost	Machtley	Sangmeister
Gallely	Madigan	Sarpalius
Garcia	Manton	Sawyer
Gaydos	Markey	Schaefer
Gejdenson	Martin (NY)	Scheuer
Gekas	Martinez	Schiff
Gephardt	Mavroules	Schneider
Gibbons	Mazzoli	Schroeder
Gillmor	McCandless	Schuetz
Gilman	McCloskey	Schulze
Gingrich	McCollum	Schumer
Glickman	McCurdy	Sharp
Gonzalez	McDade	Shaw
Goodling	McDermott	Shays
Gordon	McEwen	Shumway
Goss	McGrath	Shuster
Gradison	McHugh	Sikorski
Grandy	McMillan (NC)	Slisisky
Grant	McMillen (MD)	Skaggs
Gray	McNulty	Skeen
Green	Meyers	Skelton
Guarini	Mfume	Slattery
Gunderson	Michel	Slaughter (NY)
Hall (TX)	Miller (OH)	Slaughter (VA)
Hamilton	Miller (WA)	Smith (FL)
Hammerschmidt	Moakley	Smith (IA)
Hancock	Molinari	Smith (MS)
Hansen	Mollohan	Smith (NE)
Harris	Montgomery	Smith (TX)
Hastert	Moody	Smith (VT)
Hatcher	Moorhead	Smith, Denny
Hawkins	Morella	(OR)
Hayes (IL)	Morrison (CT)	Smith, Robert
Hayes (LA)	Morrison (WA)	(NH)
Hefley	Mrazek	Smith, Robert
Hefner	Murtha	(OR)
Herger	Myers	Snowe
Hertel	Nagle	Solarz
Hiler	Natcher	Solomon
Hoagland	Neal (MA)	Spence
Hochbrueckner	Neal (NC)	Spratt
Holloway	Nelson	Staggers
Hopkins	Nielson	Stallings
Horton	Nowak	Stangeland
Houghton	Oakar	Stearns
Hoyer	Oberstar	Stenholm
Hubbard	Obey	Stokes
Huckaby	Olin	Studds
Hunter	Ortiz	Stump
Hutto	Owens (UT)	Sundquist
Inhofe	Oxley	Swift
Ireland	Packard	Synar
James	Panetta	Tallon
Jenkins	Parker	Tanner
Johnson (CT)	Parris	Tauke
Johnson (SD)	Pashayan	Tauzin
Johnston	Patterson	Thomas (CA)
Jones (GA)	Paxon	Thomas (GA)
Jones (NC)	Payne (NJ)	Thomas (WY)
Jontz	Payne (VA)	Torres
Kanjorski	Pease	Torricelli
Kaptur	Pelosi	Traxler
Kasich	Penny	Udall
Kennedy	Perkins	Unsoeld
Kennelly	Petri	Upton
Kildee	Pickett	Valentine
Klecza	Pickle	Vento
Kolbe	Porter	Visclosky
Kolter	Poshard	Volkmer
Kostmayer	Price	Vucanovich
Kyl	Pursell	Walgren
LaFalce	Quillen	Walsh
Lagomarsino	Rahall	Watkins
Lancaster	Rangel	Waxman
Lantos	Ravenel	Weber
Laughlin	Ray	Weldon
Leach (IA)	Regula	Wheat
Leath (TX)	Rhodes	Whittaker
Lehman (CA)	Richardson	Whitten
Lehman (FL)	Ridge	Williams
Leland	Rinaldo	Wilson
Lent	Ritter	Wise
Levin (MI)	Roberts	Wolf
Levine (CA)	Robinson	Wolpe
Lewis (FL)	Rogers	Wyden
Lewis (GA)	Rohrabacher	Yates
Lipinski	Rose	Yatron
Livingston	Roth	Young (AK)
Lloyd	Rowland (CT)	Young (FL)
Long	Rowland (GA)	
Lowery (CA)	Roybal	

NAYS—29

Bates	Kastenmeier	Russo
Broomfield	Lewis (CA)	Savage
Crockett	Lightfoot	Saxton
DeFazio	Lukens, Donald	Smith (NJ)
Dellums	Miller (CA)	Stark
Florio	Murphy	Towns
Frenzel	Owens (NY)	Traffant
Gallo	Pallone	Walker
Henry	Roe	Weiss
Hughes	Roukema	

NOT VOTING—20

Bilbray	Fish	McCrery
Burton	Hall (OH)	Mineta
Collins	Hyde	Rostenkowski
Conyers	Jacobs	Sensenbrenner
Courter	Marlenee	Vander Jagt
Crane	Martin (IL)	Wyllie
Dicks	Matsui	

□ 1751

The Clerk announced the following pair:

On this vote:

Mr. Fish for, with Mr. Courter against.

Messrs. OWENS of New York, HUGHES, DeFAZIO, and GALLO changed their vote from "yea" to "nay."

Mr. HANCOCK and Mr. BROWN of California changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WAIVING REQUIREMENT OF LEGISLATIVE REAUTHORIZATION ACT FOR "AUGUST RECESS" BY ROLLCALL BY JULY 31

Mr. GEPHARDT. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 179) waiving the requirement of the Legislative Reorganization Act of 1970 for "August recess" by rollcall by July 31, and I ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore (Mr. OBEY). The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 179

Resolved by the House of Representatives (the Senate concurring), That notwithstanding the provisions of section 132(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 198), as amended by section 461 of the Legislative Reorganization Act of 1970 (Public Law 91-510; 84 Stat. 1193), the House of Representatives and the Senate shall not adjourn for a period in excess of three days, or adjourn sine die, until both Houses of Congress have adopted a concurrent resolution providing either for an adjournment (in excess of three days) to a day certain or for adjournment sine die.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. LEWIS of California. Mr. Speaker, reserving the right to object, I do not intend to object, but I would ask the gentleman from Missouri [Mr.

GEPHARDT] to explain his concurrent resolution, and I yield to him for that purpose.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the concurrent resolution currently before us, required by the Legislative Reorganization Act of 1970, allows the House to adopt its adjournment resolution for the August recess after July 31, the date mandated by that act. A concurrent resolution such as this is adopted every odd numbered year where the Congress has adopted its adjournment resolution for the August recess after July 31.

Mr. LEWIS of California. Mr. Speaker, the leadership has concurred on this side, and we have no objection.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2661

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2661.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

GENERAL LEAVE

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 3014, and that I may include tabular and extraneous material and charts.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1990

Mr. FAZIO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3014) making appropriations for the legislative branch for the fiscal year ending September 30, 1990, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from California [Mr. LEWIS] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. FAZIO].

The motion was agreed to.

□ 1756

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3014, with Mr. DONNELLY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from California [Mr. FAZIO] will be recognized for 30 minutes, and the gentleman from California [Mr. LEWIS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

(By unanimous consent, Mr. MAZZOLI was allowed to speak out of order.)

REPORTED HANGING OF LIEUTENANT COLONEL HIGGINS

Mr. MAZZOLI. Mr. Chairman, I thank the chairman of the committee for yielding time to me.

I am speaking somewhat out of order in the sense of bringing national attention to what happened apparently today in the reported killing of Colonel Higgins, who was a resident of my community, and whose sister, Mary Fisher, still lives in the city of Louisville. I want to express my sympathy to the people who do live in Louisville and to the sister of Colonel Higgins, and my hope remains that this reported killing of Colonel Higgins is only that, a reported event and not an actual event.

But certainly this does point to the great seriousness that we have in the entire Middle Eastern area in trying to find some peaceful solution. Severest condemnation must go to the group that at least is taking credit for having performed this heinous and grievous act.

Certainly this also points out that the Israelis and everybody has to be careful as to exactly how this very sensitive issue is handled and carried out in the Middle East.

But my real reason for rising today is simply to express to the family of Colonel Higgins my greatest sympathy and my hope that Colonel Higgins is still alive, and certainly I will make every effort that I can to bring to bear

the true facts, and I hope that the family will call on me if they need me.

Mr. FAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is a pleasure to present H.R. 3014—the legislative branch appropriations for fiscal year 1990—to the House. The bill and report—House Report No. 101-179—were filed on July 26, 1989.

I will not go over every detail—the report and bill have been available to the Members for several days. But I will summarize the bill.

Before I begin, I want to thank each member of the Legislative Subcommittee on Appropriations:

Mr. YATES, Illinois;
Mr. OBEY, Wisconsin;
Mr. MURTHA, Pennsylvania;
Mr. TRAXLER, Michigan;
Mrs. BOGGS, Louisiana;
Mr. LEWIS, California, ranking minority subcommittee;
Mr. CONTE, Massachusetts, ranking minority full committee;
Mr. MYERS, Indiana;
Mr. PORTER, Illinois; and
Mr. WHITTEN, Mississippi, full committee chairman.

My special appreciation goes to Mr. LEWIS, in particular, the ranking minority and my colleague from California, who has participated in all of our hearings and deliberations and has been a full partner in the writing of this bill.

Also, I appreciate working with and the help of members of the Committee on House Administration, primarily: Chairman FRANK ANNUNZIO; BILL THOMAS, ranking minority; MARY ROSE OAKAR and PAT ROBERTS, chairman and ranking member on the Personnel and Police Subcommittee; CHARLIE ROSE and JAMES WALSH, the chairman and ranking minority of the Office Systems Subcommittee; and JOE GAYDOS and BARBARA VUCANOVICH, chairman and ranking member of the Accounts Subcommittee.

Mr. Chairman, there is \$1.59 billion—\$1,592,675,500—in the bill for the operations of the legislative branch for fiscal year 1990. These funds do not include the activities of the Senate, which will be inserted when the bill is considered in the other body. Also, we do not include certain permanent appropriations.

The bill has \$986.9 million for congressional operations and \$605.8 million for other agencies.

We have reduced the budget by 9.1 percent—almost \$160 million. The budget request asked for a 21.7-percent increase. The committee has reduced that by over 50 percent.

We have scrupulously adhered to the bipartisan budget agreement. That agreement limits the expenditure growth in Federal domestic programs to 10.3 percent. After adjusting for outlays in the bill which will necessari-

ly be made in 1989, and other savings which will be made, this bill is only 5.4 percent over the 1989 appropriations.

As presented to the House, the bill contains \$152.2 million more than the current fiscal year 1989 appropriations. That increase over the current level pays for the fiscal year 1990 cost of last January's COLA for our employees, a modest level of other mandatory salary items, plus a few repairs, necessary renovations, some new equipment, contractual and other price increases to maintain current services, and a few essential program enhancements.

For example, there are increases made necessary to pay the fiscal year 1990 cost of last January's 4.1-percent comparability salary adjustment that was given to all Federal employees, except the Members of Congress, judges, and senior level people. This and other mandatory salary increases such as normal longevity increases and health and other benefit increases amount to \$51.8 million. Then there are inflation and price increases to maintain current services—such as supplies, equipment, printing, books, and rent—of \$13.4 million. There is a \$104.4 million increase in workload volumes, primarily House and Senate mail, but also increases at the Library of Congress in automation, preservation activities, and book cataloging. New equipment, repairs, and alterations to our physical plant, and other maintenance items have been reduced by \$6.8 million under last year and other program reductions of \$10.6 million have also been made.

Through actions in this bill and by the agencies of the legislative branch, we have reduced overall employment by four permanent jobs. Only 114 essential jobs of the 381 new jobs requested have been allowed, while there will be a reduction of 118 jobs elsewhere.

Mr. Chairman, the bill consists of three titles. Title I is congressional operations: House—\$537.2 million; joint items—\$204.9 million; OTA—\$18.7 million; Biomedical Ethics Board—\$1.5 million; CBO—\$19.6 million; Architect of the Capitol—\$80.4 million; CRS—\$46.7 million; and congressional printing—\$77.9 million.

Title II consists of: Botanic Garden—\$2.6 million; Library of Congress—\$211 million; Library building and grounds \$7.2 million; Copyright Royalty Tribunal—\$101,000; Superintendent of Documents—\$20.2 million; and GAO—\$364.7 million.

Title III contains various provisions to facilitate operations.

TITLE II—OTHER AGENCIES

Mr. Chairman, I want to make special note of title II of this bill—the "other agencies" title.

Too often, we think of this bill as merely funding the House and Senate. Some realize that the Congressional

Budget Office and Architect of the Capitol are also in the bill. But few Members focus on that very substantial portion which funds other activities of the legislative branch.

As I have noted, we have the Library of Congress, an institutional leader throughout the country for the library community, scholarly research, preservation technologies, copyright registration, books for the blind and physically handicapped, and other important programs. Just one of their programs, machine readable cataloging, is a great example of the help the Library of Congress gives to libraries throughout the country. This program saves the Nation's libraries over \$367 million each year, dollars and staff time that your State and local libraries would have to expend to catalog a book or magazine before placing it on one of their shelves. I will place an analysis of these savings in the RECORD at the conclusion of my remarks.

The General Accounting Office is an extremely important part of the legislative branch—as well as the entire Government. The GAO sets our accounting standards—does financial audits of Government programs and corporations—reviews program results, does studies, and is an overall watchdog in assisting the Congress and the American people. According to Comptroller General Charles Bowsher, the GAO had measurable financial benefits of \$23.6 billion in fiscal year 1988—that's a return of \$71 for every \$1 we appropriate to GAO. And those savings are only part of the story—GAO studies are of major assistance to congressional committees in carrying out their responsibilities. How many times have you seen a GAO study lead to a major improvement or serve to raise an issue that was otherwise buried in the bureaucracy?

We have a small agency with a big responsibility—the Copyright Royalty Tribunal. The Tribunal sets royalty rates for the cable TV industry, for jukebox and phonograph records, and for public broadcasting. They also distribute royalty funds to the performing rights societies for jukeboxes and the cable industry. This agency distributes over \$200 million each year in royalties to copyright owners in the music and cable television industries.

Then there is the Superintendent of Documents, a part of the Government Printing Office. That program distributes Government documents and report to over 1,400 Federal depository libraries all over the country. They sell or distribute free about 110 million publications yearly to the general public, depositories, and Federal, State, or local entities. In many ways, that programs bring the Government as close to the average citizen as any program in the entire Federal structure.

Of course, we also have the Office of Technology Assessment, the Biomedical Ethics Board, and the Congressional Research Service in title I who do very important work for the House and Senate. Their studies are widely reported and respected.

So, this is not a bill that solely funds the House and Senate. It is an entire branch of Government—one of the three coequal branches. I hope that Members will remember that when they vote on this bill—and when they explain its contents to our constituents.

WASTE MANAGEMENT

We have some language of page 25 of our report (No. 101-179) that will be of some interest to our environmental-minded Members. The Committee has been interested in improving waste management throughout the Capitol complex. The Architect of the Capitol already recycles waste paper. The Committee has directed that the Architect go a step further and develop a comprehensive waste management program to be implemented as a pilot project for 1 year in one of the House office buildings. The Architect will examine the program's implementation costs and potential financial return for recycled materials produced by the program. Based on the findings of the 1-year program, the committee may recommend be implemented throughout the Capitol complex.

SPECIAL SERVICES OFFICES

We have provided \$237,000 for a new joint House-Senate, item—the Special Services Office.

Salaries and benefits, \$197,000; non-personal items, 40,000; total \$237,000.

The office will be staffed by six employees, and a Special Services Board (Clerk of the House, Sergeant at Arms of the Senate, and Librarian of Congress) will provide policy guidance. Oversight will be provided by the Committee on House Administration and Senate Rules and Administration.

The Committee on House Administration asked us to include this item in the bill for the purpose of formalizing a joint special services office to assist congressional guests who are handicapped, and to provide support to congressional offices, usually in the form of signing for hearing-impaired visitors and staff. Currently, the Senate Sergeant at Arms provides handicapped support to meet needs of Senate guests and staff, with service to the House on an as available basis. Although this has generally proven satisfactory, a joint Special Services Office would centralize and facilitate delivery of such services to the guests of either Chamber, and make available backup services to both Chambers.

TELECOMMUNICATIONS SAVINGS

Mr. Chairman, 3 years ago, in the fiscal year 1987 appropriations bill, we authorized the Architect of the Cap-

itol, in cooperation with all legislative agencies, to develop a telecommunication plan for the legislative branch. We wanted to take advantage of new telephone and data communications technologies, to improve legislative branch communications, and to find some savings as well.

Well, the story isn't yet finished, Mr. Chairman, but we have a great deal of progress to report.

Under the guidance of our good friends from the Committee on House Administration—particularly Chairman FRANK ANNUNZIO; Subcommittee on Office Systems Chairman CHARLIE ROSE; and BILL THOMAS, the ranking minority on that committee; the House of Representatives has installed its own telephone switch and replaced outmoded telephones with the modern instruments now in use.

The Senate and Library of Congress have made similar installations. We are encouraging the General Accounting Office and Government Printing Office to develop comparable plans. We are all moving forward.

Mr. Chairman, it has been estimated that the House will save \$50 million over a 10-year period due to this installation.

The savings in this bill for the House alone amounts to about \$11.7 million. The Library of Congress annual operating savings is almost \$550,000 this year.

Another step is being taken at the current time, a so-called common services procurement will provide a single long-distance vendor, which will yield lower unit costs, as well as legislative branchwide compatibility in signaling, switching, and transmission standards.

It has been estimated that, when the long-distance common services network is fully in place, the annual savings will be \$10.6 million together with the benefits of a highly integrated network.

Mr. Chairman, I am really pleased at the progress that has been made. We have shown that good planning and cooperation can overcome the inertia that sometimes typifies the bureaucracy. The legislative branch is showing we can handle technology upgrades in a competent and cost-effective manner.

I want to commend George White, the Architect of the Capitol, whom we have designated to spearhead this plan. He has tackled it with his typical enthusiasm and in a thoroughly professional way. And, of course, the legislative agencies have devoted staff and resources as necessary. It is truly a cooperative venture.

WEST FRONT REPROGRAMMING

The Committee took another action separate from this bill that will be of some interest. From funds remaining from the west front restoration project, we have authorized a \$7 million reprogramming which will be used

to construct about 16,000 additional square feet of space in the Capitol.

This space will be added at the basement level in the current courtyards between the west front of the building and the Olmstead Terraces. It will not be visible from the west front, so the existing building site lines will be retained.

The courtyards will not disappear either—they will be replanted on top of the added space.

Earlier—last October—the committee had approved a \$9.8 million reprogramming from left over west front project funds to repair the existing Olmstead Terraces. The terraces are in need of major repair—they are separating from the walls supporting them at certain locations.

Terrace work had been planned in the earlier estimates for the west front restoration project, but the funds had been deleted by the Senate in the attempt to reduce the cost of the project. Fortunately, we are able to do this work now with savings from the restoration project.

Both of these projects—the terrace work, and the 16,000-square-foot courtyard infill—can go forward simultaneously which will save construction and design cost and minimize the disruption.

THERE IS NO "SLUSH" FUND

Mr. Chairman, about this time every year, and every other year at election time, we begin hearing about a so-called slush fund, or a Speaker's slush fund. Well, there is no slush fund—not in this bill—nor anywhere else that I know of in the House of Representatives.

One of the common descriptions of this mystical allegation goes like this:

A Member's clerk hire allowance is about \$442,000. If he does not pay all that out in salaries, then some say the unused funds go into the Speaker's slush fund. That's baloney.

In the first place, we do not appropriate sufficient funds for all Members to spend this clerk-hire allowance, including the transfers they are allowed to make. If we did, we would have to appropriate \$207.6 million into that account.

But this bill only appropriates \$188.1 million for that purpose. That's because we know many Members will not spend their full allowances. We have many frugal Members, and the committee does not believe in full funding any account. We only fund what we believe is necessary.

So we have saved \$19.5 million.

That \$20 million is not sitting there in a slush fund, Mr. Chairman. We did not appropriate it. It never goes into the drawing account at the Treasury. Those Members who do not spend to their ceilings can correctly say they are saving real dollars. Because they are entitled to spend up to their ceilings, but do not choose to.

Now, if we didn't appropriate it, Mr. Chairman, it can't be spent; that's the law. So the Speaker, the Leader, the Whip, the Clerk, the Doorkeeper—nobody can spend it.

Now let me get to a related matter, because it is part of the misunderstanding here.

We do have areas within the bill where the committee retains authority to transfer funds from areas where a surplus may exist to an area where a deficit may occur because of unforeseen circumstances or because we may just have underestimated the requirement.

That is prudent fiscal management, Mr. Chairman. There is nothing sinister—or underhanded—or even unusual about this practice. This reprogramming tool is practiced in every agency of the Government and in every corporation in America. It is good business sense to allow some flexibility in a budget plan and to provide a procedure for making that flexibility as efficient as possible.

For example, a few months ago, the House Postmaster was beginning to run a backlog in delivering mail to Member's offices—you all heard about that—I did too—from many of you.

Well, we used that transfer authority to add \$44,000 to the Postmaster for overtime and additional help. Later on we told him to hire 40 additional mail handlers. Later on this year, we will have to find a surplus somewhere to add more salary funds to the Postmaster then we find out at what cost and for how long those additional employees were on the rolls.

Back in 1987, we transferred \$12 million—that's the largest transfer by far that we have ever done—from an employee benefits account to our telephone payment account. We had the surplus because that was the first full year of the new FERS Retirement Program and the formula given to us by OMP to use in figuring the funding needed produced an amount that was much larger than the actual cost turned out to be.

The \$12 million telephone payment was for our new switch and to purchase new telephone instruments. I have already explained how that project saved the House \$11.7 million in this bill alone.

Wasn't that a prudent transfer, Mr. Chairman?

We have checked our records and found only two leadership-type transfers in recent years. One—for \$221,820 in 1988—transferred amounts to all leadership offices—majority and minority alike. And its purpose was to provide the authorized funding for these offices that was automatically increased after the fiscal year had begun due to the 1988 Speaker's pay order.

The other, in the amount of \$36,250, was in 1988 to the Republican conference to fully fund a statutory staff position that had been enacted in legislation earlier that year.

I will insert in the RECORD a list of each House of Representatives reprogramming we have authorized within the past 3 years. If there is anything that suggests improper or imprudent procedure, Mr. Chairman, I am sure we will hear about it.

Finally, Mr. Chairman, there is one other area that may impinge on this discussion. I don't want to belabor the point, but I do want to lay out the facts and put this misleading and persistent slush fund fairytale to rest.

We have a line item in the bill: "Supplies, materials, administrative costs, and Federal Tort Claims" within the account for "Allowances and expenses." That account totals about \$19.6 million. The kinds of items charged against that account are centralized telephone services, computer costs, office supplies, wall calendars, and so forth. These are for the House in general, our administrative offices, committees, leadership offices, and so forth. Our report, at page 15, describes these items and indicates there are procedures in place that are followed to ensure that every expenditure from this account is authorized—is legal—and is cost effective. The Committee on House Administration is the watchdog of this account, Mr. Chairman. And they are our housekeeping agency. I don't see how anyone could justly criticize the necessity to have that type of account for an organization of over 12,000 people, with many offices in all 50 States, and with an annual budget of over \$675 million.

Mr. Chairman, I wish that slush fund story writers would find other fun and games to spend their idle hours on.

FISCAL YEAR 1989 TRANSFERS AS OF JULY 28, 1989

From: Salaries, officers and employees:		
Office of the Postmaster	\$44,000	
To: Salaries, officers and employees:		
Substitute messengers		\$44,000
From: Allowances and expenses:		
Official expenses of members		150,000
To: Allowances and expenses:		
Furniture and furnishings		150,000
Total	194,000	194,000

FISCAL YEAR 1988 TRANSFERS AS OF JULY 28, 1989

From: Allowances and expenses:		
Official expenses of members	\$2,512,340	
To: House leadership		\$221,820
Salaries O&E		59,520
Members clerk hire		2,000,000
Allowances and expenses:		231,000
From: Allowances and expenses:		
Government contributions	101,000	
To: Salaries O&E:		
Office of the Clerk		101,000
From: Salaries O&E:		
Office of the Postmaster	60,000	

FISCAL YEAR 1988 TRANSFERS AS OF JULY 28, 1989— Continued

From: Salaries O&E:		
Substitute messengers		60,000
From: Salaries O&E:		
Other authorized employees	36,250	
To: Salaries O&E:		
Republican Conference		36,250
From: Standing committees, special and select:		
To: Allowances and expenses:		
Stenographic reporting of committee hearings		170,000
Total	2,879,590	2,879,590

FISCAL YEAR 1987 TRANSFERS AS OF JULY 28, 1989

From: Allowances and expenses:		
Government contributions	\$12,000,000	
To: Allowances and expenses:		
Supplies, materials, administrative costs and Federal tort claims		\$12,000,000
From: Salaries, officers and employees:		
Other authorized employees	1,700	
Office of the Postmaster	900	
Allowances and expenses:		
Supplies, materials, administrative costs and Federal tort claims		531,000
To: Salaries, officers and employees:		
Office of the Chaplain		1,700
Post Office substitute messenger		900
Allowances and expenses:		
Reemployed annuitants		131,000
Stenographic reporters		200,000
Furniture and furnishings		200,000
Total	12,533,600	12,533,600

COMPARISONS

In conclusion, Mr. Chairman, we have developed some interesting comparisons:

Since 1978 the legislative appropriation has grown at an annual rate of 5.4 percent. The executive budget has grown at an annual rate of 8.3 percent. The CPI has grown at an annual rate of 5.9 percent. That is, the legislative branch has declined in real terms since 1978, while the Federal budget continues to grow in real terms.

Federal revenues are up 9.3 percent—spending in other parts of the domestic discretionary budget are up 10.6 percent. But we have kept our own spending as tight as possible.

We want it to be known that the legislative branch is contributing to the reduction in the Federal deficit.

In summary, this is a very tight, austere budget.

We have tried to protect core legislative functions. Members can be assured we have trimmed the maximum, but the House will have the funds needed for essential operations. There is no need to apologize for this bill, or to make meat ax reductions.

I urge an "aye" vote for the bill.

The savings to the Nation's libraries from the distribution of cataloging records by the Library of Congress in machine-readable form

1. The cataloging of books:	
Number of academic and public libraries.....	14,206
1990 book purchases nationwide in dollars (Average cost per book—\$42.10).....	\$906,282,360

1990 number of books purchased nationwide..	21,526,896
Number cataloged using LC records (82%).....	17,652,064
Total savings nationwide for books cataloged.....	\$206,722,536

2. The cataloging of serials:	
Number of academic libraries.....	4,897
Average number of new titles cataloged per year per academic library.....	1,000
Total new titles in academic libraries.....	4,897,000
Number of public libraries.....	9,308
Average number of new titles cataloged per year per public library.....	20
Total new titles in public libraries.....	186,180
Estimated total new titles cataloged.....	5,083,160
Estimated number of records derived from LC cataloging (estimate of 50%) (Average savings per title cataloged—\$37.78).....	2,541,580
Total savings nationwide for serials cataloged.....	\$96,020,002

3. The cataloging of maps, music, sound recordings and visual materials:	
Annual number of times these records were used for cataloging on the OCLC database (Average savings per title cataloged—\$29.06).....	147,172
Total savings nationwide for maps, music, sound recordings, and visual materials.....	\$4,275,347
Total savings nationwide for cataloging books, serials, maps, music, sound recordings and visual materials—Grand total estimated savings.....	\$367,018,775

Estimates based on prior year data for academic and public libraries from the Booker Annual, an LC study Alternative Methods for Transmitting Machine-readable Bibliographic Data: a Feasibility Study and statistics supplied by OCLC, Inc.

□ 1800

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. I yield myself such time as I may consume.

Mr. Chairman, if I were to take the time to thank all those who were helpful on this very difficult bill, I would be using much more than my 30 minutes than I had intended to.

Having said that, Mr. Chairman, I would first like to thank my chairman, the gentleman from California [Mr. FAZIO], for his excellent work on H.R. 3014, legislative branch appropriations for fiscal year 1990. We have once again worked in a bipartisan fashion to produce a bill that is both fair as well as fiscally responsible.

As the chairman indicated, this committee is recommending a total of approximately \$1.6 billion for the legislative branch agencies, a reduction of 9.1 percent under the budget request. Overall the growth in budget authority is 10.6 percent, if adjusted for our mail bill—with some funds to be disbursed in fiscal year 1989—the actual growth in the legislative bill is 5.4 percent.

Defending this bill is never an easy job. It is never easy to vote for the funding for your own office, committee, and staff. However, I believe that our extensive hearing process has given us direction. And, it has enabled us to make the difficult decisions and in order to bring to the floor a bill that provides funds for the most essential operations of the House.

Because Chairman FAZIO has already outlined the specifics of our bill, I will not be redundant. I would like to touch in a very general way on what I perceive to be the most pressing problem for the legislative branch: The issue of congressional mail, particularly that which is unsolicited. Indeed, our \$10 million outlay problem may be solved by an amendment to reform current postal patron mailings. Real reform can equal real savings. While the rules of this committee prohibit me from directly addressing certain problems relative to mass mailings, I am convinced of the need for this committee to work in close cooperation with the Committee on House Administration, the Franking Commission, members of the leadership, and others. We must focus our attention on the patterns of mail growth in this body.

I would just like to urge my colleagues to remember that this committee and its staff have worked hard to provide the funds to enable us to do the jobs for which we have been elected. Let us support this measure.

Mr. Chairman, I reserve the balance of my time.

Mr. FAZIO. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. I thank the gentleman for yielding.

Mr. Chairman, I take this time to continue a debate that began in the committee and that was brought about by an amendment offered by the gentleman from Iowa [Mr. SMITH], to eliminate all of the pay for the staff of the Committee on the Budget.

While that amendment was withdrawn, it did raise the question of the budget process and its effectiveness, again, in the Appropriations Committee.

Mr. Chairman, I refer to pages 62 and 63 of the committee report which prints my supplemental views on the subject.

Mr. Chairman, I would like to spend just a moment, if I might, on the subject of the budget process.

When I cosponsored the Congressional Budget and Impoundment Act of 1974 it was with the belief that three primary results would occur.

The first of the results that I thought would be achieved is that the Presidential administrations and Congresses would deal openly and truthfully with the real deficit or the Federal funds deficit. The second is that we would apply a budgetary decision-making process to all levels and, finally, that Congress would institute a practice of handling Federal program funding within the boundaries established by a budget resolution adopted by the Congress.

Back in 1974, I would point out that the Federal funds deficit was about \$20 billion at that time. In 1988, the Federal funds deficit or the real deficit was \$250 billion, almost \$253 billion. Obviously, the objects of the Budget and Impoundment Act have not worked.

I believe that the root cause of the failure of the Budget Act has been the accounting method which permits the system to deceive the American people. That is to say that by adding in the surpluses of the trust funds, including Social Security, the system actually reduces the deficit in this case by about \$100 billion and reflects a deficit of about \$100 billion less than what it actually is.

I have introduced a bill entitled the "Truth-in-Budgeting Act," which is designed to correct this misconception that is created for the American people.

□ 1810

I am attempting to offer this Truth-in-Budgeting Act during the reconciliation process because I believe that the present system threatens the capacity and ability of our trust funds to pay the bills in such critical areas as Social Security and other important functions of the Government.

We will have a further debate on the subject at a future time, but I am taking time today to put Members on notice of my intent to offer the Truth-in-Budgeting Act as a part of the Reconciliation Act in order to reflect the true deficit that is confronting the American people.

Mr. Chairman, at the proper time I will ask unanimous consent to include extraneous matter, which is the table that reflects the history of the deficits, beginning 1969 through the current deficit of 1988.

The table follows:

[Dollars in billions, + surplus, — deficit]

Fiscal year	Federal funds deficit	Social Security	Other trust funds	Unified budget deficit
1969	—\$4.9	+\$3.7	+\$4.4	+\$3.2
1970	—13.2	+5.8	+4.5	—2.8
1971	—29.9	+3.0	+3.8	—23.0
1972	—29.3	+3.0	+2.9	—23.4
1973	—25.7	+5	+10.3	—14.9
1974	—20.1	+1.8	+12.2	—6.1
1975	—60.7	+2.0	+5.4	—53.2
1976	—76.1	—3.2	+5.6	—73.7
1977	—63.1	—3.9	+13.4	—53.7
1978	—71.9	—4.3	+17.0	—59.2
1979	—58.5	—2.0	+20.3	—40.2
1980	—82.6	—1.1	+9.9	—73.8
1981	—85.8	—5.0	+11.8	—78.9
1982	—134.2	—7.9	+14.2	—127.9
1983	—230.2	+2	+22.9	—207.8
1984	—218.2	+3	+32.6	—185.3
1985	—266.4	+9.4	+44.8	—212.3
1986	—283.0	+16.7	+45.1	—221.2
1987	—222.3	+19.8	+53.1	—149.7
1988	—252.9	+38.8	+59.0	—155.1

Note: The "other trust funds" column includes surpluses from the following trust funds: Medicare, Military Retirement, Civilian Retirement, Unemployment, Highway and Airport and Airways.

Data source: Budget of the United States: Historical Tables, fiscal year 1990, submitted to the 101st Congress by President Ronald Reagan.

Mr. LEWIS of California. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Chairman, H.R. 3014, the legislative branch appropriation, comes to us as usual with a spending increase much greater than those of the budget as a whole. This bill, with Senate operations excluded, is up 10.6 percent from last year. When we approved our budget, the overall increase was less than half that amount.

It is difficult to understand why increases in spending for ourselves should command a higher priority than for other functions of Government. But as we reduce or control defense spending, Medicare, and other discretionary, we spend more on ourselves.

Our staffs, our expenses, our services, our mail expenses seem to be our first priority. What used to be called the "Billion Dollar Congress" has become the "\$2 Billion Dollar Congress." At a time when we claim to be fighting to reduce deficits, this bill is more than a bit of an embarrassment.

Although spending is up more than 10 percent over last year, it is allegedly down from the President's budget request. Actually, the President only receives Congress' own request and integrates into his budget. What is called the President's request is actually the Congress' appetite, not his.

The only way to get at this kind of spending is to reduce it to a more responsible increase across the board. I intend to offer such an alternative. It will save less than \$100 million, but if passed, it will prove that the Congress does not believe it should get twice the increase all other parts of the budget get. If it does not pass, it will prove that Congress thinks its work is twice as important as all other functions of Government.

There are other problems with this bill. The most obvious is the cost of congressional mailing. That modest item is up from about \$55 to \$135 million, about 150 percent. Partly the increase will be used to pay \$32 million for the current year's underestimate. The rest of the increase will be used to cover the extra costs of election year mailing that always occur in even-numbered fiscal years.

The cost of franking has been a cause of concern over the years. Last year, when the subcommittee brought in the large reduction, we all hoped it might come true. It didn't.

It has been obvious for years that constraints on congressional mail are necessary. Unsolicited mail is a big problem. A few people ask for our newsletters so we mail them to everybody. We buy lists and send personal, first-class letters to people who never communicated with us. We need to restrict postal patron mailings, limit the unsolicited first-class mailings, and eliminate special categories of mail.

But the real answer is accountability and disclosure. Only when each Member's mailing expenses are disclosed and analyzed will this body find the self-control it needs. Mailing is the last black hole of Congress. It's the only unknown expense of individual Members. When these expenses are assigned to Members, and individual expenses compared with other Members, will we suddenly see frugality.

That's what the subcommittee must do. It must bring back from the conference committee restrictions that will reduce mail costs, but it must also bring back authority to devise a system of accountability and disclosure.

There is also a small budget problem. It is that when Senate items are added in at baseline values, the bill will be over 302(b) ceilings by about \$40 million. The subcommittee is aware of this problem and will be prepared to deal with it. My amendment to cut \$97 million is not designed to cure this budget flaw. It is offered purely because I don't see how we can give ourselves a priority twice as high as all other spending increases.

I hope this House will seize the opportunities offered to it today by accepting the amendments reducing overspending and controlling mail costs.

Mr. FAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I refrained from getting into the philosophy behind this bill in my opening remarks, but given those of my colleague from Minnesota, I felt it might be appropriate to place in the RECORD, first of all, a study done by the Democratic Study Group called "The Cost of Congress." I rarely would do such thing as to include an entire special report in the RECORD, but this report is so outstanding and so well-documented that I think it is appropriate to do so.

THE COST OF CONGRESS

[Charts not reproduced in the Record]

One of the more persistent myths about the "Legislative Branch" is that it has been continually getting larger and more expensive. A DSG Special Report published last year (No. 100-32; May 17, 1988) examined this allegation and found it to be groundless—finding, for example, that the cost of Congress, adjusted for inflation, had actually declined over the past decade.

This Special Report provides an update of last year's study, in order to reflect current funding levels. The basic conclusion remains unchanged: the Legislative Branch remains the slowest growing of the three branches of government.

Over the past ten years, appropriations for congressional operations (including the House, Senate, and various support agencies) have actually dropped by 3%, after accounting for inflation. In contrast, funding for the Executive Branch rose 28% (adjusted for inflation), while funding for the Judicial Branch rose 66%.

As for staff, the number of employees on House payrolls has increased by only 5% over the past decade. Further, all of this increase came in the first half of the decade; over the past five years the number of House employees actually dropped by 5%.

SECTION I—THE COST OF CONGRESS

Appropriations for the entire Legislative Branch total about \$2.1 billion in FY 1989—amounting to just 0.17% (less than one-fifth of one percent) of the overall federal budget.

This total includes funding for a number of agencies included within the Legislative Branch for historical reasons, but only partially related, or totally unrelated, to the

operation of Congress. Examples include the Library of Congress (other than the Congressional Research Service), the General Accounting Office, the Government Printing Office (other than congressional printing), and the Tax Court. These "non-congressional" Legislative Branch agencies account for more than one-third (38%) of the Legislative Branch budget.

The portion of Legislative Branch funding allocated to congressional operations amounts to \$1.3 billion in FY 1989. This represents a comprehensive total for the cost of Congress, including not only the House and Senate but also related entities such as the Architect of the Capitol, congressional printing at the GPO, the Congressional Research Service, the Congressional Budget Office, and the Office of Technology Assessment.

The congressional portion of Legislative Branch funding represents only about 0.1% (one-tenth of one percent) of the total federal budget. On a per capita basis, this year's appropriation for congressional operations amounts to about \$5.34 per citizen.

OVERALL SPENDING TRENDS

Table 1 shows appropriations increases and decreases (on an inflation-adjusted basis) for the Congress, the other Legislative Branch agencies, and the other branches of government. (See Appendix for annual appropriations levels for the past ten years, both before and after inflation, for those items.)

Key points concerning overall appropriations trends include the following:

Over the past ten years, total appropriations for Congress have actually dropped by 3% (after adjustment for inflation). By comparison, funding for the Judiciary increased by 66% and funding for the Executive Branch increased by 28% (also on an inflation-adjusted basis).

Over the same ten-year period, appropriations for the House of Representatives (including the House share of joint items) declined 2%, after adjustment for inflation.

The share of the total federal budget allocated to Congress has dropped from 0.14% in FY 1979 to 0.10% in FY 1989.

Over the past five years, congressional appropriations have increased only slightly (on an inflation-adjusted basis), with increases of 4% for Congress as a whole and 3% for the House. Far larger increases were registered for the Executive Branch (12%) and the Judicial Branch (39%).

In the current fiscal year, FY 1989, overall appropriations for Congress were essentially unchanged from the year before (after adjustment for inflation) while funding for the House was down by 2%.

TABLE 1.—COMPARISON OF APPROPRIATIONS TRENDS FOR LEGISLATIVE AND OTHER BRANCHES

[By fiscal year, dollars in millions]

	1989 appropriations	Inflation-adjusted percent change ¹		
		10 years 1979-89	5 years 1984-89	1 year 1988-89
Executive branch.....	\$1,269,083	+28		+12
Judiciary.....	1,506	+66		+39
Congress.....	1,325	-3		+4
House ^a	743	-2		+3
Senate ^a	501	-6		+6
Support agencies ^a	81			-2
Other legislative branch ^a	806	+12		-4

¹ Inflation adjustments made using the Consumer Price Index.

^a Figures for the House and Senate include all direct appropriations for each chamber, plus each chamber's share of jointly appropriated items such as official mail costs, joint committees, printing, and buildings and grounds. For mail costs, the FY 1989 figure has been increased to reflect the additional \$31.7 million expected to be provided in the FY 1990 appropriations bill for use in FY 1989. (See Appendix for further details.)

^b Congressional Research Service, Congressional Budget Office, and Office of Technology Assessment.

^c Includes the General Accounting Office, the Library of Congress (except CRS), the Government Printing Office (except congressional printing), the United States Tax Court, the Botanic Garden, and various other miscellaneous agencies and commissions.

HOUSE OF REPRESENTATIVES SPENDING TRENDS

The table below provides a breakdown of the House of Representatives portion of the congressional budget, showing inflation-adjusted appropriations increases and decreases over various time periods. The table reflects not only the direct costs of the House, but also the House share of various items appropriated jointly, such as official mail costs, joint committees, and printing. As the table indicates, costs for many of these items have declined since FY 1979.

TABLE 2.—TRENDS IN APPROPRIATIONS FOR THE HOUSE OF REPRESENTATIVES

(By fiscal year, dollars in millions)

	1989 appropriations	Inflation-adjusted percent change ¹		
		10 years 1979-89	5 years 1984-89	1 year 1988-89
Total, House of Representatives	\$743	-2	+3	-2
Members' staff	179	-13	-7	-4
Committees ²	114	-15	+5	-1
House officers and employees ..	61	+10	+11	+7
Employee benefit costs ³	70	+182	+93	-9
Office expenses, equipment, and allowances	107	+32	-2	+3
Official mail costs ⁴	60	-18	-2	+1
Printing ⁵	36	-44	-30	-3
Buildings and grounds ⁶	54	-11	+2	-4
Other ⁷	61	+7	+18	-1

¹ Inflation adjustments made using Consumer Price Index.² Includes all appropriations for House committees plus 50% of appropriations for joint committees.³ Includes Offices of the Clerk, Doorkeeper, and Sergeant-at-Arms, House Post Offices, Legislative Counsel, Parliamentarian, police personnel (House), etc.⁴ Employer contributions for Social Security, retirement, health, unemployment, and other benefits for House employees. The very large increases in this item largely reflect legislative and accounting changes (see text for further explanation).⁵ Includes Members' office expenses, other supplies and equipment, furnishings, reporting of committee hearings, etc.⁶ Represents a portion of the joint appropriation for official mail costs, based on the House share of total mail costs incurred each year. The figure for FY 1989 includes \$31.7 million from the FY 1990 appropriation that is expected to be expended in FY 1989 to offset a shortfall in the current appropriation.⁷ 50% of joint appropriations for congressional printing.⁸ Architect of the Capitol, including appropriations for maintenance of House buildings and 50% of appropriations for joint items (Capitol and grounds, Capitol heating plant, etc.).⁹ Includes leadership offices, compensation of Members, 50% of misc. joint costs, etc.

The table above demonstrates that allegations of burgeoning costs for Member and committee staffs are simply groundless. Over the past ten years, appropriations for Members' staffs have *dropped* by 13%, and appropriations for committees have *dropped* by 15%, on an inflation-adjusted basis. Over the past five years, funding for Members' staff has decreased by 7% although funding for committee staff is up 5%.

There has also been a significant drop in appropriations for official mail costs over the past decade—an inflation-adjusted decline of 18% since FY 1979. Over five years, this item has decreased by 2%. (In order to provide the most realistic comparisons, the figures for FY 1989 mail costs used in this report include the additional funding expected to be provided in the FY 1990 appropriations measure to make up a current shortfall in this account.)

A very dramatic drop has also occurred in congressional printing costs, which have declined by 44% (after adjustment for inflation) since FY 1979. This drop reflects factors such as technological improvements at the Government Printing Office and a decline in the volume of publications printed and distributed at congressional expense.

The item in the House budget that shows by far the largest increases is the House share of employee benefit costs—which has more than doubled in the past ten years. The increase largely reflects legislative and accounting changes: legislation requiring all congressional employees not covered by civil service retirement to participate in Social Security (thus requiring the House to begin paying the employer share of the payroll tax for these employees) and establishment of the new Federal Employees Retirement System (FERS). Under FERS, the budgets of federal agencies (including the House) are charged for the full cost of accrued benefits; under the older retirement system a large portion of benefit costs was paid out of a central fund rather than charged to the employing agency. Because of this accounting change, benefit costs charged to the House (and to other federal agencies) have risen dramatically.

When employee benefit costs are excluded from the total, inflation-adjusted appropriations for all other House items declined by about 8% over the past ten years.

SECTION II—CONGRESSIONAL STAFF

The table on the next page shows increases and decreases in employment for the three branches of government, and for the major components of the Legislative Branch. (See Table C in the Appendix for year-by-year personnel totals for the past ten years.) Major points concerning Legislative Branch employment include the following:

Over the past ten years, the total number of legislative branch employees has actually *dropped* by 4%. At the same time, employment in the Executive Branch increased 8% and employment in the Judicial Branch rose 62%.

In 1978, there were 74 Executive Branch employees (excluding the military) for every employee of the Legislative Branch; ten years later, in 1988, there were 83 Executive Branch employees for every Legislative Branch staffer.

The number of employees on the House payroll increased by only about 5% over the past decade, and dropped by 5% over the past five years.

At the end of 1988, there were 7,390 employees on the personal staffs of Members of the House (including staff in both Washington and district offices and temporary, part-time, and shared employees). This represents an average of 17 staffers per member.

On average, Members had about one staff member for every 33,300 constituents in 1988, compared to one staffer for every 29,900 constituents five years earlier.

The size of House Members' personal staffs has increased by an average of 1.0 staffer per Member over the past 10 years. However, "clerk-hire" funds for Members' staffs have *not* grown during this period. Rather, funding for Members' staff actually declined by 13 percent, after adjustment for inflation. Thus, the increase in the number of employees seems to represent a trend toward somewhat larger staffs at somewhat lower levels of pay.

The number of employees on Members' personal staffs peaked at 7,861 in 1983; since then, it has dropped by about 470.

The number of staff members for House committees has remained fairly stable over the past decade, increasing by a total of only 2 percent since 1978.

TABLE 3.—TRENDS IN EMPLOYMENT LEVELS

(Number of civilian employees, as of the end of each calendar year)

	Total staff 1988	Percent change		
		10 years 1978-88	5 years 1983-88	1 year 1987-88
Total Government	3,126,259	+9	+8
Executive branch	3,068,087	+8	+8
Judiciary	21,282	+62	+29	+4
Legislative branch	36,890	-4	-4	-1
House	11,491	+5	-5	-1
Members' staff	7,390	+6	-6	-1
Committee staff	2,193	+2	+3	-2
Other	1,908	+1	-8	+2
Senate	7,044	+7	-3	-3
Architect of the Capitol	2,190	-3	-1	+3
Government Printing Office	5,126	-30	-11	-1
Library of Congress	4,850	-6	-8	-3
General Accounting Office	5,319	-1	+1	-1
Other	870	+22	+18

APPENDIX TABLE A.—LEGISLATIVE BRANCH APPROPRIATIONS—DETAIL AND COMPARISON BEFORE ADJUSTMENT FOR INFLATION

(Budget Authority, in millions of dollars)

	Fiscal year—										
	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
Executive branch	567,982	674,768	743,980	807,707	885,572	947,247	1,071,300	1,070,007	1,096,751	1,182,061	1,269,083
Defense	126,467	143,859	180,001	216,547	245,043	265,160	294,656	289,146	287,427	292,008	298,805
Interest	42,613	52,517	68,735	84,995	89,775	111,059	129,431	135,982	138,565	151,744	165,704
Nondefense (noninterest)	398,902	478,392	495,244	506,165	550,754	571,028	647,213	644,879	670,759	738,309	804,574
Judiciary	521	609	656	733	823	904	1,052	1,044	1,267	1,338	1,506
Congress	785	874	792	910	1,038	1,068	1,110	1,104	1,241	1,263	1,325
House	434	462	476	514	569	602	614	622	714	718	743
Members' staff (Clerk-Hire)	118	127	138	144	151	161	167	163	173	177	179

APPENDIX TABLE A.—LEGISLATIVE BRANCH APPROPRIATIONS—DETAIL AND COMPARISON BEFORE ADJUSTMENT FOR INFLATION—Continued

[Budget Authority, in millions of dollars]

	Fiscal year—										
	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
Committees ¹	77	73	78	80	82	91	96	96	108	110	114
Official mail costs ²	42	56	29	45	52	51	46	64	54	56	60
House officers and employees ³	32	34	38	41	44	46	48	46	52	55	61
Office expenses and allowances ⁴	47	52	63	70	72	92	96	90	107	99	107
Employee benefit costs ⁵	14	14	15	16	19	30	33	35	77	73	70
Printing ⁶	37	40	41	42	41	43	40	33	31	35	36
Buildings and grounds ⁷	35	32	38	40	69	45	44	47	49	54	54
Other ⁸	33	34	36	36	39	43	45	52	53	58	61
Senate ⁹	304	360	263	339	405	397	422	413	452	466	501
Support agencies.....	47	51	53	57	63	69	74	68	75	78	81
Congressional Research Service.....	26	28	30	32	35	38	40	37	40	43	45
Congressional Budget Service.....	11	12	13	13	15	17	18	16	18	18	18
Office of Technology Assessment.....	10	11	11	12	13	15	16	15	17	17	18
Other legislative branch ¹⁰	411	444	459	504	542	702	669	618	634	864	806
General Accounting Office.....	186	204	221	237	253	272	300	288	311	330	347
Library of Congress (non-CRS).....	159	164	166	179	187	286	202	187	200	208	215
Payments to copyright owners ¹¹	15	18	25	34	54	95	112	99	71	284	202
Other.....	51	58	47	54	48	49	56	45	52	43	42
Total legislative branch.....	1,196	1,318	1,251	1,414	1,580	1,770	1,779	1,722	1,875	2,127	2,131

APPENDIX TABLE B.—LEGISLATIVE BRANCH APPROPRIATIONS—DETAIL AND COMPARISON AFTER ADJUSTMENT FOR INFLATION

[Budget authority, in millions of constant fiscal year 1989 dollars]

	Fiscal year—										
	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
Executive branch.....	991,243	1,036,510	1,029,018	1,039,520	1,102,829	1,131,717	1,234,217	1,203,607	1,198,635	1,241,661	1,269,083
Defense.....	220,710	220,382	248,964	278,696	305,159	316,798	339,465	325,249	314,128	306,731	298,805
Interest.....	74,368	80,671	95,069	109,389	111,800	132,687	149,114	152,961	151,437	159,395	165,704
Nondefense (noninterest).....	696,164	734,857	684,985	651,435	685,870	682,232	745,637	725,398	733,070	775,535	804,574
Judiciary.....	909	935	907	943	1,025	1,080	1,212	1,174	1,385	1,405	1,506
Congress.....	1,370	1,342	1,095	1,171	1,292	1,276	1,279	1,242	1,356	1,326	1,325
House.....	758	709	658	662	709	719	708	700	780	754	743
Members' staff (Clerk-Hire).....	206	195	191	185	189	192	192	183	189	185	179
Committees ¹	135	112	107	103	102	109	110	108	118	116	114
Official mail costs ²	73	86	40	58	65	61	53	68	69	59	60
House officers and employees ³	56	52	52	53	54	55	56	52	57	57	61
Office expenses and allowances ⁴	81	80	87	91	89	110	111	101	117	104	107
Employee benefit costs ⁵	25	22	21	20	23	36	38	39	84	77	70
Printing ⁶	65	61	57	55	51	52	47	37	34	37	36
Buildings and grounds ⁷	61	49	53	51	86	53	51	53	54	57	54
Other ⁸	57	53	49	46	49	52	51	59	58	61	61
Senate ⁹	531	554	364	436	505	474	486	465	494	490	501
Support agencies.....	81	79	74	73	79	83	85	77	82	82	81
Congressional Research Service.....	45	43	41	41	44	45	46	42	44	45	45
Congressional Budget Office.....	20	19	17	17	19	20	20	18	19	19	18
Office of Technology Assessment.....	17	17	15	16	16	18	18	16	18	18	18
Other legislative branch ¹⁰	717	682	635	649	675	839	771	695	693	908	806
General Accounting Office.....	324	314	305	305	315	325	345	324	340	346	347
Library of Congress (non-CRS).....	277	251	230	231	233	342	233	210	219	219	215
Payments to copyright owners ¹¹	27	28	35	43	67	113	129	111	78	298	202
Total, legislative branch.....	2,087	2,025	1,730	1,820	1,968	2,115	2,050	1,937	2,049	2,234	2,131

Note: These footnotes apply to both table A and table B.

¹ Includes all appropriations for House committees, plus 50 percent of appropriations for joint committees.² A single appropriation covers official mail costs for both the House and the Senate. In these tables, the appropriation has been divided between the House and Senate, based on the proportion of actual mail costs incurred by each Chamber each year. The figure for fiscal year 1989 has been increased to reflect the additional \$31.7 million expected to be provided by the fiscal year 1990 appropriations bill for expenditure in fiscal year 1989.³ Includes appropriations for the Offices of the Clerk, Doorkeeper, and Sergeant-at-Arms, the Legislative Counsel, Parliamentarian, House Post Offices, Capitol Police personnel on the House payroll, and similar items.⁴ Includes all appropriations for "allowances and expenses" except employee benefit costs. These appropriations cover Members' office expenses, other supplies and equipment, furnishings, reporting of committee hearings, etc.⁵ Represents House share of payments for various benefits for House employees, including Social Security, retirement, health insurance, and unemployment compensation. The very large increase in this item in fiscal year 1984 reflects legislation requiring all House employees not covered by the Federal retirement system to participate in Social Security—thus requiring the House to begin paying the employer share of the Social Security tax for such employees. The large increase in fiscal year 1987 reflects establishment of the new Federal Employees Retirement System. Under the new system, employing agencies—including the House—are charged the full cost of accrued benefits not paid for by employee contributions; under the older Civil Service Retirement System a large portion of benefit costs was not charged to agency budgets.⁶ Represents 50 percent of the joint appropriation for congressional printing at the Government Printing Office (GPO).⁷ Includes the appropriation for the Architect of the Capitol for maintenance of House office buildings, plus 50 percent of the appropriations for the Architect for "joint" items such as the Capitol and grounds and the heating plant.⁸ Includes appropriations for leadership offices, compensation and mileage of Members, congressional use of foreign currency, and 50 percent of appropriations for miscellaneous joint items, such as the Attending Physician and certain non-personnel police costs.⁹ The total for the Senate has been computed on the same basis as the total for the House. It includes all appropriations for the Senate, plus the Senate's share of joint items.¹⁰ In addition to the items shown, this total also includes the Tax Court, Botanic Garden, and other miscellaneous commissions and agencies.¹¹ Payments to copyright owners from cable television stations and juke box owners are collected by the Copyright Office—which is part of the Library of Congress—and then disbursed to the copyright owners. This item represents the disbursement of these payments.

APPENDIX TABLE C.—LEGISLATIVE BRANCH STAFFING—DETAIL AND COMPARISON

[Personnel totals, as of the end of each calendar year]

	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988
Grand total.....	2,880,928	2,886,570	2,906,852	2,858,187	2,861,498	2,890,565	2,965,707	3,049,972	3,039,819	3,120,287	3,126,259
Executive branch.....	2,829,410	2,833,557	2,853,267	2,804,658	2,807,604	2,835,551	2,910,281	2,993,693	2,984,702	3,062,500	3,068,087
Judiciary.....	13,112	14,117	15,086	15,425	16,055	16,528	17,271	18,280	19,055	20,396	21,282
Legislative branch.....	38,406	38,896	38,499	38,104	37,839	38,486	38,155	37,999	36,062	37,391	36,890

APPENDIX TABLE C.—LEGISLATIVE BRANCH STAFFING—DETAIL AND COMPARISON—Continued

(Personnel totals, as of the end of each calendar year)

	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988
House.....	10,986	11,242	11,406	11,724	11,564	12,074	11,830	11,880	11,116	11,608	11,491
Members' staff.....	6,952	7,224	7,329	7,652	7,540	7,861	7,627	7,811	7,271	7,496	7,390
Committee staff.....	2,143	2,034	2,067	1,987	1,989	2,133	2,115	2,213	2,088	2,241	2,193
Other.....	1,891	1,984	2,010	2,085	2,035	2,080	2,088	1,856	1,757	1,871	1,908
Senate.....	6,564	6,957	6,995	6,940	7,060	7,151	7,045	7,168	6,811	7,219	7,044
Architect.....	2,249	2,231	2,081	2,018	2,128	2,256	2,262	2,141	2,095	2,120	2,190
Government Printing Office.....	7,325	7,069	6,610	6,310	5,936	5,742	5,547	5,391	5,223	5,202	5,126
Library of Congress.....	5,180	5,393	5,324	5,162	5,240	5,275	5,343	5,215	4,804	4,991	4,850
GAO.....	5,386	5,329	5,434	5,269	5,186	5,248	5,310	5,374	5,164	5,382	5,319
Other.....	716	675	649	681	725	740	818	830	849	869	870

I would like to extract from that report and just make a few remarks that I think serve to rebut my friend, the gentleman from Minnesota [Mr. FRENZEL].

Over the past ten years, total appropriations for Congress actually dropped by 3 percent (after adjustment for inflation). By comparison, funding for the Judiciary increased by 66 percent and funding for the Executive Branch increased by 28 percent.

Those two branches have gone up on an inflation-adjusted basis while the Congress has been reduced, as I say, by 3 percent. Appropriations for Members' staffs have dropped by 13 percent, and appropriations for committees have dropped 15 percent. In 1978, there were 74 executive branch employees, excluding the military, for every employee of the legislative branch. Ten years later, in 1988, there were 83 executive employees for every legislative branch staffer, 9 more. This body has not seen an increase in expenditures anything like the other two branches of government. The increases in staff that perhaps typified this body in the 1970's have not continued through the 1980's. The increase in the bill is primarily due to the 1989 cost-of-living adjustment for our employees, and health benefit cost increases. There is no question that this is a personnel-intensive branch of government, and we do spend a good deal on our employees. No more, I might add, than we spend on those in the executive branch, but that amount for staff makes up a larger share of the bill to fund this appropriation.

Clearly, we do have a problem with mail. However, I think it has been overstated. If the fiscal year 1989 mail account shortfall is adjusted for in this bill, we have determined that this bill is only 5.4 percent over the 1989 bill, last year's appropriation for the legislative branch, and that is almost 50 percent below the 10.3 percent that was agreed to in the domestic discretionary budget agreement. That is the standard by which we should measure this bill. If domestic discretionary appropriations are going up, we should be measured against that. They are allowed to go up 10.5 percent according to the summit budget agreement between the executive and legislative branches.

As I indicated, if Members deal with the 1989 mail account shortfall, this bill is only going up 5.4 percent. There is no question that the kind of across-the-board cuts that the gentleman from Minnesota [Mr. FRENZEL] indicates he will offer later will be the largest percentage reduction in any appropriations bill in history.

In my opinion, cutting the \$97 million, as he would, would decimate this bill. After the \$80 million increase for mail, this bill is only \$72 million above the 1989 level. Of that \$72 million, \$52 million is for the 1989 cost-of-living adjustment for our employees and health benefits cost increase, as I mentioned. Price increases, over which we have no control, account for \$13.4 million and there is a \$4- to \$5-million increase in the Library of Congress' budget so we can make up for the catalog backlog which has put the Library a year and a half behind, behind in cataloging in general collections, and 3 to 4 years behind in special collections.

We have not padded this budget. We simply cannot afford the kind of draconian cut that the gentleman from Minnesota [Mr. FRENZEL] would offer.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, there are few appropriations bills that come to the floor of the House that draw more membership attention, and sometimes I guess more vivid and animated debate than the bill before Members at the present time.

I would like to use some time today to recognize the chairman of the subcommittee and the ranking Republican, for some new spending in this bill which I think is far, far past due, which is very, very important.

□ 1820

It is the special services office. The fact is they are now creating some \$237,000 in this bill to fund the special services office. I want them to know what a great deed and great action this is.

My colleagues, for too long the House of Representatives has not rec-

ognized our moral obligation to the handicapped. The fact is that the Senate Sergeant at Arms for a long period had funded the special services office, three people who served as the tour guides for the hearing and visually handicapped who come to visit our Nation's Capital. The truth is finally the Senate had to say no to the House, and, as a result, we have been unable to provide that kind of special service here on the House of Representatives side.

Let me give my colleagues a very personal experience in my office. I have hired a hearing impaired person to work in my office. I decided that I felt this person should have the full opportunity and deserves the full opportunity to have the same benefit of our staff meetings that every other person in my office enjoyed. We come to find out there was no way we could provide that kind of signing and interpretation for our staff meetings. Therefore, we had to go and get a special waiver from House administration in order to hire on an hourly basis someone to do our staff meeting.

The truth is that this kind of a provision will not only give more people that opportunity, but in the long run this kind of service will actually probably save us money so that we do not have to go out and do like I am now doing at the present time.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. GUNDERSON] has expired.

Mr. LEWIS of California. Mr. Chairman, I yield the gentleman from Wisconsin an additional 30 seconds.

Mr. GUNDERSON. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I want to express my appreciation to the gentleman from Wisconsin [Mr. GUNDERSON] for his sensitivity to the needs of our staff and the importance of our opening our doors especially to those who are handicapped in our society. The handicapped have a great deal to contribute to the Congress, and his leadership in that regard is very much appreciated by this gentleman.

Mr. GUNDERSON. Mr. Chairman, I appreciate those remarks. The gentleman from California [Mr. LEWIS] is a real leader on this issue, and I thank him very much.

Mr. FAZIO. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. PANETTA], the chairman of the Committee on the Budget.

Mr. PANETTA. Mr. Chairman, the Committee on the Budget has provided a "Dear Colleague" to all Members with regard to the budget issues involved with the appropriation bill, which is our normal procedure in all of the appropriations bill. In total the bill provides \$1.4 billion in discretionary budget authority and \$1.5 in estimated discretionary outlays. As compared with the 302(b) subdivision for this subcommittee, the bill is under the target by \$542 million in budget authority and \$361 million in outlays. Now the reason for that is in keeping with tradition in these bills where the bill excludes the amount for the operation of the other body which is currently estimated to be somewhere in that vicinity of savings. This bill, therefore, does conform to the 1990 budget resolution and the bipartisan agreement worked out with the White House, and as a result there are no 1990 Budget Act points of order against the bill.

This subcommittee, the eighth subcommittee bringing its appropriations bill to the floor, has done a good job in meeting the targets established under the budget resolution. I want to congratulate the chairman of that subcommittee, and we are pleased to bring that information to the attention of the Members.

Mr. Chairman, we have provided a "Dear Colleague" to all Members with regard to the budget issues involved with this appropriation bill, which is our regular procedure.

In total, the bill provides \$1,458 million in discretionary budget authority and \$1,574 million in estimated discretionary outlays. As compared with the discretionary 302(b) subdivision for this subcommittee, the bill is under the target by \$542 million in budget authority and \$361 million in outlays. The reason for this is that in keeping with tradition, the bill excludes amounts for the operation of the other body which are currently estimated to be about \$452 million in budget authority. This bill, therefore, conforms to the 1990 budget resolution and the bipartisan agreement worked out with the White House. As a result, there are no 1990 Budget Act points of order against the bill.

This subcommittee, the eighth subcommittee bringing its appropriations bill to the floor, has done a good job in meeting the 1990 targets established under the budget resolution. We congratulate them and we are pleased to bring this information to the attention of the Members.

COMMITTEE ON THE BUDGET,
Washington, DC, July 31, 1989.

DEAR COLLEAGUE: Attached are fact sheets on H.R. 3014, Legislative Branch Appropria-

tions Bill; H.R. 2991, Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill; H.R. 2990, Labor, Health and Human Services, and Education and Related Agencies Appropriations Bill; H.R. 3026, District of Columbia Appropriations Bill; and H.R. 3015, Department of Transportation and Related Agencies Appropriations for Fiscal Year 1990. These bills are scheduled for floor action this week, thus completing 12 of the 13 annual appropriations bills before the August District Work Period.

These bills, as reported, are below the amounts assumed in the 1990 Budget Resolution and the Bipartisan Budget Agreement. I commend the Appropriations Committee for their prompt action on the regular appropriations bills and look forward to working with the Committee on the conference reports.

I hope this information will be helpful to you.

Sincerely,

LEON E. PANETTA,
Chairman.

[FACT SHEET]

H.R. 3014, Legislative Branch Appropriations Bill, Fiscal Year 1990 (H. REPT. 101-179)

The House Appropriations Committee reported the Legislative Branch Appropriations Bill for Fiscal Year 1990 on Wednesday, July 26, 1989. This bill is scheduled for floor action on Monday, July 31.

COMPARISON TO THE 302(b) SUBDIVISION

The bill provides \$1,458 million of discretionary budget authority, \$542 million less than the appropriations subdivision for this subcommittee in 1990. The Budget Act provides a point of order if the target for discretionary budget authority is breached. Since it is not, there is no such point of order against this bill. The bill is \$361 million under the subdivision for estimated discretionary outlays. In conformance with tradition, the bill excludes Senate items which are currently estimated to be \$452 million. A detailed comparison of the bill to the spending and credit subdivisions follows:

COMPARISON TO SPENDING ALLOCATION

(In millions of dollars)

	Legislative branch appropriations bill		Appropriations Committee 302(b) subdivision		Bill over (+) / under (-) committee 302(b) subdivision	
	BA	O	BA	O	BA	O
Discretionary	1,458	1,574	2,000	1,935	-542	-361
Mandatory ¹	65	65	65	65		
Total	1,523	1,639	2,065	2,000	-542	-361

Note.—BA—New budget authority; O—Estimated outlays.

¹ Conforms to budget resolution assumptions.

COMPARISON TO CREDIT ALLOCATION

The bill provides no credit activities. Pursuant to Section 302(b) of the 1974 Budget Act as amended by P.L. 99-177 (Gramm-Rudman-Hollings), the Committees of the House are required to subdivide the spending authority and credit authority allocated to them in the Budget Resolution for Fiscal Year 1990 (shown in H. Rept. 101-50). The Appropriations Committee reported its 302(b) subdivisions on June 21, 1989 (H. Rept. 101-97). These subdivisions are the official scorekeeping targets for appropriations subcommittees.

The following are the major program highlights for the Legislative Branch Appropriations Bill for FY 1990, as reported:

PROGRAM HIGHLIGHTS

(In millions of dollars)

	Budget authority	New outlays
House of Representatives, salaries and expenses	537	506
Congressional Budget Office (CBO)	20	18
GPO—Congressional printing and binding	78	62
Congressional Research Service (CRS)	47	42
Library of Congress—salaries and expenses	158	130
General Accounting Office (GAO)	365	328

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Chairman, I had intended to offer an amendment which would have prohibited the expending of funds for the biomedical ethics committee function. Realizing that this would be subject to a point of order, I have talked to the chairman of the committee, and I will yield to him in a moment. The reason that I wanted to do that is that this committee is not functioning.

Mr. Chairman, we are charged under the original act to convene at the beginning of every Congress. We have not met this year. We do not have a chairman. We do not have a vice chairman. We do not have a full board; one vacancy exists, and, when this committee is charged with such important responsibilities as studying issues dealing with biomedical and behavioral research, making reports to this Congress, and it is not fully constituted, we, not being properly organized with a chairman and vice chairman, I think it is a travesty to continue appropriations until this is straightened out.

So, Mr. Chairman, I would like at this time, if I could, to engage with the chairman of the committee. I hope that following the conversation that we had privately before this bill came up that he will press this point with our colleagues in the other body, and in conference I know the ranking member will do the same, to make sure that we get some progress because, if we cannot, then we ought to fold the tent.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. BLILEY. I yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I would be more than happy to convey the frustration of the gentleman from Virginia [Mr. BLILEY] to the conferees, and I might add that I share it.

This committee appropriated \$241,000 last year which was rolled forward from the prior year.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. BLILEY] has expired.

Mr. LEWIS of California. Mr. Chairman, I yield the gentleman from Virginia an additional 30 seconds.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. BLILEY. I yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, that was rolled forward from the prior 1988 fiscal year. We have been waiting for what we are told is a very important board to begin to function, and, if the board dealing with issues of euthanasia, abortion, et cetera, cannot get by the very controversial issues that it was created to deal with to the point where it can become a functioning entity, if it cannot appoint members, select a chairman, and appoint a staff, I am afraid we have to declare this experiment a failure and simply not appropriate additional funds. That would be tragic.

I think the board's purpose was a good one, but obviously this committee has shown a great deal of patience with it, and I am not sure that we can continue to do it much longer.

Mr. LEWIS of California. Mr. Chairman, I yield 4 minutes to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, I thank the gentleman from California [Mr. Lewis] for yielding.

Mr. Chairman, I want to thank the gentlemen from California Mr. FAZIO and Mr. LEWIS for their leadership on this very important bill, and I would like to associate myself with the remarks of the gentleman from Minnesota [Mr. FRENZEL]. As a matter of fact, a more articulate watchdog of the Treasury does not exist in this body. As a matter of fact, we of the curmudgeon caucus hold the gentleman from Minnesota [Mr. FRENZEL] in very high esteem. He has growled, and barked and nipped at the heels of this spendthrift Congress longer than perhaps anybody here, and I thought I should say that he does not spare this on special occasions like today. He happens to be three score years of age on this date. If we are going to send him a happy birthday greeting, we better not do it by franked mail.

Mr. Chairman, I rise in support of the amendment that will be introduced by the gentleman from California [Mr. LEWIS] that would reduce the number of postal patron mailings from six to four a year.

Now there are many reasons for doing this, obvious reasons, as my colleagues will state. Let me add another one. Last year the House spent over \$1.5 million for the extra personnel hired to fold and deliver election year postal mailings to the Post Office. Now I am the vice chairman of the Personnel and Police Subcommittee, and along with the members of the Committee on House Administration I received a request from the Doorkeeper in February 1988 that said, "Please,

we need 67 additional temporary positions in the Publications Distribution Service."

Mr. Chairman, these positions were needed to process the inordinate amount of postal patron mailings being generated at that time. In order to simply process the Members' requests on a timely basis an entirely new evening shift of employees was needed. These employees were hired to work from May 1, 1988, through September 30, 1988, at a cost to the taxpayer of \$497,000.

Mr. Chairman, in September the Committee on House Administration received a request from the Doorkeeper to extend these temporary positions. The Publication Distribution Service had received more printed material prior to the 60-day cutoff date for submitting these newsletters than in any election years past.

□ 1840

Mr. Chairman, I have a picture. You probably cannot discern exactly what this picture shows, but it is one of the many floors in the Rayburn Building or the Cannon Building, and you can see as far as the eye can see postal patron mailings right before the election. People would have to live in a log cabin not to receive a postal patron mailing from their Congressman just before an election.

This extension cost the taxpayers an additional \$41,413.50, for a total price tag of \$538,000, over and above the regular cost of franked mail. I ask my colleagues, should we continue to spend over one-half million bucks every election year just to keep these mailings out in the halls? I do not think we should do that.

Please support the amendment of the gentleman from California [Mr. LEWIS], whether or not you want to include the local town hall meetings or whether or not you want the cut at 10 percent or 30 percent or whatever, but let us take a step forward to end this kind of abuse.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I am delighted to yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, if my amendment does not pass, I might say to the gentleman, we will do everything we can to get to those log cabins.

Mr. ROBERTS. I appreciate that.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I am happy to yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, not only do I think we can work this out today, but the gentleman from California [Mr. THOMAS] has an amendment that I think will go to this question of late-arriving mail, because of late delivery to the printer. I think you will all be

interested in supporting what I think is a good bipartisan effort to fine tune the system.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. LEWIS of California. Mr. Chairman, I yield an additional 30 seconds to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for yielding this additional time.

I am not trying to perjure the frank. I am not trying to make any statements about the quality or the quantity or the use of the frank. I am just saying that we have a real problem when you have to hire 67 additional people, spend a half million bucks just to process it, and put Members at risk when you are beyond the date or the deadline. That is what we are trying to avoid.

Mr. FAZIO. That is I think directly what the gentleman from California [Mr. THOMAS] hopes to accomplish, with our support.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I strongly support passage of H.R. 3014, the fiscal year 1990 legislative branch appropriations measure and urge Members to support it.

I want to commend Chairman FAZIO and our ranking member JERRY LEWIS, together with the other members of the subcommittee, for drafting a fair and responsible measure that ensures the continued efficient operations of the legislative functions under the oversight of our subcommittee.

I want to highlight three small sections of the bill. The bill expresses continued committee concern about the number of CONGRESSIONAL RECORDS provided daily to each Member's office for office usage. To ensure that unnecessary funds are not being used to print unneeded copies, the committee directs the House Postmaster and the Government Printing Office to reduce the delivery of daily CONGRESSIONAL RECORDS to no more than the established limitation or the number requested by the Member, whichever is less, and limit the number of copies printed accordingly.

The bill also contains language urging the GAO to expedite its review of the operational aspects of our Afghan policy to ensure that appropriated money is being spent in accordance with stated United States policy. The GAO is also instructed in the bill to investigate further a recent Air Force procurement that blatantly skirts buy-America provisions contained in current appropriations law.

While this bill often serves as a convenient whipping post for legislative grandstanding, I believe it is a respon-

sible measure that deserves strong House support.

I would like to thank Ed Lombard and Kathy Rohan of the subcommittee staff, for all of their good work on this bill and their assistance to me and my staff during the year.

Mr. FAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, the amendment I offer today will reduce the appropriation for official mail by \$10.119 million in order to bring the bill back in line with its 302(b) allocation, after funds for the Senate are accounted for.

We are all aware of the explosion in the costs of franked mail. The appropriation for congressional mailing, despite election year fluctuations, has significantly increased in the last 10 years. In fiscal year 1978, the total congressional mailing cost was \$48.9 million; last year that number had risen to \$113.4 million. H.R. 3014, the legislative branch appropriations bill before us today, would set the fiscal year 1990 appropriation at \$134.731 million. The amendment I offer would reduce that appropriation by nearly 8 percent. This is a first step in reducing the costs of congressional mail.

I am convinced having spent some time examining the use of the congressional frank that additional reductions in official mail costs can be achieved when we agree to reforms of the use of the frank now under discussion by the ethics task force chaired by our distinguished colleague from California, the chairman of the Legislative Branch Appropriations Subcommittee, Mr. FAZIO, and the gentlelady from Illinois, Mrs. MARTIN.

Mr. Chairman, let me also say that it is my firm belief that reform of the use of the frank should be accomplished on a bipartisan basis. But reform of the frank is a matter for another day and another bill. Today, I urge my colleagues to support this amendment, which is a modest reduction in the costs of official mail. I thank Mr. FAZIO and his staff for their assistance in this matter, and I urge an aye vote on the amendment.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume, and I will consume very little.

Mr. Chairman, by way of closing the general debate on this side, let me first express my deep appreciation to my colleague from the authorizing committee, the gentleman from Minnesota [Mr. FRENZEL] for his ongoing attention and his diligence regarding some of the problems that we do have with the legislative branch bill. I especially appreciate his assistance in helping us try to focus upon the difficulties that we face as it relates to the explosion, not only in volume of mail, but in mail costs around here.

The gentleman from Minnesota [Mr. FRENZEL] has consistently served as not just a mentor, but a teacher as well. I appreciate his continued work and his effort.

Mr. Chairman, let me say that this bill is a very well-balanced bill overall. There will be some controversy over minor amendments before us, but I expect that if the Members will respond to the content of the measure and recognize the importance it has to our carrying on the work that we are here to provide for our constituents, that we will not take very much more of the time of the House.

Mr. FAZIO. Mr. Chairman, I yield myself such time as I may consume. I will be brief, but I want to close the debate on this question of the mail, because I think it is really the central issue that we are dealing with in the enactment of the legislative branch bill for fiscal year 1990.

Mr. Chairman, I know the matter of the mail appropriation bill will come up later, but I want to say a few words about it now.

The budget request is \$134.7 million. We have the request from the U.S. Postal Service as their best estimate of the funding needed for House and Senate mail.

That estimate includes about \$31.7 million that will have to be reimbursed for the current fiscal year 1989 mail bill. We have never failed to pay a mail bill, Mr. Chairman, and we must provide these funds.

The current mail appropriation is \$53.9 million. That was too low, and we knew that last year when we made the appropriation. But a floor amendment—actually there were three amendments offered to reduce the mail amount, but only one was successful—reduced the funding that had originally been recommended by the committee bill.

So, rather than looking at this as an \$81 million increase in the mail bill, a more realistic analysis is an increase of \$17.4 million. That's about 20 percent.

That will leave about \$103 million for our mail bill next year. Mr. Chairman, despite what has been reported, that is not a record amount. The amount in this bill for next year's House and Senate mail has been exceeded in several years. The amount in this bill for the fiscal year 1990 mail bill is less than what was spent in 1984 and in 1988, and is just \$3 million more than was spent in 1982.

As a matter of fact, the even-year average mail cost from 1982 through 1988 has been \$105 million—and that average is higher by \$2 million more than the funding provided in this bill.

OTHER FACTS

Outgoing mail: Volume of House mail up about 40 million pieces since 1982; that is less than 1 percent per year.

Appropriation—net after 1989 shortfall is funded—up only 3 percent since 1982.

Postal rates have grown 67 percent since 1981 for first class, and 51 percent for third class.

Incoming mail: Volume at current levels up by 280 million pieces—plus 245 percent—in past 10 years.

Incoming constituent and special interest mail highest in history.

Current rate is 390 million pieces for year—that's a 150 increase in 7 months.

We have had to authorize 40 additional employees to handle incoming mail surge.

MYTHS

Explosive increase in congressional mail.

Facts: Volume trend only slight increase; increase in mail rates accounts for almost the entire cost increase; otherwise, cost increase is nonexistent or declining.

Use of expensive computer-addressed first class increasing.

Facts: First-class volume stable in House; declining in Senate.

House use of mail going up at expense of Senate.

Facts: Traditional usage is about 65 percent House, 35 percent Senate; that relationship has been stable; no discernible increase in cost of House mail, if postage rates are discounted.

CONCLUSION

Congressional mail volumes are not driving up the cost—postage rates are:

Mail rates—First class

Effective date	Rate
May 29, 1978	\$0.15
March 22, 198118
November 1, 198120
February 17, 198522
April 3, 198825
	Postal

Mail rates—Bulk rate

	Patron
January 1, 1981	6.7
March 21, 1981	6.4
November 1, 1981	7.9
May 22, 1983	8.3
February 17, 1984	10.1

□ 1840

Mr. Chairman, I yield back the balance of my time.

Mr. MICHEL. Mr. Chairman, when this bill is open for amendments, my friend from California, Mr. LEWIS, and my friend from Minnesota, Mr. FRENZEL, intend to offer amendments. To make this possible, we may have to defeat a motion to rise. I hope this will not be necessary, but in such an event, I want to alert my colleagues that amendments are expected and that any motion to rise before all amendments are considered should be defeated.

Why all the fuss about this, the smallest of the appropriation bills? Because, I think, it is the place where we budget for ourselves, hold our own budgeting up to the public for debate, and must be totally accountable.

I love this institution. We all do. But that is not to say the House does not need some re-

forms. That is not to say that we do not need to be held accountable to our constituents for what we spend on ourselves, and how some of these expenditures have perpetuated the incumbency of 99 percent of the Members.

There are three principles which should guide our discussion. First, fiscal responsibility. Second, accountability—both to our constituents and each other. Third, the need for internal House reforms.

FISCAL RESPONSIBILITY,

Last year we passed an amendment to cut \$5 million from our franking budget. This year we are asked to pay \$31 million for last year's excess expenditures. Our self-restraint was a failure. This year, Mr. FRENZEL is going to give us another chance. Perhaps in a nonelection year we can demonstrate better self-restraint. But if we cannot show self-restraint, how can we expect if of others?

ACCOUNTABILITY

We need to have better information on what mail Members send out, how much they send, and the cost of these mailings. I intend to introduce legislation that will require the Franking Commission to review all mass mailings, ask each Member to report for the amount of mail sent, and limit the use and acquisition of mailing lists. These reforms, if enacted, will provide more accurate information on the overall issue of franked mail.

HOUSE REFORMS

I think we all realize that this institution has suffered in the eyes of the public and that reforms are necessary. I think the issue of franked mail and postal patrons is the first vote on reform and will be an indication of this body's commitment to reform.

I have served in this body for over 30 years. I haven't dedicated my life to public service in this body to see its image tainted by public perceptions of self-interest, self-promotion, and self-perpetuation.

Reform can, and must start with this bill, on the Lewis amendment. I urge my colleagues to support the amendments and defeat any motion to rise until its consideration.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 3014

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1990, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to the Estate of Claude Pepper, late a Representative from the State of Florida, \$89,500.

MILEAGE OF MEMBERS

For mileage of Members, as authorized by law, \$210,000.

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, \$536,907,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, \$4,409,000, including: Office of the Speaker, \$1,019,000, including \$25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, \$940,000, including \$10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, \$1,041,000, including \$10,000 for official expenses of the Minority Leader; Office of the Majority Whip, \$755,000, including \$5,000 for official expenses of the Majority Whip and not to exceed \$166,560, for the Chief Deputy Majority Whip; Office of the Minority Whip, \$654,000, including \$5,000 for official expenses of the Minority Whip and not to exceed \$84,060, for the Chief Deputy Minority Whip.

MEMBERS' CLERK HIRE

For staff employed by each Member in the discharge of his official and representative duties, \$188,074,000.

COMMITTEE EMPLOYEES

For professional and clerical employees of standing committees, including the Committee on Appropriations and the Committee on the Budget, \$55,000,000.

COMMITTEE ON THE BUDGET (STUDIES)

For salaries, expenses, and studies by the Committee on the Budget, and temporary personal services for such committee to be expended in accordance with sections 101(c), 606, 703, and 901(e) of the Congressional Budget Act of 1974, and to be available for reimbursement to agencies for services performed, \$354,000.

CONTINGENT EXPENSES OF THE HOUSE

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by the House, \$57,716,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, \$187,099,000, including: Official Expenses of Members, \$76,341,000; supplies, materials, administrative costs and Federal tort claims, \$19,577,000; net expenses of purchase, lease and maintenance of office equipment, \$9,276,000; furniture and furnishings, \$1,130,000; stenographic reporting of committee hearings, \$800,000; reemployed annuitants reimbursements, \$1,380,000; Government contributions to employees' life insurance fund, retirement funds, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation, \$77,973,000; and miscellaneous items including, but not limited to, purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, \$622,000.

Such amounts as are deemed necessary for the payment of allowances and expenses under this heading may be transferred among the various categories of allowances and expenses under this heading, upon the approval of the Committee on Appropriations of the House of Representatives.

COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act, 1946, and to be available for reimbursement to agencies for services performed, \$4,660,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, \$39,595,000, including: Office of the Clerk, including not to exceed \$1,000 for official representation and reception expenses, \$17,514,000; Office of the Sergeant at Arms, \$1,001,000; Office of the Doorkeeper, including overtime, as authorized by law, \$8,747,000; Office of the Postmaster, \$3,028,000, including \$112,560 for employment of substitute messengers and extra services of regular employees when required at the salary rate of not to exceed \$17,802 per annum each; Office of the Chaplain, \$81,000; Office of the Parliamentarian, including the Parliamentarian and \$2,000 for preparing the Digest of Rules, \$772,000; for salaries and expenses of the Office of the Historian, \$279,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, \$1,032,000; for salaries and expenses of the Office of the Legislative Counsel of the House, \$3,400,000; six minority employees, \$543,000; the House Democratic Steering Committee and Caucus, \$967,000; the House Republican Conference, \$967,000; and other authorized employees, \$1,264,000.

Such amounts as are deemed necessary for the payment of salaries of officers and employees under this heading may be transferred among the various offices and activities under this heading, upon the approval of the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. Of the amounts appropriated for fiscal year 1990 for salaries and expenses of the House of Representatives, such amounts as may be necessary may be transferred among the headings "HOUSE LEADERSHIP OFFICES", "MEMBERS' CLERK HIRE", "COMMITTEE EMPLOYEES", "CONTINGENT EXPENSES OF THE HOUSE (STANDING COMMITTEES, SPECIAL AND SELECT)", "CONTINGENT EXPENSES OF THE HOUSE (ALLOWANCES AND EXPENSES)", and "SALARIES, OFFICERS AND EMPLOYEES", upon approval of the Committee on Appropriations of the House of Representatives.

SEC. 102. (a) One additional employee is authorized for each of the following:

- (1) the House Democratic Caucus;
- (2) the House Republican Conference;
- (3) the Minority Leader; and
- (4) the Chief Deputy Majority Whip.

(b) The annual rate of pay for the positions established under subsection (a) shall not exceed the annual rate of pay payable from time to time for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 103. (a) Section 104(a) of the Legislative Branch Appropriations Act, 1987 (as incorporated by reference in section 101(j) of Public Law 99-500 and Public Law 99-591) (2 U.S.C. 117e) is amended—

- (1) by striking out "Sec. 104. (a)" and inserting in lieu thereof "Sec. 104. (a)(1)";
- (2) by striking out the last sentence; and
- (3) by inserting after paragraph (1), as so redesignated by paragraph (1) of this subsection, the following new paragraphs:

"(2) If disposal in accordance with paragraph (1) is not feasible because of age, location, condition, or any other relevant factor, the Clerk may donate the equipment to the government of a State, to a local government, or to an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code. A donation under this paragraph—

"(A) shall be at no cost to the Government; and

"(B) may be made only if the used equipment has no recoverable value because disposal in accordance with paragraph (1), under the most favorable terms available to the Government, would result in a loss to the Government.

"(3) The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this subsection.

"(4) As used in this section—

"(A) the term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States; and

"(B) the term 'used equipment' means such used or surplus equipment (including furniture and motor vehicles) as the Committee on House Administration of the House of Representatives may prescribe by regulation."

(b) The first section of the Act entitled "An Act to authorize the disposition of certain office equipment and furnishings, and for other purposes", approved October 20, 1974 (2 U.S.C. 59a), is repealed.

(c) The amendments made by subsection (a) and the repeal made by subsection (b) shall take effect on October 1, 1989.

JOINT ITEMS

For joint committees, as follows:

CONTINGENT EXPENSES OF THE SENATE

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, \$3,518,000.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, \$1,191,000.

CONTINGENT EXPENSES OF THE HOUSE

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, \$4,372,000, to be disbursed by the Clerk of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of \$1,500 per month to the Attending Physician; (2) an allowance of \$1,000 per month to one Senior Medical Officer while on duty in the Attending Physician's office; (3) an allowance of \$500 per month each to two medical officers while on duty in the Attending Physician's office; (4) an allowance of \$500 per month each to two assistants and \$400 per month each to not to exceed nine assistants on the basis heretofore provided for such assistance; and (5) \$921,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, such amount shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, \$1,405,000, to be disbursed by the Clerk of the House: *Provided*, That, upon enactment of this Act, the Office of the Attending Physician Revolving Fund established by the first undesignated paragraph under the center heading "OFFICE OF THE ATTENDING PHYSICIAN REVOLVING FUND" in title III of the Legislative Branch Appropriation Act, 1976 (89 Stat. 283) is abolished and all monies in the Fund on such date or subsequently received by the Attending

Physician from the sale of prescription drugs or from any other source shall be deposited in the Treasury as miscellaneous receipts.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries, including overtime, and Government contributions to employees' benefits funds, as authorized by law, of officers, members, and employees of the Capitol Police, \$56,253,000, of which \$27,548,000 is appropriated to the Sergeant at Arms of the House of Representatives, to be disbursed by the Clerk of the House, \$28,105,000 is appropriated to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate, and \$600,000, to be disbursed by the Clerk of the House, shall be available for reprogramming upon the approval of the Committees on Appropriations of the House of Representatives and the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including purchasing and supplying uniforms; the purchase, maintenance, and repair of police motor vehicles, including two-way police radio equipment; contingent expenses, including advance payment for travel for training, protective details, and tuition and registration, and expenses associated with the awards program not to exceed \$900, expenses associated with the relocation of instructor personnel to and from the Federal Law Enforcement Training Center as approved by the Chairman of the Capitol Police Board, and including \$85 per month for extra services performed for the Capitol Police Board by such member of the staff of the Sergeant at Arms of the Senate or the House as may be designated by the Chairman of the Board, \$1,884,000, to be disbursed by the Clerk of the House: *Provided*, That the funds used to maintain the petty cash fund referred to as "Petty Cash II" which is to provide for the prevention and detection of crime shall not exceed \$4,000: *Provided further*, That the funds used to maintain the petty cash fund referred to as "Petty Cash III" which is to provide for the advance of travel expenses attendant to protective assignments shall not exceed \$4,000: *Provided further*, That, notwithstanding any other provision of law, the cost involved in providing basic training for members of the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1990 shall be paid by the Secretary of the Treasury from funds available to the Treasury Department.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs, \$134,731,000, to be disbursed by the Clerk of the House, to be available immediately upon enactment of this Act: *Provided*, That funds appropriated for such purpose for the fiscal year ending September 30, 1989, shall remain available until expended.

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, \$1,335,000, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be used to employ more than thirty-three individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional indi-

viduals for not more than six months each, for the Capitol Guide Service.

SPECIAL SERVICES OFFICE

For salaries and expenses of the Special Services Office, \$237,000, to be disbursed by the Clerk of the House.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements for the first session of the One Hundred First Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, \$20,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92-484), including official representation and reception expenses (not to exceed \$2,000 from the Trust Fund) to be expended on the certification of the Director of the Office of Technology Assessment, expenses incurred in administering an employee incentive awards program (not to exceed \$900), rental of space in the District of Columbia, and those necessary to carry out the duties of the Director of the Office of Technology Assessment under 42 U.S.C. 1395ww, 42 U.S.C. 1395w-1, and Public Law 100-360, \$18,705,000: *Provided*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Office of Technology Assessment in excess of 143 staff employees: *Provided further*, That no part of this appropriation shall be available for assessments or activities not initiated and approved in accordance with section 3(d) of Public Law 92-484, except that funds shall be available for the assessment required by Public Law 96-151: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of employees of the Office of Technology Assessment in connection with any reimbursable study for which funds are provided from sources other than appropriations made under this Act, or be available for any other administrative expenses incurred by the Office of Technology Assessment in carrying out such a study.

BIOMEDICAL ETHICS BOARD

AND

BIOMEDICAL ETHICS ADVISORY COMMITTEE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the duties of the Biomedical Ethics Board and the Biomedical Ethics Advisory Committee, as authorized by the Health Omnibus Programs Extension of 1988 (Public Law 100-607), including not to exceed \$500 to be expended on the certification of the Chairman of the Biomedical Ethics Board in connection with official representation and reception expenses, and rental of space in the District of Columbia, \$1,500,000: *Provided*, That effective October 1, 1988, and to continue thereafter, the Disbursing Officer of the Library of Congress is authorized to—

(1) disburse funds appropriated for the Biomedical Ethics Board;

(2) compute and disburse the basic pay for all personnel of the Biomedical Ethics Board; and

(3) provide financial management services and support to the Biomedical Ethics Board, in the same manner as provided with respect to the Office of Technology Assessment under section 101(c) of Public Law 97-51 (2 U.S.C. 142f).

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93-344), including not to exceed \$2,300 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, \$19,580,000: *Provided*, That none of these funds shall be available for the purchase or hire of a passenger motor vehicle: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Congressional Budget Office in excess of 226 staff employees: *Provided further*, That any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease of such property, supplies, or services to the Congress subject to section 903 of Public Law 98-63.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

For the Architect of the Capitol; the Assistant Architect of the Capitol; and other personal services; at rates of pay provided by law, \$6,860,000.

TRAVEL

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of \$20,000.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies, and to meet unforeseen expenses in connection with activities under his care, \$100,000, which shall remain available until expended.

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment; not to exceed \$1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; purchase or exchange, maintenance and operation of a passenger motor vehicle; security installations, which are approved by the Capitol Police Board, authorized by House Concurrent Resolution 550, Ninety-Second Congress, agreed to September 19, 1972, the cost limitation of which is hereby further increased by \$192,000; for expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, \$15,938,000, of which \$525,000 shall remain available until expended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House Office Build-

ings, and the Capitol Power Plant, \$4,049,000.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House Office Buildings, including the position of Superintendent of Garages as authorized by law, \$27,875,000, of which \$2,465,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; for lighting, heating, and power (including the purchase of electrical energy) for the Capitol, Senate and House Office Buildings, Library of Congress Buildings, and the grounds about the same, Botanic Garden, Senate garage, and for air conditioning refrigeration not supplied from plants in any of such buildings; for heating the Government Printing Office and Washington City Post Office and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation; \$25,613,000: *Provided*, That not to exceed \$2,300,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1990.

ADMINISTRATIVE PROVISIONS

SEC. 104. Notwithstanding any other provisions of law, the Architect of the Capitol is hereby authorized to (1) develop a pilot program to determine the economic feasibility and efficiency of centralizing certain maintenance functions, to assign and reassign, without increase or decrease in basic salary or wages, any person on the employment rolls of the Office of the Architect of the Capitol, for personal services in any buildings, facilities, or grounds under his jurisdiction for which appropriations have been made and are available; (2) maintain appropriate cost and productivity records for the program; and (3) report to appropriate authorities, including the Committees on Appropriations, on the results of the program, together with recommendations for continuation or expansion of the program.

SEC. 105. The Architect of the Capitol, under the direction of the Joint Committee on the Library, is authorized to accept donations to restore and display the Statue of Freedom model.

SEC. 106. (a) The position of Executive Assistant to the Architect of the Capitol is abolished.

(b) The provisions—

(1) under the center subheadings "OFFICE OF THE ARCHITECT OF THE CAPITOL" and "SALARIES", and

(2) of section 303, of H.R. 7593 of the second session of the Ninety-Sixth Congress, as enacted into permanent law by section 101(c) of the Joint Resolution of December 16, 1980 (40 U.S.C. 166b-1), which relate to the salary of the Executive Assistant to the Architect of the Capitol, are repealed.

(c) The third paragraph under the center subheadings "OFFICE OF THE ARCHITECT OF THE CAPITOL" and "SALARIES" in the Legislative Branch Appropriation Act, 1960 (40 U.S.C. 166b-3) is amended—

(1) by striking out "three positions" and inserting in lieu thereof "four positions", and

(2) by striking out "Assistant Architect," and all that follows and inserting in lieu thereof "or Assistant Architect."

(d) The proviso in the first undesignated paragraph under the center subheadings "OFFICE OF THE ARCHITECT OF THE CAPITOL" and "SALARIES" in the first section of the Legislative Branch Appropriation Act, 1971 (40 U.S.C. 164a) is amended by striking out "and, in case of the absence or disability of the Assistant Architect, the Executive Assistant shall so act".

(e) Subsection (b) of section 308 of the Legislative Branch Appropriations Act, 1988 (40 U.S.C. 166b-3a(b)) is amended to read as follows:

"(b) The positions referred to in subsection (a) are—

"(1) the position of assistant referred to in the proviso in the first undesignated paragraph under the center subheadings 'OFFICE OF THE ARCHITECT OF THE CAPITOL' and 'SALARIES' in the first section of the Legislative Branch Appropriation Act, 1971 (40 U.S.C. 164a), and

"(2) the eight positions provided for in the third and fourth undesignated paragraphs under the center subheadings 'OFFICE OF THE ARCHITECT OF THE CAPITOL' and 'SALARIES' in the first section of the Legislative Branch Appropriation Act, 1960 (40 U.S.C. 166b-3)."

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946, as amended by section 321 of the Legislative Reorganization Act of 1970 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, \$46,670,000: *Provided*, That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration or the Senate Committee on Rules and Administration: *Provided further*, That, notwithstanding any other provisions of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress; for printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and for printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, \$77,830,000: *Provided*, That funds remaining from the unexpended balances from obligations made under prior year appropriations for this account shall be available for the purposes of the printing and binding account for the same fiscal year: *Provided further*, That this appropriation shall not be available for printing and binding part 2 of the annual

report of the Secretary of Agriculture (known as the Yearbook of Agriculture) nor for copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further*, That, to the extent that funds remain from the unexpended balance of fiscal year 1984 funds obligated for the printing and binding costs of publications produced for the Bicentennial of the Congress, such remaining funds shall be available for the current year printing and binding cost of publications produced for the Bicentennial: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

This title may be cited as the "Congressional Operations Appropriations Act, 1990".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, \$2,638,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including \$1,033,000 for the Civic Achievement Award Program in Honor of the Office of Speaker of the House of Representatives, subject to reauthorization, development and maintenance of the Union Catalogs; custody and custodial care of the Library Buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog cards and other publications of the Library; purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, \$164,075,000, of which not more than \$5,700,000 shall be derived from collections credited to this appropriation during fiscal year 1990 under the Act of June 28, 1902, as amended (2 U.S.C. 150): *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the \$5,700,000: *Provided further*, That, of the total amount appropriated, \$6,888,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other materials including subscriptions for bibliographic services for the Library, including \$40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further*, That, hereafter, the balance remaining from the \$11,500,000 appropriation in Public Law 98-396, dated August 22, 1984, shall be used to purchase equipment, supplies and services as needed to deacidify books and other materials from the collections of the Library of Congress.

COPYRIGHT OFFICE SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, \$20,373,000, of which not more than \$7,000,000 shall be derived from collections credited to this appropriation during fiscal year 1990 under 17 U.S.C. 708(c), and not more than \$1,139,000 shall be derived from collections during fiscal year 1990 under 17 U.S.C. 111(d)(3), 116(c)(1) and 119(b)(2): *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the \$8,139,000: *Provided further*, That \$100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the provisions of the Act approved March 3, 1931, as amended (2 U.S.C. 135a), \$37,801,000.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, \$2,579,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed \$145,390, of which \$46,200 is for the Congressional Research Service, when specifically authorized by the Librarian, for expenses of attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Librarian of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15; and

(2) grants the manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees.

SEC. 204. Not to exceed \$2,500 of any funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the annual Library of Congress incentive awards program.

SEC. 205. From and after October 1, 1988, the Library of Congress is authorized to—

(1) disburse funds appropriated for the John C. Stennis Center for Public Service Training and Development;

(2) compute and disburse the basic pay for all personnel of the John C. Stennis Center

for Public Service Training and Development; and

(3) provide financial management services and support to the John C. Stennis Center for Public Service Training and Development, in the same manner as provided with respect to the Office of Technology Assessment under section 101(c) of Public Law 97-51 (2 U.S.C. 142f).

(4) collect from the funds appropriated for the John C. Stennis Center for Public Service Training and Development the full costs of providing the services specified in (1), (2), and (3) above, as provided under an agreement for services ordered under 31 U.S.C. 1535 and 1536.

SEC. 206. From and after October 1, 1989, the Librarian of Congress shall take appropriate action to assure that no legislative branch employee whose salary is disbursed by the Library of Congress disbursing office is adversely affected by alternative ways of performing the personnel/payroll processing function.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, \$7,167,000.

COPYRIGHT ROYALTY TRIBUNAL

SALARIES AND EXPENSES

For necessary expenses of the Copyright Royalty Tribunal, \$674,000, of which \$573,000 shall be derived by collections from the appropriation "Payments to Copyright Owners" for the reasonable costs incurred in proceedings involving distribution of royalty fees as provided by 17 U.S.C. 807.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(REAPPROPRIATION AND TRANSFERS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, \$24,500,000, of which \$4,312,000 representing excess receipts from the sale of publications and receipts from the sale of land authorized by Public Law 100-458 shall be derived from the Government Printing Office revolving fund, and, of which \$3,000,000 in unexpended funds representing excess receipts from the sales of publications that were transferred from the revolving fund in fiscal year 1986, shall be derived from the salaries and expenses appropriation M account: *Provided*, That travel expenses shall not exceed \$117,000.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the "Government Printing Office revolving fund": *Provided*, That not to exceed \$2,500 may be expended on

the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That during the current fiscal year the revolving fund shall be available for the hire of twelve passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for grade GS-18: *Provided further*, That the revolving fund shall be available to acquire needed land, located in Northwest D.C., which is adjacent to the present Government Printing Office, and is bounded by Massachusetts Avenue and the southern property line of the Government Printing Office, between North Capitol Street and First Street. The land to be purchased is identified as Parcels 45-D, 45-E, 45-F, and 47-A in Square 625, and includes the alleys adjacent to these parcels, and G Street, N.W. from North Capitol Street to First Street: *Provided further*, That the revolving fund and the funds provided under the paragraph entitled "Office of Superintendent of Documents, Salaries and Expenses" together may not be available for the full-time equivalent employment of more than 5,000 workyears: *Provided further*, That the revolving fund shall be available for expenses not to exceed \$500,000 for the development of plans and design of a multi-purpose facility: *Provided further*, That notwithstanding the limitations of 5 U.S.C. section 5901(a), as amended, the cost of uniforms furnished or allowances paid for uniforms to each uniformed special policeman appointed under the authority of 44 U.S.C. 317, shall not exceed \$400 during the first year in which the employee is required to wear a prescribed uniform: *Provided further*, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15, nor to any employee involved in the in-house production of printing and binding: *Provided further*, That expenses for attendance at meetings shall not exceed \$95,000.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES (TRANSFER OF FUNDS)

For necessary expenses of the General Accounting Office, including not to exceed \$7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for grade GS-18; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8), respectively); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to A.I.D. projects, by the Administra-

tor of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(b)); \$364,720,000: *Provided*, That an additional amount of not to exceed \$5,564,000 is made available without fiscal year limitation from the fund established pursuant to 31 U.S.C. 782 (as added by Public Law 100-545, October 28, 1988): *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including but not limited to the salary of the Executive Director and secretarial support: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That to the extent that funds are otherwise available for obligation, agreements or contracts for the removal of asbestos, and renovation of the building and building systems (including the heating, ventilation and air conditioning system, electrical system and other major building systems) of the General Accounting Office Building may be made for periods not exceeding five years: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences: *Provided further*, That this appropriation shall be available to finance a portion, not to exceed \$50,000, of the costs of the Governmental Accounting Standards Board: *Provided further*, That \$100,000 of this appropriation shall be available for the expenses of planning the triennial Congress of the International Organization of Supreme Audit Institutions (INTOSAI) to be hosted by the United States General Accounting Office in Washington, D.C., in 1992, to the extent that such expenses cannot be met from the trust authorized below: *Provided further*, That the General Accounting Office is authorized to solicit and accept contributions (including contributions from INTOSAI), to be held in trust, which shall be available without fiscal year limitation for the planning, administration, and such other expenses as the Comptroller General deems necessary to act as the sponsor of the aforementioned triennial Congress of INTOSAI. Monies in the trust not to exceed \$10,000 shall be available upon the request of the Comptroller General to be expended for the purposes of the trust.

TITLE III—GENERAL PROVISIONS

Sec. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating

to parking facilities for the House of Representatives issued by the Committee on House Administration.

Sec. 302. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 303. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided*, That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House, and clerk hire for Senators and Members shall be the permanent law with respect thereto.

Sec. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 305. (a) The Architect of the Capitol, in consultation with the heads of the agencies of the legislative branch, shall develop an overall plan for satisfying the telecommunications requirements of such agencies, using a common system architecture for maximum interconnection capability and engineering compatibility. The plan shall be subject to joint approval by the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, and, upon approval, shall be communicated to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate. No part of any appropriation in this Act or any other Act shall be used for acquisition of any new or expanded telecommunications system for an agency of the legislative branch, unless, as determined by the Architect of the Capitol, the acquisition is in conformance with the plan, as approved.

(b) As used in this section—

(1) the term "agency of the legislative branch" means, the Office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and the Congressional Budget Office; and

(2) the term "telecommunications system" means an electronic system for voice, data, or image communication, including any associated cable and switching equipment.

Sec. 306. (a) Hereafter, notwithstanding the applicable statutes described in subsection (b), an agency of the legislative branch to which those statutes apply is authorized to use telecommunications systems and services provided by the Architect of the Capitol or the House of Representatives or the Senate under the approved plan required by section 305 of Public Law 100-202 (101 Stat. 1329-308) if such systems and services—

(1) have been acquired competitively; and
(2) have been determined by the Architect of the Capitol to be at least equal in quality to, and not greater in cost than, the systems and services available under the procure-

ment conducted by the Administrator of General Services known as "FTS2000".

(b) The applicable statutes described in this subsection are—

(1) section 111 of the Federal Property and Administrative Services Act of 1949; and

(2) the Treasury, Postal Service and General Government Appropriations Act of 1990.

(c) As used in this section, the term "agency of the legislative branch" means the office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and the Congressional Budget Office.

SEC. 307. The pay for the positions described in section 308(b) of the Legislative Branch Appropriations Act, 1988, as contained in section 101(i) of Public Law 100-202—

(1) shall be subject to any applicable adjustment during fiscal year 1990 under, or by reference to any applicable adjustment during fiscal year 1990 under, subchapter I of chapter 53 of title 5, United States Code; and

(2) with respect to the position of Assistant Architect of the Capitol, shall be subject to any recommendation of the President that, pursuant to section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351 et seq.), takes effect during fiscal year 1990.

SEC. 308. (a) None of the funds appropriated for fiscal year 1990 by this Act or any other law may be obligated or expended by any entity of the executive branch for the procurement from commercial sources of any printing related to the production of Government publications (including forms), unless such procurement is by or through the Government Printing Office.

(b) Subsection (a) does not apply to (1) individual printing orders costing not more than \$1,000, if the work is not of a continuing or repetitive nature, (2) printing for the Central Intelligence Agency, the Defense Intelligence Agency, or the National Security Agency, or (3) printing from commercial sources that is specifically authorized by law or is of a kind that has been routinely procured by or through the Government Printing Office.

(c) As used in this section, the term "printing" means the process of composition, platemaking, presswork, binding, and microform, and the end items of such processes.

SEC. 309. Section 309(a) of title 44, United States Code, is amended by striking out "not to exceed \$3,000 in any fiscal year" after "attendance at meetings".

SEC. 310. There is established, as a joint office of Congress, the Special Services Office, which (under the supervision and control of a board, to be known as the Special Services Board, comprised of the Clerk of the House of Representatives, the Sergeant at Arms and Doorkeeper of the Senate, and the Librarian of Congress) shall provide special services to Members of Congress, and to officers, employees, and guests of Congress. In the operation of the Office, the Board may provide for not more than 6 employees. The Office and the Board shall be subject to the oversight of the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, which, acting jointly, shall have approval authority over employee positions, appointments, and pay, with respect to the Office.

SEC. 311. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 312. Section 6121(1) of title 5, United States Code, is amended by inserting "the Government Printing Office," after "military department,". Also, section 6133(c) of such title is amended by inserting "(1)" after "(c)"; and by adding at the end thereof the following new paragraph: "(2) With respect to employees in the Government Printing Office, the authority granted to the Office of Personnel Management under this subchapter shall be exercised by the Public Printer."

SEC. 313. (a) The first section of House Resolution 21, Ninety-Ninth Congress, agreed to December 11, 1985, as enacted into permanent law by section 103 of the Legislative Branch Appropriations Act, 1987 (as incorporated by reference in section 101(j) of Public Law 99-500 and Public Law 99-591) (40 U.S.C. 184b) is amended by striking out "educationally enriching child care" and all that follows through the end of the section, and inserting in lieu thereof the following: "educationally enriching child care—

"(1) for children of Members, officers, employees, and support personnel of the House of Representatives; and

"(2) if places are available after admission of all children who are eligible under paragraph (1), for children of Senators, children of officers and employees of the Senate, and children of employees of agencies of the legislative branch."

(b) Section 4 of such resolution, as so enacted (40 U.S.C. 184e), is amended—

(1) in subsection (a), by striking out the second sentence; and

(2) in the first sentence of subsection (b), by striking out "to make the reimbursements required by subsection (a) and".

(c) Section 5 of such resolution, as so enacted (40 U.S.C. 184f), is amended—

(1) in the matter before paragraph (1), by striking out "the term"; and

(2) by striking out paragraphs (1) through (3) and inserting in lieu thereof the following:

"(1) the term 'employee of the House of Representatives' means an employee whose pay is disbursed by the Clerk of the House of Representatives;

"(2) the term 'employee of the Senate' means an employee whose pay is disbursed by the Secretary of the Senate;

"(3) the term 'Member' means, with respect to the House of Representatives, a Representative in, or a Delegate or Resident Commissioner to, the Congress;

"(4) the term 'agency of the legislative branch' means the Office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, and the Copyright Royalty Tribunal; and

"(5) the term 'support personnel' means, with respect to the House of Representatives, any employee of a credit union or of the Architect of the Capitol, whose principal duties are to support the functions of the House of Representatives."

SEC. 314. Section 506(a)(3) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(a)(3)) is amended to read as that section was in effect on September 30, 1988.

Mr. FAZIO (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill except for lines 12 and 13 on page 43 be con-

sidered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEWIS of California: At the appropriate place, insert the following:

SEC. . None of the funds made available by this Act shall be used for the mass mailing, as such term is defined in section 3210(a)(6)(E) of title 39 United States Code, by any Member of Congress of pieces of franked mail with a simplified form of address for general distribution to postal patrons within the boundaries of the Member's congressional district, including notices of appearance and scheduled itineraries, in excess of the number equal to 4 times the number of addresses to which such mail may be delivered in the area from which such Member was elected.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, this minor little amendment is a first step in an effort for the House to begin to grapple with the question of the explosion of congressional mail to our constituents. The amendment, in its simplest form, would reduce our district-wide postal patronage mailing availability from six full district mailings each year to four, and the amendment would include in that limitation essentially the provision for district-wide mailings for what is known as town hall meetings.

Mr. Chairman, I offer this amendment today trying to rekindle the efforts of the bipartisan task force convened by the former Speaker, Tip O'Neill, in 1986. The gentleman from California [Mr. FAZIO] served on this task force with me, as did the Speaker, both Republican and Democrat leaders, Mr. FRENZEL, Mr. UDALL, Mr. FORD, Mr. ANNUNZIO, and Mr. Taylor. After 2 months of meetings and compromising we agreed to a list of reforms. These reforms were of important need in 1986. As you can imagine, in 1989 the reforms are critical.

In response to then Speaker O'Neill's urging, our committee moved to incorporate these reforms at supplemental time in 1986. My chairman included in the supplemental bill that passed committee the following provisions, first, reducing permissible number of postal patronage mailings from six to four per calendar year; second, maximize use of first-class dis-

counts; third, limited the number of two-meeting notices to one per household; fourth, required that all non-time-value mail be mailed at the lowest postage rate practicable, et cetera.

Mr. Chairman, a number of other provisions were in that initial supplemental bill. It admittedly did not go through that entire process and has deleted in the Rules Committee, but it was a reflection of my subcommittee's view as well as the bipartisan task force's view relating to reform with respect to congressional mail.

It is very important, Mr. Chairman, for us to recognize that it is the nature of the beast that we would want to, as many times as possible, mail to our constituents whether our constituents like it or not; indeed, through the use of postal patrons combined with the use of unsolicited mail to our constituents by way of often purchased special mailing lists, is the driving force between this explosion of cost. Preceding the 1986 effort by the task force on the part of Tip O'Neill, we attempted in other ways to get a handle on mail. When this language did not go forward, 2 years later the mail costs moved to \$113 million. In this bill, we are talking about \$135 million.

This legislative branch bill contains almost \$135 million to cover the expenses of the frank-free mail. Last year, through the amendment process and in the spirit of encouraging self discipline and voluntary restraint, we appropriated about \$54 million. Of this year's allocation, \$32 million will go to pay the remaining of last year's expense. Obviously there has been no self restraint. Let us hope it never gets outside the beltway that H.R. 3014 recommends that our constituents pay \$135 million for our self promotion.

The cost of franked mail marches forward. Try to picture 135 million dollars' worth of congressional mail. It is important to note that most of this mail is not in response to letters from constituents.

Let me clarify how much 135 million dollars' worth of mail really is. This means that every Member of the House in the body has approximately \$250,000 for mailing. If each Member of the House sent their six allotted newsletters, which by the way I do not think they really do, but if they did, that Member would spend \$102,000 of the \$250,000. That would still leave \$148,000, and most Americans would think that a Member could get by on that amount of money. The remaining \$148,000 represents over one-half of a million letters, and multiplying that by the numbers of Members around here, this is about 3,000 letters every working day, almost 3 billion letters in total.

Mr. Chairman, we can consider amendment after amendment to reduce the official mail appropriation,

but without some real reforms, real savings will never be realized. Each year we will need a supplemental or, like this year, we will simply appropriate extra funds to cover the extra mail we sent. Without my amendment, it will never end.

We have come to a point where the House must rethink its policy relative to the use of the frank for unsolicited mass mailings.

Mr. Chairman, I would suggest that this is just the beginning point, and I hope within this bill we begin to make some real progress.

Mr. MICHEL. Mr. Chairman I rise in support of the amendment offered by the distinguished ranking Republican member of the Legislative Branch Subcommittee.

This simple amendment is designed to save the taxpayers some money, but more importantly to begin the process of reform.

We save money by capping the overall number of postal patrons at four, down from the current six. This has a potential savings of \$20 million. But, more significant than the savings is the fact that we are, for the first time, reducing the total allowable number of postal patrons.

Look at the numbers. During fiscal year 1988, the House received 156 million pieces of mail and sent out 548 million pieces at a cost of \$77.9 million. Combined, both Houses received 210 million pieces of mail and mailed out over 800 million pieces, at a cost of \$113 million. Over 75 percent of the total volume of the mail is outgoing. And only about one-fifth of the total outgoing volume is in direct response to constituents.

The actual savings of \$1.7 million is not great given the billions and trillions we talk about around here, nor for that matter is the potential savings of \$20 million. But it does demonstrate to our constituents that we are in the House of the people are not the House of Lords.

This amendment is a baby step toward reform, the kind of House reforms in procedure, ethical standards and campaign practices which I believe ought to be the cornerstone of this historic Congress.

This is such a small step. Most Members don't send out more than four mass mailings. But the magnitude of the change is not as important as the message of the change. I want us to acknowledge in this vote the need to keep our own House in order, the need to refrain from excesses in legitimate official functions, whether you are talking about mailing fancy newsletters or taking foreign trips.

We must draw lines between what is essential and what is extravagant, between what is informative and what is promotional, between what is of advantage to us versus what is of advantage to our constituents.

There was once a time in this body when I could honestly say few outside Washington knew what the word franking meant, or cared. That is no longer true. People know the word frank, and they see it as an abuse of tax dollars. They are not all wrong.

Now some of you may complain that this amendment will infringe on your ability to communicate with your constituents. Yes it does. Let me remind my colleagues, however, that

we are not talking about direct mail, or the media facilities we all use, or any of the other means we have to communicate. In fact, 87 percent of the Members in this body mail out four or fewer postal patrons per year. Surely these Members not affected will vote for this amendment, and I hope the affected 13 percent will also support it.

Another important reform is the inclusion of "notices of appearances" within the yearly limit. Currently, these notices are not included in the postal patron count and the Franking Commission has no idea how many notices are mailed, or the cost of these mailings. This would be the first time that we have chosen to limit these cards, or attempt any type of accountability for them.

Are these earth shattering reforms? No. But they are significant in that they are the first attempts by this 101st Congress to change its ways. They are also significant given the work of our bipartisan task forces on campaign and ethics reform.

If we can enact modest frankings changes, we can enact the more important reforms that are desperately needed for this institution and its image. If we fail here, where will we acquire the courage for the battles ahead?

I urge your support.

AMENDMENT OFFERED BY MR. FAZIO AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. FAZIO. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. FAZIO as a substitute for the amendment offered by Mr. LEWIS of California: Page 43, after line 11, add the following new section:

Sec. . (a) No part of the funds appropriated in this Act may be used in the mailing of any mail matter by a Senator or Member of the House of Representatives as franked mail under section 3210(d) of title 39, United States Code—

(1) if, in the then-current calendar year, the total number of pieces of mail mailed by such Senator or Member as franked mail under such section 3210(d) is equal to or greater than the amount describe in subsection (b); or

(2) to the extent that such mailing would cause the total number of pieces of mail mailed by such Senator or Member as franked mail under such section 3210(d) in the then-current calendar year to exceed the amount described in subsection (b).

(b) The amount under this subsection is, for any calendar year, two-thirds the maximum amount established under section 3210(d)(5) of title 39, United States Code, with respect to Senators or Members (as applicable) as of July 31, 1989.

(c) For purposes of subsection (a), mail matter mailed by a Senator or Member shall not be counted if it would not be counted in applying any limitation under section 3210(d)(5) of title 39, United States Code, applicable with respect to such Senator or Member.

(d) For purposes of this section, the term "Member of the House of Representatives" or "Member" means a Member of the House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.

Mr. FAZIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment offered as a substitute for the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FAZIO. Mr. Chairman, my substitute to the Lewis amendment does not go to the heart of the amendment, it doesn't destroy it. I think it does one essential thing, and that is it removes the provision that the gentleman from California [Mr. LEWIS] added which would include with the six postal patron mailings all mailings that are sent as meeting notices, whether they be individual constituent meetings scheduled in towns throughout a district or whether they be town hall meetings or other public meetings.

I understand that there are some concerns that Members may be using this kind of mailing to build name recognition, but I think to eliminate essentially the frequent use of these public gatherings would really move against the desire to have the contact Members and their constituents really need to have in close and personal almost physical terms. I am hopeful that the gentleman from California [Mr. LEWIS] will accept this elimination from within the cap of meeting notices.

I do not have any problem moving from six to four postal patron mailings. It might be of interest to the House to know that of those Members who mail five or six, there are twice as many Republicans as Democrats, and certainly 75 percent of the Members mail three or less. This should not be a burden on the average Member of the House.

I think it does indicate a desire to get a handle on the increasing costs as I have indicated, based on rate increases of mail, and at the same time I would be happy to work with the gentleman from California [Mr. LEWIS] to see that we could find a way to get the franking commission to review the procedures by which Members do mail town hall-meeting notices to their districts.

It is appropriate that they be mailed to people within close proximity to these meeting areas. It is, I think, a little bit hard to appreciate or understand how Members might send them districtwide when their districts might have many, many square miles within them. That, I think, is an abuse, and I think that is an abuse that can be worked on, but I am pleased to see that it is not included in this particular amendment if the gentleman from California [Mr. LEWIS] accepts my substitute.

Mr. Chairman, I yield to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Chairman, I rise in support of the Fazio amendment. I hope that the gentleman from California [Mr. LEWIS] will see fit to accept this amendment.

I think we are all interested in whitening down our spending a bit. I think we are all interested in, or at least most of us are interested, in trying to level the playing field for incumbents and for challengers. The question is: should we continue to permit six newsletters being mailed each year, especially in an election year? I do not think so. I think four should be quite adequate. Perhaps they could be mailed on a quarterly basis, except in election years when postal patron mailings are forbidden within 60 days of primary and general elections.

I also believe, as someone who has held town meetings throughout the 6 years I have been a Member, and knowing that many of my colleagues hold town meetings, that we should encourage the holding of town meetings. I think that Members should be accountable and accessible and should have to stand before those people who sent us here from time to time. Not every other year at election, but throughout our districts and throughout the year to account for and to explain why we voted as we did, as well as to respond to the concerns raised by our constituents.

As the gentleman from California [Mr. LEWIS] said, his proposal is a beginning, not an end. The gentleman from Minnesota [Mr. FRENZEL] and the gentleman from Minnesota [Mr. PENNY] and I have strong interest in continuing with franking reform in this Congress. I think this Lewis amendment, with the Fazio amendment, is an appropriate first step. It is good public policy, and I would hope it would be adopted.

□ 1850

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not use my entire 5 minutes, but I must say that I am very hesitant to accept the chairman's amendment for a number of reasons, not the least of which is that there have been some significant abuses of the town hall meeting process as the House has gone about applying imagination relative to the way we will invite people to our coffee klatches or otherwise. In my own district, for example, with some 20,000 square miles, if I were to follow the pattern of a number of Members, I might have a town meeting in Victorville, CA. Victorville, CA, is roughly 50 miles as the crow flies from Chino. If I were having that town meeting, some Members would suggest that I ought to mail the invitation to the entire 400,000 or 500,000 constituents in the district. Then if I followup with a

town meeting in Chino, I would send a similar districtwide mailing; the people in Victorville would get it whether they wanted it or not. Indeed, that abuse has led some Members mailing their district a postcard 10 or 12 times a year, and I think we need to get a handle on that abuse.

My chairman has indicated that he is going to urge such efforts or such mailings to be reviewed by the Postal Commission, which I think is appropriate.

I must say on that side of the discussion, which causes me to be somewhat hesitant in resisting my chairman's amendment, is the fact that I have in my hand a list of well over a dozen Republican Members, Republican Members who have called me regarding their concern about this aspect of my amendment. Because of that mix of interests, and because I certainly would not want to be accused of not cooperating with my chairman, I accede to his amendment.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the substitute.

Mr. FRENZEL. Mr. Chairman, the trouble with the suggestion of the gentleman from California [Mr. FAZIO], is that if we use 1988 figures, which I have used because it is the most recent election year, and we assume the savings we could achieve from the Lewis amendment, which is to restrict postal patron mailings to four per year, including notices of town meetings, we will derive savings of a little over \$10 million. If, however, we make the simple change suggested by the gentleman from California [Mr. FAZIO], according to my computations, we lose 80 percent of those savings based on the 1988 activities, and we will save slightly over \$2 million. So instead of making a very small adjustment, the Fazio amendment actually, in terms of dollars anyway, cuts the Lewis amendment into very tiny pieces.

I have to agree with the gentleman from California [Mr. LEWIS] who has indicated that the service of these town meeting notices are one of the egregious examples of flaunting the use of the frank and abusing the use of the frank. I have observed Members who have mailed relentlessly week after week to every home in their district notices of town meetings, which obviously very few of the constituents could get to because they might be 50 miles away.

I have also noticed that some of those town meetings achieve a participation rate of from 2 to 10 people, but they are mailed to 200,000 homes. It is clearly, on the part of some Members at least, a device to simply put their name in the mailbox and to increase name recognition.

This is perfectly legal, and in fact while we may describe it as an abuse, it is perfectly legal under our laws, and legally is not an abuse. Only if we can take an amendment something like that which has been offered by the gentleman from California [Mr. LEWIS], are we going to be able to gain control. If we accept the Fazio substitute, we will simply stop 56 Members from sending their last two newsletters each year, and achieve those very modest savings of \$2 million.

In my judgment, this is probably worth doing if the committee is not thinking of doing anything else, but to tell the truth, knowing the distinguished chairman of the subcommittee, I had thought that he was going to go into conference and really try to achieve some solid savings. I still expect that he will, but I must say that this taste of it looks like a very modest effort, and I suggest that Members reject the substitute.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I am happy to yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I think it is clear we are going to be dealing with the Senate on these matters and in a conference they will, of course, focus on the amount of the total appropriation that they receive versus what we receive. Of course, they are interested in individual accountability for each Member's mail program.

But I think the effort that the gentleman from California, Mr. LEWIS, is making, and my amendment to it, really are a more sensible approach. I would want to indicate that I personally agree very much with the gentleman from Delaware [Mr. CARPER]. We do not want to prevent Members from having successful meetings with their constituents, and I am not sure that they will always be successful from the Members' standpoint, but they may be positive experiences. We do not have enough contact with the very many people we represent these days.

I understand the gentleman has identified a problem. There are abusers. There are Members with large districts, maybe as large as the gentleman from California [Mr. LEWIS], for example, who will paper their districts every time they have a town hall meeting somewhere. There are other Members with more contiguous districts who will give people four opportunities within one day, within a 20-minute drive to come and meet with them, and given the busy and hectic lives that many of our constituents have, that is appropriate.

So I guess my point simply would be to let us not precipitously throw the baby out with the bath water. Let us let the Commission on Franking review these things, attempt to eliminate abuses, and then take another look at it when we have a better

handle on just how many Members are not using the town hall meeting notices and the franking privilege as it should be. I really have no way of knowing how many are abusing it, and I would not want to overreact at this time.

Mr. FRENZEL. I thank the gentleman for his contribution, but I would say that the use of town meeting notices insofar as I am able to determine, and the gentleman is correct, that there are not accurate figures, is greater than the use of postal patronage.

Mr. Chairman, on July 22 the Congressional Research Service completed a report, "U.S. Congress Official Mail Costs: Fiscal Year 1972 to Present," which ought to be of interest to every Member of Congress. Surely it will be of overwhelming interest to every taxpayer.

For reasons of cost, and because the RECORD cannot reproduce the very effective charts and graphs in the report, it will not be a part of this statement. I commend it to the attention of my colleagues.

The report contained good news and bad. If the fact that mailing costs in current dollars has more than doubled from fiscal year 1972 to 1988 is troubling, the fact that those costs have not increased at all in constant dollars is a consolation. If the soaring volume of congressional mail is distressing, then it is less distressing to know that outbound mail volume has actually declined since 1984.

Even though some of the news is good, my impression of the report is that it shows, sometimes between the lines, that there are millions of dollars of savings for the taxpayers to be found in the exercise of simple and reasonable restraints on congressional mailing.

First, however, it is necessary to understand that the cost and volume figures are only estimates. Estimates of outbound mail from Washington come from counting bags and assuming how many pieces of mail are in them. Outbound mail from congressional districts is a little different kind of guessing game, probably less accurate than the Washington estimates.

There's a problem with the appropriations, too. Billings from the Postal Service lag behind actual use by a quarter and half. Payments against those billings are not revealed, but they surely are seldom made very quickly, and I suspect not even always made quarterly. There are no rules that force prompt, or even leisurely, payment.

For me, there is also a problem with counting inbound mail. Inbound volume increases are deceptive. A lot of the apparent increases are mail that requires no answer. A substantial portion is "Dear Colleague" letters which we write to each other to describe our brilliant programs and wonderful amendments. These letters swell our totals, but don't have to be answered.

Another large, and growing, portion of inbound mail does not need to be answered. This consists of ads, catalogs, announcements, reference group mailings, newsletters, newspapers, magazines, and the like. Increases in these types of incoming mail are deceptive because they carry no obligation to the Representative to make a reply.

Congressmen receive a lot of postcards. They are preprinted and generated by reference groups. We love them because they represent an opportunity for us to write back, but they are at the low value end of the communication scale.

Actually, there is no computation, or estimate, of the numbers of good, old-fashioned, first-class letters coming to Member's Washington offices from their own constituents. This component, the real mail, comprises a small percentage of the huge figure called inbound mail.

The report shows clearly that there is plenty of money to be saved. The Senate has given a good example of forbearance. The Senate with exactly the same constituency as the House uses less than one-half the funds consumed by the House. The difference lies in the restraints the upper House has laid on itself, and in the unwillingness of the lower House to accept similar restraints.

The report draws a stark distinction between the Houses that ought to embarrass this House into the adoption of self-imposed restraints. There is no reason for the House to be the big spender.

There are lots of good ideas to reduce mailing costs. Here are the ones that seem to me to be the best opportunities to reduce waste without unnecessarily restricting needed communications:

First, the House must assign accountability for mail costs to each individual Member. Every Member must have the same limits, either in pieces of mail, or dollars of cost, preferably the latter. The modest election year, and newsletter, restrictions are really not restrictions at all. In fact, we have an open-ended entitlement for Congress in our mail account.

Second, accountability limits must result in less mailing and lower costs than current ones. The higher spending in even numbered years reveals the frank as a blatant election device. The disparity between House and Senate costs shows the difference between control and willfulness. Accountability won't help much if the limits are set at the current high-spending levels.

Third, loopholes must be closed. When newsletters were restricted, Members flooded district mailboxes with town meeting notices. Each of us knows anecdotal lore which tells of hundred of thousands of such notices being sent for meetings at which a handful of constituents were present. Many observers consider such mailings a reelection device which puts an incumbent's name in a lot of mailboxes. Limits on notices are essential.

Another new loophole is the automated letter. Members can now personally address and individually type letters in any volume to any group on any subject. Reporting to constituents is one thing, but sending out many letters for each one received or to people who never write is considered another reelection device. Some new restrictions on this relatively recent type of letter are also necessary.

House newsletters are restricted to six per year. Six is more than enough, especially in election years. Six per biennium is more reasonable.

Another more recent phenomenon is the use of large mailings by committees, subcommittees, leadership offices and legislative support organizations.

Committees have lists of thousands of names, usually of the jurisdictional clientele. There is a fine line, or an indistinguishable one, between providing necessary information to the public, and building support for a chairman's bill.

It is reported that the former Speaker's fancy new office computer could store and use three quarters of a million names and addresses. Taxpayers are asking "What for?"

Legislative support organizations are inside interest groups funded by the taxpayers from Members' expense accounts. They can use the inside mail system to communicate with their members. Large, organized, and repeated mailings by these groups ought not to be funded by the taxpayers' but they are.

There will be some Members and some groups who will read the CRS Report and say that, since volume and cost have apparently been decreasing since 1984, we are on the right course. My own conclusion is that the figures are damning evidence that the Senate is doing a more responsible job than the House.

The House has steadfastly, cunningly and effectively avoided self discipline for much to long. We could save the taxpayers millions by action this year. All that is needed is leadership. If the leadership in the House is not up to it, perhaps we should import some of it from the Senate.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the Fazio substitute.

Mr. Chairman, let me simply say in a way I think this discussion is ironic, because what we are really talking about is communication. If we talk about the relative ability of the institutions of government to communicate with America's citizenry, I would suggest that this institution is extremely disadvantaged vis-a-vis the executive branch of Government. I find it ironic, for instance, that we are talking today about mailing, which in political terms, if one wants to discuss it in those terms, is regarded by many to be simply an old-fashioned way to communicate.

The modern-day politician in the White House has instant access to virtually every family in this country by simply walking into the Rose Garden and having an announcement or having a press conference. This institution has no similar capability to respond.

I know that Members of the other body are rapidly putting themselves into a position in which they can communicate through satellite linkup with their districts. I note that one of the Members of the other body from my State announced that he is going to be participating in four statewide news conferences every year. That too is expensive. That too provides instant communication, probably a whole lot

more effective politically than the rather old-fashioned approach that many Members have in the House in terms of communication.

I would also point out something else, however. The rules under which we are operating were not established in a vacuum. Before we set these rules, back a decade ago, we did something I suppose fairly quaint in the history of legislative bodies. We spent \$50,000 of the taxpayers' money to conduct a public opinion poll to find out what the American people wanted by way of House rules on some of these questions.

□ 1900

And we found some interesting things. When we asked the American people, for instance, in the poll at that time how much effort they thought their individual Congressman put into communicating with them by newsletter, we found out that people felt there was a 27-percent gap in terms of the way Members communicated with their districts versus the way they wanted them to communicate.

In other words, there was a 27-percent higher degree of demand for communication through newsletters on the part of our constituents than there was an assessment that we were using that communication tool. In the case of personal meetings with constituents through devices such as town meetings, we found only 66 percent of the constituents examined in the poll who felt that Members paid sufficient attention to the need to hold those kinds of meetings around their districts; whereas we found almost 93 percent who felt that those meetings ought to be held on a regular basis and that people ought to be notified so that they could attend those meetings.

So I suggest that the Fazio amendment is fully in compliance with the public's desire to know when they do have a chance to get a shot at us—figuratively speaking, of course. And I would suggest also that I find it ironic, when we are talking about the ability of this Congress to supposedly inundate our constituents with information when in fact if you compare it to the sophisticated techniques used by other branches of government you will find that we are in the horse-and-buggy age in terms of communication.

Mr. THOMAS of California. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. THOMAS of California. I thank the gentleman for yielding.

Mr. Chairman, I appreciate all of that poll material because it does indicate there is a greater need for communication. I think the cutting-edge point on this is whether or not the gentleman from California's [Mr. Fazio] amendment would allow you to announce a town hall meeting at a

particular location within your district but mail the announcement district-wide and do that repeatedly. If the amendment were to hold it to a reasonable number of ZIP Codes around the location that the meeting was going to be held, I think that would be a reasonable amendment.

Mr. OBEY. If I may reclaim my time, I simply say this committee does not have the parliamentary right to legislate on an appropriation bill.

Mr. THOMAS of California. I understand.

Mr. OBEY. I suggest the gentleman has demonstrated my point. If we want to correct this practice, what we ought to do is have the franking committee deal clearly and straightforwardly with this matter.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

(By unanimous consent Mr. OBEY was allowed to proceed for 1 additional minute.)

Mr. OBEY. I think what we have here is the responsibility of the Franking Commission to deal effectively with people who are abusing the privilege.

I think the beauty of the Fazio amendment is that it avoids a blunderbuss approach which gets in the way of responsible communication.

Mr. THOMAS of California. If the gentleman will yield once again.

Mr. OBEY. I yield to the gentleman.

Mr. THOMAS of California. I thank the gentleman for yielding.

Mr. Chairman, I believe the amendment was to include the postcards in the four districtwide mailers as one of those districtwide mailers which could in fact be broken down into the subgroups of the different ZIP Codes districtwide.

Mr. OBEY. I clearly understand that, but I suggest the better way to deal with it is the Fazio amendment which makes quite clear that the Committee on Appropriations is not going to legislate on an appropriations bill. We have in fact been criticized when we try to do that. I think that is a good reason for adopting the Fazio amendment today to avoid that.

Mr. UPTON. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong support of the Lewis amendment this evening.

Mr. Chairman, reducing the number of newsletters from six to four is a step in the right direction. As the gentleman from California [Mr. LEWIS] aptly pointed out this evening, only 87 percent of our body actually uses the full amount of the six newsletters.

Mr. Chairman, I am a relative newcomer around this institution. Yet I have pumped out a number of newsletters each year. I have looked back at them earlier this evening to see what we said. I went through each and

every one as we prepared to send them to the printer.

I have listed some of the bills that I have cosponsored; I talked about important issues like catastrophic health, section 89, issues of fairness for our citizens back in the Fourth District of Michigan.

I have listed bills that I voted for and bills that I voted against.

I have had information for farmers who might not have seen a local news story or whatever, news from the USDA and others that they might have missed along the line.

A recent newsletter that I just sent out a couple of weeks ago is my questionnaire, something I am quite proud of, that I do every year, where we include maybe 12 or 15 questions on various items to sort of gauge the district in terms of where they stand and to let them know some of the issues that we face in this body.

Often I get a lot of questions, like just this morning in some of the coffee shops: regular questions are a little too tough. And I suggested that maybe that is why my constituents sent me to Washington, "to deal with some of the issues that you raised." But we do have some tough questions. But I feel, as I look at the newsletters and the pattern that I have undertaken myself over the past 3 years, maybe there have been some abuses by some of our Members. Even though all of the newsletters should be checked through the Franking Commission, of course, before they are sent out—and that is a very important part—but maybe there has been some abuse. Maybe just before an election there are some things that are slipped in that perhaps should not be.

Well, by reducing it from six to four it will give the Members of this institution a better handle on what goes into their newsletters and in fact the newsletters, the remaining four that we send out, should be better newsletters than before and our constituents will look for our newsletters to come, saying, "Gosh, JERRY LEWIS' newsletter, look at this new information coming in." It will be a very positive approach as we zip down from six to four.

Obviously we will save the taxpayers some money as well.

With that, I want to say I rise in strong support of the gentleman from California's [Mr. LEWIS] amendment.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from California.

Mr. LEWIS of California. I thank the gentleman for yielding.

Mr. Chairman, I appreciate my colleague's statement. I wanted to mention just for the record that I have had a chance to review the mailing that the gentleman often sends to his constituents. He does a very fine job.

It is not the kind of abuse that I have been concerned about.

But I would mention one more thing, I say to my colleague, the gentleman from Michigan, which has not been said. The public is often concerned with the reality that incumbents have plenty of advantages around here, that we reelect Members of Congress almost as if there were no election.

To cut back the volume of unsolicited and unnecessary mail goes a long way toward increasing competition in the process.

I for one believe very strongly if we are going to improve our representative system, we must improve the amount of competition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. FAZIO] as a substitute for the amendment offered by the gentleman from California [Mr. LEWIS].

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. LEWIS], as amended.

PARLIAMENTARY INQUIRY

Mr. FRENZEL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FRENZEL. Mr. Chairman, will the Chair repeat the vote on the substitute amendment?

The CHAIRMAN. It was agreed to.

Mr. FRENZEL. I thank the Chair.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. LEWIS], as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CARPER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 392, noes 10, answered "present" 1, not voting 28, as follows:

[Roll No. 190]

AYES—392

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Army
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Bennett

Bentley
Bereuter
Berman
Bevill
Billakis
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Browder
Brown (CA)
Brown (CO)
Bryant
Buechner

Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combust

Conte
Cooper
Costello
Coughlin
Cox
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
DeWine
Dicks
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Fawell
Fazio
Feighan
Fields
Flake
Flippo
Florio
Foglietta
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer

Hubbard
Olin
Hughes
Hunter
Hutto
Inhofe
Ireland
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Martin (NY)
Martinez
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (OH)
Miller (WA)
Moakley
Molinaro
Mollohan
Montgomery
Moody
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nielsen
Nowak
Oberstar

Obey
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Rose
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Salki
Sangmeister
Sarpallus
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (MS)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny
(OR)
Smith, Robert
(NH)
Smith, Robert
(OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings

Stangeland	Thomas (WY)	Watkins
Stark	Torres	Waxman
Stearns	Torricelli	Weber
Stenholm	Trafficant	Weiss
Stokes	Traxler	Weldon
Studds	Udall	Whitten
Stump	Unsoeld	Williams
Sundquist	Upton	Wise
Swift	Valentine	Wolf
Synar	Vento	Wolpe
Tallion	Visclosky	Wyden
Tanner	Volkmer	Yates
Tauke	Vucanovich	Yatron
Tauzin	Walgren	Young (AK)
Thomas (CA)	Walker	Young (FL)
Thomas (GA)	Walsh	

NOES—10

Ford (MI)	Perkins	Wheat
Gonzalez	Sabo	Wilson
Hayes (IL)	Towns	
Oakar	Vander Jagt	

ANSWERED "PRESENT"—1

Parris

NOT VOTING—28

Aspin	Dingell	Matsui
Beilenson	Fascell	McCrery
Blibray	Fish	Michel
Broomfield	Gephardt	Mineta
Bruce	Hawkins	Morella
Collins	Hyde	Rostenkowski
Conyers	Jacobs	Whittaker
Courter	Livingston	Wyllie
Derrick	Marlenee	
Dickinson	Martin (IL)	

□ 1928

Messrs. GONZALEZ, WHEAT, TOWNS, and HAYES of Illinois changed their vote from "aye" to "no."

Mr. MANTON changed his vote from "no" to "aye."

Mr. PARRIS changed his vote from "no" to "present."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BRUCE. Mr. Chairman, on the last vote when I came over and voted on one of the electronic machines, I pushed green and should have been recorded as voting "aye".

□ 1930

AMENDMENT OFFERED BY MR. FRENZEL

Mr. FRENZEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRENZEL: Page 43, after line 11, insert the following new section:

Sec. 315. (a) PERCENTAGE REDUCTION.—Except as provided in subsection (b), each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 6.25 percent.

(b) EXCEPTION.—Subsection (a) shall not apply to amounts appropriated or otherwise made available under the item relating to "PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS", for the Office of the Chaplain under the item in title I relating to "SALARIES, OFFICERS AND EMPLOYEES", under the item relating to "OFFICE OF THE ATTENDING PHYSICIAN", and under the item in title II relating to "BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED—SALARIES AND EXPENSES".

Mr. FRENZEL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. FAZIO. Mr. Chairman, I reserve a point of order on the amendment.

May I ask the gentleman from Minnesota, is this the amendment that would cut, across the board, almost all the programs in the bill by 6.2 percent or \$97 million?

Mr. FRENZEL. It is.

Mr. FAZIO. This is that amendment?

Mr. FRENZEL. Yes.

Mr. FAZIO. Mr. Chairman, I thank the gentleman, and I withdraw my reservation of a point of order.

Mr. FRENZEL. Mr. Chairman, this is a percentage reduction across-the-board amendment which should be familiar to many Members of the House of Representatives.

This bill, the legislative appropriations bill, provides for an increase over last year of about 10.6 percent. Since our budget resolution provided for increases in spending overall of about 4½ percent, I sought to reduce the increase in the legislative appropriations bill to the level that we thought was fit for all functions of government.

I computed to bring this particular appropriation into conformity with the House budget resolution's overall spending increase, that it will be appropriate to cut by about 6.1 percent; however, I felt obliged to call for certain exceptions, payments to widows and heirs of deceased Members of Congress, the office of the Chaplain, the office of the attending physician, and books for the blind and physically handicapped were exempted. That meant that the cut had to be raised from 6.1 to about 6.25.

I compute that would be about a \$97 million reduction at that rate of a 6.5-percent cut.

That would mean that for the rest of the bill there would be over last year about a 4½-percent increase. I thought that was reasonable, because if we leave it the way it is we will be approving a rate of increase that is about twice, a little more than twice that which we have approved for the rest of the Government.

I do not believe that for our things, our staff, our services and our mail, we should have such a large rate of increase when we are not increasing it for the national defense or services to the poor or entitlements of one kind or another. I did not think Congress deserved to vote for itself at a much higher rate than it is willing to vote for other expenses.

So my amendment is very simple. It does not need a lot of explanation. I

have couched my amendment in budget authority, because that is what the Appropriations Committee tells me they like to work in, even though the budget resolution numbers that I am citing are in outlays, but this is most convenient for our purposes.

I believe that all the functions of Government should be raised at approximately the same level. I do not think we should lavish more spending on ourselves and our staff than we do on these other functions.

I believe that a vote for my amendment says something for equality, and a vote against my amendment indicates that Members think that their functions and their services and their staffs and their mail is more important than other services, such as national defense or AFDC or WIC or roadbuilding or whatever. I think they should all have some kind of rough parity. I tried to put it into this amendment. I hope the House will see fit to pass it.

Mr. FAZIO. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Minnesota.

Mr. Chairman, I am sure that my colleagues have not seen this chart, but if they would look at their Democratic study group report, they would quickly grasp the fact that the Congress of the United States, the legislative branch, has actually declined in real dollars in its expenditures from 1979 to 1989.

It is clear that the judiciary has seen an increase of over 60 percent during the last 10 years, adjusted for inflation. The executive branch has increased by about 25 percent and Congress has actually declined. In adjusted for inflation dollars, we have declined in the last 10 years in our expenditures.

Now, I know it is popular to stand here annually when this bill comes to the floor and talk about sacrifice and the need to set an example. I maintain that the House of Representatives and the legislative branch of this government has annually set an example. I think we have no reason to vote for an amendment like this, in order as my colleague, the gentleman from Wisconsin says to "Pose for holy pictures." I liked that so much that I thought I wanted to use it for once.

This is a Draconian amendment. Those people who work for our Appropriations Committee believe it would be the highest percent reduction in any appropriation bill in history.

This is a bill that is very, very tight. If you take out the question of increased mail costs, because of the rapidly increasing rates of postage of all types, which we have already debated ad nauseam tonight, if you take out those increases, this amendment would cut \$97 million, and the bill

itself is only \$72 million above the 1989 level.

Let us look at the internal elements of this bill to understand what we would be doing to ourselves, and I think to our constituents, if we agree to it.

There is \$52 million in here for cost-of-living adjustments for our employees and their health benefit cost increases.

I might add, that is not for Members of Congress. That is for our employees.

I would simply reiterate that \$52 million of the \$72 million increase over last year in this bill goes for mandatory payments to our employees for their health benefits and for their cost-of-living adjustments.

I was pointing out that, of course, the Members do not benefit from that cost-of-living adjustment, but we do have to give our employees the same increases that other executive branch people receive as well.

Then there are some price increases over which we had no control.

There is one single initiative in this bill that I think we can all take some pride in, to work down the backlog of books at the Library of Congress that need to be cataloged, not just for the Library here, but for libraries across the country who depend on the Library of Congress to do their cataloging.

This has not been in any sense of the term a padded budget.

□ 1940

Every year, regardless of whether we bring bills to the floor that have actually spent less than the prior year or whether we have modest increases that do not even keep up with inflation, we have these across-the-board amendments offered. I simply would ask the Members to reject this very deep cut that would decimate the legislative branch, not just the Congress, but the GAO, the Library of Congress, the Office of Technology Assessment, the Architect of the Capitol, and so many of the other things that serve the needs of the country and not just of Members of Congress.

Mr. CONTE. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Massachusetts [Mr. CONTE] is recognized for 8 minutes.

Mr. CONTE. Mr. Chairman, I intend to vote for this legislative branch appropriations bill, and I commend the chairman, ranking member, and the members of the subcommittee for their diligence and hard work. This bill has a narrow and very critical constituency, and the subcommittee has to dodge a lot of arrows.

I am going to shoot a few arrows myself now, but not at the subcommittee. My target is what regrettably

could be described as "Fortress Capitol."

My target is the alarming growth in the numbers and equipment of the U.S. Capitol Police, especially under the leadership of the current Sergeant at Arms. If things keep going the way they have over the past 6 years, we can rename this place, "Fort Russ."

Since fiscal 1982, the number of Capitol Police has grown by 177 positions to a grand total of 1,340—1,340 police people to guard nine buildings and surrounding grounds. And they asked for 78 more positions in this budget. Thank God we did not give it to them.

It costs \$1,178.54 to dress up and equip each and every one of those officers. That cost has gone up by 25 percent since 1982. It takes up a full, single-spaced page just to list all of the equipment we are buying for every officer. It is a wonder they can even walk with all that hardware. I am worried they are going to get hernias.

Not that they have to walk, anyway. Since 1982, the Capitol Police fleet has grown from 70 vehicles to 132. That is an increase of nearly 90 percent. They have a Ram Charger, a Cushman, 3 Suburbans, 2 buses, 4 Blazers, 4 trucks, 5 station wagons, 6 special vehicles, 11 vans, 45 sedans, and, get this, 50 motorcycles. Fifty motorcycles. They make the Shriners look like pikers, I just thought of that.

Of course, when you have all of those bodies and all of that equipment, you have got to have a bureaucracy. Their organization chart looks like the Pentagon's.

The Department has bureaus, it has divisions, it has sections, it has units, it has teams, and it has offices.

They have separate divisions for the House, the Senate, and the Capitol, which are themselves further divided into three sections each.

There is an intelligence section, a hostage negotiation unit, a ceremonial unit, a public information office, a maintenance section for all of those vehicles, and, if all else fails, a special events section and one of how to get out of a telephone booth in case they got caught in there. In all, there are 85 boxes in their organization chart.

I know this sounds like a joke, but it is not. It is true, and it is expensive. The bill provides \$56,253,000 for Capitol Police salaries and \$1,884,000 for general expenses. That represents an increase of \$31,534,000, or 128 percent, for salaries since 1982, and an increase of nearly \$1 million, or 112 percent, for general expenses over the same period.

Mr. Chairman, this is crazy. Somebody is building an empire here right under our noses.

We have all of these bodies stumbling all over each other, we have police vehicles causing traffic jams up here, we have metal detectors, bomb detectors, closed-circuit television cam-

eras and alarm systems, and our poor friend over here got hit by one of those damn things. Oh my God, he has to wear that thing on his head all day. It is terrible, frightening, frightening to go anywhere. And still they ask for more in connection with the long-awaited security plan for the Capitol.

In 1801, there was one person assigned to guard the Capitol, and his job was "to expel disorderly persons, vagrants, and beggars" from the building. I do not think we have gotten that bad since then. In 1928, the U.S. Capitol Police were officially formed, consisting of one captain and three men. That is all they had for the next 25 years.

Now we have an army, and an increasingly well-equipped army. There is a proposal lurking about somewhere to upgrade every officer's sidearm from a .38-caliber revolver to top-of-the-line 9-millimeter high-power pistols. Better to snarl at the tourists with, I guess. That little change would cost an additional \$400,000.

In the name of security they have given us a monster. It is time to get this situation under control. We run this place, not the officers of the House. I urge the chairman and the leadership to take a hard look at these statistics.

Mr. Chairman, I worry every morning, every morning when I drive in here. I think all the Members drive in here, and we go in the garage, and there are four garage attendants there, and I am afraid that I am going to run over them, and then there are three policemen backing the garage attendants. When are we going to stop this folly? And one wonders why, Mr. Chairman, that I am supporting this amendment. You are going to take me serious one of these days. If we do not reclaim control of our army, it may turn on us.

Mr. OBEY. Mr. Chairman, I rise to strike the requisite number of words.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I am happy to yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I enjoy the gentleman from Massachusetts as much as anybody does, and I think he points out some problems. Our committee, frankly, when the security plan for the Capitol was accepted by our whips, and agreed to by our leaders on both sides of the Capitol was submitted to our committee for funding, we did not allow one new policeman. We said that security plan needed to be implemented within existing personnel and rejected the request for 74 new policemen. All we have in this bill is the cost-of-living adjustment for our police force. We actually cut the general ex-

penses of the police force by \$3 thousand this year, sending a message perhaps.

There is no question that this is a much different time, and far more security is needed in this area, and I suppose tonight as we contemplate the events in the Mideast, we ought to be aware of the fact that we are not only in a relatively dangerous community but also in an area where terrorism could at some point find a mark.

I find our Capitol Police in general have been increasing in competence every year. In fact, if we have a problem today; it is that our pay is not adequate to keep the best and the brightest of them from being taken away by the suburban police forces around us.

I know the people on House Administration, like the subcommittee chairman, the gentlewoman from Ohio [Ms. OAKAR], are going to be looking at ways in which we can do a better job to save money that we now waste when we train people at the Federal Law Enforcement Training Center and then have them taken away by Fairfax County or Montgomery County. We have a very serious problem here, but I think we are dealing with it as fairly as we can given the personnel we have.

Mr. Chairman, I think we can do better, and I appreciate the remarks of the gentleman from Massachusetts [Mr. CONTE] in that context.

Mr. OBEY. Mr. Chairman, I simply would like to make a couple of points of my own in response to what the chairman said.

I am going to make a very personal statement.

I do not think that there is anybody in this House who takes more time, who spends more effort to try to bring a balanced bill to this House than does the gentleman from California. It is not an easy job to deal with a bill like this, because it is a bill on which lots of people like to pose for political holy pictures.

□ 1950

But I would suggest that I think this institution owes the gentleman from California its support. He is the individual who goes through all of these line items, who tries to do a first-rate job in scrubbing that budget so what we have in this bill is defensible. I think the Members of this House have an obligation to support him on it.

I would simply make a couple of other points. We can chuckle all we want about the Capitol Police force. I have had my unhappy experiences in a situation or two with them in the past myself. But let me tell Members something. I do not see people laughing about the fact that we have not had anybody in this gallery over the last year or year and a half with a bomb like we had 2 or 3 years ago. I remember being on that side of the aisle talk-

ing with the gentleman from Wisconsin [Mr. PERRI], and the gentleman from New York, Mr. Kemp, when we saw an altercation in the gallery and at the time I remember we were objecting because we thought the guards were being too rough on the fellow up in the gallery. Afterwards we found out he had enough plastic explosives on him to blow up two-thirds of the Chamber.

It is not very funny when we think about that. It is funny when we think about a cop out on the street somewhere, not very funny when we bring that problem in here.

I would suggest to Members this bill is a responsible bill and it is at a responsible level. We have been more responsible in our own budgeting than has the executive branch of Government, and I think we have a right on this committee to ask each and every Member of this House to support this bill as is.

Mr. ALEXANDER. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I will not take the time, but I do wish to make a couple of points. One is I want to compliment the gentleman from California [Mr. FAZIO], and his counterpart, the other gentleman from California [Mr. LEWIS], for their fine service in bringing to this House a bill that is balanced. I served as a member of this Appropriation Subcommittee for two terms and yielded then to another Member so that Member could be a member of this subcommittee this year. But I have followed the work of this subcommittee, and it is a good bill that they bring to the House.

At a time when other budgets are increasing, like the White House budget, and I serve on the Appropriations Subcommittee for the White House, and that budget has increased, the committee has reduced the budget for the Congress, and at a time when terrorist threats and other threats are increasing rather than decreasing.

I wish to compliment the Capitol Police. They are on the job when the weather is good, when it is bad, when it is cold, regardless of the circumstances. I think they do a superb job.

When I first came here about 20 years ago I brought with me some of my campaign workers, one of whom needed a job. He was a college student, and I found there was an opening on the Capitol Police force. He got the job. They gave him a badge and a gun. He did not even know which end of the gun the bullet came out of. He had no previous experience as a policeman. By contrast, today the Capitol Police force are trained, they are experienced, they are courteous. They are among the best police forces in our great country.

Finally, one other point. I recall the data a couple of years ago about the number of bombs. I just would ask the chairman the number of bombs that were taken from tourists that came through the Capitol. Mr. Chairman, how many bombs did the Capitol Police take off the tourists last year who came to this gallery?

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I do not think I can give the exact number, but there were 130 bomb searches, and 102 suspicious packages that were determined to be of concern by the hazardous device section of the police force.

Mr. ALEXANDER. I recall the data of just about 2 years ago of 75 explosive devices that were taken from tourists that went through these galleries.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am not really certain that the numbers per se are important, but the point the gentleman makes is very important. I know my colleagues from Massachusetts is concerned that the expansion of the police force around here, and frankly I think we can all agree with that concern.

On the other hand, I think the public generally knows that we live in very dangerous times. There have been occasions around here where if the kook who might have placed a bomb had had our schedule correct he might have killed half the Members in the cloakroom of the other body. Indeed, we have had problems here in our Chamber. It is a very, very serious business.

Having said that, since some of those occasions took place, perhaps some of the police force concerns have gotten out of hand, and we are attempting to get a handle on that by effectively insisting on a plan before we go further in terms of law enforcement around the Capitol.

The gentleman makes a very important point further. That is a 6-percent cut in our budget is almost draconian. It is the largest in the history perhaps of this bill, if it were to pass, and it could cut some items that are very fundamental in terms of the Members' ability to work around this place.

Again, I thank the gentleman for yielding.

Mr. ALEXANDER. I think in summary the committee has already cut to the bone this budget, and any further attempt to cut the budget of the legislative appropriation bill could be classified as irresponsible.

I hope the Members will reject the amendment that is presented by the gentleman from Minnesota, and that we will continue to support the work of this committee, which I think is highly responsible.

Mr. BURTON of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will just take 1 minute. I understand that the natives are restless and they want to vote on this. But I think there are times around this place when we are penny-wise and pound-foolish.

I stood on this floor about 3 weeks ago and I told the Members that one of my staff was attacked in her apartment by a fellow, and he ran a 4-inch knife through her hand, bit her three times and tried to kill her. They fell down a flight of stairs, and if it had not been for falling down the flight of stairs, and her being able to get to a door and to open it, she would be dead tonight. That was two blocks or three blocks from the Capitol.

We have a real problem with crime in this city. This is the drug capital of America and one of the murder capitals of America. And if the Mayor of this city is not going to do the job, and I do not think he is, then we in this body have to take it upon ourselves to do some of these things that need to be done. And if that means beefing up the Capitol Police, then so be it.

Now it is not just Members who are involved, it is our staffers and people who live around this place. I submit that this additional money is necessary. It is necessary, and I am about as fiscally conservative as anybody in this body.

But I will tell Members something. We need to do something about the crime, and we need to do something about it right now.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, let me say that the gentleman from Indiana is providing a real contribution to this portion of this discussion. It is easy to rail away about this bill, but indeed the public ought to know just how dangerous this Capitol is. We have problems out here in the streets across America, but we have very real problems right around the Capitol of the United States. I appreciate the gentleman's comments.

Mr. BURTON of Indiana. I thank the gentleman from California for saying that. This is the No. 1 crime problem, No. 1 crime problem in America, the U.S. Capitol.

Ms. OAKAR. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I want to congratulate the chairman and the ranking member for this bill. I have heard it compared to the defense bill which is a \$300 billion or more bill, and this is about a half a billion dollar bill.

It is true that part of the bill relates to clerk hire and so forth. I have not seen those hire allowances raised in a long, long time.

I want to talk about several other issues though, because I sit on the House Administration Committee and as the chair of one of the subcommittees and work closely with our chairman and ranking member, the gentleman from Kansas [Mr. ROBERTS], on these issues.

I want to say a few words about the mail, since we voted to reduce our access to the American people a few minutes ago.

I think a lot of Members do not worry about the housekeeping kinds of issues related to making the House operate effectively, and maybe they do not know this, but we have had to hire 52 more individuals on a temporary basis just to deal with sorting the mail. Members knew we have had mail backlogged for 2, 3, and 4 weeks, and I know they have heard from their constituents that we are not being able to answer the mail properly. We have had to allow the postmaster of the House more space, 2,500 square feet more space.

□ 2000

We have had mail in the corridors, in parking spots and so on because the American people choose to communicate with us more. We have had 2 million more pieces of mail in the last 6 months than we did at this time last year.

Now what do you want Members of Congress to do? Not respond to their constituents? I think the American people write a letter because they want an answer. I think to cut back on those official mail costs which this amendment would do—and I have the deepest respect and, frankly, fondness for the gentleman from Minnesota—but I think at this point in time you cannot do it. I want to say a word about another area; \$211 million of this goes for the Library of Congress. The Library of Congress is the premier library in a free society. Do we want to take away the avenues of this type of freedom from the American people? Do we want to take away the research service that we have? Do we want to eliminate the service that we have to our handicapped and infirm across the country? Do we want to take away the outreach program that the Library of Congress is doing to our own public libraries?

I do not think we want to do that in a free society. Yes, I do want to defend the Capitol Police.

I want to say one quick thing about that. We are trying to deal with the safety and security not only of Members of Congress but the millions, yes, millions of tourists who come to the Capitol, who want to see the Capitol, who are American citizens and our international visitors.

We have a difficult time deciding whether we want our Capitol to be open to the American people and to our international visitors or do we want it to be a closed kind of operation where tourists do not have access to something they own as Americans?

It is a fine line in deciding between safety and making this open.

Yes, we can all pick our favorite individual whom we have seen, you know, walking around and perhaps not appearing to do his job. But the fact is that it was only several years ago that we even had any metal detectors in our own Capitol. Why do we have that? We should not even be, frankly, talking about this publicly because it is very, very difficult to make sure that we do not have these, some few, people who would choose to terrorize the Capitol and, indeed, jeopardize the lives not only of our staffs and Members of Congress but the millions of people who visit here.

I also want to say to my dear friend from Massachusetts, as critical as I can be in a private way about the operations sometimes of our own people, I did take offense at the fact that he chose to attack an individual publicly.

I do not think he deserves that.

The CHAIRMAN. The time of the gentlewoman from Ohio [Ms. OAKAR] has expired.

(By unanimous consent, Ms. OAKAR was allowed to proceed for 2 additional minutes.)

Mr. ROBERTS. Mr. Chairman, will the gentlewoman yield?

Ms. OAKAR. I yield to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. I thank the gentlewoman for yielding.

Mr. Chairman, I have a job that I did not ask for. I am the ranking member of the Subcommittee on Personnel and Police of the Committee on House Administration, with Mr. PANETTA, who was the chairman and now the gentlewoman from Ohio is the chairperson.

This amendment is simply a 6½-percent cut across the board. It is not aimed at the police department. But I want to mention a few points with regard to our police.

Late in 1976 when I was a staff member on the Senate side, I remember Resurrection City, I remember the riots, I remember the Marines on the Capitol steps with sandbags. We made a decision in the seventies to go with a professional police force. It was patronage up to that point.

If you think people sit around and visit, play "grab thine posterior" now, you should have seen it then. Today, we have a professional police force.

Yes, I know about the pyrotechnics of the gentleman from Massachusetts, but the pyrotechnics that I worry about were in that gallery right up there when a demented soul has a plastic device that would have rid the House of one-third of our Members.

I am telling you, folks, that we are \$5,000 short in comparison of your average salary with our police personnel with the other law enforcement agencies around this town, and our police are better trained and go to the agencies.

We are now debating a security package. We will get that done and we will improve the security. But this body can neither be an open Capitol or a fortress.

Our police have to be professional to do their job with that kind of a mission. This is a different day. It is not a simple day.

It is not 1860.

The number of terrorist threats, some of which I can talk about and some of which I cannot, increase daily. We must have a professional police force.

I long to go back to those days, but those days do not exist.

If we are worried about a bus or transportation, think about this: Do you wish to ride that bus to Arlington and stand at the gravesite ceremonies of your colleagues because of a terrorist threat that we did not meet because we did not professionalize our police force?

If you want to vote for the 6½-percent cut, fine, and I may join Mr. FRENZEL, but let us not perjure our fine police force.

Mr. BROWN of Colorado. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have heard the amendment offered by the gentleman from Minnesota described this evening as a Draconian cut. One of our Members even described it as an effort to take away freedom from the American people.

What does this so-called despicable, dangerous act do? First of all, I think it might be noted that it is not a cut. It has been described as a cut, but it is not a cut. As a matter of fact, the budget calls for a 10.6-percent increase. What this amendment does is merely bring it back to the same level of increase that the rest of the budget receives, approximately a 4.5-percent increase. In other words, in the rhetoric of this House, a 4.5-percent increase is such a severe punishment that it is called a Draconian cut.

One wonders what an actual reduction would be termed.

Now there are burdens on the people who must defend these amendments

that are heavy burdens. But I think none more heavy than having to defend the congressional budget.

The truth is we packed our staffs and committees so full that some of the committee hearings cannot even accommodate the staff, much less the public.

If you compare the personnel involved in Congress with the personnel of every other deliberative body on the face of the Earth, there is not one that has as many people as this Nation's Congress has. But we are not just the gold medal winners, we are 10 times more than the silver medal winners.

We have a staff that is 10 times as big as any other Government in the world for its deliberative body. This does prove this Congress has a sense of humor. But the gentleman from Minnesota's amendment is a modest one. It merely suggests that the increase will be 4.5.

Let me suggest that if this Congress ever gets serious about the budget and the deficit that we will be studying real reductions, not some modest increase.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from California.

Mr. LEWIS of California. I thank the gentleman for yielding.

Mr. Chairman, I will not take much time, but the gentleman makes the point that the 6.2-percent cut is somewhat less than the overall increase of the total budget.

If you take out the increase in mail costs that is involved here, an item I addressed myself to earlier, and partially was successful with, but not nearly as successful as I hope in the future, the actual increase was something under 5 percent. Indeed, if the 6.2-percent across the board should take place, it is going to impact programs very severely, not mail programs, it would impact programs very severely that would indeed affect the ability of Members to service their constituents.

Mr. BROWN of Colorado. Let me inquire of the gentleman from California: The committee report indicates a recommended increase in funding of \$152 million, bringing us close to \$1.6 million. I believe it is \$1.592 million.

□ 2010

Is the gentleman implying the previous amendment reduces the previous dollar totals?

Mr. LEWIS of California. No, the gentleman was not implying that. There was an attempt to settle in real terms, a substitute that undermined that. I have a lot of plans to cut mail extensions, but that will not be successful.

Mr. BROWN of Colorado. If the gentleman will further yield, I want to

commend the gentleman for his efforts in the mail control.

Let me emphasize, the entire Capitol Police Force is only 3 to 4 percent of the budget, leaving 4.5 percent overall increase for Congress itself, if the amendment passes.

The CHAIRMAN pro tempore (Mr. DONNELLY). The question is on the amendment offered by the gentleman from Minnesota [Mr. FRENZEL].

The question was taken; and the Chairman announced that the yeas appeared to have it.

RECORDED VOTE

Mr. FRENZEL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 167, yeas 246, not voting 18, as follows:

[Roll No. 191]

AYES—167

Archer	Harris	Ravenel
Armey	Hayes (LA)	Regula
Baker	Hefley	Rhodes
Ballenger	Henry	Rinaldo
Bartlett	Herger	Ritter
Barton	Hill	Robinson
Bates	Hoagland	Rogers
Bellenson	Holloway	Rohrabacher
Bereuter	Hopkins	Roth
Billakis	Houghton	Roukema
Billiey	Huckaby	Rowland (CT)
Boehlert	Hunter	Saiki
Broomfield	Hutto	Sarpalius
Browder	Inhofe	Saxton
Brown (CO)	Ireland	Schaefer
Buechner	James	Schiff
Bunning	Johnson (CT)	Schneider
Byron	Kasich	Schroeder
Callahan	Kolbe	Schuetz
Campbell (CA)	Kyl	Schulze
Campbell (CO)	Lagomarsino	Sensenbrenner
Chandler	Leach (IA)	Sharp
Clinger	Lewis (FL)	Shaw
Coble	Lightfoot	Shays
Combest	Livingston	Shumway
Conte	Lloyd	Shuster
Cox	Long	Slattery
Craig	Lukens, Donald	Slaughter (VA)
Crane	Machtley	Smith (NE)
Dannemeyer	Madigan	Smith (TX)
DeLay	Martin (NY)	Smith (VT)
DeWine	McCandless	Smith, Denny
Dickinson	McCollum	(OR)
Dornan (CA)	McCrery	Smith, Robert
Douglas	McEwen	(NH)
Dreier	McMillan (NC)	Smith, Robert
Duncan	Meyers	(OR)
Emerson	Michel	Snowe
Erdreich	Miller (OH)	Solomon
Fawell	Miller (WA)	Spence
Felds	Montgomery	Stearns
Frenzel	Moorhead	Stenholm
Gallely	Morrison (WA)	Stump
Gekas	Murphy	Tauke
Gillmor	Nelson	Tauzin
Gillman	Nielson	Thomas (CA)
Gingrich	Olin	Thomas (WY)
Glickman	Owens (UT)	Trafilant
Goss	Oxley	Upton
Gradison	Parker	Vander Jagt
Grandy	Patterson	Vucanovich
Grant	Paxon	Walker
Gunderson	Pease	Weber
Hall (TX)	Petri	Weldon
Hammerschmidt	Pickett	Yatron
Hancock	Porter	Young (FL)
Hansen	Pursell	

NOES—246

Ackerman	Annunzio	Barnard
Akaka	Anthony	Bateman
Alexander	Applegate	Bennett
Anderson	Atkins	Bentley
Andrews	AuCoin	Berman

Bevill	Hatcher	Panetta
Boggs	Hawkins	Parris
Bonior	Hayes (IL)	Pashayan
Borski	Hefner	Payne (NJ)
Bosco	Hertel	Payne (VA)
Boucher	Hochbrueckner	Pelosi
Boxer	Horton	Penny
Brennan	Hoyer	Perkins
Brooks	Hubbard	Pickle
Brown (CA)	Hughes	Poshard
Bruce	Jenkins	Price
Bryant	Johnson (SD)	Quillen
Burton	Johnston	Rahall
Bustamante	Jones (GA)	Rangel
Cardin	Jones (NC)	Ray
Carper	Jontz	Richardson
Carr	Kanjorski	Ridge
Chapman	Kaptur	Roberts
Clarke	Kastenmeier	Roe
Clay	Kennedy	Rose
Clement	Kennelly	Rowland (GA)
Coleman (MO)	Kildee	Roybal
Coleman (TX)	Klecza	Russo
Cooper	Kolter	Sabo
Costello	Kostmayer	Sangmeister
Coughlin	LaPalce	Savage
Coyne	Lancaster	Sawyer
Crockett	Lantos	Scheuer
Darden	Laughlin	Schumer
Davis	Leath (TX)	Sikorski
de la Garza	Lehman (CA)	Sisisky
DeFazio	Lehman (FL)	Skaggs
Dellums	Leland	Skeen
Derrick	Lent	Skelton
Dicks	Levin (MI)	Slaughter (NY)
Dixon	Levine (CA)	Smith (FL)
Donnelly	Lewis (CA)	Smith (IA)
Dorgan (ND)	Lewis (GA)	Smith (MS)
Downey	Lipinski	Smith (NJ)
Durbin	Lowery (CA)	Solarz
Dwyer	Lowey (NY)	Spratt
Dymally	Lukens, Thomas	Staggers
Dyson	Manton	Stallings
Early	Markey	Stangeland
Eckart	Martinez	Stark
Edwards (CA)	Mavroules	Stokes
Edwards (OK)	Mazzoli	Studds
Engel	McCloskey	Swift
English	McCurdy	Synar
Espy	McDade	Tallon
Evans	McDermott	Tanner
Fascell	McGrath	Thomas (GA)
Fazio	McHugh	Torres
Feighan	McMillen (MD)	Torricelli
Flake	McNulty	Towns
Flippo	Mfume	Traxler
Florio	Miller (CA)	Udall
Foglietta	Mineta	Valentine
Ford (MT)	Moakley	Vento
Ford (TN)	Molinari	Visclosky
Frank	Mollohan	Volkmer
Frost	Moody	Walgren
Gallo	Morrison (CT)	Walsh
Garcia	Mrazek	Watkins
Gaydos	Murtha	Waxman
Gejdenson	Myers	Weiss
Gephardt	Nagle	Wheat
Gibbons	Natcher	Whittaker
Gonzalez	Neal (MA)	Whitten
Goodling	Neal (NC)	Williams
Gordon	Nowak	Wilson
Gray	Oakar	Wise
Green	Oberstar	Wolf
Guarini	Obey	Wolpe
Hall (OH)	Owens (NY)	Wyden
Hamilton	Packard	Yates
Hastert	Pallone	Young (AK)

NOT VOTING—18

Aspin	Fish	Morella
Bilbray	Hyde	Ortiz
Collins	Jacobs	Rostenkowski
Conyers	Marlenee	Sundquist
Courter	Martin (IL)	Unsoeld
Dingell	Matsui	Wylie

□ 2028

The Clerk announced the following pair:

On this vote:

Mr. Marlenee for, with Mrs. Collins of Illinois against.

Mrs. LLOYD changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 2030

AMENDMENT OFFERED BY MR. THOMAS OF CALIFORNIA

Mr. THOMAS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. THOMAS of California: At the appropriate place, insert the following:

Sec. . None of the funds made available by this Act shall be used for any mass mailing of franked mail by a Member of Congress, or a Member-elect to Congress, which would be in violation of section 3210(a)(6) of title 39, United States Code, if, for purposes of section 3210(a)(6), such mailing were considered to have been mailed—

(1) on the date as of which it is postmarked; or

(2) if the mail matter is of a type which is not customarily postmarked, on the date as of which it would have been postmarked if it were of a type customarily postmarked.

Mr. THOMAS of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. THOMAS of California. Mr. Chairman, the Government code requires that for a piece of franked mail to be sent prior to an election, it must be done so more than 60 days before the election. Our rules say that if you get it to the House Distribution Service, more commonly known as the folding room, not less than 62 days before the date of the election, with instructions for immediate dispatch, that you can in fact mail that piece regardless of the United States Code.

What has occurred is that immediate dispatch is turned into 20 days, 30 days, and sometimes 40 days closer than the 60 days in the code.

What this amendment provides for is that the 60 days shall be determined by a postmark, and if that piece of mail is not ordinarily postmarked at the time that it would customarily be postmarked, if it were postmarked.

Mr. FAZIO. Mr. Chairman, I accept this amendment. I think it is in keeping with the rules of the House and certainly provides fair play to our opponents. I hope that all the Members will accept this amendment.

Mr. LEWIS of California. Mr. Chairman, if the gentleman will yield, the gentleman makes a significant contribution to our area to reform this whole area dealing with the mail. I have no objection to the amendment.

Mr. MOODY. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of California. I yield to the gentleman from Minnesota.

Mr. MOODY. Mr. Chairman, I certainly agree with the intention, but what if we get our mail to the post office in plenty of time and they simply do not move it in time? What will happen?

Mr. THOMAS of California. Mr. Chairman, I tell the gentleman that one of the problems has been that the Members are relying on the flexibility of the folding room to provide cover from the 60-day requirement.

This places the responsibility back on the shoulders of the Member and they are simply going to have to get their mail in earlier and if it is blocked up at that time that the 60 days comes, after one or two times when there is no money provided for the mailing, we will police ourselves more appropriately. It is simply wrong to assume that the folding room can be an elastic expansion of the 60-day requirement. There are too many criticisms. It simply is not the best way to go.

The law says 60 days or you cannot frank it. The responsibility is on us.

Mr. MOODY. Mr. Chairman, if the gentleman will yield further, why not make it a date certain going back 20 or something, because we cannot control the folding room. I have seen those numbers jump all around.

Mr. THOMAS of California. Mr. Chairman, I will tell the gentleman from Wisconsin, this amendment says that it has to be out and postmarked by the 60 days. That is the day certain. We do not now have a day certain. We now have a day certain.

Mr. MOODY. How do we control that postmark if we give it to them 40 days ahead of time, they still do not make it.

Mr. THOMAS of California. Get your franked pieces in early.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. THOMAS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY: Page 43, after line 11, add the following new section: Sec. . (a) No part of the funds appropriated in this Act may be used to establish or maintain any office in the United States Capitol as a personal office of a Member.

(b) For purposes of this section, the term "Member" means a United States Senator, a Member of the House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.

Mr. OBEY. Mr. Chairman, I would simply suggest that the purpose of this amendment is to eliminate the funding for the 78 hideaways which we have been told exists for Members of the other body. We get a great deal

of gratuitous advice about how we ought to run our affairs from the other body. It seems to me that if we take into the account the fact that we are in the process now of having to lease outside space at \$35 a square foot because we have a huge amount of square footage in this Capitol Building, a very precious floor space being taken up by hideaways, it seems to me that we could save at least \$3 million to \$4 million if we adopt this amendment.

I want to make clear this limitation only applies to personal offices. House and Senate leadership, policy organizations such as the majority and minority conferences, and House and Senate committees or joint committee offices are excluded, as are offices, for instances, of the chairman and ranking member of the Appropriations Committee, the Ways and Means Committee, et cetera.

Mr. Chairman, I would urge support for the amendment.

Mr. FAZIO. Mr. Chairman, I rise in support of the amendment of the gentleman from Wisconsin [Mr. OBEY].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RAY

Mr. RAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RAY: Page 3, line 25, strike "\$19,577,000" and insert "\$18,877,000".

Mr. RAY. Mr. Chairman, I rise to offer a simple amendment which deletes the funding for the purchase of 1 million Capitol Historical Society calendars which is included in a line item in H.R. 3014.

The cost of these calendars is \$700,000.

Mr. Chairman, I've called the Post Office to determine the cost of mailing one calendar, and the Post Office informed me that each one carries a first-class postal charge of \$1.25. This is a total of \$1,250,000 in just the cost of postage alone.

Therefore, the cost of calendars—\$700,000—plus the postage of \$1,250,000 comes to a total of \$1,950,000.

It's really difficult for me to even imagine that in these tough times when every day we read reports of the huge Federal budget deficit—increasing staff costs—and unnecessary perks that are available to Members of Congress, that this item would even be in the budget.

Members do not have to ask for this perk because it is automatically given to them. There is a provision, however, which allows each Member to spend up to \$2,000 from their official expense allowance to purchase official publications—which these calendars are, if they feel strongly about their

value. But even the official expenses allowance is taxpayer's money. In these times of budget crisis, I believe that it is imperative for the Congress to lead the way, and this is an opportunity to save \$700,000 from this appropriation.

Let me again point out that my amendment deletes funding for the bulk purchase of 1 million Historical Society calendars. This does not prohibit Members from spending up to \$2,000 from their own official expense allowance to purchase calendars. Such a purchase is authorized under the Congressional Handbook guidelines. My amendment requires each Member to make the decision on whether to buy calendars instead of receiving up to 2,500 for free.

My colleagues, I encourage you to send a signal that we are concerned about the little items in the budget just as we are about the huge ones such as the savings and loan bailout, the B-2 bomber, and others.

Vote to save \$700,000. Vote for this amendment.

Mr. MOODY. Mr. Chairman, will the gentleman yield for a question?

Mr. RAY. I yield to the gentleman from Wisconsin.

Mr. MOODY. Mr. Chairman, I would rise to oppose this amendment, because the calendar is one of the good things we do around here. I get a lot of positive response from my schoolchildren and others about these educational calendars. I do not think they are a waste of money.

I do agree with the gentleman that they should not go first class.

□ 2040

Would the gentleman consider a friendly amendment to stipulate that they must go bulk rate and save a lot of money that way?

Mr. RAY. Not at this time.

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. RAY. I am happy to yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Chairman, would it be out of order to take this amount of money out of travel expenses? Because I have an idea that people would rather get the calendars than to see us on so many occasions.

Mr. RAY. That may pertain to the gentleman. I do not think it does to some of us.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. RAY] has expired.

Mr. KOSTMAYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I offered this amendment when I was 30 years old. I came to the Congress in 1977, and I am going to be 43 in September, and I have learned a lot in the last 12 years. One of the things I have learned was that this was a bad amendment in

1977, it is a bad amendment in 1989, and I hope the Members will reject it.

Mr. BATES. Mr. Chairman, the House has already obligated funds for the Capitol Historical Society calendars by placing an order for them. The number of calendars ordered by the House is not unreasonable. In fact, the numbers of calendars ordered by the House has not changed in 5 years. The House has placed an order this year for 1 million calendars, the same amount that was ordered in 1984.

There was a proposal recently to increase the number of calendars that each Member receives by 500. This proposal was resisted by the Committee on House Administration.

The Capitol Historical Society calendar is an educational tool appreciated by many constituent groups. It is distributed by Representatives and Senators to schools and constituents in districts throughout the country.

For these reasons, I hope the Members will reject the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. RAY].

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. RAY. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk, read as follows:

Amendment offered by Mr. WALKER: In title III on page 43, after line 11, insert the following new section:

SEC. 315. No department, agency, or instrumentality of the United States receiving appropriated funds under this Act for fiscal year 1990, shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its work places are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, this amendment is to try to clarify that, indeed, the Congress is covered under the drug-free workplace requirements. I think that both gentlemen from California are prepared to accept it.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, is this the same amendment that has ap-

peared in the Treasury bill and prior appropriations?

Mr. WALKER. Yes, it is.

Mr. FAZIO. If the gentleman will yield further, we certainly see no harm in making it clear that it applies in the legislative branch, as I believe it always has.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman's contribution.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER]. The amendment was agreed to.

AMENDMENT OFFERED BY MR. PENNY

Mr. PENNY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PENNY: On page 12, line 10, strike "134,731,000," and insert "124,532,000."

Mr. PENNY. Mr. Chairman, this amendment reduces the appropriations for official mail by \$10,199,000, from the \$134,731,000 appropriated in this bill to \$124,532,000. The reduction will keep the legislative appropriation within the committee's 302(b) outlay allocation after amounts for the Senate are accounted for. It brings it back within budget and ought to send a good message as to our willingness to cut back on franked mail.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. PENNY. I am happy to yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I will be happy to accept the gentleman's amendment, although I do think that the Members should vote on it. If we vote on this amendment, we should be ready to vote on final passage, so we will have two votes together.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. PENNY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FAZIO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 405, noes 8, answered "present" 1, not voting 17, as follows:

[Roll No. 192]

AYES—405

Ackerman	AuCoin	Bereuter
Akaka	Baker	Berman
Anderson	Ballenger	Bevill
Andrews	Barnard	Billakis
Annunzio	Bartlett	Billey
Anthony	Barton	Boehlert
Applegate	Bateman	Boggs
Archer	Bates	Bonior
Armey	Beilenson	Borski
Aspin	Bennett	Bosco
Atkins	Bentley	Boucher

Boxer	Gordon	McCrery
Brennan	Goss	McCurdy
Brooks	Gradison	McDermott
Broomfield	Grandy	McEwen
Browder	Grant	McGrath
Brown (CA)	Gray	McHugh
Brown (CO)	Green	McMillan (NC)
Bruce	Guarini	McMillen (MD)
Bryant	Gunderson	McNulty
Buechner	Hall (OH)	Meyers
Bunning	Hall (TX)	Mfume
Burton	Hamilton	Michel
Bustamante	Hammerschmidt	Miller (CA)
Byron	Hancock	Miller (OH)
Callahan	Hansen	Miller (WA)
Clarke	Harris	Mineta
Campbell (CA)	Hastert	Moakley
Campbell (CO)	Hatcher	Mollinari
Cardin	Hawkins	Mollohan
Carper	Hayes (IL)	Montgomery
Carr	Hayes (LA)	Moody
Chandler	Hefley	Moorhead
Chapman	Hefner	Morrison (CT)
Clarke	Henry	Morrison (WA)
Clement	Herger	Mrazek
Clinger	Hertel	Murphy
Coble	Hiler	Murtha
Coleman (MO)	Hoagland	Myers
Coleman (TX)	Hochbrueckner	Nagle
Combest	Holloway	Natcher
Conte	Hopkins	Neal (MA)
Cooper	Horton	Neal (NC)
Costello	Houghton	Nelson
Coughlin	Hoyer	Nielson
Cox	Hubbard	Nowak
Coyne	Huckaby	Oakar
Craig	Hughes	Oberstar
Crane	Hunter	Obeys
Crockett	Hutto	Olin
Dannemeyer	Inhofe	Ortiz
Darden	Ireland	Owens (NY)
Davis	James	Owens (UT)
de la Garza	Jenkins	Oxley
DeFazio	Johnson (CT)	Packard
DeLay	Johnson (SD)	Pallone
Dellums	Johnston	Panetta
Derrick	Jones (GA)	Parker
DeWine	Jones (NC)	Parris
Dickinson	Jontz	Pashayan
Dicks	Kanjorski	Patterson
Dixon	Kaptur	Paxon
Donnelly	Kasich	Payne (NJ)
Dorgan (ND)	Kastenmeier	Payne (VA)
Dorman (CA)	Kennedy	Pease
Douglas	Kennelly	Pelosi
Downey	Kildee	Penny
Dreier	Kleczka	Petri
Duncan	Kolbe	Pickett
Durbin	Kolter	Pickle
Dwyer	Kostmayer	Porter
Dyson	Kyl	Poshard
Early	LaFalce	Price
Eckart	Lagomarsino	Pursell
Edwards (CA)	Lancaster	Quillen
Edwards (OK)	Lantos	Rahall
Emerson	Laughlin	Rangel
Engel	Leach (IA)	Ravenel
English	Leath (TX)	Ray
Erdreich	Lehman (CA)	Regula
Espy	Lehman (FL)	Rhodes
Evans	Leland	Richardson
Fascell	Lent	Ridge
Fawell	Levin (MI)	Rinaldo
Fazio	Levine (CA)	Ritter
Feighan	Lewis (CA)	Roberts
Fields	Lewis (FL)	Robinson
Flake	Lewis (GA)	Roe
Flippo	Lightfoot	Rogers
Florio	Lipinski	Rohrabacher
Foglietta	Lloyd	Rose
Ford (TN)	Long	Roth
Frank	Lowery (CA)	Roukema
Frost	Lowey (NY)	Rowland (CT)
Galleghy	Lukens, Thomas	Rowland (GA)
Gallo	Lukens, Donald	Roybal
Garcia	Machtley	Russo
Gaydos	Madigan	Sabo
Geddenison	Manton	Salki
Gekas	Markey	Sangmeister
Gephardt	Martin (NY)	Sarpalius
Gibbons	Martinez	Savage
Gillmor	Mavroules	Sawyer
Gilman	Mazzoli	Saxton
Gingrich	McCandless	Schaefer
Glickman	McCloskey	Scheuer
Gonzalez	McCollum	Schiff
Goodling		

Schneider	Smith, Robert	Udall
Schroeder	(OR)	Unsoeld
Schuetz	Snowe	Upton
Schulze	Solarz	Valentine
Schumer	Solomon	Vander Jagt
Sensenbrenner	Spence	Vento
Sharp	Spratt	Visclosky
Shaw	Staggers	Volkmer
Shays	Stallings	Vucanovich
Shumway	Stangeland	Walgren
Shuster	Stark	Walker
Sikorski	Stearns	Walsh
Sisisky	Stenholm	Watkins
Skaggs	Stokes	Waxman
Skeen	Studds	Weber
Skelton	Stump	Weiss
Slatery	Swift	Weldon
Slaughter (NY)	Synar	Whittaker
Slaughter (VA)	Tallon	Whitten
Smith (FL)	Tanner	Williams
Smith (IA)	Tauke	Wise
Smith (MS)	Tauzin	Wolf
Smith (NE)	Thomas (CA)	Wolpe
Smith (NJ)	Thomas (GA)	Wyden
Smith (TX)	Thomas (WY)	Yates
Smith (VT)	Torres	Yatron
Smith, Denny	Torricelli	Young (AK)
(OR)	Trafigant	Young (FL)
Smith, Robert	Traxler	
(NH)		

NOES—8

Clay	Ford (MI)	Towns
Dingell	McDade	Wheat
Dymally	Perkins	

ANSWERED "PRESENT"—1

Alexander

NOT VOTING—17

Bilbray	Hyde	Morella
Collins	Jacobs	Rostenkowski
Conyers	Livingston	Sundquist
Courter	Marlenee	Wilson
Fish	Martin (IL)	Wylie
Frenzel	Matsui	

□ 2101

Mr. WHEAT changed his vote from "aye" to "no."

Mr. MINETA changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. If there are no further amendments, the Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Legislative Branch Appropriations Act, 1990".

Mr. FAZIO. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DONNELLY, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 3014) making appropriations for the legislative branch for the fiscal year ending September 30, 1990, and for other purposes, had directed him to report the bill back to the House with sundry amendments with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The **SPEAKER**. Without objection, the previous question is ordered.

There was no objection.

The **SPEAKER**. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The **SPEAKER**. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The **SPEAKER**. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

PARLIAMENTARY INQUIRY

Mr. LEWIS of California. Mr. Speaker, I have a parliamentary inquiry.

The **SPEAKER**. The gentleman will state it.

Mr. LEWIS of California. Mr. Speaker, it is my understanding that the Chair has decided not to have a vote on the suspension which was scheduled following the vote on this bill, should that take place.

The **SPEAKER**. The gentleman is correct. The vote ordered with respect to the suspension will be postponed until tomorrow. Any vote ordered on this bill will be the last legislative business of the day.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 291, noes 123, not voting 17, as follows:

(Roll No. 193)

AYES—291

Ackerman	Carr	Evans
Akaka	Chandler	Fascell
Alexander	Chapman	Fazio
Anderson	Clarke	Feighan
Andrews	Clay	Flake
Annuizio	Clement	Filippo
Anthony	Clinger	Florio
Applegate	Coleman (TX)	Foglietta
Aspin	Conte	Ford (MI)
Atkins	Cooper	Ford (TN)
AuCoin	Costello	Frank
Barnard	Coughlin	Frost
Bateman	Coyne	Gallo
Bates	Crockett	Garcia
Beilenson	Darden	Gaydos
Bennett	Davis	Gejdenson
Bentley	de la Garza	Gibbons
Berman	DeFazio	Gillmor
Bevill	Dellums	Gilman
Billbray	Derrick	Gingrich
Boehlert	Dickinson	Glickman
Boggs	Dicks	Gonzalez
Bonior	Dingell	Goodling
Borski	Dixon	Gordon
Bosco	Donnelly	Gray
Boucher	Dorgan (ND)	Green
Boxer	Downey	Guarini
Brennan	Durbin	Gunderson
Brooks	Dwyer	Hall (OH)
Brown (CA)	Dymally	Hamilton
Bruce	Early	Hatcher
Bryant	Eckart	Hawkins
Buechner	Edwards (CA)	Hayes (IL)
Bustamante	Edwards (OK)	Hayes (LA)
Byron	Emerson	Hefner
Callahan	Engel	Hertel
Campbell (CO)	English	Hochbrueckner
Cardin	Espy	Horton

Houghton	Molinar	Savage
Hoyer	Mollohan	Sawyer
Huckaby	Montgomery	Scheuer
Hughes	Moody	Schneider
Hutto	Morrison (CT)	Schroeder
Jenkins	Morrison (WA)	Schulze
Johnson (SD)	Mrazek	Schumer
Johnston	Murtha	Sikorski
Jones (GA)	Myers	Sisisky
Jones (NC)	Nagle	Skaggs
Jontz	Natcher	Skeen
Kanjorski	Neal (MA)	Skelton
Kaptur	Neal (NC)	Slattery
Kastenmeier	Nelson	Slaughter (NY)
Kennedy	Nowak	Smith (FL)
Kennelly	Oakar	Smith (IA)
Kildee	Oberstar	Smith (NJ)
Kleczka	Obey	Smith (VT)
Kolter	Ortiz	Solarz
Kostmayer	Owens (NY)	Spratt
LaFalce	Owens (UT)	Staggers
Lancaster	Packard	Stangeland
Lantos	Pallone	Stenholm
Laughlin	Panetta	Stokes
Leath (TX)	Parker	Studds
Lehman (CA)	Parris	Swift
Lehman (FL)	Pashayan	Synar
Leland	Payne (NJ)	Tanner
Lent	Payne (VA)	Tauzin
Levin (MI)	Pease	Thomas (GA)
Levine (CA)	Pelosi	Torres
Lewis (CA)	Perkins	Torricelli
Lewis (GA)	Pickett	Towns
Lipinski	Pickle	Traficant
Lloyd	Porter	Traxler
Long	Poshard	Udall
Lowery (CA)	Price	Unsoeld
Lowey (NY)	Pursell	Valentine
Lukens, Thomas	Quillen	Vander Jagt
Lukens, Donald	Rahall	Vento
Madigan	Rangel	Visclosky
Manton	Ravenel	Volkmer
Markey	Ray	Walgren
Martinez	Richardson	Walsh
Mavroules	Ridge	Watkins
Mazzoli	Rinaldo	Waxman
McCloskey	Roberts	Weiss
McCurdy	Roe	Weldon
McDade	Rogers	Wheat
McDermott	Rohrabacher	Whitten
McGrath	Rose	Williams
McHugh	Roth	Wise
McMillen (MD)	Roukema	Wolf
McNulty	Rowland (GA)	Wolpe
Mfume	Roybal	Wyden
Michel	Russo	Yates
Miller (CA)	Sabo	Yatron
Mineta	Sangmeister	Young (AK)
Moakley	Sarpalius	Young (FL)

NOES—123

Archer	Gekas	McCollum
Armey	Goss	McCrery
Baker	Gradison	McEwen
Ballenger	Grandy	McMillan (NC)
Bartlett	Grant	Meyers
Barton	Hall (TX)	Miller (OH)
Bereuter	Hammerschmidt	Miller (WA)
Billrakis	Hancock	Moorhead
Bliley	Hansen	Murphy
Broomfield	Harris	Nielson
Browder	Hastert	Olin
Brown (CO)	Hefley	Oxley
Bunning	Henry	Patterson
Burton	Herger	Paxon
Campbell (CA)	Hiller	Penny
Carper	Hoagland	Petri
Coble	Holloway	Regula
Coleman (MO)	Hopkins	Rhodes
Combest	Hubbard	Ritter
Cox	Hunter	Robinson
Craig	Inhofe	Rowland (CT)
Crane	Ireland	Saiki
Dannemeyer	James	Saxton
DeLay	Johnson (CT)	Schaefer
DeWine	Kasich	Schiff
Dornan (CA)	Kolbe	Schuetz
Douglas	Kyl	Sensenbrenner
Dreier	Lagomarsino	Sharp
Duncan	Leach (IA)	Shaw
Dyson	Lewis (FL)	Shays
Edreich	Lightfoot	Shumway
Fawell	Machtley	Shuster
Fields	Martin (NY)	Slaughter (VA)
Galleghy	McCandless	Smith (MS)

Smith (NE)	Snowe	Tauke
Smith (TX)	Solomon	Thomas (CA)
Smith, Denny	Spence	Thomas (WY)
(OR)	Stallings	Upton
Smith, Robert	Stark	Vucanovich
(NH)	Stearns	Walker
Smith, Robert	Stump	Weber
(OR)	Tallon	Whittaker

NOT VOTING—17

Collins	Hyde	Morella
Conyers	Jacobs	Rostenkowski
Courter	Livingston	Sundquist
Fish	Marlenee	Wilson
Frenzel	Martin (IL)	Wylie
Gephardt	Matsui	

□ 2120

The Clerk announced the following pairs:

On this vote:

Mr. Fish for, with Mr. Marlenee against.
Mrs. Morella for, with Mr. Frenzel against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR SUNDRY SUBCOMMITTEES OF THE COMMITTEE ON THE JUDICIARY TO SIT DURING THE 5-MINUTE RULE THIS WEEK

Mr. BROOKS. Mr. Speaker, I ask that the following subcommittees of the Committee on the Judiciary may be permitted to sit this week while the House is reading for amendment under the 5-minute rule:

The Subcommittee on Economic and Commercial Law;

The Subcommittee on Crime;

The Subcommittee on Criminal Justice; and

The Subcommittee on Civil and Constitutional Rights.

The **SPEAKER** pro tempore (Mr. KOSTMAYER). Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMUNICATION FROM THE CHAIRMAN OF THE DEMOCRATIC CAUCUS

The **SPEAKER** pro tempore laid before the House the following communication from the chairman of the Democratic Caucus, with related correspondence, as follows:

DEMOCRATIC CAUCUS,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 31, 1989.

HON. THOMAS S. FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This letter is to inform you that I have received a letter from the Honorable Tommy F. Robinson resigning from the House Democratic Caucus effective immediately.

Congressman Robinson has changed his party affiliation from Democrat to Republican thereby vacating his committee posts.

With warmest personal regards, I am
Sincerely yours,

STENY H. HOYER,
Chairman.

HOUSE OF REPRESENTATIVES,
Washington, DC, July 28, 1989.

HON. STENY HOYER,
Washington, DC.

DEAR STENY: It is with deep regret that I inform you of my decision to change my party affiliation. Although this has been a difficult, personal decision, I must be true to myself.

Please accept this letter as my official resignation from the Democratic party. As a Republican, I hereby resign from all caucus-appointed positions and committee assignments.

Sincerely,

TOMMY F. ROBINSON,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, July 31, 1989.

HON. LES ASPIN,

Chairman, Committee on Armed Services,
House of Representatives, Washington,
DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative Tommy F. Robinson's election to the Committee on Armed Services has been automatically vacated pursuant to clause 6(b) of Rule X, effective today.

Sincerely,

THOMAS S. FOLEY,
The Speaker.

HOUSE OF REPRESENTATIVES,
Washington, DC, July 31, 1989.

HON. G.V. (SONNY) MONTGOMERY,

Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington,
DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative Tommy F. Robinson's election to the Committee on Veterans' Affairs has been automatically vacated pursuant to clause 6(b) of Rule X, effective today.

Sincerely,

THOMAS S. FOLEY,
Speaker.

FIFTEEN YEARS AGO TODAY: THE APPROVAL OF THREE ARTICLES OF IMPEACHMENT OF PRESIDENT RICHARD M. NIXON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, 15 years ago yesterday the House Judiciary Committee approved three articles of impeachment that charged Nixon with obstruction of justice in connection with the Watergate scandal, abuse of Presidential powers and attempts to impede the impeachment process by defying committee subpoenas of evidence.

Article I, was proposed by PAUL SARBANES of Maryland, and adopted on July 27 by a 27-to-11 vote. Six Republicans joined all the Democrats on the committee in voting for impeachment. The article charged Nixon with failure "to take care that the laws be faithfully executed" and also accused Nixon of trying to conceal and protect the guilty parties of the Watergate break-in.

In the early stages of the Watergate break-in investigation Nixon was quoted as saying

that the charges of improprieties were "murky, small, unimportant, vicious little things."

Article II, proposed by William Hungate of Missouri, was accepted on July 29, by a vote of 28 to 10. The second ranking Republican on the committee, Robert McClory, of Illinois, joined 6 fellow Republicans and 21 Democrats in affirming the motion to impeach Nixon for abuse of power.

This charge, called by some the crux of the Watergate issue, stemmed from allegations about Nixon's personal behavior while in office. He made attempts to use the Internal Revenue Service to initiate tax audits and gather confidential tax information for political purposes. He authorized illegal wiretaps under the cloak of "national security" and improperly used the fruits of these devices. He authorized the maintenance of a secret White House investigation team which engaged in "covert and unlawful activities," including the 1971 burglary of the office of the psychiatrist of Pentagon Papers author, Daniel Ellsberg. Nixon "knowingly misused the Executive power by interfering" with the legitimate activities of the Federal Bureau of Investigation, the Central Intelligence Agency, and the Watergate Special Prosecutor's Office.

Article III was approved on July 30. It charged that the President attempted to obstruct the impeachment process by spurning eight committee subpoenas for 147 recorded White House conversations and other evidence. The article was unable to gain wide bipartisan support and passed by the thin margin of 21 to 17. McClory and Representative Lawrence J. Hogan, of Maryland, were the lone Republicans to support the article and insure passage.

To many there was now the question of whether Nixon should have resigned or if he should have put the Nation through the painful trauma of impeachment hearings. The Courier-Journal of Louisville, KY, wrote on August 8, 1974, that:

Certainly resignation would be the quicker and less painful (way). It would spare the nation the ordeal of impeachment, the agony of a drawn-out trial and the speculation over whether a convicted President would voluntarily vacate the White House. But within resignation lie the seeds of a great national division.

Therein lies the great advantage of the impeachment process, however long a spectacle. The sight on national television of staunch Republicans and Conservative Southern Democrats, the men around whom Mr. Nixon intended to forge his new majority, voting against him should convince all but a few die-hards that he had indeed, in his conduct of the Presidency, stretched beyond the pale.

ASSASSINATION OF COLONEL HIGGINS CANNOT GO UNANSWERED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, I intend to make it clear to the President of the United States that whatever action he may contemplate or decide to take with respect to the murder of

our American colonel in the Middle East that I will support it wholeheartedly. If the President of the United States should decide to institute covert action to seize the assassins and to bring them to justice, I will support that decision. If he should decide that this atrocity calls for military action or paramilitary action of some sort, punitive or remedial or whatever reason, I will support that decision on the part of the President.

Mr. Speaker, the American people, I believe, do not worry so much today about world opinion as to whatever consequence may be in store for those assassins. Actually the American opinion is that we have stayed silent too long, inactive for too long a period of time in these turmoil-filled years, and so, given the counsel that the President is sure to take from all quarters, from the intelligence sources, from the CIA, from the national security voices within the administration, from the Congress in resolutions such as the Senate passed today which pledges the support of the Congress in whatever action the President may take, putting all of these together with the known will and opinion of the American people, that they do not want to see this atrocity go unanswered, then we can see, Mr. Speaker, that we are poised for a breakthrough, I believe, in the worldwide issues of terrorism and hostage taking.

Mr. Speaker, the President of the United States has a heavy burden upon him tonight, and I am sure that he is going to be consulting with everybody in sight. But do not be misled that we must cower before these hostage takers and select groups of terrorists that seem to hide behind every bush in the Middle East. If that should be state-sponsored terrorism which we are facing, that gives us another set of problems, I recognize, but again I repeat, if the President of the United States should go before the United Nations on that basis, or take independent, unilateral action on the part of our country and our own national security and our own national esteem, then again I will be in the forefront of supporting President Bush in whatever direction he may seek to take.

Mr. Speaker, this is no time to mince words. This was an assassination, a hostile, terroristic, atrocious act, and it will not go unanswered.

THE UNITED STATES MUST RESPOND IMMEDIATELY TO ACTS OF TERRORISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, my colleague who preceded

me, the gentleman from Pennsylvania [Mr. GEKAS] and I feel a sense of outrage tonight because of the senseless murder of Lieutenant Colonel Higgins who is the head of the U.N. forces over in that particular area of the world. It seems to me that the United States of America must immediately respond to this act of terrorism.

Mr. Speaker, when an American soldier was killed in a discotheque in West Germany, the President of the United States was able to find out who the perpetrators of that atrocity were, and he ordered a raid on Libya. The person who ordered the bombing of that discotheque was Mu'ammar Qadhafi, and we went over there, our pilots, our Air Force pilots, and bombed Libya. It was a successful raid, and we have not heard much from Mr. Qadhafi in the area of terrorism since.

Now it seems to me that swift action is necessary to send a clear message to the terrorists in the Middle East once again, particularly in Lebanon, and possibly even in Iran. We must not look impotent. We must not look impotent.

Now, many people will say that we should be very concerned about the hostages that are still under the control of the terrorists in Lebanon, and I agree with that. That is something that should be taken into consideration. But we must not be impotent. We must take positive action and send a clear message that we are not going to be like Gulliver tied down by some Lilliputians who are nothing but just cold, hard-hearted terrorists.

□ 2130

If we do not do something, Mr. Speaker, it is my considered opinion that this is going to go on and on and on into the future. Anytime they get upset with something that we do or one of our allies does, they will kill another hostage, another American hostage, and when the start running out of hostages they will get more. They will always use those hostages as a wedge to keep us from taking any positive action.

So I would just like to urge the President of the United States, Mr. Speaker, to find out where the terrorist headquarters is, to find out who ordered this terrorist action, and I believe our intelligence sources can do this, and then to have a swift retaliatory action take place. It needs to be made known to the world that we are doing it.

I believe in covert operations when necessary, but I think in this particular case they need to see us coming and they need to know that we are the ones that got even with them for this terrorist activity. We need to let them know that every time another terrorist activity takes place, the ante is going to be raised dramatically. That is the only language these terrorists under-

stand, and we should take action immediately.

TRIBUTE TO THE LATE HONORABLE JAMES M. COLLINS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BARTLETT] is recognized for 60 minutes.

Mr. BARTLETT. Mr. Speaker, a number of us this evening have taken out a special order even at this late hour to pay special tribute to a friend and colleague, an individual who served in this House for some 14 years and who passed away in Texas with his family a week ago Friday, my friend, my predecessor, in many ways the individual who helped to get me started in politics, James M. Collins.

I have asked a number of our friends to be with us tonight.

First, I yield to the gentleman from Ohio [Mr. MILLER] who was elected in the same class as Mr. Collins in 1966. Jim Collins was elected in a special election, so he came halfway between the class of 1966 and the class of 1968. He was an individual who shared his entire 14 years with Jim Collins, and I yield to the gentleman from Ohio [Mr. MILLER].

Mr. MILLER of Ohio. Mr. Speaker, I thank the gentleman for yielding to me.

Two weeks ago this Chamber lost a good friend and former colleague, Jim Collins of Texas. As one who served with Jim during his entire 14-year tenure in this House of Representatives, I came to know and admire him, not only for his extremely pleasant personality and good works, but for his unyielding convictions and high standard of performance.

Congress watchers tend to measure the performance of Members of Congress by what some call the horse standard. They categorize a Member as either a workhorse or a showhorse. Jim was clearly a workhorse. He worked hard at what he did. Concerned, committed, and conscientious, all the good adjectives applied.

Jim came to Washington out of concern for his country and for his fellow man; he felt that by being a Representative in Congress from the Third Congressional District of Dallas, TX, he could make a difference. His being here did make a difference.

To his lovely wife, Dee, and to his children and grandchildren, I would like to take this opportunity to express my deepest condolences over their loss. Jim Collins was a good and dear friend, the type of colleague that makes it an honor and pleasure to be a part of this great body.

Mr. BARTLETT. Mr. Speaker, I thank the gentleman for his moving tribute and his friendship with Mr. Collins for the 14 years that they served together and subsequently as a

measure of the respect that Jim Collins was held in this body. I would take note that the gentleman from Ohio in fact has a serious illness in his own family, a family member who is ill this evening, but he stayed here after hours in order to express his own tribute to Jim Collins.

Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN], who has served with Jim Collins from 1972 to 1982. The gentleman from New York [Mr. GILMAN] and Mr. Collins found on a number of occasions, of course, they were on the same side of the issue, but on a number of occasions, being from different parts of the country, they would find themselves on opposite sides of some issues; but as we were visiting earlier in the Chamber, the gentleman from New York expressed to me his deep appreciation for Jim Collins' approach to life and his approach to issues and his ability to articulate those issues that were important for his part of the country in southwestern Texas.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Texas for yielding to me and arranging this special order.

Mr. Speaker, it is with a deep sense of sadness that I join with my colleagues in paying tribute to a good friend, our recently deceased colleague, the gentleman from Texas, James M. Collins.

Jim Collins who served in the House of Representatives from 1968 to 1983, was first elected to fill the vacancy caused by the death of Representative Joseph R. Pool. Jim represented the affluent north Dallas Third Congressional District. In 1982, he did not run for reelection to the House, choosing instead to seek election to the Senate. Unfortunately, the people of Texas were not ready to endorse Jim's campaign.

A native of Dallas County, TX, and a 1937 graduate of Southern Methodist University, Jim distinguished himself by receiving two master's degrees in business administration from both Northwestern and Harvard University. In addition, it always impressed his colleagues and myself to know that this Representative who cared so deeply for our Nation's armed services was, in fact, a serviceman himself during time of war, having served 3½ years in the U.S. Army and completing his service as a captain with the Army Corps of Engineers in Europe.

Later on, Jim Collins again added to his already extensive experience by becoming president of Fidelity Union Life, which he transformed into a major national insurance company that was sold for a substantial sum in 1978. His business expertise was unparalleled and his leadership qualities came through in every aspect of his life. Without his personal counseling on the problems of the petroleum in-

dustry and its producers, my work would have been much more difficult.

I spent some relaxed time with Jim when he invited my wife and I to his ranch at the time of the 1984 GOP Convention in Dallas. Nothing but fond memories of the Collins barbecue come to mind when I look back on the time we spent together. Jim was a warm, friendly person whose generosity to his friends knew no limits. In his actions at work and at home he epitomized the true gentleman. Jim was never hesitant to express his devotion to his family and love for his children. We share their grief in the loss of an unquestionably special person.

Mr. Speaker, we in this Chamber will long remember gentleman Jim. To his widow, Jessie Vogeler, to their children, Benjamin and Carol, and to their many loved ones, we extend our sincere condolences.

Mr. BARTLETT. Mr. Speaker, I do thank the gentleman for his kind words and for being here this evening.

Jim Collins was an individual who reached across party lines for friendship and for doing things that were good for the Nation and for the State of Texas.

He was a staunch Republican. He was a man who believed in the Republican Party, but he was also an American first and a Texan through and through.

In that sense, I yield to the gentleman from Texas [Mr. Frost], who shared Dallas County and the city of Dallas with Jim Collins for several years. They became fast friends and colleagues and allies on issues important to our State and to our Nation, and I yield to the gentleman from Texas [Mr. Frost].

□ 2140

Mr. FROST. Mr. Speaker, Jim Collins was well into his congressional career when I came to Washington in January 1979; however, we did serve 4 years together and I got to know him very well during that time.

Jim and I were from different political parties, and we rarely voted the same way on the floor, but we had a mutual respect and sincere fondness for one another. I often kidded Jim that his political techniques for staying in touch with his constituents were so good that I copied many of them. Jim was not in the least bit offended; in fact, he was complimented by the fact that I liked what he was doing enough to use his ideas in my own office.

One of the other things that I admired in Jim Collins was his total lack of bitterness or partisan hostility once an issue had been decided. He fought very hard for the things that he believed in but never held grudges against those who disagreed. He always had a kind word for his colleagues even after a major disagree-

ment on substance. This is a quality that unfortunately is missing from many current Members on both sides of the aisle.

At one time or the other, Jim Collins represented many of the communities and neighborhoods that are currently in my district. He often commented on the fact that I now carried the same areas that he had carried as a Republican. In our conversations, he attributed our mutual successes to the fact that we both took care of our constituents, a proposition I could not disagree with.

Jim Collins was a trailblazer in Texas. He helped make Texas a two-party State and did it in a way that I as a Democrat have to admire. Jim Collins was successful because of hard work, not because of dirty tricks or innuendo. He left his mark on our State and will be missed by his many friends on both sides of the aisle.

Mr. BARTLETT. Mr. Speaker, I thank the gentleman for his words and for his long-time friendship with Jim Collins.

I yield to the gentleman from California [Mr. DANNEMEYER], an individual who served with Jim Collins for 4 years on the Committee on Energy and Commerce. In many ways the gentleman from California [Mr. DANNEMEYER] arriving at the Committee on Energy and Commerce found a Jim Collins who had already organized a conservative cause rather well.

Mr. DANNEMEYER. Mr. Speaker, I thank my colleague, the gentleman from Texas [Mr. BARTLETT], for taking this special order and for yielding.

It is not often that a Californian comes to praise a Member from Texas, but it is certainly deserving, and it is not a hard thing to do, because one of the things that this Member from California has learned about the Members that the great State of Texas sends to this body, Democrats and Republicans alike, is that they are able people. They have a certain spirit about them, these Texans, that I admire and respect very much. It is an attitude of, "We can do anything. Let us get at it. Let us get the job done." That is initially what struck me about Jim Collins.

I can point to one specific achievement that Jim and I and others undertook when we worked on this matter beginning when I came here in 1979. Jim had been here for some 13 years at that time, I believe, or close to it, and was thoroughly conversant with many of the issues that this Member encountered as a new Member of the House of Representatives.

One of the issues that Jim and I worked on together was the quantity of money that the House each year was appropriating to cover the expenses of the 22 standing committees, the 5 select committees, and the 4 joint committees. If we look at the

decade of the 1970's and the growth of committee funding, which was approximately 10 to 15 percent a year more, year after year, and this growth was reaching astounding levels. It seemed in a way that some committees were just seeking to leapfrog others to make sure that their place in the sun was properly represented.

Jim and I and others undertook an effort beginning in 1979 and 1980 to reduce the rate of the growth, and we were successful, so successful, so successful in reducing the rate of the growth, that today these committee funding resolutions come through, in the last 4 to 5 years, with annual growth approximately the rate of inflation over the preceding year. That is progress.

Jim Collins helped make that change. It does not seem like a lot, but it was his attitude of conserving taxpayers' money. Truly, it can be said that Jim Collins was a taxpayers' representative and a taxpayers' friend.

In fact, we were so successful in this work of reducing the growth of the quantity of money for committee spending resolutions that the House of Representatives changed the whole process whereby we funded these committee funding resolutions. When Jim and others worked on this project beginning in 1979 and 1980, the practice was to bring the 22 standing committees to the floor individually, and when we began to defeat one or more of them because of the excessive growth that was contained in them, the leadership in the House decided they would bring them all into one resolution in a procedural form where an amendment was not even in order in a joint move on the part of the leadership of the House to prevent us offering any amendment, but even at that point we were successful in defeating this initial effort, and as I say, it made a change.

Sometimes we serve here and ask ourselves the question: Do we ever get anything done? To Jim Collins, I can say, Jim, you were successful in this endeavor. There are other issues that we worked on that we have not quite achieved success, such as the balanced-budget amendment to the Constitution that was in your heart and your soul, and you strained in your effort to get that done. Someday we hope to get that done. When we do that, Jim, we will think of you.

Mr. BARTLETT. Mr. Speaker, I thank the gentleman from California for his words from the heart.

Another Texan who arrived after Jim Collins had left the House but arrived and found that Jim Collins had left his imprint on the U.S. Congress and on Texas as a State and on the country is a gentleman who has subsequently been appointed to the Committee on Energy and Commerce from

Texas, a gentleman who, in many ways, has taken up the cudgel and the battle where Jim Collins left off on many of the energy issues. The gentleman from Texas [Mr. BARTON] of Ennis, TX, in fact, was instrumental just this month in successfully repealing the price controls on natural gas, something that Jim Collins had laid the groundwork for in preceding years.

I yield to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman from Dallas for yielding this time.

As the gentleman from Texas [Mr. BARTLETT] indicated, I did take Congressman Collins' place on the Committee on Energy and Commerce in 1986.

The first time I met Jim Collins was in 1982 when I was a White House fellow at the Department of Energy. I was on the Natural Gas Decontrol Task Force for the Department. As part of my duties, I was supposed to follow all the legislation being introduced in the House on natural gas decontrol, and it came to my attention that the most comprehensive bill, the most well-thought-out bill, the bill that appeared to me to do the job and the most effectively was the natural gas decontrol bill that was authored by Congressman Jim Collins.

I asked for a copy of the bill. I came up and met with the Congressman. He was very enthusiastic, very knowledgeable, and as the gentleman from California [Mr. DANNEMEYER] said, had very much of a can-do attitude.

I think it is ironic that less than a week after his death, and he died on July 21, the next week we had a signing ceremony up at the White House in which President Bush signed a bill totally eliminating price controls on natural gas.

I would also like to remember in 1984 when I was a young hopeful candidate not given much chance to win in the Sixth Congressional District, Jim Collins, who by that time had retired from the Congress, was one of the very few Republican leaders in Texas willing to campaign for me. In fact, I held a fundraiser in Granbury, TX, and we had some Cabinet Secretary who was supposed to come and be the keynote speaker. They canceled on us literally 2 days away. I called Congressman Collins up and asked if he could come as a replacement. He not only came, but he regaled the crowd there. I had had car trouble, had a flat tire, and was about 30 minutes late, and by the time I got to the fundraiser, the folks in Granbury thought that I was the reincarnation of Lyndon Baines Johnson.

□ 2150

I carried Hood County with something like 60 percent of the vote

thanks to Jim Collins' great speech in Granbury, TX.

I could go on and on, but I think the most important thing to remember about Jim Collins is that I have yet to run across anybody that when you talk about Jim Collins their eyes do not light up and they did not like the man. He was a genuinely friendly man, very enthusiastic, and had a wealth of ideas. I never met Hubert Humphrey, the late Hubert Humphrey, but what I know about Senator and Vice President Humphrey, I have a feeling that Jim Collins and Hubert Humphrey were very much alike in their approach to life and their willingness to include people.

As I went to the funeral last week in Dallas for Congressman Collins, I was struck by the great diversity of people. You had the so-called power brokers of Dallas, you had Trammel Crowe, and Peter O'Donald, and Edwin Cox, and John Stimmmons was there, I believe, but you also had thousands of the volunteers, and they felt like, and not only felt like but they did know Jim Collins as a person, and they were genuinely upset about his passing, and they wanted to be there to tell his wife, Dee, how sorry they were about his death.

All of the Members of this body, if they could have been in the church in Dallas to hear his grandchildren, and I know my colleague, Congressman BARTLETT was there, to hear his grandchildren speak about their grandfather, there would be no doubt that his legacy will live on for many years, not only in this Chamber, but in the lives of the literally thousands of people that he touched in Texas. I am very glad that I had a chance to know him as a person. I am very saddened that he has passed away, and that I never got to work with him legislatively.

But I intend to pattern my congressional career after Congressman Collins, because in my book he is truly one of the great Members of this body.

Mr. BARTLETT. Mr. Speaker, I thank the gentleman so much for his heartfelt tribute. I would comment that JOE BARTON and I have had our share of flat tires in our lives, and Cabinet secretaries can cancel a speech at the drop of a hat, but Jim Collins was always there. Jim Collins was a person who never let you down.

Mr. Speaker, I yield to the gentleman from Rockwall, TX, Mr. RALPH HALL, an individual who served on the Energy and Commerce Committee with Jim Collins, a fellow Texan, a guy who was in the trenches with Jim Collins year after year, legislative fight after legislative fight, an individual also representing north Texas and a friend of Jim Collins and a friend of the same issues, and a keeper of the faith on the issues that are near and dear to us in Texas.

Mr. HALL of Texas. Mr. Speaker, I thank the gentleman and all of my Texas colleagues and others who have been here to speak about our friend Jim Collins. I thank you for caring enough for the Collins family and caring enough for the man you succeeded here in Congress to organize this opportunity tonight for us to get to say a few words about a guy that walked here among us, that worked with us, and one who we miss.

It really saddens me to lose a friend like Jim Collins, and I know it saddens all Texans to lose a leader like Jim Collins was, because he was a devoted guy to his family, to his business, to his country. I just think that as Mary Ellen and I would ride home with Jim and Dee, his lovely wife of 44 years, and Jim would in a relaxed atmosphere talk about his children and his grandchildren, it was just a delightful thing to see a man of his caliber serve here in this body.

He is of a great family. Of course the Collins family are givers and not takers, they are builders, and Jim certainly carried out that which had been set up before him.

Jim served here in the House 14 years. I had the pleasure of serving with him on the Energy and Commerce Committee. His other service though spanned a lot of activities. He was a captain in the Army Corps of Engineers. He was president of the Union Fidelity Life Insurance Co., he was a leader in the Republican Party, but more important than that, he was a leader for conservatism and conservative government and frugality in government. He dared to stand up for the taxpayers, and even against the Internal Revenue Service.

So Jim was a man of many capabilities, and much loved by those he represented. My goodness, how he represented them, and how well he represented them, and how faithful he was to them, and how faithful to him they were on election day.

As I said, I served with Jim on the Energy and Commerce Committee. The President just signed a bill several days ago to deregulate gas. The President signed a bill last year to repeal the windfall profits tax, a very unfair tax on the energy-producing States. While those were done after Jim Collins left this body, the seeds were sown by Jim Collins and fertilized by Jim Collins. I have heard him make many speeches, and together with Jim and other Texans who served on the Energy and Commerce Committee we worked together on many occasions, hacking away at the windfall profits, because we knew how unfair it was, we knew how detrimental it was to the 10 States that produced energy. We were outvoted by the 40 States who used it, but the seeds that Jim Collins and others like him had sown in the

Energy and Commerce Committee came to fruition.

I think that we must always remember that while Jim was a guy who loved life, loved his fellow man, he also left his mark here in this body, in his State, in his city, and certainly in this country.

Mr. BARTLETT. Mr. Speaker, I thank the gentleman for his comments and for his friendship through the years, and for what he has done in fact through the years in Congress, both during the time he served with Jim Collins and subsequently.

I yield to the gentleman from Texas [Mr. PICKLE], a guy that I think we can all admire. I admire this next individual as much or more than any individual who serves in Congress today, and who served on the Energy and Commerce Committee with Jim Collins for 10 years, for what most of us would have thought was a full career on energy issues and on commerce issues. It was then called the Interstate and Foreign Commerce Committee. But he then went on to launch a second career on the Ways and Means Committee where he has tackled and won and succeeded on some of the leading issues of the day, an individual who has served in this body and served both the State and the Nation well, an individual who I admire a great deal and I know Jim Collins did also.

Mr. Speaker, I yield to JAKE PICKLE from Austin, TX.

Mr. PICKLE. Mr. Speaker, I thank the gentleman for yielding and thank him for taking his time which will give us a chance to say some words about our dear friend, Jim Collins.

In my opinion, Jim Collins was one of the strong men of our time. This country and my State of Texas have lost a good friend and a valued public servant in the passing of Jim Collins.

Those of us who were privileged to serve with him in the Congress will remember him as a highly motivated representative of the people. He was a good man and a good friend. I served with him several years on the Interstate and Foreign Commerce Committee, he, very conservative, far to the right, espousing causes, many of which have since come to pass, but he and I usually teamed up on all those matters which affected the Southwest and Texas and we voted together and we worked together and we were close friends.

I want this House to remember what kind of a person he was. I would say that in all of the time that I have worked with Jim, he never once misled his colleagues. He never once changed his position, and that is almost literally true, but he never betrayed his word. He never engaged in unpleasant civilities in dealing with any Member. He staked out his position on an issue and he never looked back. You could

almost say that is it, and there is no point in arguing with Jim Collins.

But he never engaged in personalities. He was adamant, but civil; strong, but fair, and always steadfast and determined. That conduct held true both in campaigns and in his personal and his public life. Jim was a well-recognized conservative, almost to a fault at times I would tell him. But he never, never knowingly advanced any position he felt would be unfair to people. No one ever accused him of being unfair or demagogic. He simply was a strong advocate.

I like to remember also Jim Collins and I got along well. I respected him and I enjoyed working with him. He was a good friend.

□ 2200

Let me also remind people that each of us who have served remember that we really serve as a team. We and our wives make a real contribution, our wives do particularly.

Dee Collins, Jim's wife, was a genial, pleasant, and happy helpmate, and she was and she still is a favorite among Texas congressional wives. I think Jim and Dee made a great couple. They were a class act, first class.

I can see Jim now with that smiling face, that light laugh, that pleasant willingness to cooperate but never once budging from his position, never once changing his mind, never once giving an inch, and losing many of the times on his battles, but always pleasant.

He was a strong American. I think if this Congress had more people serving in this body like Jim Collins, we would know we were well served, honorably, decently, and productively.

It is a good to know that many of the things Jim Collins espoused during his tenure in the Congress have come to pass since. They were not popular at the time. But Jim stayed his ground.

If he lost, he would say, well, we will rest a while and I will see you next week or next month. He would never stop coming back.

He was a good man and our country is better off for his life. I say to him and his family, "Thank you, Jim, for a great contribution to the American public."

Mr. BARTLETT. I thank the gentleman for his words.

Mr. Speaker, I take note that a former Member and other Members both from the State of Texas and elsewhere have taken the time to prepare a personal statement to enter into the RECORD tonight. Those include the dean of the Texas delegation, Mr. BROOKS, as well as the Republican Texas delegation, Mr. ARCHER.

I want to say that over the course of this last week when we have been in session continuously last week and will

be this week until late of night, that Member after Member has come up to me on the House floor and commented how saddened they were at the news and how much they hoped to see Jim Collins before his passing and how shocked they were at the news.

Many of them came up to me on the floor as they were writing the statements that they were going to enter into the RECORD this evening. I want to take note for the record that a number of those statements will be entered and I will ask at the appropriate time for general leave to do so.

I called this special order this evening really as a way of saying thank you on behalf of the Dallasites, on behalf of the Congress of the United States, on behalf of the country, and on behalf of myself, on a personal level, to Jim Collins, the Congressman, my predecessor, my friend. In many ways I have set out and in many ways have become Jim Collins' protegee, taking the things that he taught me about politics beginning way back in my early career, taking the things that he taught us all about energy, enthusiasm, and friendship.

He served this House, he served his district, he served his constituents ably in this House for 14 years. At the conclusion of that time he returned to citizenship.

His country called and he retired to run for the U.S. Senate, to run an uphill battle but one he believed that there were things that needed to be said in 1982. And he set out and said them. He in fact changed the face of that political election and the State of Texas.

Those of you in the House this evening who have had the pleasure of serving with Mr. Collins will remember most his energy, as do we who knew him and who worked with him in Dallas.

We remember his optimism, and his sheer joy and enthusiasm for public service.

I first met Jim Collins decades ago before either of us were in public service. I had been involved in high school politics. In the Goldwater campaign in 1964 I was a high school student and I had heard tell that in fact there was an individual in Dallas who did not know that we Republicans could not get elected to Congress back in those days, in the 1960's, and he was prepared to run and to win. Since I was merely 16 years old, I did not know either.

I decided to meet him and to get my own feet wet in politics.

I called Jim Collins. He was president of a large Dallas life insurance company. Goodness knows how I ever got through to him on the telephone. I was just some kid from Kimball High School. I told him who I was. I invited him over to meet with a group of

other high school students. I remember I invited him one day to come over and meet our club, and the next night I told him he could not even be No. 1 on the program because we already had an agenda but we wanted to meet him anyway.

He showed up early and stayed late, shook every hand of every high schooler in the group as well as all of the people who worked in the kitchen, who parked the cars, who put up the furniture, and who were waiting around to put the chairs up when he left.

We were all struck that evening, I recall, by his boundless enthusiasm. In fact, he bounded into that room that evening. He convinced every one of us in that room that regardless of what the political pundits said, that in fact even though that district had never been held by a Republican, that he, Jim Collins, was prepared to run for it and to win it.

I called him up the next day, and I think back with some amusement, it is a wonder he would ever speak to me because the next day this 16-year-old kid from Kimball High School called up the president of a large life insurance company the next day and thanked him for speaking to my high school group. Then I proceeded to tell him how I thought what he had done right and wrong about his speech to my group.

He promptly asked me to work in his campaign, which I promptly accepted.

The first thing I noticed about helping in the Jim Collins campaign—he had never run for office before—he took me, high school student, and immediately gave me tasks and responsibilities in the campaign, not just carrying things around. But he would take me and say, "I am going to assign you this and that, and you figure out how to get it done." He would urge me on with more enthusiasm than any human being I can ever remember having in my entire life, giving me the confidence that no job was too large to be accomplished if you worked at it long enough and hard enough.

I remember the very first time his enthusiasm and optimism really came home to me. He called me and he said, "I want you to be in charge of putting up the 4 by 8 by 12 foot signs throughout the Third Congressional District." He took me out to a warehouse and there as far as I could see were 12-foot-tall signs made out of 2 by 4's and here was this man whom I had only met 2 months earlier, telling me that I was going to put all of them up with his name on them over the course of the next 3 months.

I said, "Mr. Collins, I don't know much about politics, but how many signs you've got there?" He said, "500." I said, "Mr. Collins, I don't know much about politics, I've only been at it for a year or so, but I can

tell you that the record in all of Dallas County for the largest number of 4- by 8- by 12-foot signs that has ever been put up in Dallas County, and put up by paid labor, and you are asking volunteers to do it, the record is 146 put up by Bruce Alger in the last election." And I remember Jim Collins just slapped me on the back and said, "I knew you'd say you could do it."

Somehow by Labor Day, he was right, and I did. He put up a few of the signs himself.

He had an enthusiasm for the political process and for building grassroots organizations that is unparalleled and unrivaled in Texas politics even today.

His supporters are the most loyal supporters that you will ever find in politics, and I am one of them.

In many ways Jim Collins, then, by winning that congressional seat—it took him an election and a half to do it, that election and a special election—in many ways he became the architect of the modern Republican Party in north Texas.

Somebody said earlier that there are workhorses and there are showhorses, about Jim Collins. Actually I want to put in the record that Jim Collins had another and, I think, a more touching way of saying it. He began to say this and learned it when we developed—when he developed the grassroots door-to-door neighborhood walking in the Third Congressional District as a way of reaching out and touching and shaking the hand and meeting eyeball to eyeball every single voter in the district not once but twice; once during the election and at least once on election day, face to face on the doorstep.

He called that walking the precinct, walking the neighborhoods.

I remember that he would always comment that there were two types of people in politics; there were the walkers and they won, and there were the talkers and they did not.

That seems to me to sum up the showhorse and the workhorse analogy made earlier.

He made his reputation in politics on the grassroots. Every successful politician, Democrat and Republican, in north Texas subsequently has followed that basic formula.

He worked on party development nationwide, as soon as he was elected to Congress he rolled up his sleeves for the rest of the country. He strongly believed in the Republican Party and what it had to offer to people in all walks of life, at all income strata. That really came home, as JOE BARTON said at his funeral, as much as anything else when the Little League Baseball players came to the funeral who without Jim Collins would never have had a league because their parents had not been able to buy the balls and the bats and the gloves and the bases, all the way to individuals from bank presidents to the parking garage attendants

who came to his funeral and believed in Jim Collins.

□ 2210

In Congress he served on a committee of chief importance to the Texas constituents, the Committee on Energy and Commerce which he set out to get on. Always a valued proponent of private enterprise and free market approach, Jim kept priorities straight, and it comes out throughout his life. His priorities were right: They were his God, his family, and his country. He knew from the first day of his life what was important, right to the last day of his life, and he honored those important priorities.

Jim Collins succumbed to a difficult illness in which he was hospitalized for the last 2 weeks, in intensive care. He fought that illness courageously, and he fought it alone. He never told anyone, save his wife and his children. Few people knew of the seriousness of that illness. Many of the Members probably recall seeing him here on this floor earlier this year, 1989, on Inauguration Day, the inauguration of his good friend, George Bush. Jim Collins arrived bright and early that morning. I remember it well. He, for lack of a better word, bounced into my Longworth Office Building which used to be his office building. He bounced into my office with the same boundless enthusiasm he displayed in coming to the high school club in 1966. He never stopped bouncing. He never stopped his enthusiasm and never stopped his energy. From that day no one would have had any idea that anything was different in his life because he did not let on. He never spoke of it. Never did.

Jim Collins is the reason that I am here. He taught me a number of things about life. He taught me that a person can do anything that a person sets out to do, if you believe in yourself, if you keep your priorities straight: God, family, and country. He taught me that if a person sets out, knows where they are going and believes they can get there, then the person can really change things. Everything was achievable in Jim Collins' eyes. Everything. He usually succeeded.

I have to say that at the funeral one of the things that was said by his grandchildren and his pastor several times which struck me, and I really had to think about it a lot, knowing Jim Collins' boundless enthusiasm for life and his "never say die" attitude, and his approach to life that said, "I can do this," and "I can do anything that I set out to do." Several people commented about Jim Collins in a way that I never thought of him. That was, they commented about how Jim Collins learned from his failures. Until someone said that out loud at the fu-

neral, it never occurred to me that Jim Collins had any failures. From that, it reminded me that we all have successes and we have failures. The successful people in life, it seems to me, like Jim Collins, are those who recognize those failures and then learn from each failure a way to make it a success and to build on it.

I could almost hear the gasp from the assembled hundreds at the funeral when the word "failure" and Jim Collins were used in the same sentence because I suspect everyone in the room had exactly the same reaction I did, that there were not any failures in Jim Collins' life, because he never let any setback ever become a failure.

Over the last week and a half since he passed away, as I visited with people up here, and we saw the tributes tonight, I have heard from friends who have just sought me out, knowing I was his successor, friends from all over Capitol Hill. Republicans, sure. A lot of Democrats. When news of his illness first became known, in fact, for a while, more Democrats sent cards and made phone calls than Republicans, because he was an individual who had friends from all over. I was also struck by the number of garage attendants, security guards, of cloakroom workers, of floor workers, who came up to me and asked about Jim Collins, and asked that they be remembered to his family.

This is the first time since Mr. Collins' death that I have had the occasion to speak publicly about what Jim Collins meant to me. It is the first time that I have had the occasion to say, in a formal sense, what Jim Collins has meant in my life. He stayed with me all of my life, all of my political career. He helped me on the Dallas City Council. He helped me with advice and with family advice and with the Dallas County Republican Mens' Club and virtually everything I did. He was always offering support, counsel, advice, nurture, enthusiasm, and optimism. So that is my first formal expression since his passing, of my own deep appreciation, to the life of Jim Collins and all he did for me, and all he did for my family, and all he did for my State and my country. It is my first opportunity, but it will not be my last, to say to Jim Collins, and I know that you are listening, thank you for everything that you did for me, for everything that you have done for our country.

Mr. ARCHER. Mr. Speaker, it is with a feeling of great sadness that I join today in tribute to our former colleague, Jim Collins. He was my friend and I am greatly saddened at his passing. His wife, Dee, and the entire Collins family are in my thoughts and prayers as they try to cope with their great loss.

Only recently did I learn that Jim was ill and it was so typical of him to try to spare his

friends from the knowledge of his illness. He was a man of great courage and strength of conviction. His career in both business and politics was marked by a steadfastness of belief and a strong sense of morality and ethical behavior.

When I was first elected to the House, Jim was the only other Republican in the Texas Delegation. During my first months of service in the House, he was my valued guide and mentor. He was never too busy to lend an ear and to advise me.

The State of Texas and our entire country have lost a valued son. The ideals which Jim articulated and for which he fought during his entire life remain strong reminders of the service which he rendered to his Nation. In both business and politics, Jim stood for free enterprise and personal freedom. He defended these values with every ounce of his strength. He was a clear, articulate, and ever vigilant advocate. I have missed him constantly since his retirement from the House and I will miss him even more that he is no longer a phone call away to give advice or just to keep in touch.

Mr. BROOMFIELD. Mr. Speaker, I would like to take this opportunity to express my deep sorrow at the death of a friend and former Republican colleague, Jim Collins.

During his seven terms in the House of Representatives Jim Collins was dedicated to the conservative principles which have made this country great—free enterprise, fiscal responsibility, volunteerism, entrepreneurialship, patriotism, family, and God. Jim's optimism, enthusiasm for life, and bipartisanship distinguished him among his fellow Republicans and earned him the respect and praise we witness here today.

His commitment to the people in the north Dallas district he represented remained strong even after his departure from Congress. His establishing the Los Barrios Unidos Community Clinic in Oak Cliff; his providing monetary awards for outstanding teachers; his starting 21 Little League baseball teams; and his involvement in numerous civic organizations are testimonies of his generosity and compassion to his fellowman.

In reflecting on the life of Jim Collins and his influence both within and beyond this great Capitol building, I am reminded of the words of Daniel Webster which are incised in marble above the Speaker's chair in the House of Representatives:

Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also, in our day and generation, may not perform something worthy to be remembered.

I am sure we would all agree that Jim called forth his own powers to help build up our country, to enhance the lives of those he met, and to secure a more promising future. Indeed, Jim not only lived a life worthy to be remembered, but one to be imitated as well.

I would like to join my colleagues in expressing my sincere condolences to Jim's

family, especially to his wife Dee, his daughters Dorothy and Nancy, his sister Ruth, and his nine grandchildren.

Today I salute Jim Collins, a man whose contributions to this legislative body, the State of Texas, and our country will long endure.

Mr. CRANE. Mr. Speaker, it's a sad moment, indeed, this farewell to a friend and former colleague, Jim Collins of Texas.

Jim came to the House of Representatives in a special election in 1968 to serve in the 90th Congress and remained through the 97th Congress. His work on behalf of his constituents in the Dallas area all but guaranteed him many more reelections to this Chamber, but he left here to seek other political office.

Jim Collins was a hard-working, effective Member of Congress who distinguished himself on the Energy and Commerce Committee. His pleasing personality and easy smile always made it a pleasure to work with him, and if you opposed him on legislation there was no bitterness in the wake of the battle.

During his years in the House of Representatives, he was a champion of fiscal restraint. He was ever on the alert to fight the waste of taxpayers' dollars.

His education included two master's degrees in business administration, including one from Northwestern University in my home State of Illinois.

Jim Collins served his country well in wartime as well as in peacetime. He put in 2½ years in the U.S. Army Engineers, completing his service as a captain. He spent 1½ years in the European Theater of Operations, and was awarded four battle stars for action from Omaha Beach through France, Belgium, and Germany.

Jim Collins will be missed by all of us who knew him and were proud to serve with him in the House of Representatives.

Mr. COUGHLIN. Mr. Speaker, I rise to thank my colleagues from Texas, STEVE BARTLETT and BILL ARCHER, for calling this special order to honor a former Member who served his country with energy and dedication for 14 years.

Jim Collins came to Congress in a special election in August 1968, just prior to my own election that fall. His background was outstanding both professionally and educationally. With degrees from SMU, Northwestern, and the Harvard Business School, Jim was an inspiration to his fellow freshmen. His professional career as president of both Consolidated Industries and Fidelity Union Life showed the depth of experience so prized in a elected official.

During his 14 years of service in the House, Jim was known as a strong proponent of private enterprise and the free market approach to energy policy. The people of Texas knew that they had an energetic friend on the Energy and Commerce Committee.

His dedication to his beloved Texas was evident during his tenure in Washington. One can look to his numerous civic affiliations as testimony to his commitment to the folks back home.

I extend my sympathy to the Collins family and hope that they find comfort in this tribute by his friends.

Mr. BROOKS. Mr. Speaker, I want to take this opportunity to express my deepest sympathy to the family of our former colleague, Congressman James M. Collins, of Dallas, TX. His recent death marked the passing of an outstanding leader and a hard working former Member of this body.

It was my distinct pleasure to serve with Congressman Collins from 1968 until he left this body in 1982. The people of Dallas can be proud of the record of service he established and the fine representation he gave to his district and to his country. They could not have had a stronger advocate in this body and he left an indelible mark on the social, economic, and political fabric of Dallas.

The people of his district always knew they had a friend here in Washington with whom they could work on many projects of vital importance to the State of Texas.

He was a hard-working, capable Member who demonstrated time and again a spirit of determination to pursue goals important to his constituency. I considered him a friend and I will miss him.

Mr. DE LA GARZA. Mr. Speaker, a great friend and towering colleague has passed away and our thoughts extend to the many years we worked with him and knew him well.

The State of Texas benefited from Mr. Collins' keen intellect on matters of energy policy. If there is one legacy he leaves us, it will be his fight for the Texas oil and petro-chemical industries. He knew more than most the importance of oil, gas, and chemicals to the economic health of our great State.

His voice for the State was sorely missed, and now we mourn his passing at a time when his wisdom is needed. We extend our heartfelt sympathies to his family and we tell them that we knew Jim Collins as a friend; one we will not soon forget.

Mr. HORTON. Mr. Speaker, I rise today to pay tribute to our departed colleague, James Collins, who served this House with distinction from 1968 to 1983. As a fellow native Texan, I felt a special kinship with the gentleman from Dallas.

Jim Collins came to this body as a successful entrepreneur. He used these business instincts to his advantage during his service in the House. Jim was a man whom I could count on for sound advice about any business matter, especially about legislation dealing with the insurance industry. He was eminently qualified for his position on the Energy and Commerce Committee and highly regarded for his knowledge and expertise.

Jim Collins was a man guided only by his conscience. No matter what the issue, he would always give his opinion in a straightforward manner. I always admired Jim for the courage he displayed in voting for causes he believed in, no matter how unpopular the issue. I saw Jim a number of times after he left the House. He was a good friend and I will miss him.

I want to thank the gentleman from Texas, Mr. BARTLETT, for taking this time to pay tribute to our friend. The Third Congressional District of Texas, which was served so well for so many years by Jim Collins, continues to be represented in an admirable manner. My wife, Nancy, and I offer our most heartfelt con-

lences to Jim's, wife Dorothy, and the rest of his family. Our prayers are with you today.

Mr. SPENCE. Mr. Speaker, it is with profound sadness and a deep sense of regret that I join with my colleagues today in paying this special tribute to the late Congressman Jim Collins, whose untimely death has shocked all of us who were privileged to serve with him and call him friend.

When I first came to Congress in 1971, Jim had preceded me by a little over 2 years. He was elected to fill the vacancy caused by the death of Congressman Joe Pool, who, like Jim, was a strong conservative and a proud son of the great State of Texas.

Jim Collins was not only a very likable and affable person, but he projected a warmth and sincerity that was appreciated by all of us. While he amassed a sizeable fortune as a very successful businessman prior to entering Congress, one never saw in him any indication of pomposity or arrogance. He treated everyone with respect, dignity, and courtesy.

Some 10 years ago, Jim joined with a number of his Republican colleagues, including myself, in writing a book entitled "View From the Capitol Dome." Jim wrote a very perceptive chapter on the alarming increase in the Federal bureaucracy that should be read by everyone who is concerned about runaway government spending. He fervently believed in a balanced Federal budget, and throughout his political career he fought to give the taxpayer a much-deserved break.

In addition to his invaluable work, in and out of Washington, to curb the Federal bureaucracy, Jim Collins was a great patriot. He served for 3½ years in the U.S. Army during World War II. During that service he participated in the Normandy invasion at the thick of the fighting at Omaha Beach, and when the conflict ended, Jim was decorated with four battle stars and the coveted Medal of Metz.

Mr. Speaker, I am going to miss Jim Collins. I am going to miss his ready smile, quick wit, and wonderful friendship. When he finally succumbed to an illness that few of us ever knew that he suffered from, the State of Texas, and indeed the entire Nation, lost one of its true heroes. This country needs more men like Jim Collins, and I shall always cherish the memory of our association and friendship.

Mr. LENT. Mr. Speaker, it is with great sadness that I join my colleagues today in remembering a very dear friend and effective legislator—Representative Jim Collins. Jim and I worked side by side on the Energy and Commerce Committee. Jim's seat on the committee was literally right next to mine and our close proximity helped foster a deep friendship that endured even after Jim left Congress in 1983 to pursue other interests.

Jim was a thoughtful conservative and an effective statesman with tremendous vision. He was highly respected in his leadership role as ranking Republican on the Communications Subcommittee and he was widely recognized for his expertise on telecommunications issues.

Jim Collins was a man of remarkable courage and conviction. The fact that many of us did not know the extent of his illness is testament to his dauntless spirit—Jim was not one to dwell on his personal troubles. I can recall his seemingly boundless energy and enthusi-

asm for his work on behalf of the people of the Third District of Texas. His constituents—and all Americans—were well served by Jim Collins.

During his lengthy tenure in Congress, Jim's loyalty and integrity won him many lasting friendships. Jim will be remembered by all who knew him for his good works and efforts to better this Nation and the world. I extend my deepest sympathy to Jim's lovely wife, Dorothy, and to his family on their—and our—great loss.

Thank you.

Mr. CONTE. Mr. Speaker, I rise today to pay tribute to my late friend and colleague, former Congressman Jim Collins.

Throughout his 14 years here, Jim was known as a man of steadfast faith—he had faith in his ideals, and in the democratic process. Jim was a man of courage, always willing to stand up and emphatically defend his point of view.

It was this loyalty to principle that earned Jim the respect of his colleagues and the hearts of his constituents. Jim possessed an earnest sense of duty. His career in public service spanned almost 30 years, from his years of bravery in the Army during World War II, to his seven-term service here in the House of Representatives.

Jim earned an influential voice on the Committee on Energy and Commerce, and saw to it that his constituents received effective representation. He guided legislation through the House that resulted in the construction of Lake Cooper, Joe Pool Lake, and Lake Ray Hubbard. As if that weren't enough, he is credited with winning Federal funding for the LBJ Freeway and the Trinity River Bridge. It was his outstanding achievements in the House that gained the loyalty and trust of his constituents, and earned him a seat in seven succeeding Congresses before he retired from the Hill in 1982.

Although Jim suffered from a difficult illness, he continued to inspire those of us who served with him. Jim's energy and determination earned him a reputation usually reserved for Members who serve in Congress for a lifetime. Students of politics should study Jim's career, for he was certainly one of the best—a man known for his courage and his willingness to fight tenaciously, yet respected by his colleagues, and known as Gentleman Jim.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise to join my colleagues in the House of Representatives to pay tribute to Congressman Jim Collins, whose death on July 21 was a great loss to the people of this country. Truly, when we mourn Jim's death, we mourn the loss of a dear colleague and friend.

As our colleague in the House for 14 years, Jim ably represented the people of the Third Congressional District of Texas. A fine legislator, Jim distinguished himself as an opponent of increases in Government spending and a strong proponent of private enterprise. His approach to energy policy left a distinctive mark in the Energy and Commerce Committee on which he served.

Those of us who worked with Jim remember his ideals, his integrity, and his patriotism. I will personally remember Jim as a long-time

friend and it is with deepest sadness that I acknowledge his death.

At this most difficult time, Mrs. Hammer-schmidt and I extend our deepest sympathy to his devoted wife, Dee, their children, Michael, Dorothy, and Nancy, and the other members of his family who survive him.

Mr. RINALDO. Mr. Speaker, I join my colleagues in expressing deep sadness over the loss of an esteemed former colleague and good friend, Jim Collins of Texas.

I served with Jim for 10 years in the House of Representatives, and for much of that time we were colleagues on the House Interstate and Foreign Commerce Committee and the Subcommittee on Telecommunications. He was every bit a legislator: courteous to his colleagues, knowledgeable about the issues, articulate in defending his positions, and representing his constituents with the good grace and punctilio for which we all knew him.

When he came to Congress in 1968, he had already achieved success in business. As president of Fidelity Union Life, he transformed the company into a major national company. And even before that, he demonstrated leadership under fire in World War II. In fact, his service in the Army earned him the Medal of Metz and four battle stars for bravery.

I know my colleagues join me in expressing sadness at his passing. He was a good friend and colleague. To Jim's wife, Dorothy, and to his children and grandchildren, I extend my heartfelt sympathy.

Mr. BLILEY. Mr. Speaker, today I rise in tribute to our former colleague, the late Representative Jim Collins, who passed away on July 21st leaving behind many admirers and many fond memories.

Although I only had the opportunity to serve with Jim for one term of Congress, I quickly grew to admire his intelligence, his loyalty to his constituents and his dedication to public service. These qualities are a few of many reasons why Jim will long remain a legend among the Lone Star State delegation, his former colleagues on the Energy and Commerce Committee, and the entire House.

When Jim retired from this body in 1982 to run for the Senate, he left some rather large boots to fill. His successor, Representative BARTLETT, continues to offer the people of Texas' Third District the strong leadership that Jim Collins gave them for 14 years. I'm sure that Jim left this world knowing that his former constituents remain in good and able hands—that would have been very important to him. May he rest in peace.

Mr. MAZZOLI. Mr. Speaker, I would like to join with my colleagues in paying tribute to our late friend and colleague, Representative Jim Collins, of Texas' Third Congressional District.

Jim Collins was an educated and intelligent businessman, whose business successes enabled him to give generously to needy organizations in his community. A forceful advocate for free enterprise business practices, he directed his efforts as a member of the Energy and Commerce Committee and in the House to developing similar traditions in the formulation of Government policy and programs.

We served in the House together for all but 2 of his 14 years here. And, though I did not sit on a committee with Jim, I always enjoyed

his company and admired the straightforward, no-nonsense approach he devoted to his career in public service. I extend my condolences to Jim's wife and family at this time of sorrow.

GENERAL LEAVE

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HOYER (at the request of Mr. GEPHARDT) for August 1, on account of family funeral.

Mr. JACOBS (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. BILBRAY (at the request of Mr. GEPHARDT) for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GEKAS) to revise and extend their remarks and include extraneous material:)

Mr. EDWARDS of Oklahoma, for 60 minutes, on August 2 and 3.

Mr. PARRIS, for 5 minutes, today.

Mr. DREIER of California, for 60 minutes, on August 1.

Mr. DORNAN of California, for 5 minutes, today.

Mr. DORNAN of California, for 5 minutes, on August 1.

Mr. BURTON of Indiana, for 5 minutes, today.

(The following Members (at the request of Mr. HARRIS) to revise and extend their remarks and include extraneous material:)

Mr. STARK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PICKLE, for 60 minutes, on August 3.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GEKAS) and to include extraneous matter:)

Mr. MACHTELY.

Mr. DANNEMEYER.

Mr. GEKAS.

Mr. McEWEN in two instances.

Mr. ROHRBACHER.

Mr. GILMAN.

Mr. COUGHLIN.

Mr. SUNDQUIST.

Mr. CRANE.

Mr. CONTE.

Mr. ROTH.

Mr. BEREUTER.

(The following Members (at the request of Mr. HARRIS) and to include extraneous matter:)

Mr. RICHARDSON.

Mr. LEVINE of California.

Mr. FAZIO.

Mr. LANTOS in three instances.

Mr. BROOKS.

Mr. GORDON.

Mr. DINGELL.

Mr. WILLIAMS.

Mr. DYSON.

Mr. MOODY.

Ms. SCHROEDER.

Mr. DORGAN of North Dakota in two instances.

Ms. OAKAR.

Mr. CLAY.

Mr. SLATTERY.

ADJOURNMENT

Mr. BARTLETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 16 minutes p.m.), under the previous order, the House adjourned until tomorrow, Tuesday, August 1, 1989, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1527. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1528. A letter from the Secretary of Health and Human Services, transmitting the Department's report on tier III Federal agency drug-free workplace programs, pursuant to Public Law 100-71, section 503(a)(1)(C) (101 Stat. 469); jointly, to the Committees on Post Office and Civil Service and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 2120. A bill to amend the Deep Seabed Hard Mineral Resources Act to authorize appropriations to carry out the provisions of the act for fiscal years 1990, 1991, and 1992;

with amendments (Rept. 101-175, Pt. 2). Ordered to be printed.

Mr. ANDERSON: Committee on Public Works and Transportation. H.R. 3025. A bill to authorize transfers of instrument landing systems to the Federal Aviation Administration, and for other purposes (Rept. 101-199). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 2158. A bill to provide better maritime safety for Prince William Sound, AK, and for other purposes; with an amendment (Rept. 101-200, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT (for himself, Mr. FAUNTROY, Mr. ROE, Mr. FRANK, Mr. ATKINS, Mrs. COLLINS, Mr. FLAKE, Mr. NEAL of North Carolina, Mr. HUGHES, Mr. FUSTER, Mr. CLAY, Mr. BERMAN, and Mrs. BENTLEY):

H.R. 3053. A bill to authorize the Secretary of Veterans Affairs to issue exemplary rehabilitation certificates for certain individuals discharged from the Armed Forces; jointly, to the Committees on Armed Services, Veterans' Affairs, and Education and Labor.

By Mr. DINGELL (for himself and Mr. MARKEY (both by request), Mr. SWIFT, Mr. RINALDO, Mr. TAUZIN, Mr. LENT, Mr. ECKART, Mr. MOORHEAD, Mr. BRYANT, Mr. RITTER, Mr. MANTON, Mr. OXLEY, and Mr. WHITTAKER):

H.R. 3054. A bill to provide for the self-regulation of investment advisers; to the Committee on Energy and Commerce.

By Mr. FORD of Michigan (for himself, Mr. GILMAN, Mr. COSTELLO, Mr. GAYDOS, Mr. TRAFICANT, Mr. HORTON, Mr. DE LUGO, Mr. PALLONE, Mr. MARTINEZ, Mr. KOLTER, Mr. LEVIN of Michigan, Mr. CAMPBELL of Colorado, Mr. ATKINS, Mr. WILSON, Mr. NOWAK, Mr. RANGEL, Mr. TORRES, Mr. BONIOR, Mr. DEFazio, Mr. EVANS, Mr. HERTEL, Mr. OWENS of New York, Mr. BALLENGER, Mr. KANJORSKI, Mr. WALSH, and Mr. KILDEE):

H.R. 3055. A bill to encourage the people of the United States to purchase products made in the United States and services provided in the United States, whenever possible, instead of products made or services performed outside the United States; jointly, to the Committees on Post Office and Civil Service and Energy and Commerce.

By Mr. GRAY (for himself, Mr. AKAKA, Mr. ANDERSON, Mr. APPLE-GATE, Mr. BEILSON, Mr. BEREUTER, Mr. BEVILL, Mr. BILIRAKIS, Mr. BLAZ, Mr. BOEHLERT, Mr. BOUCHER, Mr. BRYANT, Mr. BURTON of Indiana, Mr. CLARKE, Mr. CLAY, Mr. CLEMENT, Mr. COLEMAN of Missouri, Mr. COLEMAN of Texas, Mr. COOPER, Mr. COUGHLIN, Mr. COYNE, Mr. DE LA GARZA, Mr. DURBIN, Mr. DYMALLY, Mr. ESPY, Mr. FRENZEL, Mr. FUSTER, Mr. GALLO, Mr. GAYDOS, Mr. GORDON, Mr. HARRIS, Mr. HAWKINS, Mr. HUBBARD, Mr. HUTTO, Mr. KLECZKA, Mr. KOST-MAYER, Mr. LANCASTER, Mr. LANTOS,

Mr. LAUGHLIN, Mr. LEATH of Texas, Mr. LIVINGSTON, Mr. McDADE, Mr. MADIGAN, Mr. MANTON, Mr. MAZZOLI, Mr. MFUME, Mr. MILLER of California, Mr. MRAZEK, Mr. MURPHY, Mr. MURTHA, Mr. NATCHER, Mr. OLIN, Ms. PELOSI, Mr. PICKETT, Mr. PICKLE, Mr. RAHALL, Mr. RAY, Mr. RICHARDSON, Mr. RITTER, Mr. ROE, Mrs. SAIKI, Mr. SCHULZE, Mr. SHUMWAY, Mr. SKAGGS, Mr. SMITH of Florida, Mr. VANDER JAGT, Mr. WALGREN, Mr. WELDON, Mr. MARTINEZ, Mr. CLINGER, Mr. DEFazio, Mr. JONES of North Carolina, Mr. KASICH, Mr. ROTH, and Mr. WOLPE):

H.R. 3056. A bill to provide for the minting of coins in commemoration of the bicentennial of the death of Benjamin Franklin; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LANTOS (for himself and Mr. SHAYS):

H.R. 3057. A bill to place restrictions on the use of Federal funds to influence or attempt to influence officers or employees or Members of Congress; to the Committee on Government Operations.

By Mr. NIELSON of Utah (for himself, Mr. BILBRAY, Mr. HANSEN, Mr. OWENS of Utah, and Mrs. VUCANOVICH):

H.R. 3058. A bill to provide for the exchange of certain Federal coal leases from the Alton Coal Field in the State of Utah for other Federal coal leases in that State; to the Committee on Interior and Insular Affairs.

By Mr. RUSSO:

H.R. 3059. A bill to amend title 18 of the United States Code to modify the mandatory penalty for certain firearms offenses; to the Committee on the Judiciary.

By Ms. SCHNEIDER:

H.R. 3060. A bill to suspend temporarily the duty on 2,3,6-Trimethylphenol [TMP]; to the Committee on Ways and Means.

By Mr. BATES (for himself, Mr. FAZIO, Mr. McEWEN, Mr. DYMALLY, Mr. KOLTER, Mr. DE LUGO, Mr. EMERSON, and Mr. HORTON):

H.J. Res. 380. Joint resolution designating October 4, 1989, as "Patient Account Management Day"; to the Committee on Post Office and Civil Service.

By Mr. TRAXLER:

H.J. Res. 381. Joint resolution designating October 1 through 7, 1989, as "National 4-H Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. GEPHARDT:

H. Con. Res. 179. Concurrent resolution waiving the requirement of the Legislative Reorganization Act of 1970 for the "August recess" by rollcall by July 31; considered and agreed to.

By Mr. ANDERSON (for himself, Mr. HAMMERSCHMIDT, Mr. OBERSTAR, Mr. SAWYER, Mr. ACKERMAN, Mr. BATES, Mr. BILBRAY, Mr. BOSCO, Mrs. BOXER, Mr. DORNAN of California, Mr. DYMALLY, Mr. FAZIO, Mr. FRENZEL, Mrs. JOHNSON of Connecticut, Mr. KILDEE, Mr. LANTOS, Mr. MINETA, Mr. RAHALL, Mr. RAVENEL, Mr. ROE, Mr. ROWLAND of Connecticut, Mr. DENNY SMITH, Mr. SMITH of Florida, Mr. STARK, Mr. WILSON, and Mr. LAGOMARSINO):

H. Con. Res. 180. Concurrent resolution commending the outstanding efforts of aviators and the Flying Tigers for valued and competent service to the United States; to the Committee on Post Office and Civil Service.

By Mr. GUNDERSON (for himself, Mr. UPTON, Mr. SOLARZ, Mr. FRENZEL, Ms. KAPTUR, Mr. LANCASTER, Mr. CLINGER, Mr. BURTON of Indiana, Mr. BARNARD, Mr. GALLO, Mr. HORTON, Mr. BARTON of Texas, Mr. HOLLOWAY, Mr. MORRISON of Washington, Mr. KOLBE, Mr. BALLENGER, Mr. KYL, Mr. BUSTAMANTE, Mr. BOEHLERT, Mr. STARK, Mr. SKAGGS, Mr. HOUGHTON, Mr. WHEAT, Mr. RANGEL, Mr. BUECHNER, Mr. LEHMAN of California, Mr. SCHIFF, Mr. TALLON, and Mr. CHANDLER):

H. Res. 220. Resolution making the clerk hire allowance available for payment of merit pay; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of Colorado:

H.R. 3061. A bill for the relief of Nelida Lookhart; to the Committee on the Judiciary.

By Mr. KASTENMEIER:

H.R. 3062. A bill for the relief of Paula Grzyb; to the Committee on the Judiciary.

By Mr. RAHALL:

H.R. 3063. A bill for the relief of Subhash Kumar; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 45: Mr. RICHARDSON.
H.R. 101: Mr. MARTINEZ.
H.R. 290: Mr. PALLONE and Mr. BRUCE.
H.R. 372: Mr. Wise and Mr. VISCLOSKEY.
H.R. 373: Mr. HALL of Texas.
H.R. 514: Mr. McNULTY.
H.R. 525: Mr. CAMPBELL of California.
H.R. 530: Mrs. LOWEY of New York.
H.R. 696: Mr. PURSELL, Mr. EVANS, and Mr. AKAKA.
H.R. 737: Mr. JONTZ and Mr. CHANDLER.
H.R. 775: Mr. ACKERMAN.
H.R. 844: Mr. RITTER and Mr. ANNUNZIO.
H.R. 866: Mr. MAVROULES.
H.R. 867: Mr. MAVROULES.
H.R. 868: Mr. MAVROULES.
H.R. 979: Mr. HAYES of Illinois.
H.R. 995: Mr. SMITH of Texas, Mr. NEAL of North Carolina, and Mr. PETRI.
H.R. 1150: Mr. McDERMOTT.
H.R. 1157: Mrs. LOWEY of New York.
H.R. 1158: Mrs. LOWEY of New York.
H.R. 1190: Mr. KASTENMEIER.
H.R. 1193: Mr. KOLBE.
H.R. 1235: Mr. ENGEL.
H.R. 1250: Mr. SYNAR and Mr. DURBIN.
H.R. 1356: Mr. CROCKETT, Mr. ANDREWS, Mr. PICKETT, and Mr. PETRI.
H.R. 1420: Mr. COLEMAN of Texas.
H.R. 1475: Mr. ROWLAND of Connecticut, Mr. HYDE, Mr. ROHRBACHER, Mr. SENSENBRENNER, Mr. DREIER of California, Mr. HASTERT, and Mr. RITTER.
H.R. 1587: Mrs. BYRON.
H.R. 1602: Mr. HOCHBRUECKNER and Mr. KOLTER.
H.R. 1606: Mr. SKAGGS.
H.R. 1762: Mr. McDERMOTT.
H.R. 2051: Mr. WOLPE.
H.R. 2121: Mr. CLEMENT, Ms. SLAUGHTER of New York, Mr. McEWEN, Mr. SCHUETTE, Mr.

THOMAS of Wyoming, Mr. QUILLEN, and Mr. HOPKINS.

H.R. 2166: Mr. HUTTO.

H.R. 2195: Mr. CLINGER and Mr. KENNEDY.

H.R. 2228: Mr. WYDEN.

H.R. 2243: Mr. TORRES, Mr. WILLIAMS, Mr. DICKS.

H.R. 2246: Mr. GILMAN.

H.R. 2265: Mr. McDERMOTT.

H.R. 2353: Mr. ANTHONY.

H.R. 2360: Mr. HAYES of Illinois, Mr. BILIRAKIS, Mr. DENNY SMITH, Mr. MFUME, and Mr. SMITH of Mississippi.

H.R. 2362: Mr. CAMPBELL of Colorado.

H.R. 2414: Ms. LONG, Mr. DENNY SMITH, Mr. VOLKMER, and Mr. COLEMAN of Missouri.

H.R. 2493: Mr. LIPINSKI.

H.R. 2584: Mr. OLIN.

H.R. 2585: Mr. SMITH of New Hampshire, Mr. DYMALLY, Mr. PAYNE of New Jersey, and Mr. CLAY.

H.R. 2596: Mrs. BYRON, Mr. BENNETT, Mr. DOWNEY, and Ms. LONG.

H.R. 2642: Mr. JENKINS.

H.R. 2695: Mr. ACKERMAN, Mrs. BENTLEY, Mr. FUSTER, Mr. KANJORSKI, Mr. LAGOMARSINO, Mr. McMILLEN of Maryland, Mr. MADIGAN, and Mr. REGULA.

H.R. 2728: Mr. JOHNSON of South Dakota.

H.R. 2756: Mr. LEWIS of Georgia.

H.R. 2760: Mrs. LOWEY of New York, Mr. FAZIO, and Mr. FUSTER.

H.R. 2770: Mr. HANCOCK, Mr. McEWEN, Mr. HANSEN, Mr. BLILEY, and Mr. SHUMWAY.

H.R. 2781: Mr. ENGLISH, Mr. OWENS of New York, Mr. TOWNS, Mr. RANGEL, Mr. DOUGLAS, Mr. DYMALLY, Mrs. COLLINS, Mr. WALSH, Mr. SMITH of Mississippi, Mr. WOLF, Mr. ROGERS, Mr. DWYER of New Jersey, Mr. RAY, Mr. BOEHLERT, Mr. HAYES of Louisiana, Mrs. SAIKI, Mr. LEWIS of Florida, Mr. KOLTER, Mr. FOGLIETTA, Mr. FROST, Ms. KAPTUR, Mrs. BENTLEY, Mr. SCHUETTE, and Mrs. MARTIN of Illinois.

H.R. 2801: Mr. ECKART, and Mr. HUTTO.

H.R. 2807: Mr. WALSH, Mr. MRAZEK, Mrs. BENTLEY, Mr. DORNAN of California, Mr. HATCHER, Mr. GILMAN, Ms. SLAUGHTER of New York, and Mr. REGULA.

H.R. 2858: Mr. LENT and Mr. KOLTER.

H.R. 2944: Ms. KAPTUR, Mr. WALSH, and Mr. DORGAN of North Dakota.

H.R. 2966: Mr. INHOPE, Mr. GORDON, Mr. SHUSTER, Mr. WALSH, and Mr. FROST.

H.R. 3004: Mr. OWENS of Utah.

H.R. 3009: Mr. RITTER, Mr. GAYDOS, and Mr. DINGELL.

H.R. 3037: Mr. HERTEL.

H.J. Res. 104: Mr. PANETTA, Mr. RITTER, Mr. GEKAS, Mr. STUMP, Mr. MOLLOHAN, Mr. GRAY, Mr. RAY, and Mr. STALLINGS.

H.J. Res. 164: Mr. ASPIN, Mr. ROSE, Mr. SLAUGHTER of Virginia, Mr. BLILEY, Mr. THOMAS of Georgia, Mr. FEIGHAN, Mr. WILSON, and Mr. BARNARD.

H.J. Res. 194: Mr. CROCKETT, Mr. FRANK, Mr. McHUGH, Mr. PACKARD, Mr. RANGEL, and Mr. SAWYER.

H.J. Res. 204: Mr. KLECZKA, Mr. RAY, Mr. ACKERMAN, Mr. CONYERS, Mr. DOWNEY, Mr. FOGLIETTA, Mr. GREEN, Mr. HOCHBRUECKNER, Mr. HUNTER, Mrs. KENNELLY, Mr. LaFALCE, Mrs. LOWEY of New York, Mr. MARTIN of New York, Mr. McGRATH, Mr. McHUGH, Mr. MINETA, Mrs. MORELLA, Mr. MRAZEK, Mr. NOWAK, Mr. SCHEUER, Mr. SCHUMER, Mr. SMITH of New Hampshire, Mr. SOLOMON, Mr. WALGREN, Mr. WALSH, Mr. WEISS, Mr. YATRON, Mr. BRUCE, Mr. CRAIG, Mr. DONNELLY, Mr. DUNCAN, and Mr. MURTHA.

H.J. Res. 225: Mr. APPELGATE, Mr. ATKINS, Mr. AUCCOIN, Mr. BARNARD, Mr. BATES, Mr. BERMAN, Mr. BORSKI, Mr. BOUCHER, Mr. BRENNAN, Mr. BROOKS, Mr. BROWN of Colorado, Mr. BRUCE, Mr. BUECHNER, Mr. BURTON of Indiana, Mr. BUSTAMANTE, Mrs. BYRON, Mr. CALLAHAN, Mr. CARDIN, Mr. CARPER, Mr. CARR, Mr. CLARKE, Mr. CLAY, Mr. CLINGER, Mr. COLEMAN of Texas, Mr. COSTELLO, Mr. CROCKETT, Mr. DANNEMEYER, Mr. DARDEN, Mr. DAVIS, Mr. DONNELLY, Mr. DORGAN of North Dakota, Mr. ENGLISH, Mr. ESPY, Mr. FALEOMAVAEGA, Mr. FAUNTROY, Mr. FEIGHAN, Mr. FLAKE, Mr. FLIPPO, Mr. FLORIO, Mr. FORD of Tennessee, Mr. FRANK, Mr. FUSTER, Mr. GALLEGLY, Mr. BILBRAY, Mr. GARCIA, Mr. GAYDOS, Mr. GEKAS, Mr. GRANT, Mr. GRAY, Mr. GREEN, Mr. GUARINI, Mr. HALL of Texas, Mr. HALL of Ohio, Mr. HANCOCK, Mr. HANSEN, Mr. HARRIS, Mr. HAWKINS, Mr. HAYES of Illinois, Mr. HOCHBRUECKNER, Mr. DEFazio, Mr. HOYER, Mr. HUBBARD, Mr. HUTTO, Mr. IRELAND, Mr. JACOBS, Mr. JONES of Georgia, Mr. JONES of North Carolina, Mr. KANJORSKI, Mr. KASICH, Mr. KASTENMEIER, Mr. KENNEDY, Mrs. KENNELLY, Mr. KLECZKA, Mr. KOSTMAYER, Mr. LEVINE of California, Mr. LEWIS of California, Mr. McCLOSKEY, Mr. MCCOLLUM, Mr. McDADDE, Mr. HAYES of Louisiana, Mr. McHUGH, Mr. McNULTY, Mr. MACHTLEY, Mr. MARKEY, Mr. MARTINEZ, Mr. MAVROULES, Mr. MFUME, Mr. MILLER of Ohio, Mr. MILLER of California, Mr. MILLER of Washington, Mr. MOODY, Mr. MOORHEAD, Mr. MURPHY, Mr. NEAL of North Carolina, Ms. OAKAR, Mr. ORTIZ, Mr. PACKARD, Mr. PANETTA, Mr. NELSON of Florida, Mr. POSHARD, Mr. PRICE, Mr. QUILLEN, Mr. RAHALL, Mr. RAVENEL, Mr. RICHARDSON, Mr. RINALDO, Mr. ROBINSON, Mr. ROGERS, Mr. ROYBAL, Mr. SABO, Mrs. SAIKI, Mr. SAVAGE, Mr. SCHEUER, Mr. SCHULZE, Mr. SCHUMER,

Mr. SHUMWAY, Mr. SKEEN, Mr. SKELTON, Ms. SLAUGHTER of New York, Mr. SOLARZ, Mr. SPENCE, Mr. STAGGERS, Mr. STALLINGS, Mr. STOKES, Mr. STUDDS, Mr. TAUZIN, Mr. TORRICELLI, Mr. TRAFICANT, Mr. TRAXLER, Mr. VANDER JAGT, Mr. WALGREN, Mr. WEISS, Mr. WHEAT, Mr. WILSON, Mr. WOLF, Mr. WOLPE, Mr. WYDEN, Mr. PALLONE, Mr. RHODES, Mr. SMITH of New Jersey, Mr. MURTHA, and Mr. CRAIG.

H.J. Res. 231: Mr. TRAXLER, Mr. PARKER, Mr. JONES of North Carolina, Mr. HUBBARD, Mr. NATCHER, Mr. GEJDENSON, Mr. TAUKE, Mrs. MARTIN of Illinois, Mr. CLARKE, Mr. COLEMAN of Missouri, Mr. BARTLETT, Mr. PRICE, Mr. KENNEDY, Mr. HERTEL, Mrs. UNSOELD, Mr. SCHUMER, Mr. ORTIZ, Mr. SABO, and Ms. OAKAR.

H.J. Res. 256: Mr. McEWEN and Mr. MOODY.

H.J. Res. 282: Mr. RANGEL, Mr. MRAZEK, Mr. JONES of North Carolina, Mr. YATRON, Mr. CLINGER, Mr. COUGHLIN, Mr. DEWINE, Mr. FLIPPO, Mr. BRENNAN, Mr. MILLER of Ohio, Mr. WHITTAKER, Mr. HENRY, Mr. BEVILL, Mr. WILSON, and Mr. NATCHER.

H.J. Res. 292: Mr. BUECHNER, Ms. SLAUGHTER of New York, and Mr. KILDEE.

H.J. Res. 300: Mr. COBLE.

H.J. Res. 339: Mr. HOLLOWAY.

H.J. Res. 375: Mr. ECKART, Mr. GRAY, Mrs. BOXER, Mr. HATCHER, Mr. LAGOMARSINO, Mr. KOLTER, Mr. LANCASTER, and Mr. PALLONE.

H. Con. Res. 83: Mrs. BYRON.

H. Con. Res. 154: Mr. LAUGHLIN, Mr. COURTER, Mr. BURTON of Indiana, Mr. FAUNTROY, Mr. FAZIO, Mr. WOLF, Mr. McNULTY, Mr. PENNY, Mr. BROWN of California, Mr. FEIGHAN, Mr. ACKERMAN, Mr. BERMAN, Mrs. COLLINS, Mrs. MORELLA, Mr. MOODY, Mr. PORTER, Mr. JONTZ, Ms. PELOSI, Mr. BRYANT, Mr. ATKINS, Mr. CARPER, Mr. FOGLIETTA, Mr. MRAZEK, Mr. COLEMAN of Texas, Mr. ECKART, Mr. ENGEL, Mr. WAXMAN, Mr. WEISS, Mr. LAGOMARSINO, Mr. LEVINE of California, Mr. FROST, Mr. NEAL of North Carolina, and Mr. OWENS of New York.

H. Res. 122: Mr. SOLOMON.

H. Res. 191: Mr. McEWEN, Mr. HANSEN, and Mr. SHUMWAY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2661: Mr. LEWIS of Georgia.

EXTENSIONS OF REMARKS

CAPTIVE NATIONS WEEK

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. DORNAN of California. Mr. Speaker, I would like to call your attention to the President's proclamation regarding the captive nations of the world and also the eloquent speech President Bush made last week in the White House Rose Garden to commemorate Captive Nations Week, 1989.

Americans are blessed to live in a free and open society. However, billions of people throughout the world yearn for freedom, but are held captive by Communist oppression. We Americans, coming from many different ethnic backgrounds, declare our solidarity with the people of the world who cry for freedom and democracy.

America is the beacon of freedom throughout the world. May that beacon especially shine with increased intensity on the captive nations of the world.

CAPTIVE NATIONS WEEK, 1989

(By the President of the United States of America)

A PROCLAMATION

Each July, we Americans celebrate our Nation's independence and the blessings of self-government. As we give thanks for the rights and freedoms that citizens of this Nation have enjoyed for more than 200 years, we also recall our obligation to speak out for oppressed peoples around the world. We thus pause during Captive Nations Week to remember in a special way those peoples who suffer from foreign domination and from ideologies that are inimical to the ideas of national sovereignty and individual liberty.

Today, the leaders of the Soviet Union and other Communist governments are discovering that the voices of those who long for freedom and self-determination cannot be silenced. Around the world, men and women in captive nations are calling for recognition of their basic human rights. Their calls—the undeniable expression of just aspirations—are beginning to be heard.

In Afghanistan, the nightmarish years of Soviet occupation are over, and the Afghan people's demand for self-determination is drawing closer to realization. Unfortunately, a decisive end to the Afghans' long ordeal remains elusive while a puppet regime in Kabul continues the proxy devastation of their war-ravaged homeland.

In Africa, the people of Angola have a real chance to find peace after years of violent struggle against the ruling Marxist-Leninist regime. Our hopes for national reconciliation in Angola will remain tempered, however, as long as armed Cuban mercenaries continue to stalk the forests and veldt of that land and other countries on the African continent.

Communist expansionism has been frustrated in Southeast Asia, and today there is

new hope that the people of Cambodia, Laos, and Vietnam will regain some day their long-denied political and religious freedom. Such hope has also returned for many of our neighbors to the south. In Nicaragua and other Latin American nations, popular resistance to attempts at repression by local dictators—as well as resistance to political and military interference from Cuba and the Soviet Union—has proved to be formidable.

In Eastern Europe, even as we see rays of light in some countries, we must recognize that brutal repression continues in other parts of the region, including the persecution of ethnic and religious minorities.

This week, we recall with deep sadness the infamous Molotov-Ribbentrop pact between Nazi Germany and the U.S.S.R. that doomed Poland, Estonia, Latvia, and Lithuania to dismemberment and foreign domination. The United States refuses to accept the subsequent incorporation by the Soviet Union of the Baltic States during World War II. Since their forcible annexation in 1940, the people of Lithuania, Latvia, and Estonia have faced political oppression, religious persecution, and repression of their national consciousness. But decades of oppression have not broken the great spirit of the Baltic people and other victims of Soviet domination.

Hundreds of thousands of men and women around the world continue to demonstrate publicly their desire for liberty and democratic government, demanding freedom of speech, assembly, and movement, as well as the freedom to practice their religious beliefs without fear of persecution.

Their voices are being heard; there have been improvements in human rights practices by the ruling regimes in many of these countries. But justice demands that more positive steps be taken. The fundamental rights and dignity of individuals must be recognized in law and respected in practice; the peoples living in captive nations not only ask for but are entitled to lasting protection of their God-given rights.

The United States shall continue to call upon all governments and states to uphold the letter and the spirit of the United Nations Charter and the Helsinki Final Act until freedom and independence have been achieved for all captive nations.

REMARKS BY THE PRESIDENT DURING CEREMONY FOR CAPTIVE NATIONS WEEK

Thank you all for coming today to the White House. And I want to welcome you to the White House and to an occasion—Captive Nations Week—marked by sadness, but blessed by hope.

And today we meet to signal our deep concern at the fate of nations, and peoples as well, whose liberty has been held captive. And we applaud the movement toward democracy taking place in the world, and the changes yet to come.

Six months ago this week, I said in my Inaugural Address: "In man's heart, if not in fact, the day of the dictator is over. The totalitarian era is passing, its old ideas blown away like leaves from an ancient lifeless tree." (Applause.)

Well, I have just returned—hopeful, and encouraged—from visits to Poland and Hungary, two nations on the threshold of historic change. And I can say to you: The old ideas are blowing away. Freedom is in the air.

For forty years, Poland and Hungary endured what's been called the dilemma of the single alternative: one political party, one definition of national interest, one social and economic model. In short, one future—prescribed by an alien ideology.

But, in fact, that future meant no future. For it denied to individuals, choice; to societies, pluralism; and to nations, self-determination. And yet in Poland and Hungary, a courageous people would not yield to despair. There, as elsewhere, the light of liberty would not go out.

And ten days ago, I watched thousands brave a driving rain to acclaim this love of liberty. They cheered for free assembly, free press and speech, and freedom of religion, and filled a square in Budapest named after a freedom fighter who believed in that democracy which linked the people of Hungary with the peoples of the world.

Lajos Kossuth arrived in America in 1851 after Hungary's struggle for freedom had temporarily been lost. And yet in his remarks to the United States Congress, he was hopeful, not embittered. He spoke of his "Steady faith in principles" of self-government, opportunity, and individuality.

The heroism of such patriots inspires us, and teaches us. For they embody the spirit of Captive Nations Week—the spirit which says that freedom around the world is not divisible, and which lives in the brave immigrants from Captive Nations who are beside me: Polita Grau de Agüero, for instance, a political prisoner in Cuba before fleeing to America. Or Haing Ngor, who fled Cambodia after the holocaust and won an Academy Award for his role in the "Killing Fields."

These seven people are heroes. For they have shown the power of courage and free expression. And last week, I saw how the peoples of Poland and Hungary are leading the way toward this democratic future—casting rays of light on other nations that are not as fortunate. For within these nations, men and women are standing up for the cause of liberty, often at enormous cost. A cause the Czech writer Valav Havel once called the "Living in Truth."

This truth forms the heart of Captive Nations Week. For it dictates that liberty be political, and economic; religious, and intellectual. "Living in Truth" suggests that democratic ideals can make all things possible for a nation, and for its people, and that the individual, not the state, is the voice of tomorrow. (Applause.)

We see that truth in the successful return of democracy to Pakistan. And in Africa, where liberty lights those nations moving away from state socialism with new success. The hated system of apartheid is on the defensive. And in our hope for a Cambodia with self-determination for her people—and a complete and verified Vietnamese withdrawal, with no return to power by the Khmer Rouge. (Applause.)

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

And today, the light of liberty is illuminating the face of Eastern and Central Europe, and reflecting the changes taking place within the Soviet Union—toward greater openness at home and away from confrontation abroad. Such openness prompted the barbed wire fence between Austria and Hungary to be dismantled. And the portion I received—sitting right here—the portion I received as a gift is now on display, and I'd love to have you all take a look at it after this.

And a spirit of renewal lights the Baltic States—Latvia, Lithuania, Estonia—striving to recapture—(applause)—their national history.

These nations know—as we know—that that tide is moving—toward change, economic and political. For around the world, we see democracy markets, and boundaries. Freeing hearts. Freeing minds.

And therefore, to nations of Eastern and Central Europe, striving to reclaim their national heritage, we say: America stands with you. (Applause.)

And to the peoples of China, and Vietnam and Laos, Ethiopia and Nicaragua striving for freedom, we say: America stands with you. (Applause.)

And to the ethnic Turks in Bulgaria uprooted from their homes and forced to flee across the border, we say: America stands with you (Applause.)

Indeed, to all nations, America proclaims the truth cannot forever be intimidated by force. For history shows—and the human will proclaims—that liberty can light the darkest night.

Last Tuesday, thousands filled the streets in Gdansk—peacefully, movingly—to honor the spirit of Solidarity. But their presence did more. It expressed the belief that democracy underscores the dignity of man.

Among the celebrants was the patriot who, above all others, has made Poland's future possible. Astonished by the turnout, he found pride in freedom's past—and hope in its tomorrow. As Poles—cheering, many crying—flanked our motorcade, Lech Walesa turned to me—(applause)—and said simply: "This is fantastic." And he was moved—and stirred—by the wonder of the moment, and the crowds that came out to pay their respects to the freedom that the United States of America epitomizes. (Applause.)

And in coming years, the wonder can uplift the world—in Prague and Kabul—Tallinn, Riga Vilnius—in the hopes and dreams of people who believe in an open and peaceful world, and who have endured much—and who will survive everything—through the triumph of the heart.

To love freedom—to overcome oppression—this is their spirit—and the meaning of Captive Nations Week.

We love them, and we are with them, for we will never waiver nor surrender. And so together, let us raise what Lajos Kossuth called "the morning star of liberty." The star that can help all captive peoples know the dignity that sets man free.

Thank you for your participation in this wonderful occasion. I'll never forget it. And God bless you, and thanks for coming to the White House, and God bless the United States of America, and all that we stand for. Thank you very, very much.

NATION'S AVIATION INDUSTRY OPPOSES TRUST FUND DIVERSION

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. ANDERSON. Mr. Speaker, when Congress returns after Labor Day, one of the legislative priorities will be consideration of the fiscal year 1990 reconciliation bill. It is my understanding that this bill will include the recent action of the Ways and Means Committee to suspend the aviation trigger tax and divert almost \$1 billion in aviation user taxes from the aviation trust fund to the general fund.

We on the Public Works Committee strongly oppose this, especially the diversion of funds.

I am pleased to report that our position is supported by the Coalition of National Aviation Associations. The attached coalition release, which I would like to include for the RECORD, urges "Congress to assure the immediate withdrawal of the proposal."

Mr. Speaker, on behalf of our committee, I would like to commend the Coalition of National Aviation Associations for its initiative and support in addressing this matter.

The diversion proposal must be deleted from reconciliation and I urge Members to support that effort:

TRUST FUND DIVERSION CALLED SKYWAY ROBBERY

WASHINGTON, D.C., July 19, 1989.—A coalition representing the nation's aviation industry today called the proposed diversion of taxes collected for the Aviation Trust Fund "skyway robbery."

The House Ways and Means Committee, in an effort to raise revenues for budget reconciliation, has proposed that \$976 million in 1990 Aviation Trust Fund revenues be transferred to the general fund. The committee's action would also suspend a trigger tax provision, which was devised by the same committee in 1987, to reduce or eliminate the taxes on airline tickets, air cargo shipments and general aviation fuel if Congress failed to appropriate sufficient funds for airport and airway projects.

The Aviation Trust Fund is one of several such funds set up to support important national programs and derives its revenues solely from users of the system. The funds are in turn dedicated to airport and airway capital improvements.

Speaking for the Coalition of National Aviation Associations, whose members include aircraft manufacturers, pilots, airport operators, airlines, business and general aviation and air traffic controllers, Robert J. Aaronson, president of the Air Transport Association said: "To divert Aviation Trust Fund monies while a nearly \$7 billion surplus has already accumulated in the fund, and while a modern and expanded airport and airways system goes wanting, is nothing short of skyway robbery. The taxes collected from air travelers and shippers must be used to meet the nation's critical air transportation needs, and not to mask the size of the federal deficit."

Edward Stimpson, president of the General Aviation Manufacturers Association said: "They are taking the 'trust' out of the Aviation Trust Fund. Congress directed that the billions collected each year from air travelers should either be spent for air travel im-

provements or the tax rate cut. Now, they are about to renege on the deal, and to place an additional \$976 million of aviation user fees in the general fund instead of the trust fund. Who can say what might happen to other trust funds such as those dedicated to sufferers of black lung disease or for Social Security beneficiaries."

The coalition urged Congress to assure the immediate withdrawal of the proposal and that Aviation Trust Fund monies not be diverted away from needed airport and airways safety and capacity projects.

Aerospace Industries Association; Aircraft Owners and Pilots Association; Airline Pilots Association; Airport Consultants Council; Airport Operators Council International; Air Traffic Control Association; Air Transport Association of America; American Association of Airport Executives; Experimental Aircraft Association.

General Aviation Manufacturers Association; Helicopter Association International; National Aeronautic Association; National Air Traffic Controllers Association; National Air Transportation Association; National Association of State Aviation Officials; National Business Aircraft Association; Regional Airline Association.

INTRODUCTION OF THE INVESTMENT ADVISOR SELF-REGULATION ACT OF 1989

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. MARKEY. Mr. Speaker, today I am introducing, with Mr. DINGELL, chairman of the Committee on Energy and Commerce; Mr. RINALDO and Mr. LENT, ranking minority members of the Telecommunications and Finance Subcommittee and the Energy and Commerce Committee, respectively; and, Mr. ECKART, Mr. OXLEY, Mr. MOORHEAD, and Mr. RITTER, my colleagues on the Telecommunications and Finance Subcommittee, the "Investment Adviser Self-Regulation Act of 1989."

Mr. Speaker, last year the North American Securities Administrators Association [NASAA] reported that from 1986 to 1988, more than 22,000 investors nationwide lost \$400 million as a result of fraud and abuse in the financial planning industry. In a comparison with a NASAA survey of only 3 years earlier, State actions against financial planners rose 155 percent and the amount of lost investor money climbed 340 percent. The time has come to stop in its tracks the momentum of fraud and address the regulatory vacuum surrounding this industry.

The victims of fraud by financial planners and investment advisers are not limited to large, institutional participants in the securities markets or a tiny percentage of the Nation's wealthiest citizens. Rather, the victims include retirees, widows, and many other middle-income Americans who have benefited from an increase in their discretionary earnings and seek objective financial advice which will provide them with the security and life-style that they desire. In all, well over 10 million Americans consult financial planners today. The

role for Government, at the State and Federal level, must be to ensure that consumers receive a fair shake in the investment adviser/financial planner marketplace.

Under the Investment Advisers Act of 1940, the Securities and Exchange Commission is charged with the responsibility of inspecting registered investment advisers and bringing enforcement actions when necessary to combat fraud. Yet, in the face of tremendous regulatory challenges, the resources at the Securities and Exchange Commission for inspecting have been woefully inadequate. In the last decade, the SEC has witnessed a 217-percent increase in the number of registered investment advisers, from 4,850 to 14,500; a 400-percent increase in investment adviser registration applications filed annually, from 400 to 2,000; and a 945-percent increase in investment adviser assets, from \$440 billion to \$4.6 trillion. However, the Commission's examination staff has not increased significantly since 1980. The Commission staff currently inspects investment advisers only once every 12 years. Clearly, the continuation of this situation is intolerable.

Unquestionably, the best approach to this problem would be a fully staffed SEC to monitor directly all the activities of investment advisers. But clearly, some immediate action must be taken to address the currently inadequate level of Federal oversight. In this light, I am introducing this legislation today—not as the heralding of the full solution, but as a means of illuminating the problem and beginning the process of serious efforts at reform. Many issues remain to be debated, but the process must begin.

This legislation would recognize an independent self-regulatory organization to take over much of the frontline function of examination and investigation of investment advisers. Such an approach would be modeled after similar SRO's for broker-dealers, such as the New York Stock Exchange [NYSE] and the National Association of Securities Dealers [NASD]. The SEC would supervise the efforts of the newly designated investment adviser SRO.

In summary, Mr. Speaker, I look forward to moving ahead in the examination of problems in the investment adviser/financial planner industry, and developing a consensus approach to finding a genuine solution.

TRIBUTE TO CARL SCHONER

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to my good friend Carl Schoner. After 35 years of service to Yolo County farming, Carl recently retired from his position as director of the Yolo County University of California Cooperative Extension. His contributions to Yolo County and the University of California Cooperative Extension stretch considerably beyond his 20 years as director. I know that my colleagues will agree that Carl's undying devotion to the farm community warrants our honoring him today.

Carl's educational endeavors began in 1951, when he received a bachelor of science degree in animal science from the University of California at Davis. Carl continued his commitment to education throughout his career. In addition to his B.S., Carl received an M.S. in education from the University of California at Davis in 1962 and a Ph.D. in plant ecology from Oregon State in 1974. Academics and the academic process was an important element of Carl Schoner's career.

By utilizing knowledge gained in his educational endeavors, Carl was able to greatly enhance California farming techniques. The research Carl conducted covered a broad expanse of agriculture and many of his discoveries are still being used. One example of Carl's numerous contributions can be seen in a 1970 study he conducted on timing of seeded alfalfa which set forth the value of an early seeding. By proving that late fall harvesting of alfalfa was detrimental to next season's yields, Carl's study led to a 5- to 10-percent increase in alfalfa acreage in the central valley of California, and subsequent economic gains for local alfalfa producers!

Many Yolo County farmers recognize and appreciate Carl's contributions. Rich Rominger, a local farmer and former director of the California Department of Food and Agriculture, commended Carl for his ability to "continue a strong program in the face of budget cuts." Lynnel Pollock who worked with Carl in her capacity as former Yolo County Farm Bureau president, applauded him for running "a tight ship" and encouraging cost containment.

Carl is also well loved and admired by co-workers. The most common description of Carl is to refer to him as an "outstanding person." Yolo County Agricultural Commissioner Ray Perkins, his colleague for 26 years said of Carl "He projected a nice-guy quality that so many of us wish we could. He was able to do an outstanding job while remaining that same nice person." Those who worked with Carl are quick to sing his praises.

Mr. Speaker, it has been a great pleasure to work with Carl over the years. He has been a tremendous asset to the University of California Cooperative Extension, the Yolo County Farm Bureau, and the local farm community as a whole. On this special occasion, I would like to extend my personal thanks and appreciation to Carl, his wife Alice and their family. Fondly, I offer them all my wishes for the best of everything.

SOUTH BAY HOMECOMING TO MISS CALIFORNIA, WENDY BERRY

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. LEVINE. Mr. Speaker, I rise today to ask my colleagues in the U.S. House of Representatives to join me in commending Wendy Berry, who was recently named Miss California, as she is honored by her friends and family at a special homecoming dinner dance on Saturday, August 5, 1989, in Manhattan Beach, CA.

Wendy Berry is a 22-year-old student at California State University, Long Beach, majoring in forensic psychology. In November 1988, Wendy won the title of Miss Centinela Valley and with that, a chance to compete in the Miss California Pageant in June of 1989.

On June 12, 1989, Wendy won the title of Miss California and a \$10,000 scholarship which she plans to use to further her education at California State University, San Diego and Stanford University in the field of behavioral psychology, specializing in forensic psychology as used with law enforcement.

Wendy was born and raised in California, she has won many scholarships and honors. Among her achievements are: high school student of the year, Silver Seal Award, Who's Who among American high school students, first female sport editor of her high school yearbook, Soroptimist Youth Citizenship Award, American Business Womens Scholarship, Lawndale Soroptimist Scholarship Award, Lawndale Rotary Club Scholarship Award, Pennsylvania Ballet Scholarship Award, Joffrey Ballet Scholarship Award, Pacific Northwest Ballet Scholarship Award, and the Boston Ballet Scholarship Award.

As Miss Centinela Valley, Wendy Berry was an active community volunteer. Wendy participated in the senior citizens Christmas party, visited the local convalescent hospital, participated in the fundraisers for leukemia, cystic fibrosis, polioPlus program, Big Sisters of Los Angeles, and many others.

Miss California, Wendy Berry will represent the State of California at the Miss America Pageant in Atlantic City on September 16, 1989.

It is a pleasure to bring Wendy Berry's record of accomplishments to my colleagues. I ask that they join me in congratulating her on her good works and best wishes on her future endeavors.

CHARLIE CROWDER SEES UTOPIA, AND IT'S A BORDER TOWN

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. RICHARDSON. Mr. Speaker, as you know, the United States-Mexico border region suffers from a multitude of problems. Clean water is in short supply, the area is polluted, housing is substandard, unemployment is high, and there is a dire need for health care. These are only a few of the troubles that beset this area of our country. While Congress is only beginning to recognize and address the pressing needs of the border region, a citizen of New Mexico is working hard to establish a model community on the New Mexico-Mexico border.

Charlie Crowder has recognized that the border region's economic health is linked to its ability to provide decent living conditions for its workers. In a recent interview he asks, "How can you be efficient if you wake up with no plumbing, walk through a slum to work, and worry about your grandmother's safety?" Mr. Crowder has been working for years to es-

establish the city of Santa Teresa—an industrial city which provides workers with a strong standard of living and businesses with an efficient and productive work force. I would like to insert into the RECORD a recent article from Business Week magazine which details Charlie Crowder's efforts. I recommend my colleagues read the article and learn from Charlie Crowder's innovative efforts.

[From Business Week, July 31, 1989]

CHARLIE CROWDER SEES UTOPIA, AND IT'S A BORDER TOWN

(By Stephen Baker)

Charlie Crowder points to a path stretching behind a lone bulldozer in the desert. "That," he says, "is the Santa Teresa International Beltway." A fast-talking, chain-smoking land trader, Charles L. Crowder has big plans for his chunk of desert about 10 miles west of El Paso along the U.S.-Mexico border. He envisions a brand-new city, half in Mexico, half in the U.S., built around a group of border-zone assembly plants, the maquiladoras.

The maquiladora industry, based on \$4-a-day Mexican labor, has tripled in this decade, with U.S. and Japanese companies employing some 400,000. And that has stretched Mexico's border cities thin. They're grievously short of water, roads, bridges, and housing. South of El Paso, Ciudad Juárez, the maquiladora capital of North America, alone is short some 40,000 housing units.

The lack of services makes it hard on workers, one reason why annual labor turnover at many plants tops 100%. But it's frustrating for suppliers and shippers, too, with trucks often waiting a full day to cross the border. Crowder is betting that businesses are so anxious for efficiency that they will bankroll an entire industrial city—his, Santa Teresa.

Crowder's Utopia is an orderly town straddling the border, where workers and managers live within walking distance of factories and customs inspectors tour the premises, as he says, "like security guards at a shopping mall."

That's not an image that Judy Turner, a spokeswoman at the U.S. Customs Service in Houston, likes much. But she allows it's "not totally outside the realm of possibility." More to the point, Crowder has some rock-hard assets: He controls 25,000 acres on the U.S. side of the border and even more on the Mexican side—"all the way to those mountains," he says, pointing to distant peaks. Santa Teresa even has an airport.

It also lies atop large groundwater supplies. "Charlie's sitting on enough water to take him well into the 21st, if not the 22nd, century," says Jeffrey B. Peters, president of the U.S.-Mexican Development Corp. and an adviser to Crowder. Hype? Yes, but the fact is, there's so much water on Crowder's parcel that El Paso has spent 12 years and \$8 million in legal fees trying to tap it.

Grubbs & Ellis Co., a big San Francisco-based real estate developer, recently agreed to promote Santa Teresa. Grubb formed a 50-member team that will tour Northeastern and Midwestern cities, trying to lure companies south. "The Pittsburghs, Philadelphias, Detroits, and Bostons of this world have many companies that will come down here," says Franklin K. Skinner, the team's director. None has yet signed up, however.

ALWAYS A CONCERN

The hitch is financing. Crowder needs to build housing first. For that, he needs up-front money, and efforts since 1987 to raise

it have failed. The developer dismisses questions about financing with one-liners: "I have people all over the world making installments on my MasterCard," he says, referring to those trying to drum up funds. But Grubb's chief executive, Harold A. Ellis Jr., admits that financing is "always a concern." Crowder's partner and financial adviser, Christopher O. Lyons, says that the project needs \$30 million to get started.

The other potential worry is Mexico. Although Crowder has an authorized border crossing for cattle on his land, he hasn't yet received permission from Mexico for an industrial crossing. Such paperwork can paralyze projects. But here, Crowder can count on a powerful friend, outgoing Juárez Mayor Jaime Bermúdez, the biggest maquiladora developer in Mexico, who's helping to develop Santa Teresa. Says Crowder: "Jaime wrote the book."

Crowder has scrawled a few pages himself. The 57-year-old made himself a legend in the Southwest as a politically connected land trader. He built his fortune by purchasing plots of land—such as a chunk of Arizona that in 1987 was annexed to the Navajo reservation—and then trading them for better lots elsewhere. But to date, his development efforts have been one-man shows, rarely exceeding the scope of his checkbook.

Driving the sandy red roads of his border domain, Crowder sounds more like Mother Teresa than a developer. The key to success, he says, is meeting the workers' needs. "How can you be efficient," he asks, "if you wake up with no plumbing, walk through a slum to work, and worry about your grandmother's safety?"

That sentiment inspired Harvard University design classes to draw up blueprints for the new town. But, as Don C. Shuffstall, international marketing director at El Paso maquiladora contractor Elamex, notes, "it's going to be a mammoth task." And until Crowder persuades someone to finance him, no road in North America will be dustier than the Santa Teresa International Beltway.

CODIFICATION OF TITLE 8, UNITED STATES CODE, ALIENS AND NATIONALITY

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. BROOKS. Mr. Speaker, on July 19, 1989, I introduced H.R. 2925, a bill to revise, codify, and enact without substantive change certain general and permanent laws, related to aliens and nationality, as title 8, United States Code. This bill has been prepared by the Office of the Law Revision Counsel as a part of the program of the Office to prepare and submit to the Judiciary Committee of the House of Representatives, for enactment into positive law, all titles of the United States Code.

This bill makes no change in the substance of existing law. It is the successor to H.R. 3321, 99th Congress, and updates that bill to incorporate laws enacted during the last two Congresses and to reflect comments received on that bill.

Anyone interested in obtaining a copy of the bill and a copy of the draft committee report—

containing reviser's notes and tables—to accompany the bill should contact: Edward F. Willett, Jr., Law Revision Counsel, House of Representatives, H2-304, House Annex No. 2, Washington, DC, 20515.

Persons wishing to comment on the bill should submit those comments to the Office of the Law Revision Counsel not later than October 31, 1989.

HOW POLITICS BURIED A GOOD AIRPLANE DESIGN

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. McEWEN. Mr. Speaker, I would like to call to the attention of my colleagues the following editorial-opinion written by Charles Whited. It is my hope that Mr. Whited's writing will raise Member's consideration of the American aviation industry, Government intervention in a free marketplace, the determination of the human spirit, and the advancement of technology for both military and commercial use.

HOW POLITICS BURIED A GOOD AIRPLANE DESIGN

(By Charles Whited)

MIAMI.—This is the story of an American aviation scandal.

The Burnelli aircraft.

You never heard of it. Few people have. Few encyclopedias make mention of it. Burnelli. Even pilots will give you a blank stare.

For 50 years, the Burnelli, an original "lifting body" aircraft similar to the flying wing, has been relegated to the dustbin of U.S. aviation because of a U.S. president's fit of political temper.

Despite tributes to the design from such giants of early military aviation as Gens. Billy Mitchell and Hap Arnold, bad luck so dogged its creator, Vincent Burnelli, that he went to his grave broke in 1964. The last Burnelli was built in the late '40s.

And yet a small clutch of believers still cite the Burnelli as a stunning example of power politics in the military-industrial establishment, by which rival airplane manufacturers have kept the flying public shackled to inefficient, dangerous aircraft types that today girdle the earth.

"It's insane . . . an evil conspiracy that starts at the Pentagon."

Thus, in an office in Dade County, Fla., a debonair one-time test pilot of America's first supersonic aircraft, Chalmers "Slick" Goodlin, 66, keeps vigil for the creations of Burnelli, whom he has venerated since boyhood as an unsung aviation genius of all time.

In the late 1940s, Goodlin flew the Bell X-1 rocket plane to the verge of Mach 1 before turning it over to Chuck Yeager, who broke the sound barrier. Today, Goodlin makes his living running a firm that buys, sells and leases aircraft. But his heart is with the Burnelli Co. Inc., of which he is board chairman and president, holding the Burnelli patents.

The old frustrations are revived afresh following two aviation events last week.

One was the maiden flight of the batwinged B-2 stealth bomber, whose design so closely resembles Burnelli technology

that Goodlin fired off a protest to the Pentagon.

The other was the Iowa crash of a United Airlines DC-10 in which at least 109 perished, mostly by fire. Modern jet planes are so laden with fuel—in the wings, under the seats, in fuel lines—as to render the typical tube-fuselage airliner a flying bomb.

The Burnelli flew by a different shape.

Texas-born Vincent Burnelli, inspired by the Wright brothers, built his first model airplane as a boy, became an aircraft designer and engineer, and by 1920 had his first real plane in the air. Its fuselage resembled a giant wing section, big enough to carry people and cargo, with wings jutting on each side. Air rushing over the airfoil shape gave it enormous lift. By 1924, the Burnelli compartment was as big as a garage, with such lifting power that it carried two Essex automobiles.

Fuel was stored in the wings, which were designed to break off in a crash leaving the passenger compartment free of fire.

Later tests of the Burnelli design demonstrated an astonishing aircraft that carried twice the load of the conventional plane, landed and took off at half the speed, and had greater range on an equal fuel load. Goodlin insists that a jet-powered Burnelli today would have the cruising speed of a Boeing 747, carrying more payload.

But for a presidential tantrum, Burnellis could be the standard of aviation.

In 1941, Vincent Burnelli went to the White House where President Franklin Roosevelt was to sign an order for Burnelli warplanes. FDR casually asked who was financing the enterprise. The financier turned out to be a backer of FDR's archrival, Wendell Willkie. Roosevelt threw his pen across the Oval Office and told Burnelli to get out. The War Department ruled the Burnelli aircraft unacceptable, and the ruling remains in effect to this day.

The U.S. standard, and that of the world, became airplanes with fuselages shaped like cigars.

"We've been flying the wrong aircraft," says Goodlin, "for 50 years."

THE CLEAN CONSULTANTS ACT OF 1989—POLITICAL INFLUENCE PEDDLING AND CONSULTANT ABUSES MUST STOP

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. LANTOS. Mr. Speaker, as chairman of the Employment and Housing Subcommittee which has been conducting the congressional investigation of serious abuses at the Department of Housing and Urban Development [HUD], I have been shocked and astonished at the widespread use of highly paid political consultants by developers and others seeking Federal funds. Political influence peddling and many of the other serious abuses that we have discovered at HUD have been encouraged and supported by these consultants.

At HUD, we have found a complete distortion of the system in many programs. The Congress and the American people have sup-

ported a number of programs to help our citizens of modest means achieve the American dream of adequate, affordable housing, but the system at HUD has distorted and undermined that dream. Programs were set up to direct scarce Government resources into areas of the greatest need, but instead—in case after case—we have seen those scarce resources doled out to projects which are not the most meritorious or the most worthy, but rather to those projects which have the best connected political consultants.

Mr. Speaker, we in the Congress can and must act to eliminate these serious abuses of our governmental process. With my distinguished Republican colleague from Connecticut, Mr. SHAYS, I am introducing the Clean Consulting Act of 1989.

Our legislation, which is identical to an amendment introduced by Senator ROBERT BYRD to the Interior appropriations bill adopted last week by the Senate, makes a number of important changes regarding the use of consultants in dealing with agencies of the Federal Government.

First, the bill prohibits recipients of Federal grants, contracts, loans, or cooperative agreements from using Federal funds to pay consultants—directly or indirectly—in order to influence or attempt to influence executive or legislative decisionmaking in connection with the Federal award.

Second, the bill requires that any person or organization requesting or receiving a Federal Government contract, grant, or loan must report to the Federal agency involved the name of any lobbyist or consultant paid with non-Federal funds, the amounts paid, and the purpose for which they were paid. Federal agencies will be required every 6 months to file a complete public report of all this information.

To enforce these provisions, our legislation provides for penalties of up to \$100,000 for the use of Federal funds to pay lobbyists or consultants, and gives the heads of Federal Government agencies the authority to cancel contracts, grants, or loans to those organizations or individuals who violate the provisions of the bill.

Our legislation does not prohibit reasonable payments to consultants for professional and technical services in connection with meeting the requirements for receiving Federal contracts, grants, or loans, but it does eliminate the use of Federal funds for political influence peddling.

Mr. Speaker, there are many other grave problems that we have uncovered in our investigation of HUD and others continue to arise as our investigation continues. This legislation deals with only one of those problems—political influence peddling—but it is among the most serious and troubling of the problems we have discovered. It is a problem that we can and must correct.

Mr. Speaker, I urge our colleagues in the Congress to join us in cosponsoring this legislation.

A TRIBUTE TO MR. CARL VOLLARO

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. MACHTLEY. Mr. Speaker, I rise today to pay tribute to a dedicated and honorable public servant in every sense of the word, Mr. Carl Vollaro.

Mr. Vollaro, a member of the National Association of Letter Carriers, has dedicated 20 years to his route in suburban Barrington, RI, and has always kept an eye out for his patrons. Recently, when mail and newspapers began piling up at the home of two elderly women, he contacted the police. One of the women had fallen several days earlier and her bedridden mother was stranded on the second floor, unable to help. The Barrington Town Council honored Mr. Vollaro with a citation for his humanitarian assistance.

Mr. Vollaro's benevolent vigilance is just one of the many services letter carriers provide for their communities. Mr. Vollaro's act of heroism is repeated every day by thousands of letter carriers across the Nation. These same men and women also regularly raise money for charity, volunteer in their communities, look out for missing children, and check on the elderly and disabled along their routes.

I commend Mr. Vollaro for his heroic act and 20 years of service to Barrington. On the 100th anniversary of the National Association of Letter Carriers, it is also an honor to pay tribute to all the letter carriers in Rhode Island, a distinguished group of caring citizens whose work is an invaluable contribution to the communities of our Nation.

SHERIFF TERRY ASHE EPITOMIZES PRIDE, PROFESSIONALISM

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. GORDON. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to a law enforcement leader who not only works to keep his community safe, but also to make it a better place to live and raise a family.

Mr. Terry Ashe, the sheriff of Wilson County in my district in middle Tennessee, has coped with the growing pains of a rapidly expanding population and a growing force of deputies during his 7-year tenure.

When cities grow outward into formerly rural areas, they bring along some of the city problems people move to escape. Sheriff Ashe has done a great job of maintaining the professionalism of his force and protecting the communities in his jurisdiction.

At the same time, he has become a leader in law enforcement circles.

A veteran of the Vietnam war who was wounded and decorated for bravery, Terry Ashe joined the Wilson County Sheriff's Department in 1974. He switched over the police

department in Lebanon, the county seat, where he was appointed chief of detectives in 1980.

Terry managed during those years not only to do an outstanding job as a police officer but also to complete a criminal justice degree at my alma mater, Middle Tennessee State University.

Shortly afterwards, he was elected sheriff and entered a new phase in his distinguished career.

Recognizing his county's growth, he promptly opened a sheriff's substation in the western part of the county, where much of the growth has been taking place.

Recognizing the rapid growth of what has become our country's worst problem, he organized antidrug operations. Last year, he helped form a judicial drug task force for a five-county area.

He also worked to bring his department in closer touch with his community, organizing neighborhood watch programs, a criminal investigation division, and a deputy reserve program.

Terry Ashe has shown that recognition of his professional standards crosses party lines. Gov. Lamar Alexander, a Republican, made Terry Ashe the first sheriff appointed on the State juvenile justice commission.

A few years later, Gov. Ned Ray McWherter, a Democrat, appointed Terry to serve on the Tennessee Peace Officer Standards and Training Commission.

There are few law enforcement officers so well respected in the State of Tennessee as Sheriff Terry Ashe. One runs out of breath going over his accomplishments in a career that has many, many years to go.

The people of Wilson County and the Sixth Congressional District are very lucky to have a sheriff of the caliber of Terry Ashe.

STATEMENT IN HONOR OF THE CARROLL FAMILY

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. DYSON. Mr. Speaker, I rise today to congratulate the Carroll family of Nanjemoy, MD. Their family is a living testimony to the American dream.

Over 115 years ago, Anthony and Angeline Carroll began their family in a little log cabin near the shores of the Potomac River. Maryland was a free state and so the two were not bound by the ties of slavery. They were free to work the land and fish the waters. And they were free to start a family of their own.

Anthony and Angeline Carroll had eight children and raised them in that log cabin. Their children were healthy and happy, and all went on to have families of their own. The third generation numbered 38 children. Those children have gone on to start more happy Carroll families.

Today, the legacy of Anthony and Angeline Carroll is a large and close-knit family of talented Americans. Their descendants work in many different walks of life: from farmers to computer specialists, from lawyers to home-

makers, from chemists to congressional staffers. The Carroll family is making its mark in so many different fields.

One of the Carrolls, Matthew Henson, was with the expedition that went to the North Pole in 1909. He was Admiral Perry's only assistant on that dangerous journey. This courageous explorer was also a proud family member. After his successful journey to the North Pole, he returned to his roots in Nanjemoy, visiting the cemetery where Anthony and Angeline are buried, only a short distance from where the little log cabin still stands.

I had the wonderful opportunity to meet this remarkable family at their most recent family reunion. I was impressed by their many accomplishments, stirred by their family values, and touched by their warmth and hospitality.

Theirs is a family that exhibits all that is great in the American family. The rise of a family, from humble and happy beginnings, to a large, close-knit group of successful Americans. The Carroll family heritage is an American success story that makes us all proud.

THE AMERICAN FLAG

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. McEWEN. Mr. Speaker, weeks have passed since the Supreme Court handed down its unfortunate ruling that defined the burning of the American flag as a form of speech. I am worried that some in Congress hope that public passions will cool on this issue, so that we can forget how important protection of the flag is to so many Americans. I firmly believe that the majority of the Court made an egregious error in ruling that statutory protection of the flag is unconstitutional.

I recently received a very moving letter from a young lady expressing why our flag is a unique national symbol that must be accorded unique protection. I would like the text of the letter to be placed on the record. I would also like the text of "The American Flag," a poem written by a high school student in my district, to be placed on the record. The distortion of speech to the extent that flag burning is legal should be corrected by the Congress.

The material follows:

DEAR MR. McEWEN: As I write this letter, I understand two things.

First, that you do not represent my district, although I live only five short miles from the Highland County line.

Secondly, I realize that the decision to support the burning of the flag under first amendment rights was a Supreme Court decision.

However, I want to share with you the memory of an 18-year-old girl, who spent the summer of 1974 in Europe. I was only one of 150, 17- and 18-year-olds singing with the Ohio State Fair/European Youth Choir. thousands of miles from home over our nations most revered holiday, I don't believe that any of us realized the importance of the date.

Until, we woke up in a foreign country, where no one cared that it was the 4th of July.

Except 150 American teenagers.

As I remember, it was a less than enthusiastic performance we gave that afternoon. And we were a somber group of kids as we boarded the bus back to the hotel. There was none of the usual good-natured kidding and joking which usually followed a concert.

And as we passed a solid grey, concrete wall, topped with barbed wire and complete with soldier holding a machine gun, which, we were told, was their version of Congress, I remembered the summer I went to Washington, D.C. with my parents. Where I was free to walk the halls and come and go, and sit in on a session of Congress. To visit the White House, to walk through the Pentagon. "Freedom!" I thought.

Just then, from the rear of the bus, someone began to sing, "Oh say can you see, by the dawns early light . . ."

One by one, voices joined in.

By the time we reached the final phrase, "O'er the land of the free, and the home of the brave," there wasn't a dry eye on the bus.

Even our British tour guide was in tears. No sell-out Reds or Bengals game could ever match our 150 voices as we proudly sang our national anthem, and clapped and cheered, as we exited the bus in front of the hotel.

What a spectacle we must have been as we hugged and wished each other Happy Birthday, on the sidewalk and in the hotel lobby.

So, when you talk to me about the 1st Amendment right to burn the symbol of my freedom in protest, you'll get an argument from me everytime.

Because a 33-year-old housewife and mother, remembers what it is like to be an 18-year-old girl, in a foreign country on America's Birthday.

Sincerely,

Mrs. CYNTHIA L. WILSON.

THE AMERICAN FLAG

(By Tara Adams)

I am the American Flag.

When I was first made, I was respected and shown much dignity.

Brave soldiers felt a great deal of pride if they carried me in battle.

But now, at times, that feeling of respect for me is gone.

I'm sure you see me in some places on a tall flagpole waving briskly in the air.

I'm only flying during clear weather—I'm only flying under a patriotic light.

When I am taken down, I am saluted properly and folded in the right manner, not crumpled up like dirty laundry.

But, unfortunately, in some places my value is interpreted differently.

Suddenly no one cares.

They stick me on a flagpole, thinking they are being patriotic.

The ironic thing about this is that they forget about me.

Slowly I start to fray at the ends.

It hurts a little but I will overcome.

The fringe on the end of me starts to rip.

I begin to cry.

The tears and the blood I am shedding mix together and discolor me into a dull pink.

But I will adapt.

I'll have to.

I am starting to become very thin and the rain that is falling is piercing me like a knife.

I hurt so badly but no one cares.

I will improvise.

It is getting dark again.

I should be frightened, but I am not.
 I know God will take care of me.
 I pray to Him that someone will remember me.
 I'm sick of being up here alone, bewildered and forgotten
 People look at me and frown.
 I hear they say, "what a disgrace".
 In preparing for America's future, people should punish others for the agony they put me through. . . .
 Not overlook it!
 Good, dawn is coming, I try to stretch but my frozen body won't budge.
 I get frustrated and I start to cry.
 The warm tears slowly thaw my icy body.
 But wait, what is this that God has sent?
 It seems to be two young soldiers in their battle dress uniforms.
 They look so healthy and vivacious.
 So caring and understanding.
 But at the same time, so young and vulnerable.
 One of them sees' me.
 I see the dismay on his face as he looks up at my cold, wet, tattered form.
 I see in his eyes shame and despair as he taps the shoulder of his battle buddy.
 "Look, Look!"
 They both quickly dash toward me.
 A sense of revival falls upon me.
 My bellowing cry could have been heard miles away by anyone who wanted to listen.
 They approach the pole and quickly loosen the ropes that keep me in torment.
 As they unhook me, they keep me far from the ground.
 They look at my frail and raveled body.
 They both begin to cover their eyes.
 As they remove their hands, I see their tear-swollen eyes.
 They wept for me, much the way soldiers wept for me in battle.
 What a feeling of rebirth.
 Each looks in the others eyes, not watching me but folding me in the proper manner.
 The respectful manner.
 I feel their hands, warm stern, proud, assuring hands.
 These men, by remembering the past, respecting the present and reaching beyond today, are preparing for AMERICA'S FUTURE!

CAPITAL TO CAPITAL TELEVISION SERIES

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. BROWN of California. Mr. Speaker, I rise with my colleague, Representative CLAUDINE SCHNEIDER to call your attention to the fact that this September will mark the second season that "Capital to Capital" will be aired by ABC News. As many of you know, these broadcasts feature live, unedited discussions between Members of Congress and Members of the Supreme Soviet. The series is aired simultaneously on both Soviet and American networks to a combined audience of well over 100 million viewers. Last year this unprecedented series was awarded an Emmy by the National Academy of Television Arts and Sciences.

Every Member of Congress has his or her own reason for entering public service. Each of us took the joys and burdens of this job in order to fulfill our personal ambition to leave the world a better place than we found it. But of all the expectations a Member of Congress might have, few of us ever expected to win an Emmy as part of our career on Capitol Hill. For the Members of Congress who make up the steering committee for "Capital to Capital," the Emmy is a tangible reward for the effort that has gone into these shows. In addition to myself and Ms. SCHNEIDER, the other members of the steering committee are CLAY SHAW, JIM LEACH, STENY HOYER, TOM DOWNEY, and Senator ALAN CRANSTON.

These exchanges are intended to tackle the toughest areas of disagreement between our two countries in a way that seeks to reach beyond posturing and speechmaking. The shows offer policymakers an opportunity to challenge viewpoints, to look for areas of compromise and agreement, and to offer possible solutions. Basically, it represents an effort to improve communication and understanding between policymakers in both countries, not to negotiate agreements or make commitments on programs.

We Americans have been forced to take a critical look at our own country through the eyes of an adversarial world power. We have been put on the spot to respond to their perception of our system, and our inability to provide the American dream to all of our citizens. Americans, in turn, have been able to discuss arms control and human rights abuses directly with the very Soviet officials who hold power to make decisions on these issues.

Like any new venture, we have not always been successful. Some of us on both sides have been unable to overcome the stiffness and the occasional rhetorical excess that comes in speaking before a live audience and a camera lens. Some critics have labeled the shows as "boring." But unlike a majority of television shows, we are not seeking to entertain, but to inform, and we have been rewarded with major breakthroughs. As a result of the show on human rights, several divided families were reunited. The names of family members allowed to leave the Soviet Union were announced unexpectedly to stunned family members seated in our audience. A Joint Human Rights Commission has been formed following an on-air suggestion to investigate cases involving political prisoners, divided families and patients in psychiatric hospitals.

The Soviet Union has made some dramatic changes since this show began. We have seen the emergency of new leadership and the struggles of that leadership as it faces change and criticism from within its own country. Many of those emerging leaders have appeared on the show. Conversation among allies is easy; but broadcasting direct accusations to the leaders of a country known not so long ago as the "Evil Empire" is bold. ABC News and Gosteleradio are to be congratulated for offering this unique forum for critical dialog between our two countries. While it would be presumptuous to attribute the historic changes in Soviet society to the impact of the program, it has certainly been true that atti-

tudes have been changed on both sides through its effect.

We thank our colleagues who have helped make these broadcasts possible. Many of them have appeared as panelists, questioners, and guests. Others have made vital contributions by lending their committee rooms, which were transformed into studios. We owe Tina Tate, Jack Russ, and countless technicians our thanks for their help in working with ABC during late hours and on short notice.

We want to recognize the efforts and support of our friends at ABC News. This season we are losing the creative talent of our executive producer, Richard Kaplan. Rick is leaving our series to produce a new fall show entitled "Prime Time Live" with Diane Sawyer and Sam Donaldson. We feel fortunate that Rick was able to tackle the challenge of working with Members of Congress to produce Capital to Capital while he continued producing a daily show for Nightline. A large measure of the show's success is due to his effort. We thank Rick for his hard work, and wish him and his assistant, Susan Sigel, the best of luck.

Capital to Capital will begin this year with a new executive producer, Jeff Gralnick, and a show on the critical environmental problems facing both nations and the entire Earth. We invite your continued participation and support as we begin our second year of broadcasts this fall.

ALTON COAL LEASE EXCHANGE

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. OWENS of Utah. Mr. Speaker, it pleases me to be able to join my Utah colleagues in the House of Representatives and in the Utah Legislature in support of legislation that recognizes the importance of balancing the competing concerns of the industry and the environment. This bill, which is supported by all members of the Utah and Nevada delegations, authorizes the exchange of Federal coal leases proposed for surface mine development in southern Utah, in the Alton coal field, for Federal coal leases in an existing mining area in central Utah.

While I am a proponent of many pro-environment issues and the designation of additional wilderness, I have never opposed the development of the natural resources of my home State of Utah where such development was appropriate. I do not consider a large surface mine to be an appropriate neighbor to one of this Nation's most treasured national parks, the Bryce Canyon National Park. However, central Utah, where the new leases are located, already supports mining operations. The expansion of those operations which will result from this exchange will increase employment opportunities and aid in the recovery of the depressed Utah mining industry. This, without endangering the environment.

My concern for the environmentally sensitive area surrounding Bryce Canyon National Park have been heightened in recent years as it appeared that the owner of the leases in the

Alton coal field was quickly moving toward development of the leases. Although the Federal and State governments have taken action to protect unusually sensitive areas, the development of a surface mine is proceeding and appears inevitable. Fortunately, the coincidence of several factors lead the owner of the Alton leases, Nevada Electric Investment Co. [NEICO] to propose this exchange. If this exchange is rejected, Neico will have no recourse but to pursue the necessary requirements to mine coal from Alton.

In proposing this exchange, Neico has continued to show its sensitivity to environmental concerns. For instance, Neico only seeks reserves which can be mined from its existing mine portal. This is consistent with the desire of the Forest Service to avoid the development of a new portal in the Manti-La Sal National Forest. No other mining concern could access most of the reserves sought by Neico without a new mining portal. Any revenues which might be lost due to the lack of competitive leasing of this area are more than offset by the fact that mining can begin much sooner due to its proximity to an existing mine operation. In addition, Neico is entitled to compensation for its significant investment in the Alton coal field.

**MR. IRA BORNSTEIN RECENT
RECIPIENT OF THE AMERICAN
NUCLEAR SOCIETY'S DISTINGUISHED
SERVICE AWARD**

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. FAWELL. Mr. Speaker, I would like to recognize Mr. Ira Bornstein, a recent recipient of the American Nuclear Society's Distinguished Service Award. The Distinguished Service Award has been given only 10 other times in the history of the American Nuclear Society. Ira is most deserving of this honor.

Ira, a nuclear engineer at Argonne National Laboratory, has been recognized by the American Nuclear Society for his 12 years of outstanding service in the development and administration of the American Nuclear Society/U.S. Department of Energy International Student Exchange Program. The International Student Exchange Program sponsors bilateral exchanges of engineering graduate students from universities located in the Midwestern United States with those from universities in France, West Germany, and Japan. American students are provided with summer jobs at leading research centers in France, West Germany, and Japan. In return, the students from those countries come to the United States to work at Argonne National Laboratory.

The exchange program has provided enriching experiences for nearly 100 American students and an equal number of students from abroad. In addition to learning how technical work is done in a foreign country, these students learn about the culture and customs of their host countries. By the time these students leave their host countries, they have become acquainted with the people, formed lasting friendships, and, in a small way, helped

foster international good will and understanding.

My colleagues, I ask you to join me in congratulating Ira Bornstein for his many years of dedication to the improvement of international scientific understanding and cooperation.

**NIAID'S ROCKY MOUNTAIN
LABORATORIES**

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. WILLIAMS. Mr. Speaker, resolving medical mysteries is a difficult task. America has long led the way in doing so.

Out in Montana, in the city of Hamilton, is located one of our Nation's medical research laboratories. Staffed by biomedical detectives, the Rocky Mountain Laboratory continues its important work; included in that mission is research on Lyme disease.

The following is an article from a December 1988 National Institutes of Health publication. [From "The Record," a National Institutes of Health publication Dec. 13, 1988]

**BIOMEDICAL DETECTIVE IDENTIFIES ELUSIVE
AGENT—NIAID'S ROCKY MOUNTAIN LAB-
ORATORIES**

For scientists in basic research, there are few "eureka's." Piece by piece, researchers seek out tantalizing bits of evidence that eventually might prove to be a solid clue. At NIAID's Rocky Mountain Laboratories (RML), one of these biomedical sleuths has received international recognition for his successful detective work in solving a medical mystery that has become an increasing health concern in America—Lyme disease.

Situated in Montana's lush Bitterroot Valley, RML came into being because of an earlier medical puzzle. Many of the early settlers attracted to the fertile valley were plagued by a disease they knew as "black measles" or "spotted fever." In 1902, the U.S. Public Health Service sent out a research team to find the cause. Tents, cabins and an old schoolhouse were used for housing the early labs, where the researchers ultimately not only identified the source of the problem—tick bites—but also formulated a vaccine against the agent. In gratitude, the State of Montana built the present facilities, which the Public Health Service then purchased in 1931. With the NIH reorganization 40 years ago, the laboratories became a component of the new Microbiological Institute, NIAID's precursor.

The 41 scientists now at RML continue research on arthropod-borne diseases in addition to studying animal infections transmissible to humans, slow-virus diseases, vaccine development, and more recently, the acquired immunodeficiency syndrome (AIDS). The following story depicts the kind of work conducted on RML.

In 1975, the Connecticut State Health Department received a phone call from a mother concerned about the outbreak of a strange disease in her village. Twelve children had been affected. Local doctors had diagnosed the disease as juvenile arthritis.

Soon after, another woman in the same locality contacted a clinic at Yale Medical School about an "epidemic" of arthritis in her family. Subsequent investigations showed that the clinical and epidemiologic patterns were the same in both outbreaks.

Because the disease seemed to be unique to this general locality and was first identified in a village called Lyme, it came to be known as Lyme disease.

From 1975 to 1979, Connecticut health officers recorded 512 cases of Lyme disease. Further epidemiologic and ecological studies, funded by another NIH institute, incriminated a tiny tick, which lives off rodents and white-tailed deer, as the carrier of the disease. Yet the microbe that actually causes Lyme disease remained unknown.

Meanwhile, back at RML in Montana, Dr. Willy Burgdorfer, a pathobiologist specializing in tick-borne diseases, was continuing his work in Rocky Mountain spotted fever. He had become interested in spotted fever cases occurring in New York, among residents of Long Island. Is it possible, he wondered, that the Rocky Mountain spotted fever bacterium, *Rickettsia rickettsii*, is transmitted by the deer tick?

With his collaborator, Dr. Jorge Benach from the New York State Department of Health, Burgdorfer had examined several hundred ticks, but saw no evidence of rickettsial infection. Then, in September 1981, Burgdorfer received one additional shipment of ticks for testing. While examining the tick blood for rickettsiae, he found what looked like microscopic worms. In hot pursuit, hoping to learn more about these worms, he dissected the ticks and prepared smears from the removed tissue.

He did not find what he had expected. Instead, his microscope revealed spirochetes—the same spiral-shaped microbes later detected in Lyme disease patients. In addition, spirochetes he subsequently isolated from European ticks were identical to the Lyme agents. Since the turn of the century, European doctors had been diagnosing another tick-borne disease they called erythema chronicum migrans (ECM). Burgdorfer showed that Lyme disease is actually a severe form of ECM. The mystery was solved.

In the annals of science, one of the highest forms of recognition is naming an organism for the investigator who discovered it. In the ancient taxonomic tradition, therefore, the spirochetes that cause Lyme disease are now known as *Borrelia burgdorferi*. For his discovery, Burgdorfer was also awarded the Schaudinn-Hoffman plaque by the German Society of Dermatologists during its 34th congress in Zurich, Switzerland in 1984. Schaudinn and Hoffman, in 1903, discovered *Treponema pallidum*, the organism that causes syphilis. Further kudos came last year from Switzerland, where the University of Bern presented Burgdorfer with an honorary medical degree in recognition of his spirochete work; this past month, the West German Minister of Health presented Burgdorfer with the prestigious Robert Koch Foundation Award.

For the true scientist, however, an answer only stimulates more questions. Doctors now know how to treat Lyme disease, but diagnosing the disease remains difficult. Not only are its symptoms similar to those of other diseases, the diagnostic blood tests presently available are not reliable. Several years ago, Burgdorfer devised a quick test for identifying ticks infected with spotted fever rickettsiae. Now, in collaboration with other RML researchers, he is working to improve the diagnostic tests for Lyme disease.

In the isolated Montana laboratories, Burgdorfer continues in his role as a biomedical Sherlock Holmes—even though he officially retired in 1986. It seems particularly fitting to profile Burgdorfer as NIAID

celebrates its 40th anniversary because his NIAID career, which began in 1951, has very nearly spanned the life of the institute.—Karen Leighty

IKE TRIMBLE'S RETIREMENT

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. SARPALIUS. Mr. Speaker, I would like to take a moment of this House's time to pay tribute to a man who has had not only a great influence on my life, but on the lives of countless young people across the State of Texas.

Ike Trimble has been a teacher for 34 years and has recently retired from his profession. He has dedicated his life to instructing young people about vocational agriculture. His dedication to the students of Texas has been amazing; through his caring, Ike made students proud of themselves and the work he inspired in them.

Ike graduated from Texas Tech University in 1955 and began his teaching career shortly afterward. He served in the U.S. Army and received a master of education degree from Texas Tech in 1968.

I first came in contact with Ike through my close association with Cal Farley's Boys Ranch, near Amarillo, where Ike taught for 5 years. He also taught in the Texas communities of Dalhart, Post, and Laredo. He then came to Dumas, TX, where he taught and served as the school's Future Farmers of America adviser for 11 years.

His students learned the importance of agriculture and how it affected not only their lives, but thousands of others as well. He led his pupils to numerous awards in agriculture and livestock shows—awards which proved to be just the beginning for the lives he helped cultivate.

But, more than any honor or award, the greatest gift Ike gave his students was the gift of pride. He taught them to take pride in themselves, pride in their work, pride in their community, and in their country. For Ike, the measure of success was not how many prizes his students won; it was how many of his students became responsible, productive citizens.

The students of Texas will sorely miss Ike Trimble. His talents and his unselfish dedication will not be replaced easily. But how fortunate we are that he has inspired others to carry on his tradition outside of the classroom.

TRIBUTE TO SCOUTING

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. GEKAS. Mr. Speaker, I know my colleagues have noted this last week the thousands of young men in olive uniforms visiting our Capital as part of the National Boy Scout Jamboree held at AP Hill in Virginia. I have been awed by the good manners and upstanding demeanor these Boy Scouts have

demonstrated as they wait in long lines and spend countless hours sightseeing. I believe, Mr. Speaker, that the occasion of the National Scout Jamboree is an opportunity for all of us to celebrate what Scouting means to our young people and our country.

Scouting generates solid character. By constantly aspiring to high standards, Boy Scouts develop breadth of view, sympathy, clean living, an interest in the welfare of others, and the serenity brought by purposeful living. We can ask no more for our future than for it to be led by people who appreciate the natural beauty of this world, as well as the joy of high moral purpose. It is exactly these goals that Scouting embraces.

One of the Boy Scout troops in my district, Troop 86, in Oval, PA, is attending the jamboree. I welcome them to our Nation's Capital and wish them a good and productive time here. This troop has an additional privilege this summer—it is hosting an international Scouter, Murray John Roberts, from New Zealand. Scout Roberts has been active in Scouting for 11 years, and currently serves the Scout Association of New Zealand as a training leader and coordinator. My young constituents will benefit from Mr. Roberts' many Scouting experiences and traditions of New Zealand and his varied international adventures as he teaches skills in canoeing, backpacking, hiking, and scoutcraft.

I ask my colleagues to recognize not only the good fortune of my constituents who will benefit from both the National Scout Jamboree and the contributions of Murray John Roberts, but our young people everywhere who are guided and directed by the ideas and principles of Boy Scouting.

PERSONAL EXPLANATION

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. DANNEMEYER. Mr. Speaker, I was unavoidably absent for part of last week and missed several votes. Had I been present, I would have voted as follows:

WEDNESDAY, JULY 26, 1989

Rollcall No. 167, "nay."
Rollcall No. 168, "nay."
Rollcall No. 169, "nay."
Rollcall No. 170, "nay."
Rollcall No. 171, "nay."
Rollcall No. 172, "nay."

THURSDAY, JULY 27, 1989

Rollcall No. 173, "nay."
Rollcall No. 174, "yea."
Rollcall No. 175, "nay."
Rollcall No. 176, "nay."
Rollcall No. 177, "nay."
Rollcall No. 178, "nay."
Rollcall No. 179, "yea."
Rollcall No. 180, "yea."
Rollcall No. 181, "nay."
Rollcall No. 182, "nay."
Rollcall No. 183, "nay."
Rollcall No. 184, "yea."
Rollcall No. 185, "nay."

FRIDAY, JULY 28, 1989

Rollcall No. 186 "nay."

Rollcall No. 187 "yea."
Rollcall No. 188, "nay."

STOP QUOTAS AGAINST ASIAN-AMERICAN STUDENTS

HON. DANA ROHRBACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. ROHRBACHER. Mr. Speaker, at the opening ceremony of the corporate headquarters of the World Journal, the Nation's largest Asian newspaper, Dr. William L. Smith, the Acting Assistant Secretary for Civil Rights at the Department of Education, gave a memorable speech about the progress of the Asian-American community. To his credit Dr. Smith touched upon the controversial subject of quotas that may exist against Asian-Americans at some of America's greatest colleges and universities. I hope that Dr. Smith's remarks are seriously considered by the Department of Education and that they complete, as soon as possible, the compliance reviews they are conducting against the University of California and Harvard University.

I have introduced House Concurrent Resolution 147, a bill that would put Congress on record as opposing the use of such quotas. I urge my colleagues to cosponsor this piece of legislation. I also ask that Dr. Smith's remarks be placed into the RECORD.

SPEECH OF DR. WILLIAM L. SMITH ON JULY 21, 1989

President T. W. Wang of the World Journal, President Howard Lee of the World Journal U.S. Edition, distinguished guests and friends, I am pleased to be here and celebrate with you the opening of a new and enlarged corporate office of the World Journal U.S. Edition in Queens, New York.

Ever since the 1850's, the Chinese people have been an integral part of the ethnic minority population in America. In recent years, Chinese-Americans became one of the fastest growing minority groups in the United States. I was told there are over 1 million Chinese currently living in America. I was also told that three out of four Chinese-Americans are foreign-born and immigrated from Taiwan, Hong Kong and mainland China since 1965. I can well understand why many of these new immigrants are still turning to Chinese language newspapers for news, information about American way of life, citizenship, education, consumer tips and others. The World Journal, by being the largest Chinese language newspaper in the United States and serving over 100,000 subscribers in the East Coast and another 70,000 in the western states, indeed, has been playing an important role in assisting the Chinese-Americans to be fully assimilated into the mainstream of their American society while enriching the lives of over 1 million Americans of Chinese ancestry as well as other Americans who can read Chinese. On behalf of the Secretary of Education Lauro Cavazos, who is unfortunately unable to attend this important event on account of a prior commitment, let me extend my congratulations to the World Journal on a job well done.

July 1989, marks the 25th anniversary of the signing of the Civil Rights Act of 1964. Like many other minority groups in the United

States, of which I am one, Chinese-Americans have overcome many barriers and difficulties. In spite of these barriers, with tenacity, diligence, determination, and above all, through coethnic cooperation, Chinese-Americans have slowly but surely gained their upward mobility while making many valuable contributions to the United States.

The early Chinese immigrants who toiled in the fields or on railroad construction projects could have never dreamed that, one day, Chinese-Americans will be appointed to important posts in the Federal Government. President Bush has appointed Chinese-Americans as Deputy Secretary of Transportation, Ambassador to Nepal, Commissioner of the U.S. Commission on Civil Rights, Deputy Assistant Secretary of Defense, Deputy Assistant Secretary of Interior. As you may know from newspaper reports there are several other important posts that President Bush has to fill—including mine!

Chinese-American accomplishments and contributions to America cover practically every aspect of American life. In the electronic media, there is Connie Chung. In industry, there is the Wang Laboratories. In sports, there is young, 17-year old Michael Chang who won the French Tennis Open last month. One I like the most, which many of you probably do not know, is the Bing cherries. A Chinese by the name of Bing (obviously it wasn't Bing Crosby) successfully cross-pollinated the hardy American cherry tree (like the one George Washington allegedly chopped down) with the Chinese cherry tree, resulting in plump, juicy and tasty Bing cherries.

The driving force for these contributions and accomplishments made by the Chinese-Americans is the 5,000 years of Chinese heritage which places a high value on education. Chinese-American parents who put enormous stress on education and parental involvement in encouraging their children excel in education are performing a role that is ever more important now in our ever more complex world competition. President Bush regards education as one of the foremost concerns for his Administration. In fact, he wants to be remembered as a "Education President."

The Office for Civil Rights in the U.S. Department of Education is responsible for enforcing Federal laws that prohibit discrimination on the basis of race, color, national origin, sex, age or handicap. Our mission at the Office for Civil Rights is to ensure that all Americans will have an equal access to quality education.

The Federal laws that we enforce to accomplish this goal are:

1. Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin;
2. Title IX of the Education Amendments of 1972, which forbids discrimination on the basis of sex;
3. Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of handicap; and
4. The Age Discrimination Act of 1975, which prohibits discrimination on the basis of age, particularly old age.

I have brought with me a few sample brochures on the civil rights of students published by our Office for Civil Rights. We are in the process of translating these into Chinese and other Asian languages. Perhaps, the World Journal would like to introduce some of these brochures to its readers before we are able to publish them in the near future as part of its continuing public service.

In closing I would like to give you a status report on the involvement of OCR in the question of Asian college admission discrimination. The Office for Civil Rights recently completed the on site investigation portion of the compliance review of University of California at Los Angeles on Asian quota discrimination. The on site investigation of Harvard University will begin at the start of the 1989-1990 academic year. UCLA and Harvard were chosen for compliance review because statistical data, state government studies, general complaints and media reports indicate that these universities may be having a problem complying with Title VI of the Civil Rights Act of 1964 which prohibits discrimination on the basis of race, color or national origin in programs and activities that receive Federal financial assistance.

The Office for Civil Rights will schedule further compliance reviews on Asian quota discrimination in college admissions as warranted. The U.S. Department of Education will not tolerate any form of racial or national origin discrimination. In April 1989, Secretary of Education Lauro Cavazos denounced discrimination against prospective Asian American college students saying that: "We will investigate all complaints in these areas and follow up."

On April 4 this year Secretary Cavazos in a response to a question about Asian college admission quotas said, "... That kind of discrimination as far as I am concerned is reprehensible, and it is illegal..."

Quotas are a particularly invidious form of discrimination because they give the impression of fair and equal treatment when in reality it doesn't exist. When the student applicant comes to recognize that they've been conned it can create a residue of hate that can destroy a talented student and, as the United Negro College Fund says, "A mind is a terrible thing to waste." Denying admissions to the nation's prestigious universities like Harvard, UC Berkeley, or others to any students if it is based on race, color or national origin is against the American principle of providing equal opportunity to all Americans, whether they are American-born or foreign-born.

The United States faces its greatest challenge ever from world competition. We cannot afford to waste a single mind of any race. Title VI which prohibits race discrimination, is not only morally right, it is the law. It is good for education and good for America.

This is an issue that is not going to go away. 35 Congressmen led by Congressman Rohrabacher and Congresswoman Sisk, another Asian American leader, have introduced House Concurrent Resolution 147 which calls on the Departments of Education and Justice to intensify their efforts to ensure that the college admissions process is not discriminating against anyone.

The thing I like about this Resolution is that it calls on the colleges and universities in this country, which are, as a group, the finest in the world, to perform a self evaluation to make sure that their admissions process is in compliance with the standard for non-discrimination enunciated by the U.S. Supreme Court in *Regents of the University of California v. Bakke*.

It may be that this self evaluation will result in a greater understanding that a proliferation of subjective criteria and standards other than academic merit is not the method for admissions decisions that is the fairest to all concerned. A return to academic merit as the overriding basis for college

admissions is consistent with Titles IV and VI of the Civil Rights Act of 1964 and may prove to be the best for everyone: students of all races, the educational institutions, and our country as it faces the challenges before it in the next decade and century.

It is not only a terrible thing to waste a mind, it is also a terrible thing to not develop to its full potential each individual's talent.

Keep encouraging your children to study hard. We will see to it that they will have an equal and fair opportunity to enter nation's top universities.

HIS HOLINESS THE DALAI LAMA OF TIBET RECEIVES THE RAOUL WALLENBERG CONGRESSIONAL HUMAN RIGHTS AWARD

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. LANTOS. Mr. Speaker, on July 21, a most significant event occurred which I would like to bring to the attention of my colleagues in the Congress. His Holiness the Dalai Lama of Tibet was given the Raoul Wallenberg Congressional Human Rights Award of the Congressional Human Rights Foundation at a most impressive ceremony in New York.

The Congressional Human Rights Foundation, which I have the honor to cochair with my distinguished friend and colleague from Illinois, JOHN PORTER, recognized the Dalai Lama for his leadership and example for the peaceful and nonviolent observance of human rights around the globe. I commend Mr. David Phillips, the executive director of the foundation, for his excellent work in preparing this outstanding event. The presentation of this award was a very moving occasion to call attention to the fundamental rights we as Americans take for granted, but which are denied to citizens of so many nations throughout the world.

Mr. Speaker, for the information of our colleagues, I insert the address given acknowledging the human rights contributions of his Holiness the Dalai Lama in the selfless spirit of the great Holocaust humanitarian Raoul Wallenberg in the RECORD. I also insert the response of His Holiness in the RECORD:

ADDRESS OF CONGRESSMAN TOM LANTOS PRESENTING THE RAOUL WALLENBERG CONGRESSIONAL HUMAN RIGHTS AWARD TO HIS HOLINESS THE DALAI LAMA

Your Holiness, distinguished guests: This is an extraordinary event. Today we are presenting the first Raoul Wallenberg Congressional Human Rights Award. This occasion is the linkage of the ultimate hero of the Holocaust with the person who has given us hope in the perfectibility of man and woman—a man who has shown dignity and courage and determination in the face of incredible obstacles and difficulties.

Raoul Wallenberg was a Lutheran Swede who left behind the comfort and safety and security of neutral Sweden and his hometown of Stockholm to go to Hungary at the height of the brutality of the Nazi war machine for the sole purpose of saving his brothers and his sisters, with whom he had

nothing in common except his humanity. In his own lifetime, Raoul Wallenberg has become a legend of the ultimate values of decency to which we all aspire.

It is most appropriate that the first international Raoul Wallenberg Human Rights Award should be given to and accepted by a person who has ironically created a new and meaningful life for one hundred thousand people. Just as Raoul Wallenberg saved the lives of one hundred thousand people from the Nazi war machine, His Holiness the Dalai Lama has preserved the traditional cultural and religious life of one hundred thousand Tibetan exiles.

My dear friend and distinguished colleague, Congressman John Porter, with whom I have had the pleasure of founding the Congressional Human Rights Foundation, has asked me to convey his deep and profound respect and affection for our honored guest today.

The Congressional Human Rights Foundation is a broad-based organization. It is totally bipartisan and has only one goal—fighting for human rights wherever human rights are in jeopardy—and that gives us a lot of territory. We have a very simple, yet very compelling issue. We cannot rest—we will not rest until human rights violations become just a matter of history's ugly pages.

During the course of recent years, we have seen miracles unfold. I shall never forget the number of times that the conscience of the Congress, Dr. William Ford, who is the chaplain of our little group of 435 unruly people, John Porter, Catherine Porter, my wife Annette, and I have stood at press conferences feeling somewhat empty inside at the end of a press conference for Shcharansky, Sakharov, or someone else who was made a non-person by some dictatorial and totalitarian regime.

But we have seen a miracle unfold. People have come out. People are honored by regimes that trampled on them. One of the most remarkable spectacles of recent years was to see Dr. Andrei Sakharov on Boston television praising the leadership of the Soviet Union. Not too many weeks ago in my native city of Budapest, we witnessed a remarkable reburial. The regime which killed Imre Nagy afforded him the highest honor which that nation could provide. His remains were reburied with pomp and circumstance and respect and the crying out of "Mea culpa, mea maxima culpa." Ladies and Gentlemen, we will all be around when the young heroes of Tiananmen Square are reburied with honor by the Chinese government.

What differentiates the massacre of Beijing and the massacre of Lhasa is just one thing—the presence of the media. The massacre of Beijing was brought into every European and American home, into the living room of every Australian and Japanese and Canadian and citizen of every other nation. And history could not be changed or denied or obfuscated because we were all witnesses to history.

Not many were witnesses of the bloodshed in Lhasa which has occurred over the last 30 years, but particularly during the past two years. But the blood has flowed no less copiously in Lhasa. These marvelous Tibetan people faced great anguish and pain and suffering, when their sole crime was that they wanted to practice their own religion and lead their own lives in peace and dignity. There were few who heard their anguished cries, and the world barely noticed.

One voice, without a moment's pause, has pleaded the cause, not just of his own

people, but the cause of universal brotherhood and sisterhood. He is our honored guest today.

We are living at a hinge of history, at a time when we are connected to the past but we are swinging into new and hopefully better directions of democracy and pluralism and religious freedom. There is no one who deserves our respect and honor and support and dedication to his cause than His Holiness the Dalai Lama.

On behalf of the Congressional Human Rights Foundation, it gives me infinite pleasure and pride to present to him a symbol which you all recognize, the dome of the United States Capitol building. It is a symbol of our Congress, which has kept us free throughout our history. The Congress is an unruly and noisy and turbulent place where men and women speak their minds in the spirit of pluralism and democracy. We present this Raoul Wallenberg Congressional Human Rights Award in the hope that before long in Tibet and elsewhere around the globe, these notions of fundamental human rights that are enshrined in the United States Congress will be as honored and as cherished everywhere as they are by His Holiness the Dalai Lama.

HIS HOLINESS THE DALAI LAMA'S ACCEPTANCE SPEECH AT HUMAN RIGHTS AWARD ON JULY 21, 1989, NEW YORK

1. Ladies and gentlemen, brothers and sisters, thank you very much for the great honor you have given me with this Raoul Wallenberg Congressional Human Rights Award. In receiving it I feel I am representing my brave Tibetan people—six million Tibetans—who every day stand up and speak out against brutal oppression by guns, arrests, torture and execution. The Tibetan people and I are honored to receive this award named after a great hero of the recent holocaust of European Jewry. And we are deeply moved that with this award you are leading the world to face and witness and speak out against the ongoing holocaust of the people of Tibet.

2. I understand Raoul Wallenberg was a hero of human kindness in action, a man who saw genocide in process. A man who did not turn away, avert his gaze, and a man who not only witnessed but acted. A man who not only acted courageously but acted strategically, effectively.

He showed how one man's determination does make a difference, even against the overwhelming odds of a vast army and machinery of oppression. Many people there did not know what was going on. Many tried not to face it. And many thought it was a hopeless cause. But Raoul Wallenberg rose above all that, worked energetically, all on his own, at his own risk. And just look how many human lives he saved.

3. I am a simple Buddhist monk. I try to follow the Buddhist ethic of justice, love and compassion. This ethic was not set down in an openly revolutionary way, and so we did not develop a language of human rights. However, Buddha did imply them in his Law of Karma with its commandments not to kill but to save life, not to steal but to give gifts, not to misuse sexuality but to channel it properly, not to lie but to tell truth, not to cause conflict but to make peace, not to accept prejudice but to foster realistic views. Here are the human rights to life, property, privacy, liberty, and education. The Buddha had been a prince, so when he became enlightened the skillfully established effective institutions to protect the individual against the unjust use of

power by the state. That was the seed of the human rights tradition which has always inspired by acts.

4. Now in modern times, the power of great states is unimaginably greater, so the need to protect the simple human being against their unjust use of power is greater today than ever. I am a great admirer of the human rights movements and of human rights organizations, such as the Congressional Human Rights Foundation, Amnesty International, Asia Watch, and many others. If we are going to solve the problems at the heart of the present global crisis, we must begin our work on the level of the single human being. We must protect him or her from real suffering. Only then can we extend such protection to other living beings. And eventually the whole planet.

5. Now I am responsible most immediately for the lives and liberties and sufferings of six million Tibetan human beings. We have been suffering under Chinese government policy of invasion, occupation, oppression and I am sad to say, actual extermination for more than thirty years. I do not use the words lightly, but we are right now undergoing a genocide. We are in the midst of a holocaust. Over a million of my people have perished from Chinese actions. All of my people's human rights are daily violated in all the most extreme ways. All six million Tibetans should be on the list of endangered peoples. This struggle is thus my first responsibility. So I am extremely grateful for your recognition and help in our emergency.

6. And also in spite of what has recently happened in Tibet, leading to the imposition of the martial law in Lhasa since last March, our stand to find a peaceful solution to the Tibetan issue as proposed in my Five-Point Peace Plan of 1987 and in my Strasbourg statement of 1988, remains unchanged.

7. Last month's tragic event in China is very sad. Led by the students and intellectuals, the Chinese people's demand is an intrinsic human nature: for more freedom and for more democracy. These principles are very dear to us. The Chinese people's attempts to achieve their goals through peaceful means have particularly impressed me very much. I have expressed by solidarity with the Chinese people in their just cause and I do so again here today. I sincerely pray for the people of China at this very critical period in their history.

8. In spite of the fact that the leaders of the People's Republic of China are directly responsible for the destruction of Tibet's culture and suffering of my people over the years, I want to make it clear that from the depth of my heart, I have no hatred towards any one of them. Instead, I have sympathy for them.

I think they are acting primarily out of tragic ignorance, thus, defeating their own purposes and ideals. So I consider ours a work of great benefit to them as well as to us. We seek to let them know the errors of their ways, the negative consequences that must follow harming others, lying to the world, depriving life and liberty and suppressing knowledge. They must come to know that it is never too late to change, that they, too, have the responsibility to respect the rights of others and, in doing so, they secure their own rights, too.

9. In conclusion, let me mention what I more and more come to think is the crucial factor in winning the struggle for universal human rights on this planet. We must complement the human rights ideal by develop-

ing a widespread practice of universal human responsibility. This is not a religious matter. It arises from what I call the "Common Human Religion"—that of love, the will to others' happiness and compassion and the will to others' freedom from suffering. We are all born from love and compassion. We all draw our daily sustenance from it in the thousands of little helps we get from the vast network of people our lives connect with. We find our only happiness in love and compassion, our own and others. And even when we eventually must face death, it is only love and compassion that can see us through—as we Buddhists believe, love and compassion are the only treasure that we can take with us.

Our global crisis has come about due to our own ignorance, our not knowing the long term and long range consequences of our thoughts and deeds. As we seek to survive, to preserve life for our children and future generations, then even our selfish actions, if their longterm consequences are understood, will be most practically based on love and compassion. So I believe this common religion is not something unrealistic. It is simple. It is correct. It is our only way. This is my humble belief.

Thank you very much.

PROGRESS ON CHILD SURVIVAL

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. DORGAN of North Dakota. Mr. Speaker, during the past several months, we have been making some quiet but remarkable progress on child survival in Central America.

Congress last year authorized some \$18 million to begin an emergency health and child survival program for civilian victims of the civil war in Nicaragua. The program addressed such urgent health problems as fitting amputees with artificial limbs, providing surgical care for burn victims, and delivering emergency food, clothing, and other medical care—all through private voluntary organizations.

The program has already produced some impressive results. The World Rehabilitation Fund, for example, has treated some 1,000 people in need of prosthetic devices. The Pan American Development Foundation has teamed up with an Adventist hospital in Honduras to perform nearly 100 surgical procedures on eligible patients.

The Agency for International Development recently released a report on these and other activities. I have excerpted the section on the Child Survival Assistance Program and request that it be included in the RECORD for the benefit of my colleagues.

Excerpts from July 18 A.I.D. Report on phase III follow:

CHILDREN'S SURVIVAL ASSISTANCE PROGRAM (CSAP)

A major component of the first law (P.L. 100-276) provided \$17.7 million for medical and related care to children affected by the Nicaraguan civil strife. No additional funds for these activities were authorized under subsequent legislation; however, implementation of efforts begun under P.L. 100-276 continues.

That law mandated that assistance to children be channeled only through nonpolitical private and voluntary organizations (PVOs) or international relief organizations. At least half the aid was to be delivered through organizations operating inside Nicaragua, but none of this assistance could be provided to or through the Government of Nicaragua.

A major restructuring of the CSAP program became necessary after the Sandinista-dominated National Assembly enacted a law in October 1988 that outlawed acceptance of certain U.S. Government assistance, including the children's survival program. The penalty for violation of this law is from 4 to 12 years' imprisonment, the equivalent of the punishment for treason.

The commodities purchased and/or shipped with CSAP funds in Nicaragua at the time of the suspension included medicines, vehicles, office equipment, clothing, food and personal hygiene items. The majority of the purchased items were moved out of Nicaragua and are being used in alternative CSAP-related activities in Costa Rica or Honduras. Approximately \$1.2 million of CSAP goods and services were delivered for use in Nicaragua before the October termination.

In May, A.I.D. issued guidance on eligibility requirements when CSAP commodities are used to provide primary health care services. The guidance states that CSAP commodities may be used for normally non-eligible beneficiaries in instances where services are delivered through the local Ministry of Health system and where CSAP-eligible beneficiaries make up at least 20% of the population in the area. The guidance takes into account that local medical practitioners cannot discriminate in providing services, that CSAP commodities provide fair compensation for the use of Ministry of Health facilities and services, and that this approach is less expensive than establishing parallel service delivery systems.

In June, A.I.D. prepared guidance clarifying eligibility requirements for referral activities under CSAP. The guidance specifies that surgical, prosthetic, or rehabilitation needs of children had to be a direct, rather than indirect, result of the Nicaraguan civil strife in order to qualify for CSAP assistance.

There are currently five CSAP-supported activities in Honduras. The American Red Cross' activity will terminate in mid-July. The organization has been distributing commodities (clothing, blankets, personal hygiene items) to beneficiaries in El Paraiso and the Mosquitia. The latest distribution of goods during May and June reached 8,329 children. In addition, a small amount of medical equipment has been provided to the regional hospital in Danli and clinics at the UNHCR refugee camps at Teupasente, Las Vegas, and Guasimos. Four sewing centers have been established in the Mosquitia and one sewing center established at the Las Vegas refugee camp. These centers are teaching 268 students to make clothing for children.

The World Rehabilitation Fund (WRF) has treated approximately 1,000 individuals in need of prosthetic devices and/or rehabilitative services. In June, TFHA approved an \$800,000, six-month extension to continue the WRF activity through December 31, 1989. Total funding for WRF to date is \$1,950,000.

The Pan American Development Foundation (PADF) refocused its rehabilitative surgery activity from Nicaragua to the Advent-

ist hospital just outside Tegucigalpa, Honduras. PADF is reimbursing the hospital for surgeries, which are being performed on a fee-for-service basis. Since March 22, some 93 surgical procedures have been performed on 72 beneficiaries identified by PADF.

Project Hope aims to provide medicines to and make repairs at Ministry of Health facilities and train community health workers. During the reporting period, Project Hope finalized its implementation plan and completed other project start-up activities. The project should be fully operational by mid-July.

The United Nations High Commissioner for Refugees (UNHCR) has used CSAP funds to procure medicine, housing materials, water system supplies, mosquito netting, supplementary food, utensils, and seeds for the camps in the Mosquitia and Las Vegas. The current CSAP activity ended June 30, and TFHA will be discussing a follow-on project with UNHCR during July.

Two CSAP activities are under way in Costa Rica. In June, CARE and the Ministry of Health signed an agreement for the CSAP project. CARE will provide material support (medical supplies, equipment, and food) and training of community health workers to enhance the Ministry's outreach efforts at 25 health posts in northern Costa Rica and five clinics in San Jose. In addition, sub-grants will support the efforts of indigenous private voluntary organizations to identify and assist CSAP-eligible beneficiaries. All components of the CARE activity should be operational by mid-July.

Nearly 60 health clinics and six refugee camps in Costa Rica are now receiving pediatric medicines originally destined for clinics in Nicaragua through Catholic Relief Service (CRS). To date, approximately 14,000 children have benefited from this program. During the reporting period, CRS identified absorptive capacity problems in the clinics and, consequently, may require a three-month extension (from October 1 to December 31, 1989) for delivery of medicines to prevent overloading of the system.

NONSENSICAL ABORTION LAW

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. CLAY. Mr. Speaker, the Supreme Court recently upheld the Missouri State law dictating that life begins at conception. However, as the following editorial explains, the State legislature has an enormous task ahead of it if every fetus is to be guaranteed all the rights of a human being. I commend this excellent analysis of the Missouri problem to my colleagues.

[From the St. Louis Post-Dispatch, July 26, 1989]

ABORTION LAW'S EMPTY WORDS

In passing the state's abortion law in 1986, Missouri legislators declared it their wish that fetuses be granted, "at every stage of development, all the rights, privileges and immunities available to other persons." Was this only political posturing to gain favor with that noisy minority of voters opposed to legal abortion, or was it a sincere statement of what the Legislature believes should be public policy?

Attorney General William Webster might soon have to decide. Even though the state director of revenue, Duane Benton, has backed off his pledge to seek the attorney general's opinion on taxpayer deductions for fetuses, another public official or legislator should be asking that question.

While he is considering it, Mr. Webster might ponder other logical consequences of Missouri's law. Is a woman who aborts or miscarries entitled to the same tax deduction for her fetus? Will the state require a doctor's certificate to accompany tax returns if someone declares a fetal deduction one year, but no child deduction the next?

There's more. Will a pregnant woman on welfare receive payments for the fetus for the full nine months? Will food stamp allowances be increased for pregnant women?

The state, from Gov. Ashcroft on down, has refused to put its money where its mouth is on this point—especially the governor, who announces his task force on motherhood and fetuses only days after vetoing legislation that would have updated the welfare standard of need for the already born.

The Legislature mocks itself when it passes legislation that will not be translated into meaningful action. When it gathers in Jefferson City next year, the first item on its agenda should be a sensible rewriting of this nonsensical law, keeping abortion legal and available, and removing those provisions that the state has neither the resolve nor the resources to enforce.

EFFORT TO FORMULATE NATIONAL ENERGY PLAN ANNOUNCED

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Ms. OAKAR. Mr. Speaker, according to press reports, the Bush administration is taking its first steps to comply with a 12-year-old congressional mandate to develop a comprehensive national energy policy plan.

The Energy Organization Act of 1977, which created a U.S. Department of Energy, required that the President develop a strategic energy policy plan integrating "energy production, utilization, and consumption objectives for periods of 5 to 10 years," and to submit an updated plan to Congress every 2 years (Public Law 95-91, 42 U.S.C. 7321).

The Subcommittee on Economic Stabilization, which I am privileged to chair, has held four hearings this year to explore the national security implications of the fact that the Reagan administration's compliance with that congressional direction was in name only. For example, the 1981 energy plan was 21 pages in length, and contained only 2 pages on energy security. From then on, compliance went down hill fast.

In 1987 the President sent Congress a press announcement outlining a half-dozen proposals—exclusively producer oriented—plus a very professional analysis by the Department of Energy concluding that the Nation indeed had an energy security problem, but unfortunately, making no further recommendations.

As a result of this inaction, President Reagan concluded on January 3 of this year

that the level of petroleum imports threatens to impair the national security (Presidential Finding, text set forth in "National Energy Security in Peril," remarks on the House floor, May 24, 1989).

During this period, petroleum imports, as a percentage of U.S. consumption, rose from 27 percent in 1985 to 37 percent in 1988, according to the Congressional Research Service, and has been escalating since. From the first quarter of 1988 to the first quarter of 1989, the figure was 40 percent. In mid-summer 1989, it is currently running at about 41 percent, which is approaching the level of imports at the time of the 1973 oil embargo.

This increasing oil import dependency is a highly serious matter. Former Secretary of Defense Schlesinger informed our subcommittee that such dependency constrains not only national security, but also freedom of economic and foreign policy (testimony, May 9, 1989).

In this context, the announcement by Admiral Watkins is welcome, although long overdue. I hope President Bush will also become involved in this process, and that he will marshal the support of other executive branch agencies in this effort.

We in the Congress, who have been attempting to bring these issues to public attention, pledge our cooperation in attempting to move the Nation forward toward a more secure energy future that fully considers the interests of producers, industry, business, motorists, and consumers, as well as our common environment.

TRIBUTE TO DR. ALFRED C. MAGLIO

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. MOODY. Mr. Speaker, I am privileged to honor Dr. Alfred C. Maglio on his installation as the national president of UNICO on August 19, 1989, at the 67th Annual UNICO National Convention in St. Louis, MO.

Dr. Maglio has distinguished himself through his outstanding dedication and service to his family, to his work, to the Milwaukee community, and to UNICO. A member of UNICO since 1955, Dr. Maglio has served in the capacity of a national organization official since 1958. His progression through the ranks of the organization speaks well for his noteworthy organizational and leadership skills. Dr. Maglio has served the membership of UNICO unstintingly. His election to the honored and respected position of president of UNICO is befitting and well deserved. His presidency will be the cause of joy and pride throughout our Milwaukee Italian community.

UNICO, a service organization for those of Italian extraction, has contributed to the quality of life on both a regional and national level. UNICO, both nationally and locally, has helped fund needed medical research for Cooley's anemia, a disease affecting those of Mediterranean descent. The group provides several educational scholarships annually, and has the fine tradition of responding to the acute needs of global disaster areas with fi-

nancial contributions. The work of UNICO members has touched the lives of many. Through UNICO, the Italian communities throughout the United States have demonstrated a sincere desire to help alleviate the social ills affecting us. Their beneficence is noted and appreciated.

The name UNICO stands for Unity, Neighborliness, Integrity, Charity, and Opportunity. These noble words exemplify the spirit of the individuals who help to make our country a great nation. With Dr. Maglio as president, UNICO is sure to continue fulfilling the mission that those words proscribed.

Mr. Speaker, I am proud to honor Dr. Alfred Maglio on his position of president of UNICO National, and wish him the best of luck during his tenure.

CONDEMNING THE MURDER OF LT. COL. WILLIAM HIGGINS

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. COUGHLIN. Mr. Speaker, reports have been received today that the Organization of the Oppressed on Earth, a Lebanese Shi'ite fundamentalist group affiliated, if not synonymous, with the Hezbollah, has murdered United States Lt. Col. William R. Higgins.

The American people dearly pray that these reports are not true.

The kidnapping of Colonel Higgins, a United States marine serving with a United Nations peacekeeping unit in Lebanon, was an utterly contemptuous misdeed. Reports that he has been murdered by his captors as a result of the Israeli apprehension of Lebanese Shi'ite cleric Sheikh Abdul Karim Obeid are outrageous. If it proves true that Colonel Higgins has indeed been murdered, every effort must be made to bring the despicable miscreants responsible to justice.

Mr. Speaker, no doubt there will be some who will seek to justify the Hezbollah's villainy on the basis of the Israeli action. But let there be no mistake about it: the Israelis took a legitimate action to apprehend one of the masterminds of Lebanon's tragic suffering, a man who in fact had previously been implicated in the kidnapping of Colonel Higgins and others in Lebanon and in Hezbollah terrorism against Israeli civilians. Obeid is a criminal, and in the absence of any semblance of law or order in Lebanon, the Israelis had a right to pursue him. Moreover, the Israelis, unlike the terrorists in Lebanon, have never threatened to harm their prisoner.

The Hezbollah's apparent response was an act of murder. It was directed at a United States military officer who has sought to bring peace to a deeply troubled Lebanon. Any action taken against Colonel Higgins is inexcusable and indefensible.

Mr. Speaker, in the days ahead the President of the United States will be under pressure to make difficult decisions on a response to the Hezbollah's crimes. I know he will consider this matter carefully, knowing that eight other American hostages, including my constituent Joseph Cicippio, their families and the

American people have an urgent interest in this matter.

I have been in touch with representatives of the State Department, who inform me that every avenue possible is being pursued to resolve this situation and prevent further loss of life. Representatives of numerous governments with connections to the parties involved in Lebanon have been contacted by senior United States officials.

I know President Bush will exercise his best judgment as he contemplates the U.S. response to this very difficult situation.

**ON THE ANNIVERSARY OF THE
PEOPLE'S LIBERATION ARMY
WE SHOULD HONOR THE VIC-
TIMS OF ARMY VIOLENCE IN
TIANANMEN SQUARE—WEL-
COME TO CHINESE STUDENT
LEADER WUER KAIXI**

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. LANTOS. Mr. Speaker, imagine my surprise when I recently received from the military attaché of the Chinese Embassy in Washington a gold embossed invitation to a reception tomorrow marking the 62d anniversary of the founding of the Chinese People's Liberation Army. This occasion is one of the principal national holidays in China.

Needless to say, I will not attend the festivities tomorrow, and I hope my colleagues will also avoid that event. The army which butchered literally thousands of people in Tiananmen Square in Beijing this June and which is systematically rounding up Chinese citizens and subjecting them to tribunals and torture for their role in seeking to bring democratic change to China is inviting Members of Congress and others to join in celebrating its anniversary. Chinese students and friends of democracy in China will participate in a rally to protest the army's suppression of democracy and human rights in China. I hope that many will show their support for this protest rally.

The unrest in Tiananmen Square was not an action by hooligans. It was students, workers, and intellectuals claiming their fundamental human rights and the democratic right to decide the future of their country. The People's Liberation Army brutally attacked and indiscriminately killed thousands of defenseless, nonviolent demonstrators. We cannot honor the troops who committed the atrocity known as the Beijing Massacre.

Unfortunately, the tragedy has not ended. Reports indicate that in the last month 120,000 Chinese have been rounded up for their role in the nonviolent demonstrations. The Chinese army—in response to the universal condemnation of their actions—now carries out the roundups and executions quietly, without the public fanfare and attention that surrounded these sordid activities earlier.

Mr. Speaker, it is an appropriately symbolic gesture that at the time Chinese Government and military officials are celebrating the anniversary of the founding of their army, we in the Congress will welcome to Capitol Hill a

founding member of the Beijing University Autonomous Student Association who was a courageous leader of the student demonstrations in China, Mr. Wuer Kaixi. The Congressional Human Rights Foundation has arranged for him to meet with Members of the Congress and to brief the human rights caucus as part of his program in Washington.

Wuer Kaixi—one of the top 21 on the Chinese Government's most wanted list of dissidents—recently escaped from China via Hong Kong. Mr. Wuer, a member of the Uygur minority from northwest China, was a freshman at Beijing Normal University who emerged as one of the leaders of the student protest movement. He gained attention when he was one of the students who met with Premier Li Peng and argued forcefully for recognition of human rights, political freedom, and an end to corruption. After fleeing China, he was able to reach France where he was instrumental in the formation of the international underground movement to assist Chinese dissidents and promote the continuation of the struggle for democracy and human rights in China.

Chinese students in America last week at the First Congress of Chinese Students in the United States. Here in our country their experiment in democracy continues, thanks to our own commitment to freedom of speech and democratic principles.

Wuer Kaixi is here to remind us that the struggle for democracy in China is not over. The Chinese Army may execute the leadership of the democratic movement, but for every person who dies, history shows that there are new, unrecognized heroes ready to carry on the struggle. Young men like Wuer Kaixi continually reaffirm to us the indomitable human spirit.

Mr. Speaker, we welcome Wuer Kaixi to the Congress and we applaud his actions as well as the courageous stand taken by all of the Chinese student leaders.

**THE AMERICAN SPIRIT IS ALIVE
AND WELL**

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. DORGAN of North Dakota. Mr. Speaker, those who question whether the spirit of America is still a powerful force should heed the example of American bicycle racer Greg LeMond in the recent Tour de France.

Mr. LeMond staged one of the most amazing come-from-behind victories in modern sport as he won the most prestigious cycling event in the world. After a grueling 2,000-mile race through the Pyrenees and the French Alps, LeMond overtook the race leader by posting an incredible 34-mile-per-hour sprint time in the last stage of the tour.

Long the province of European cyclists, the Tour de France has now been captured for the second time by LeMond. He became the first American to wear the winner's yellow jersey in 1986.

Since then, LeMond has been riddled with misfortune. But his indomitable spirit and fierce determination put him back on top. He

will return to his home in Minnesota as a champion's champion.

Without diminishing LeMond's stunning personal victory, may I also suggest it represents the best of the American spirit as well. Our Nation has always dug deeply to find the resources for meeting every challenge—whether economic, scientific, political, or social.

I salute Greg LeMond and include for the RECORD a Christian Science Monitor editorial on his achievement.

The editorial from the July 27, 1989 edition of the Monitor follows:

WINNING THE RACE

Greg LeMond's come-from-behind victory in the Tour de France—winning by eight seconds on the last day of the grueling 2,031-mile mountainous trek—would have been inspiring by itself. The victory was the closest in the 86-year history of the world's greatest bicycle race.

But the drama of Mr. LeMond's own come-from-behind story turned the victory into a worldwide lesson on the capacity of men and women to overcome adversity through perseverance.

Since becoming in 1986 the first American to win the Tour de France, LeMond was knocked back not once, but three times. He had to overcome both a near-fatal gunshot wound that was supposed to end his career in 1987, and the demoralizing skepticism of friends and experts as he then dealt with two more crippling injuries.

One can only imagine what it took for LeMond to come back—the private moments of struggle, the determination to return.

LeMond is "always able to find something good in the worst possible situation," his wife says. Yet it's clear he wasn't content only to find a happy but limited accommodation to his problems—but to actively work to transform them.

As LeMond pedaled past the Arc de Triomphe in Paris, the words of the grizzled coach in the British movie "Chariots of Fire" came to mind. A fleet young Scottish minister-to-be had just collapsed at the finish line—winning the race after being tripped and falling far behind: "That's not the prettiest [race] I've ever seen," the coach says, "but it's certainly the bravest."

**THE 75TH ANNIVERSARY OF
THE WHITE EAGLE/SACRED
HEART SOCIETY OF GREEN-
FIELD**

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. CONTE. Mr. Speaker, I rise today to recognize the White Eagle/Sacred Heart of Jesus Society of Greenfield, MA, as it prepares to celebrate its 75th anniversary.

The White Eagle Society took its name from the majestic symbol of Poland. For the Polish people, the white eagle stands for many of the same ideals that the American bald eagle represents in this country—prosperity, opportunity, hope, and freedom. With these ideals in mind, the White Eagle Society was founded to provide opportunities for Polish immigrants in the United States.

While these brave immigrants moved to this country looking for prosperity and a better life, they have never forgotten the homeland. It still holds a special place in their hearts. Like so many others in this country, my parents came to America with precious little to speak of other than their love for each other and a desire to make a better life for themselves and their family. They were adventurers of a sort, because it takes an adventurer to leave the home and go to a new place, strange and full of people who don't even speak the same language. The unknown is a frightening thing. But they were courageous, and willing to take a bold step into the unknown to seek out the new land. They brought with them the most precious part of the homeland—a deep love of God and man.

In 1880, when the first Polish immigrants began to migrate into Greenfield, they shared the hopes and dreams of many immigrants before them. They also shared the difficulties that invariably accompany immigration to a foreign land. We can only imagine how hard life must have been for these first-time pioneers from Poland. The language barrier made finding jobs arduous. Then, those fortunate enough to find work were often exploited and overworked.

In Greenfield, during the early years of Polish immigration to the area, church services were offered in Polish by Holy Trinity Church on Main Street. Every week, the late Father Stanislaw Zdebel went by horse and buggy from Turners Falls to officiate the Sunday masses. This was a godsend to these people, giving them support of their religion, comfort of having friends close at hand, and confidence to make their way in the community. Over time, their burden became lighter as they grew accustomed to the new land, growing together as a united and dynamic community.

The White Eagle Society has been a vibrant and essential part of Greenfield's Polish community. Seventy-five years ago, on March 29, 1914, Father Zdebel and a group of Polish parishioners gathered at a plumbing shop behind the former townhall on Main Street and created the Sacred Heart of Jesus Society. The organization was established to provide mutual assistance for all the Polish families of the Roman Catholic Church. Meetings were held once a month until 1915, when the organization moved to Olive Street and began holding weekly social gatherings to promote good friendship and raise money for the community.

The group continued to grow, reaching 80 members in 1933. That year, the Sacred Heart Society was incorporated. Then, in 1935, the organization purchased the present building on Mill Street. To promote more activities on a local, State, and regional level, the society's charter was changed to White Eagle Society Inc. of Greenfield in 1941.

The younger men in the society promoted sports within the organization and sponsored a baseball team under the name of the White Eagles. However, there was more to the organization than baseball games, social gatherings, and parties for the children. In 1960, an annual education scholarship was established for the benefit of college-bound students of the membership. The organization also pays

sick and death benefits to its members. These benefits, initiated 1914, are still paid to this day.

The importance of such an organization to the Polish community cannot be easily measured. But it can be seen in the third generation Americans who now belong to the organization's membership rolls.

I salute the endeavors of the White Eagle Society, and the helping hand I have offered throughout my 31 years in Congress will be forever extended to this group and its cause. During the past 31 years, I have sponsored many private bills in the House that eventually led to the reunion of long-separated members of Polish families. I have also supported the appropriation of millions in foreign aid for Poland.

One of my proudest memories as a Congressman was in 1965, when I attended the dedication of a hospital in Krakow as a member of the U.S. Government delegation. Early in my career I worked to appropriate funds for the American Research Hospital for Children in Krakow. I will forever remember a plaque that was placed at the hospital upon its dedication, which read:

Erected by the American people to promote the welfare and health of the children of Poland and dedicated to the enduring friendship between the peoples of the United States and Poland.

That friendship has endured. We have kept our commitment to Poland since the beginning of Stalin's oppression. We kept our commitment during the dark times when the Polish Communist Party suppressed Solidarity, the legitimate expression of the needs and desires of Poland's workers. And we'll keep it now, when the May elections have brought Poland its freest government since before the Nazi invasion 50 years ago.

Today, Poland needs our help. Despite its dawning partial political freedom, its economy continues to sink, and its environment is in crisis. As the ranking member of the Appropriations Committee, I'll be working to help Poland's people bring their country back. We all know that foreign aid is scarce these days. But we can target it far better than we have in the past—to assist Poland entrepreneurs as they venture into private business operations, to use our environmental expertise to help clean up industrial waste sites, and to help rescue the architectural glories of Krakow from acid emissions and smog.

Our greatest dream of all—a Poland free of oppression, whose people decide their own destiny through truly free elections—is yet to be realized. But now we can see a time not too far away when that dream will come true. That's a tribute to the Polish people's determination to be free. They have never given up, and never will. For once the spark of freedom is ignited within the hearts of a people, there can be no going back to repression.

Seventy-five years is a milestone that the White Eagle/Sacred Heart Society should be truly proud of. I am pleased to congratulate the society on this historic occasion and wish it continued success for another 75 years.

END OF AN ERA IN CHESTER COUNTY

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. SUNDQUIST. Mr. Speaker, for 35 years Odessia and Red Austin operated the Electric Grill in Henderson, TN, a warm, friendly place where the food was good and the company better. The Electric Grill is the sort of place I imagine most of my colleagues have somewhere in their districts, a special place that is at the heart of a small community or neighborhood.

Red and Odessia have taken a well earned retirement this summer. I want to commend them for being a vital part of Henderson's civic life for so many years. And I ask that the following article from the Chester County Independent be entered into the CONGRESSIONAL RECORD.

[From the Chester County Independent, June 8, 1989]

END OF AN ERA—AUSTINS RETIRE FROM RESTAURANT BUSINESS

(By Sue Hite)

For more than 35 years, Odessia and Red Austin have had a front row seat in Henderson. From their restaurant, The Electric Grill, they've been witnesses to all the comings and goings in town.

The Electric Grill is not known for its upscale decor. There's a calendar on the wall, a paper rack by the door, a lone ceiling fan, tables, chairs and some swivel stools at the counter. Customers have been drawn to the corner of Main and Washington, not by decor, but by good food and good conversation. To the kind of place where a regular says "I'm ready for breakfast," and Odessia knows what to put on the grill. Where Red keeps your cup filled with hot coffee.

In over three decades in the restaurant business, the Austins have seen a lot of changes and met a lot of good people. They've had their share of good days and hard times. Last Wednesday was the hardest day for Red and Odessia. It was the end of an era. Deciding to retire was not as hard as saying "good-bye" to all their friends. They dished out more hugs, kisses and handshakes than bacon and eggs that last day.

For all these years, the Austins have been getting up at 4:30 each morning to open the restaurant at 5:30. They don't consider the early hours the hardest chore. They both say cooking is the hardest. From the homemade spaghetti on Wednesdays, to the chicken and dressing on Fridays, they work to make sure everything is just right. And they have high expectations of their customers.

"When someone cuts one of my homemade pies, I want them to cut it right. I put a lot of work into those pies," Odessia said.

She's also put a lot of work into making sure her regular customers get their breakfast orders just right.

"Eggs are hard. But, after all these years, I can look at a plate of food and tell you who it's for," she said.

Red says he has poured many cups of coffee over the years and witnessed many changes in the city.

"Just about everyone who had a business along this street when we started is gone now. I can remember when we used to stay open till 10:30 on Saturday night and there would be people walking all up and down the street," he said.

Odessia and Red look forward to more time for gardening. She loves her flowers, especially African violets. She also loves to fish. Red plans to work in their vegetable garden and "just piddle around" some.

Of course Odessia will still have some official claims to her time. She's on the Chester County Library Board and serving her third term on the Henderson City Board. She also plans to devote more time to helping others.

"I worry about who will take up money for flowers when someone's sick. I've always done that," she said.

Wednesday was a typically busy day at The Electric Grill. Maybe a little busier, as regular customers took time to offer their good wishes to the Austins. Some sent flowers and cards. Other's spent a little extra time at the cash register for a handshake or a hug.

"Everybody in Chester County knows them. Odessia has a heart as big as all outdoors," said longtime customer Leon Johnson.

Quinten Newman agreed. "She's been a mother to everybody in town," he said.

The Electric Grill is not closing. Martha Price began operation of the restaurant on June 1. She'll be getting up before daybreak to get the grill hot for the breakfast crowd.

As for the Austins, they'll be taking things a little easier. After all these years, will they still wake up at 4:30?

"If I do, I hope I'll turn over and go back to sleep," Red said.

CONFIRM WILLIAM LUCAS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. CRANE. Mr. Speaker, I would like to bring to the attention of my colleagues a recent editorial which appeared in the July 24, 1989, Wall Street Journal. The editorial discusses the lynch mob mentality that appears to possess some of the members of the Senate Judiciary Committee. As in the Bork hearings, it appears clear that the real problem with the nomination of William Lucas for the civil rights post at Justice is the fact that Mr. Lucas is a conservative—other issues raised in the nomination process are simply raised as a rationalization for rejecting him. As was pointed out in the Bork nomination, liberals cannot quite comprehend the fact that they have been soundly defeated in the last three Presidential elections—since they cannot appoint their own, they simply deny confirmation to various conservative appointments.

Although we have seen these desperation tactics before, the fact that Mr. Lucas is black raises another issue which the editorial also addresses—liberals will do whatever it takes to keep blacks on the liberal plantation. Successful conservative blacks who stray from the liberal ideology of a Democratic party which has taken the black vote for granted for years, are all too often isolated and discredited. It is almost as if Democrats are saying

"You are not really black if you are a Republican or conservative." Efforts to ostracize and isolate those blacks who do not think liberal certainly says something about the lack of respect some people have for blacks and their right to choose their own views. Apparently some liberals think that only they know what is right for all blacks regardless of what blacks themselves believe.

I believe my colleagues will find the following editorial worthwhile and thought provoking.

REVIEW AND OUTLOOK—THE LUCAS ASSAULT

With the Biden-Kennedy-Metzenbaum assault on William Lucas, all black citizens are being told: If you rise to prominence by conservative or Republican routes, we will destroy you. The point of the exercise is to keep blacks down on the liberal plantation.

In the Judiciary Committee hearings on President Bush's nominee for Assistant Attorney General for Civil Rights, the Senators softened up their target with the usual trivia dredged up by exhaustive FBI background checks: some trouble with the Customs Service, a 1981 failure to reveal having flunked his first bar exam 20 years earlier, etc., etc. The sniping is then dignified with the heavy artillery: The nominee spent his life as an FBI agent, sheriff and county executive of Wayne County; he was not a civil-rights lawyer, and therefore lacks the technical qualifications for the post.

This fastidiousness about legal learning is proffered with a straight face by the same Senators who defeated Robert Bork for the Supreme Court and Brad Reynolds for associate attorney general. We only hope that the Bush administration recognizes that the assault on Mr. Lucas is fast becoming one of its biggest political challenges. It should notice when Ralph Neas, ringleader of the Bork lynching, remarks of Mr. Lucas, "I think the nomination is in serious trouble based on the momentum of the last 48 hours."

Of course, what the Senators, Mr. Neas and the rest of the Washington civil-rights lobbying complex want is to reverse Mr. Bush's election. Assistant Attorneys General are chosen by the man who wins the most votes for President, not by the losing political party. Presidents have a right, indeed a duty, to appoint officials who will carry out the policies they offered voters during the campaign.

Mr. Lucas, though, is being criticized for agreeing with the President and the Attorney General who appointed him. Asked about recent Supreme Court opinions, he repeated administration policy, saying he would follow what the Supreme Court has held is the law of the land, and would suggest new legislation only if he thought it was required as cases are brought.

This is not acceptable, we're now told. Senator Biden and Rep. John Conyers withdrew their support, though they surely must have suspected the nominee would follow the administration. We can't recall any previous nominee ever required by Senator to take a disloyalty oath to the superiors who nominated him.

And what are these retrograde opinions held by the President, the Attorney General and the Supreme Court majority? Mr. Lucas said he was drawn to serve under President Bush by his campaign pledge "that every American will be able to play on a level playing field, that any injustice—gross injustice, injustice period—that exists in this country will be corrected." Mr. Lucas does not promise quotas or reverse discrimination; he promises no discrimination.

But of course by now the civil rights establishment views it main task as agitating for special treatment depending on color and sex. Mr. Lucas instead believes civil rights is not a zero-sum game of winners and losers. He says, "One of the things I would like to get away from in this whole civil rights agenda is them and us."

Not far under the surface of all the criticism lies the suggestion that while his opinions might be forgiven in a white nominee, they are anathema for a black such as Mr. Lucas. "I was quite frankly surprised, when I ask this black man," Senator Biden said, "if we were moving in the right direction or wrong direction on civil rights, and he didn't have an opinion." And Mr. Lucas is not the only black Bush nominee being targeted for a Bork-like attack. The lobbies are clearly also set to block Clarence Thomas, a scholarly black lawyer Mr. Bush wants to take Mr. Bork's seat on the federal appeals court in Washington.

Lobbyists who live and breathe racial preferences, of course, have a high stake in stigmatizing any black who dissents from their dogma. If they do not speak for all blacks, what is the source of their moral authority? Similarly, Democrats have an enormous interest in neutralizing any salience Republicans have established in the black community, keeping a key constituency plus the ability to criticize Republicans as inhospitable to blacks. Yet some of the ablest blacks are moving away from the notion of racial quotas, recognizing that they detract from real achievements. And like Mr. Lucas, at least a few politicians are recognizing the interest of no group is served if one party cannot win its votes and the other party cannot lose them.

The stakes in the Lucas nomination embrace not just a job but a vision of race relations and the future of politics. Above all, they include the issue of whether all Americans have an equal right to think for themselves, or whether blacks cannot advance unless and until they agree with their official lobbying groups, Mr. Neas, and Senators Biden, Metzenbaum and Kennedy.

DISSENTING VIEWS ON THE SAVINGS AND LOAN CONFERENCE REPORT

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. ROTH. Mr. Speaker, inasmuch as separate views are not being included in the conference report on the savings and loan bill, I am today sharing my views with my colleagues in the House.

I have withheld my signature from this conference report and will oppose its enactment. This final agreement falls short of our responsibility to the American people, and particularly to the taxpayer who will underwrite most of the \$284 billion cost of this rescue.

Undeniably, Congress must take action to restore the Federal deposit insurance system, but the magnitude of this plan requires that the expenditure of public funds be accompanied by stringent reforms that ensure we will not face this problem again. Although on the surface this agreement appears to include strong reforms, in their detail each reform is

encumbered and undercut by exceptions, loopholes, and special deals that have the cumulative effect of continuing many of the risky and imprudent practices that led the thrift industry into this financial quagmire.

When our committee began work on this bill, I said that we must be prepared to make the toughest decisions in the interests of the taxpayer. When the committee reported the bill to the House, I reluctantly supported that version with the goal of seeking improvements in conference. I raised several concerns about the House bill. These concerns have not been met in this final bill.

We know that while most of our 3,000 savings and loans are well-managed and sound, we do have some 600 institutions which must be closed. The insured accounts of many thousands of Americans can be covered only by the Government raising billions to fill the shortfall in the deposit insurance fund. Inevitably, this will be done. However, we must pay equal attention to strengthening the capital reserves required as a first line of defense against loss. The final conference agreement delays this capital requirement by several years, leaving the taxpayer vulnerable.

Assets from the thrifts that are shut down will be taken over and sold, by a new Federal agency, the Resolution Trust Corporation. Despite every indication that this is a weak link in the plan, the conference agreement contains the seeds of a major scandal in coming years. The Congress seems to have learned too little from the failures at the Federal Asset Disposition Agency and the Department of Housing and Urban Development.

The conference also rejected a key reform to require federally insured institutions to have an annual outside audit and to submit an annual report on their compliance with safety and soundness rules. This reform was supported by the General Accounting Office and the Treasury Department, but was opposed by some lobbyists for the banking industry. Failure to include this provision in the final bill leaves the deposit insurance fund vulnerable to the weak management that characterizes the 800 banks that did not have any audits in the most recent reporting period. The Congress will rue the day that this reform was defeated.

In sum, this bill reminds me of last year's Medicare catastrophic insurance legislation. Hailed at the time as a breakthrough, it is now understood to be a disaster for the Nation's senior citizens, which must be reopened. Similarly, I believe this savings and loan bill will not produce a stronger deposit insurance system, or a more viable thrift industry. Instead, the taxpayer is given a huge bill to pay for the next decades, and the Congress is sure to have to revisit this legislation in the future.

INVESTMENT ADVISER SELF-REGULATION ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. DINGELL. Mr. Speaker, today I am introducing, at the request of the Securities and

Exchange Commission, the Investment Adviser Self-Regulation Act to provide for the establishment of one or more self-regulatory organizations for registered investment advisers. These SRO's would establish qualification and business practice standards, perform inspections, and enforce compliance with the law. At no additional cost to the taxpayer, the industry itself, under tough SEC oversight, would set standards for and police its own members for the protection of public investors.

Earlier this week, NBC Nightly News did a segment on 67-year-old Norm Dietrich who had to come out of retirement and start a metal parts business when he lost his life savings, over \$206,000. The Dietrichs were reportedly among 2,700 people who allege that they lost a total of \$40 million through Financial Concepts, an Illinois financial planning firm. Lured by advertisements to attend free seminars, clients were persuaded to invest in apartments, motels, and other real estate limited partnerships that turned out disastrously for most of them. Seventy-eight-year-old Elizabeth Synder learned she lost her \$25,000 investment when she received an envelope in the mail stamped: Sorry. You lost your money.

On June 11, 1986, the Subcommittee on Telecommunications, Consumer Protection, and Finance held a hearing on investment advisers, financial planners, and customer protection. The record revealed that while the vast majority of financial planners and investment advisers operate with integrity and competence, there were far too many examples of egregious fraud of unsophisticated investors. Many of the malefactors fell outside the regulatory reach of the SEC. And the growth of the regulated industry was far outstripping the Commission's resources.

On February 12, 1988, the SEC submitted to the subcommittee a report based on a study of the financial planner industry in response to the subcommittee's July 9, 1986, request. It examined a number of customer demographics, characteristics of planners, and the regulatory program for registering and inspecting planners. The report also evaluated the National Association of Securities Dealers' pilot program to inspect NASD members who are also investment advisers.

In September of last year, the SEC published a rule proposal, which I strongly opposed, to exempt thousands of small-scale investment advisers from its registration requirements and shift its responsibilities to the States. Those rules have not been adopted.

Earlier this month the Committee on Energy and Commerce ordered favorably reported to the Budget Committee, for inclusion in budget reconciliation, legislation to provide the Commission with the budget resources it needs to police the securities markets effectively. These resource issues are real.

Since 1980, the number of investment advisers has more than tripled, to 15,000 currently registered with the SEC. These range from sole proprietorships, to large firms with hundreds of employees. Assets under their management have increased more than 1,000 percent, now totaling \$5.3 trillion, which is greater than the combined deposits of banks and savings and loans. These assets now amount to 20 to 25 percent of all financial assets owned by Americans. There are also

approximately 200 foreign firms registered as investment advisers in this country, reflecting the increasing globalization of our financial markets.

In the face of explosive growth in this industry over the past decade, SEC staff levels devoted to supervising the industry have increased only slightly. As a consequence, the SEC is able to inspect investment advisers at the rate of only once every 12 years.

On June 19, 1989, the SEC submitted to Congress the legislation that I am introducing today in order to further the public debate on the problems associated with inspecting and regulating the mushrooming investment adviser industry in the face of severe limits on SEC resources.

The committee will also be looking at a number of other substantive areas such as how to regulate those who hold themselves out to be financial planners, but who are not registered as investment advisers with the SEC. We also need to look at the need for greater disclosure and customer education, regulation conflicts of interest, and ensuring private rights of action under the Investment Advisers Act.

The International Association for Financial Planning has announced its enthusiastic support for this legislation, while the National Association of Personal Financial Advisers has issued a position paper opposed to self-regulation in the investment advisory industry. I encourage all industry members and investors who have an interest in this legislation to contact the committee with their views so that we may responsibly and effectively fill in the existing regulatory gaps and protect the American public and its savings from unethical and dishonest conduct.

The material follows:

SECURITIES AND

EXCHANGE COMMISSION,

Washington, DC, June 19, 1989.

HON. JOHN D. DINGELL,

Chairman, Committee on Energy and Commerce, U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN DINGELL: I am pleased to transmit, on behalf of the Securities and Exchange Commission, the attached legislative proposal to amend the Investment Advisers Act of 1940 ("Advisers Act") to provide for the establishment of one or more self-regulatory organizations ("SROs") for registered investment advisers. The proposal is patterned after the self-regulatory scheme for broker-dealers established in the Securities Exchange Act of 1934 [Exchange Act].

The proposal would amend the Advisers Act primarily by adding a new section, Section 203A, that would authorize the Commission to register one or more national investment adviser associations to provide a self-regulatory mechanism for investment advisers, subject to Commission oversight. These associations would establish qualification and business practice standards, perform inspections, and enforce compliance with the law. As a general matter, membership in an association would be mandatory for all registered investment advisers. However, investment advisers whose only clients are registered investment companies would not be required to join an SRO, nor would the advisory activities of investment advisers

ers pursuant to management contracts with registered investment companies be subject to an SRO's jurisdiction.

The Commission believes that it is important to extend to clients of investment advisers the same basic protections that now prevail in other segments of the securities industry. Self-regulation of investment advisers under the Advisers Act through the creation of one or more self-regulatory organizations would permit the Commission and the investment adviser industry to achieve important regulatory objectives, and would provide increased investor protection at private, rather than public, cost. Under an effective self-regulatory system, the Commission's role would be largely that of oversight of the activities of the organization. This would enable the Commission to avoid the need for the substantial additional resources which otherwise would be necessary for the Commission to continue to effectively administer and enforce the Advisers Act, given the substantial growth in the adviser industry that has occurred in recent years. In addition, self-regulation would facilitate the development by the industry of standards of fair and ethical business practices. Although the Commission and the industry share a significant interest in maintaining public confidence in the industry's honesty and integrity, self-regulation by the industry is a more sensitive and effective device in the area of unethical, as distinct from illegal, conduct.

The views expressed here and in the accompanying material are those of the Commission, and do not necessarily express the views of the President. These materials are being simultaneously submitted to the Office of Management and Budget. We will inform you of any advice received from that Office concerning the relationship of these materials to the program of the Administration.

Questions concerning the proposed legislation may be directed to Nina Gross, Director of Legislative Affairs (272-2500).

Sincerely,

DAVID S. RUDER,
Chairman.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, November 30, 1988.

Hon. DAVID S. RUDER,
Chairman, Securities and Exchange Commission,
450 Fifth Street, NW., Washington, DC.

DEAR CHAIRMAN RUDER: This letter is with reference to Investment Advisers Act Release No. 1A-1140 in which the Commission proposes to expand the "intrastate" and "small adviser" exemptions from registration under the Investment Advisers Act for investment advisers who are registered in each state in which they do business. The Commission also proposes to relieve advisers exempt under the proposed rules from the Act's recordkeeping rule, advertising rule, cash solicitation rule, disciplinary disclosure rule, and restrictions on principal and agency cross transactions. Further, the release discloses that "[t]he Commission does not intend to conduct periodic routine inspection of exempt advisers."

I have grave concerns about these proposed rules and must oppose them in the strongest possible terms. From all the facts and circumstances, it appears that the changes are motivated by budgetary concerns and are inconsistent with the protection of investors and the purposes of the Advisers Act. You are not authorized to

shrink your statutory mandate administratively.

Your release states that:

"Since the adoption of the Investment Advisers Act in 1940, state governments have become much more active in the regulation of investment advisers. Together with NASAA [North American Securities Association], state regulators have drafted a model state act governing investment advisers and in an accompanying set of rules that provide a comprehensive framework for regulating advisers which may be modified to suit the needs of each state. The rules proposed today recognize and would enhance the important role states play in the regulation of investment advisers. The Commission has therefore determined to propose to create new thresholds for federal administration."

However, you do not present a scrap of empirical evidence suggesting that the states are effectively enforcing their laws or that they have adequate resources to deal with all their registrants. Moreover, buried in footnote 5 is the fact that the so-called Model Rules have been adopted either in whole or in part by only four states—Virginia, South Dakota, Georgia, and North Carolina. Given this fact, and since the Commission's proposed rules are not conditioned on an investment adviser being registered in a state that has adopted the Model Rules, there would be a serious regulatory void in 46 of our 50 states.

Footnote 4 of the Commission's release expresses the view that a reduction in compliance costs should further the policy expressed in section 19(c)(2)(D) of the Securities Act of 1933, enacted as part of the Small Business Investment Incentive Act of 1980, of greater federal and state cooperation in securities matters including a substantial reduction in costs and paperwork to diminish the burdens of raising investment capital, particularly by small businesses.

Those goals, while laudatory, do not override the purposes of the Advisers Act or the clear delineation of Congressional intent that "investment advisers are of national concern" and should be regulated at the federal level, inasmuch as their services are performed "by the use of the mails and means and instrumentalities of interstate commerce" and "substantially... affect interstate commerce, national securities exchanges, and other securities markets, the national banking system and the national economy." Investment Advisers Act Section 201.

Section 206A of the Act authorizes the Commission to grant exemptions only "if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title." As drafted, your proposal does not meet these standards.

The Committee is aware of the Commission's budgetary problems and has pledged to work with the Senate Banking Committee in the coming year to resolve them. Shrinking your registrant base in this manner is not an acceptable solution.

Thank you for your consideration of these views.

Sincerely,

JOHN D. DINGELL,
Chairman.

SECURITIES AND
EXCHANGE COMMISSION,

Washington, DC, January 11, 1989.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce,
Rayburn House Office Building,
Washington, DC.

DEAR CHAIRMAN DINGELL: Thank you for your letter regarding Investment Advisers Act Release No. 1140 ("Release") in which the Commission proposed to exempt certain investment advisers from registration under the Investment Advisers Act of 1940 ("Advisers Act") if the advisers are registered in each state in which they do business and meet certain other conditions. Your letter raises several important issues that the Commission will consider before taking further action.

The approach proposed in the Release results from cooperative efforts by the Commission and the states, through the North American Securities Administration Association (NASAA). These efforts were undertaken in furtherance of the policies expressed in section 19(c)(2) of the Securities Act of 1933 and reflect the fact that a majority of the states have programs of adviser regulation. While the Release cited the Model Act and rules drafted by NASAA, which have been adopted by four states, as examples of state activism in this area of regulation, forth states as well as Guam and Puerto Rico require investment advisers to register.

Most state adviser laws include requirements comparable to those under the federal Advisers Act. For example, thirty-five states expressly require advisers to maintain specified books and records and thirty states have an antifraud provision substantially similar to the Act's provision. Thirty states restrict performance fees. Thirty states have financial responsibility requirements for advisers, and eighteen states require advisers to file some type of financial statement or report. Also, twenty-six states require advisers to pass an examination before they can register as advisers.

Advisers doing business in any of the states that do not register advisers would not be able to use the exemptions, and therefore they would still be subject to the Advisers Act and the rules thereunder. In addition, all advisers would be subject to the Advisers Act's general antifraud provision.

Only six states regulated advisers in 1940 when Congress passed the Advisers Act and only 27 states did so in 1976 when the Commission submitted a legislative proposal for increased authority in the areas of adviser qualifications and financial standards. In contrast, today 40 states do so. It is hoped that NASAA's recent initiative in developing the Model Act and rules will result in uniform, as well as comprehensive, adviser regulation in all of the states, including those that currently do not regulate advisers. I note in this regard that three of the four states that have adopted the Model Act previously did not regulate or register investment advisers.

The Commission has made no determination with respect to adoption of the proposed rules and will not do so until all comments received have been reviewed and analyzed and the staff submits a recommendation to the Commission. The Division of Investment Management expects to submit a recommendation to the Commission within the next six months. The staff and the

Commission, of course, will consider carefully the comments in your letter.

Sincerely,

DAVID S. RUDER,
Chairman.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, February 15, 1989.

Hon. DAVID S. RUDER,
Chairman, Securities and Exchange Commission, Washington, DC.

DEAR CHAIRMAN RUDER: This is with further reference to my letter of November 30, 1988, and to acknowledge receipt of your response of January 11, 1989, regarding Investment Advisers Act Release No. 1140, to shift regulation of small investment advisers to the states.

While I appreciate the sincerity of your comments, I am still of the view that this proposal is fundamentally wrong and is not in the best interest of investors or honest investment advisers. In that regard, I would like to share with the Commission the enclosed correspondence from Mr. Peter H. McPhee and ask that it be made a part of the record of these proceedings.

Thank you for your consideration.

Sincerely,

JOHN D. DINGELL,
Chairman.

INVESTMENT EDUCATION, INC.,
REGISTERED INVESTMENT ADVISER,
Tallahassee, FL, February 6, 1989.

Representative JOHN D. DINGELL,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE DINGELL: Hang tough with the SEC.

As a practicing financial planner, I support your opposition to allowing the SEC to shift its regulation of small Registered Investment Advisors to the States. I am attaching a copy of a letter I recently wrote to a trade magazine which states my views.

The bottom line is that the financial planning industry is filled with unethical practitioners, and our industry needs more, not less, regulation.

In addition, the benefit of registration, often overlooked by people supporting the SEC's position, is Full Disclosure. SEC registration forces financial planners to disclose, in writing, their associations and arrangements and how they make money. That is the best consumer safeguard of all and should be strengthened, not relaxed.

As one who prepares RIA registrations for a living, I may appear prejudiced on the issue, but I assure you that it is more than that. I became registered in 1982 and only just started preparing applications for other planners. I believe in Full Disclosure for all planners. That is why I am helping them register.

Sincerely,

PETER H. MCPHEE,
Certified Financial Planner.

INVESTMENT EDUCATION, INC.,
REGISTERED INVESTMENT ADVISER,
Tallahassee, FL, January 16, 1989.

GAIL BROWN,
Editor, Financial Services Week,
New York, NY.

DEAR GAIL: So, financial planners aren't very respected in the national media (FSW 1-16-1989). This hardly comes as a surprise to me, a CFP since 1981. And it's not just the big articles, like the recent one in Money about the IAFP annual meeting. There are numerous snide "one-liners" like the one in Forbes about how financial plan-

ners clutter up fax machines with junk mail.

What do we, as a profession, do to off-set this bad publicity? Some of the leaders in the industry try to refute the articles by claiming that, in fact, like any profession, there are a few bad apples, but on the whole financial planners are really a sincere, dedicated and honest bunch.

Garbage. How can we be reputable when about 85% of the practitioners are breaking Federal & State securities laws by not registering as Investment Advisers? Who's going to respect a profession with such a pervasive disregard for the law? The leaders can decry the negative articles all they want, but I feel that until we clean up our own mess, the articles are substantially correct.

Since I help register financial planners with the SEC, I think I have a pretty good grasp on why most financial planners don't register. First is the classic misunderstanding that only planners who charge fees need to register. Wrong. Commissions count too. Then there is the fact that the law really isn't enforced. That's true, but is that any reason to break the law? And for how long do you want to gamble on non-enforcement? And some really misguided individuals feel that registration would open them up for legal problems, when actually just the reverse is true. Not obeying Federal & State securities laws is not a good way to begin a law suit. And yes, it's been said that since the requirements for registration are so mundane, being an RIA doesn't mean much when compared to the CFP or ChFC designations. That's an unfair and naive comparison. The CFP & ChFC are qualifications. The registration as an RIA is a disclosure process, and that's the point so many planners seem to be missing.

How many financial planners tell their clients "you don't pay me, the broker does", or have undisclosed fee-splitting arrangements? How many of these deceptive practices would continue if planners registered with the SEC and gave each client a written disclosure statement telling them exactly how they get paid and what their associations and arrangements are? Unethical people do not put deceptions and half-truths in writing on government-regulated documents. Thus the dishonest and unethical financial planners would be forced to either clean up their act or find a new occupation—like selling used cars.

If we ever want to enjoy a professional reputation, the first step is to obey Federal & State securities laws to register and disclose. Isn't it time we cleaned up our own industry and started insisting that we all register? If we don't, we have no one to blame but ourselves if our reputation continues to sink.

Sincerely,

PETER H. MCPHEE,
Certified Financial Planner.

SECURITIES AND EXCHANGE
COMMISSION,
Washington, DC, March 3, 1989.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN DINGELL: Thank you for your February 15, 1989 letter forwarding your constituent, Mr. Peter H. McPhee's comments on the SEC's decision to shift regulation of small investors to the states.

Mr. McPhee's letter has been made part of the public comment file.

Sincerely,

DAVID S. RUDER,
Chairman.

WOMEN IN MILITARY

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mrs. SCHROEDER. Mr. Speaker, today Government Executive magazine is publishing a comprehensive article on "Women in the Military." I commend it to my colleagues:

WOMEN IN THE MILITARY

(By Diane Sherwood)

After 20 years in the Air Force, Lt. Col. Sylvia Pratt says she is getting out, "but not, I hope, with sour grapes. I have simply reached a point beyond which I cannot progress."

To move up in the ranks of the military, Pratt says, she would need to command a missile squadron, a job never before occupied by a woman, and one that the Strategic Air Command has so far denied her. Another route to the top would be a stint in a key position at the Pentagon, for which Pratt says she was "highly qualified but learned later that no colonel or general would 'sponsor' me for fear others would think he and I were having an affair."

So Pratt, 42, will retire after her current tour of duty as chief of the air base operability division at Sembach AFB in West Germany. But she says has no regrets.

"I must say that if it were not for the Air Force—and only the Air Force—I would probably have stayed in my hometown, become a schoolteacher, married, had children and divorced," says Pratt, who has remained single. "Instead, I have lived in Hawaii, Korea, Italy, Holland, Germany and North Dakota, to name a few. I've seen a volcano bubble with hot lava, an Apollo mission launch to the moon, a president inaugurated, and the Eiffel Tower by moonlight."

Beyond the fascination of travel and professional duties, Pratt can take pride in her role as a trend-setter for women in the military. For she is one of a handful of women who have broken down many of the barriers the military services have had in place since their beginnings. She and her colleagues have done it in just a generation: It was only 22 years ago that Congress eliminated the 2 percent ceiling on women's participation in the active military force and allowed them to hold top ranks.

Today the 223,000 women in uniform comprise nearly 11 percent of the active forces, and hundreds of them have advanced with Pratt into leadership positions.

How are women fairing in the military? What are their successes and failures, and how serious are their complaints? What obstacles remain to further integration of women into the ranks?

Answers to these questions bear on the services' ability to continue integrating women into their operations—a task they must take seriously at a time when there is no draft and the pool of potential young recruits is shrinking.

Viewed from the perspective of Pratt and her colleagues among senior women officers, the picture of life in the military is remark-

ably positive. This conclusion emerges from responses to a survey by Government Executive of the 941 highest-ranking women in the services, excluding most nurses. The survey, mailed to these officers in early April, drew responses from 556 women, or 59 percent of the total. Many women included written comments with their questionnaires.

The survey was limited to women holding ranks of O-5, O-6 and O-7—lieutenant colonels, colonels and brigadier generals in the Army, Air Force and Marine Corps, and commanders, captains and rear admirals in the Navy. Their average tenure in the military is more than 17 years; all have college degrees and nearly three-quarters have also earned advanced degrees. Slightly more than half are married.

These women give the military life a strong vote of confidence: Almost 90 percent say they would join the military again if they were starting over, and 92 percent would recommend that other women (as well as men) pursue a military officer's career. Three-quarters believe that women following them will have better chances for promotion than they have had. Such positive views are perhaps not surprising given the fact that these respondents are among the most successful in their fields.

But certainly there is room for more advancement. In the Air Force, for instance, women comprise 12 percent of all officers, but only 4 percent of the service's lieutenant colonels, 2 percent of its colonels and 1 percent of its brigadier generals. (No woman has advanced beyond the rank of O-8—rear admiral or major general—in any service, and at the time of the Government Executive survey, no woman ranked above O-7. The highest military rank is O-10.)

In fact, female military officers seem considerably more sanguine about women's professional prospects than do female members of the Senior Executive Service (SES). Responding to a Government Executive survey whose results were published one year ago, only 19 percent of SES women said they thought women were advancing fast enough in the federal government. By contrast, in response to the new survey, 45 percent of the military women say they are satisfied with women's advancement rate.

However, large majorities of military women object to the laws and policies that exclude them from combat positions, such as flying an F-16, staffing a battleship, or being part of the Marine Corps' mobile fighting forces. More than two-thirds want repeal of service policies that limit opportunities for women, and 58 percent favor repeal of the combat exclusion statute.

Women in uniform have workplace problems as well as career problems. Not surprisingly in the male-dominated world of the military, many women (69 percent in the Government Executive survey) feel their views aren't accorded as much weight as those of men.

Pratt's comments bring these statistics to life: "I've seen a woman lieutenant colonel's career ruined because a male colonel felt uncomfortable with her on his staff. I've heard vicious gossip about senior women officers and non-commissioned officers—but the same gossip brushed off when a man was concerned. I've been assigned to offices where the men tried to 'gross out' any woman who came into the office. But it was OK because 'if she wants to work in a man's world, she's got to get used to it.'"

Other workplace problems confront women in uniform: pregnancy issues, concerns over adequate medical care, inad-

equately day care and other issues surrounding the constant mobility that military preparedness demands.

STEADY PROGRESS

Women's role in military life has increased gradually since the beginning of the century. In 1901, the Army Nurse Corps was founded, and seven years later the Navy established a nursing corps as well. In 1942, recognizing that the war called for a huge increase of soldiers, the Army established the Women's Army Auxiliary Corps, changed the following year to the Women's Army Corps, the WAC. The Navy established the Women Accepted for Voluntary Emergency Service, the WAVES, and the Air Force had the WASPS, Women's Air Force Service Pilots. Altogether, 350,000 women served in the four services during World War II.

In 1948, Congress set new conditions on women's service in the military with passage of the Women's Armed Services Integration Act, whose Title 10, as amended in later years, remains the law governing combat restrictions applicable to women in all services. The 1948 law stated that women could not comprise more than 2 percent of the military forces—a ceiling that remained in effect for nearly two decades.

In 1967, as American involvement in Vietnam drove U.S. military strength toward what was to become a post-World War II peak of 3.5 million in 1968, Congress repealed the 2 percent ceiling. Even so, by 1970, women comprised just 1.4 percent of an active-duty force numbering 3.1 million.

When the draft was discontinued in 1973, women joined the services in larger numbers. They crossed the 100,000 mark in the mid-1970s and the 200,000 threshold in the early 1980s. With overall uniformed military strength holding at about 2.1 million, their proportion escalated steadily.

In the meantime, military career opportunities for women were expanding. In 1965, women served mainly in the nursing, administration, personnel and communications fields. Today, they fly strategic reconnaissance missions, pilot cargo planes and helicopters and test new aircraft; they serve on repair and logistic ships, guard embassies, teach and attend courses at the military academies and war colleges; they work at missile command centers and oversee design of complex computer operations.

For officers, more opportunities have opened up since President Ford in 1976 signed legislation ordering the service academies to accept their first women entrants.

Among the female officers responding to the Government Executive survey, the large responsibilities their jobs entail rank as the most attractive feature of a military career. The 78 percent who cited level of responsibility as a principal source of job satisfaction were twice as numerous as those citing the second- and third-ranking choices: opportunity to serve the country (39 percent) and pay and benefits (37 percent).

The career of Navy Capt. Jane Renninger illustrates the kinds of responsibilities the military offers women. During more than 20 years in service, she has been "deep selected," or promoted ahead of the normal timetable, twice. When, halfway through her career, she was in line for assignment to a command post, the most likely possibility seemed command of a recruiting station, a traditional field for women.

But Renninger wasn't especially interested, and turned to a senior woman officer for other suggestions. The officer sent her to see Rear Adm. Bruce Keener, who was then

in charge of military sealift in the Pacific Northwest. Keener suggested that Renninger prepare for a sealift job by taking an assignment as director of cargo ship and tanker operations in Oakland, Calif. After one year, she was promoted to the post of commanding officer of the Military Sealift Command Office in Seattle, which provides shore backup for sealift vessels.

More recently, Renninger was concerned that the Navy would have trouble placing her in another command position after she completed her tour as commanding officer of the Naval Training Station in Orlando, Fla. But her technical subspecialty of computers, a masters degree in computer science from the Naval Postgraduate School in Monterey, Calif., and her record as the program manager who directed the computer modernization of the entire Naval Intelligence Command in Washington, gave her the background she needed to compete successfully for the job of commanding officer of the Navy Regional Data Automation Command in San Diego. She is one of the first Navy women to move from a major command to another command.

Pride in the opportunity to serve the nation—the second-ranking source of job satisfaction in the Government Executive survey—is an essential part of the "corporate climate of the U.S. military," as Capt. Nell Carter Davis, chief of staff of the Naval Training Center, also in Orlando, put it in a recent interview. Pride in country, in the uniform, in the ceremonies and traditions of the military, are all "part of their lives and they love it," says Carolyn Becraft, a leading Pentagon consultant on women's issues.

Pride in service, and pride in achievement, are singularly evident in Army Brig. Gen. Sherian Cadoria, who now serves as deputy commanding director for the Total Army Personnel Agency. Cadoria grew up in poverty in Louisiana, where, she recalls, she picked 250 pounds of cotton a day to help pay for clothes and books for school—"and I picked it clean, too."

While attending Southern University in Baton Rouge, she decided to join the Army after hearing a WAC recruiter speak. She is the first black woman Army officer to rise to the rank of brigadier general outside the field of nursing, with duty tours in personnel management, administration and training.

One "first woman" billet came in Vietnam. Cadoria wanted a protocol job, and persuaded an interviewing officer that she could tote the luggage of visiting VIPs by relating her experience in the cotton fields.

After Vietnam, Cadoria wanted to become a Dominican nun, but her mother and chaplain persuaded her to stay in the Army, pleading that she should continue to open doors for women who would follow her. (Right now, 43 percent of female enlisted personnel in the Army are black.) Nowadays, she spends weekends traveling around the country giving recruitment talks. "The military is my spouse," she says. "I give all my time to it."

Pay and benefits are also important rewards. Air Force Col. Harriet Hall, for example, mentions taking the controls of an F-111 and making colonel in 15 years as reasons that she thinks of her career as successful—and also the prospect of the \$31,000 a year in pension benefits she will have earned upon retirement.

Though military personnel have gained larger raises during the 1980s than civilian workers, ranking Pentagon officials recently told Congress that pay and benefits will

have to improve if the military hopes to compete with business for well-qualified recruits. For women, though, military pay compares well with pay in business.

Other responses to the Government Executive survey add to the generally positive picture of military life sketched by the senior officers. About 80 percent say the military treats women as well or better than civilian federal agencies or the private sector, and 89 percent find their jobs either exciting or satisfactory.

COMBAT EXCLUSION

What many military women do not find satisfactory is the military's long-standing policy against giving women jobs that could entail combat.

The definition of such a job is, of course, a matter of judgment, and in recent years the services have been loosening the restrictions, making more jobs available to women.

A dramatic example of the importance of such definitions came in May 1987, after an Iraqi fighter pilot attacked the U.S.S. *Stark* as she was steaming in the Persian Gulf, disabling the frigate and killing 37 of her crew. The repair ship U.S.S. *Acadia* was moved in to offer immediate repair. Some senior officials in the Pentagon, upon hearing that women were aboard, nervously proposed that they be evacuated before the *Acadia* moved in to help, according to informed sources. But the ship's command successfully opposed such an evacuation, arguing that the *Acadia* would be hard pressed to do its job without the 25 percent of its crew that was female.

As this example suggests, combat exclusions for women carry the potential to disrupt military operations. Indeed, such sensitivity to exposing women to danger did cause inconvenient duty reassignments in one case recalled by Lt. Col. Kathy La Sauce, the ranking woman pilot in the Air Force. La Sauce (who is featured on the cover of this issue) told of the time she was flying C-141 cargo planes out of Norton Air Force Base in California. Trouble broke out in Zaire and although she was first on the list of pilots available to go, she was reshuffled to the bottom. "It creates a scheduling nightmare if you try shuffling missions and pilots around because you want to protect the women in the unit," she says. "I don't want to be a detriment or have the feeling my commander can't utilize me the way I was trained. I want to be part of the team."

Title 10 of the Women's Armed Services Integration Act includes a prohibition against assigning Navy, Air Force and Marine Corps women to billets "on vessels or in aircraft that are engaged in combat missions." Left up to the services is the definition of what kinds of vessels or aircraft might participate in combat, and the choice is not always clear cut, as the *Acadia* experience shows. The act gives the Secretary of the Army even more discretion: He is empowered simply to "assign, detail and prescribe the duties of the members of the Army."

The service offering the most career possibilities to women is the high-tech Air Force. In theory, fully 99 percent of its jobs are available to women; only such jobs as piloting fighter aircraft and bombers, and serving on sea-air rescue teams are off-limits. Not surprisingly, the Air Force leads the services with regard to jobs actually filled by women: 13 percent.

The Navy is second to the Air Force in opportunities for women, even though its carrier task forces and fighter aircraft are off-limits.

In the Army, 90 percent of the skill categories are open to women, but those that are off-limits include the heavily populated infantry, armor and assault specialties. Thus women may fill only 51 percent of Army jobs. The Marine Corps has even fewer jobs available to females. These figures show how the services stack up in terms of the percentages of skills, and the percentage of all uniformed jobs, available to women:

	(In percent)	
	Skills	Jobs
Air Force	99	97
Navy	84	59
Army	90	51
Marines	80	20

These figures, supplied by Marine Corps Lt. Col. John Gaieski, a personnel expert in the office of the assistant secretary of Defense for force management and personnel, imply that about 63 percent of the jobs in the military are open to women. A General Accounting Office report prepared last fall estimated that combat exclusion policies close 1.1 million of the 2.2 million military jobs to women.

However, the policies continue to change. Last year, for instance, DoD decided that some positions should no longer be subject to the exclusive, opening up another 24,000-31,000 jobs.

The Defense Advisory Committee on Women in the Services (DACOWITS), which consists of about 30 political appointees and was created in 1951, recently suggested that naval mobile construction battalions be opened to women, and the committee is also asking the Army to open up more field artillery positions. DACOWITS and others are fighting to keep Army positions open to women in units assigned to the short-range, nuclear-tipped LANCE missiles that are deployed in West Germany. These positions could absorb some of the women who will be displaced by the destruction of the Pershing missiles under terms of the Intermediate-Range Nuclear Forces Treaty with the Soviet Union.

The Navy is now constructing women's crew facilities on combat logistics ships that transport such cargo as oil and ammunition, with the goal of integrating the crews by the early 1990s. The combat-focused Marine Corps made a token move toward integration when it opened embassy guard positions to women.

The services haven't exactly been eager to open up to women. For example, in the early 1980s the Army attempted to make more positions off-limits to women. The goal was to foster a recruitment squeeze that would increase pressure to bring back the draft, according to an account by retired Air Force Maj. Gen. Jeanne Holm in her book "Women in the Military: An Unfinished Revolution" (Presidio Press, 1982).

Many women believe that the combat exclusion principle written into law four decades ago is outmoded and has become an instrument for discrimination within the peacetime military. It is "just too conveniently used to continue the 'good old boy' network, among line officers in particular," a Navy officer wrote in response to the Government Executive survey.

Two-thirds of the respondents to the survey said no when asked if "there are valid reasons for excluding women from certain military activities such as combat

duty." And 58 percent said they favor repeal of the combat exclusion statute. In comments, several pointed out that modern warfare has made distinctions between the front line and other positions almost irrelevant in terms of physical danger.

"Proponents of the combat restriction law barring women from serving in combat positions claim it protects and benefits women," says Linda Grant DePauw, professor of history at George Washington University and the editor of MINERVA: Quarterly Report on Women and the Military. "It does neither, and peacetime application is more theoretical than real. American servicewomen in Germany have been trained to use an M-16 rifle, throw hand grenades, dig foxholes and use anti-tank weapons. The new beefed-up training of Marines is as 'down and dirty' for women as it is for men."

But Congress is not likely to liberalize combat exclusion policies anytime soon, says Rear Adm. Louise Wilmot, commander of the Naval Training Center. The constituency for change simply isn't strong enough, she observed in a recent interview.

But some see a chance that the courts will break down barriers Congress and the services have kept in place. In a new book titled *Weak Link: The Feminization of the American Military* (Regnery Gateway Inc., 1989), former Army officer Brian Mitchell argues that combat exclusions "have been sliced so thin that they no longer keep women out of combat but only arbitrarily out of some combat jobs. The very arbitrariness of the exclusions makes them vulnerable to court challenge."

WORKPLACE DISCRIMINATION

In an environment where women are greatly outnumbered, and often outranked, by men, it is not surprising that female officers sometimes feel themselves the victims of various subtle—and some not-so-subtle—forms of discrimination.

In this regard, their sentiments differ little from those of senior women in federal civilian agencies. Asked, for example, if they felt their views were "not respected as much as they would be" if they were male, 69 percent of the officers and 65 percent of SES members in last year's poll said yes.

More of the military women (51 percent) than the civilian executives (35 percent) feel they've been denied promotions because of their sex. On the other hand, only 55 percent of the officers feel that "women are not advancing fast enough," while 81 percent of the SES members share that sentiment. The key to promoting more women in the military lies in "equal assignment opportunities," say 79 percent of the female officers.

"I have been told openly that I could not have certain jobs because of my gender where no law or Army policy protected that decision," wrote one officer in response to the survey. "I did not prosecute for the good of my own career. But I will never stop being angry about the injustice."

According to an internal report prepared by DACOWITS last year, sexual harassment and job discrimination are serious problems throughout the services.

A widely noted sexual harassment problem surfaced in 1987 when DACOWITS visited Marine and Navy stations in the Pacific and documented instances of a naval commander "jokingly" offering to sell the women under his command to foreigners from other ships. Lt. Cmdr. Kenneth Harvey was subsequently relieved of his duties, fined and reprimanded. The 1988

DACOWITS report commended the Navy for its efforts to solve sexual harassment problems. It also said that military women are reluctant to report cases of sexual harassment for fear of exposing themselves to widespread comment.

Thirty-eight percent of the women officers said that they had "felt sexually harassed" at some point in their careers. That's slightly less than the 42 percent of women who said they had been sexually harassed during the past two years in response to a survey of civilian workers by the Merit Systems Protection Board.

"The services have gone a long way to try to address individual strength differences and individual aptitude differences as well," says Melanie Martindale, demographer and statistician at the Defense Manpower Data Center in the Office of the Secretary of Defense. "But one's emotional approach to the opposite sex is very difficult to change. Men and women, as groups, bring to military service differing expectations for each other based on emotional differences and gender-based stereotypes. It is these differing interpretations of appropriate behavior that make sexual harassment so hard to recognize and to prevent." Martindale is conducting a major DoD survey on sexual harassment and expects to announce the results this fall.

In response to concerns raised by DACOWITS over the years, DoD and the services steps have evolved policies and are taking more steps to reduce the level of sexual harassment. But "until the Army starts taking punitive measures against the people who sexually discriminate, the problem will not go away," says one Army officer in her survey response.

As a group, respondents feel the military has been making progress. Sixty-two percent say sexual harassment has been decreasing in the military, and that the services' safeguards against it are "adequate."

THE MILITARY FAMILY

The influx of women into the military, along with the increasing prevalence of two-income families, has posed new challenges for the Pentagon. As the trends have accelerated, the military has made changes in the way it handles day care and other social services, medical care and assignment policies.

Issues like these are very important to many women in the military, especially those beginning families or raising young children. However, respondents to the Government Executive survey are older, only 38 percent have children, and they joined the military when expectations on such issues were not very high. Arguably they are thus more stoic about conditions in the military: 72 percent say that family life has never or only rarely stood in the way of their military careers, although 51 percent are currently married. And 44 percent oppose job-protection parental leave in the military.

About half of today's 2.1 million active duty personnel are married, and they are outnumbered by their 2.8 million dependents, who include 1.2 million children under the age of 12. Child care has become a pressing issue, as evidenced by a June 24 frontpage article in *The New York Times*.

At present, 129,000 children receive day care on military installations, but 21,000 are in facilities that are antiquated, overcrowded or hazardous, according to the Pentagon, which also acknowledges the need for 81,000 more day care slots. Thirty-two day care centers have been built since 1984, and another 23 are proposed in the fiscal 1990

budget. DoD spends about \$66 million a year on day care under a formula that provides a 30 percent match to base facilities, which must raise the rest from fees charged to parents or profits from movies, bowling or other base activities.

Child care is especially important to single parents. Although single fathers in the military outnumber single mothers by 34,800 to 17,000, there is a much higher rate of single parenthood among women than among men.

On medical issues, DACOWITS has been studying obstetrical and gynecological care (preliminary results indicate that it is adequate), and DoD is attempting to make sure that active-duty women are given priority over dependents in access to health care.

Finally, DOD must cock an ear to the concerns of military couples, who must sometimes endure long separations. When two spouses are in the military, each is expected to take his or her share of assignments to duty tours to which spouses are not invited. "Because of the increasing difficulty in matching quality jobs at reasonably close locations, we lose many talented and capable women who sacrifice their career for the sake of their spouse's," says a lieutenant colonel in the Air Force, adding that she can't see any way for the military to "fix the problem."

THE FUTURE

When the United States eliminated the draft in 1973, Army personnel officer Brig. Gen. Evelyn (Pat) Foote knew immediately that the decision would be a watershed for female employment in the military.

After giving up the conscription of middle class, educated men, the military was bound by iron necessity to meet its personnel needs with increasing numbers of women. Foote says in her survey response, pointing out that at the time, "the policy makers had no idea" that this would be the consequence of their action.

Foote, who is now the commanding general for Fort Belvoir, Va., warns that policy makers in the Pentagon must not get caught by surprise again. "My greatest concern today is that the Army and perhaps other services are giving too little attention to dramatic demographic changes which will have a very significant impact on the American work force and the armed services' composition," she says, adding that labor force growth between now and the end of the century will be dominated by women, minorities and immigrants.

The implication is that the services of necessity will continue to expand women's representation in their ranks. Such a course is favored by some experts, including Becraft and Lawrence Korb, who served as assistant secretary of Defense for manpower, reserve affairs, installations and logistics from 1981-85. Korb, who notes that "women have more leadership positions in the U.S. military than in any military in the world," advocates eliminating the combat exclusion. But Korb also observes that such a change won't come quickly. Many people still oppose women's growing role in the military, though critics within DOD itself must echo the Pentagon's official approval of the female presence.

Among the most articulate of the critics is Brian Mitchell, who argues in an *Army Times* article based on his book that women's comparatively low physical strength is a major handicap, that their recruitment costs are higher, retention rates lower, and math scores poorer. "The integration of women threatens the very values

upon which all militaries depend," Mitchell writes. "Civilized militaries are necessarily hierarchical, anti-egalitarian, and altruistic (in that they exist to serve not themselves but the state). Proponents of women in the military, however, have... pitted the rights of individuals against the authority of the hierarchy, and they have encouraged military women to think of themselves and their careers before thinking of the organization and of national defense."

Lt. Col. Pratt and the other officers in the Government Executive survey surely would not agree with Mitchell. They would likely see his argumentation as just one more obstacle along the difficult path they chose through what used to be an exclusively male preserve.

COSPONSORSHIP OF FLAG PROTECTION ACT OF 1989

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. BROOKS. Mr. Speaker, as many Members are aware, last Thursday the Judiciary Committee overwhelmingly approved H.R. 2978, the Flag Protection Act of 1989. This bill is a response to last month's Supreme Court decision in *Texas versus Johnson*, which held that a Texas flag protection statute was unconstitutional. H.R. 2978 will amend 18 U.S.C. section 700, which currently states that it is a crime to cast contempt upon the U.S. flag. Inasmuch as that language focuses on what the actor is attempting to communicate, its validity would also be called into question by the Supreme Court's decision.

The Judiciary Subcommittee on Civil and Constitutional Rights held five hearings on the question of the appropriate response to *Texas versus Johnson*. On the basis of that record, the committee determined that a statute protecting the flag from physical harm can be drafted in a way that is consistent with the Court's holding. H.R. 2978 will protect the physical integrity of the flag in all circumstances, regardless of the motive or political message of the actor. It removes any language in current law that is content-specific or that focuses on communication. The bill states: "Whoever knowingly mutilates, defaces, burns, or tramples upon any flag of the United States shall be fined under this title or imprisoned for not more than one year, or both."

In order to ensure that we can put in place as quickly as possible a mechanism that will protect the flag from harm, H.R. 2978 includes a provision for expedited Supreme Court review of the constitutionality of this law. This is similar to the expedited review language that was included in the Gramm-Rudman-Hollings law and that enabled speedy determination of the constitutionality of that statute.

The Flag Protection Act of 1989 is an effective, measured, and carefully drafted solution to a matter that is of the deepest concern to all of us and to the American people. I would urge any member who wishes to cosponsor H.R. 2978 to contact the committee offices at 53951 by 6 p.m. Wednesday, August 2.

AMENDMENT TO H.R. 2991

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. RICHARDSON. Mr. Speaker, I would like to express my intent to offer an amendment to H.R. 2991, the appropriation for the Department of Commerce, Justice, and State, the Judiciary and related agencies. My amendment would prohibit the obligation or expenditure of funds for any meeting of the Conference on Security and Cooperation in Europe, also known as the Helsinki Commission, or meetings within the framework of the CSCE, unless the U.S. delegation to any Security and Cooperation in Europe.

In the past, the Department of State has sent delegations to participate in the Conference on Security and Cooperation in Europe without including the Members of Congress who are members of the Commission. In this manner, the Department of State has precluded the participation of the Congress in the important substance of the conference. I would like to underscore that the Helsinki Commission includes Members of Congress because it was the intent to involve the Congress in the conference and its activities.

I thank the speaker for the opportunity to include this amendment in the RECORD.

AMENDMENT TO H.R. 2991 BY MR.
RICHARDSON OF NEW MEXICO

Page 20, insert after line 3 the following:
SEC. 604. None of the funds appropriated by this Act may be obligated or expended for any United States delegation to any meeting of the Conference on Security and Cooperation in Europe (CSCE) or meetings within the framework of the CSCE unless the United States delegation to any such meeting includes individuals representing the Commission on Security and Cooperation in Europe.

U.S.-U.S.S.R.: THE BENEFITS OF
BENIGN NEGLECT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1989

Mr. BEREUTER. Mr. Speaker, the relationship between the United States and the Soviet Union has changed dramatically in recent months. We have witnessed progress on conventional arms reductions in Europe that, in previous times, would have been thought unattainable. Moreover, the prospect of improved economic ties and enhanced trade relations seem to loom just over the horizon.

The change in superpower relations seems to be driven, to a great degree, by Soviet General Secretary Mikhail Gorbachev. Indeed, the Soviet leader is so different from his predecessors, and so appealing to Western observers, that he has acquired the trappings of a "cult of personality" among his Western admirers. Many Western commentators have been willing to accept Gorbachev at his word, often ignoring the fact that actions often do

not match those words. And, many Western observers overlook the fact that Gorbachev is being forced to restructure the Soviet Union because the economy is in a shambles.

We should never lose sight of the fundamental Soviet problem. Their budget deficits are astronomical, shortages of basic consumables are the rule rather than the exception, and industry productivity continues to slump with no prospect of improvement. Given the problems faced by Moscow, the West should not be overly flattered by the current moves toward the West. To prevent systemic collapse, Moscow must have improved ties to the West.

Mr. Speaker, we should not automatically jump eagerly at every initial Soviet overture. Our relations with the Soviet Union should remain grounded in pragmatism and realism. We should understand that the Soviets must, for their own survival, deal with the West. We should respond positively, of course, when it is in the best interest of the United States to do so.

We in the West should be careful not to foster or promote the cult of personality that has developed around Mr. Gorbachev. If we remain absorbed by the individual, the West runs the risk of overlooking the more significant, enduring factors that drive the relationship between superpowers. Moreover, there is no assurance that Mikhail Gorbachev will remain in power to see his policies implemented. In short, while we wish Mr. Gorbachev well in glasnost policies to encourage human rights, democratization, and pluralism, we must deal with the system, not the man.

This Member would call an essay by Michael Ruby to the attention of his colleagues. Appearing in the U.S. News & World Report under the title "The Benefits of Benign Neglect," this essay presents an insightful analysis of superpower relations in the modern era. Praising President Bush's cautions and pragmatic approach, the author concludes that "Bush is managing the relationship well, letting Gorbachev play whirling dervish, confident that the Soviet leader needs America and the West if his reformation is to succeed." It is an essay that merits close examination.

[From U.S. News & World Report, July 31, 1989]

THE BENEFITS OF BENIGN NEGLECT

(By Michael Ruby)

George Bush is back from the second European trip of his Presidency, his performance rated and reviewed by the pundits as if it were opening on Broadway. Well, yes, Bush was received warmly in Poland and Hungary, although the crowds seemed unexpectedly restrained, and he did well at the West's economic summit in Paris. But he did not dazzle. He wasn't Jack Kennedy in Berlin or Ronald Reagan at Normandy. Most of all, goes the critique, he wasn't Mikhail Gorbachev—that hot political property who draws big crowds wherever he goes and plays skillfully to TV with his proposal-of-the-month "new thinking." Put Gorbachev on America's rubber-chicken circuit and his fees would make Reagan, Henry Kissinger and even George Will seem like pikers.

So, point to Gorbachev: When it comes to image making, the President is not in the game. But set, and perhaps match, to Bush. At this moment in history, the President of the United States need not worry much

about how he shapes up against the Soviet leader. In superpower relations, all the trends are moving his way. There is nothing inexorable in Moscow's tentative steps toward democratization or in its apparent willingness to reduce the size and alter the intent of its military forces. The Soviet Union still must command the attention of America's national security apparatus. But it also is time for a period of benign neglect, for Bush to continue doing pretty much what he has done, either by design or accident: To let Gorbachev be Gorbachev.

The truth is that every move Gorbachev makes, every public statement designed to capture hearts and minds in the West, reveals his desperation—a sense that, when it comes to reform, he is making it up as he goes along. In fact, he may have no other choice. It is almost impossible to overstate the depth and breadth of the Soviet Union's troubles. Resentment of the Russian majority is growing, and ethnic strife plagues many of the country's republics. The worst labor unrest since the 1920s provides a window to the future. A nation has massive problems when workers strike for a bar of soap.

The shortages, always a worry, are getting worse, and what is available now costs more. If yours is an average American household, you spend about 15 percent of your family's income on food and have the opportunity to purchase a balanced diet; in the Soviet Union, the average family spends 59 percent of income on a diet lacking in fresh fruits and vegetables and low-fat sources of protein. With the quality of life in decline, Soviet society has begun to come unstuck, the glue of stability and order and state paternalism loosened by perestroika and the imploding economy.

Gorbachev's is a world of woe, and he is keenly aware of it. His letter to the Paris summiters, analyzed as an effort to upstage Bush, was really a cride coeur, a plea to join the community of modern nations even though his is anything but. The President got it right in his response to Gorbachev's appeal for expanded East-West trade and investment now that "the old artificial barriers between different economic systems" are breaking down. "An awful lot has to transpire in the Soviet Union," Bush said, before it can play an integrated role in the global economy.

America's long view of history is often the shortest distance between media events. But when it comes to the Soviet Union, a long view is essential. In fits and starts, without formally acknowledging it, Gorbachev is rejecting seven decades of Soviet history and trying to reshape his country for the modern age. He risks much, for there remains significant conservative opposition to his perestroika. We can wish him well, in the sense that reforms that nurture democratic institutions and open markets are consistent with American ideals and principles. But the United States need not swallow the Greater Evil Theory, the notion especially popular in Europe that the West must take active measures to bail out Gorbachev or risk his failure and a return to the bad old days of Stalinist leadership. Even Gorbachev's opponents do not seem to want that.

In some respects, America is merely a spectator to this drama in Moscow. But to the extent that U.S. influence plays a role, Bush is managing the relationship well, letting Gorbachev play whirling dervish, confi-

dent that the Soviet leader needs America and the West if his reformation is to succeed.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, August 1, 1989, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

AUGUST 2

9:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to review the investigation surrounding the Department of Housing and Urban Development; and to consider the nominations of Dennis Edward Kloske, of Virginia, to be Under Secretary of Commerce for Export Administration and C. Austin Pitts, of New York, to be an Assistant Secretary of Housing and Urban Development.

SD-538

Commerce, Science, and Transportation Communications Subcommittee

To hold hearings on S. 1009, S. 743, and S. 744, bills relating to the purchase of broadcasting time by candidates for public office.

SR-253

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD-430

Special on Impeachment Committee

To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works

Environmental Protection Subcommittee
To hold hearings on S. 630, to conserve, protect, and to restore the coastal wetlands of the State of Louisiana.

SD-406

Foreign Relations

To hold hearings on the United Nations Convention Against Illicit Traffic In Narcotic Drugs and Psychotropic Substances, (Treaty Doc. 101-4).

SD-419

Governmental Affairs

To hold oversight hearings on certain programs of the Department of Energy.

SD-342

11:30 a.m.

Select on Indian Affairs

Business meeting, to mark up S. 321, to revise provisions of law that provide preference to Indians.

SR-485

1:30 p.m.

Special on Impeachment Committee

To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

2:00 p.m.

Foreign Relations

To hold hearings on the nominations of Raymond G.H. Seitz, of Texas, to be an Assistant Secretary of State for European and Canadian Affairs, Loret Miller Ruppe, of Maryland, to be Ambassador to Norway, Michael G. Sotirhos, of the District of Columbia, to be Ambassador to Greece, and Richard Anthony Moore, of the District of Columbia, to be Ambassador to Ireland.

SD-419

Select on Intelligence

To hold closed hearings on intelligence matters.

SH-219

AUGUST 3

9:00 a.m.

Special on Impeachment Committee

To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings in conjunction with the National Ocean Policy Study on coastal zone management.

SR-253

Commerce, Science, and Transportation Aviation Subcommittee

To hold hearings on airline pilot supply

SR-301

Small Business

Government Contracting and Paperwork Reduction Subcommittee

To hold hearings to review the recent implementation of the Paperwork Reduction Act of 1980 (P.L. 96-511), focusing on small business government contractors.

SR-428A

Select on Indian Affairs

To hold hearings on S. 1364, to establish a Joint Federal Commission on Policies and Programs Affecting Alaska Natives.

SR-485

10:00 a.m.

Banking, Housing, and Urban Affairs

Housing and Urban Affairs Subcommittee

To resume oversight hearings on recent General Accounting Office audits of FHA and Ginnie Mae.

SD-538

Foreign Relations

International Economic Policy, Trade, Oceans and Environment Subcommittee

To hold hearings on the outcome of the Paris Economic Summit and to review the international environmental agenda.

SD-419

Labor and Human Resources

To hold hearings to examine treatment and prevention measures relating to the drug crisis.

SD-430

1:30 p.m.

Special on Impeachment Committee

To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

2:00 p.m.

Finance

Energy and Agricultural Taxation Subcommittee

To hold hearings on S. 828, proposed Enhanced Oil and Gas Recovery Tax Act.

SD-215

Foreign Relations

Business meeting, to consider pending nominations.

SD-419

Judiciary

Courts and Administrative Practice Subcommittee

To hold hearings on S. 982, to restore legal rights of individuals who were exposed to radiation in connection with the U.S. Atomic Weapons Testing Program.

SD-226

AUGUST 4

9:00 a.m.

Special on Impeachment Committee

To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

9:30 a.m.

Joint Economic

To hold hearings on the employment-unemployment statistics for July, 2359 Rayburn Building

1:30 p.m.

Special on Impeachment Committee

To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

SEPTEMBER 14

9:30 a.m.

Governmental Affairs

To hold hearings on S. 1165, to provide for fair employment practices in the U.S. Senate and U.S. House of Representatives.

SD-342

SEPTEMBER 19

9:00 a.m.

Agriculture, Nutrition, and Forestry

Conservation and Forestry Subcommittee

To hold hearings on the protection of water quality.

SR-332

SEPTEMBER 21

10:00 a.m.

**Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization
of Prices Subcommittee**
To hold hearings on proposed legislation
to strengthen and improve U.S. agri-
cultural programs, focusing on live-
stock and poultry.

SR-332

CANCELLATIONS

AUGUST 2

9:30 a.m.

**Commerce, Science, and Transportation
Consumer Subcommittee**
To hold hearings on S. 870, to label con-
sumer products containing substances
that contribute to the depletion of the
ozone layer in the upper atmosphere,
to regulate the sale, distribution, and
use of such substances in consumer
products and services in and affecting

interstate commerce, and to recapture
and recycle such substances.

SR-253

AUGUST 3

9:00 a.m.

**Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization
of Prices Subcommittee**
To hold hearings on proposed legislation
to strengthen and improve U.S. agri-
cultural programs, focusing on wool
and honey.

SR-332